



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 286
[2017 Assembly Bill 882]

**Penalties for Habitual Parking
Violators**

2017 Wisconsin Act 286 authorizes any city, village, town, or county to enact an ordinance providing for immobilization or removal, impoundment, and disposal of vehicles owned by “habitual parking violators.” A habitual parking violator is defined to mean a person who has received, more than 60 days previously, five or more citations for nonmoving traffic violations that remain unpaid and for which the person has not scheduled a court appearance.

If enacted, such an ordinance would authorize any municipal parking officer or contracted third party to immobilize or remove, impound, and dispose of a vehicle owned by a habitual traffic violator that is legally or illegally parked on any portion of a street, highway, or publicly owned or leased parking facility, but only after the municipality has mailed at least one notice to the vehicle owner. The notice must identify certain information such as the date and amount of each citation, the means by which the citations may be contested, and the circumstances under which a vehicle may be immobilized or removed and impounded.

The Act provides that a vehicle owner is responsible for reasonable charges and fees associated with immobilizing, removing, impounding, or disposing of a vehicle. In addition, the Act requires a parking officer to submit a notification to the sheriff or chief of police when a vehicle has been immobilized or removed and impounded.

A vehicle that has been immobilized or impounded must be released if the owner: (1) pays any applicable removal fee; and (2) pays all forfeitures or schedules a court appearance related to the forfeitures. If a vehicle is released after an owner schedules a court appearance related to the forfeitures, but the owner subsequently fails to appear or comply with any court order, the court may order a law enforcement officer or other authorized municipal officer to immobilize the vehicle, or the municipality may on its own initiative immobilize or remove and impound the vehicle.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

The Act also provides that if a vehicle is immobilized, the parking enforcer or third party contractor must place a written notice on the vehicle that identifies certain required information, including where and how the citation may be paid. After the person satisfies the requirements for release of the immobilized vehicle, the municipality or third party contractor must either remove the immobilization device or provide sufficient information for the vehicle owner to remove it without undue delay, not to exceed three hours. If an immobilized vehicle is in a time-limited, legal parking space, the municipality may not issue additional citations within the first four hours after the vehicle is immobilized.

Finally, a vehicle that has been removed and impounded, under the Act, may generally be disposed of under the same standards that apply to unregistered motor vehicles. Generally, notice must be sent to the vehicle owner, and the vehicle must be retained in storage for a minimum of 10 days after certified mail notice has been sent to the owner and any recorded lienholders.

Effective date: April 18, 2018

Prepared by: Andrea Brauer, Staff Attorney

May 3, 2018

AB:mcm;ksm