



1997 ASSEMBLY BILL 251

April 3, 1997 - Introduced by Representatives OTTE, KRUSICK, BAUMGART, LORGE, NOTESTEIN, LADWIG, KRUG and HAHN, cosponsored by Senators C. POTTER, ROSENZWEIG and PANZER. Referred to Committee on Highways and Transportation.

1 **AN ACT to create** 341.155 and 341.613 of the statutes; **relating to:** imposing
2 liability upon the owner of a vehicle for the improper display or use of a license
3 plate, registration sticker or other evidence of registration and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a vehicle without properly displaying any current license plate, registration sticker or other evidence of registration issued for the vehicle, unless operation of the vehicle is subject to a temporary operation permit or plate. A failure to properly display a license plate, registration sticker or other evidence of registration may result in a forfeiture of not more than \$200.

Also under current law, no person may alter the appearance of a license plate, registration sticker or other evidence of registration, or display a license plate, registration sticker or other evidence of registration on any vehicle except the vehicle for which the plate, sticker or other evidence of registration was issued. The penalty for a violation of any of these prohibitions is a forfeiture not to exceed \$500.

This bill imposes upon the owner of a vehicle liability for a violation of any of these prohibitions against the improper display or use of a license plate, registration sticker or other evidence of registration. Instead of pursuing a vehicle involved in a violation, a traffic officer may, within 72 hours, investigate the violation and prepare a traffic citation for the violation. Any traffic officer employed by the issuing authority may serve it upon the owner of the vehicle. Vehicle owner liability may

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result in a forfeiture not to exceed the amount that may be imposed on a person issued a citation for the offense at the time of the violation. The vehicle owner's operating privilege may not be suspended or revoked, and no demerit points may be recorded against the owner's driving record.

The vehicle owner has a defense to liability for the violation if the vehicle had been stolen at the time of the violation or, with respect to the offense of operating a vehicle failing to properly display a license plate, registration sticker or other evidence of registration, if the owner provides the traffic officer with the name and address of the person who was operating the vehicle or who had the vehicle under his or her control at the time of the violation and that person admits operating the vehicle or having the vehicle under his or her control at the time of the violation. With respect to those offenses that do not require vehicle operation, the vehicle owner has a defense to liability for the violation if the owner provides the traffic officer with the name and address of the person in possession of the vehicle at the time of the violation and that person admits to having the vehicle in his or her possession at the time of the violation. Lessors and dealers of vehicles have similar types of defenses.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 341.155 of the statutes is created to read:

2 **341.155 Vehicle owner's liability for failing to properly display**
3 **registration plates.** (1) The owner of a vehicle involved in a violation of any of the
4 provisions of s. 341.15 (3) shall be liable for the violation as provided in this section.

5 (2) A traffic officer may proceed under sub. (3) instead of pursuing the operator
6 of a motor vehicle involved in a violation of any of the provisions of s. 341.15 (3).

7 (3) (a) Within 72 hours after observing the violation, the traffic officer shall
8 investigate the violation and may prepare a uniform traffic citation under s. 345.11
9 for the violation and, within 96 hours after observing the violation, any traffic officer
10 employed by the authority issuing the citation may personally serve it upon the
11 owner of the vehicle.

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1 (b) If with reasonable diligence the owner cannot be served under par. (a),
2 service may be made by leaving a copy of the citation at the owner's usual place of
3 abode within this state in the presence of a competent member of the family at least
4 14 years of age, who shall be informed of the contents thereof. Service under this
5 paragraph may be made by any traffic officer employed by the authority issuing the
6 citation and shall be performed within 96 hours after the violation was observed.

7 (c) If with reasonable diligence the owner cannot be served under par. (a) or (b)
8 or if the owner lives outside of the jurisdiction of the issuing authority, service may
9 be made by certified mail addressed to the owner's last-known address. Service
10 under this paragraph shall be performed by posting the certified mail within 96
11 hours after the violation was observed.

12 (4) (a) Except as provided in par. (b), it is not a defense to a violation of any of
13 the provisions of s. 341.15 (3) that the owner of the vehicle was not in control of the
14 vehicle at the time of the violation.

15 (b) The following are defenses to a violation of any of the provisions of s. 341.15
16 (3):

17 1. That a report that the vehicle was stolen was given to a traffic officer before
18 the violation occurred or within a reasonable time after the violation occurred.

19 2. That the owner of the vehicle provides a traffic officer with the name and
20 address of the person operating the vehicle or having the vehicle under his or her
21 control at the time of the violation and the person so named admits operating the
22 vehicle or having the vehicle under his or her control at the time of the violation. In
23 such a case, that person and not the owner shall be charged with the violation.

24 3. That the vehicle is owned by a lessor of vehicles and at the time of the
25 violation the vehicle was in the possession of a lessee, and the lessor provides a traffic

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1 officer with the information required under s. 343.46 (3). In such a case, the lessee
2 and not the lessor shall be charged with the violation.

3 4. That the vehicle is owned by a dealer as defined in s. 340.01 (11) (intro.) but
4 including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the
5 violation the vehicle was under the control of a person on a trial run and the dealer
6 provides a traffic officer with the name, address and operator's license number of
7 that person. In such a case, that person and not the dealer shall be charged with the
8 violation.

9 (5) A vehicle owner or other person found liable under this section may be
10 required to forfeit not more than \$200. Imposition of liability under this section shall
11 not result in suspension or revocation of a person's operating license under s. 343.30,
12 nor shall it result in demerit points being recorded on a person's driving record under
13 s. 343.32 (2) (a).

14 **SECTION 2.** 341.613 of the statutes is created to read:

15 **341.613 Vehicle owner's liability for improper use of evidence of**
16 **registration.** (1) The owner of a vehicle involved in a violation of s. 341.61 (2) or
17 (3) shall be liable for the violation as provided in this section.

18 (2) A traffic officer may proceed under sub. (3) instead of pursuing an operator
19 of a motor vehicle involved in a violation of s. 341.61 (2) or (3).

20 (3) (a) Within 72 hours after observing the violation, the traffic officer shall
21 investigate the violation and may prepare a uniform traffic citation under s. 345.11
22 for the violation and, within 96 hours after observing the violation, any traffic officer
23 employed by the authority issuing the citation may personally serve it upon the
24 owner of the vehicle.

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1 (b) If with reasonable diligence the owner cannot be served under par. (a),
2 service may be made by leaving a copy of the citation at the owner's usual place of
3 abode within this state in the presence of a competent member of the family at least
4 14 years of age, who shall be informed of the contents thereof. Service under this
5 paragraph may be made by any traffic officer employed by the authority issuing the
6 citation and shall be performed within 96 hours after the violation was observed.

7 (c) If with reasonable diligence the owner cannot be served under par. (a) or (b)
8 or if the owner lives outside of the jurisdiction of the issuing authority, service may
9 be made by certified mail addressed to the owner's last-known address. Service
10 under this paragraph shall be performed by posting the certified mail within 96
11 hours after the violation was observed.

12 (4) (a) Except as provided in par. (b), it is not a defense to a violation of s. 341.61
13 (2) or (3) that the owner of the vehicle was not in possession or control of the vehicle
14 at the time of the violation.

15 (b) The following are defenses to a violation of s. 341.61 (2) or (3):

16 1. That a report that the vehicle was stolen was given to a traffic officer before
17 the violation occurred or within a reasonable time after the violation occurred.

18 2. That the vehicle was in the possession of another person at the time of the
19 violation, the owner of the vehicle provides a traffic officer with the name and address
20 of such person and the person so named admits having the vehicle in his or her
21 possession at the time of the violation. In such a case, that person and not the owner
22 shall be charged with the violation.

23 3. That the vehicle is owned by a lessor of vehicles and at the time of the
24 violation the vehicle was in the possession of a lessee, and the lessor provides a traffic

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1 officer with the information required under s. 343.46 (3). In such a case, the lessee
2 and not the lessor shall be charged with the violation.

3 4. That the vehicle is owned by a dealer as defined in s. 340.01 (11) (intro.) but
4 including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the
5 violation the vehicle was under the control of a person on a trial run and the dealer
6 provides a traffic officer with the name, address and operator's license number of
7 that person. In such a case, that person and not the dealer shall be charged with the
8 violation.

9 (5) A vehicle owner or other person found liable under this section may be
10 required to forfeit not more than \$500. Imposition of liability under this section shall
11 not result in suspension or revocation of a person's operating license under s. 343.30,
12 nor shall it result in demerit points being recorded on a person's driving record under
13 s. 343.32 (2) (a).

14 **SECTION 3. Initial applicability.**

15 (1) This act first applies to violations committed on the effective date of this
16 subsection.

17 (END)