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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Senate Bill 410**

**Senate Amendment 1**

### 2023 SENATE BILL 410

The bill creates authority for a law enforcement officer to immediately impound a vehicle used in a traffic violation, if the officer arrests or issues a citation to a person for any of the following violations:

- A second or subsequent violation of operating without a license, except when a vehicle is operated by a person who holds an expired license that expired within three months of the violation.
- Operating while suspended, revoked, ordered out-of-service, or disqualified.
- Exceeding a speed restriction by more than 25 miles per hour.
- Failing to stop for an officer or fleeing or eluding an officer.
- Participating in any race or speed or endurance contest on a roadway.

The bill requires that the vehicle be impounded for 90 days, subject to other provisions specified in the bill. The bill allows an owner to request release at any time, and requires the law enforcement agency impounding the vehicle to release the vehicle upon the owner's request if the vehicle was not being operated with the owner's consent at the time of the violation. The bill also creates a procedure by which a person may petition the court for the vehicle's release based on allegations of improper impoundment or a right to immediate possession of the vehicle.

The bill further specifies certain court actions depending on whether, within 90 days of the traffic violation, the person is found guilty or not guilty of the violation. The bill also addresses costs incurred for impoundment and authorizes disposal of the vehicle under current law procedures if unclaimed after a certain period.

### SENATE AMENDMENT 1

Senate Amendment 1 modifies the bill as follows:

- Removes operating while suspended as a violation for which impoundment is authorized.
- Allows a city, village, town, or county to establish by ordinance an impoundment period that is less than 90 days for offenses occurring within the local jurisdiction, and modifies other procedural aspects of the bill to account for impoundment periods that may be less than 90 days pursuant to this authority.

### BILL HISTORY

Senator Jacque offered Senate Amendment 1 on October 16, 2023. On October 24, 2023, the Senate Committee on Judiciary and Public Safety recommended adoption of the amendment, and passage of the bill, as amended, on votes of Ayes, 6; Noes, 1.

For a full history of the bill, visit the Legislature's [bill history page](#).

AO:ksm