2009 DRAFTING REQUEST

Bill

Received: **11/14/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Christian Moran**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**
Transportation - traffic laws

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Krusick@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Immobilization, removal, impoundment, and disposal of vehicles owned by habitual parking violators (car booting)

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary 11/19/2008	wjackson 12/05/2008		_____ _____			S&L
/1			mduchek 12/09/2008	_____ _____	mbarman 12/09/2008	cduerst 03/13/2009	

FE Sent For: "/1" @ intro. 4/1/09

<END>

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary	1 wlj 12/4	MD 12/8	MD/RS 12/8			

FE Sent For:

<END>

Gary, Aaron

From: Moran, Christian
Sent: Friday, November 14, 2008 1:55 PM
To: Gary, Aaron
Subject: RE: bill drafting requests

Yes. Thanks.

From: Gary, Aaron
Sent: Friday, November 14, 2008 10:35 AM
To: Moran, Christian
Subject: RE: bill drafting requests

Christian,
Did you want the redraft of AB-618 to include AA1 (adopted by committee)? Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Moran, Christian
Sent: Thursday, November 13, 2008 9:33 AM
To: Gary, Aaron
Subject: bill drafting requests

Hi Aaron:

Could you please redraft the following bills for next session:

[redacted]

2007 AB 618 (LRB-0407/1): car booting

Thanks,

Christian

2007 – 2008 LEGISLATURE

LRB-0407/1
ARG:jld:pg

2007 ASSEMBLY BILL 618

December 11, 2007 – Introduced by Representatives KRUSICK, GOTTLIEB, HAHN and VOS, cosponsored by Senators CARPENTER and DARLING, by request of Wisconsin Alliance of Cities, League of Wisconsin Municipalities and City of Milwaukee. Referred to Committee on Urban and Local Affairs.

AN ACT ~~to create~~ 349.132 of the statutes; **relating to:** the immobilization or removal, impoundment, and disposal of motor vehicles for multiple nonmoving traffic violations.

Analysis by the Legislative Reference Bureau

Under current law, an authority that issues citations (tickets) for nonmoving traffic (parking) violations may enforce parking violations in several ways. A person issued a parking ticket may pay the ticket by mail as the parking ticket provides and, if the person does so, the parking ticket is not filed with or transmitted to court. The person may also appear in court to contest the parking ticket. If the person does not pay the parking ticket or make a timely appearance in court, the authority that issued the ticket may issue a summons to the person and follow a procedure to request that the Department of Transportation (DOT) suspend the person's vehicle registration or, in lieu of this procedure, follow a procedure for the issuance of a warrant for the person and for the person's arrest or deposit of money or a driver's license to secure the person's appearance in court.

Also under current law, any city, village, or town (municipality) or any county may enact an ordinance prohibiting unregistered motor vehicles on highways and providing for the immobilization, removal (towing), impoundment, and disposal of these vehicles.

This bill creates an alternative method for the enforcement of multiple parking violations. The bill allows a municipality or county to enact an ordinance providing for the immobilization with an immobilization device (typically a "car boot") or

towing, impoundment, and disposal of vehicles owned by habitual parking violators. The ordinance must be limited to those vehicles for which all of the following apply:

1. The municipality or county has issued tickets to the owner of the motor vehicle for three or more parking violations that, at the time of the vehicle's immobilization or towing, occurred more than 28 days previously and for which the owner has neither paid each ticket nor scheduled an appearance in court in response to each unpaid ticket.

2. The municipality or county has mailed to the last–known address of the owner at least one notice that provides, for each parking ticket, certain information, including the manner in which each parking ticket may be paid or contested. The notice must also inform the owner that the owner's vehicles may be immobilized or towed and impounded if, within 28 days after the owner has received three or more citations and at the time the vehicle is immobilized or towed, the owner has not either paid the ticket for each violation that occurred more than 28 days previously or scheduled an appearance in court in response to each unpaid ticket issued more than 28 days previously. The notice may be combined with any other notice provided by the municipality or county to the vehicle owner.

The ordinance authorizes any parking enforcer to have a vehicle to which the ordinance applies immobilized on, or towed and impounded from, or both, any portion of a street, highway, or publicly owned or leased parking facility, regardless of whether the vehicle is legally or illegally parked. Upon immobilization or towing of the vehicle, the parking enforcer must follow certain procedures for notification of law enforcement and the vehicle owner, which are the same procedures applicable to immobilization or towing of an unregistered vehicle. The ordinance must require that, if the vehicle is immobilized, the parking enforcer, or a third–party contractor performing immobilization services, place in a highly visible location on the vehicle a written notice that warns the driver that the immobilization device has been placed on the vehicle, that generally provides the information specified ~~in the notice described in item 2., above,~~ or provides a telephone number through which such information is available 24 hours a day, and that states the amount of any fee for removal of the immobilization device. The bill includes restrictions on the issuance of parking tickets for the vehicle after it is immobilized if it is immobilized in a time–limited, legal parking space.

Under the bill, the owner of a motor vehicle that is immobilized or towed and impounded may secure release of the motor vehicle by paying any fee for the removal of the immobilization device or any charges associated with the towing and impounding of the vehicle, respectively, and ~~either~~ paying all forfeitures for the ~~three~~ or more unpaid parking tickets outstanding more than 28 days or scheduling an appearance in court in response to these unpaid parking tickets. The bill also provides a procedure guiding the impoundment and, if the requirements for release of the vehicle are not timely satisfied, disposal of vehicles that are towed and impounded, which procedures are the same as those applicable to the towing and impoundment of unregistered vehicles. Any motor vehicle immobilized or impounded must remain immobilized or impounded until lawfully claimed or disposed of. The owner of any motor vehicle immobilized or towed and impounded

is responsible for all charges associated with immobilizing, removing, impounding, and disposing of the motor vehicle. Charges not recovered from the sale of the motor vehicle may be recovered in a civil action by the municipality or county against the owner.

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:

SECTION 1. 349.132 of the statutes is created to read:

349.132 Authority to immobilize, remove, impound, and dispose of motor vehicles for nonmoving traffic violations. (1) In this section:

(a) "Habitual parking violator" means a person who has received, more than 28 days previously, 3 or more citations for nonmoving traffic violations that remain unpaid and for which the person has not scheduled an appearance in court in response to the citations.

(b) "Immobilization device" has the meaning given in s. 341.65 (1) (a).

(c) "Nonmoving traffic violation" has the meaning given in s. 345.28 (1) (c).

(d) "Owner" has the meaning given in s. 341.65 (1) (am).

(e) "Parking enforcer" means a traffic officer or any other person who enforces nonmoving traffic violations and who is employed by a municipality or county.

(2) The governing body of any municipality or county may by ordinance provide for the immobilization or removal, impoundment, and disposal of vehicles owned by habitual parking violators as provided in this section. Any ordinance under this section shall do all of the following:

(a) Limit application of the ordinance to those motor vehicles for which all of the following apply:

1. The municipality or county has cited the owner of the motor vehicle for 3 or more nonmoving traffic violations that, at the time of the vehicle's immobilization or removal, occurred more than 28 days previously and for which the owner has neither paid the forfeiture for each of these violations nor scheduled an appearance in court in response to each of these citations.

2. a. The municipality or county has mailed to the last–known address of the owner at least one notice that specifies, for each citation counted under subd. 1., the date on which the citation was issued, the license number of the vehicle involved, the place where the citation may be paid, the amount of the forfeiture, and the means by which the citation may be contested.

b. The notice under subd. 2. a. shall also inform the owner that any motor vehicle owned by him or her may be immobilized with an immobilization device or removed and impounded if, within 28 days after the owner has received 3 or more citations and at the time the vehicle is immobilized or removed and impounded, the owner has not either paid the forfeiture for each violation that occurred more than 28 days previously or scheduled an appearance in court in response to each citation issued more than 28 days previously for which the forfeiture has not been paid.

c. The notice under this subdivision may be combined with any other notice provided by the municipality or county to the owner.

(b) Authorize any parking enforcer who discovers any motor vehicle to which par. (a) applies that is legally or illegally parked on any portion of the street, highway, or publicly owned or leased parking facility within the corporate limits of the municipality or county to cause the motor vehicle to be immobilized with an immobilization device or removed to a suitable place of impoundment or both. Upon

immobilization or removal of the motor vehicle, the parking enforcer shall follow the notification procedure specified in s. 341.65 (2) (b).

(c) Specify whether the municipality or county may contract with a 3rd party for the performance of services related to immobilization or removal of motor vehicles, which services shall be rendered only at the request of a parking enforcer.

(d) Provide for a reasonable removal fee, if any, that will be charged to remove an immobilization device placed on a vehicle under this section.

(e) Provide for the recovery of reasonable towing or storage charges associated with the removal or impoundment of a vehicle, and of reasonable charges associated with disposal of a vehicle, under this section.

(f) Require that, if the motor vehicle is immobilized, the parking enforcer or a 3rd party contractor place in a highly visible location and a reasonably secure manner on the vehicle, at the time of immobilization, a written notice that does all of the following:

1. Warns any driver of the vehicle that the immobilization device has been placed on the vehicle.

2. Either provides all of the information specified in par. (a) 2. a. or provides a telephone number at which an individual is available to provide such information 24 hours a day.

3. States the amount of the removal fee under par. (d), if any, that is in addition to any amount required to be paid as specified in the notice under par. (a) 2. a.

(g) If the motor vehicle is immobilized in a time–limited, legal parking space, prohibit the municipality or county from issuing, after the vehicle's immobilization, any citation for a nonmoving traffic violation for the vehicle within the first 4 hours after the vehicle is immobilized and during any hours in which the municipal court

or clerk's office of the circuit court that would be contacted to arrange an appearance for purposes of sub. (3) (b) is not open for regular business.

(h) If the motor vehicle is immobilized, require the municipality or county, or a 3rd party contractor, to remove, or provide sufficient information to allow the vehicle owner to remove, the immobilization device without undue delay, not to exceed 3 hours, after receiving notice that the person has satisfied the requirements for release of the motor vehicle under sub. (3) (b).

(3) (a) Any motor vehicle immobilized or impounded as provided in sub. (2) shall remain immobilized or impounded until lawfully claimed or disposed of as provided in this subsection and sub. (5).

(b) The owner of a motor vehicle that is immobilized under sub. (2) may secure release of the motor vehicle by paying any removal fee specified in sub. (2) (d) and either paying all forfeitures specified in each notice under sub. (2) (a) 2. a. for citations counted under sub. (2) (a) 1. or scheduling an appearance in court in response to all citations counted under sub. (2) (a) 1. for which the forfeitures have not been paid.

(c) The owner of a motor vehicle that is removed and impounded under sub. (2) may secure release of the motor vehicle by paying any charges specified in sub. (2) (e) and either paying all forfeitures specified in the notice under sub. (2) (a) 2. a. for citations counted under sub. (2) (a) 1. or scheduling an appearance in court in response to all citations counted under sub. (2) (a) 1. for which the forfeitures have not been paid.

(d) If an owner secures release of a motor vehicle under par. (b) or (c) by scheduling an appearance in court and thereafter fails to appear or fails to comply with any court order with respect to any citation counted under sub. (2) (a) 1. for

which the forfeiture has not been fully paid, including failure to satisfy in full any court–ordered payment plan or other agreement approved by the court, the court may order a law enforcement officer, or an authorized employee or contractor of the municipality or county, to immobilize the motor vehicle involved in the nonmoving traffic violations or the municipality or county may cause the motor vehicle to be immobilized or removed and impounded as provided under sub. (2). If the court orders the motor vehicle immobilized, upon compliance with the court order, the court shall order a law enforcement officer, or an authorized employee or contractor of the municipality or county, to remove the immobilization device.

(e) Notwithstanding par. (a), if any motor vehicle immobilized or impounded is an unregistered motor vehicle for purposes of s. 341.65 or an abandoned motor vehicle for purposes of s. 342.40, the municipality or county may take any action authorized under s. 341.65 or 342.40. Any vehicle immobilized under this section for longer than the period specified in s. 342.40 (1m) shall be considered abandoned for purposes of s. 342.40.

(4) The owner of any motor vehicle immobilized or removed and impounded as provided under this section is responsible for all charges associated with immobilizing, removing, impounding, and disposing of the motor vehicle, as provided under sub. (2) (d) and (e). Charges not recovered from the sale of the motor vehicle may be recovered in a civil action by the municipality or county against the owner.

(5) The procedures and provisions of s. 341.65 (2) (f) to (h) shall apply with respect to the impoundment and disposal of motor vehicles authorized to be removed, impounded, and disposed of under this section to the same extent as these provisions apply to the impoundment and disposal of unregistered motor vehicles that are removed under authority of s. 341.65, except that reclamation of the motor vehicle

by the owner requires compliance with sub. (3) rather than s. 341.65 (2) (e). The provisions of s. 349.13 (5) (b) shall apply with respect to vehicles removed or stored under this section to the same extent as these provisions apply with respect to vehicles removed or stored under authority of s. 349.13.

(6) Any ordinance enacted under this section permitting immobilization of a motor vehicle may prohibit any person from removing, disconnecting, tampering with, or otherwise circumventing the operation of an immobilization device installed under this section except upon release of the motor vehicle to the owner or to make necessary repairs to a malfunctioning immobilization device.

(7) Section 349.137 does not apply to the use of motor vehicle immobilization devices under this section.

(END)

2007 – 2008 LEGISLATURE

LRBa1057/2
ARG:jld:nwn

INSERTS

ASSEMBLY AMENDMENT 2,
TO 2007 ASSEMBLY BILL 618

January 23, 2008 – Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

At the locations indicated, amend the bill as follows:

1. Page 5, line 17: delete "Either provides all of the information specified in par. (a) 2. a." and substitute "Specifies, for each citation counted under par. (a) 1., the license number of the vehicle involved, the place where the citation may be paid, and the means by which the citation may be contested,".

2. Page 5, line 18: delete "such" and substitute "this".

3. Page 6, line 7: after "(b)." insert "The ordinance shall also provide a procedure for the municipality, county, or 3rd party contractor to promptly receive notice when a person has satisfied the requirements for release of a motor vehicle under sub. (3) (b).".

4. Page 6, line 13: delete lines 13 to 16 and substitute "also paying all forfeitures specified in each notice under sub. (2) (a) 2. a. for, or scheduling an

appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under sub. (2) (a) 1.

5. Page 6, line 19: delete lines 19 to 22 and substitute (e) and also paying all forfeitures specified in each notice under sub. (2) (a) 2. a. for, or scheduling an appearance in court in response to, or a combination of paying forfeitures and scheduling appearances with respect to, all citations counted under sub. (2) (a) 1.

(END)

Duerst, Christina

From: Moran, Christian
Sent: Friday, March 13, 2009 9:06 AM
To: LRB.Legal
Cc: Lynch, Abigail
Subject: bill jacket requests

Please jacket the following bill drafts for introduction in the Assembly:

LRB-0624/2 Relating to: Operating after revocation, while suspended, or without a license; suspension for railroad crossing violations
LRB-0788/1 Relating to: Immobilization, removal, impoundment, and disposal of vehicles owned by habitual parking violators (car booting)
LRB-0802/1 Relating to: Assignment of earning and income in municipal court

Thanks,

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733