

No. 116, S.]

[Published August 20, 1957.]

CHAPTER 545

AN ACT to repeal and recreate 344.15 (4); and to amend 344.14 (2) (a) and (b) and 346.70 (2), as created by chapter 260, laws of 1957 (Bill No. 99, S.); and to create 344.15 (5) and 344.48 (1) (c) of the statutes, relating to the filing of automobile accident reports and notices of automobile liability insurance with the motor vehicle department and related matters, the rule-making authority of that department, and providing a penalty.

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

SECTION 1. 344.14 (2) (a) and (b) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), are amended to read:

344.14 (2) (a) To the owner * * * of a motor vehicle involved in an accident if the owner had in effect at the time of the accident an automobile liability policy *or bond* with respect to such motor vehicle, which policy *or bond* complies with the requirements of s. 344.15 * * *.

(b) To the operator who is not the owner of the vehicle involved in the accident if *either the owner had in effect an automobile liability policy or bond applying to the operator's operation of the motor vehicle at the time of the accident or there was in effect at the time of the accident an automobile liability policy or bond with respect to * * * the operator's operation of motor vehicles not owned by him * * **, which policy or bond meets the requirements of s. 344.15.

SECTION 2. 344.15 (4) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), is repealed and recreated to read:

344.15 (4) After receipt of the report of an accident of the type specified in s. 344.12, the commissioner shall forward to the insurance company or surety company named therein, that portion of the report which pertains to an automobile liability policy or bond. The commissioner shall assume that an automobile liability policy or bond as described in this section was in effect and applied to both the owner and operator with respect to the accident unless the insurance company or surety company notifies the commissioner otherwise within 30 days from the mailing to the company of that portion of the report pertaining to the automobile liability policy or bond. Upon receipt of notice from the company that an automobile liability policy or bond was in effect as to the owner only, the operator only or was not in effect as to either of them, the commissioner shall within the remainder of the 60-day period specified in s. 344.13 (3) require the owner or operator or both, whichever is applicable, to deposit security pursuant to this chapter. As respects permission to operate the vehicle, the company may correct the report only if it files with the commissioner within the 30-day period specified in this subsection an affidavit signed by the owner stating that the operator did not have the owner's permission to operate the vehicle. Where the company's failure to notify the commissioner within 30 days of a correction in that portion of the report pertaining to an automobile liability policy or bond is caused by fraud, the company shall notify the commissioner of the correction within 30 days of the time the fraud is discovered.

SECTION 3. 344.15 (5) of the statutes is created to read:

344.15 (5) Nothing in this chapter shall be construed to impose any obligation not otherwise assumed by the insurance company or surety

company in its automobile liability policy or bond except that if no correction is made in the report within 30 days after it is mailed to the insurance company or surety company, the company, except in case of fraud, whenever such fraud may occur, is estopped from using as a defense to its liability the insured's failure to give permission to the operator or a violation of the purposes of use specified in the automobile liability policy or bond or the use of the vehicle beyond agreed geographical limits.

SECTION 4. 344.48 (1) (c) of the statutes is created to read:

344.48 (1) (c) Sign or file the affidavit mentioned in s. 344.15 (4), knowing that it contains a false statement.

SECTION 5. 346.70 (2) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), is amended to read:

346.70 (2) Within 10 days after an accident of the type described in sub. (1), the operator of a vehicle involved in such accident shall forward a written report of the accident to the motor vehicle department. Any occupant or owner of the vehicle or witness of the accident shall make written reports to the department when and if required to do so by the department. Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available, *including information sufficient to enable the department to determine whether the requirements for deposit of security under s. 344.14 are inapplicable by reason of the existence of insurance or other exceptions specified in ch. 344.*

SECTION 6. This act shall take effect on the effective date of chapter 260, laws of 1957 (Bill No. 99, S.).

Approved August 7, 1957.
