

1999 DRAFTING REQUEST

Bill

Received: **01/19/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Antonio Riley (608) 266-0645**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Alt. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PEN, ISR**

Pre Topic:

No specific pre topic given

Topic:

Vehicle owner liability for hit and run

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 02/18/99 fasttn 03/31/99	gilfokm 03/31/99		_____			S&L
/1			jfrantze 04/1/99	_____	lrb_docadmin 04/1/99	lrb_docadmin 04/22/99	

FE Sent For:

<END>

09-16-99
↪

1999 DRAFTING REQUEST

Bill

Received: **01/19/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Antonio Riley (608) 266-0645**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Alt. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PEN, ISR**

Pre Topic:

No specific pre topic given

Topic:

Vehicle owner liability for hit and run

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 02/18/99 fasttn 03/31/99	gilfokm 03/31/99		_____			S&L
/1			jfrantze 04/1/99	_____	lrb_docadmin 04/1/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 01/19/99

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Antonio Riley (608) 266-0645

By/Representing:

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Alt. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: PEN, ISR

Pre Topic:

No specific pre topic given

Topic:

Vehicle owner liability for hit and run

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	nilsepe	1-3-31-99 kmg	8/11	9/91			

FE Sent For:

<END>

-1854



State Representative Antonio Riley

TO: LRB drafting attorneys

FROM: State Representative Antonio Riley

DATE: January 13, 1999

RE: Drafting requests for amending s. 941.23 of the Wisconsin State Statutes

Memorandum

I am requesting several bills to be drafted on the behest of the City of Milwaukee and the Milwaukee Police Department.

Concealed Weapons:

Amend s. 941.23 of the Wisconsin State Statutes to make carrying a concealed firearm a Class E felony punishable by fine not to exceed \$10,000 or imprisonment not to exceed two years or both. The intent of this legislation is to discourage people from illegally carrying firearms, and reduce the number of deaths caused by firearms.

Hit and Run Accidents:

Creation of an owner responsibility law to enhance a police officer's ability to investigate hit and run accidents. A Hit and Run Task Force, established by the Milwaukee Police Department recommended a change to the state law whereby the owner of the vehicle involved in a hit and run accident, absent theft of a vehicle, is held responsible.

\$550
to R. Riley

Vehicle Registration:

Amend s. 341.08(2) of the Wisconsin State Statutes to include date of birth on an application for a vehicle registration. In addition amend s. 341.08(6) to prohibit registration of a vehicle to anyone investigations involving motor vehicles.

Identification Technicians:

Amend s. 970.03(12) to exempt Milwaukee Police Department Fingerprint experts from testifying at preliminary hearings, and allow reports certified by the Chief of Police or his or her designee on findings by Fingerprint experts to be admitted at the preliminary examination. This legislation would not require the expert to be called as a witness, which would save considerable amount of staff time and allow the Milwaukee Police Department greater flexibility in allocating personnel.



Please let me know how quickly you can finish these drafts. Of course, if you have any questions or problem, please give my office a call. The staff contact is Chris Gunst at x48481.

Thanks for your time and work.



Antonio P. Riley
State Representative
18TH Assembly District

###

11

1999

Date (time) needed

Thurs. 4/1
Noon (if poss.)

LRB - 1854 1 1

BILL

TNF: Kmg:

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the statutes; **relating to:** imposing vehicle owner liability for violations of certain traffic laws relating to accidents and providing penalties.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: **create** → **anal:** → **title:** → **head**

For the subheading [old =S], execute: **create** → **anal:** → **title:** → **sub**

For the sub-subheading [old =P], execute: **create** → **anal:** → **title:** → **sub-sub**

(Attached)

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

SECTION #



Section #. 346.01 (2) of the statutes is amended to read:

346.01 (2) In this chapter, notwithstanding s. 340.01 (42), "owner" means, with respect to a vehicle that is registered, or is required to be registered, by a lessee of the vehicle under ch. 341, the lessee of the vehicle for purposes of vehicle owner liability under ss. 346.175, 346.195, 346.205, 346.457, 346.465, 346.485, 346.505 (3) and 346.945.

History: 1997 a. 27.

346.735 ✓

SEC. —. CR; 346.735

346.735

relating to accidents

~~346.745~~ **Vehicle owner's liability for violating sections 346.67 to 346.69.**

(1) (a) The owner of a vehicle involved in a violation of any of the provisions of ss. 346.67 to 346.69 shall be presumed liable for the violation as provided in this section.

(b) Notwithstanding par. (a), no owner of a vehicle involved in a violation of any of the provisions of ss. 346.67 to 346.69 may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this section or under the applicable provision of ss. 346.67 to 346.69.

(2) A traffic officer may proceed under sub. (3) instead of stopping or pursuing the operator of a motor vehicle at the time of a violation of any of the provisions of ss. 346.67 to 346.69.

(3) (a) Within 72 hours after observing the violation, the traffic officer shall investigate the violation and may prepare a uniform traffic citation under s. 345.11 for the violation and, within 96 hours after observing the violation, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family at least 14 years of age, who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the authority issuing the citation and shall be performed within 96 hours after the violation was observed.

(c) If with reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service

1 under this paragraph shall be performed by posting the certified mail within 96
2 hours after the violation was observed.

3 (4) Defenses to the imposition of liability under this section include:

4 (a) That a report that the vehicle was stolen was given to a traffic officer before
5 the violation occurred or within a reasonable time after the violation occurred.

6 (b) If the owner of the vehicle provides a traffic officer employed by the author-
7 ity issuing the citation with the name and address of the person operating the vehicle
8 or having the vehicle under his or her control at the time of the violation and suffi-
9 cient information for the officer to determine that probable cause does not exist to
10 believe that the owner of the vehicle was operating the vehicle at the time of the viola-
11 tion, then the owner of the vehicle shall not be liable under this section or under the
12 applicable provision of ss. 346.67 to 346.69.

13 (c) If the vehicle is owned by a lessor of vehicles and at the time of the violation
14 the vehicle was in the possession of a lessee, and the lessor provides a traffic officer
15 employed by the authority issuing the citation with the information required under
16 s. 343.46 (3), then the lessee and not the lessor shall be liable under this section or
17 under the applicable provision of ss. 346.67 to 346.69.

18 (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but
19 including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the viola-
20 tion the vehicle was being operated by or was under the control of any person on a
21 trial run, and if the dealer provides a traffic officer employed by the authority issuing
22 the citation with the name, address and operator's license number of the person oper-
23 ating the vehicle, then that person, and not the dealer, shall be liable under this sec-
24 tion or under the applicable provision of ss. 346.67 to 346.69.

ASSEMBLY BILL 251

1 (b) If with reasonable diligence the owner cannot be served under par. (a),
 2 service may be made by leaving a copy of the citation at the owner's usual place of
 3 abode within this state in the presence of a competent member of the family at least
 4 14 years of age, who shall be informed of the contents thereof. Service under this
 5 paragraph may be made by any traffic officer employed by the authority issuing the
 6 citation and shall be performed within 96 hours after the violation was observed.

7 (c) If with reasonable diligence the owner cannot be served under par. (a) or (b)
 8 or if the owner lives outside of the jurisdiction of the issuing authority, service may
 9 be made by certified mail addressed to the owner's last-known address. Service
 10 under this paragraph shall be performed by posting the certified mail within 96
 11 hours after the violation was observed.

12 (4) (a) Except as provided in par. (b), it is not a defense to a violation of ~~§ 341.61~~
 13 ~~(2) or (3)~~ that the owner of the vehicle was not in possession or control of the vehicle
 14 at the time of the violation. *this section*

15 (b) The following are defenses to a violation of ~~§ 341.61 (2) or (3)~~:

16 1. That a report that the vehicle was stolen was given to a traffic officer before
 17 the violation occurred or within a reasonable time after the violation occurred.

18 2. That the vehicle was in the possession of another person at the time of the
 19 violation, the owner of the vehicle provides a traffic officer with the name and address
 20 of such person and the person so named admits having the vehicle in his or her
 21 possession at the time of the violation. In such a case, that person and not the owner
 22 shall be charged ~~with the violation~~. *under this section*

23 3. That the vehicle is owned by a lessor of vehicles and at the time of the
 24 violation the vehicle was in the possession of a lessee, and the lessor provides a traffic

ASSEMBLY BILL 251

Handwritten initials

1 officer with the information required under s. 343.46 (3). In such a case, the lessee
2 and not the lessor shall be charged ~~with the violation.~~

3 4. That the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but
4 including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the
5 violation the vehicle was under the control of a person on a trial run and the dealer
6 provides a traffic officer with the name, address and operator's license number of
7 that person. In such a case, that person and not the dealer shall be charged ~~with the~~
8 ~~violation.~~

*under
this
section*

9 ~~(5) A vehicle owner or other person found liable under this section may be
10 required to forfeit not more than \$500. Imposition of liability under this section shall
11 not result in suspension or revocation of a person's operating license under s. 343.30,
12 nor shall it result in demerit points being recorded on a person's driving record under
13 s. 343.32 (2) (a).~~

14 **SECTION 3. Initial applicability.**

15 ~~(1) This act first applies to violations committed on the effective date of this
16 subsection.~~

Handwritten initials

346.74(6)

Section #. ~~346.175(5)(a)~~ of the statutes is created to read:

346.74(6)

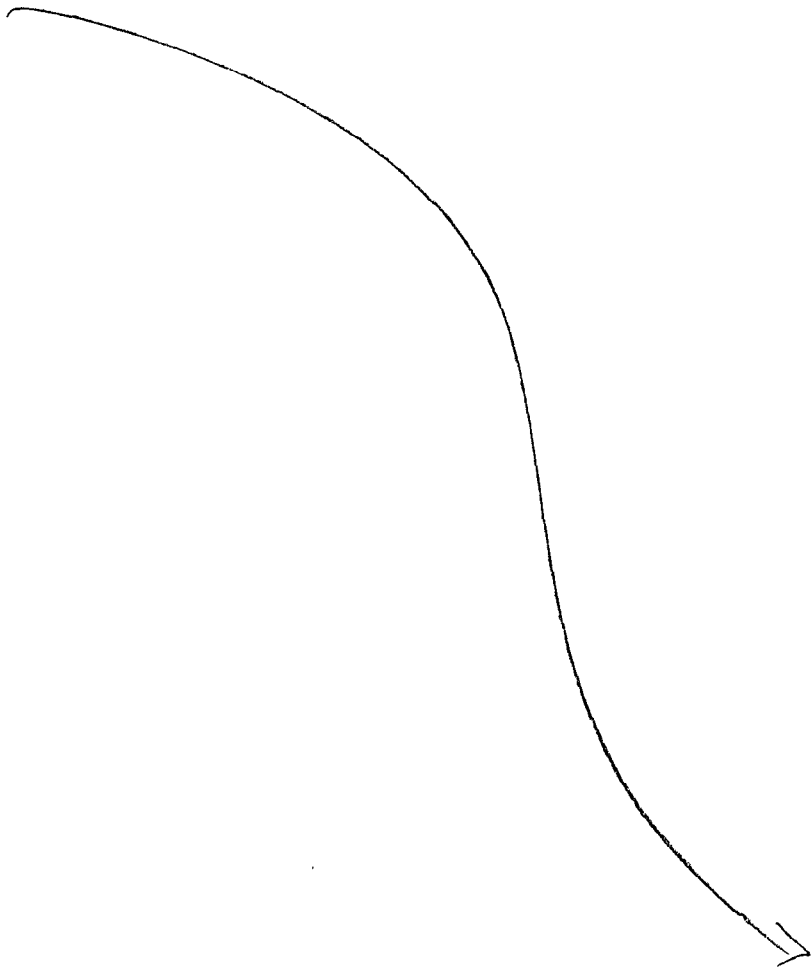
s. 346.735 ✓

~~346.175(5)~~ (a) A vehicle owner or other person found liable under ~~this section~~ for a violation of s. ~~346.04(2)~~ shall be required to forfeit not ~~less than \$300~~ or more than ~~\$1,000~~.

History: 1993 a. 189; 1997 a. 27.

\$500

346.67(1) ✓



~~Section #346.175(5)(a) of the statutes~~

(6)

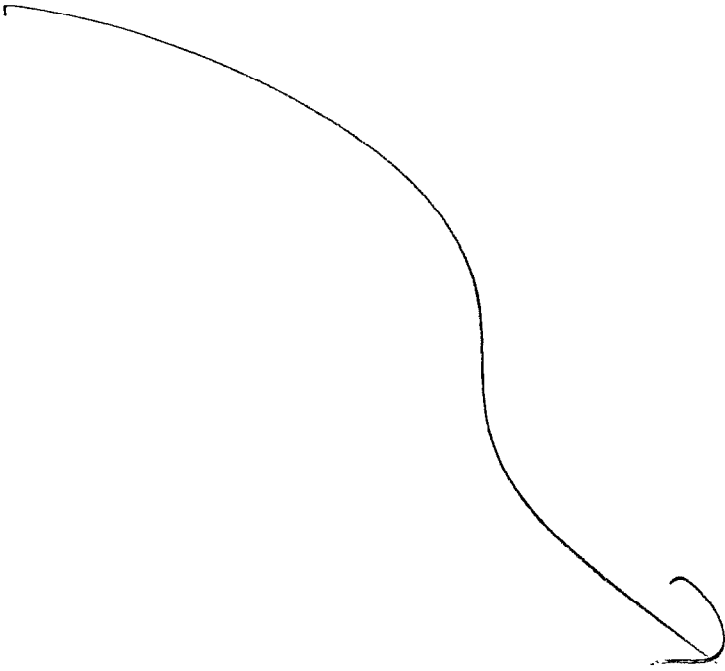
s. 346.735

~~346.175(5)(a)~~ A vehicle owner or other person found liable under ~~the section~~ for a violation of s. ~~346.04(2)~~ shall be required to forfeit not ~~less than \$300 or~~ more than ~~\$2,000~~.

History: 1993 a. 189; 1997 a. 27.

\$200

346.68 or
346.69 may



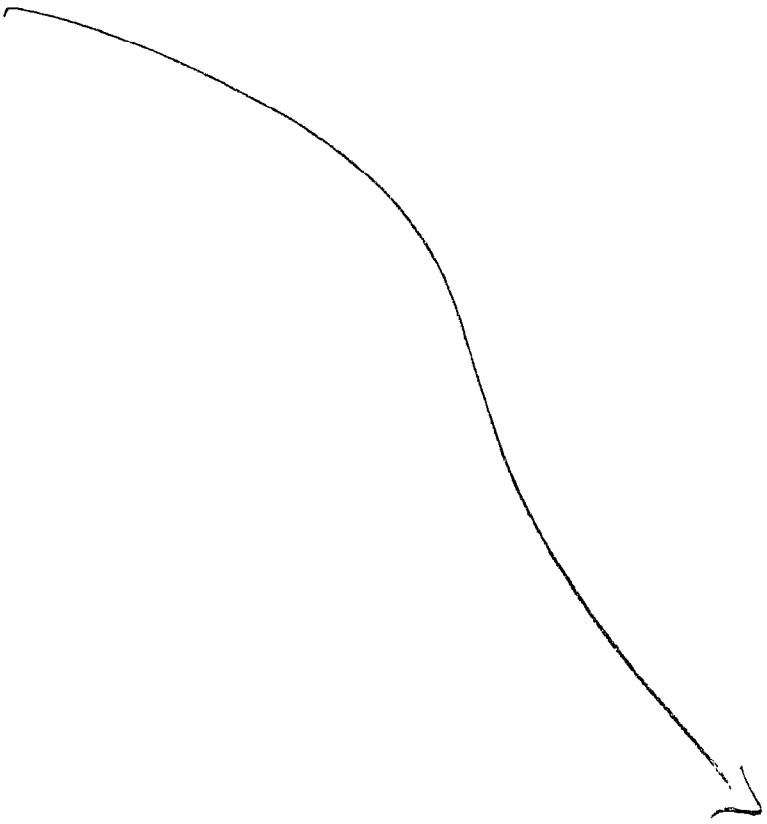
~~Section # 346.175 (5) (b) of the statutes.~~

(c)

s. 346.735

~~346.175 (5) (b)~~ Imposition of liability under ~~this section~~ shall not result in suspension or revocation of a person's operating license under s. 343.30 or 343.31, nor shall it result in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

History: 1993 a. 189; 1997 a. 27.



1999

Nonstat File Sequence: **EEE**

LRB 1854 / 1 / 1

TNF : : :

INITIAL APPLICABILITY

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → inappl

For the budget action phrase, execute: create → action: → *NS: → 93XX

For the text, execute: create → text: → *NS: → inappl

2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "___" or "()" only if a "frozen" number is needed.

SECTION # **[93** **].** Initial applicability;

(#1) ()

The treatment of sections ..

of the statutes

first applies to

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → inappl

For the text, execute: create → text: → *NS: → inapplA

2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "___" or "()" only if a "frozen" number is needed.

SECTION # AAA • Initial applicability;

(#1) AAA

This act first ap-

plies to ... accidents occurring on the effective date of this subsection.

(END)



Analysis

Under current law, the operator of a vehicle involved in an accident that causes injury or death to a person, or damage to ^{an attended or occupied} vehicle, ~~to~~ ^{must} immediately stop his 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. Current law also requires the operator of a vehicle that collides with an unattended vehicle to stop immediately and notify the owner or operator of the unattended vehicle of the accident. ^{or} The operator of a vehicle involved in an accident resulting only in damage to fixtures or other property on or adjacent to a highway ~~to~~ ^{must} take reasonable steps to notify the owner of the damaged property.

1997 ASSEMBLY BILL 251

April 3, 1997 – Introduced by Representatives OTTE, KRUSICK, BAUMGART, LORGE, NOTESTEIN, LADWIG, KRUG and HAHN, cosponsored by Senators C. POTTER, ROSENZWEIG and PANZER. Referred to Committee on Highways and Transportation.

1
2
3
4

AN ACT to create 341.155 and 341.613 of the statutes; **relating to:** imposing liability upon the owner of a vehicle for the improper display or use of a license plate, registration sticker or other evidence of registration and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a vehicle without properly displaying any current license plate, registration sticker or other evidence of registration issued for the vehicle, unless operation of the vehicle is subject to a temporary operation permit or plate. A failure to properly display a license plate, registration sticker or other evidence of registration may result in a forfeiture of not more than \$200.

Also under current law, no person may alter the appearance of a license plate, registration sticker or other evidence of registration, or display a license plate, registration sticker or other evidence of registration on any vehicle except the vehicle for which the plate, sticker or other evidence of registration was issued. The penalty for a violation of any of these prohibitions is a forfeiture not to exceed \$500.

This bill imposes upon the owner of a vehicle liability for a violation of any of these ~~prohibitions against the improper display or use of a license plate, registration sticker or other evidence of registration~~. Instead of pursuing a vehicle involved in a violation, a traffic officer may, within 72 hours, investigate the violation and prepare a traffic citation for the violation. Any traffic officer employed by the issuing authority may serve it upon the owner of the vehicle. Vehicle owner liability ~~may~~

provisions relating to accidents

with respect to an accident that causes injury or death to a person, or damage to an attended or occupied vehicle, results in a forfeiture of not more than \$500.

ASSEMBLY BILL 251

Vehicle owner liability relating to an accident involving an unattended vehicle or only property damage may

of result in a forfeiture) ~~not to exceed the amount that may be imposed on a person issued a citation for the offense at the time of the violation.~~ The vehicle owner's operating privilege may not be suspended or revoked, and no demerit points may be recorded against the owner's driving record.

More than \$200

for the imposition of vehicle owner liability created by this bill

The vehicle owner has a defense to liability for the violation if the vehicle had been stolen at the time of the violation or, ~~with respect to the offense of operating a vehicle failing to properly display a license plate, registration sticker or other evidence of registration,~~ if the owner provides the traffic officer with the name and address of the person who was operating the vehicle or who had the vehicle under his or her control at the time of the violation and that person admits operating the vehicle or having the vehicle under his or her control at the time of the violation. ~~With respect to those offenses that do not require vehicle operation, the vehicle owner has a defense to liability for the violation if the owner provides the traffic officer with the name and address of the person in possession of the vehicle at the time of the violation and that person admits to having the vehicle in his or her possession at the time of the violation.~~ Lessors and dealers of vehicles have similar types of defenses.

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
2
3
4
5
6
7
8
9
10
11

~~SECTION 1. 341.155 of the statutes is created to read:
341.155 Vehicle owner's liability for failing to properly display registration plates. (1) The owner of a vehicle involved in a violation of any of the provisions of s. 341.15 (3) shall be liable for the violation as provided in this section.
(2) A traffic officer may proceed under sub. (3) instead of pursuing the operator of a motor vehicle involved in a violation of any of the provisions of s. 341.15 (3).
(3) (a) Within 72 hours after observing the violation, the traffic officer shall investigate the violation and may prepare a uniform traffic citation under s. 345.11 for the violation and, within 96 hours after observing the violation, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.~~

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 4/1/99

To: Representative ~~██████████~~ ~~██████████~~

Send to: LEON YOUNG

Relating to LRB drafting number: LRB-1854

*per
Rep. Riley's
office.*

Topic

Vehicle owner liability for hit and run

Subject(s)

Transportation - motor vehicles

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Timothy N. Fast, Senior Legislative Attorney
Telephone: (608) 266-9739

