



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-4175/1  
EVM:ahe

## 2019 ASSEMBLY BILL 696

December 23, 2019 - Introduced by Representatives SANFELIPPO, ALLEN, DITTRICH, GUNDRUM, HORLACHER, KATSMAN, KNODL, KUGLITSCH, MAGNAFICI, MURPHY, SPIROS, SKOWRONSKI, TITTL, TUSLER and WICHGERS, cosponsored by Senators CRAIG, NASS, JACQUE and MARKLEIN. Referred to Committee on Transportation.

1     **AN ACT to repeal** 343.44 (4), 343.44 (5), 344.62 (2), 344.64, 344.65 (1) (b), 628.34  
2           (14) (d) 2. c. and 344.65 (2); **to renumber and amend** 344.25 and 344.65 (1)  
3           (a); **to amend** 165.755 (1) (b), 302.46 (1) (a), 343.05 (2) (a) (intro.), 343.05 (3) (a),  
4           343.05 (6), 343.44 (1) (a), 343.44 (1) (b), 344.25 (title), 344.26 (1) (a), 344.26 (1)  
5           (b) (intro.), 344.26 (1) (b) 1., 344.62 (1), 344.65 (1) (c), 757.05 (1) (a), 814.63 (1)  
6           (c), 814.63 (2), 814.65 (1), 814.85 (1) (a) and 814.86 (1); **to repeal and recreate**  
7           344.26 (title); and **to create** 341.08 (1g), 341.10 (2) (bm), 343.05 (5m), 343.21  
8           (1) (jg), 344.25 (2m), 344.26 (1) (am), 344.65 (1) (a) 2., 344.65 (1) (a) 3. and 344.65  
9           (1) (a) 4. of the statutes; **relating to:** penalties for violations related to the  
10          motor vehicle liability insurance requirement, proof of financial responsibility,  
11          requirements for registering motor vehicles, operating a vehicle without an

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- 1 operator's license or after suspension or revocation of an operating privilege,  
2 making an appropriation, and providing a penalty.
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***Analysis by the Legislative Reference Bureau***

This bill changes certain penalties and requirements related to operating a motor vehicle without sufficient liability insurance, provides for impoundment of motor vehicles used in certain crimes, expands the coverage of certain crimes related to operating a motor vehicle without a license, and requires a valid driver's license to register a motor vehicle.

***Liability insurance requirement***

Current law prohibits, with certain exceptions, a person from operating a motor vehicle on a highway unless the vehicle owner or operator has in effect a sufficient motor vehicle liability insurance policy with respect to the motor vehicle. Any person who violates this requirement may be required to forfeit not more than \$500. Current law also prohibits a person from operating a motor vehicle on a highway unless the person has in his or her immediate possession proof that he or she is in compliance with the insurance requirement.

Under this bill, persons who are operating a motor vehicle on certain nonhighway areas, including certain parking areas, are also required to have in effect insurance with respect to the motor vehicle.

This bill repeals the requirement that a person have in his or her immediate possession proof of compliance with insurance requirements. However, under this bill, a traffic officer must cite a person for operating without insurance if the traffic officer does not know that the person is in compliance with the insurance requirements and the person does not have in his or her immediate possession proof of compliance. A person, though, may not be convicted of operating without insurance if the person produces proof that he or she was in compliance with the insurance requirements at the time he or she was issued a citation for a violation.

This bill also alters the penalties for operating without insurance. Under this bill, a person who violates the requirement that the owner or operator of a motor vehicle be insured is subject to the following penalties:

1. A forfeiture of \$100 for a first offense.
2. A forfeiture of not less than \$250 nor more than \$750 for a second or subsequent offense occurring within three years.
3. If the person, in the course of a second or subsequent violation, causes great bodily harm to another, a forfeiture of not less than \$250 nor more than \$2,500.
4. If the person, in the course of a violation, causes the death of another, a forfeiture of not less than \$500 nor more than \$7,500.

This bill also provides that, for a first offense, if a person obtains sufficient motor vehicle liability insurance before the person's appearance in court, the court may not impose a penalty.

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This bill also eliminates the exemption of operating without insurance offenses from certain surcharges and fees that generally must be paid by persons who violate traffic laws.

Currently, if the Department of Transportation receives a certified copy of a judgment for damages of \$500 or more arising out of a motor vehicle accident, DOT must, with certain exceptions, immediately suspend the operating privilege and all registrations of the person against whom the judgment was rendered unless the person can provide proof of financial responsibility. Proof of financial responsibility may be given by filing certification of coverage under a motor vehicle liability insurance policy with minimum limits for any single accident of \$25,000 for bodily injury to or death of one person, \$50,000 for bodily injury to or death of more than one person, and \$10,000 for property damage. Alternatively, proof of financial responsibility may be furnished by depositing with DOT \$60,000 in cash or certain securities with a market value of \$60,000. DOT must then hold the deposit of cash or securities to satisfy any judgment against the person making the deposit for damages resulting from the ownership, maintenance, use, or operation of a motor vehicle, including damages for bodily injury, death, or property damage.

Under this bill, if DOT receives a record of conviction for operating a motor vehicle on a highway without having in effect a motor vehicle liability insurance policy with respect to the vehicle, DOT must suspend the person's operating privilege and all registrations of the person unless the person can provide proof of financial responsibility. The proof of financial responsibility requirement remains in effect for three years from the date of conviction.

***Registration***

Under current law, an application to register or renew the registration of a vehicle must be made on forms prescribed by DOT and must be accompanied by the required fee. Under this bill, DOT must require an individual making such an application to provide a valid operator's license and must refuse registration if a valid operator's license is not provided.

***Impoundment***

Current law prohibits a person from operating a motor vehicle on a highway during any period in which the person's motor vehicle operating privilege is suspended (operating while suspended or OWS) or revoked (operating after revocation or OAR) or, with limited exceptions, if the person does not possess a valid operator's license (operating without a license or OWL). Under this bill, operating a motor vehicle upon premises held out to the public for the use of their motor vehicles, premises provided by employers to employees for the use of their motor vehicles, or premises provided to tenants of rental housing in buildings of four or more units for the use of their motor vehicle during any period in which the person's motor vehicle operating privilege is suspended or revoked or if the person does not possess a valid operator's license is also prohibited. Also under this bill, in addition to the penalties available under current law, the vehicle used in an OWL, OWS, or OAR offense will, with an exception, be immediately impounded and may be impounded for an additional period determined by the court. A person may claim his or her vehicle after the impoundment period by paying any fine or forfeiture for the

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OWL, OWS, or OAR offense and any impoundment fees. Vehicles not claimed more than 30 days after the end of the impoundment period are subject to sale or other disposal. Also, under this bill, no vehicle that has been impounded after having been used in an OWL, OWS, or OAR offense may be released unless the vehicle is registered with DOT or exempt from registration and the person to whom the vehicle is released provides a valid operator's license and proof of insurance.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

7           **SECTION 2.** 302.46 (1) (a) of the statutes is amended to read:

8           302.46 (1) (a) If a court imposes a fine or forfeiture for a violation of state law  
9 or for a violation of a municipal or county ordinance except for a violation of s. 101.123  
10 (2) or (2m), ~~for a financial responsibility violation under s. 344.62 (2),~~ or for a violation  
11 of state laws or municipal or county ordinances involving nonmoving traffic  
12 violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s.  
13 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an  
14 amount of 1 percent of the fine or forfeiture imposed or \$10, whichever is greater.  
15 If multiple offenses are involved, the court shall determine the jail surcharge on the  
16 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,  
17 the court shall reduce the jail surcharge in proportion to the suspension.

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1           **SECTION 3.** 341.08 (1g) of the statutes is created to read:

2           341.08 **(1g)** The department shall require an individual making an application  
3 for original registration or for renewal of registration to provide a valid operator's  
4 license.

5           **SECTION 4.** 341.10 (2) (bm) of the statutes is created to read:

6           341.10 **(2)** (bm) A valid operator's license.

7           **SECTION 5.** 343.05 (2) (a) (intro.) of the statutes is amended to read:

8           343.05 **(2)** (a) (intro.) No person may operate a commercial motor vehicle upon  
9 a highway or upon premises held out to the public for the use of their motor vehicles,  
10 premises provided by employers to employees for the use of their motor vehicles, or  
11 premises provided to tenants of rental housing in buildings of 4 or more units for the  
12 use of their motor vehicles in this state unless the person is one of the following:

13           **SECTION 6.** 343.05 (3) (a) of the statutes is amended to read:

14           343.05 **(3)** (a) No person may operate a motor vehicle which is not a commercial  
15 motor vehicle upon a highway or upon premises held out to the public for the use of  
16 their motor vehicles, premises provided by employers to employees for the use of  
17 their motor vehicles, or premises provided to tenants of rental housing in buildings  
18 of 4 or more units for the use of their motor vehicle in this state unless the person  
19 possesses a valid operator's license issued to the person by the department which is  
20 not revoked, suspended, canceled, or expired.

21           **SECTION 7.** 343.05 (5m) of the statutes is created to read:

22           343.05 **(5m)** IMPOUNDMENT. (a) 1. Except as provided in subd. 2., if a law  
23 enforcement officer arrests, or issues a citation to, a person for a violation of this  
24 section or s. 343.44, the officer shall do all of the following:

25           a. Immediately impound the vehicle used in the violation.

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1           b. Make an inventory of any property contained in the vehicle.

2           c. Contact any rental or leasing agency registered as owner of the vehicle and  
3 any person registered as a holder of a security interest in the vehicle.

4           2. If the operating privilege of the person violating this section expired in the  
5 6 months before the violation and the person has not been previously charged for a  
6 violation of this section or s. 343.44, the citing or arresting law enforcement officer  
7 is not required to take any of the actions under subd. 1.

8           (b) Subject to par. (f), a vehicle that has been impounded under par. (a) shall  
9 be released without payment of any fee related to the impoundment to a person who  
10 is found not guilty of the violation of this section or s. 343.44 upon which the  
11 impoundment is based.

12           (c) In addition to other penalties for violation of this section or s. 343.44, the  
13 court may order that any vehicle used in a violation of this section or s. 343.44 be  
14 impounded. An order for impoundment shall specify all of the following:

15           1. The motor vehicle subject to the order.

16           2. The period of impoundment.

17           3. The law enforcement agency responsible for carrying out the impoundment.

18           (d) Subject to pars. (e) and (f), after the period of impoundment has expired, the  
19 owner of the motor vehicle may claim the motor vehicle by paying any forfeiture or  
20 fine ordered for a violation of this section or s. 343.44 and any fee imposed under this  
21 paragraph. The fee shall include all costs reasonably incurred in impounding the  
22 vehicle.

23           (e) 1. If more than 30 days have expired since the period of impoundment has  
24 ended and no payment has been received, a notice shall be sent to the owners of the  
25 vehicle and holders of a security interest in the vehicle stating that the motor vehicle

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1 may be reclaimed upon payment of accrued charges and compliance with par. (f). The  
2 notice shall set forth the year, make, model, and serial number of the motor vehicle  
3 and the place where the motor vehicle is being held. The notice shall state that the  
4 failure of the owner or lienholders to exercise their rights to reclaim the motor vehicle  
5 under this section shall be considered a waiver of all right, title, and interest in the  
6 motor vehicle and a consent to the sale of the motor vehicle.

7 2. Any impounded motor vehicle not reclaimed by its owner or lienholder may  
8 be sold. The law enforcement agency impounding the motor vehicle may dispose of  
9 the vehicle by sealed bid or auction sale. At the sale, the highest bid for the motor  
10 vehicle shall be accepted unless the bid is considered inadequate by the law  
11 enforcement agency, in which event all bids may be rejected. If all bids are rejected  
12 or no bid is received, the law enforcement agency may readvertise the sale, adjourn  
13 the sale to another date, sell the motor vehicle at a private sale, or junk the motor  
14 vehicle.

15 (f) No vehicle that has been impounded under par. (a) may be released unless  
16 all of the following apply:

17 1. The motor vehicle is registered under ch. 341 or exempt from registration  
18 under s. 341.05.

19 2. The person to whom the vehicle is released provides a valid motor vehicle  
20 operator's license.

21 3. The person to whom the vehicle is released provides proof that the person  
22 has in effect a motor vehicle liability policy, as defined under s. 344.61 (2), with  
23 respect to the vehicle or proof that an exception under s. 344.63 (1) applies with  
24 respect to the vehicle.

25 **SECTION 8.** 343.05 (6) of the statutes is amended to read:

**ASSEMBLY BILL 696****SECTION 8**

1           343.05 (6) OTHER OFFENSES; PENALTIES. ~~Section~~ Except as provided in sub. (5m),  
2 s. 343.44 and the penalties thereunder shall apply in lieu of this section to any person  
3 operating a motor vehicle upon a highway or other covered premises in this state  
4 with an operator's license which is revoked or suspended.

5           **SECTION 9.** 343.21 (1) (jg) of the statutes is created to read:

6           343.21 (1) (jg) In addition to any other fee under this subsection, for  
7 reinstatement of an operating privilege previously revoked or suspended resulting  
8 from the conviction of an offense under s. 344.62 (1), \$28.

9           **SECTION 10.** 343.44 (1) (a) of the statutes is amended to read:

10           343.44 (1) (a) *Operating while suspended.* No person whose operating privilege  
11 has been duly suspended under the laws of this state may operate a motor vehicle  
12 upon any highway or upon premises held out to the public for the use of their motor  
13 vehicles, premises provided by employers to employees for the use of their motor  
14 vehicles, or premises provided to tenants of rental housing in buildings of 4 or more  
15 units for the use of their motor vehicle in this state during the period of suspension  
16 or in violation of any restriction on an occupational license issued to the person  
17 during the period of suspension. A person's knowledge that his or her operating  
18 privilege is suspended is not an element of the offense under this paragraph. In this  
19 paragraph, "restriction on an occupational license" means restrictions imposed  
20 under s. 343.10 (5) (a) as to hours of the day, area, routes or purpose of travel, vehicles  
21 allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol,  
22 controlled substances or controlled substance analogs.

23           **SECTION 11.** 343.44 (1) (b) of the statutes is amended to read:

24           343.44 (1) (b) *Operating while revoked.* No person whose operating privilege  
25 has been duly revoked under the laws of this state may operate a motor vehicle upon



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1     any highway or upon premises held out to the public for the use of their motor  
2     vehicles, premises provided by employers to employees for the use of their motor  
3     vehicles, or premises provided to tenants of rental housing in buildings of 4 or more  
4     units for the use of their motor vehicles in this state during the period of revocation  
5     or in violation of any restriction on an occupational license issued to the person  
6     during the period of revocation. A person's knowledge that his or her operating  
7     privilege is revoked is not an element of the offense under this paragraph. In this  
8     paragraph, "restriction on an occupational license" means restrictions imposed  
9     under s. 343.10 (5) (a) as to hours of the day, area, routes or purpose of travel, vehicles  
10    allowed to be operated, use of an ignition interlock device, sobriety or use of alcohol,  
11    controlled substances or controlled substance analogs.

12         **SECTION 12.** 343.44 (4) of the statutes is repealed.

13         **SECTION 13.** 343.44 (5) of the statutes is repealed.

14         **SECTION 14.** 344.25 (title) of the statutes is amended to read:

15         **344.25 (title) Suspension for nonpayment of judgment or certain**  
16         **financial responsibility violations; exceptions.**

17         **SECTION 15.** 344.25 of the statutes is renumbered 344.25 (1), and 344.25 (1) (f),  
18         as renumbered, is amended to read:

19         344.25 (1) (f) Notwithstanding ~~sub. (5), subs. (2) and (3)~~ par. (e), pars. (b) and  
20         (c) apply to a damage judgment in accordance with s. 344.05 against a resident of this  
21         state which has been entered by an Indian tribal court in this state.

22         **SECTION 16.** 344.25 (2m) of the statutes is created to read:

23         344.25 (2m) The secretary shall suspend a person's operating privilege and all  
24         registrations of the person upon receiving a record of conviction showing that the  
25         person has been convicted of an offense under s. 344.62 (1).

**ASSEMBLY BILL 696****SECTION 17**

1           **SECTION 17.** 344.26 (title) of the statutes is repealed and recreated to read:

2           **344.26** (title) **Term of suspension.**

3           **SECTION 18.** 344.26 (1) (a) of the statutes is amended to read:

4           344.26 **(1)** (a) Subject to the exceptions stated in ss. 344.25 ~~(2)~~ (1) (b) and 344.27  
5           (2), any operating privilege or registration suspended or revoked under s. 344.25 (1)  
6           shall remain suspended or revoked for 5 years from the date of entry of judgment or  
7           until the judgment is stayed, satisfied, or discharged, whichever is earlier, and,  
8           unless 3 years have elapsed since the date on which the judgment was stayed,  
9           satisfied, or discharged or 8 years have elapsed since the date of entry of judgment,  
10          whichever is earlier, or unless the person is a nonresident, until the person whose  
11          operating privilege and registration was suspended or revoked furnishes and  
12          maintains in effect proof of financial responsibility for the future.

13          **SECTION 19.** 344.26 (1) (am) of the statutes is created to read:

14          344.26 **(1)** (am) Any operating privilege or registration suspended under s.  
15          344.25 (2m) for an offense under s. 344.62 (1) shall remain suspended for 3 years from  
16          the date of conviction or until the person whose operating privilege and registration  
17          was suspended furnishes and maintains in effect proof of financial responsibility for  
18          the future.

19          **SECTION 20.** 344.26 (1) (b) (intro.) of the statutes is amended to read:

20          344.26 **(1)** (b) (intro.) If suspension of any operating privilege or registration  
21          under s. 344.25 (1) was terminated before 5 years from the date of entry of judgment  
22          because an exception under s. 344.25 ~~(2)~~ (1) (b) or 344.27 (2) applied and the  
23          judgment debtor's operating privilege or registration is subsequently suspended  
24          under s. 344.25 ~~(2)~~ (1) (b) or 344.27 (3), the operating privilege or registration shall  
25          remain suspended for all of the following periods:

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1           **SECTION 21.** 344.26 (1) (b) 1. of the statutes is amended to read:

2           344.26 (1) (b) 1. Five years from the date of suspension under s. 344.25 ~~(2)~~ (1)  
3           (b) or 344.27 (3) or until the judgment is stayed, satisfied, or discharged, whichever  
4           is earlier. A suspension period that commences on the date of suspension under s.  
5           344.25 ~~(2)~~ (1) (b) or 344.27 (3) under this subdivision shall be reduced by the amount  
6           of time that the judgment debtor's operating privilege or registration was suspended  
7           under s. 344.25 (1) before one of the exceptions under s. 344.25 ~~(2)~~ (1) (b) or 344.27  
8           (2) was satisfied.

9           **SECTION 22.** 344.62 (1) of the statutes is amended to read:

10           344.62 (1) Except as provided in s. 344.63, no person may operate a motor  
11           vehicle upon a highway or upon premises held out to the public for the use of their  
12           motor vehicles, premises provided by employers to employees for the use of their  
13           motor vehicles, or premises provided to tenants of rental housing in buildings of 4 or  
14           more units for the use of their motor vehicles in this state unless the owner or  
15           operator of the vehicle has in effect a motor vehicle liability policy with respect to the  
16           vehicle being operated. A traffic officer shall cite a person under this subsection if  
17           the traffic officer does not know that the person is operating his or her motor vehicle  
18           in compliance with this subsection and the person does not have in his or her  
19           immediate possession proof of compliance with this subsection. At the time that a  
20           citation is issued for a violation of this subsection, the law enforcement officer issuing  
21           the citation shall inform the person to whom the citation is issued that the penalty  
22           amount may be reduced if the person obtains a motor vehicle liability policy with  
23           respect to the motor vehicle operated in the violation no later than the time of the  
24           person's appearance in court.

25           **SECTION 23.** 344.62 (2) of the statutes is repealed.

**ASSEMBLY BILL 696****SECTION 24**

1           **SECTION 24.** 344.64 of the statutes is repealed.

2           **SECTION 25.** 344.65 (1) (a) of the statutes is renumbered 344.65 (1) (a) 1. and  
3 amended to read:

4           344.65 (1) (a) 1. Any Except as provided in subds. 2. to 4., any person who  
5 violates s. 344.62 (1) may shall be required to forfeit not more than \$500 \$100 for a  
6 first offense and not less than \$250, plus costs, fees, and surcharges as provided in  
7 s. 345.47 (1), nor more than \$750, plus costs, fees, and surcharges as provided in s.  
8 345.47 (1), for a 2nd or subsequent offense occurring within 3 years.  
9 Notwithstanding s. 345.47 (1), the court may not impose costs, fees, or surcharges for  
10 a first offense under this subdivision.

11           **SECTION 26.** 344.65 (1) (a) 2. of the statutes is created to read:

12           344.65 (1) (a) 2. Any person who commits a 2nd or subsequent violation of s.  
13 344.62 (1) and, in the course of the violation, causes great bodily harm, as defined in  
14 s. 939.22 (14), to another person may be required to forfeit not less than \$250, plus  
15 costs, fees, and surcharges as provided in s. 345.47 (1), nor more than \$2,500, plus  
16 costs, fees, and surcharges as provided in s. 345.47 (1).

17           **SECTION 27.** 344.65 (1) (a) 3. of the statutes is created to read:

18           344.65 (1) (a) 3. Any person who violates s. 344.62 (1) and, in the course of the  
19 violation, causes the death of another person may be required to forfeit not less than  
20 \$500, plus costs, fees, and surcharges as provided in s. 345.47 (1), nor more than  
21 \$7,500, plus costs, fees, and surcharges as provided in s. 345.47 (1).

22           **SECTION 28.** 344.65 (1) (a) 4. of the statutes is created to read:

23           344.65 (1) (a) 4. If, no later than the time of the person's appearance in court,  
24 the person provides proof that he or she currently has in effect a motor vehicle  
25 liability policy with respect to the motor vehicle operated in the alleged violation of

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1 s. 344.62 (1) for a person's first violation of s. 344.62 (1) in the person's lifetime, the  
2 court may not impose a penalty or any cost, fee, or surcharge associated with the  
3 violation. This proof may be provided to the clerk of courts in the county where the  
4 offense allegedly occurred. This subdivision does not apply to a violation to which  
5 subd. 3. applies.

6 **SECTION 29.** 344.65 (1) (b) of the statutes is repealed.

7 **SECTION 30.** 344.65 (1) (c) of the statutes is amended to read:

8 344.65 (1) (c) No person charged with violating s. 344.62 ~~(2)~~ (1) may be  
9 convicted if the person produces proof that he or she was in compliance with s. 344.62  
10 (1) at the time the person was issued a uniform traffic citation for ~~violating s. 344.62~~  
11 ~~(2)~~ the violation. This proof may be produced ~~either~~ at the time of the person's  
12 appearance in court in response to the citation; if provided before the time of the  
13 person's appearance in court, to the clerk of courts in the county where the offense  
14 allegedly occurred; or, if provided within 10 days of the citation, in the office of the  
15 traffic officer issuing the citation. This proof may be produced in either paper or  
16 electronic format, including by display of electronic images on a cellular telephone  
17 or other electronic device. If this proof is displayed in electronic format on any  
18 cellular telephone or other electronic device, the person to whom the proof is  
19 displayed may not view, and producing proof in electronic format is not considered  
20 consent for the person to view, any content on the telephone or other device except  
21 the proof required ~~under s. 344.62 (2)~~ to demonstrate compliance with s. 344.62 (1).

22 **SECTION 31.** 344.65 (2) of the statutes is repealed.

23 **SECTION 32.** 628.34 (14) (d) 2. c. of the statutes is repealed.

24 **SECTION 33.** 757.05 (1) (a) of the statutes is amended to read:

**ASSEMBLY BILL 696****SECTION 33**

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

11           **SECTION 34.** 814.63 (1) (c) of the statutes is amended to read:

12           814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
13 101.123 (2) or (2m), ~~for a financial responsibility violation under s. 344.62 (2),~~ for a  
14 violation under s. 343.51 (1m) (b), or for a safety belt use violation under s. 347.48  
15 (2m).

16           **SECTION 35.** 814.63 (2) of the statutes is amended to read:

17           814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
18 violation of a county, town, city, village, town sanitary district, or public inland lake  
19 protection and rehabilitation district ordinance, ~~except for an action for a financial~~  
20 ~~responsibility violation under s. 344.62 (2) or for a violation under s. 343.51 (1m) (b)~~  
21 or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town  
22 sanitary district, or public inland lake protection and rehabilitation district shall pay  
23 a nonrefundable fee of \$5 to the clerk of circuit court.

24           **SECTION 36.** 814.65 (1) of the statutes is amended to read:

**ASSEMBLY BILL 696****SECTION 36**

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

10           **SECTION 37.** 814.85 (1) (a) of the statutes is amended to read:

11           814.85 (1) (a) Except for an action for a financial responsibility violation under  
12           s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation  
13           under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68 court  
14           support services surcharge from any person, including any governmental unit as  
15           defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63  
16           (1).

17           **SECTION 38.** 814.86 (1) of the statutes is amended to read:

18           814.86 (1) Except for an action for a financial responsibility violation under s.  
19           344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation  
20           under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$21.50 justice  
21           information system surcharge from any person, including any governmental unit, as  
22           defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62  
23           (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in  
24           addition to the surcharge listed in sub. (1m).

25           **SECTION 39. Fiscal changes.**

**ASSEMBLY BILL 696****SECTION 39**

1           (1) In the schedule under s. 20.005 (3) for the appropriation to the department  
2 of transportation under s. 20.395 (5) (cq), the dollar amount for fiscal year 2019-20  
3 is increased by \$576,450 to increase funding for enforcing and administering the  
4 motor vehicle financial responsibility program. In the schedule under s. 20.005 (3)  
5 for the appropriation to the department of transportation under s. 20.395 (5) (cq), the  
6 dollar amount for fiscal year 2020-21 is increased by \$562,900 to increase funding  
7 for enforcing and administering the motor vehicle financial responsibility program.

**SECTION 40. Initial applicability.**

8           (1) The treatment of s. 344.65 (1) (b) and (c) and (2), the renumbering and  
9 amendment of s. 344.65 (1) (a), and the creation of s. 344.65 (1) (a) 2. and 3. first apply  
10 to violations committed on the effective date of this subsection, but does not preclude  
11 the counting of other violations as prior violations for purposes of sentencing a  
12 person.  
13

14           (2) The treatment of ss. 344.25 (2m) and 344.26 (1) (am) first applies to  
15 violations committed on the effective date of this subsection.

16           (3) The treatment of ss. 341.08 (1g) and 341.10 (2) (bm) first applies to  
17 applications for original registration made on the effective date of this subsection.

18           (4) The treatment of ss. 343.05 (5m) and (6) and 343.44 (4) and (5) first applies  
19 to violations committed on the effective date of this subsection.

20           (5) The treatment of ss. 343.05 (2) (a) (intro.) and (3) (a) and 343.44 (1) (a) and  
21 (b) first applies to violations committed on the effective date of this subsection, but  
22 does not preclude the counting of other violations as prior violations for purposes of  
23 administrative action by the department of transportation or sentencing by a court.

24           **SECTION 41. Effective dates.** This act takes effect on the day after publication,  
25 except as follows:



**ASSEMBLY BILL 696**

1           (1) The treatment of ss. 344.25 (title) and 344.26 (1) (a) and (b) (intro.) and 1.,  
2           the renumbering and amendment of s. 344.25, the repeal and recreation of s. 344.26  
3           (title), and the creation of ss. 344.25 (2m) and 344.26 (1) (am) and SECTION 40 (2) of  
4           this act take effect on the first day of the 10th month beginning after publication.

5

(END)