



1995 ASSEMBLY BILL 506

August 14, 1995 - Introduced by Representatives KRUSICK, BOYLE, CARPENTER, DUFF, GROBSCHMIDT, HANDRICK, KAUFERT, KREIBICH, KRUG, LA FAVE, F. LASEE, LEHMAN, OLSEN, OTT, RYBA, SKINDRUD, URBAN and WALKER, cosponsored by Senators DARLING, ANDREA, BURKE and C. POTTER. Referred to Committee on Highways and Transportation.

- 1 **AN ACT to amend** 347.417; and **to create** 349.135 of the statutes; **relating to:**
2 permitting the immobilization of motor vehicles for nonmoving traffic
3 violations.

Analysis by the Legislative Reference Bureau

Under current law, an authority that issues citations for nonmoving traffic violations (parking tickets) may notify the department of transportation if a person fails to pay a parking ticket or appear in court in response to a parking ticket and specify that registration for any vehicle owned by the person is to be refused or registration for the vehicle involved in the parking ticket is to be suspended, or both. The suspension or refusal of vehicle registration continues until the person appears in court in response to the parking ticket or pays the amount of the parking ticket and, if any, costs of suspending or refusing vehicle registration.

This bill allows a local highway authority, by ordinance or resolution, to authorize any motor vehicle owned by a person who has received 5 or more parking tickets which the person has not paid or for which the person has not appeared in court to be immobilized with an immobilization device that prevents the vehicle from being operated. Notice must be mailed at least 28 days before any motor vehicle owned by the person may be immobilized. If the parking tickets are paid or the person appears in court in response to the parking tickets, the immobilization device is removed from the vehicle.

The bill also provides that, if the immobilization device is removed from a vehicle and the person fails to comply with a court order with respect to the parking tickets, the court may order the vehicle immobilized with an immobilization device.

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

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

1 **SECTION 1.** 347.417 of the statutes is amended to read:

2 **347.417 Immobilization device tampering.** (1) No person may remove,
3 disconnect, tamper with or otherwise circumvent the operation of any
4 immobilization device installed in response to a court order under s. 346.65 (6) or
5 349.135 (3) (b). This subsection does not apply to the removal of an immobilization
6 device pursuant to a court order or to necessary repairs to a malfunctioning
7 immobilization device.

8 (2) The department shall design a warning label which shall be affixed by the
9 owner of each immobilization device before the device is used to immobilize any
10 motor vehicle under s. 346.65 (6) or 349.135 (3) (b). The label shall provide notice of
11 the penalties for removing, disconnecting, tampering with or otherwise
12 circumventing the operation of the immobilization device.

13 **SECTION 2.** 349.135 of the statutes is created to read:

14 **349.135 Authority to immobilize motor vehicles for nonmoving traffic**
15 **violations.** (1) In this section, “nonmoving traffic violation” has the meaning given
16 in s. 345.28 (1) (c).

17 (2) Local authorities with respect to highways under their jurisdiction,
18 including state trunk highways or connecting highways within corporate limits, and
19 parking facilities within corporate limits, may by ordinance or resolution authorize
20 a duly authorized municipal or county representative to immobilize a motor vehicle
21 with an immobilization device if all of the following apply:

1 (a) The local authority has cited the owner of the motor vehicle for 5 or more
2 nonmoving traffic violations for which the owner has neither paid the forfeitures nor
3 appeared in court in response to the citations.

4 (b) The local authority has mailed to the last-known address of the owner at
5 least one notice that specifies each date on which a citation was issued, the license
6 number of the motor vehicle involved, the amount of the forfeiture, the place where
7 the citations may be paid and the means by which the citations may be contested.
8 The notice shall inform the owner that any motor vehicle owned by him or her may
9 be immobilized with an immobilization device if, within 28 days after the date on
10 which the notice is mailed, the owner does not either pay all forfeitures or appear in
11 court in response to all citations for which the forfeitures have not been paid.

12 **(3)** (a) The owner of a motor vehicle that is immobilized under sub. (2) may
13 secure release of the motor vehicle by either paying all forfeitures for nonmoving
14 traffic violations, including a reasonable fee sufficient to cover the cost of
15 immobilizing the motor vehicle with an immobilization device, or appearing in court
16 in response to all citations for which the forfeitures have not been paid.

17 (b) If an owner secures release of a motor vehicle under par. (a) by appearing
18 in court and thereafter fails to comply with any court order with respect to such
19 citations, the court may order a law enforcement officer to immobilize the motor
20 vehicle involved in the nonmoving traffic violations. Upon compliance with the court
21 order, the court shall order a law enforcement officer to remove the immobilization
22 device.

23 **(4)** Any ordinance or resolution enacted or adopted under this section
24 permitting immobilization of a motor vehicle may prohibit any person from
25 removing, disconnecting, tampering with or otherwise circumventing the operation

1 of an immobilization device installed under sub. (2) except upon release of the motor
2 vehicle to the owner or to make necessary repairs to a malfunctioning immobilization
3 device.

4 (END)