

2001 DRAFTING REQUEST

Bill

Received: **03/11/2001**

Received By: **fasttn**

Wanted: **Soon**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **Gary Goyke**

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG, PJH - 1**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Reportable accident property damage threshold

Instructions:

Reduce reportable accident property damage threshold from \$1,000 to \$500

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>
/?	fasttn 04/02/2001	jdyer 04/03/2001		_____			State
/1			pgreensl 04/03/2001	_____	lrb_docadmin 04/03/2001		S&L
/2	fasttn 09/24/2001	jdyer 10/04/2001	jfrantze 10/05/2001	_____	lrb_docadmin 10/05/2001	lrb_docadmin 10/24/2001	

FE Sent For: *@antw*

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/1			pgreensl 04/03/2001	_____	lrb_docadmin 04/03/2001		S&L
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No specific pre topic given

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/?	fasttn 04/02/2001	jdyer 04/03/2001					State
/1		1/2 10/3 jld	pgreensl 04/03/2001		lrb_docadmin 04/03/2001		

FE Sent For:

[Handwritten signatures and dates]
10/6

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/?	fasttn	1 4/3 jld	4/3 ps	4/3 ps/ks			

FE Sent For:

<END>

2001

Date (time) needed SOON
(turned in 4/2/01)

LRB - 280611

BILL

INF: JLD

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: motor vehicle accidents resulting in property damage.

[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

(Attached)

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

SECTION #.

Section #. 344.12 ✓ of the statutes is amended to read:

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

~~NOTE: This section is amended eff. 5-1-01 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84, as affected by 1999 Wis. Act 9, s. 3263, to read:~~

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

History: 1981 c. 20; 1991 a. 269; 1995 a. 113; 1997 a. 84.

\$500 ✓

NO ⓐ
12 pt

NO ⓑ
12 pt

Section #. 344.14 (2) (e) ✓ of the statutes is amended to read:

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

NOTE: Par. (e) is amended eff. 5-1-01 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84, as affected by 1999 Wis. Act 9, s. 3263, to read:

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

History: 1971 c. 78; 1971 c. 164 s. 83; 1971 c. 253; 1975 c. 55, 199, 297; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 273; 1981 c. 20, 363; 1983 a. 217; 1989 a. 105; 1991 a. 269, 316; 1995 a. 113; 1997 a. 27, 84.

NO
12 pt

NO
12 pt

\$500 ✓

Section #. 346.70 (1) of the statutes is amended to read:

346.70 (1) IMMEDIATE NOTICE OF ACCIDENT. The operator of a vehicle involved in an accident resulting in injury to or death of any person, any damage to state or other government-owned property, except a state or other government-owned vehicle, to an apparent extent of \$200 or more or total damage to property owned by any one person or to a state or other government-owned vehicle to an apparent extent of ~~\$1,000~~ or more shall immediately by the quickest means of communication give notice of such accident to the police department, the sheriff's department or the traffic department of the county or municipality in which the accident occurred or to a state traffic patrol officer. In this subsection, "injury" means injury to a person of a physical nature resulting in death or the need of first aid or attention by a physician or surgeon, whether or not first aid or medical or surgical treatment was actually received; "total damage to property owned by one person" means the sum total cost of putting the property damaged in the condition it was before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing such property. For purposes of this subsection if any property which is damaged is held in a form of joint or multiple ownership, the property shall be considered to be owned by one person.

History: 1975 c. 240, 381; 1977 c. 29 ss. 1486, 1654 (7) (a), (c); 1977 c. 100; 1979 c. 99; 1981 c. 20, 133, 314; 1985 a. 29; 1987 a. 211; 1993 a. 246, 437; 1995 a. 113.

\$500

2001

Nonstat File Sequence: **EEE**

LRB 280611

TNF: _____

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 **Initial applicability;**

(#1) ()

The treatment of sections ..

of the statutes

first applies to

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # 1111 **Initial applicability;**

(#1) 1111 This act first

applies to accidents occurring on the effective date of
this subsection.

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # 111 • **Effective date.**

(#1) 111 This act takes effect on the first day of the 4th month beginning after publication.

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ • **Effective dates;**

..... This act takes effect on the day after publication, except as follows:

(#1) () The treatment of sections of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute:..**create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 _____ • **Effective dates;**

(#1) () The treatment of sections of the statutes takes effect on

(END) ✓

Analysis

¶ 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 ~~first~~^{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.

1995 SENATE BILL 9

January 11, 1995 - Introduced by Senator BURKE. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 AN ACT to amend 344.02 (3), 344.04 (2) and 344.14 (1m) (intro.) of the statutes,
2 relating to: the impoundment of motor vehicles for failure to provide proof of
3 financial responsibility or a deposit of security after an accident.

¶ Also

Analysis by the Legislative Reference Bureau

\$1,000

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 ~~\$700~~ 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).

* suspension

With certain exceptions, failure to provide proof of financial responsibility or a deposit of security after an accident results in ~~revocation~~ 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 ~~revocation~~ 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 ~~makes~~ motor vehicle impoundment mandatory for failure to provide proof of financial responsibility or a deposit of security after an accident.

lowers the minimum property damage for both of these purposes from \$1,000 to \$500.

¶ FE - S

WANTED soon
turned in 9/24

2001 BILL

✓ and duty to report accidents
resulting in damage to
publicly owned
vehicles

Regen

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.

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).

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

BILL

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.

Insert A ✓

This bill lowers the minimum property damage for both of these purposes from \$1,000 to \$500.

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

S/L

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.

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

15 346.70 (1) IMMEDIATE NOTICE OF ACCIDENT. The operator of a vehicle involved in
16 an accident resulting in injury to or death of any person, any damage to state or other

PWF {

BILL

Insert B ✓

1 government-owned property, except a state or other government-owned vehicle, to
2 an apparent extent of \$200 or more or total damage to property owned by any one
3 person or to a state or other government-owned vehicle to an apparent extent of
4 ~~\$1,000~~ \$500 or more shall immediately by the quickest means of communication give
5 notice of such accident to the police department, the sheriff's department or the
6 traffic department of the county or municipality in which the accident occurred or
7 to a state traffic patrol officer. In this subsection, "injury" means injury to a person
8 of a physical nature resulting in death or the need of first aid or attention by a
9 physician or surgeon, whether or not first aid or medical or surgical treatment was
10 actually received; "total damage to property owned by one person" means the sum
11 total cost of putting the property damaged in the condition it was before the accident,
12 if repair thereof is practical, and if not practical, the sum total cost of replacing such
13 property. For purposes of this subsection if any property which is damaged is held
14 in a form of joint or multiple ownership, the property shall be considered to be owned
15 by one person.

SECTION 4. Initial applicability.

16
17 (1) This act first applies to accidents occurring on the effective date of this
18 subsection.

SECTION 5. Effective date.

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

22 (END)

2001 BILL

Insert A

1 AN ACT to amend 346.70 (1) of the statutes, relating to duty to report accidents
2 resulting in damage to certain 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 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.

NO 4 The bill also

This bill 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. (end ins A)

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:

3 SECTION 1. 346.70 (1) of the statutes is amended to read:
4 346.70 (1) IMMEDIATE NOTICE OF ACCIDENT. The operator of a vehicle involved in
5 an accident resulting in injury to or death of any person, any damage to state or other

BILL Insert B

RJF

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

~~SECTION 2. Initial applicability.~~ (end ins B)

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

~~SECTION 3. Effective date.~~



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

STEPHEN R. MILLER
CHIEF

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

October 5, 2001

MEMORANDUM

To: Representative Underheim

From: Timothy N. Fast, Senior Legislative Attorney

Re: LRB-2806/2 Reportable accident property damage threshold

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) 266-9739 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.