

1983 Assembly Bill 26

Date of enactment: November 29, 1983

Date of publication: December 3, 1983

**1983 Wisconsin Act 103**

AN ACT to amend 341.10 (7m); and to create 341.10 (7r) and 345.28 (5m) of the statutes, relating to liability for nonmoving traffic violations with rented or leased vehicles.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 341.10 (7m) of the statutes is amended to read:

341.10 (7m) A local authority has notified the department under s. 345.28 (4) that a citation for a nonmoving traffic violation has been issued against the applicant and the applicant has not paid the citation or appeared in court to respond to the citation or complied with s. 345.28 (5m).

SECTION 2. 341.10 (7r) of the statutes is created to read:

341.10 (7r) A local authority has notified the department under s. 345.28 (5m) (a) 4 that a citation for a nonmoving traffic violation has been issued against the applicant and the applicant has not paid the citation or appeared in court to respond to the citation. The suspension shall remain in effect until the applicant has reimbursed the owner of the vehicle for payment of the citation.

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

345.28 (5m) (a) No notice may be sent to the department, or if the notice has already been sent the notice shall be canceled, and no further action may be taken against the owner under sub. (4) or (5) or s. 341.10 (7m) or 341.63 (1) (c) if:

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

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

3. The owner of the vehicle provides the information required under s. 343.46 (3) for such renter or lessee to the local authority who issued the citation within 10 days after the 2nd notice was sent to the owner under sub. (4) (c); and

4. After being notified by the local authority, the renter or lessee identified under subd. 3 pays the forfeiture or appears in court in response to the citation for the nonmoving traffic violation within 30 days after the notice is mailed. Notice by the local authority shall state that failure to respond as provided in this subdivision shall subject any vehicle registration of the renter or lessee to suspension until the forfeiture is paid or the person appears in court in response to the citation. If the lessee or renter fails to pay the forfeiture or appear in court in response to the citation the owner shall pay to the local authority 50% of the forfeiture applicable to the nonmoving traffic violation.

(b) If the owner is responsible for the nonmoving traffic violation under par. (a) and has not paid 50% of the forfeiture applicable to the citation within 30 days after a request to suspend the registration has been made under s. 341.10 (7r), the local authority may send a notice to the department under sub. (4) (a). Any request for refusal to register is applicable to only the vehicle involved in the nonmoving traffic violation.

(d) The notice to the renter or lessee under par. (a) 4 shall be mailed to the last-known address of the renter or lessee and shall include the date the citation was issued, the license number of the vehicle involved, the amount of the forfeiture, the place the citation may be paid and the means by which the citation may be contested.

**SECTION 4. Initial applicability.** This act first applies to citations for nonmoving traffic violations occurring on the effective date of this act.

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