

2003 ASSEMBLY BILL 758

January 21, 2004 – Introduced by Representatives AINSWORTH, ALBERS, GUNDERSON, HAHN, HINES, KRAWCZYK, LADWIG, M. LEHMAN, LEMAHIEU, OTT, OWENS, SERATTI and TOWNSEND, cosponsored by Senators LEIBHAM and BRESKE. Referred to Committee on Transportation.

1 **AN ACT to amend** 341.65 (2) (b) and 342.40 (3) (a); and **to create** 349.13 (5) (c)
2 of the statutes; **relating to:** the removal by towing services of unregistered,
3 abandoned, or illegally parked vehicles.

Analysis by the Legislative Reference Bureau

Under current law, any city, village, or town (municipality) or any county may enact an ordinance prohibiting unregistered motor vehicles and providing for, among other things, the removal and impoundment of such vehicles. Upon discovery of an unregistered vehicle upon a highway, a law enforcement officer may cause the vehicle to be removed to a suitable place of impoundment. Upon removal, the law enforcement officer must notify the sheriff or chief of police of the location to which the vehicle has been removed and impounded and the reason for the impoundment.

Current law also prohibits any person from abandoning a vehicle on a highway or public or private property and subjects abandoned vehicles to, among other things, removal and impoundment. Any municipality or county may enact an ordinance related to abandoned vehicles. Upon discovery of an abandoned vehicle upon a highway or public or private property, a law enforcement officer must cause the vehicle to be removed to a suitable place of impoundment. Upon removal, the law enforcement officer must notify the sheriff or chief of police of the abandonment and the location to which the vehicle has been removed and impounded.

Under this bill, a law enforcement officer who causes the removal of a vehicle by a towing service must, within 24 hours of ordering the removal, notify the towing service of the name and last-known address of the registered owner and all lienholders of record of the vehicle.

ASSEMBLY BILL 758

Current law, with certain exceptions, permits state and local highway authorities to prohibit or restrict the stopping, standing, or parking of vehicles on highways under their jurisdictions. A traffic officer may require the removal, to a permissible parking area or to storage, of a vehicle on a highway in violation of limitations on stopping, standing, or parking, or of a disabled vehicle that obstructs the roadway of a freeway or expressway, or of a vehicle involved in trespass parking on private property, or, in any first class city (presently only Milwaukee), of a disabled vehicle causing a hazard on any portion of the interstate system, limited access highway, or expressway.

Under this bill, a traffic or police officer who requests removal of a vehicle by a towing service must, within 24 hours of requesting the removal, notify the towing service of the name and last-known address of the registered owner and all lienholders of record of the vehicle if the removal is to be made to any location other than a public highway within one-half mile from the location from which the vehicle is to be removed.

For further information see the *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.** 341.65 (2) (b) of the statutes is amended to read:

2 341.65 **(2)** (b) Any municipal or university police officer, sheriff's deputy, county
3 traffic patrolman, state traffic officer or conservation warden who discovers any
4 unregistered motor vehicle located upon any highway may cause the motor vehicle
5 to be immobilized with an immobilization device or removed to a suitable place of
6 impoundment. Upon immobilization or removal of the motor vehicle, the officer or
7 warden shall notify the sheriff or chief of police of the location of the immobilized or
8 impounded motor vehicle and the reason for the immobilization or impoundment.
9 Upon causing the removal of the motor vehicle by a towing service, the officer or
10 warden shall, within 24 hours of ordering the removal, notify the towing service of
11 the name and last-known address of the registered owner and all lienholders of
12 record of the vehicle.

13 **SECTION 2.** 342.40 (3) (a) of the statutes is amended to read:

ASSEMBLY BILL 758

1 342.40 (3) (a) Any municipal or university police officer, police officer appointed
2 under s. 16.84 (2), sheriff’s deputy, county traffic patrolman, state traffic officer or
3 conservation warden who discovers any motor vehicle, trailer, semitrailer, or mobile
4 home on any public highway or private or public property which has been abandoned
5 shall cause the vehicle to be removed to a suitable place of impoundment. Upon
6 removal of the vehicle the officer or warden shall notify the sheriff or chief of police
7 of the abandonment and of the location of the impounded vehicle. Upon causing the
8 removal of the motor vehicle by a towing service, the officer or warden shall, within
9 24 hours of ordering the removal, notify the towing service of the name and
10 last-known address of the registered owner and all lienholders of record of the
11 vehicle.

12 **SECTION 3.** 349.13 (5) (c) of the statutes is created to read:

13 349.13 (5) (c) A traffic or police officer who requests removal of a vehicle under
14 subs. (3) to (4) by a towing service shall, within 24 hours of requesting the removal,
15 notify the towing service of the name and last-known address of the registered owner
16 and all lienholders of record of the vehicle if the vehicle is to be removed to any
17 location other than a public highway within one mile from the location from which
18 the vehicle is to be removed.

19 **SECTION 4. Initial applicability.**

20 (1) This act first applies to vehicles removed on the effective date of this
21 subsection.

22 (END)