

**1999 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB360)**

Received: 02/22/2000

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Robert Wirch (608) 267-8979

By/Representing: Amber

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:**

Rental company liability 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>Required</u>
/?	nilsepe 02/24/2000	wjackson 02/28/2000		_____			
/P1	nilsepe 02/29/2000	wjackson 02/29/2000	martykr 02/29/2000	_____	lrb_docadmin 02/29/2000		
/1			hhagen 02/29/2000	_____	lrb_docadmin 02/29/2000	lrb_docadmin 02/29/2000	

FE Sent For:

<END>

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/?	nilsepe 02/24/2000	wjackson 02/28/2000		_____			
/P1		/1 WLj 2/29	martykr 02/29/2000 <i>Wh 2/29</i>	_____	lrb_docadmin 02/29/2000		

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1/?	nilsepe	pl WLj 2/28	km 2/28	JF 2/29 km 2/29			

FE Sent For:

<END>

Request for substitute amend to URB-4274/1  
by Amber; Sen Wirth 2/16/06 2pm  
~~instead of etc~~

make renter only liable for 50% of forfeiture <sup>originally demanded</sup>

~~(no surcharges or fees applicable to violators)~~

(paid within one year or reg'n suspended  
ca. suspend reg, while left to person)

increase in amount due to nonpayment → not rental co.  
responsibility

⇒ Network 345.78 (\$m) so that

rental co. must pay 50% of the  
original ticket cost, if the amount originally  
requested from the violator.

Prevent municipalities from increasing ticket cost  
due to nonpayment ~~late payment~~

Also, - provide rental cos. one year (from when?)

to pay ticket before registration is  
suspended.

pen request changed by  
Brian Mitchell  
2/24/06

~~115-78 (21)~~  
~~12/11~~

~~10<sup>th</sup> JESSIE; Darling~~  
~~5B-310~~  
~~5A-5B 310~~  
~~and 508~~  
~~6-5830~~

99 50332

~~Adrian Rep. Forfeitures~~

AP 639 next week

request by

Mr. Brian Mitchell; Amber - Sen. Wirth  
w/ car rental alliance  
(414) 277-1292

50% of the original forfeitures, (exclusive of fees under  
S. 814.63)

under (2)(9)

(5m)(a)4. one year from the date the citation  
was issued

(init. apply to tickets issued on  
effective date)

apply only to rental vehicles, not leased vehicles



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0319/8  
PEN.....  
WJ

P1

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

note

gen cat

1 AN ACT relating to: nonmoving traffic violations involving rented or leased  
2 motor vehicles.

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

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

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

History: 1981 c. 165; 1983 a. 103, 169; 1983 a. 189 s. 329 (32); 1983 a. 330; 1983 a. 538 ss. 219, 269 (1), (2); 1989 a. 31, 105; 1991 a. 67; 1993 a. 399, 437; 1997 a. 237.

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

8 345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and  
9 the costs, if any, under par. (d) or appears in court in response to the citation or a  
10 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.

History: 1981 c. 165; 1983 a. 103, 169; 1983 a. 189 s. 329 (32); 1983 a. 330; 1983 a. 538 ss. 219, 269 (1), (2); 1989 a. 31, 105; 1991 a. 67; 1993 a. 399, 437; 1997 a. 237.

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 ~~for a violation~~ involving a vehicle in the  
 11 possession of a renter or lessee if the vehicle owner meets the requirements under  
 12 sub. (5m) (a) 3.

*at the time  
of the violation*

*that is owned by  
a person  
engaged  
in the  
business of  
renting  
or leasing  
motor vehicles  
and the vehicle  
was*

History: 1981 c. 165; 1983 a. 103, 169; 1983 a. 189 s. 329 (32); 1983 a. 330; 1983 a. 538 ss. 219, 269 (1), (2); 1989 a. 31, 105; 1991 a. 67; 1993 a. 399, 437; 1997 a. 237.

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

14 345.28 (5m) (a) 4. (intro.) Either of the following applies:

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

16 a. ✓

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

18 345.28 (5m) (a) 4. b. At least one year has elapsed since the citation was issued.

History: 1981 c. 165; 1983 a. 103, 169; 1983 a. 189 s. 329 (32); 1983 a. 330; 1983 a. 538 ss. 219, 269 (1), (2); 1989 a. 31, 105; 1991 a. 67; 1993 a. 399, 437; 1997 a. 237.

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

20 345.28 (5m) (c) 1. If the renter or lessee does not pay the forfeiture or appear  
 21 in court in response to the citation for a nonmoving traffic violation within 30 days  
 22 after the 2nd notice from the authority is mailed to the renter or lessee, the owner  
 23 shall pay the authority 50% of the amount of the forfeiture applicable to the

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

3 History: 1981 c. 165; 1983 a. 103, 169; 1983 a. 189 s. 329 (32); 1983 a. 330; 1983 a. 538 ss. 219, 269 (1), (2); 1989 a. 31, 105; 1991 a. 67; 1993 a. 399, 437; 1997 a. 237.

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

4 345.28 (5m) (c) 2. If the owner does not pay 50% of <sup>the</sup> ~~amount~~ of the forfeiture  
5 ~~applicable to the citation~~ under sub. (2) (a)<sup>✓</sup> 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 History: 1981 c. 165; 1983 a. 103, 169; 1983 a. 189 s. 329 (32); 1983 a. 330; 1983 a. 538 ss. 219, 269 (1), (2); 1989 a. 31, 105; 1991 a. 67; 1993 a. 399, 437; 1997 a. 237.

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**

LRBs0319/200

PEN.....

February 24, 2000

P1d4

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 <sup>four</sup>4-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

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

LRBs0319/P1dn  
PEN:wj:km

February 28, 2000

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.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0319/F1  
PEN:wlj:km

Today 3/29

1

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

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 paid under sub. (5m) (c).

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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. (d) 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 requirements 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.

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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  
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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.

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16 (END)