



2001 SENATE BILL 43

February 7, 2001 - Introduced by Senators WIRCH, BURKE, ROESSLER, SCHULTZ, FARROW and HUELSMAN, cosponsored by Representatives DUFF, STONE, MONTGOMERY, URBAN, LA FAVE, ALBERS, PETTIS, KEDZIE, GRONEMUS, NASS, VRAKAS, LADWIG, TOWNSEND, OLSEN, GUNDERSON, POWERS, TURNER and GROTHMAN. Referred to Committee on Insurance, Tourism, and Transportation.

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

Analysis by the Legislative Reference Bureau

Under current law, an authority that issues citations for nonmoving traffic violations (i.e., violations for which a parking ticket is issued) 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 vehicle that was ticketed, 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 violation is owned by a lessor; the vehicle was rented or leased to

SENATE BILL 43

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 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 violation. 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 and the renter or lessee pays the forfeiture or appears in court, or if more than one year has elapsed since the ticket was issued. 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 requirement that the lessor must pay 50% of the forfeiture and costs and 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.

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) (d) of the statutes is amended to read:

2 345.28 (4) (d) The authority may assess the person for the cost of using the
3 traffic violation and registration program as established by the department under
4 s. 85.13. This paragraph does not apply to citations paid under sub. (5m) (c).

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

6 345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and
7 the costs, if any, under par. (d) or appears in court in response to the citation or a
8 notice by the authority who issued the citation or the department, the department
9 shall be immediately notified in the form and manner prescribed by the department.
10 If the vehicle involved in the nonmoving traffic violation is owned by a person
11 engaged in the business of renting or leasing motor vehicles and the owner pays the

SENATE BILL 43

1 costs, if any, under par. (d) and 50% of the amount of the forfeiture under sub. (2) (a),
2 the authority shall immediately notify the department in the form and manner
3 prescribed by the department.

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

5 345.28 (4) (g) Notification of the department under par. (a) 1. shall toll any
6 applicable statute of limitation for 4 years from the date of the notification. This
7 paragraph does not apply to a citation issued to the owner of a vehicle if the
8 requirements of sub. (5m) (a) 1. to 3. are satisfied.

9 **SECTION 4.** 345.28 (5m) (a) 4. (intro.) of the statutes is created to read:

10 345.28 (5m) (a) 4. (intro.) Either of the following applies:

11 **SECTION 5.** 345.28 (5m) (a) 4. of the statutes is renumbered 345.28 (5m) (a) 4.

12 a.

13 **SECTION 6.** 345.28 (5m) (a) 4. b. of the statutes is created to read:

14 345.28 (5m) (a) 4. b. At least one year has elapsed since the citation was issued.

15 **SECTION 7.** 345.28 (5m) (b) of the statutes is amended to read:

16 345.28 (5m) (b) If Notwithstanding par. (a), if the renter or lessee does not pay
17 the forfeiture or appear in court in response to the citation for a nonmoving traffic
18 violation, the authority may notify the department under sub. (4) (a) 1. that a citation
19 has been issued to the person and the citation remains unpaid. The action which the
20 authority shall specify that the department take under sub. (4) (a) 2. is limited to
21 refusal of the registration of any vehicle owned by the renter or lessee.

22 **SECTION 8.** 345.28 (5m) (c) 1. of the statutes is amended to read:

23 345.28 (5m) (c) 1. If the renter or lessee does not pay the forfeiture or appear
24 in court in response to the citation for a nonmoving traffic violation within 30 days
25 after the 2nd notice from the authority is mailed to the renter or lessee, the owner

SENATE BILL 43**SECTION 8**

1 shall pay the authority 50% of the amount of the forfeiture applicable to the
2 nonmoving traffic violation under sub. (2) (a). The authority shall notify the owner
3 in writing of its responsibility for this payment.

4 **SECTION 9.** 345.28 (5m) (c) 2. of the statutes is amended to read:

5 345.28 **(5m)** (c) 2. If the owner does not pay 50% of the amount of the forfeiture
6 applicable to the citation under sub. (2) (a) within 30 days after notice under subd.
7 1. has been mailed to the owner, the authority may send a notice to the department
8 under sub. (4) (a) 1. The action which the authority shall specify that the department
9 take under sub. (4) (a) 2. is limited to suspension of the registration of the vehicle
10 involved in the nonmoving traffic violation.

11 **SECTION 10.** 345.28 (5m) (c) 3. of the statutes is created to read:

12 345.28 **(5m)** (c) 3. This paragraph does not apply if more than one year has
13 elapsed since the citation was issued.

14 **SECTION 11. Initial applicability.**

15 (1) This act first applies to citations issued for nonmoving violations committed
16 on the effective date of this subsection.

17 **SECTION 12. Effective date.**

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

20 **(END)**