

2003 DRAFTING REQUEST

Bill

Received: **02/05/2003**

Received By: **tfast**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **Sarah Popp (aide)**

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

Drafter: **tfast**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

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

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Towing and storage charges

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>
/?	tfast 04/08/2003	kgilfoy 04/08/2003		_____			S&L
/P1			jfrantze 04/09/2003	_____	lemery 04/09/2003		S&L
/1	tfast	kgilfoy	jfrantze	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/07/2003	05/07/2003	05/08/2003	_____	05/08/2003	05/08/2003	

FE Sent For:

As intro.

<END>

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/?	tfast 04/08/2003	kgilfoy 04/08/2003					S&L
/P1		11-5/7 kmq	jfrantze 04/09/2003		lemery 04/09/2003		

Handwritten signatures and dates: 6/6/8, 5/8

* Please jacket 11. Thank you.

FE Sent For:

<END>

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1?	tfast	1/11-4/8 Kmg	7/9/9	J/R 4/9			

FE Sent For:

<END>

Outstanding Towing and Storage Fees

Modify Section 341.08(4m) to add outstanding towing and storage fees to the list of unpaid citations and fees that must be paid prior to renewal of vehicle registration. Currently, DPW can request WISDOT to place a hold on vehicle registration for certain outstanding non-moving violations and precludes individuals from registering a vehicle until those outstanding fines are paid in full. Currently, the system does not allow for such holds to be placed for outstanding towing or storage fees or to require that such fees be paid.

- ◆ In Milwaukee in 2001, 32,425 cars were towed to city tow lot.
- ◆ Less than 50% of these were retrieved by their owner.
- ◆ The remainder were either sold or recycled.
- ◆ Milwaukee's DPW estimates that roughly \$1 million in lost revenues could be recaptured by implementing this change.

- ◆ Many other cities use the registration system and would benefit as well.
 - ◆ In Madison, over 28% of towing tickets were not paid in 2001.
 - ◆

Sections that may need to be revised:

341.08(4m) – need to include outstanding towing/storage fees to notification that is sent out by department 30 days prior to expiration of vehicle registration.

Possible change:

- Add after “including parking violations” the following:
“and towing and associated storage fees,”
- Also add after sentence: “The list of unpaid judgments shall be based on information obtained under s.345.47(1) (d).” the following: “The list of unpaid towing and storage fees shall be based on information obtained under s.345.28(4).”

345.28(4)1 - need to authorize local authorities to notify WISDOT of the outstanding fees in addition parking citations

- Could update definition of forfeiture to include fines “and associated towing or storage fees”

341.10 – Grounds for refusing registration. – need to make sure that outstanding towing and storage fees are included in circumstances under which the state can refuse registration. This may be taken care of in 341.10 if previous change is made to 345.28(4)

345.285 – Alternative traffic violation and registration pilot program – the effective date of this program has expired, so it may not be necessary to update.

85.13 – may need to clarify definition of transaction for the purposes of charging fees



CITY OF MILWAUKEE
DEPARTMENT OF ADMINISTRATION

AUDRA D. MILLEN
INTERGOVERNMENTAL RELATIONS
DIVISION

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Sarah E. Popp
Legislative Assistant

State Representative Bonnie L. Ladwig

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(608) 266-9171 • Fax: (608) 264-8384 • Sarah.Popp@legis.state.wi.us

2003

Date (time) needed

Wed 4/9

LRB 1943 IPI

BILL

TNF: King

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: towing and storage charges associated with nonmoving traffic violations.

[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 #.

Analysis

Under current law, if the owner of a vehicle fails to pay a citation for a nonmoving traffic violation (parking ticket) or appear in court in response to the parking ticket, the authority may notify the department of transportation (DOT) to suspend the registration of the vehicle that was ticketed or to refuse registration of any vehicle owned by the violator or both. Vehicle registration suspension or refusal 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. Current law also contains specific provisions regarding rented or leased vehicles.

This bill permits the vehicle registration suspension or refusal mechanism to be used by an

authority in cases of unpaid towing or storage charges associated with a parking ticket. The bill provides that, if the owner of a vehicle fails to pay outstanding towing or storage charges associated with a parking ticket, the authority may notify DOT to suspend the registration of ^{towed} the vehicle ~~to which the towing or storage charges apply~~ or to refuse registration of any vehicle owned by the vehicle owner or both. Such vehicle registration suspension or refusal continues until the vehicle owner pays the outstanding towing or storage charges and costs, if any, of suspending or refusing vehicle registration. The bill does not contain specific provisions regarding rented or leased vehicles.

FE - S/L

Section #. 341.08 (4m) of the statutes is amended to read:

and of any unpaid
towing or storage
charges associated
with nonmoving
traffic
violations

341.08 (4m) At least 30 days prior to the expiration of a vehicle's registration, the department shall mail to the last-known address of the registrant a notice of the date upon which the registration must be renewed and an application form for renewal of registration. The application form or an accompanying document shall include a list of any unpaid citations for nonmoving traffic violations or any judgments for violation of ch. 110, 194, or 341 to 350, an administrative rule of the department, or an ordinance enacted in accordance with s. 349.06, including parking violations, entered against the registrant which remain unpaid. The list of unpaid citations for nonmoving traffic violations shall be based on information obtained under s. 345.28 (4). The list of unpaid judgments shall be based on information obtained under s. 345.47 (1) (d). If there is a citation for any nonmoving traffic violation entered against the registrant which is unpaid, he or she shall be notified that the vehicle may not be registered until the citation is paid or the registrant appears in court to respond to the citation. If there is a judgment entered against the registrant which is unpaid, he or she shall be notified that the vehicle may not be registered until the judgment is paid.

Cross Reference: See also ch. Trans 128, Wis. adm. code.

History: 1971 c. 164; 1973 c. 218; 1975 c. 94; 1977 c. 29 ss. 1414, 1654 (7) (a); 1979 c. 34; 1981 c. 165; 1983 a. 180; 1987 a. 349; 1991 a. 13, 269, 316; 1995 a. 255, 338; 1997 a. 27; 1999 a. 88, 90, 110.

If there are any towing or storage
charges entered against the registrant
that are unpaid, he or she shall be
notified that the vehicle may not be
registered until such towing or storage
charges are paid.

and of unpaid towing or
storage charges associated
with nonmoving traffic
violations

Section #. 341.10 (7m) of the statutes is amended to read:

341.10 (7m) An authority has notified the department under s. 345.28 (4) that a citation for a non-moving traffic violation has been issued against the applicant and the applicant has not paid the citation or appeared in court to respond to the citation.

History: 1973 c. 131; 1975 c. 32; 1977 c. 29 s. 1654 (7) (a); 1979 c. 34; 1979 c. 274; 1981 c. 165; 1983 a. 27, 78, 103, 169, 330; 1987 a. 235; 1989 a. 56, 284; 1991 a. 39, 316; 1993 a. 159, 288; 1995 a. 227; 1997 a. 27, 237; 1999 a. 85.

or that the applicant has not paid any towing or storage charges associated with a citation for a nonmoving traffic violation issued against the applicant

Section #. 345.28 (3) (a) of the statutes is amended to read:

345.28 (3) (a) If the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28 days after the citation is issued, the authority ~~which~~ ^{that} issued the citation may issue a summons under s. 968.04 (3) (b) to the person and, in lieu of or in addition to issuing the summons, may proceed under sub. (4) or (5) but, except as provided in this section, no warrant may be issued for the person.

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.

If the person does not pay any towing or storage charges associated with a citation for a nonmoving traffic violation, the authority that issued the citation may proceed under sub. (4).

1m.
Section #. 345.28 (4) (a) ~~1/2~~ of the statutes is created to read:

1m.
345.28 (4) (a) ~~1/2~~ If the person does not pay the ~~forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28 days after the citation is issued~~, the authority may notify the department in the form and manner prescribed by the department that ~~a citation has been issued to the person and the citation remains unpaid~~.

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.

towing or storage charges remain unpaid.

~~the~~ outstanding towing or storage charges associated with a nonmoving traffic violation

Section #. 345.28 (4) (b) of the statutes is renumbered 345.28 (4) (b) 1. and amended to read:

345.28 (4) (b) 1. The notice to the department under par. (a) 1. shall include the name and last-known address of the person against whom the citation was issued, the date the citation was issued, the license number of the vehicle involved, certification that 2 notices which meet the requirements under par. (c) or sub. (5m) (d) have been mailed to the last-known address of the person against whom the citation was issued and that the citation remains unpaid on the date specified in the citation or, if no date is specified in the citation, 28 days after the citation was issued, the place that the citation may be paid, the means by which the citation may be contested and the action the department is to take.

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.

1.

outstanding
towing or
storage charges
apply

2.

Section #. 345.28 (4) (b) of the statutes is created to read:

2.

1m.

345.28 (4) (b) The notice to the department under par. (a) shall include the name and last-known address of the person against whom the citation was issued, the date the citation was issued, the license number of the vehicle involved, certification that 2 notices which meet the requirements under par. (c) ~~or sub. 231(2)(b)~~ have been mailed to the last-known address of the person against whom the citation was issued and that the citation remains unpaid on the date specified in the citation or, if no date is specified in the citation, 28 days after the citation was issued, the place where the citation may be paid; the means by which the citation may be contested and the action the department is to take.

towing or storage charges

that

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.

towing or storage
charges apply

towing or
storage charges
remain

Section #. 345.28 (4) (c) of the statutes is renumbered 345.28 (4) (c) 1. and amended to read:

345.28 (4) (c) 1. The notices to the person required under par. (b)^{1.} shall be mailed on 2 separate days to the last-known address of the person to whom the citation was issued and shall include the date the citation was issued, the license number of the vehicle involved, the place the citation may be paid, the means by which the citation may be contested and the date by which the person must pay or contest the citation to avoid further action by the authority. The notice shall inform the person of the specific actions which the authority and the courts are authorized to take under this section if the person fails to pay the forfeiture or appear in court in response to the citation by the date specified in the notice.

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.

outstanding towing or storage charges apply

2.

Section #. 345.28 (4) (c) of the statutes is created to read:

2.

2.

345.28 (4) (c) The notices to the person required under par. (b) shall be mailed on 2 separate days to the last-known address of the person to whom the citation was issued and shall include the date, the citation was issued, the license number of the vehicle involved, the place where the citation may be paid, the means by which the citation may be contested and the date by which the person must pay or arrange to avoid further action by the authority. The notice shall inform the person of the specific actions which the authority and the courts are authorized to take under this section if the person fails to pay the amount or appear in court in response to the citation by the date specified in the notice.

towing or storage charges

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.

A notice under this subdivision may be included in a notice mailed to a person under subd. 1. with respect to the nonmoving traffic violation associated with the towing or storage charges.

SECTION #. RN; 345.28 (4)(e); 345.28 (4)(e) 1.

Section #. 345.28 (4) (e) ^{2.} of the statutes is created to read:

345.28 (4) (e) ^{2.} 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 of 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 costs, if any, under par. (d) and 50% of the forfeiture, the authority shall immediately notify the department in the form and manner prescribed by the department.~~

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.

outstanding towing or
storage charges

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

345.28 (5) (a) In lieu of the procedure under sub. (4), if the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28 days after the citation was issued, the authority, after sending 2 notices which meet the requirements under sub. (4) (c), may issue a warrant under par. (b) for the person.

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.

1.

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

1.

345.28 (5m) (a) (intro.) No notice under sub. (4) (a) may be sent to the department, or if the notice has already been sent the notice shall be canceled, and no further action may be taken against the owner under sub. (4) or (5) or s. 341.10 (7m) or 341.63 (1) (c) if:

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.

Section #. 345.28 (5m) (a) 3. of the statutes is amended to read:

345.28 (5m) (a) 3. The owner of the vehicle provides the information required under s. 343.46 (3) for such renter or lessee to the authority who issued the citation within 10 days after the 2nd notice was sent to the owner under sub. (4) (c); and

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.

1.

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

345.28 (5m) (d) The notices to the renter or lessee required under sub. (4) (b) shall be mailed on 2 separate days to the last-known address of the renter or lessee and shall include the information specified in sub. (4) (c) and the name of the owner of the vehicle.

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.

1.

INITIAL APPLICABILITY

1. 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
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 9300 department code.

SECTION # 93 **Initial applicability;**

(#1) () ,

The treatment of sections ..

of the statutes

first applies to

1. In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
2. 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 towing or storage charges that remain unpaid on the effective date of this subsection.

(END)

LRB-1943/Pldn
TNF: kmg:

DRAFTER'S NOTE

ATTN: Sarah Popp

Please review this draft carefully. I have attempted to structure it so that an authority could use the vehicle registration suspension or refusal mechanism in cases regarding outstanding towing or storage charges, regardless of the status of the underlying parking ticket. In addition, please note that I did not create specific provisions regarding towing or storage charges related to rented or leased vehicles. See s. 345.28 (5m) regarding parking tickets related to rented or leased vehicles. Please advise if you would like specific provisions regarding rented or leased vehicles created in this draft.

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1943/P1dn
TNF:kmg:jf

April 9, 2003

ATTN: Sarah Popp

Please review this draft carefully. I have attempted to structure it so that an authority could use the vehicle registration suspension or refusal mechanism in cases regarding outstanding towing or storage charges, regardless of the status of the underlying parking ticket. In addition, please note that I did not create specific provisions regarding towing or storage charges related to rented or leased vehicles. See s. 345.28 (5m) regarding parking tickets related to rented or leased vehicles. Please advise if you would like specific provisions regarding rented or leased vehicles created in this draft.

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

4/30/03 redraft with bill covering rented/leased vehicles; concern about whether "towing or storage charges" covers both -- while "or" means "or" and "and", consider using "and"

5/6/03 jacket 11.

TNF

WANTED THURS.
5/8 PM

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

Gen. Cat.

1 AN ACT *to renumber* 345.28 (4) (e); *to renumber and amend* 345.28 (4) (b) and
 2 345.28 (4) (c); *to amend* 341.08 (4m), 341.10 (7m), 345.28 (3) (a), 345.28 (5) (a),
 3 345.28 (5m) (a) (intro.), 345.28 (5m) (a) 3. and 345.28 (5m) (d); and *to create*
 4 345.28 (4) (a) 1m., 345.28 (4) (b) 2., 345.28 (4) (c) 2. and 345.28 (4) (e) 2. of the
 5 statutes; **relating to:** towing and storage charges associated with nonmoving
 6 traffic violations.

Analysis by the Legislative Reference Bureau

Under current law, if the owner of a vehicle fails to pay a citation for a nonmoving traffic violation (parking ticket) or appear in court in response to the parking ticket, the authority may notify the Department of Transportation (DOT) to suspend the registration of the vehicle that was ticketed or to refuse registration of any vehicle owned by the violator or both. Vehicle registration suspension or refusal 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. Current law also contains specific provisions regarding rented or leased vehicles.

This bill permits the vehicle registration suspension or refusal mechanism to be used by an authority in cases of unpaid towing ~~or~~ storage charges associated with a parking ticket. The bill provides that, if the owner of a vehicle fails to pay outstanding towing ~~or~~ storage charges associated with a parking ticket, the

and

and that
 authority may notify DOT to suspend the registration of ~~the towed~~ vehicle or to refuse registration of any vehicle owned by the vehicle owner or both. Such vehicle registration suspension or refusal continues until the vehicle owner pays the outstanding towing ~~or~~ storage charges and costs, if any, of suspending or refusing vehicle registration. ~~The bill does not contain specific~~ provisions regarding rented or leased vehicles.

apply to

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

in the same manner as provided under current law for rented or leased vehicles and parking tickets
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 341.08 (4m) of the statutes is amended to read:
 2 341.08 (4m) At least 30 days prior to the expiration of a vehicle's registration,
 3 the department shall mail to the last-known address of the registrant a notice of the
 4 date upon which the registration must be renewed and an application form for
 5 renewal of registration. The application form or an accompanying document shall
 6 include a list of any unpaid citations for nonmoving traffic violations or any
 7 judgments for violation of ch. 110, 194, or 341 to 350, an administrative rule of the
 8 department, or an ordinance enacted in accordance with s. 349.06, including parking
 9 violations, and of any unpaid towing ~~or~~ storage charges associated with nonmoving
 10 traffic violations entered against the registrant ~~which~~ that remain unpaid. The list
 11 of unpaid citations for nonmoving traffic violations and of unpaid towing ~~or~~ storage
 12 charges associated with nonmoving traffic violations shall be based on information
 13 obtained under s. 345.28 (4). The list of unpaid judgments shall be based on
 14 information obtained under s. 345.47 (1) (d). If there is a citation for any nonmoving
 15 traffic violation entered against the registrant ~~which~~ that is unpaid, he or she shall
 16 be notified that the vehicle may not be registered until the citation is paid or the
 17 registrant appears in court to respond to the citation. If there are any towing ~~or~~
 18 storage charges entered against the registrant that are unpaid, he or she shall be

and

① notified that the vehicle may not be registered until such towing ~~or~~ storage charges
2 are paid. If there is a judgment entered against the registrant which is unpaid, he
3 or she shall be notified that the vehicle may not be registered until the judgment is
4 paid.

5 SECTION 2. 341.10 (7m) of the statutes is amended to read:

6 341.10 (7m) An authority has notified the department under s. 345.28 (4) that
7 a citation for a nonmoving traffic violation has been issued against the applicant and
8 the applicant has not paid the citation or appeared in court to respond to the citation
9 or that the applicant has not paid any towing ~~or~~ storage charges associated with a
10 citation for a nonmoving traffic violation issued against the applicant.

11 SECTION 3. 345.28 (3) (a) of the statutes is amended to read:

12 345.28 (3) (a) If the person does not pay the forfeiture or appear in court in
13 response to the citation for a nonmoving traffic violation on the date specified in the
14 citation or, if no date is specified in the citation, within 28 days after the citation is
15 issued, the authority ~~which~~ that issued the citation may issue a summons under s.
16 968.04 (3) (b) to the person and, in lieu of or in addition to issuing the summons, may
17 proceed under sub. (4) or (5) but, except as provided in this section, no warrant may
18 be issued for the person. If the person does not pay any towing ~~or~~ storage charges
19 associated with a citation for a nonmoving traffic violation, the authority that issued
20 the citation may proceed under sub. (4).

21 SECTION 4. 345.28 (4) (a) 1m. of the statutes is created to read:

22 345.28 (4) (a) 1m. If the person does not pay the outstanding towing ~~or~~ storage *and*
23 charges associated with a nonmoving traffic violation, the authority may notify the
24 department in the form and manner prescribed by the department that the towing
25 ~~or~~ storage charges remain unpaid. *and*

1 SECTION 5. 345.28 (4) (b) of the statutes is renumbered 345.28 (4) (b) 1. and
2 amended to read:

3 345.28 (4) (b) 1. The notice to the department under par. (a) 1. shall include the
4 name and last-known address of the person against whom the citation was issued,
5 the date the citation was issued, the license number of the vehicle involved,
6 certification that 2 notices which meet the requirements under par. (c) 1. or sub. (5m)
7 (d) have been mailed to the last-known address of the person against whom the
8 citation was issued and that the citation remains unpaid on the date specified in the
9 citation or, if no date is specified in the citation, 28 days after the citation was issued,
10 the place that the citation may be paid, the means by which the citation may be
11 contested and the action the department is to take.

12 SECTION 6. 345.28 (4) (b) 2. of the statutes is created to read:

13 345.28 (4) (b) 2. The notice to the department under par. (a) 1m. shall include
14 the name and last-known address of the person against whom the outstanding
15 towing ~~///~~ storage charges apply, the license number of the vehicle involved,
16 certification that 2 notices which meet the requirements under par. (c) 2. have been
17 mailed to the last-known address of the person against whom the towing ~~///~~ storage
18 charges apply and that the towing ~~///~~ storage charges remain unpaid, the place where
19 the towing ~~///~~ storage charges may be paid, and the action that the department is to
20 take. and

21 SECTION 7. 345.28 (4) (c) of the statutes is renumbered 345.28 (4) (c) 1. and
22 amended to read:

23 345.28 (4) (c) 1. The notices to the person required under par. (b) 1. shall be
24 mailed on 2 separate days to the last-known address of the person to whom the
25 citation was issued and shall include the date the citation was issued, the license

1 number of the vehicle involved, the place the citation may be paid, the means by
2 which the citation may be contested and the date by which the person must pay or
3 contest the citation to avoid further action by the authority. The notice shall inform
4 the person of the specific actions which the authority and the courts are authorized
5 to take under this section if the person fails to pay the forfeiture or appear in court
6 in response to the citation by the date specified in the notice.

7 **SECTION 8.** 345.28 (4) (c) 2. of the statutes is created to read:

8 345.28 (4) (c) 2. The notices to the person required under par. (b) 2. shall be
9 mailed on 2 separate days to the last-known address of the person to whom the
10 outstanding towing ~~and~~ storage charges apply and shall include the license number
11 of the vehicle involved, the place where the towing ~~and~~ storage charges may be paid,
12 and the date by which the person must pay the towing ~~and~~ storage charges to avoid
13 further action by the authority. The notice shall inform the person of the specific
14 actions that the authority and the courts are authorized to take under this section
15 if the person fails to pay the towing ~~and~~ storage charges by the date specified in the
16 notice. A notice under this subdivision may be included in a notice mailed to a person
17 under subd. 1. with respect to the nonmoving traffic violation associated with the
18 towing ~~and~~ storage charges. and

19 **SECTION 9.** 345.28 (4) (e) of the statutes is renumbered 345.28 (4) (e) 1.

20 **SECTION 10.** 345.28 (4) (e) 2. of the statutes is created to read:

21 345.28 (4) (e) 2. If the person subsequently pays the amount of the outstanding
22 towing ~~and~~ storage charges and the costs, if any, under par. (d), the department shall
23 be immediately notified in the form and manner prescribed by the department.

24 **SECTION 11.** 345.28 (5) (a) of the statutes is amended to read:

Insert 5-23 ✓

Insert 5-23 (page 1 of 2) ✓

~~Section # 345.28(4)(e) of the statutes~~

~~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 costs, if any, under par. (d) and 50% of the forfeiture, the authority shall immediately notify the department in the form and manner prescribed by the department.~~

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.

amount of the outstanding
towing and storage charges

to which the towing
and storage charges
apply

SECTION #. RN; 345.28(4)(h); 345.28(4)(h) 1.

Insert 5-23 (page 2 of 2)

Section #. 345.28 (4) (h) of the statutes is created to read:

2.

345.28 (4) (h) If an authority receives payment of 50% of a ~~penalty~~ from the owner of a leased or rented vehicle ~~involved in a nonmoving traffic violation~~ and receives payment of the ~~penalty~~ from the lessee or renter of the vehicle ~~charged with the violation~~, the authority shall refund to the owner the 50% payment received.

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.

to which the towing and storage charges apply

the amount of the outstanding towing and storage charges

amount of the outstanding towing and storage charges

(end of insert)

Insert 6-20 (page 1 of 3)

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

B
(5r) (5r)

345.28 (5m) (a) No notice under sub. (4) (a) may be sent to the department, or if the notice has already been sent the notice shall be canceled, and no further action may be taken against the owner under sub. (4) or (5) or s. 341.10 (7m) or 341.63 (1) (c) if:

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

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

3. The owner of the vehicle provides the information required under s. 343.46 (3) for such renter or lessee to the authority who issued the citation within 10 days after the 2nd notice was sent to the owner under sub. (4) (c); and

4. After being notified by the authority, the renter or lessee identified under subd. 3. pays the amount or appears in court in response to the citation for the nonmoving traffic violation within 30 days after the 2nd notice from the authority is mailed.

(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) 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.

(c) 1. If the renter or lessee does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation within 30 days after the 2nd notice from the authority is mailed to the renter or lessee, the owner shall pay the authority 50% of the forfeiture applicable to the nonmoving traffic violation. The authority shall notify the owner in writing of its responsibility for this payment.

2. If the owner does not pay 50% of the forfeiture applicable to the citation within 30 days after notice under subd. 1. has been mailed to the owner, the authority may send a notice to the department

to which the towing and storage charges apply

towing and storage

amount of the outstanding towing and storage charges

towing and storage charges

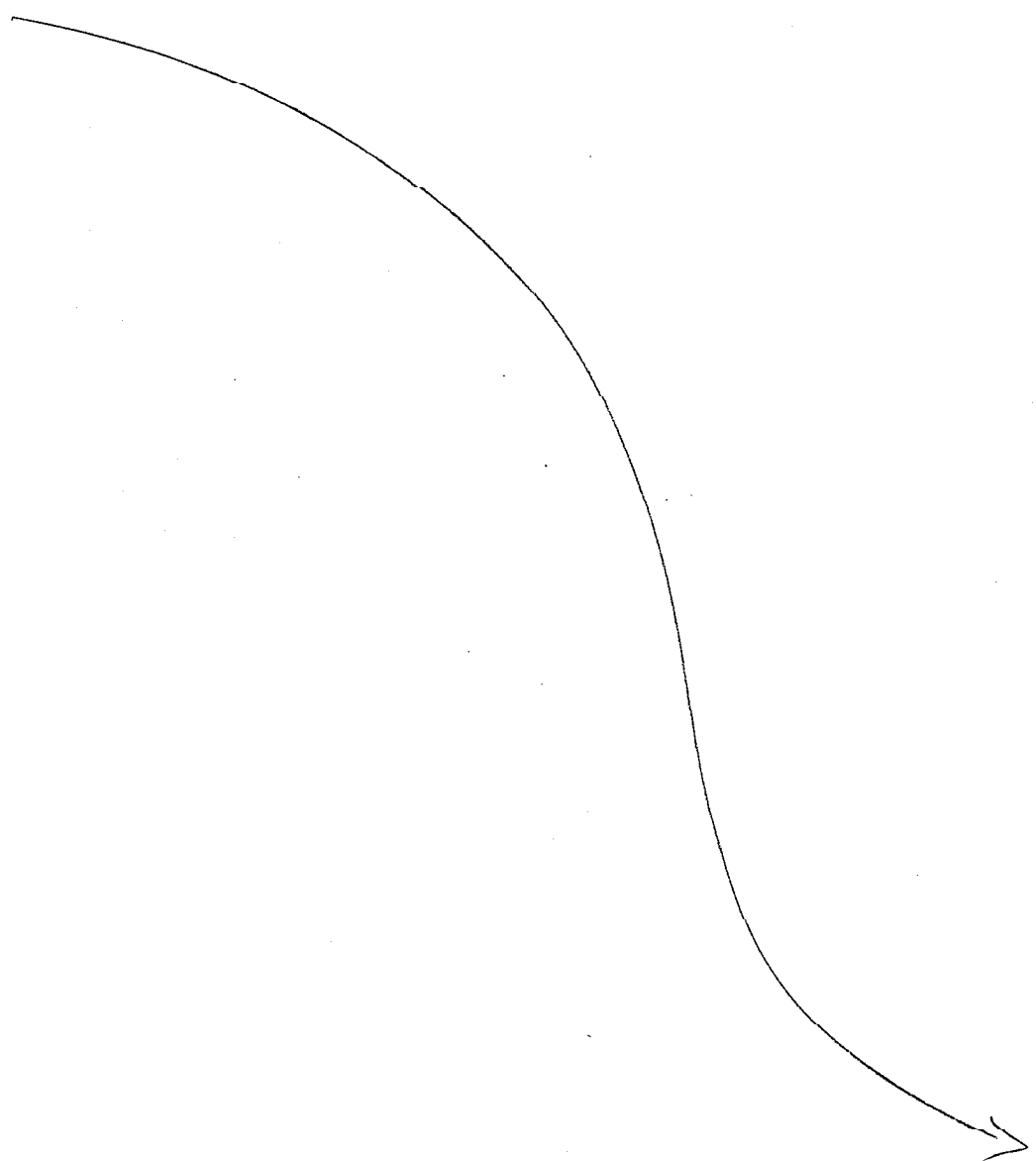
1m.

Insert 6-20 (page 2 of 3)

under sub. (4) (a) ^{1m. ✓} The action which the authority shall specify that the department take under sub. (4) (a) 2. is limited to suspension of the registration of the vehicle ~~involved in the nonmoving traffic violation.~~ to which the towing and storage charges apply

(d) The notices to the renter or lessee required under sub. (4) (b) shall be mailed on 2 separate days to the last-known address of the renter or lessee and shall include the information specified in sub. (4) (c) and the name of the owner of the vehicle. 2. ✓

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 6-20 (page 3 of 3)

Section #. 345.28 (7) of the statutes is amended to read:

345.28 (7) Nothing in this section prevents a court from issuing a warrant under s. 345.36 or 345.37 if the person appears in court in response to a citation for a nonmoving traffic violation or after notice by the authority who issued the citation or the department under sub. (4) or on the date specified by the officer or the court under sub. (5) and then fails to appear in court at any time fixed by subsequent postponement. Unless the case is tried immediately with the person's consent, any person who is arrested on a warrant issued under this subsection may be released on his or her own recognizance or on posting bond or may be released without bail and shall be released if the person posts cash bail for his or her appearance.

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.

with respect to the
citation

(end of insert)

LRB-1943/1dn

TNF: King:

DRAFTER'S NOTE

This bill makes the following changes to the

preliminary draft: and (h)2. and (5r).

1. Towing and storage charges for rented or leased vehicles are treated in the same way as currently provided under state law for parking tickets. ^(I) See, in particular, proposed s. 345.28(4)(e)2.

2. I have changed "towing or storage charges" to "towing and storage changes" to eliminate any confusion over whether such charges include charges for both towing and storage. In the event there are, for example, no storage charges in a particular case, the storage charges may be considered "\$0".

3. I have also amended s. 345.28(7) in this version.

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1943/1dn
TNF:kmg:jf

May 8, 2003

This bill makes the following changes to the preliminary draft:

1. Towing and storage charges for rented or leased vehicles are treated in the same way as currently provided under state law for parking tickets. *See*, in particular, proposed s. 345.28 (4) (e) 2. and (h) 2. and (5r).
2. I have changed "towing or storage charges" to "towing and storage changes" to eliminate any confusion over whether such charges include charges for both towing and storage. In the event there are, for example, no storage charges in a particular case, the storage charges may be considered "\$0".
3. I have also amended s. 345.28 (7) in this version.

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Emery, Lynn

From: Emery, Lynn
Sent: Thursday, May 29, 2003 4:39 PM
To: Popp, Sarah
Subject: LRB-1943/1 & 1dn (attached as requested - sorry for the wait)



03-1943/1



03-1943/1dn

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