

1999 DRAFTING REQUEST

Bill

Received: 08/19/1999

Received By: isagerro

Wanted: As time permits

Identical to LRB:

For: Jeff Stone (608) 266-8590

By/Representing: Mike

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **PEN
TNF**

Pre Topic:

No specific pre topic given

Topic:

Liability for vehicle operators who cause accident and don't stop (hit and miss)

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>Reaured</u>
/1	isagerro 09/14/1999	chanaman 09/14/1999	martykr 09/15/1999	_____	lrb_docadmin 09/15/1999		
/2	isagerro 10/01/1999	chanaman 10/03/1999	mclark 10/03/1999	_____	lrb-docadmin 10/03/1999	lrb-docadmin 10/04/1999	

FE Sent For:

<END>

G Not Needed

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cmh
10/3
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mre
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mre/hmb
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<ENDS>

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I?	isagerro	cmh 1 9/14	Ym/14	JF 9/14 Ym/14			

FE Sent For:

<END>

* Mike, aide to Rep. Stone 8/19/99

- concerns from DA's office that there is no way to punish driver who leaves the scene of an accident ~~but who~~ after causing the accident but who does come into any contact w/ vehicles.

- require those who cause accident: Know they have caused accident - to stay at scene

- not a good samaritan law, just if you cause accident ~~then~~ you ^{are} responsible for accident

* Add (3) to 346.67

The req. of sub. (1) apply to the operator of a vehicle involved in an accident ... even if the operator's vehicle does not ~~it~~ make contact with ^{a person} ~~any other~~ vehicle

* [Reas. persons] ~~it would~~ could have been

Jeff Stone



**DISTRICT ATTORNEY
COUNTY OF DANE**

**DIANE M. NICKS
DISTRICT ATTORNEY**

**John R. Burr
First Assistant District Attorney**

June 17, 1999

Mr. R. J. Pirlot
Senior Legal Counsel
State Capitol Room 211-West
Post Office Box 8952
Madison, Wisconsin 53708-8952

Re: State of Wisconsin v. Paul Gorectke
'Case No. 98-CF-608

Dear Mr. Pirlot:

Please find enclosed a copy of the court decision that I discussed with you.

In short, under the current provisions of Chapter 346 of the Wisconsin Statutes, an individual who causes an automobile collision, knows that he or she has created the collision and is not a "contact" vehicle has no legal obligation to stop and render aid.

The ramifications of this are obviously intolerable. The law needs to be changed to provide that an individual who creates an accident and knows of the accident is under an obligation to stop and render aid whether or not the individual who causes the accident is a "contact" vehicle.

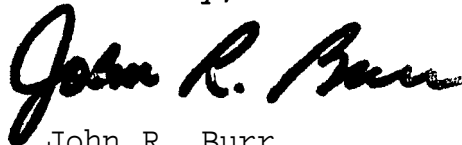
Mr. R. J. Pirlot
June 17, 1999
Page 2

I would be happy to discuss this situation with you further or with Speaker Jensen.

Obviously, the trial court is very much concerned. Judge Schwartz's comments beginning in the last paragraph of page 9 reflect the judiciary's concern.

I very much appreciate your looking at this.

Sincerely,

A handwritten signature in black ink that reads "John R. Burr". The signature is written in a cursive, slightly slanted style.

John R. Burr
First Assistant District Attorney

JRB:wms
Encl.

ADA Burr

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

99 MAY 18 - AM 8:39

STATE OF WISCONSIN,

Plaintiff, DANE COUNTY DISTRICT ATTORNEY

Decision and Order
98 CF 608

vs

PAUL W. GORECTKE,

Defendant.

This matter comes before the court on a Motion to Dismiss filed by the defendant on April 28, 1998. The defendant has been charged with six felonies arising from an automobile accident which took place on January 6, 1998. The first three counts are failures to stop and render aid charged under §346.67(1)(c), Stats. The next three are negligent operation of a vehicle charges filed under §§940.10, 346.62(3)-(4), and 346.65(3)-(5), Stats. The exact charges are set forth in the criminal information filed on April 7, 1998.¹ On April 6, 1998, before the information was filed, the defendant moved this court for dismissal of the criminal complaint in its entirety.² At that point, the complaint charged the defendant only with violations

¹ The information apparently added the three negligent operation of a vehicle charges, which did not appear on the original criminal complaint filed March 24, 1998. This court has determined that they are transactionally related.

² During the preliminary hearing, this court ruled on defendant's motions without the benefit of having the opportunity to research the law. At the time of the ruling, this court noted that the Motion to Dismiss had just been provided to the court at the onset of the hearing. See Preliminary Hearing transcript, April 7, 1998, pages 3-7 and 60-63.

of \$346.67, Stats. After the information was filed on April 7, adding three new charges, the defendant presented a renewed Motion to Dismiss the complaint and a Motion to Dismiss the information on April 28, 1998. Together, these motions ask for dismissal of all charges against the defendant.

FACTS

The incident for which the defendant was charged in this matter took place on January 6, 1998. The pertinent facts were fully developed at the preliminary hearing on April 13, 1998, and need not be repeated in their entirety for this decision. However, a brief synopsis is helpful. The evidence from the preliminary hearing, police reports, and criminal complaint, shows that on January 6, 1998, the defendant was driving on U.S. Highway 51 in Dane County, Wisconsin. While the defendant was looking at his dashboard (for approximately 30 seconds), his vehicle crossed the center line of the highway, and headed towards an oncoming van. The defendant swerved to the right to avoid the van and continued driving. The testimony demonstrated that the defendant's actions probably caused the sequence of events which led the van he had been heading towards to lose control, flip over, and come into contact with another vehicle. In the ensuing accident, the driver of the other vehicle was killed and the two occupants of the van were seriously injured. There is no dispute that the defendant's vehicle never made contact with any other vehicle.

DISCUSSION

As a preliminary matter, the defendant's motion to dismiss counts 4, 5 and 6 of the information shall be denied. While the defendant claims that those counts of the information are not

supported by the testimony at the preliminary hearing, this court finds sufficient evidence to demonstrate that the defendant negligently operated a motor vehicle. The mere fact that the defendant took his eyes off the road for a period of thirty seconds while traveling at 55 miles per hour is strong evidence of such negligence.³ It appears that his actions started a chain of events which resulted in the ensuing accident. Further, no argument has been presented in support of this part of the defendant's motions.⁴ For all of these reasons, counts 4, 5 and 6 will not be dismissed.

Defendant's arguments regarding counts 1, 2 and 3 present a singular issue for this court. In each count, the defendant is charged with a violation of §346.67, Stats., which reads:

346.67 Duty upon striking person or attended or occupied vehicle. (1) The operator of any vehicle involved in an accident resulting in injury to or death of any person or in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until the operator has fulfilled the following requirements:

(a) The operator shall give his or her name, address and the registration number of the vehicle he or she is driving to the person struck or to the operator or occupant of or person attending any person collided with; and

³ If true, these statistics would mean that the defendant's vehicle traveled 2420 feet while his eyes were off the road.

⁴ This matter was partially addressed by this court in a motion hearing on February 24, 1999. (Transcript, pp. 18-20). However, a final decision in written form is deemed appropriate.

(b) The operator shall, upon request and if available, exhibit his or her operator's license to the person struck or to the operator or occupant of or person attending any vehicle collided with; and

(c) The operator shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

As noted, it is uncontroverted that the defendant's vehicle never made contact with any other vehicle on the day in question. The defendant's Motion to Dismiss urges that a violation of 5346.67 requires physical contact between the vehicle driven by the defendant and another vehicle. Reluctantly, this court agrees.

The issue in this case is one of statutory interpretation. The Wisconsin Supreme Court has recently summarized the beginning process for statutory interpretation analysis:

The purpose of statutory interpretation is to discern the intent of the legislature. See State ex rel. Jacobus v. State, 208 Wis.2d 39, 47-48 (1997). To discern that intent, we first consider the language of the statute. If the language of the statute clearly and unambiguously sets forth the legislative intent, we apply that intent to the case at hand and do not look beyond the legislative language to ascertain its meaning. See Kelley Co., Inc. v. Marquardt, 172 Wis.2d 234, 247 (1992); see also UFE Inc. v. LIRC, 201 Wis.2d 274, 281-82 (1996).

Lincoln Savings Bank, S.A. v. Wisconsin Dept. of Revenue, 215 Wis.2d 430, 441 (1998). The initial question then is whether the statute is ambiguous. MCI Telecommunications Corp. v. State, 209 Wis.2d 310, 316 (1997). A statute is ambiguous when it is capable of being understood in two or more different senses by

reasonably well-informed persons. Wasner Mobil, Inc. v. City of Madison, 190 Wis.2d 585, 592 (1995). The "hallmark of ambiguity" is "the ability of a statute to support more than one reasonable interpretation." Harnischfeaeer Corn. v. LIRC, 196 Wis.2d 650, 662 (1995).

The defendant argues that §346.67, Stats. is clear on its face in requiring contact. He points out that the title of the section is "Duty upon **striking** person or attended or occupied vehicle." While a statutory heading is not part of the law,⁵ it can be persuasive in the interpretation of a statute. State v. White, 180 Wis.2d 203, 213 (Ct. App. 1993). The heading may also help in resolving ambiguities. Pulsfus Poultry Farms, Inc. v. Town of Leeds, 149 Wis.2d 797, 805-06 (1989). In this case, the title of the section clearly suggests that the duty established by the section arises when a striking has occurred.

The defendant also notes that sections 346.67 (1) (a) and (1) (b) both make reference to the person "struck" or the operator or occupant of or person attending any vehicle "collided with." This clear statutory language establishes that contact with the defendant's vehicle is required. It is true that the defendant in this situation is charged with a violation of §346.67(1)(c), Stats., which does not contain any such language about physical contact. As demonstrated at the preliminary hearing,⁶ this court was initially persuaded by the State that a reading of §§346.67(1)(c) and (1), Stats. could include a situation where no contact has occurred. This was because sub. (1) requires only

⁵ See §990.001(6), Stats.

⁶ See Preliminary Hearing Transcript, pp. 60-63.

that the defendant be "involved in an accident" and sub. (1)(c) established a duty for the defendant to render aid to any person "injured in such accident." This court ruled then, and still believes now, that the ordinary definition of accident is broader than that of collision or any such term requiring physical contact.' Based upon that interpretation, this court initially denied the defendant's motion to dismiss.

However, when examining a particular portion of a statute, courts must consider it in light of the entire statute. Elliot v. Employers Mut. Cas. Co., 176 Wis.2d 410, 414 (Ct. App. 1993) In this case, the use of the words "strike," "struck" and "collided with" in the statute heading and subs. (1) (a) and (b) compel the conclusion that the clear language of 5346.67 requires physical contact between the defendant's vehicle and another. The use of the phrase "in such accident" in sub. (1) (c) obviously refers back to the phrase "involved in an accident" in sub. (1). While under normal circumstances this court believes the phrase "involved in an accident" would include a situation where a person caused an accident without physical contact, the language of this statute modifies the ordinary meaning of that term and restricts it to situations where a collision has occurred. Since the language of the statute clearly and unambiguously sets forth the legislative intent, this court should apply that intent to the case at hand and not look beyond the legislative language to ascertain its meaning. See Kellev Co., 172 Wis.2d at 247 (1992).

⁷ See Black's Law Dictionary, 6th Ed. 1990, p. 15: "The word 'accident', requiring operator of vehicle to stop immediately in case of accident, contemplates any situation occurring on the highway wherein the driver so operates his automobile as to cause injury to the property or person of another using the same highway."

Even if this court were to conclude that the statutory language at issue was ambiguous, caselaw and the principles of statutory construction would compel the same result. First, under the rule of lenity, courts are required to construe all penal statutes strictly in favor of the defendant. See State v. Knutson, Inc., 196 Wis.2d 86, 96 (Ct. App. 1995), citing State v. Olson, 106 Wis.2d 572, 585 (1982).

Second, "the entire section of a statute and related sections are to be considered in its construction; we do not read statutes out of context." Brandt v. LIRC, 160 Wis.2d 353, 362 (Ct. App. 1991). This rule combined with the one espoused in Elliot, supra, suggests that the legislative intent in this case was to mandate a duty only when a collision has occurred. To rule otherwise would render the references to "striking" and "collision" in the statute superfluous, violating another rule of statutory construction. See Benjamin Plumbins, Inc. v. Barnes, 162 Wis.2d 837, 856 (1991).

Third, the Wisconsin Supreme Court has addressed this problem, albeit in a different situation. In Hayne v. Proaressive N. Ins. Co., 115 Wis.2d 68 (1983), the court was asked to determine whether a "miss and run" accident was covered under the plaintiff's uninsured motorist coverage. The case is obviously distinguishable from the case at bar because it was a civil action involving insurance coverage rather than a criminal prosecution. However, in determining that such coverage for "miss and run" accidents was not required in Wisconsin, the court looked specifically to the statute involved in this case:

We also note that courts in other states have concluded that the term "hit and run" in their uninsured motorist

statutes does not connote physical contact. This conclusion is based, in part, on other statutes imposing a duty on a driver involved in an accident to stop, provide certain information, and render aid. Although the latter statutes are commonly known as "hit and run" statutes, they have been interpreted to apply to accidents not involving physical contact. See, e.g., Clark v. Resent Insurance Co., 270 N.W.2d 26, 30 (S.D. 1978); Soulee v. Stuwasant Insurance Co., 364 A.2d 883, 885 (N.H. 1976). Wisconsin's version of these statutes, however, is entitled "Duty upon **striking** person or attended or occupied vehicle." Section 346.67, Stats. (Emphasis added.) Section 346.67(1)(a) provides, in part: ". . . he shall give his name, address and the registration number of the vehicle he is driving to the person *struck* . . ." The reference to "**striking**" in sec. 346.67 supports our conclusion that the plain meaning of "hit and run" in [the uninsured motorist coverage statute] includes a physical contact element.

Id. at 75. Even in dissenting from the majority opinion in Havne, Justice (now Chief Justice) Abrahamson apparently agreed that the language of §346.67, Stats. established a physical contact requirement. See Id. at 92 (Abrahamson, J. dissenting) (FN. 6).

Fourth, although clearly not binding authority, the defendant has directed the court to a discussion of this statute found in a CLE publication from the State Bar of Wisconsin entitled *Traffic Law and Practice in Wisconsin*. On page 4-25 of this book, the writers opined:

Of particular interest is whether a "miss-and-flee" driver is subject to the penalties. Only a person involved in an actual impact can be charged with hit-and-run under section 346.67. A person who causes an accident and flees the scene, but who is not involved in an impact, cannot be charged with hit-and-

run under this statute. The jury instruction states that the defendant knew that the vehicle he or she was operating *struck* another vehicle, and the instruction says the driver must give information to the person or operator *struck*.⁸

In sum, there is no reported case in Wisconsin where a driver has been convicted under §346.67, Stats. under the circumstances of a "miss and run" accident. If this court were to adopt the State's theory, essentially that since §346.67(1)(c) does not mention a collision the charge may stand, it would allow the State to charge defendants with this section contrary to the legislative intent demonstrated in the other sections of the statute ((1) (a) and (b)). Under these circumstances, the charges (in counts 1, 2 and 3) against the defendant cannot stand. Without proof of physical contact by the defendant's vehicle, he cannot be found guilty of those offenses. The charges will therefore be dismissed.

Still, this court believes that is judicially appropriate to make further commentary. This court has found no public policy reason why "miss and flee" drivers should be any less culpable for their failure to stop and render aid at accidents they have caused than "hit and run" drivers are. Such drivers should not be benefited because they were lucky or skillful enough to avoid a collision in the ensuing accident. Whether or not they actually caused the accident at issue should be a matter for the

⁸ The writers of this section relied partially on an unpublished decision of the Court of Appeals, Noll v. American Family Mut. Ins. Co., No. 89-0509 (Wis. Ct. App. 1989), which does not even discuss the provisions of §346.67, Stats. However, they also relied upon Hayne, which this court has found to be supportive of the proposition which they set forth.

trier of fact to determine. Even the Hayne court apparently recognized that there were persuasive public policy arguments why "miss and flee" drivers should be treated the same as "hit and run" drivers. See Hayne 115 Wis.2d at 84-85; see **also** Amidzich v. Charter Oak Fire Ins. Co., 44 Wis.2d 45 (1969).

Many courts have been faced with the exact situation presented here and have concluded that no physical contact was required. See e.g., Rivas v. State of Texas, 787 S.W.2d 113 (Tex. Crim. App. 1990); Washinaton v. Huaahes, 907 P.2d 336 (Wash. Ct. App. 1995); Comstock v. State, 573 A.2d 117 (Md. Ct. Spec. App. 1990). However, the statutes involved in those jurisdictions did not contain the specific language regarding contact found in the Wisconsin version. Ruling for the State in this case would require this court to engage in judicial legislation; an improper procedure. If the legislature agrees that a physical contact requirement does not make sense in this context, it must be that body which acts to change the statutory language.⁹

CONCLUSION AND ORDER

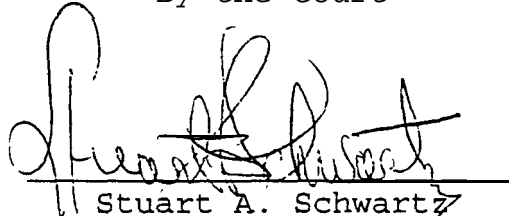
For the reasons stated above, the defendant's motion to dismiss counts 1, 2, and 3 of the information and criminal complaint is hereby GRANTED. Defendant's motion to dismiss counts 4, 5, and 6 is DENIED and the case will proceed to trial on those charges.

⁹ Nothing in this decision should be **interpreted** by either party as to this court's predisposition in the event the defendant is subsequently convicted on the remaining charges. Rather, the court's comments should be construed only to indicate it believes the legislature is the appropriate forum for a policy making discussion regarding whether or not **§346.67**, Stats. requires modification.

'So ordered.

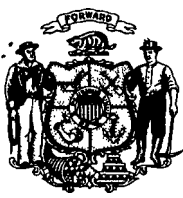
Dated and mailed this
17th day of May, 1999.

By the Court



Stuart A. Schwartz
Circuit Court Judge
Branch 15

CC: ADA John Burr
Att Thomas Coaty



1999 BILL

SOM
9-14-99

1

sen cat
AN ACT *an*; **relating to:** the duty of a motor vehicle operator who is involved in an accident with a person or *an* attended or occupied vehicle.

2

Analysis by the Legislative Reference Bureau

Under current law, the operator of a motor vehicle who is involved in an accident with an attended or occupied vehicle or with a pedestrian that results in injury or death to a person or damage to a motor vehicle is required to stop at the scene of the accident and provide assistance to any injured person. The operator is also required to provide his or her name, address, driver's license and the registration number of his or her vehicle to any person who is struck and to the owner or operator of any vehicle that is struck. A motor vehicle operator who fails to stop at the scene of an accident and provide the required information and assistance may be subject to a maximum fine of \$10,000 or imprisonment for up to five years, or both. If the accident occurs on or after December 31, 1999, the motor vehicle operator may be subject to a maximum fine of \$10,000 or imprisonment *impr* for up to seven years, or both.

This bill extends the duty to stop at the scene of an accident that results in injury or death to a person or damage to a motor vehicle to the operator of a motor vehicle if the operator knew or should have known that his or her actions caused the accident. An operator who knew or should have known that his or her actions caused an accident and who fails to stop at the scene of the accident and provide any required information and assistance is subject to the same penalties as those currently imposed upon the operator of a motor vehicle who is involved in an accident and who fails to stop at the scene of the accident.

This bill also expands the requirements that are imposed on a motor vehicle operator who is required to stop at the scene of an accident. Under this bill, a motor

depending on the severity of the injuries caused by the accident

BILL

vehicle operator who is required to stop at the scene of an accident must provide his or her name, address, driver's license and vehicle registration number to any person who is struck as a result of the accident and to the operator or occupant of any vehicle that is damaged as a result of the accident.

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

1 SECTION 1. 346.67 (title) and (1) (intro.) of the statutes are amended to read:

(title)

2 **346.67 Duty upon striking person or attended or occupied vehicle or**

I

3 **causing an accident.** (1) (intro.) The operator of any vehicle who is involved in or who

4 knew or should have known that his or her actions caused an accident resulting in

5 injury to or death of any person or in damage to a vehicle which is driven or attended

6 by any person shall immediately stop ~~such~~ his or her vehicle at the scene of the

7 accident or as close thereto as possible but shall then ~~forthwith~~ return to and in every

8 event shall remain at the scene of the accident until the operator has fulfilled all of

9 the following requirements:

History: 1991 a. 316; 1991 a. 258.

10 SECTION 2. 346.67 (1) (a) of the statutes is amended to read:

11 346.67 (1) (a) The operator shall give his or her name, address and the registration

12 number of the vehicle he or she is driving to the any person struck as a result of the

13 accident or to the operator or occupant of or person attending any vehicle ~~collided~~

14 with; and that is damaged as a result of the accident.

History: 1991 a. 316; 1991 a. 258.

15 SECTION 3. 346.67 (1) (b) of the statutes is amended to read:

16 346.67 (1) (b) The operator shall, upon request and if available, exhibit his or her

17 operator's license to ~~the~~ any person struck as a result of the accident or to the

18 operator or occupant of or person attending any vehicle ~~collided with; and that is~~

19 damaged as a result of the accident.

**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: 09/15/1999

To: Representative Stone

Relating to LRB drafting number: LRB-3473

Topic

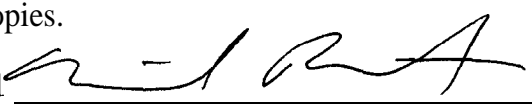
Liability for vehicle operators who cause accident and don't stop (hit and miss)

Subject(s)

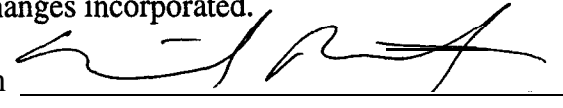
Transportation - traffic laws

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

in the **Senate** o r t h e **A s s e m b l y** (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 ^{→ PER}  _____.

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.

Ivy G. Sager-Rosenthal, Legislative Attorney
Telephone: (608) 2614455



2
RMR

1999 BILL

Dnote

regen car

1 **AN ACT** to amend 346.67 (title) and (1) (intro.), 346.67 (1) (a) and 346.67 (1) (b)
2 of the statutes; **relating to:** the duty of a motor vehicle operator who is involved
3 in an accident with a person or an attended or occupied vehicle.

Analysis by the Legislative Reference Bureau

Under current law, the operator of a motor vehicle who is involved in an accident with an attended or occupied vehicle or with a pedestrian that results in injury or death to a person or damage to a motor vehicle is required to stop at the scene of the accident and provide assistance to any injured person. The operator is also required to provide his or her name, address, driver's license and the registration number of his or her vehicle to any person who is struck and to the owner or operator of any vehicle that is struck. A motor vehicle operator who fails to stop at the scene of an accident and provide the required information and assistance may, depending on the severity of the injuries caused by the accident, be subject to a maximum fine of \$10,000 or imprisonment for up to five years, or both. If the accident occurs on or after December 31, 1999, the motor vehicle operator may be subject to a maximum fine of \$10,000 or imprisonment for up to seven years, or both.

This bill extends the duty to stop at the scene of an accident that results in injury or death to a person or damage to a motor vehicle to the operator of a motor vehicle if the operator knew or should have known that his or her actions caused the accident. An operator who knew or should have known that his or her actions caused an accident and who fails to stop at the scene of the accident and provide any required information and assistance is subject to the same penalties as those currently

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imposed upon the operator of a motor vehicle who is involved in an accident and who fails to stop at the scene of the accident.

This bill also expands the requirements that are imposed on a motor vehicle operator who is required to stop at the scene of an accident. Under this bill, a motor vehicle operator who is required to stop at the scene of an accident must provide his or her name, address, driver's license and vehicle registration number to any person who is struck ^{or injured} as a result of the accident and to the operator or occupant of any vehicle that is damaged as a result of the accident.



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

1 SECTION 1. 346.67 (title) and (1) (intro.) of the statutes are amended to read:

2 346.67 (title) **Duty upon striking person or attended or occupied**

3 **vehicle or causing an accident.** (1) (intro.) The operator of any vehicle who is

4 involved in or who knew or should have known that his or her actions caused an

5 accident resulting in injury to or death of any person or in damage to a vehicle which

6 is driven or attended by any person shall immediately stop ~~such~~ his or her vehicle

7 at the scene of the accident or as close thereto as possible but shall then forthwith

8 return to and in every event shall remain at the scene of the accident until the

9 operator has fulfilled all of the following requirements:

10 SECTION 2. 346.67 (1) (a) of the statutes is amended to read:

11 346.67 (1) (a) The operator shall give his or her name, address and the

12 registration number of the vehicle he or she is driving to ~~the~~ any person struck ^{or injured}

13 as a result of the accident or to the operator or occupant of or

14 ~~collided with;~~ and that is damaged as a result of the accident.

15 SECTION 3. 346.67 (1) (b) of the statutes is amended to read:

16 346.67 (1) (b) The operator shall, upon request and if available, exhibit his or

17 her operator's license to ~~the~~ any person struck ^{or injured} as a result of the accident or to the

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1 operator or occupant of or person attending any vehicle ~~collided with; and~~ that is
2 damaged as a result of the accident.

3 **SECTION 4. Initial applicability.**

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

6 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3473/2dn

ISR:.....

Cmm

October 1, 1999 ~

*new
date*

Representative Stone:

Note that this "/2" version requires the operator of a vehicle to give his or her personal information to any person injured as a result of the accident, as well as to any person struck as a result of the accident.

Please review this bill carefully to make sure it achieves your intent. If you have any questions or comments, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us

**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: 10/03/1999

To: Representative Stone

Relating to LRB drafting number: LRB-3473

Topic

Liability for vehicle operators who cause accident and don't stop (hit and miss)

Subject(s)

Transportation - traffic laws

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 266-356 1. If you have any questions relating to the attached draft, please feel free to call me.

Ivy G. Sager-Rosenthal, Legislative Attorney
Telephone: (608) 261-4455

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3473/2dn
ISR:cmh:mrc

October 3, 1999

Representative Stone:

Note that this “/2” version requires the operator of a vehicle to give his or her personal information to any person injured as a result of the accident, as well as to any person struck as a result of the accident.

Please review this bill carefully to make sure it achieves your intent. If you have any questions or comments, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal
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Phone: (608) 261-4455
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