



1999 ASSEMBLY BILL 639

January 11, 2000 - Introduced by Representatives DUFF, STONE, M. LEHMAN, URBAN, NASS, LADWIG, KEDZIE, SUDER, HUEBSCH, PETTIS, WARD, SYKORA and GROTHMAN, cosponsored by Senators WIRCH, FARROW and HUELSMAN. Referred to Committee on Highway Safety.

1 **AN ACT to repeal** 345.28 (5m) (c); **to amend** 345.28 (4) (e), 345.28 (4) (h), 345.28
2 (5m) (b) and 345.285 (2) (a) (intro.); and **to create** 345.285 (2) (bm) of the
3 statutes; **relating to:** nonmoving traffic violations involving rented or leased
4 motor vehicles.

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 (DOT) if a person fails to pay a parking ticket or appear in court in response to a parking ticket, and may require DOT to suspend the registration of the offending vehicle, or to refuse registration of any vehicle owned by the violator, or to do 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 costs, if any, of suspending or refusing vehicle registration.

When a parking ticket is issued to a motor vehicle that is rented or leased to another, the process of resolving the parking ticket is more complex. A person engaged in the business of renting or leasing vehicles (lessor) generally is responsible for the parking tickets issued to its vehicles. However, an authority may not provide notice to DOT to suspend registration or refuse registration if the vehicle involved in the parking ticket is owned by a lessor; the vehicle was rented or leased to another when the parking ticket was issued; the lessor timely identifies the renter or lessee to the authority; and if the renter or lessee, after receiving notice from the authority, timely pays the forfeiture or appears in court in response to the parking ticket. If the

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renter or lessee fails to pay or appear as required, the authority may require DOT to refuse to register any vehicle owned by the renter or lessee, and the lessor must pay 50% of the forfeiture and costs applicable to the parking ticket. If the lessor fails to pay 50% of the forfeiture and costs, the authority may require DOT to suspend the registration of the vehicle involved in the parking ticket. If the lessor pays 50% of the forfeiture and costs of a parking ticket, and that ticket is later paid in full by the renter or lessee, the lessor is refunded the 50% payment.

This bill relieves a lessor from liability for a parking ticket if the lessor identifies the renter or lessee to the authority. The bill eliminates the requirement that the lessor pay any part of a parking ticket issued to the rented or leased vehicle. As under current law, the lessor generally is liable for the parking ticket unless the lessor identifies the renter or lessee. The bill retains the required reimbursement of a lessor who pays any part of a forfeiture or costs of a parking ticket that is later paid by a renter or lessee.

This bill also prohibits the city of Milwaukee from suspending a rented or leased vehicle's registration, or taking other action, under the Alternative Traffic Violation and Registration Pilot Program under certain circumstances. Under the program, DOT may authorize the city of Milwaukee to suspend the registration of any vehicle for unpaid parking tickets, including vehicles owned by a lessor. The bill exempts rented or leased vehicles from such action under the program if the vehicle was in the possession of the renter or lessee at the time of the parking violation, and the owner timely identifies that renter or lessee to the city.

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.** 345.28 (4) (e) of the statutes is amended to read:
2 345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and
3 the costs, if any, under par. (d) or appears in court in response to the citation or a
4 notice by the authority who issued the citation or the department, the authority shall
5 immediately notify the department ~~shall be immediately notified~~ in the form and
6 manner prescribed by the department. If the vehicle involved in the nonmoving
7 traffic violation is owned by a person engaged in the business of renting or leasing
8 motor vehicles and the owner pays the costs, if any, under par. (d) and 50% some part

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1 of the forfeiture, the authority shall immediately notify the department in the form
2 and manner prescribed by the department.

3 **SECTION 2.** 345.28 (4) (h) of the statutes is amended to read:

4 345.28 (4) (h) If an authority receives payment of 50% some part of a forfeiture
5 from the owner of a leased or rented vehicle involved in a nonmoving traffic violation
6 and receives payment of the forfeiture from the lessee or renter of the vehicle charged
7 with the violation, the authority shall refund to the owner the 50% amount of the
8 payment received from the owner.

9 **SECTION 3.** 345.28 (5m) (b) of the statutes is amended to read:

10 345.28 (5m) (b) If the renter or lessee does not pay the forfeiture or appear in
11 court in response to the citation for a nonmoving traffic violation, the authority may
12 notify the department under sub. (4) (a) 1. that a citation has been issued to the
13 person and the citation remains unpaid. The action which the authority shall specify
14 that the department take under sub. (4) (a) 2. is limited to refusal of the registration
15 of any vehicle owned by the renter or lessee, except that the authority may not specify
16 any action unless all of the conditions under par. (a) 1., 2. and 3. have been met.

17 **SECTION 4.** 345.28 (5m) (c) of the statutes is repealed.

18 **SECTION 5.** 345.285 (2) (a) (intro.) of the statutes is amended to read:

19 345.285 (2) (a) (intro.) The Except as provided in par. (bm), the city may
20 suspend the registration of a vehicle if all of the following apply:

21 **SECTION 6.** 345.285 (2) (bm) of the statutes is created to read:

22 345.285 (2) (bm) No city may take any action under a contract entered into
23 under this section with respect to any vehicle to which all of the following apply:

24 1. The vehicle involved in a nonmoving traffic violation is owned by a person
25 engaged in the business of renting or leasing motor vehicles;

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1 2. At the time of the violation the vehicle was in the possession of a renter or
2 lessee; and

3 3. The owner of the vehicle provides the information required under s. 343.46
4 (3) for such renter or lessee to the city within 10 days after the 2nd notice was sent
5 to the owner under par. (a) 2.

6 **SECTION 7. Initial applicability.**

7 (1) This act first applies to nonmoving violations committed on the effective
8 date of this subsection.

9 **SECTION 8. Effective date.**

10 (1) This act takes effect on the first day of the 4th month beginning after
11 publication.

12 **(END)**