



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2019 Assembly Bill 2	Assembly Amendment 1
<i>Memo published:</i> March 28, 2019	<i>Contact:</i> Melissa Schmidt, Senior Staff Attorney

2019 ASSEMBLY BILL 2

Current law authorizes a city, village, town, or county (local government unit) to prohibit, by ordinance, any unregistered motor vehicle from being located upon a highway. It also authorizes a local governmental unit to provide for, by ordinance, the immobilization, removal, and disposal of an unregistered motor vehicle. A local governmental unit may also enact an ordinance that provides for the immobilization or removal, impoundment, and disposal of a vehicle owned by a habitual parking violator.¹ If a local governmental unit enacts an ordinance to authorize the immobilization for either an unregistered motor vehicle or motor vehicle owned by a habitual parking violator, the only type of immobilization device that may be used is a device or mechanism which immobilizes a motor vehicle by locking around a wheel, thereby making the motor vehicle inoperable, commonly referred to as a "boot."

Current law also specifies who is authorized to immobilize an unregistered motor vehicle or a motor vehicle owned by a habitual parking violator. With respect to vehicles owned by a habitual parking violator, a local governmental unit may contract with a third party for the provision of immobilization services. For unregistered motor vehicles, however, the statutes provide that the immobilization device must be placed by the municipal or university police officer, sheriff's deputy, county traffic patrolman, state traffic officer, conservation warden, or parking enforcer who discovers any unregistered motor vehicle located upon a highway.

¹ A "habitual parking violator" means 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 an appearance in court in response to the citations." [s. 349.139 (1) (a), Stats.]

Assembly Bill 2 expands the type of immobilization devices that may be used to immobilize either an unregistered motor vehicle or a motor vehicle owned by a habitual parking violator. Specifically, Assembly Bill 2 allows a local governmental unit to immobilize such motor vehicles with any device or mechanism which immobilizes a motor vehicle.

The bill also authorizes a local governmental unit or university to enter into a contract with a person for the placement and removal of an immobilization device on an unregistered motor vehicle. Such contracts may allow for remote unlocking and removal of an immobilization device.

ASSEMBLY AMENDMENT 1

Under Assembly Amendment 1, the types of immobilization devices that may be used with respect to the immobilization of an unregistered motor vehicle or the motor vehicle of a habitual parking violator are: (1) a “boot;” and (2) a device that immobilizes a motor vehicle by being placed upon the front windshield to obstruct the driver’s view through the windshield.

BILL HISTORY

Assembly Amendment 1 was introduced by Representative Spiros on March 5, 2019. On March 27, 2019, Assembly Amendment 1 was recommended for adoption by the Assembly Committee on Local Government, by a vote of Ayes, 8; Noes, 0. The bill was subsequently recommended for passage, as amended, by a vote of Ayes, 8; Noes, 0.

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