

2001 ASSEMBLY BILL 901

March 14, 2002 – Introduced by Representative UNDERHEIM, cosponsored by Senator BURKE. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 344.12, 344.14 (2) (e) and 346.70 (1) of the statutes; **relating**
2 **to:** motor vehicle accidents resulting in property damage and duty to report
3 accidents resulting in damage to publicly owned vehicles.

Analysis by the Legislative Reference Bureau

Under current law, the operator of a vehicle involved in an accident resulting in total damage of \$1,000 or more to a publicly owned vehicle or to private property owned by one person must report the accident as soon as possible to the state patrol or to the law enforcement agency of the jurisdiction where the accident occurred. Failure to report an accident may result in a forfeiture of not less than \$40 nor more than \$200 or, for a second or subsequent offense within a year, a forfeiture of not less than \$100 nor more than \$500. In addition, the operator's motor vehicle operating privilege and any vehicle registrations may be suspended unless there was excusable cause for failing to report the accident or no person or property other than the operator's was injured or damaged in the accident.

Also under current law, the department of transportation is required to notify the operator or owner of a motor vehicle that is involved in an accident that results in injury, death, or property damage of \$1,000 or more and to obtain a deposit of security for the accident. A deposit is not required if the person can provide proof of financial responsibility (an applicable motor vehicle liability insurance policy or bond was in effect at the time of the accident providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person, and \$10,000 for property damage).

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With certain exceptions, failure to provide proof of financial responsibility or a deposit of security after an accident results in suspension of the operator's motor vehicle operating privilege or of the registration of any vehicles registered by the owner of the vehicle involved in the accident. The secretary of transportation may also order that any motor vehicle owned by the operator or owner of the motor vehicle that is involved in the accident be impounded. Any suspension or motor vehicle impoundment continues until the person provides a deposit of security or otherwise clears his or her liability or a year elapses without an action being commenced as a result of the accident.

This bill lowers the minimum property damage for both of these purposes from \$1,000 to \$500. The bill also provides that, in addition to publicly owned vehicles, the accident reporting requirement applies to privately owned vehicles being used under a contract with the state or any local governmental unit and to taxicabs regulated by a municipal ordinance.

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:

1 **SECTION 1.** 344.12 of the statutes is amended to read:

2 **344.12 Applicability of provisions relating to deposit of security for**
3 **past accidents.** Subject to the exceptions contained in s. 344.14, the provisions of
4 this chapter requiring deposit of security and requiring suspension for failure to
5 deposit security apply to the operator and owner of every motor vehicle which is in
6 any manner involved in an accident in this state which has resulted in bodily injury
7 to or death of any person or damage to property of any other person of ~~\$1,000~~ \$500
8 or more.

9 **SECTION 2.** 344.14 (2) (e) of the statutes is amended to read:

10 344.14 (2) (e) To the operator or owner of a vehicle involved in an accident
11 wherein no injury was caused to the person of anyone other than such operator or
12 owner and wherein damage to property of any one person other than such operator
13 or owner did not equal or exceed ~~\$1,000~~ \$500.

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1 **SECTION 3.** 346.70 (1) of the statutes is amended to read:

2 346.70 (1) IMMEDIATE NOTICE OF ACCIDENT. The operator of a vehicle involved in
3 an accident resulting in injury to or death of any person, any damage to state or other
4 government-owned property, except damage to a state or other government-owned
5 vehicle, a privately owned vehicle being used under a contract with the state or any
6 local governmental unit, as defined in s. 16.97 (7), or a taxicab regulated by
7 municipal ordinance under s. 349.24, to an apparent extent of \$200 or more or total
8 damage to property owned by any one person or to a state or other
9 government-owned vehicle, a privately owned vehicle being used under a contract
10 with the state or any local governmental unit, as defined in s. 16.97 (7), or a taxicab
11 regulated by municipal ordinance under s. 349.24 to an apparent extent of \$1,000
12 \$500 or more shall immediately by the quickest means of communication give notice
13 of such accident to the police department, the sheriff's department or the traffic
14 department of the county or municipality in which the accident occurred or to a state
15 traffic patrol officer. In this subsection, "injury" means injury to a person of a
16 physical nature resulting in death or the need of first aid or attention by a physician
17 or surgeon, whether or not first aid or medical or surgical treatment was actually
18 received; "total damage to property owned by one person" means the sum total cost
19 of putting the property damaged in the condition it was before the accident, if repair
20 thereof is practical, and if not practical, the sum total cost of replacing such property.
21 For purposes of this subsection if any property which is damaged is held in a form
22 of joint or multiple ownership, the property shall be considered to be owned by one
23 person.

24 **SECTION 4. Initial applicability.**

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SECTION 4

1 (1) This act first applies to accidents occurring on the effective date of this
2 subsection.

3 **SECTION 5. Effective date.**

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

6 (END)