



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa0408/1
EVM:wlj:rs

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 92**

April 29, 2015 - Offered by Representatives HORLACHER, JARCHOW and SANFELIPPO.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 1: before that line insert:

3 **"SECTION 1e.** 165.755 (1) (b) of the statutes is amended to read:

4 165.755 (1) (b) A court may not impose the crime laboratories and drug law
5 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) or (2m), ~~for a~~
6 ~~financial responsibility violation under s. 344.62 (2),~~ or for a violation of a state law
7 or municipal or county ordinance involving a nonmoving traffic violation, a violation
8 under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

9 **SECTION 1m.** 302.46 (1) (a) of the statutes is amended to read:

10 302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law
11 or for a violation of a municipal or county ordinance except for a violation of s. 101.123
12 (2) or (2m), ~~for a financial responsibility violation under s. 344.62 (2),~~ or for a violation
13 of state laws or municipal or county ordinances involving nonmoving traffic

1 violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s.
2 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an
3 amount of 1 percent of the fine or forfeiture imposed or \$10, whichever is greater.
4 If multiple offenses are involved, the court shall determine the jail surcharge on the
5 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,
6 the court shall reduce the jail surcharge in proportion to the suspension.”.

7 **2.** Page 5, line 10: after that line insert:

8 “**SECTION 8e.** 344.62 (1) of the statutes is amended to read:

9 344.62 (1) Except as provided in s. 344.63, no person may operate a motor
10 vehicle upon a highway in this state unless the owner or operator of the vehicle has
11 in effect a motor vehicle liability policy with respect to the vehicle being operated.
12 A traffic officer shall cite a person under this subsection if the traffic officer does not
13 know that the person is operating his or her motor vehicle in compliance with this
14 subsection and the person does not have in his or her immediate possession proof of
15 compliance with this subsection.

16 **SECTION 8m.** 344.62 (2) of the statutes is repealed.

17 **SECTION 8s.** 344.64 of the statutes is repealed.”.

18 **3.** Page 5, line 14: delete “\$1,000” and substitute “\$500, plus costs, fees, and
19 surcharges as provided in s. 345.47 (1).”.

20 **4.** Page 5, line 15: delete “\$5,000” and substitute “\$750, plus costs, fees, and
21 surcharges as provided in s. 345.47 (1).”.

22 **5.** Page 5, line 15: delete “\$2,500” and substitute “\$1,000, plus costs, fees, and
23 surcharges as provided in s. 345.47 (1).”.

1 **6.** Page 5, line 15: delete “\$7,500” and substitute “\$1,500, plus costs, fees, and
2 surcharges as provided in s. 345.47 (1),”.

3 **7.** Page 5, line 19: delete the material beginning with “or” and ending with
4 “person” on line 20.

5 **8.** Page 5, line 20: delete “\$5,000” and substitute “\$1,500, plus costs, fees, and
6 surcharges as provided in s. 345.47 (1),”.

7 **9.** Page 5, line 21: delete “\$7,500” and substitute “\$2,500, plus costs, fees, and
8 surcharges as provided in s. 345.47 (1)”.

9 **10.** Page 6, line 3: delete “\$7,500” and substitute “\$2,500, plus costs, fees, and
10 surcharges as provided in s. 345.47 (1),”.

11 **11.** Page 6, line 3: delete “\$10,000” and substitute “\$7,500, plus costs, fees, and
12 surcharges as provided in s. 345.47 (1)”.

13 **12.** Page 6, line 6: delete lines 6 to 15 and substitute:

14 “**SECTION 13b.** 344.65 (1) (b) of the statutes is repealed.

15 **SECTION 13e.** 344.65 (1) (c) of the statutes is amended to read:

16 344.65 (1) (c) No person charged with violating s. 344.62 ~~(2)~~ (1) may be
17 convicted if the person produces proof that he or she was in compliance with s. 344.62
18 (1) at the time the person was issued a uniform traffic citation for ~~violating s. 344.62~~
19 ~~(2)~~ the violation. This proof may be produced either at the time of the person’s
20 appearance in court in response to the citation or, if provided within 10 days of the
21 citation, in the office of the traffic officer issuing the citation. This proof may be
22 produced in either paper or electronic format, including by display of electronic
23 images on a cellular telephone or other electronic device. If this proof is displayed
24 in electronic format on any cellular telephone or other electronic device, the person

1 to whom the proof is displayed may not view, and producing proof in electronic format
2 is not considered consent for the person to view, any content on the telephone or other
3 device except the proof required under ~~s. 344.62 (2)~~ to demonstrate compliance with
4 s. 344.62 (1).

5 **SECTION 13h.** 344.65 (2) of the statutes is repealed.

6 **SECTION 13L.** 757.05 (1) (a) of the statutes is amended to read:

7 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
8 state law or for a violation of a municipal or county ordinance except for a violation
9 of s. 101.123 (2) or (2m), ~~for a financial responsibility violation under s. 344.62 (2),~~
10 or for a violation of state laws or municipal or county ordinances involving
11 nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use
12 violations under s. 347.48 (2m), there shall be imposed in addition a penalty
13 surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed.
14 If multiple offenses are involved, the penalty surcharge shall be based upon the total
15 fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or
16 in part, the penalty surcharge shall be reduced in proportion to the suspension.

17 **SECTION 13p.** 814.63 (1) (c) of the statutes is amended to read:

18 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
19 101.123 (2) or (2m), ~~for a financial responsibility violation under s. 344.62 (2),~~ for a
20 violation under s. 343.51 (1m) (b), or for a safety belt use violation under s. 347.48
21 (2m).

22 **SECTION 13q.** 814.63 (2) of the statutes is amended to read:

23 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
24 violation of a county, town, city, village, town sanitary district, or public inland lake
25 protection and rehabilitation district ordinance, ~~except for an action for a financial~~

1 ~~responsibility violation under s. 344.62 (2) or for a violation under s. 343.51 (1m) (b)~~
2 or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town
3 sanitary district, or public inland lake protection and rehabilitation district shall pay
4 a nonrefundable fee of \$5 to the clerk of circuit court.

5 **SECTION 13r.** 814.65 (1) of the statutes is amended to read:

6 814.65 (1) COURT COSTS. In a municipal court action, ~~except for a financial~~
7 ~~responsibility violation under s. 344.62 (2) or for a violation of an ordinance in~~
8 conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect
9 a fee of not less than \$15 nor more than \$38 on each separate matter, whether it is
10 on default of appearance, a plea of guilty or no contest, on issuance of a warrant or
11 summons, or the action is tried as a contested matter. Of each fee received by the
12 judge under this subsection, the municipal treasurer shall pay monthly \$5 to the
13 secretary of administration for deposit in the general fund and shall retain the
14 balance for the use of the municipality.

15 **SECTION 13u.** 814.85 (1) (a) of the statutes is amended to read:

16 814.85 (1) (a) ~~Except for an action for a financial responsibility violation under~~
17 ~~s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation~~
18 under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68 court
19 support services surcharge from any person, including any governmental unit as
20 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63
21 (1).

22 **SECTION 13y.** 814.86 (1) of the statutes is amended to read:

23 814.86 (1) ~~Except for an action for a financial responsibility violation under s.~~
24 ~~344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation~~
25 under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$21.50 justice

1 information system surcharge from any person, including any governmental unit, as
2 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62
3 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
4 addition to the surcharge listed in sub. (1m).”.

5 **13.** Page 7, line 13: delete “and (b)” and substitute “, (b), and (c)”.

6 (END)