

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1999 SENATE BILL 360**

March 9, 2000 – Offered by COMMITTEE ON ECONOMIC DEVELOPMENT, HOUSING AND  
GOVERNMENT OPERATIONS.

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 paid 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  
12          notice by the authority who issued the citation or the department, the department

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

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

8 345.28 (4) (g) Notification of the department under par. (a) 1. shall toll any  
9 applicable statute of limitation for 4 years from the date of the notification. This  
10 paragraph does not apply to any notice involving a vehicle that is owned by a person  
11 engaged in the business of renting or leasing motor vehicles and the vehicle was in  
12 the possession of a renter or lessee at the time of the violation, if the vehicle owner  
13 meets the requirements under sub. (5m) (a) 3.

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

15 345.28 (5m) (a) 4. (intro.) Either of the following applies:

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

17 a.

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

19 345.28 (5m) (a) 4. b. At least one year has elapsed since the citation was issued.

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

21 345.28 (5m) (c) 1. If the renter or lessee does not pay the forfeiture or appear  
22 in court in response to the citation for a nonmoving traffic violation within 30 days  
23 after the 2nd notice from the authority is mailed to the renter or lessee, the owner  
24 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)