

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB639)

Received: 02/24/2000

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Marc Duff (608) 266-1190

By/Representing: self

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - traffic laws

Extra Copies: TNF

Pre Topic:

No specific pre topic given

Topic:

Liability of rental companies for nonmoving violations

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>
I?	nilsepe 02/29/2000	wjackson 02/29/2000		_____			
/1			martykr 02/29/2000	_____	lrb-docadmin 02/29/2000	lrb-docadmin 02/29/2000	

FE Sent For:

<END>

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1?	nilsepe	1/1 WJ 2/29	dm 2/29	Self 2/29			

FE Sent For:

<END>

Today

50332/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE SUBSTITUTE AMENDMENT,  
TO 1999 SENATE BILL 360

ASA - AB639

No change

d-note

Regen

1 AN ACT to renumber 345.28 (5m) (a) 4.; to amend 345.28 (4) (d), 345.28 (4) (e),  
2 345.28 (4) (g), 345.28 (5m) (c) 1. and 345.28 (5m) (c) 2.; and to create 345.28 (5m)  
3 (a) 4. (intro.) and 345.28 (5m) (a) 4. b. of the statutes; relating to: nonmoving  
4 traffic violations involving rented or leased motor vehicles.

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

5 SECTION 1. 345.28 (4) (d) of the statutes is amended to read:

6 345.28 (4) (d) The authority may assess the person for the cost of using the  
7 traffic violation and registration program as established by the department under  
8 s. 85.13. This paragraph does not apply to citations naid under sub. (5m) (c).

9 SECTION 2. 345.28 (4) (e) of the statutes is amended to read:

10 345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and  
11 the costs, if any, under par. (d) or appears in court in response to the citation or a

1 notice by the authority who issued the citation or the department, the department  
2 shall be immediately notified in the form and manner prescribed by the department.  
3 If the vehicle involved in the nonmoving traffic violation is owned by a person  
4 engaged in the business of renting or leasing motor vehicles and the owner pays the  
5 ~~costs, if any, under par.~~ and 50% of the amount of the forfeiture under sub. (2) (a),  
6 the authority shall immediately notify the department in the form and manner  
7 prescribed by the department.

8 SECTION 3. 345.28 (4) (g) of the statutes is amended to read:

9 345.28 (4) (g) Notification of the department under par. (a) 1. shall toll any  
10 applicable statute of limitation for 4 years from the date of the notification. This  
11 paragraph does not apply to any notice involving a vehicle that is owned by a person  
12 engaged in the business of renting or leasing motor vehicles and the vehicle was in  
13 the possession of a renter or lessee at the time of the violation. if the vehicle owner  
14 meets the reauirements under sub. (5m) (a) 3.

15 SECTION 4. 345.28 (5m) (a) 4. (intro.) of the statutes is created to read:

16 345.28 (5m) (a) 4. (intro.) Either of the following applies:

17 SECTION 5. 345.28 (5m) (a) 4. of the statutes is renumbered 345.28 (5m) (a) 4.

18 a.

19 SECTION 6. 345.28 (5m) (a) 4. b. of the statutes is created to read:

20 345.28 (5m) (a) 4. b. At least one year has elapsed since the citation was issued.

21 SECTION 7. 345.28 (5m) (c) 1. of the statutes is amended to read:

22 345.28 (5m) (c) 1. If the renter or lessee does not pay the forfeiture or appear  
23 in court in response to the citation for a nonmoving traffic violation within 30 days  
-24 after the 2nd notice from the authority is mailed to the renter or lessee, the owner  
25 shall pay the authority 50% of the amount of the forfeiture applicable to the

1 ~~nonmoving traffic violation~~ under sub. (2) (a). The authority shall notify the owner  
2 in writing of its responsibility for this payment.

3 **SECTION 8.** 345.28 (5m) (c) 2. of the statutes is amended to read:

4 345.28 **(5m)** (c) 2. If the owner does not pay 50% of the amount of the forfeiture  
5 ~~applicable to the citation~~ under sub. (2) (a) within 30 days after notice under subd.  
6 1. has been mailed to the owner, the authority may send a notice to the department  
7 under sub. (4) (a) 1. The action which the authority shall specify that the department  
8 take under sub. (4) (a) 2. is limited to suspension of the registration of the vehicle  
9 involved in the nonmoving traffic violation.

10 **SECTION 9. Initial applicability.**

11 (1) This act first applies to citations issued for nonmoving violations committed  
12 on the effective date of this subsection.

13 **SECTION 10. Effective date.**

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

16 (END)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0319/P1dn

PEN:wlj:km

February 28, 2000

2/29/2000

80332/ldn

Representative Duff,  
~~Senator Wirch:~~

Please read this amendment closely to ensure that it meets your needs.

This amendment prohibits notices under s. 345.28 (5m) (a) 4. for rented or leased vehicles if the owner complies with the requirements under s. 345.28 (5m) (a) and the citation is at least one year old. See the treatment of s. 345.28 (5m) (a) 4. (intro.), a. and b.

This amendment prohibits authorities from assessing TVRP costs to the owner of a rented or leased vehicle. See the treatment of s. 345.28 (4) (d). ~~I think this charge accounts for much of the forfeiture inflation you are concerned about.~~

The draft changes "50% of the applicable forfeiture" language to read "50% of the forfeiture originally imposed under s. 345.28 (2) (a)" throughout s. 345.28 when referring to owners of leased and rented vehicles.

This amendment continues to apply s. 345.28 (5m) to owners of rented and leased vehicles.

This amendment eliminates the four-year extension of the statute of limitations provided under s. 345.28 (4) (g) for rented or leased vehicles if the owner identifies the renter or lessee to the authority, as required under s. 345.28 (5m) (a) 3. OK? This seems consistent with the treatment of s. 345.28 (5m) (a) 4., which prohibits notices for rented vehicles if the owner identifies the renter or lessee to the authority and the citation is at least one year old.

This amendment does not include the treatment by 1999 ~~Senate Bill 360~~ of s. 345.28 (5m) (b), which prohibited the authority from taking any action against the renter or lessee (who committed the violation) unless all of the conditions under s. 345.28 (5m) (a) 1., 2. and 3. are met.

Similarly, this amendment does not include the treatment by 1999 ~~Senate Bill 360~~ of the alternative traffic violation and registration pilot program under s. 345.285.

The entire act applies prospectively and will not apply to tickets issued before the amendment takes effect.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926

Assembly Bill C39

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

LRBs0332/1dn  
PEN:wlj:km

February 29, 2000

Representative Duff:

Please read this amendment closely to ensure that it meets your needs.

This amendment prohibits notices under s. 345.28 (5m) (a) 4. for rented or leased vehicles if the owner complies with the requirements under s. 345.28 (5m) (a) and the citation is at least one year old. See the treatment of s. 345.28 (5m) (a) 4. (intro.), a. and b.

This amendment prohibits authorities from assessing TVRP costs to the owner of a rented or leased vehicle. See the treatment of s. 345.28 (4) (d).

The draft changes "50% of the applicable forfeiture" language to read "50% of the forfeiture originally imposed under s. 345.28 (2) (a)" throughout s. 345.28 when referring to owners of leased and rented vehicles.

This amendment continues to apply s. 345.28 (5m) to owners of rented and leased vehicles.

This amendment eliminates the four-year extension of the statute of limitations provided under s. 345.28 (4) (g) for rented or leased vehicles if the owner identifies the renter or lessee to the authority, as required under s. 345.28 (5m) (a) 3. OK? This seems consistent with the treatment of s. 345.28 (5m) (a) 4., which prohibits notices for rented vehicles if the owner identifies the renter or lessee to the authority and the citation is at least one year old.

This amendment does not include the treatment by 1999 Assembly Bill 639 of s. 345.28 (5m) (b), which prohibited the authority from taking any action against the renter or lessee (who committed the violation) unless all of the conditions under s. 345.28 (5m) (a) 1., 2. and 3. are met.

Similarly, this amendment does not include the treatment by 1999 Assembly Bill 639 of the alternative traffic violation and registration pilot program under s. 345.285.

The entire act applies prospectively and will not apply to tickets issued before the amendment takes effect.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926