



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 478

**Senate
Amendment 1**

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2011 Senate Bill 478 relates to giving notice of, and providing assistance after, a motor vehicle accident.

Current Law

Under current law, among other requirements, an operator of a vehicle involved in an accident resulting in injury or death of any person, any damage to state or other government-owned property, except a state or other government-owned vehicle, to an apparent extent of \$200 or more, or total damage to property owned by any one person or to a state or other government-owned vehicle to an apparent extent of \$1,000 or more must immediately, by the quickest means of communication, give notice of such accident to law enforcement. A person who violates this provision may be required to forfeit not less than \$40 nor more than \$200 for the first offense and may be required to forfeit not less than \$100 nor more than \$500 for the second or subsequent conviction within one year.

Senate Bill 478

Senate Bill 478 requires an owner *or occupant* of a vehicle to immediately give notice to law enforcement after a reportable accident. The bill also increases the penalty for a violation of this requirement so that a person may be required to forfeit not less than \$200 nor more than \$500 for the first offense and may be required to forfeit not less than \$300 nor more than \$500 for the second or subsequent conviction within one year. In addition, the bill requires an assessment of six demerit points for each violation of the requirement.

The bill creates a new provision relating to assistance following an accident. Under the bill, a person in the business of towing, recovery, or repair of motor vehicles may not contract for retrieval, recovery, or removal from the scene of a traffic accident that is reportable, as described above, of any motor vehicle that has sustained damage unless the person has been contacted by a law enforcement

agency. In addition, a person in the business of towing, recovery, or repair of motor vehicles may not retrieve, recover, or remove from the scene of a traffic accident that is reportable any motor vehicle that has sustained damage unless a law enforcement officer is present or has given prior approval. These provisions do not apply with respect to removal of a motor vehicle from the roadway at the scene of an accident if the removal is necessary to avoid imminent danger to motorists or other persons.

The bill further provides that a person may not assist, by any means, an operator or occupant of a motor vehicle involved in a reportable accident unless the person has first reported the accident to a law enforcement agency or has verified that another person has already reported the accident to a law enforcement agency. This provision does not apply to any the following:

- A physician, nurse, or other person whose profession involves rendering medical assistance.
- Any person who is not related by blood or marriage to, or closely acquainted with, the operator or occupant of the motor vehicle.
- Any person who has no knowledge that there was a traffic accident.

Senate Amendment 1

Senate Amendment 1 modifies the provision regarding assistance following an accident. Under the amendment, a person in the business of towing, recovery, or repair of motor vehicles may not contract for retrieval, recovery, or removal from the scene of a traffic accident that is reportable, as described above, of any motor vehicle that has sustained damage unless the person *notifies, or* has been contacted by a law enforcement agency, *prior to retrieval, recovery, or removal of the vehicle*. The amendment deletes the requirement that a law enforcement officer be present or give prior approval before a vehicle may be retrieved, recovered, or removed.

The amendment deletes the provision of the bill regarding when a person may assist an operator or occupant of a motor vehicle involved in an accident. Instead, the amendment provides that a person may not knowingly assist an operator or occupant of a motor vehicle involved in a reportable accident to flee the scene of the accident, except to provide medical assistance, unless the accident has, or the person is advised that the accident has, been reported to a law enforcement agency.

Legislative History

Senate Amendment 1 was offered by Senator Fitzgerald. On March 12, 2012, the Senate Committee on Judiciary, Utilities, Commerce and Government Operations voted unanimously to recommend adoption of the amendment and passage of the bill, as amended.

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