



2003 ASSEMBLY BILL 589

October 15, 2003 – Introduced by Representatives ZEPNICK, COGGS, OTT, SINICKI, TAYLOR and WEBER. 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.

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 located upon a highway 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, rather than to a motor vehicle that is currently not registered and which reasonably appears to

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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 or under contract with 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.

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 or, for such purpose, under contract with a municipality or county or the state.

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

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

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.

4 **SECTION 4.** 341.65 (2) (c) of the statutes is repealed.

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

7 341.65 (2) (e) (intro.) Notwithstanding par. (g), the owner of an unregistered
8 motor vehicle that is immobilized with an immobilization device or impounded under
9 this subsection may secure release of the motor vehicle by ~~doing any of the following:~~

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

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

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 of the statutes is repealed.

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

17 885.237 (2) Notwithstanding s. 341.04, the fact that an automobile or motor
18 truck having a registered weight of 8,000 pounds or less is located on a highway, as
19 defined in s. 340.01 (22), and is not displaying valid registration plates, a temporary
20 operation plate or other evidence of registration as provided under s. 341.18 (1) is
21 prima facie evidence, for purposes of ch. 341, that the vehicle is an unregistered or
22 improperly registered vehicle. This subsection does not apply to violations of
23 ordinances enacted under s. 341.65, but this subsection does apply to violations of
24 ordinances enacted under s. 341.65, 2001 stats.

25 (END)