



## 2005 ASSEMBLY BILL 240

March 16, 2005 – Introduced by Representatives ZEPNICK, HONADEL, AINSWORTH, BALLWEG, COLON, FRISKE, GIELOW, GOTTLIEB, GRIGSBY, HAHN, HINES, JESKEWITZ, MOLEPSKE, MUSSER, OTT, SEIDEL, SINICKI, STONE and TOWNSEND, cosponsored by Senators DARLING, CARPENTER, COGGS, KANAVAS, PLALE and STEPP. Referred to Committee on Transportation.

1     **AN ACT** *to repeal* 341.65 (2) (c) and 341.65 (2) (e) 2.; *to renumber* 341.65 (2) (e)  
2         1. a., b. and c.; *to consolidate, renumber and amend* 341.65 (2) (e) (intro.)  
3         and 1. (intro.); *to amend* 341.65 (1) (b), 341.65 (2) (b) and 885.237 (2); and *to*  
4         **create** 341.65 (1) (ar) of the statutes; **relating to:** the immobilization,  
5         impoundment, and disposal of unregistered motor vehicles.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, any city, village, or town (municipality) or any county may enact an ordinance prohibiting unregistered motor vehicles and providing for the immobilization, impoundment, and disposal of such vehicles. An “unregistered motor vehicle” is defined as any motor vehicle located upon a highway that is currently not registered and that reasonably appears to have been unregistered for at least 30 days. Current law provides that a person charged under a local ordinance with having an unregistered motor vehicle may not be convicted or subject to costs for immobilizing or impounding the vehicle if, at the time of the offense, the vehicle was exempt from registration in this state or a complete application for registration had already been submitted to the Department of Transportation (DOT).

This bill changes the definition of “unregistered motor vehicle” so that it applies to any motor vehicle that is located upon a highway, and that is not displaying valid license plates, a temporary operation plate, or, for vehicles registered with DOT on a quarterly or consecutive monthly basis, other evidence of registration for the vehicle’s current registration period or a registration period that expired the

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preceding month, rather than to a motor vehicle that is currently not registered and that reasonably appears to have been unregistered for at least 30 days. The bill eliminates the provision that specifies that a person may not be convicted of violating an ordinance or subject to immobilization or impoundment costs if, at the time of the offense, the vehicle was exempt from registration in this state or a complete registration application had already been submitted to DOT. Finally, the bill provides that parking enforcers who are employed by a municipality or county or the state may enforce such ordinances.

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

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

1           **SECTION 1.** 341.65 (1) (ar) of the statutes is created to read:

2           341.65 (1) (ar) "Parking enforcer" means a person who enforces nonmoving  
3 traffic violations and who is employed by any municipality or county or by the state.

4           **SECTION 2.** 341.65 (1) (b) of the statutes is amended to read:

5           341.65 (1) (b) "Unregistered motor vehicle" means any motor vehicle that is not  
6 currently registered and that is located upon a highway for such time and under such  
7 circumstances as to cause the motor vehicle to reasonably appear to have been  
8 unregistered for not less than 30 days and that is not displaying valid registration  
9 plates, a temporary operation plate, or other evidence of registration as provided  
10 under s. 341.18 (1) for the vehicle's current registration period or for a registration  
11 period for the vehicle that expired within the immediately preceding 31 days.

12           **SECTION 3.** 341.65 (2) (b) of the statutes is amended to read:

13           341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county  
14 traffic patrolman, state traffic officer or, conservation warden, or parking enforcer  
15 who discovers any unregistered motor vehicle located upon any highway may cause  
16 the motor vehicle to be immobilized with an immobilization device or removed to a  
17 suitable place of impoundment. Upon immobilization or removal of the motor

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1 vehicle, the officer ~~or~~, warden, or parking enforcer shall notify the sheriff or chief of  
2 police of the location of the immobilized or impounded motor vehicle and the reason  
3 for the immobilization or impoundment. Upon causing the removal of the motor  
4 vehicle by a towing service, the officer ~~or~~, warden, or parking enforcer shall, within  
5 24 hours of ordering the removal, notify the towing service of the name and  
6 last-known address of the registered owner and all lienholders of record of the  
7 vehicle, unless the officer or parking enforcer is employed by a municipality or county  
8 that has entered into a towing services agreement which requires the municipality  
9 or county to provide notice to such owner and lienholders of the towing.

10 **SECTION 4.** 341.65 (2) (c) of the statutes is repealed.

11 **SECTION 5.** 341.65 (2) (e) (intro.) and 1. (intro.) of the statutes are consolidated,  
12 renumbered 341.65 (2) (e) (intro.) and amended to read:

13 341.65 (2) (e) (intro.) Notwithstanding par. (g), the owner of an unregistered  
14 motor vehicle that is immobilized with an immobilization device or impounded under  
15 this subsection may secure release of the motor vehicle by ~~doing any of the following:~~

16 ~~1. Paying paying any forfeiture imposed for violation of the municipal or county~~  
17 ~~ordinance and the reasonable costs of immobilizing or impounding the motor vehicle~~  
18 ~~or both, and providing satisfactory evidence of one of the following:~~

19 **SECTION 6.** 341.65 (2) (e) 1. a., b. and c. of the statutes are renumbered 341.65  
20 (2) (e) 1m., 2m. and 3m.

21 **SECTION 7.** 341.65 (2) (e) 2. of the statutes is repealed.

22 **SECTION 8.** 885.237 (2) of the statutes is amended to read:

23 885.237 (2) Notwithstanding s. 341.04, the fact that an automobile or motor  
24 truck having a registered weight of 8,000 pounds or less is located on a highway, as  
25 defined in s. 340.01 (22), and is not displaying valid registration plates, a temporary

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1 operation plate or other evidence of registration as provided under s. 341.18 (1) is  
2 prima facie evidence, for purposes of ch. 341, that the vehicle is an unregistered or  
3 improperly registered vehicle. This subsection does not apply to violations of  
4 ordinances enacted under s. 341.65, but this subsection does apply to violations of  
5 ordinances enacted under s. 341.65, 2003 stats.

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(END)