

# State of Wisconsin



2011 Senate Bill 478

Date of enactment: April 6, 2012  
Date of publication\*: April 19, 2012

## 2011 WISCONSIN ACT 256

AN ACT *to amend* 346.70 (title), 346.70 (1), 346.70 (3) and 346.74 (2); and *to create* 343.32 (2) (bk), 346.70 (1m), 346.74 (2g) and 346.74 (2r) of the statutes; **relating to:** giving notice of, and providing assistance after, a motor vehicle accident and providing a penalty.

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

**SECTION 1.** 343.32 (2) (bk) of the statutes is created to read:

343.32 (2) (bk) The scale adopted by the secretary shall assess, for each conviction, 6 demerit points for a violation of s. 346.70 (1) by the operator of a vehicle.

**SECTION 2.** 346.70 (title) of the statutes is amended to read:

**346.70 (title) Duty to report accident; assistance following accident.**

**SECTION 3.** 346.70 (1) of the statutes is amended to read:

346.70 (1) IMMEDIATE NOTICE OF ACCIDENT. The operator or occupant of a vehicle involved in an accident resulting in injury to or death of any person, any damage to state or other government-owned property, except a state or other government-owned vehicle, to an apparent extent of \$200 or more, or total damage to property owned by any one person or to a state or other government-owned vehicle to an apparent extent of \$1,000 or more shall immediately by the quickest means of communication give notice of such accident to the police department, the sheriff's department or the traffic department of the county or municipality in which the accident occurred or to a state traffic patrol officer. In this

subsection, "injury" means injury to a person of a physical nature resulting in death or the need of first aid or attention by a physician or surgeon, whether or not first aid or medical or surgical treatment was actually received; "total damage to property owned by one person" means the sum total cost of putting the property damaged in the condition it was before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing such property. For purposes of this subsection if any property which is damaged is held in a form of joint or multiple ownership, the property shall be considered to be owned by one person.

**SECTION 4.** 346.70 (1m) of the statutes is created to read:

346.70 (1m) LAW ENFORCEMENT CONTACT AND INVOLVEMENT FOLLOWING AN ACCIDENT. (a) 1. No person in the business of towing, recovery, or repair of motor vehicles may contract for retrieval, recovery, or removal from the scene of a traffic accident described in sub. (1) of any motor vehicle that has sustained damage unless the person notifies, or has been contacted by, a law enforcement agency prior to retrieval, recovery, or removal of the vehicle.

2. This paragraph does not apply with respect to removal of a motor vehicle from the roadway at the scene of an accident if such removal is necessary to avoid imminent danger to motorists or other persons.

\* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(b) No person may knowingly assist an operator or occupant of a motor vehicle involved in an accident as described in sub. (1) to flee the scene of the accident unless the accident has, or the person is advised that the accident has, first been reported to a law enforcement agency, except to provide medical assistance.

**SECTION 5.** 346.70 (3) of the statutes is amended to read:

346.70 (3) **WHO TO REPORT WHEN OPERATOR UNABLE.** Whenever the operator of a vehicle is physically incapable of giving the notice and making the report required by subs. (1) and (2), the owner of the vehicle involved in the accident shall give the notice and make the report required by subs. (1) and (2). If the owner of the vehicle is physically or mentally incapable of ~~giving the notice and making the report required by subs. (1) and sub. (2),~~ and if there was another occupant in the vehicle at the time of the accident capable of ~~giving the notice and making the report,~~ the occupant shall ~~give the notice and make the report.~~

**SECTION 6.** 346.74 (2) of the statutes is amended to read:

346.74 (2) Any person violating s. 346.70 (1), (2) or (3), 346.71 or 346.73 may be required to forfeit not less

than \$40 nor more than \$200 for the first offense and may be required to forfeit not less than \$100 nor more than \$500 for the 2nd or subsequent conviction within a year.

**SECTION 7.** 346.74 (2g) of the statutes is created to read:

346.74 (2g) Any operator of a vehicle, and any occupant of a vehicle who is at least 16 years of age, who violates s. 346.70 (1) may be required to forfeit not less than \$200 nor more than \$500 for the first offense and may be required to forfeit not less than \$300 nor more than \$500 for the 2nd or subsequent conviction within a year.

**SECTION 8.** 346.74 (2r) of the statutes is created to read:

346.74 (2r) Any person violating s. 346.70 (1m) may be required to forfeit not less than \$40 nor more than \$200.

**SECTION 9. Initial applicability.**

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

**SECTION 10. Effective date.**

(1) This act takes effect on the first day of the 4th month beginning after publication.