

1983 Senate Bill 560

Date of enactment: **March 22, 1984**
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1983 Wisconsin Act 169

AN ACT to repeal 341.10 (7r); to amend 341.10 (7m), 345.28 (4) (b), 345.28 (4) (e), 345.28 (5m) (a) (intro.) and 4 and (b) and 345.28 (5m) (d); and to create 345.28 (4) (h) and 345.28 (5m) (c) 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, as affected by 1983 Wisconsin Act 103, 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SECTION 2. 341.10 (7r) of the statutes, as created by 1983 Wisconsin Act 103, is repealed.

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

345.28 (4) (b) The notice to the department under par. (a) 1 shall include the name and last-known address of the person against whom the citation was issued, the date the citation was issued, the license number of the vehicle involved, certification that 2 notices which meet the requirements under par. (c) or sub. (5m) (d) have been mailed to the last-known address of the person against whom the citation was issued and that the citation remains unpaid on the date specified in the citation or, if no date is specified in the citation, 28 days after the citation was issued, the place that the citation may be paid, the means by which the citation may be contested and the action the department is to take.

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

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

under par. (d) and 50% of the forfeiture, the local authority shall immediately notify the department in writing in the form and manner prescribed by the department.

SECTION 5. 345.28 (4) (h) of the statutes is created to read:

345.28 (4) (h) If a local authority receives payment of 50% of a forfeiture from the owner of a leased or rented vehicle involved in a nonmoving traffic violation and receives payment of the forfeiture from the lessee or renter of the vehicle charged with the violation, the local authority shall refund to the owner the 50% payment received.

SECTION 6. 345.28 (5m) (a) (intro.) and 4 and (b) of the statutes, as created by 1983 Wisconsin Act 103, are amended to read:

345.28 (5m) (a) (intro.) No notice under sub. (4) (a) 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:

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 2nd notice from the local authority 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) renter or lessee does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation, the local authority may send a notice to notify the department under sub. (4) (a). Any request for refusal to register is applicable to only the vehicle involved in the nonmoving traffic violation 1 that a citation has been issued to the person and the citation remains unpaid. The action which the local authority shall specify that the department take under sub. (4) (a) 2 is limited to refusal of the registration of any vehicle owned by the renter or lessee.~~

SECTION 7. 345.28 (5m) (c) of the statutes is created to read:

345.28 (5m) (c) 1. If the renter or lessee does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation within 30 days after the 2nd notice from the local authority is mailed to the renter or lessee, the owner shall pay the local authority 50% of the forfeiture applicable to the nonmoving traffic violation. The local authority shall notify the owner in writing of its responsibility for this payment.

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

SECTION 8. 345.28 (5m) (d) of the statutes, as created by 1983 Wisconsin Act 103, is amended to read:

345.28 (5m) (d) ~~The notice notices to the renter or lessee required under par. (a) 4 sub. (4) (b) shall be mailed on 2 separate days 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 information specified in sub. (4) (c) and the name of the owner of the vehicle.~~

SECTION 9. Initial applicability. (1) Except as provided by subsection (2), this act first applies to a citation for a nonmoving traffic violation with a leased or rented vehicle occurring on the effective date of this act.

(2) This act also applies to a citation for a nonmoving traffic violation with a leased or rented vehicle occurring on or after December 4, 1983, and remaining unpaid on the effective date of this act if the local authority which issued the citation complies with the notice requirements of section 345.28 (4) (c) of the statutes and section 345.28 (5m) (d) of the statutes, as affected by this act, and notifies the department of transportation under section 345.28 (4) (b) of the statutes, as affected by this act. If notified under section 345.28 (4) (b) of the statutes, as affected by this act, the department of transportation shall take the actions specified by the local authority under sections 345.28 (5m) (b) and (c) of the statutes, as affected by this act.
