



2009 ASSEMBLY BILL 351

July 28, 2009 - Introduced by Representatives DAVIS, STASKUNAS, BALLWEG, BERCEAU, BROOKS, KERKMAN, KNODL, LEMAHIEU, LOTHIAN, MURTHA, NERISON, A. OTT, PASCH, PETERSEN, POCAN, RIPP, SMITH, SPANBAUER, STRACHOTA, SUDER, TOWNSEND, VOS and GUNDERSON, cosponsored by Senators ERPENBACH, KEDZIE, DARLING, GROTHMAN, A. LASEE and LASSA. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 346.66; and *to create* 346.66 (2) of the
2 statutes; **relating to:** the duty to stop at the scene of, and to report, a motor
3 vehicle accident.

Analysis by the Legislative Reference Bureau

Under current law, if an operator of a vehicle has an accident resulting in personal injury or vehicle damage, the operator must immediately stop the vehicle at or near the scene of the accident, provide certain information, and render reasonable assistance to any injured person. If an operator of a vehicle has an accident with an unattended vehicle or with property on or adjacent to a highway, the operator must immediately stop and fulfill certain obligations to provide notice of the vehicle operator's identity. The operator of a vehicle involved in an accident resulting in injury or death to a person or damage to property in specified amounts must report the accident to law enforcement as soon as possible. These requirements are applicable not only on highways but also on premises, whether publicly or privately owned, that are held out for public vehicle use, provided by employers to employees for vehicle use, or provided to tenants of certain rental housing for vehicle use. However, these requirements do not apply to private parking areas at farms or single-family residences or to accidents involving only snowmobiles, all-terrain vehicles, or nonmotorized vehicles. A person who commits a failure-to-stop violation or who fails to report an accident for which a report is required is subject to varying penalties, and the owner of a vehicle involved in a failure-to-stop violation may also be subject to penalty as well.

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This bill specifies that these failure-to-stop requirements apply to the operator of a vehicle that, whether by operator intention or lack of control, departs a highway or any premises described above immediately prior to an accident if the accident does not occur on real property owned or leased by the operator. The bill also specifies that the accident reporting requirement and owner liability apply with respect to such an accident.

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.** 346.66 of the statutes is renumbered 346.66 (1) (a) and amended
2 to read:

3 346.66 (1) (a) In addition to being applicable upon highways, ss. 346.67 to
4 346.70 are applicable upon all premises held out to the public for use of their motor
5 vehicles, all premises provided by employers to employees for the use of their motor
6 vehicles, and all premises provided to tenants of rental housing in buildings of 4 or
7 more units for the use of their motor vehicles, whether such premises are publicly or
8 privately owned and whether or not a fee is charged for the use thereof. These
9 sections

10 (b) Except as provided in sub. (2), ss. 346.67 to 346.70 do not apply to private
11 parking areas at farms or single-family residences or.

12 (c) Sections 346.67 to 346.70 do not apply to accidents involving only
13 snowmobiles, all-terrain vehicles, or vehicles propelled by human power or drawn
14 by animals.

15 **SECTION 2.** 346.66 (2) of the statutes is created to read:

16 346.66 (2) (a) Sections 346.67, 346.68, and 346.69 apply to the operator of a
17 vehicle that, whether by operator intention or lack of control, departs a highway or

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1 premises described in sub. (1) (a) immediately prior to an accident if the accident does
2 not occur on real property owned or leased by the operator.

3 (b) Sections 346.675 and 346.70 apply to an accident described in par. (a).

4 **SECTION 3. Initial applicability.**

5 (1) This act first applies to accidents occurring on the effective date of this
6 subsection.

7 **SECTION 4. Effective date.**

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

10 (END)