

State of Wisconsin



1995 Assembly Bill 140

Date of enactment: **June 6, 1996**
Date of publication*: **June 20, 1996**

1995 WISCONSIN ACT 401

AN ACT to amend 343.10 (1) (a), 343.10 (5) (b) and 343.30 (5); and to create 767.303 of the statutes; relating to: suspension of motor vehicle operating privilege for nonpayment of child support.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.10 (1) (a) of the statutes is amended to read:

343.10 (1) (a) If a person's license or operating privilege is revoked or suspended under this chapter or s. 161.50 or 767.303 and if the person is engaged in an occupation, including homemaking or full-time or part-time study, or a trade making it essential that he or she operate a motor vehicle, the person, after payment of the fee provided in sub. (6), may file a petition setting forth in detail the need for operating a motor vehicle.

SECTION 2. 343.10 (5) (b) of the statutes is amended to read:

343.10 (5) (b) *Limitations.* Occupational licenses are subject to the limitations specified in ss. 161.50, 343.30 (1q) (b) and (h), 343.305 (8) (d) and (10) (b) and (em), 343.31 (3m) and, 343.32 (1m) and 767.303.

SECTION 3. 343.30 (5) of the statutes is amended to read:

343.30 (5) No court may suspend or revoke an operating privilege except as authorized by this chapter or ch. 48, 345 or 351 or s. 161.50 or 767.303. When a court revokes, suspends or restricts a child's operating privilege under ch. 48, the department of transportation shall not disclose information concerning or relating to the revocation, suspension or restriction to any person other

than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, or the minor whose operating privilege is revoked, suspended or restricted, or his or her parent or guardian. Persons entitled to receive this information shall not disclose the information to other persons or agencies.

SECTION 4. 767.303 of the statutes is created to read:

767.303 Enforcement of child support; suspension of operating privilege. (1) If a person fails to pay a payment ordered for support under s. 767.077, support under s. 767.08, child support or family support under s. 767.23, child support under s. 767.25, family support under s. 767.261, revised child or family support under s. 767.32, child support under s. 767.458 (3), child support under s. 767.51, child support under ch. 769 or child support under s. 948.22 (7), the payment is 90 or more days past due and the court finds that the person has the ability to pay the amount ordered, the court may suspend the person's operating privilege, as defined in s. 340.01 (40), until the person pays all arrearages in full or makes payment arrangements that are satisfactory to the court, except that the suspension period may not exceed 5 years. If otherwise eligible, the person is eligible for an occupational license under s. 343.10 at any time.

(2) Whenever the court orders suspension of a person's operating privilege under sub. (1), the court shall notify the department of transportation, in the form and

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

manner prescribed by the department. The notice to the department shall include the name and last-known address of the person against whom the support order was entered, certification by the court that the person has been notified of the entry of the support order and that there are arrearages in support payments that are 90 or more days past due, the place where the arrearages may be paid and that the person's operating privilege shall remain suspended until the person pays all arrearages in full or makes payment arrangements that are satisfactory to the court, except that the suspension period may not exceed 5 years.

(3) If the person subsequently pays the full amount of the arrearages or makes payment arrangements that are

satisfactory to the court, the court shall immediately notify the department of transportation of the payment, in the form and manner prescribed by the department.

(4) This section applies to support arrearages existing on or after the effective date of this subsection [revisor inserts date], regardless of when the arrearages accrued or when the order or judgment requiring the payment of support was entered.

(5) The remedy permitted under this section is in addition to any other remedies authorized by law.

SECTION 5. Effective date; transportation.

(1) CHILD SUPPORT ARREARAGES AND MOTOR VEHICLE OPERATING PRIVILEGE. This act takes effect on the first day of the 4th month beginning after publication.