

Assembly Hearing Slip

(Please print plainly)

Date: 10/13/99

Bill No. AB 472

Subject

LORENSE BEUMUND
(Name)

(Street Address or Route Number)

(City & Zip Code)

STATE PARKS/DCR
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-13-99

Bill No. AB-472

Subject

COMMANDER DEAN J. COLLINS
(Name)

BOX 531

(Street Address or Route Number)

MILWAU, WI 53201-0531
(City & Zip Code)

MILWAU. POLICE DEPT.
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

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Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Dextra Hadnot

Bill No. AB 472

Subject

DETRA HADNOT
(Name)

200 E. Wells, Room 606
(Street Address or Route Number)

53202
(City & Zip Code)

City of Milwaukee
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/13/99

Bill No. AB472

Or Subject: _____

(Name) Rep Leo Guss

(Street Address or Route Number) _____

(City & Zip Code) Milwaukee

(Representing) _____

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: February 15, 2000

TO: REPRESENTATIVE JEFF STONE

FROM: Don Salm, Senior Staff Attorney

SUBJECT: Analysis of Assembly Amendment 1 to 1999 Assembly Bill 472, Relating to Imposing Vehicle Owner Liability for Violations of Certain Traffic Laws Relating to Accidents and Providing Penalties

This memorandum, prepared at the request of your aide Mike Prentiss, analyzes Assembly Amendment 1 to 1999 Assembly Bill 472, relating to imposing vehicle owner liability for violations of certain traffic laws relating to accidents and providing penalties. Assembly Amendment 1 has been offered by Representatives Young and Stone.

A. CURRENT LAW

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, 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. The operator of a vehicle involved in an accident resulting only in damage to fixtures or other property on or adjacent to a highway must take reasonable steps to notify the owner of the damaged property. [ss. 346.67 to 346.69, Stats.]

B. ASSEMBLY AMENDMENT 1 TO 1999 ASSEMBLY BILL 472

1999 Assembly Bill 472 imposes upon the owner of a vehicle liability for violation of any of the above-described provisions relating to accidents. 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.

Assembly Amendment 1 amends the bill to provide that *any person (not just a traffic officer)* who observes a violation of s. 346.67 to 346.69, Stats., may prepare a written report

indicating that a violation has occurred. If possible, the report must contain the following information:

1. The time and the approximate location at which the violation occurred.
2. The license number and color of the motor vehicle involved in the violation.
3. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
4. A description of the accident, including a description of the person, vehicle or property that was struck.

The amendment specifies that within 24 hours after observing the violation, a person may deliver such a report to a traffic officer of the county or municipality in which the violation occurred. A report that does not contain all of the information in items 1. to 4., above, must nevertheless be maintained by the county or municipality for statistical purposes.

The amendment also changes the bill to specify that *within 48 hours* (instead of the "*within 72 hours*" specified in the bill) after receiving a report containing all of the information set forth in items 1. to 4., above, the traffic officer must investigate the violation and may prepare a uniform traffic citation for the violation.

In addition, the bill makes various technical changes to reflect the changes to the bill made by the amendment.

DLS:rv;wu

Testimony

Public hearing on Assembly Bill 472, relating to vehicle owner liability

Assembly Committee on Highway Safety and Transportation North Hearing Room, Second Floor State Capitol October 13, 1999

Good Morning Chairman Stone and committee members. I appreciate this opportunity to discuss with you the importance of AB-472; relating to vehicle owner liability.

The City of Milwaukee has asked me to introduced this legislation to assist the city's efforts in the following; 1) reducing the number of hit and run accidents, 2) investigations into hit and run accidents, 3) to encourage cooperation from vehicle owners.

In addition to my testimony, Commander Dean Collins from the Milwaukee Police Department will also testify on the importance of this legislation

The purpose of this legislation is to assess liability on individuals who are actually the cause of hit and run accidents. This bill is not aimed at punishing vehicle owners when they were indeed not driving at the time of an accident. As in the case with hit and run accidents, the person who is actually responsible flees the scene. From that point, the only recourse for an investigation turns toward the vehicle owner.

My goal today is to urge your support and encourage your assistance in creating a means for law enforcement officers to assess liability on the individuals who are responsible for causing accidents. AB-472 is a tool that will assist in those efforts.

The startling facts underscoring the need for this legislation are these:

- One out of four crashes or 4,800 in the City of Milwaukee in 1997 were hit and run.
- One out of four crashes or 4,478 in the City of Milwaukee in 1998 were hit and run.
- Hit and run accidents involved 8 deaths and 933 injuries in 1997.
- Hit and run accidents involved 2 deaths and 811 injuries in 1998.
- Hit and run accidents involved 3 death in 1999 year to date.

In the majority of the hit and run cases, liability is rarely assessed on the person who actually caused the accident. Law enforcement officers often find vehicles abandoned that were involved in hit and run accidents. From that point, there are no probably leads to the actual driver, except through the vehicle owner.

Investigations by law enforcement officers are customarily conducted through vehicle owners about the person who was driving at the time of an accident. Under current law, liability can only be assessed on the person who was driving the vehicle at the time of accident.

Upon investigation of hit & run accidents, law enforcement officers often encounter vehicle owners who refuse to provide information about the person driving the vehicle at the time of the accident. The owner states that they don't know who was driving the vehicle, or they lent the vehicle to someone who has moved, or they can't remember the last name of the person who borrowed the car. The end result is a stymied investigation and victims of accidents who are left with high insurance premiums and uncompensated accidents claims.

AB-472 is a strong incentive for vehicle owners to assist law enforcement officers with information regarding the person who was driving at the time of an accident. This legislation will assist police officers by reducing the time and costs associated with investigating hit and run accidents.

Current laws that hold vehicle owners responsible for offenses are as follows:

- Failure to yield right-of-way to an emergency vehicle (sec. 346.195 Wis Stats)
- Failure to yield right-of-way to a funeral procession (sec. 346.205 Wis Stats)
- Illegally passing a fire truck (sec. 346.457 Wis Stats)
- Illegally crossing a controlled school crossing (sec. 346.465 Wis Stats)

- Passing a school bus that is flashing red lights (sec. 346.485 Wis Stats)
- Radios and other electric sound amplification devices (Sec. 346.945 Wis Stats)

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These laws were passed with ultimate concern for reducing loud music played from automobiles, safe movement of emergency vehicles, school buses, and for children in cross walks. These laws all reflect vehicle owner responsibility. AB-472 is legislation that also reflects responsibility and adequately assesses liability for accidents.

The bill provides the victims of hit and run accidents with recourse. AB-472 provides law enforcement officers with a tool to complete hit and run investigations. Lastly, and more importantly, this legislation will assist in the reduction of hit and run accidents.

AB-472 is not designed to attack vehicle owners who may, in fact, be victims of stolen vehicles. This legislation assures cooperation between vehicle owners and law enforcement officers who need answers to important questions about hit and run accidents. Vehicle owners can be held harmless if their vehicles have been reported stolen.

In closing I want to leave you with a story regarding my involvement and experience with hit and run accidents while I was a Milwaukee Police Officer.

(Leon will insert additional testimony at this point)