



1997 SENATE BILL 483

March 4, 1998 - Introduced by Senators GROBSCHMIDT, FARROW, BURKE, FITZGERALD, ROSENZWEIG, DRZEWIECKI and HUELSMAN, cosponsored by Representatives WALKER, TURNER, M. LEHMAN, GOETSCH, MUSSER, VRAKAS, BRANDEMUEHL and L. YOUNG. Referred to Committee on Labor, Transportation and Financial Institutions.

1 **AN ACT to amend** 343.31 (3) (i), 343.31 (3) (j), 343.315 (2) (a) 3., 346.68, 346.74
2 (5) (intro.), 349.13 (3), 349.13 (5) (a), 351.02 (1) (a) 7., 938.17 (1) (intro.), 938.396
3 (3) and 949.03 (1) (c); and **to create** 346.67 (2) of the statutes; **relating to:**
4 removal of disabled vehicles, accident debris and other obstructions from
5 freeways and expressways and stopping after a motor vehicle accident.

Analysis by the Legislative Reference Bureau

Current law authorizes a traffic officer who finds a vehicle illegally stopped upon a highway to remove, or to order the removal of, the vehicle from the highway. A disabled vehicle is not considered illegally stopped, and may be removed or ordered removed from a highway, only if the highway is an interstate highway, limited access highway or expressway located in a county having a population of 500,000 or more. This bill authorizes a traffic officer who finds a disabled vehicle stopped upon a freeway or expressway to remove or to order the removal of the vehicle from the freeway or expressway, regardless of the county's population.

With exceptions, the bill provides a person who removes or stores a disabled vehicle, accident debris or other object that obstructs the traveled lanes of a freeway or expressway with immunity from civil liability for loss or damage caused by the removal or storage. This immunity is currently available only to a traffic officer or other person who, at the direction of a traffic officer, removes or stores an obstructing vehicle.

Current law also requires the driver of a vehicle involved in an accident that causes injury or death to a person, or damage to a vehicle, to immediately stop his

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or her vehicle as close as possible to the scene of the accident to identify himself or herself and, if necessary, to render assistance to an injured person. This bill requires that any such stop be made without obstructing traffic more than is necessary.

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.** 343.31 (3) (i) of the statutes is amended to read:

2 343.31 (3) (i) If a person is convicted for a violation of s. 346.67 (1) where the
3 accident involved great bodily harm, the period of revocation is 2 years.

4 **SECTION 2.** 343.31 (3) (j) of the statutes is amended to read:

5 343.31 (3) (j) If a person is convicted for a violation of s. 346.67 (1) where the
6 accident involved death, the period of revocation is 5 years.

7 **SECTION 3.** 343.315 (2) (a) 3. of the statutes is amended to read:

8 343.315 (2) (a) 3. Section 346.67 (1), 346.68 or 346.69 or a local ordinance in
9 conformity therewith or a law of a federally recognized American Indian tribe or
10 band in this state in conformity with s. 346.67 (1), 346.68 or 346.69 or the law of
11 another jurisdiction prohibiting leaving the scene of an accident involving a motor
12 vehicle driven or operated by the person, as those or substantially similar terms are
13 used in that jurisdiction's laws.

14 **SECTION 4.** 346.67 (2) of the statutes is created to read:

15 346.67 (2) Any stop required under sub. (1) shall be made without obstructing
16 traffic more than is necessary.

17 **SECTION 5.** 346.68 of the statutes is amended to read:

18 **346.68 Duty upon striking unattended vehicle.** The operator of any
19 vehicle which collides with any vehicle which is unattended shall immediately stop

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1 and ~~shall then and there~~ either locate and notify the operator or owner of such vehicle
2 of the name and address of the operator and owner of the vehicle striking the
3 unattended vehicle or ~~shall~~ leave in a conspicuous place in the vehicle struck, a
4 written notice giving the name and address of the operator and of the owner of the
5 vehicle doing the striking and a statement of the circumstances thereof. Any such
6 stop shall be made without obstructing traffic more than is necessary.

7 **SECTION 6.** 346.74 (5) (intro.) of the statutes is amended to read:

8 346.74 (5) (intro.) Any person violating any provision of s. 346.67 (1):

9 **SECTION 7.** 349.13 (3) of the statutes is amended to read:

10 349.13 (3) Whenever any traffic officer finds a vehicle standing upon a highway
11 in violation of a prohibition, limitation or restriction on stopping, standing or parking
12 imposed under ch. 346 or this section, or a disabled vehicle that obstructs the
13 roadway of a freeway or expressway, as defined in s. 346.57 (1) (ag), the traffic officer
14 is authorized to move the vehicle or to require the operator in charge thereof to move
15 the vehicle to a position where parking is permitted or to either private or public
16 parking or storage premises. The removal may be performed by, or under the
17 direction of, the traffic officer or may be contracted for by local authorities. Any
18 charges for removal shall be regulated by local ordinance. The operator or owner of
19 the vehicle removed shall pay the reasonable charges for moving or towing or any
20 storage involved based upon the ordinance.

21 **SECTION 8.** 349.13 (5) (a) of the statutes is amended to read:

22 349.13 (5) (a) No person, who removes or stores a vehicle under subs. (3) to (4)
23 or otherwise at the request of a law enforcement officer, and no person who removes
24 or stores a disabled vehicle, accident debris or other object that obstructs the
25 roadway of a freeway or expressway, as defined in s. 346.57 (1) (ag), may incur any

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1 civil liability for the act, except for civil liability for failure to exercise reasonable care
2 in the performance of the act or for conduct that is willful, wanton or malicious.

3 **SECTION 9.** 351.02 (1) (a) 7. of the statutes is amended to read:

4 351.02 (1) (a) 7. Failure of the operator of a motor vehicle involved in an
5 accident to stop at or near the scene of the accident and report his or her identity
6 under s. 346.67 (1).

7 **SECTION 10.** 938.17 (1) (intro.) of the statutes is amended to read:

8 938.17 (1) TRAFFIC, BOATING, SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.
9 (intro.) Except for ss. 342.06 (2) and 344.48 (1), and ss. 30.67 (1) and 346.67 (1) when
10 death or injury occurs, courts of criminal and civil jurisdiction shall have exclusive
11 jurisdiction in proceedings against juveniles 16 or older for violations of s. 23.33, of
12 ss. 30.50 to 30.80, of chs. 341 to 351, and of traffic regulations as defined in s. 345.20
13 and nonmoving traffic violations as defined in s. 345.28 (1). A juvenile charged with
14 a traffic, boating, snowmobile or all-terrain vehicle offense in a court of criminal or
15 civil jurisdiction shall be treated as an adult before the trial of the proceeding except
16 that the juvenile may be held in secure custody only in a secure detention facility.
17 A juvenile convicted of a traffic, boating, snowmobile or all-terrain vehicle offense
18 in a court of criminal or civil jurisdiction shall be treated as an adult for sentencing
19 purposes except as follows:

20 **SECTION 11.** 938.396 (3) of the statutes is amended to read:

21 938.396 (3) This section does not apply to proceedings for violations of chs. 340
22 to 349 and 351 or any county or municipal ordinance enacted under ch. 349, except
23 that this section does apply to proceedings for violations of ss. 342.06 (2) and 344.48
24 (1), and ss. 30.67 (1) and 346.67 (1) when death or injury occurs.

25 **SECTION 12.** 949.03 (1) (c) of the statutes is amended to read:

