

2001 DRAFTING REQUEST**Bill**

Received: 10/17/2000

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Marc Duff (608) 266-1190

By/Representing: marcia dake

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: Transportation - traffic laws

Extra Copies: TNF

Pre Topic:

No specific pre topic given

Topic:

Nonmoving traffic violations involving leased or rented vehicles

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>
/?	phurley 12/04/2000	hhagen 12/06/2000		_____			S&L
/1			martykr 12/08/2000	_____	gretskl 12/08/2000		S&L
/2	phurley 12/13/2000 phurley 02/26/2001	hhagen 12/20/2000 hhagen 02/27/2001	jfrantze 12/21/2000	_____	lrb_docadmin 12/21/2000	lrb_docadmin 12/29/2000	S&L
/3			pgreensl 02/27/2001	_____	lrb_docadmin 02/27/2001	lrb_docadmin 02/27/2001	

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/2	phurley 12/13/2000	hhagen 12/20/2000	jfrantze 12/21/2000	<u>2/27</u>	lrb_docadmin 12/21/2000	lrb_docadmin 12/29/2000	

FE Sent For:

*13 hmk
2/27/01*

*2/27
pg*

<END>

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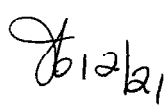

Instructions:

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>
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/1		12 hmb 12/20/00	martykr 12/08/2000		gretskl 12/08/2000		

FE Sent For:

 12/21
 / Self
 <END>
 12/21

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1?	phurley	11 hmk 12/6/00	ph 12 8	JA KMC 12 8			

FE Scent For:

<END>

Hurley, Peggy

From: Dake, Marsha
Sent: Tuesday, October 17, 2000 11:10 AM
To: Hurley, Peggy; Fast, Timothy
Subject: AB639-ASA1.pdf.pdf

Rep. Marc Duff would like this substitute amendment drafted for introduction in January 2001.
Please contact me if you have any questions.

Thank you!

Marsha Dake
Office of Rep Duff
6-1190



AB639-ASA1.pdf.pdf

2001

Date (time) needed _____

LRB - 076511

BILL

PSH : hmb

D. M. [Signature]

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create -> anal: -> title: -> head

For the subheading, execute: create -> anal: -> title: -> sub

For the sub-subheading, execute: create -> anal: -> title: -> sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create -> anal: -> text

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

SECTION #.

1999 ASSEMBLY BILL 639

D-note
12-9-00

January 11, 2000 – Introduced by Representatives DUFF, STONE, M. LEHMAN, URBAN, NASS, LADWIG, KEDZIE, SUDER, HUEBSCH, PETTIS, WARD, SYKORA and GRUTHMAN, cosponsored by Senators WIRCH, FARROW and HUELSMAN. Referred to Committee on Highway Safety.

1. **AN ACT to repeal** 345.28 (5m) (c); **to amend** 345.28 (4) (e), 345.28 (4) (h), 345.28
2. (5m) (b) and 345.285 (2) (a) (intro.); and **to create** 345.285 (2) (bm) of the
3. statutes, **relating to:** nonmoving traffic violations involving rented or leased
4. motor vehicles.

(i.e., violations for which a parking ticket is issued)

Analysis by the Legislative Reference Bureau

Under current law, an authority that issues citations for nonmoving traffic violations (~~parking tickets~~) may notify the department of transportation (DOT) if a person fails to pay a parking ticket or appear in court in response to a parking ticket, and may require DOT to suspend the registration of the offending vehicle, or to refuse registration of any vehicle owned by the violator, or to do both. The suspension or refusal of vehicle registration continues until the person appears in court in response to the parking ticket or pays the amount of the parking ticket and costs, if any, of suspending or refusing vehicle registration.

When a parking ticket is issued to a motor vehicle that is rented or leased to another, the process of resolving the parking ticket is more complex. A person engaged in the business of renting or leasing vehicles (lessor) generally is responsible for the parking tickets issued to its vehicles. However, an authority may not provide notice to DOT to suspend registration or refuse registration if the vehicle involved in the parking ticket is owned by a lessor; the vehicle was rented or leased to another when the parking ticket was issued; the lessor timely identifies the renter or lessee to the authority; and if the renter or lessee, after receiving notice from the authority, timely pays the forfeiture or appears in court in response to the parking ticket. If the

violation

ASSEMBLY BILL 639

renter or lessee fails to pay or appear as required, the authority may require DOT to refuse to register any vehicle owned by the renter or lessee, and the lessor must pay 50% of the forfeiture and costs applicable to the parking ticket. If the lessor fails to pay 50% of the forfeiture and costs, the authority may require DOT to suspend the registration of the vehicle involved in the parking ticket. If the lessor pays 50% of the forfeiture and costs of a parking ticket, and that ticket is later paid in full by the renter or lessee, the lessor is refunded the 50% payment.

AA
violation

This bill relieves a lessor from liability for a parking ticket if the lessor identifies the renter or lessee to the authority. The bill eliminates the requirement that the lessor pay any part of a parking ticket issued to the rented or leased vehicle. As under current law, the lessor generally is liable for the parking ticket unless the lessor identifies the renter or lessee. The bill retains the required reimbursement of a lessor who pays any part of a forfeiture or costs of a parking ticket that is later paid by a renter or lessee.

and the renter or lessee pays the forfeiture or appears in court, or if more than one year has elapsed since the ticket was issued.

This bill also prohibits the city of Milwaukee from suspending a rented or leased vehicle's registration, or taking other action, under the Alternative Traffic Violation and Registration Pilot Program under certain circumstances. Under the program, DOT may authorize the city of Milwaukee to suspend the registration of any vehicle for unpaid parking tickets, including vehicles owned by a lessor. The bill exempts rented or leased vehicles from such action under the program if the vehicle was in the possession of the renter or lessee at the time of the parking violation, and the owner timely identifies that renter or lessee to the city.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

insert
1

1 SECTION 1. 345.28 (4) (e) of the statutes is amended to read:
2 345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and
3 the costs, if any, under par. (d) or appears in court in response to the citation or a
4 notice by the authority who issued the citation or the department, the authority shall
5 immediately notify the department shall be immediately notified in the form and
6 manner prescribed by the department. If the vehicle involved in the nonmoving
7 traffic violation is owned by a person engaged in the business of renting or leasing
8 motor vehicles and the owner pays the costs, if any, under par. (d) and 50% some part

ASSEMBLY BILL 639

1 of the forfeiture, the authority shall immediately notify the department in the form
2 and manner prescribed by the department.

3 **SECTION 2.** 345.28 (4) (h) of the statutes is amended to read:

4 345.28 (4) (h) If an authority receives payment of 50% some part of a forfeiture
5 from the owner of a leased or rented vehicle involved in a nonmoving traffic violation
6 and receives payment of the forfeiture from the lessee or renter of the vehicle charged
7 with the violation, the authority shall refund to the owner the 50% amount of the
8 payment received from the owner.

9 **SECTION 3.** 345.28 (5m) (b) of the statutes is amended to read:

10 345.28 (5m) (b) If the renter or lessee does not pay the forfeiture or appear in
11 court in response to the citation for a nonmoving traffic violation, the authority may
12 notify the department under sub. (4) (a) 1. that a citation has been issued to the
13 person and the citation remains unpaid. The action which the authority shall specify
14 that the department take under sub. (4) (a) 2. is limited to refusal of the registration
15 of any vehicle owned by the renter or lessee, except that the authority may not specify
16 any action unless all of the conditions under par. (a) 1., 2. and 3. have been met.

17 **SECTION 4.** 345.28 (5m) (c) of the statutes is repealed.

18 **SECTION 5.** 345.285 (2) (a) (intro.) of the statutes is amended to read:

19 345.285 (2) (a) (intro.) The Except as provided in par. (bm), the city may
20 suspend the registration of a vehicle if all of the following apply:

21 **SECTION 6.** 345.285 (2) (bm) of the statutes is created to read:

22 345.285 (2) (bm) No city may take any action under a contract entered into
23 under this section with respect to any vehicle to which all of the following apply:

24 1. The vehicle involved in a nonmoving traffic violation is owned by a person
25 engaged in the business of renting or leasing motor vehicles;

ASSEMBLY BILL 639

1 2. At the time of the violation the vehicle was in the possession of a renter or
 2 lessee; and

3 3. The owner of the vehicle provides the information required under s. 343.46
 4 (3) for such renter or lessee to the city within 10 days after the 2nd notice was sent
 5 to the owner under par. (a) 2.

6 **SECTION 7. Initial applicability.**

Citations issued for

7 (1) This act first applies to nonmoving violations committed on the effective
 8 date of this subsection.

9 **SECTION 8. Effective date.**

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

12 (END)

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 639**

March 1, 2000 - Offered by COMMITTEE ON HIGHWAY SAFETY.

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:

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

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

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

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

Insert 1-5 sections
Insert 1-8 plus

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.

a citation issued to the owner of a vehicle if the requirements of sub (5m) (a) 1. to 3. are satisfied.

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

insert #2

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.

insert
3

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)

Notwithstanding par. (a), if

Section #. 345.28 (5m) (b) of the statutes is amended to read:

345.28 (5m) (b) ~~If~~ the renter or lessee does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation, the authority may notify the department under sub. (4) (a) 1. that a citation has been issued to the person and the citation remains unpaid. The action which the authority shall specify that the department take under sub. (4) (a) 2. is limited to refusal of the registration of any vehicle owned by the renter or lessee.

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.

Insert #3:

section # 345.28 (5m) (c) 3. of the statutes is created to read:
345.28 (5m) (c) 3. This paragraph does not apply if more than one year has elapsed since the citation was issued.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0765/1dn

PJH.....

hm

Date

Please review this draft carefully to ensure that it is consistent with your intent.

Please note that the act first applies to citations issued for non-moving violations that are committed on the effective date. Let me know if you want to make the provisions relating to a one-year limitation apply to citations ~~which~~ *that* have already been issued.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0765/1dn
PJH:hmh:km

December 7, 2000

Please review this draft carefully to ensure that it is consistent with your intent.

Please note that the act first applies to citations issued for non-moving violations that are committed on the effective date. Let me know if you want to make the provisions relating to a one-year limitation apply to citations that have already been issued.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

Hurley, Peggy

From: Dake, Marsha
Sent: Tuesday, December 12, 2000 3:07 PM
To: Hurley, Peggy
Subject: Rep. Duff-LRB 0765/1



A suggestion was made to Rep. Duff to include a clarification to the bill regarding nonmoving traffic violations involving leased or rented vehicles:

Add to the third paragraph of the Analysis a statement making it clear that the bill does not change the requirement that a lessor is responsible for 50% of the forfeiture if the renter or lessee fails to pay or appear as required.

The thinking is that while it may be obvious to us, others reading it may not understand it. Please let us know if you think this is necessary or helpful.

Thank you,

Marsha Dake
Office of Rep. Marc Duff
6-1190



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0765/A 2

PJH(hmh):km

redraft already
in

stays

2001 BILL

D-note
submitted
12-13-00

ReGenerate

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

that was ticketed
Analysis by the Legislative Reference Bureau

Under current law, an authority that issues citations for nonmoving traffic violations (i.e., violations for which a parking ticket is issued) may notify the department of transportation (DOT) if a person fails to pay a parking ticket or appear in court in response to a parking ticket, and may require DOT to suspend the registration of the ~~offending~~ vehicle, or to refuse registration of any vehicle owned by the violator, or to do both. The suspension or refusal of vehicle registration continues until the person appears in court in response to the parking ticket or pays the amount of the parking ticket and costs, if any, of suspending or refusing vehicle registration.

When a parking ticket is issued to a motor vehicle that is rented or leased to another, the process of resolving the parking ticket is more complex. A person engaged in the business of renting or leasing vehicles (lessor) generally is responsible for the parking tickets issued to its vehicles. However, an authority may not provide notice to DOT to suspend registration or refuse registration if the vehicle involved in the parking violation is owned by a lessor; the vehicle was rented or leased to

BILL

another when the parking ticket was issued; the lessor timely identifies the renter or lessee to the authority; and if the renter or lessee, after receiving notice from the authority, timely pays the forfeiture or appears in court in response to the parking ticket. If the renter or lessee fails to pay or appear as required, the authority may require DOT to refuse to register any vehicle owned by the renter or lessee, and the lessor must pay 50% of the forfeiture and costs applicable to the parking ticket. If the lessor fails to pay 50% of the forfeiture and costs, the authority may require DOT to suspend the registration of the vehicle involved in the parking violation. If the lessor pays 50% of the forfeiture and costs of a parking ticket, and that ticket is later paid in full by the renter or lessee, the lessor is refunded the 50% payment.

This bill relieves a lessor from liability for a parking ticket if the lessor identifies the renter or lessee to the authority and the renter or lessee pays the forfeiture or appears in court, or if more than one year has elapsed since the ticket was issued. As under current law, the lessor generally is liable for the parking ticket unless the lessor identifies the renter or lessee. The bill retains the required reimbursement of a lessor who pays any part of a forfeiture or costs of a parking ticket that is later paid by a renter or lessee.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The requirement that the lessor must pay 50% of the forfeiture and costs and the

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

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

2 345.28 (4) (d) The authority may assess the person for the cost of using the
3 traffic violation and registration program as established by the department under
4 s. 85.13. This paragraph does not apply to citations paid under sub. (5m) (c).

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

6 345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and
7 the costs, if any, under par. (d) or appears in court in response to the citation or a
8 notice by the authority who issued the citation or the department, the department
9 shall be immediately notified in the form and manner prescribed by the department.
10 If the vehicle involved in the nonmoving traffic violation is owned by a person
11 engaged in the business of renting or leasing motor vehicles and the owner pays the
12 ~~costs, if any, under par. (d) and~~ 50% of the amount of the forfeiture under sub. (2) (a),

BILL

1 the authority shall immediately notify the department in the form and manner
2 prescribed by the department.

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

4 345.28 (4) (g) Notification of the department under par. (a) 1. shall toll any
5 applicable statute of limitation for 4 years from the date of the notification. This
6 paragraph does not apply to a citation issued to the owner of a vehicle if the
7 requirements of sub. (5m) (a) 1. to 3. are satisfied.

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

9 345.28 (5m) (a) 4. (intro.) Either of the following applies:

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

11 a.

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

13 345.28 (5m) (a) 4. b. At least one year has elapsed since the citation was issued.

14 **SECTION 7.** 345.28 (5m) (b) of the statutes is amended to read:

15 345.28 (5m) (b) If Notwithstanding par. (a), if the renter or lessee does not pay
16 the forfeiture or appear in court in response to the citation for a nonmoving traffic
17 violation, the authority may notify the department under sub. (4) (a) 1. that a citation
18 has been issued to the person and the citation remains unpaid. The action which the
19 authority shall specify that the department take under sub. (4) (a) 2. is limited to
20 refusal of the registration of any vehicle owned by the renter or lessee.

21 **SECTION 8.** 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

BILL

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 9.** 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 10.** 345.28 (5m) (c) 3. of the statutes is created to read:

11 345.28 (5m) (c) 3. This paragraph does not apply if more than one year has
12 elapsed since the citation was issued.

13 **SECTION 11. Initial applicability.**

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

16 **SECTION 12. Effective date.**

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

19 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0765/2dn

PJH: 

Marsha Dake: *does*

This draft is identical to LRB 01-0765/1 except that the analysis has been amended to explain that the bill ~~does~~ not change the requirement that lessors are liable for 50% of non-moving traffic forfeitures and costs.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0765/2dn
PJH:hmh:jf

December 21, 2000

Marsha Dake:

This draft is identical to LRB 01-0765/1 except that the analysis has been amended to explain that the bill does not change the requirement that lessors are liable for 50% of non-moving traffic forfeitures and costs.

Peggy Hurley
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STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 21, 2000

MEMORANDUM

To: Representative Duff

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-0765 Nonmoving traffic violations involving leased or rented vehicles

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

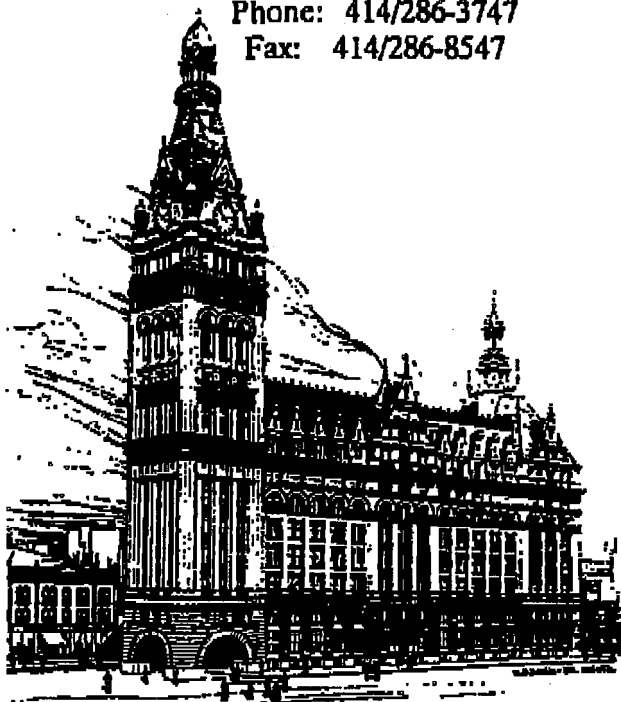
If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

CITY OF MILWAUKEE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL RELATIONS DIVISION

Phone: 414/286-3747

Fax: 414/286-8547



FAX COVER SHEET

To: Marsha Dake, Rep. Duff's office

From: Michael Miller

Date: 2/19/01 No. of Pages: 2

Phone: _____ Fax: 608-282-3698

Message: Per our conversation.

BRIAN C. MITCHELL
GOVERNMENT RELATIONS

COOK & FRANKE S. C.

ATTORNEYS AT LAW

400 EAST MASON STREET

MILWAUKEE, WISCONSIN 53202-3077

MEMBER:

COMMERCIAL LAW AFFILIATES,

INDEPENDENT BUSINESS & LITIGATION LAW FIRMS.

WORLDWIDE

REC 1414 271-221
REQUIRE CO-LAW 660

February 15, 2001

VIA FACSIMILE

TO: Dorinda Floyd
City of Milwaukee - DPW

FROM: Brian Mitchell
Wisconsin Car Rental Alliance

RE: Draft Legislation on Non-Moving Traffic Violations for Rented
or Leased Motor Vehicles (LRB 0765/2)

This is to confirm our understanding relative to revisions to the above bill draft. The draft will be revised as follows:

p. 2; Section 1 - delete

p. 3, Section 6, line 14 - add after "issued" the words: "and notice under 5m(c)1 has not been received by the owner."

p. 4, Section 10, lines 12 and 13 - delete the language beginning after the word "if" in line 12 and substitute the following: "the owner has not received notice under 5m(c)1 within one year from the date of issuance of the citation."

Please let me know as soon as possible if these changes are consistent with what we discussed.

Hurley, Peggy

From: Dake, Marsha
Sent: Monday, February 19, 2001 3:49 PM
To: Hurley, Peggy
Subject: Rep. Duff/LRB 0765/2

Hi Peggy,

Here are the changes to the above-noted bill. There is one further change to include on page 3, Section 6, line 14 should read "and notice under 5m©1 has not been received by the owner **within that period.**"

Thanks! Call me if questions, 6-1190
Marsha



22C67000.tif

redraft stays
not
yet
run

OTHER

2001 BILL

Regenerak

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

Analysis by the Legislative Reference Bureau

Under current law, an authority that issues citations for nonmoving traffic violations (i.e., violations for which a parking ticket is issued) may notify the department of transportation (DOT) if a person fails to pay a parking ticket or appear in court in response to a parking ticket, and may require DOT to suspend the registration of the vehicle that was ticketed, or to refuse registration of any vehicle owned by the violator, or to do both. The suspension or refusal of vehicle registration continues until the person appears in court in response to the parking ticket or pays the amount of the parking ticket and costs, if any, of suspending or refusing vehicle registration.

When a parking ticket is issued to a motor vehicle that is rented or leased to another, the process of resolving the parking ticket is more complex. A person engaged in the business of renting or leasing vehicles (lessor) generally is responsible for the parking tickets issued to its vehicles. However, an authority may not provide notice to DOT to suspend registration or refuse registration if the vehicle involved in the parking violation is owned by a lessor; the vehicle was rented or leased to

BILL

another when the parking ticket was issued; the lessor timely identifies the renter or lessee to the authority; and if the renter or lessee, after receiving notice from the authority, timely pays the forfeiture or appears in court in response to the parking ticket. If the renter or lessee fails to pay or appear as required, the authority may require DOT to refuse to register any vehicle owned by the renter or lessee, and the lessor must pay 50% of the forfeiture and costs applicable to the parking ticket. If the lessor fails to pay 50% of the forfeiture and costs, the authority may require DOT to suspend the registration of the vehicle involved in the parking violation. If the lessor pays 50% of the forfeiture and costs of a parking ticket, and that ticket is later paid in full by the renter or lessee, the lessor is refunded the 50% payment.

- and DOT may not suspend the registration of the vehicle involved in the parking violation or refuse to register any other vehicle owned by the lessor.

and the authority has not sent notice to the lessor within the year

This bill relieves a lessor from liability for a parking ticket if the lessor identifies the renter or lessee to the authority and the renter or lessee pays the forfeiture or appears in court, or if more than one year has elapsed since the ticket was issued. As under current law, the lessor generally is liable for the parking ticket unless the lessor identifies the renter or lessee. The bill retains the requirement that the lessor must pay 50% of the forfeiture and costs and the required reimbursement of a lessor who pays any part of a forfeiture or costs of a parking ticket that is later paid by a renter or lessee.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

~~SECTION 1. 345.28 (4) (d) of the statutes is amended to read:
345.28 (4) (d) The authority may assess the person for the cost of using the traffic violation and registration program as established by the department under s. 85.13. This paragraph does not apply to citations paid under sub. (5m) (c).~~

SECTION 2. 345.28 (4) (e) of the statutes is amended to read:
345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and the costs, if any, under par. (d) or appears in court in response to the citation or a notice by the authority who issued the citation or the department, the department shall be immediately notified in the form and manner prescribed by the department. If the vehicle involved in the nonmoving traffic violation is owned by a person engaged in the business of renting or leasing motor vehicles and the owner pays the

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BILL

1 costs, if any, under par. (d) and 50% of the amount of the forfeiture under sub. (2) (a),
2 the authority shall immediately notify the department in the form and manner
3 prescribed by the department.

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

5 345.28 (4) (g) Notification of the department under par. (a) 1. shall toll any
6 applicable statute of limitation for 4 years from the date of the notification. This
7 paragraph does not apply to a citation issued to the owner of a vehicle if the
8 requirements of sub. (5m) (a) 1. to 3. are satisfied.

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

10 345.28 (5m) (a) 4. (intro.) Either of the following applies:

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

12 a.

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

14 345.28 (5m) (a) 4. b. At least one year has elapsed since the citation was issued

15 **SECTION 7.** 345.28 (5m) (b) of the statutes is amended to read:

16 345.28 (5m) (b) If Notwithstanding par. (a), if the renter or lessee does not pay

17 the forfeiture or appear in court in response to the citation for a nonmoving traffic
18 violation, the authority may notify the department under sub. (4) (a) 1. that a citation
19 has been issued to the person and the citation remains unpaid. The action which the
20 authority shall specify that the department take under sub. (4) (a) 2. is limited to
21 refusal of the registration of any vehicle owned by the renter or lessee.

22 **SECTION 8.** 345.28 (5m) (c) 1. of the statutes is amended to read:

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

and
notice
under
par. (c) 1.
has not been
mailed to the
owner within
that
period.

BILL

1 shall pay the authority 50% of the amount of the forfeiture applicable to the
2 nonmoving traffic violation under sub. (2) (a). The authority shall notify the owner
3 in writing of its responsibility for this payment.

4 **SECTION 9.** 345.28 (5m) (c) 2. of the statutes is amended to read:

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

11 **SECTION 10.** 345.28 (5m) (c) 3. of the statutes is created to read:

12 345.28 (5m) (c) 3. This paragraph does not apply if ~~more than one year has~~
13 ~~elapsed since the citation was issued,~~ *notice under subd. 1. has not been*
14 **SECTION 11. Initial applicability.** *mailed to the owner within one year*
From the date the citation was
issued

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

17 **SECTION 12. Effective date.**

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

20 (END)