

2003 DRAFTING REQUEST

Bill

Received: 10/15/2003

Received By: agary

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing: Kristina (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles
Transportation - traffic laws
Transportation - miscellaneous

Extra Copies: TNF, PJH

Submit via email: YES

Requester's email: Rep.Ainsworth@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Law enforcement to provide information to owner or lienholder after towing, removal, or impoundment

Instructions:

See Attached

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It contains three rows of drafting history data.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/25/2003	11/25/2003	11/25/2003 _____		11/25/2003	11/25/2003	

FE Sent For:

<END>

↳ At Intro.

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Handwritten notes: 1-11/25 kmg, 11/25 P8, SELK

Handwritten note: Please send 11 out jacketed. ARB

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<END>

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1?	agary	PI 9/5 11/13/03	11/13/03 PB	11/13/03 Self			

FE Sent For:

<END>

John Ainsworth

State Representative

The attached is provided for your information.

Please let me know if I can be of further assistance.

Aaron-

Here is the info for the Ainsworth/Leibham drafting request. They would like drafts for items #1 and #2.

Any questions - please call!

P.O. Box 8952, State Capitol, Madison, Wisconsin 53708-8952
(608) 266-3071 • Legislative Hotline: (Toll-free) 1 800-362-9472

Printed on recycled paper

Thank you!
Kastura

WISCONSIN TOWING ASSOCIATION
LEGISLATIVE PROPOSALS
2003-2004 SESSION

#1 • **NOTIFICATION BY LAW ENFORCEMENT OF OWNER/LIENHOLDER INFORMATION**

Applicable Chapters: Chapter 341; Chapter 342 and Chapter 349
Applicable Statutes 341.65; 342.40; and 349.13

Any law enforcement agency shall within 24 hours of ordering the removal and/or impoundment of a motor vehicle under this chapter provide the name and address of the registered owner and holder(s) of a perfected security interest of said vehicle to the towing service providing the removal and/or impoundment.

Towing services need this information to notify owners and lienholders of the removal of illegally stopped, standing or parked vehicles so that they may be reclaimed.

Police departments have ready access to this information and should provide it to the towing service they requested for the removal.

Towing services are authorized to obtain this information under the Federal Drivers Privacy Protection Act, Title 18, U.S.C. Section 2724.

#2 • **NOTIFICATION OF PRIVATE SALE OF VEHICLES TO WISCONSIN DOT**

Chapter 342 – VEHICLE TITLE AND ANTI-THEFT LAW

Transfer of interest of a motor vehicle by private sale; notification to the department.

If an owner transfers his or her interest in a motor vehicle by private sale, the owner shall within seven (7) business days following the sale or transfer, notify the department of the name and address of the transferee on a form provided by the department and deliver or mail this notification to the department

The owner of any vehicle shall remain responsible for the costs of removal, impoundment and disposal of the vehicle under s. 342.40 until the department receives notification that his or her interest in the vehicle has been transferred along with the name and address of the transferee.

Part of the abandoned vehicle problem is a result of individuals purchasing older model vehicles via private sale and not properly titling and/or registering the vehicle as required by state law upon purchase. The reasons for not properly titling and/or registering these vehicles are very apparent:

- Often, persons buying vehicles of minimal value do so only to use it until it stops running and the costs of repair exceed the value of the vehicle.
- They do not wish to pay sales tax on the purchase price of the vehicle or the required title and registration fees.

We think it is absolutely critical that some sort of notification requirement to the DOT on the private sale of motor vehicles be established for the following reasons:

- Notification would help compel purchaser of vehicles by private sale to pay the state and county sales taxes applicable to their purchase as well as the lawful title and registration fees.
- When the car stops running, it is abandoned and left to a county or municipality to bear the cost of removal, impoundment, and disposal. This cost should be paid by the vehicle owner rather than tax payers or towing companies. Unfortunately, because the vehicle was not titled or registered it often cannot be traced to the legal owner.

Gen
turned
in 11/4

gjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

SAW

Gen cat.

- 1 AN ACT...; relating to: the removal by towing services of unregistered,
- 2 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. ✓

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:

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) ✓

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3496/P1dn
ARG:.....

ATTN: Kristina Boardman

e p.m.

The three statutory sections in the attached draft relate to towing under three different circumstances: unregistered vehicles located on the streets (s. 341.65), abandoned vehicles (s. 342.40), and vehicles illegally parked (s. 349.13). With respect to vehicles illegally parked, it seems unnecessary to require the notice described herein if, as is done near the capitol at about 4:00 pm each day, the vehicle is simply towed around the corner to a location where parking is not prohibited, with the expectation that the vehicle owner will locate the vehicle within a few hours of towing. Accordingly, with respect to vehicles illegally parked, notice is required only if the vehicle is intended to be removed to a location other than a public highway within one mile from the location where the vehicle is illegally parked. I presume this would encompass both removal to storage and removal to areas more remote than the adjacent block. However, with respect to unregistered and abandoned vehicles, it seems that their towing would almost always culminate in impoundment. The attached draft provides that notice is always required upon "removal" of unregistered and abandoned vehicles. Is this consistent with your intent? You may also wish to verify that an officer ordering removal would know whether the vehicle will be removed to an adjacent block or to a more distant location. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3496/P1dn
ARG:cjs:pg

November 13, 2003

ATTN: Kristina Boardman

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Legislative Attorney
Phone: (608) 261-6926
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Northrop, Lori

From: Boardman, Kristina
Sent: Tuesday, November 25, 2003 10:29 AM
To: Northrop, Lori
Subject: RE: Draft review: LRB 03-3496/P1 Topic: Law enforcement to provide information to owner or lienholder after towing, removal, or impoundment

Can this please be jacketed?

Thanks,

Kristina Boardman
Representative Ainsworth's Office
608.266.3097

-----Original Message-----

From: Northrop, Lori
Sent: Thursday, November 13, 2003 4:34 PM
To: Rep.Ainsworth
Subject: Draft review: LRB 03-3496/P1 Topic: Law enforcement to provide information to owner or lienholder after towing, removal, or impoundment

Following is the PDF version of draft LRB 03-3496/P1 and drafter's note.



State of Wisconsin
2003 - 2004 LEGISLATURE

TODAY

LRB-3496/1

ARG:cjs/pg

RMN kg

~~PRELIMINARY~~ ~~§~~ changes - FOR INTRODUCTION
on p. 3.
A1 → 11

Thanks
A

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.

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