



1995 SENATE BILL 116

March 15, 1995 - Introduced by Senators BURKE, ADELMAN, CHVALA, MOEN and PLEWA, cosponsored by Representatives RILEY, BALDUS, BOCK, BOYLE, CARPENTER, CULLEN, GROBSCHMIDT, HASENOHRL, LA FAVE, MORRIS-TATUM, PLACHE and TURNER. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 **AN ACT to amend** 15.465 (title); and **to create** 15.07 (1) (b) 21., 15.465 (1g),
2 20.145 (1) (k), 20.396, 25.17 (1) (kb), 25.39, 342.45 and 601.57 of the statutes;
3 **relating to:** motor vehicle theft prevention, creating a motor vehicle theft
4 prevention board, establishing a motor vehicle insurer assessment to fund a
5 motor vehicle theft prevention program, granting rule-making authority and
6 making appropriations.

Analysis by the Legislative Reference Bureau

This bill creates a 7-member motor vehicle theft prevention board (board) to develop, coordinate and promote statewide activities relating to the prevention of motor vehicle thefts and, in particular, economic motor vehicle thefts (thefts for private financial gain). The board membership consists of 2 members each representing motor vehicle insurance purchasers, motor vehicle insurers and law enforcement, and one member representing district attorneys.

The bill establishes a motor vehicle theft prevention program administered by the board. Under the program, the board is required to assess the scope of the problem of motor vehicle thefts in this state, develop various statewide plans and strategies relating to motor vehicle theft prevention, award grants and fund other motor vehicle anti-theft activities. The board may fund training programs in the investigation of motor vehicle thefts, including economic motor vehicle thefts, and may certify persons who successfully complete a training program. Grants may be awarded for programs designed to reduce the incidence of economic motor vehicle theft and to local law enforcement agencies for economic motor vehicle theft enforcement team projects. The board may conduct educational programs and provide equipment for pilot projects relating to motor vehicle theft prevention.

The bill also requires the board to establish a 24-hour, statewide, toll-free telephone hotline for persons to call regarding suspected motor vehicle thefts. The

board may pay up to a \$1,000 reward for a tip that leads to the arrest and conviction of a person for motor vehicle theft.

The bill creates a motor vehicle theft prevention fund to provide funding for the activities of the board. The fund consists of assessments collected by the office of the commissioner of insurance from insurers issuing or delivering motor vehicle insurance policies covering risks in this state. The commissioner of insurance is required to assess annually, ending in 2000, one dollar for each insured motor vehicle that is not a commercial motor vehicle.

The bill sunsets the motor vehicle theft prevention board and its motor vehicle anti-theft activities on June 30, 2001. Assessments from insurers that are not used by the board before its sunset must be refunded to insurers by the commissioner of insurance.

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.** 15.07 (1) (b) 21. of the statutes is created to read:

2 15.07 (1) (b) 21. Motor vehicle theft prevention board.

3 **SECTION 2.** 15.465 (title) of the statutes is amended to read:

4 **15.465** (title) **Same; attached boards boards.**

5 **SECTION 3.** 15.465 (1g) of the statutes is created to read:

6 15.465 (1g) MOTOR VEHICLE THEFT PREVENTION BOARD. (a) There is created a
7 motor vehicle theft prevention board, which is attached to the department of
8 transportation under s. 15.03. The board shall consist of the following members
9 appointed for 3-year terms:

10 1. Two representatives of purchasers of motor vehicle insurance.

11 2. Two representatives of motor vehicle insurers.

12 3. Two representatives of law enforcement.

13 4. One representative of district attorneys.

14 (b) This subsection does not apply after June 30, 2001.

15 **SECTION 4.** 20.145 (1) (k) of the statutes is created to read:

1 20.145 (1) (k) *Motor vehicle theft prevention assessments.* All moneys
2 transferred from the appropriation account under s. 20.396 (1) (q) to be refunded to
3 motor vehicle insurers as provided in s. 601.57 (2).

4 **SECTION 5.** 20.396 of the statutes is created to read:

5 **20.396 Motor vehicle theft prevention board.** There is appropriated to the
6 motor vehicle theft prevention board for the following program:

7 (1) MOTOR VEHICLE THEFT PREVENTION. (h) *Gifts and grants.* All moneys
8 received from gifts, grants, bequests and devises to carry out the purposes for which
9 made.

10 (m) *Federal funds.* All moneys received from the federal government for motor
11 vehicle anti-theft activities, as authorized by the governor under s. 16.54, for the
12 purposes for which made and received.

13 (q) *General program operations.* From the motor vehicle theft prevention fund,
14 all moneys received from payments of assessments under s. 601.57 (1) to fund the
15 activities of the motor vehicle theft prevention board under s. 342.45. On June 30,
16 2001, the unencumbered balance, if any, in this appropriation shall be transferred
17 to the appropriation account under s. 20.145 (1) (k).

18 **SECTION 6.** 25.17 (1) (kb) of the statutes is created to read:

19 25.17 (1) (kb) Motor vehicle theft prevention fund (s. 25.39), before July 1, 2001;

20 **SECTION 7.** 25.39 of the statutes is created to read:

21 **25.39 Motor vehicle theft prevention fund.** (1) There is established a
22 separate nonlapsible trust fund designated as the motor vehicle theft prevention
23 fund, to consist of the assessments for motor vehicle theft prevention imposed under
24 s. 601.57 (1).

25 (2) This section does not apply after June 30, 2001.

1 **SECTION 8.** 342.45 of the statutes is created to read:

2 **342.45 Motor vehicle theft prevention board. (1)** In this section:

3 (a) “Board” means the motor vehicle theft prevention board.

4 (b) “Economic motor vehicle theft” means motor vehicle theft for private
5 financial gain.

6 (c) “Jail officer” has the meaning given in s. 165.85 (2) (bn).

7 (d) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

8 **(2)** The motor vehicle theft prevention board is responsible for the development
9 and coordination of statewide activities relating to the prevention of motor vehicle
10 thefts and, in particular, economic motor vehicle thefts. The board shall establish
11 a motor vehicle theft prevention program that does all of the following:

12 (a) Assesses the scope of the problem of motor vehicle theft in this state,
13 including particular areas where motor vehicle theft is most severe.

14 (b) Develops statewide plans and strategies to combat motor vehicle theft and
15 economic motor vehicle theft, including plans and strategies relating to
16 intergovernmental coordination of policies, programs and methods of combating
17 such thefts.

18 (c) Develops statewide plans and strategies to improve the administration of
19 motor vehicle theft laws.

20 (d) Coordinates the development and implementation of plans and strategies
21 relating to intergovernmental cooperation with respect to motor vehicle theft law
22 enforcement.

23 (e) Funds activities under sub. (4) according to a priority system developed by
24 the board.

1 (f) If sufficient funds are available, matches federal funds received for motor
2 vehicle anti-theft activities.

3 **(3)** (a) The board shall designate and maintain a 24-hour statewide toll-free
4 telephone number for persons to anonymously provide tips regarding suspected
5 motor vehicle thefts.

6 (b) The board shall administer a reward payment program. Under the
7 program, the board may offer and pay rewards from the appropriation under s.
8 20.396 (1) (q) for information under par. (a) leading to the arrest and conviction of a
9 person for motor vehicle theft. A reward may not exceed \$1,000 for the arrest and
10 conviction of any one person. The board may not make any reward payment to a law
11 enforcement officer, jail officer, or member or employe of the board.

12 (c) If a reward is claimed, the board shall make the final determination
13 regarding any payment. The board may pay portions of a reward to 2 or more
14 persons. The payment of a reward is not subject to a contested case proceeding under
15 ch. 227. The offer of a reward under par. (b) does not create any liability on the board
16 or the state.

17 (d) The board may withhold any record under this subsection from inspection
18 or copying under s. 19.35.

19 **(4)** From the appropriation under s. 20.396 (1) (q), the board may do any of the
20 following:

21 (a) Create motor vehicle theft prevention teams consisting of law enforcement
22 officers to conduct training programs in the investigation of motor vehicle theft and
23 economic motor vehicle theft. The board shall provide certification for persons who
24 have successfully completed a training program approved by the board.

1 (b) Conduct educational programs designed to inform the owners of motor
2 vehicles of methods for preventing motor vehicle theft.

3 (c) Provide equipment for pilot projects designed to enable owners of motor
4 vehicles to prevent theft of their motor vehicles.

5 (d) Award grants to local law enforcement agencies for economic motor vehicle
6 theft enforcement team projects. Any grant awarded under this paragraph shall
7 include funds for equipment necessary for operation of the economic motor vehicle
8 theft enforcement team.

9 (e) Award grants to state and local law enforcement agencies for programs
10 designed to reduce the incidence of economic motor vehicle theft and to improve the
11 administration of motor vehicle theft laws.

12 (f) Award grants to counties for programs by district attorneys designed to
13 reduce the incidence of economic motor vehicle theft and to improve the
14 administration of motor vehicle theft laws.

15 (g) Award grants to courts for programs designed to reduce the incidence of
16 economic motor vehicle theft and to improve the administration of motor vehicle
17 theft laws.

18 (h) Award grants to state and local law enforcement agencies for training
19 programs in the investigation of motor vehicle theft and economic motor vehicle
20 theft. The board shall provide certification for persons who have successfully
21 completed a training program approved by the board.

22 (i) Award grants to local community organizations and to businesses for
23 programs designed to reduce the incidence of economic motor vehicle theft.

24 **(5)** The board shall promulgate rules to implement and administer this section.

25 **(6)** This section does not apply after June 30, 2001.

1 **SECTION 9.** 601.57 of the statutes is created to read:

2 **601.57 Assessment for motor vehicle theft prevention. (1)** Annually on
3 or before April 1, ending with April 1, 2000, the commissioner shall assess each
4 insurer that issues or delivers a motor vehicle insurance policy covering risks in this
5 state an amount that equals, with respect to all motor vehicle insurance policies
6 covering risks in this state issued or delivered by the insurer, \$1 multiplied by the
7 insurer's total earned car years, as defined by the commissioner by rule, during the
8 preceding year. In computing the assessments, the commissioner shall exclude
9 motor vehicle insurance policies covering risks for commercial motor vehicles, as
10 defined in s. 340.01 (8). An insurer shall pay the assessment within 30 days after
11 receiving a statement of assessment from the commissioner. All moneys collected
12 from assessments under this subsection shall be deposited in the motor vehicle theft
13 prevention fund and credited to the appropriation under s. 20.396 (1) (q).

14 **(2)** As soon as practicable after the unencumbered balance, if any, in the
15 appropriation account under s. 20.396 (1) (q) is transferred to the appropriation
16 account under s. 20.145 (1) (k) on June 30, 2001, the commissioner shall refund the
17 total balance under s. 20.145 (1) (k) to motor vehicle insurers that paid assessments
18 under sub. (1) in the preceding year. The amount refunded, if any, to each such
19 insurer shall bear the same proportion to that total balance as the assessment paid
20 by that insurer under sub. (1) in the preceding year bears to the total assessments
21 paid in that year.

22 **SECTION 10.** Nonstatutory provisions. (1) **TERMS OF INITIAL MEMBERS OF MOTOR**
23 **VEHICLE THEFT PREVENTION BOARD.** Notwithstanding section 15.465 (1g) of the
24 statutes, as created by this act, the initial members of the motor vehicle theft
25 prevention board shall be appointed for the following terms:

