

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/8/2000
BILL NO. SB 31
OR
SUBJECT _____

BILL HOEREL
(NAME) WI DEPT OF TRANS
(Street Address or Route Number) 4802 SAEBYGAN AVE
(City and Zip Code) MADISON
WI DEPT OF TRANSPORTATION
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-8-00
BILL NO. 31
OR
SUBJECT Financial Responsibility

Operation of Motor Vehicles
Joe Zwitter
(NAME) 1545 Parkside Drive
(Street Address or Route Number) Arvie LaSoy WI. 53578
(City and Zip Code) American Family Insurance
(Representing)

Speaking in Favor:
Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
but not speaking:
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-8-2000
BILL NO. SB-31
OR
SUBJECT _____

Senate
Rich Grubschmidt
(NAME) _____
(Street Address or Route Number) _____
(City and Zip Code) 7th So La Jolla
(Representing)

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Speaking Against:
Registering in Favor:
but not speaking:
Registering Against:
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: March 8, 2000

BILL NO. SB 31

OR
SUBJECT _____

Don Clasky

(NAME)

2600 River Road

(Street Address or Route Number)

Des Plaines IL 60018

(City and Zip Code)

National Association of Independent Insurers

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/8

BILL NO. SB-31

OR
SUBJECT _____

ERIC ENGELAND

(NAME)

44 E. MARY W #305

(Street Address or Route Number)

MADISON

(City and Zip Code)

WIS. INSURANCE ALLIANCE

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/8/00

BILL NO. SB 31

OR
SUBJECT _____

LEE FANSTAW

(NAME)

6000 AMERICAN FAULKWAY

(Street Address or Route Number)

MADISON WI 53783

(City and Zip Code)

AMERICAN FAMILY INSURANCE

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-8-00

BILL NO. SB-31

OF
SUBJECT Admiral

Ser. Rod Moer
(NAME)

(Street Address or Route Number)

(City and Zip Code)
B151 S.D.
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-8-00

BILL NO. SB31

OF
SUBJECT Auto Insurance

Chet Gerlach
(NAME)

44 E. Mifflin
(Street Address or Route Number)

Madison, WI 53703
(City and Zip Code)

State Farm Insurance
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

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P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-8-00
BILL NO. SB 31
OF
SUBJECT Auto Insurance

William D. Dwyer
(NAME)
530 Hevins Way
(Street Address or Route Number)
Madison WI
(City and Zip Code)
State Farm Ins.
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-8-00
BILL NO. SB 31
OF
SUBJECT _____

Owen Schwertfeger
(NAME)
6000 American Pkwy
(Street Address or Route Number)
MADISON 53783
(City and Zip Code)
AMERICAN FAMILY BUS
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

ROGER BRESKE

STATE SENATOR

12th District

Capitol Address:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-2509

Home Address:
8800 Hwy. 29
Eland, WI 54427
(715) 454-6575

Legislative Hotline:
1 (800) 362-9472



COMMITTEE MEETING/AGENDA

THE CAPITOL – ROOM 411 SOUTH

March 8, 2000

I. CALL TO ORDER

"The hour of 9AM having arrived, I will call this meeting of the Senate Insurance, Tourism, Transportation and Corrections Committee to order. The clerk will take the role."

I do not plan to hold an Executive Session today.

II. Senate Bill 369

Relating to: prohibiting certain insurance practices on the basis of domestic abuse, providing written reasons for coverage denial and prohibiting collective bargaining by the state with respect to the prohibitions.

By Senators Burke, Clausing, Cowles, Darling, Erpenbach, Grobschmidt, Moore, Plache, Robson, Roessler, Rosenzweig, Rude and Wirsch; cosponsored by Representatives Cullen, Wasserman, Balow, Berceau, Bock, Boyle, Carpenter, Kelso, J. Lehman, Miller, Musser, Pocan, Richards, Schneider, Travis, Turner, Young and Ziegelbauer.

✓ III. Senate Bill 440 – Noticed as ^{LRB} 4648/1

Relating to: detention of persons placed on conditional release after being found not guilty of a crime by reason of mental disease and defect.

✓ IV. Senate Bill 439 – Noticed as LRB 4175/1

Relating to: the regulation of snowmobile rail crossings.

✓ V. Senate Bill 31

Relating to: assuring financial responsibility for the operation of motor vehicles, granting rule-making authority and providing a penalty.

By Senators Moen, Decker, Erpenbach, Jauch, Burke, Grobschmidt, Robson, Roessler and Rosenzweig; cosponsored by Representatives Gunderson, Cullen, Krug, Turner, Ziegelbauer, J. Lehman, Ryba, Kreuser, Boyle, Plale, Plouff, Brandemuehl, Lassa, Steinbrink and Black.

II. CLOSE PUBLIC HEARING.

VII. ADJOURN

11.3% uninsured.
middle of City in rate.
12.9% national avg.

Il., mI
13.6 11.7

22 of 25 with the [unclear] paper
have completed survey.

*Steve Burke
Eric England
Joe*

SAFETY RESPONSIBILITY PROCEDURES AND 1997 PROGRAM RESULTS

STEP ONE: Any time a person is hurt or killed, or someone's property is damaged over \$1,000, in a motor vehicle accident, it must be reported to the Traffic Accident Section, Division of Motor Vehicles.

In 1997, 213,441 vehicles were involved in reportable accidents and were subject to the provisions of the Safety Responsibility Law.

STEP TWO: The Traffic Accident Section checks for insurance coverage for all vehicles listed on the accident report.

166,190 vehicles (77.9%) were insured in 1997, requiring no further action.
22,194 (10.4%) were not covered by liability insurance.
25,057 (11.7%) vehicle drivers did not report complete insurance information.

STEP THREE: If it appears that any of the vehicles were not covered by insurance, the Traffic Accident Section contacts other parties involved in the accident. They can file claims for their damages and injuries by completing and returning evaluation forms.

59,045 evaluation forms were mailed to injured parties in 1997. (More than one form can be sent per accident, depending on the number of damaged vehicles and persons injured.)
17,741 were returned.
41,304 were not returned.

STEP FOUR: If a review of the accident report indicates the driver of the uninsured vehicle may be at fault, an estimate of all costs and legal fees is made to establish a security deposit amount. A Notice of Revocation is then sent to the uninsured parties describing compliance requirements. The driver and owner can either deposit the required security amount, agree to pay for the damages, or prove that the vehicle was insured.

12,260 Notices of Revocation were sent in 1997 to the drivers and owners of 9,442 vehicles.*
4,680 (39%) responded to the Notice by settling the claims prior to revocation.
285 posted the security deposit.
1,231 (10%) requested a hearing.

STEP FIVE: If the uninsured drivers and owners fail to comply, all operating and registration privileges are revoked until the requirements are met or for a period of one year, provided no court action is commenced. Proof of insurance must be filed for three years after the requirements are met prior to reinstatement of privileges.

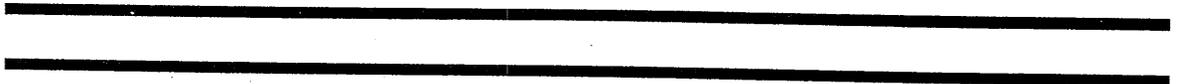
7,569 drivers and owners failed to comply and had their privileges revoked.
2,703 settled the claims within the one year period. 4,356 drivers and owners accepted the one year revocation of privileges. As of 6/8/99, 510 drivers and owners were currently under revocation.

Out of 213,441 vehicles involved in reportable accidents in 1997, the drivers and owners of only 3,275 vehicles* have failed to pay for the damages caused and accepted a one year revocation. The privilege of the drivers and owners of another 395 vehicles were still under revocation as of 6/8/99. These motorists may settle the claims before the end of the one year revocation period.

*The drivers and owners are different persons in over one third of the accidents.

INFORMATION ABOUT WISCONSIN'S UNINSURED MOTORIST LAWS

"How to keep your driver's license and registrations if you
are involved in an accident and have no insurance"



You could lose your license

If you own or drive a motor vehicle and do not have liability insurance, getting into an accident can result in the loss of driving and registration privileges. Although Wisconsin law does not require you to carry liability insurance, the Safety Responsibility Law holds you financially responsible for any damage caused by you or the driver of your vehicle when you are at fault. *If you do not follow the requirements of the law, both your driver's license and the registration of all vehicles you own will be revoked. (s. 344.14, Wis Stats.)*

This pamphlet explains the requirements of Wisconsin's Safety Responsibility Law. It outlines how you can protect your driver's license and vehicle registration if you have an accident. You may have additional legal responsibilities if you receive a traffic citation.

Who must report the accident

A driver involved in an accident resulting in injury or death of any person, or damage to property of any one person to the extent of \$1,000 or more must immediately notify a state traffic patrol officer or the police, sheriff, or traffic department of the county or city where the accident happened. If the accident involves damages to any government-owned property, other than vehicles, of \$200 or more, the accident must be reported. If you are not sure of the amount of damage, you should report the accident to a law enforcement agency.

If the law enforcement agency investigates the accident and files a report with the Wisconsin Department of Transportation (WisDOT), the drivers do not need to file a written report with

WisDOT. However, if the police were not called or did not investigate the accident, and the accident is reportable, each driver involved must file an accident report with WisDOT within 10 days of the accident. The Driver Report of Accident forms are available from law enforcement agencies or any WisDOT Division of Motor Vehicles (DMV) Service Center.

What to do to keep your license

If you or your vehicle are involved in an accident and the Uninsured Motorist Unit of WisDOT is not aware if you have liability insurance, you may receive a Notice of Revocation in the mail.

To keep your driver's license and registration before the deadline date given in the notice, you must do one of the following:

- Deposit security with WisDOT;
- Furnish written proof that you were covered by insurance at the time of the accident;
- File a release form or installment agreement to pay damages signed by the other parties listed on the Notice of Revocation. You may also submit proof that a court found you not liable for damages; or
- Request a hearing.

If you do not respond to this notice in time, the driver's license of the uninsured driver and the registration of all vehicles registered to the uninsured owner will be revoked. This revocation applies not only to the vehicle involved in the accident, but to all vehicles

registered in the name of the uninsured owner.

If you need more time to comply, you can request an extension of up to 20 days. Telephone the Uninsured Motorist Unit (608) 266-1249 in Madison before the scheduled revocation date given on the notice. Here is more information about the compliance choices listed:

- **Depositing the security.** Either the driver, or the owner of the vehicle, or both, can deposit the security with WisDOT. To do this, mail the correct amount in the form of a cashier's check, money order, or personal check certified by your bank. You may pay by cash only if you take it to the WisDOT office in Madison.

WisDOT will apply the money you deposit to payment of any court judgments for damages arising out of the accident. WisDOT will return your deposit after one year from the deposit date unless notice of a lawsuit is filed. If a lawsuit is brought but you are found not to be at fault, WisDOT will return your deposit when you file a certified copy of the court decision.

- **Proving insurance coverage.** If you did have liability insurance at the time of the accident, you must furnish proof to WisDOT. Send a copy of your insurance policy declaration page, or verification of coverage directly from your company to the Uninsured Motorist Unit. The insurance must show you were covered on the date of accident. WisDOT may verify the information with your insurance company.

- **Getting a release or making an installment agreement.** On your own or with the help of an attorney, you may be

able to settle the matter with the other parties in the accident so they agree to release you from all liability. You can get Release of Liability forms from the Uninsured Motorist Unit or from any DMV Service Center. Insurance companies also have release forms. When the parties sign the release in the presence of a witness or notary, and you file it with WisDOT, you no longer need to deposit the security. Any money you already deposited is returned.

An installment agreement is an agreement with persons involved in the accident (such as other drivers, vehicle owners, injured passengers, owners of damaged property, insurance companies). You promise to pay an agreed amount in installments to the other parties for their damages or injuries in exchange for a release from liability when the money is paid in full.

You can negotiate the amount. Sometimes less will be accepted if you can pay in a lump sum rather than in installments. You may wish to seek legal advice about the settlement.

You must sign the installment agreement in the presence of a notary public. Persons who had damages or injuries also must sign the agreement in the presence of a witness. An insurance company representative must sign if payments are being made to the company.

When you file the fully signed installment agreement with WisDOT, you can keep your driver's license and registrations *as long as you make the required payments*. If the other party notifies the Uninsured Motorist Unit that you are behind in your payments, WisDOT will revoke

your driver's license and registrations without further notice.

If you are having difficulty making payments, you should try to work out an agreement with the other party rather than skipping payments. If your driver's license and registrations are revoked for defaulting on an installment agreement, they will not be restored until you:

- Pay the full amount of the security required;
- File a release from the parties you entered the agreement with; or
- Wait one year from the date of the order revoking your driver's license and registrations. (s. 344.18(3), Wis Stats.)

Your privileges cannot be reinstated by resuming installment payments or entering a new installment agreement.

Installment agreement forms are available from the Uninsured Motorist Unit or from any DMV Service Center. Insurance companies also have installment agreement forms. When you make the final payment, you should file a release form signed by all parties with WisDOT's Uninsured Motorists Unit.

If there was a lawsuit and the court ruled you are not liable for damages, send a certified copy of the court judgment and the summons and complaint to the Uninsured Motorist Unit. The court will not automatically do this for you. You must get the certified copy from the Clerk of Court and submit it to WisDOT, thus avoiding revocation or

permitting reinstatement of your driver's license and registration privileges.

NOTE: The dismissal of a traffic citation issued to you following the accident does not necessarily mean you are not liable and will not stop the revocation.

- **Requesting a hearing.** You may request a hearing if you feel you can present strong evidence there is no reasonable possibility that a court would require you to pay any amount or the amount of the security deposit requested. The hearing is conducted by a WisDOT hearing examiner.

If you want a hearing, you must send a written request to the Uninsured Motorist Unit before the scheduled revocation date listed on the Notice of Revocation. If the examiner rules there is a reasonable possibility a court would require you to pay damages, your driver's license and/or all registrations will be revoked unless you meet one of the compliance requirements.

How to reinstate your license

If you did not meet one of the compliance requirements before the deadline, and your driver's license and registrations are revoked, you must do one of the following to be eligible for reinstatement:

- Deposit the required security.
- File a release of liability.
- Be found not liable in court and file the decision.

- File an installment agreement.

- or -

- Wait the one year period of revocation if no notice of a lawsuit is filed.

In addition, you must do the following to reinstate your operating and registration privileges:

- Secure and file proof of future financial responsibility with WisDOT. Ask an insurance company licensed to do business in Wisconsin for the SR22 insurance certificate. You must maintain proof of future financial responsibility for 3 years following eligibility for reinstatement.

- Drivers: Complete an application at your nearest DMV Service Center. Sponsorship and driver education certification are required if you are under age 18.

Provide your social security number and furnish proof of identity with a document containing your photo or signature. A certified birth certificate is also required for your first Wisconsin license. Pass required examination(s). A road test fee may be required.

- Pay a \$50 fee for reinstating your driver's license and/or a \$50 fee for reinstating registration privileges.

If no lawsuit is filed within one year after the date of revocation, you will be eligible to apply for reinstatement. This does not mean that a lawsuit cannot be filed against you at a later date. If a lawsuit is filed later and a money judgment is awarded to the party suing you, you will either have to pay the money or enter an installment agreement. Otherwise your registration and driver's license *are revoked again for up to 20 years.*

If a lawsuit is filed against you during the one year revocation period, the revocation remains in effect until the court rules that you are not liable for damages arising from the accident, or until you arrange to pay the judgement.

Your driver's license and registrations can be reinstated if the court permits you to make installment payments and you file proof with the WisDOT that you now have insurance. If you miss any payments, your driver's license and registration will be revoked upon notification of the default to WisDOT.

If your license is revoked under this law you cannot obtain an "occupational license" to use for driving to or from work or in your work unless you held a license with commercial privileges (classes A, B, or C) prior to the revocation. If you held a commercial license, contact the Uninsured Motorist Unit for more information.

HOW TO CONTACT THE WisDOT

Write to:

Uninsured Motorist Unit
Wisconsin Department of Transportation
P.O. Box 7919
Madison, WI 53707-7919

Or call:

Telephone: (608) 266-1249
TDD (606) 266-0824
FAX (608) 267-0606





WISCONSIN STATE SENATE

RODNEY C. MOEN

SENATOR – 31ST DISTRICT

State Capitol, P.O. Box 7882, Madison, Wisconsin 53707-7882 Phone: (608) 266-8546 Toll-free Hotline: 1-800-362-9472

July 29, 1999

Senator Roger Breske, Chair
Senate Committee on Insurance, Tourism, Transportation, and Corrections
PO Box 7882
Madison, WI 53707

Dear Roger,

SB-31 is legislation relates to assuring financial responsibility for the operation of motor vehicles, and applies to all vehicles operating upon the highways in this state. Wisconsin is one of only six states that has failed to enact a mandatory motor vehicle liability insurance law.

I request your assistance to schedule SB-31 for a public hearing by the Senate Committee on Insurance, Tourism, Transportation, and Corrections. I am the author of SB-31 and I would like to get this bill enacted into law during this legislative session.

Thank you for your consideration and assistance on this matter.

Sincerely,

A handwritten signature in black ink that reads "Rodney C. Moen".

Rodney C. Moen

ROGER BRESKE
STATE SENATOR

Capitol Address:
State Capitol, South Wing
P. O. Box 7882
Madison, WI 53707-7882
(608) 266-2509

Legislative Hotline:
1 (800) 362-WISC (9472)



Home Address:
8800 Hwy 29
Eland, WI 54427
(715) 454-6575

7/14/99

Senate Bill 31

Proo requested a hearing.

Janfr.

Wisconsin State Senate



RODNEY C. MOEN
Senator - 31st District

7/29/99

Roger _____

When can I expect
a hearing on SB-31?

This ^{bill} has strong
public support w/ 90%
of your constituents wanting
it!

Roel