

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB419)

Received: **08/05/2003**

Received By: **tfast**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Self**

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:

DOT fees re unpaid storage and towing charges notification

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 08/08/2003	csicilia 08/08/2003		_____			
/1			jfrantze 08/08/2003	_____	sbasford 08/08/2003	sbasford 08/08/2003	
/2	tfast	csicilia	rschluet	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/13/2003	08/13/2003	08/13/2003	_____	08/13/2003	08/13/2003	
/3	tfast	jdye	rschluet	_____	mbarman	mbarman	
	08/24/2003	08/25/2003	08/25/2003	_____	08/25/2003	08/25/2003	
		jdye		_____			
		08/25/2003		_____			

FE Sent For: **08/11/2003.**

<END>

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB419)

Received: 08/05/2003

Received By: tfast

Wanted: Soon

Identical to LRB:

For: Bonnie Ladwig (608) 266-9171

By/Representing: Self

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:

DOT fees re unpaid storage and towing charges notification

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 08/08/2003	csicilia 08/08/2003		_____			
/1			jfrantze 08/08/2003	_____	sbasford 08/08/2003	sbasford 08/08/2003	
/2	tfast	csicilia	rschluet		lemery	lemery	

38/25 jld

[Signature]
8-25-03

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/13/2003	08/13/2003	08/13/2003 _____		08/13/2003	08/13/2003	

FE Sent For: **08/11/2003.**

<END>

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB419)

Received: 08/05/2003

Received By: tfast

Wanted: Soon

Identical to LRB:

For: Bonnie Ladwig (608) 266-9171

By/Representing: Self

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:

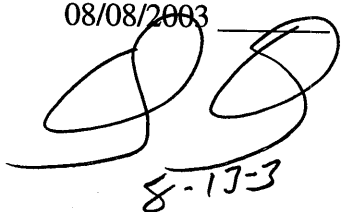
DOT fees re unpaid storage and towing charges notification

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 08/08/2003	csicilia 08/08/2003		_____			
/1			jfrantze 08/08/2003	_____	sbasford 08/08/2003	sbasford 08/08/2003	



8-17-3

FE Sent For:

<END>

08-11-2003

("1")

"Rush"
see attached

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB419)

Received: **08/05/2003**

Received By: **tfast**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Self**

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:

DOT fees re unpaid storage and towing charges notification

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		<i>JL</i>	<i>Ch</i>			

FE Sent For:

<END>

Fast, Timothy

From: Fast, Timothy
Sent: Wednesday, August 06, 2003 12:36 PM
To: Frazier, Carson
Subject: FW: AB 419

Carson -- Greetings. I hope you are having a beautiful summer! Life is good. Summer is better.

Peggy Hurley spoke with Rep. Ladwig yesterday when I was out at a medical appointment. See e-mail below. We have permission to talk with you. Could you give me a call today at your convenience to discuss this? I see different ways of accomplishing it and I'd like to know if a specific \$5 fee should be mentioned in the statutes (or just have the fee that applies to unpaid parking tickets apply in these cases as well). I'll be in today until 5:00 or so. Thanks, Carson. --Tim

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

From: Hurley, Peggy
Sent: Tuesday, August 05, 2003 12:22 PM
To: Fast, Timothy
Subject: AB 419

Tim,

I spoke with Rep. Bonnie Ladwig this afternoon about changes to AB 419. Apparently, under current law, a city pays a \$5 fee that goes to the general transportation fund each time the city requests DOT to place a "hold" on a vehicle registration because of a person's failure to pay a non--moving violation ticket. Rep. Ladwig wants to require a \$5 fee (or a fee that covers costs, to be set by reg) each time a city requests a "hold" for failure to pay towing and storage costs. This money would go directly to DMV to cover the costs of placing the holds.

Also, Rep. Ladwig would like to change the effective date of the bill to February 1, 2004.

Peggy J. Hurley
Legislative Reference Bureau
100 North Hamilton Street
Madison, Wisconsin 53701-2037
608 266 8906

Fast, Timothy

From: Hurley, Peggy
Sent: Tuesday, August 05, 2003 12:23 PM
To: Fast, Timothy
Subject: more on AB 419

I forgot to add that Rep. Ladwig gives permission to speak with Carson Frazier and Jane Zarada at DMV, and Audra (no last name given) in the City of Milwaukee's office.

Peggy J. Hurley
Legislative Reference Bureau
100 North Hamilton Street
Madison, Wisconsin 53701-2037
608 266 8906

Fast, Timothy

From: Popp, Sarah
Sent: Friday, August 08, 2003 11:30 AM
To: Fast, Timothy
Subject: RE: Numbers for Assembly Sub amendment AB 419

Tim
I talked to Bonnieshe does not want to include the position in the bill.
Let me know if you need anything else.
Thanks for your help!
Sarah

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

From: Fast, Timothy
Sent: Friday, August 08, 2003 11:21 AM
To: Popp, Sarah
Subject: FW: Numbers for Assembly Sub amendment AB 419
Importance: High

Sarah -- Here are the appropriation numbers from DOT. Please see the last item. Does Rep. Ladwig want the substitute amendment to include a .6 FTE position authorization for these duties? --Tim

Timothy N. Fast
Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-9739

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

From: Frazier, Carson
Sent: Friday, August 08, 2003 10:43 AM
To: Fast, Timothy
Cc: Hammer, Paul; Baetsen, Karen; Larson, Beverly - DMV; Zarada, Jane; Romanski, Randy; Klein, Rose; Buckmaster, Carol
Subject: Numbers for Assembly Sub amendment AB 419
Importance: High

Tim: I'm sending this to you e-mail so you'll have it in writing and so I can copy everyone here who needs to be copied.

- The appropriation is **20.395(5)(cq)**.
- FY 2004 increase is **\$41,600**.
- FY 2005 increase is **\$60,200**.
- Of the FY 2005 amount, **\$13,300** would be one-time, so that the base increase to go into the 05-07 biennium is **\$46,900**.
- Finally, our fiscal estimate also shows we have an on-going need of **.6 FTE** permanent positions. I don't know whether Rep. Ladwig was contemplating increasing our position count by .6 FTE, but if she is, that would be in FY 2004 and in FY 2005 and in the base going into the 05-07 biennium.

Thank you very much for your help and for your patience in getting the numbers.

2003

Date (time) needed

D-NOTE
NOW

LRBs 014011

**SUBSTITUTE AMENDMENT
[TO A BILL]**

TNF: 1:
 ej5

Use the appropriate components and routines developed for substitute amendments.

bill with

S **(A)** SUBSTITUTE AMENDMENT

TO 2003 SB **(AB)** 419 (LRB- /)

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:

.....
.....
.....
.....
.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

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

SECTION #.

~~2003 ASSEMBLY BILL 419~~

SA✓

~~June 24, 2003 - Introduced by Representatives LADWIG, GIELOW, GOTTLIEB, HINES, KRUG, OWENS, PETROWSKI, STASKUNAS, TOWNSEND and TURNER, cosponsored by Senators DARLING and STEPP. Referred to Committee on Transportation~~

and making an appropriation

1 AN ACT *to renumber* 345.28 (4) (e) and 345.28 (4) (h); *to renumber and amend*
2 345.28 (4) (b) and 345.28 (4) (c); *to amend* 341.08 (4m), 341.10 (7m), 345.28 (3)
3 (a), 345.28 (5) (a), 345.28 (5m) (a) (intro.), 345.28 (5m) (a) 3., 345.28 (5m) (d) and
4 345.28 (7); and *to create* 345.28 (4) (a) 1m., 345.28 (4) (b) 2., 345.28 (4) (c) 2.,
5 345.28 (4) (e) 2., 345.28 (4) (h) 2. and 345.28 (5r) of the statutes; **relating to:**
6 towing and storage charges associated with nonmoving 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 and storage charges associated with a parking ticket. The bill provides that, if the owner of a vehicle fails to pay outstanding towing and storage charges associated with a parking ticket, the

ASSEMBLY BILL 419

Insert 2-1

~~authority may notify DOT to suspend the registration of that 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 and storage charges and costs, if any, of suspending or refusing vehicle registration. These provisions apply to rented or leased vehicles in the same manner as provided under current law for rented or leased vehicles and parking tickets.~~

~~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. 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 and 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 and 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 and

ASSEMBLY BILL 419

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

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

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

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

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

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

23 345.28 (4) (a) 1m. If the person does not pay the outstanding towing and storage
24 charges associated with a nonmoving traffic violation, the authority may notify the

ASSEMBLY BILL 419

1 department in the form and manner prescribed by the department that the towing
2 and storage charges remain unpaid.

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

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

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

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

23 **SECTION 7.** 345.28 (4) (c) of the statutes is renumbered 345.28 (4) (c) 1. and
24 amended to read:

ASSEMBLY BILL 419

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

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

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

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

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

24 345.28 (4) (e) 2. If the person subsequently pays the amount of the outstanding
25 towing and storage charges and the costs, if any, under par. (d), the department shall

ASSEMBLY BILL 419**SECTION 10**

1 be immediately notified in the form and manner prescribed by the department. If
2 the vehicle to which the towing and storage charges apply is owned by a person
3 engaged in the business of renting or leasing motor vehicles and the owner pays the
4 costs, if any, under par. (d) and 50% of the amount of the outstanding towing and
5 storage charges, the authority shall immediately notify the department in the form
6 and manner prescribed by the department.

7 **SECTION 11.** 345.28 (4) (h) of the statutes is renumbered 345.28 (4) (h) 1.

8 **SECTION 12.** 345.28 (4) (h) 2. of the statutes is created to read:

9 345.28 (4) (h) 2. If an authority receives payment of 50% of the amount of the
10 outstanding towing and storage charges from the owner of a leased or rented vehicle
11 to which the towing and storage charges apply and receives payment of the amount
12 of the outstanding towing and storage charges from the lessee or renter of the vehicle
13 to which the towing and storage charges apply, the authority shall refund to the
14 owner the 50% payment received.

15 **SECTION 13.** 345.28 (5) (a) of the statutes is amended to read:

16 345.28 (5) (a) In lieu of the procedure under sub. (4), if the person does not pay
17 the forfeiture or appear in court in response to the citation for a nonmoving traffic
18 violation on the date specified in the citation or, if no date is specified in the citation,
19 within 28 days after the citation was issued, the authority, after sending 2 notices
20 which meet the requirements under sub. (4) (c) 1., may issue a warrant under par.
21 (b) for the person.

22 **SECTION 14.** 345.28 (5m) (a) (intro.) of the statutes is amended to read:

23 345.28 (5m) (a) (intro.) No notice under sub. (4) (a) 1. may be sent to the
24 department, or if the notice has already been sent the notice shall be canceled, and

ASSEMBLY BILL 419

1 no further action may be taken against the owner under sub. (4) or (5) or s. 341.10
2 (7m) or 341.63 (1) (c) if:

3 **SECTION 15.** 345.28 (5m) (a) 3. of the statutes is amended to read:

4 345.28 (5m) (a) 3. The owner of the vehicle provides the information required
5 under s. 343.46 (3) for such renter or lessee to the authority who issued the citation
6 within 10 days after the 2nd notice was sent to the owner under sub. (4) (c) 1.; and

7 **SECTION 16.** 345.28 (5m) (d) of the statutes is amended to read:

8 345.28 (5m) (d) The notices to the renter or lessee required under sub. (4) (b)
9 1. shall be mailed on 2 separate days to the last-known address of the renter or lessee
10 and shall include the information specified in sub. (4) (c) 1. and the name of the owner
11 of the vehicle.

12 **SECTION 17.** 345.28 (5r) of the statutes is created to read:

13 345.28 (5r) (a) No notice under sub. (4) (a) 2. may be sent to the department,
14 or if the notice has already been sent the notice shall be canceled, and no further
15 action may be taken against the owner under sub. (4) or (5) or s. 341.10 (7m) or 341.63
16 (1) (c) if:

17 1. The vehicle to which the towing and storage charges apply is owned by a
18 person engaged in the business of renting or leasing motor vehicles;

19 2. At the time of the towing and storage the vehicle was in the possession of a
20 renter or lessee;

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

ASSEMBLY BILL 419

1 4. After being notified by the authority, the renter or lessee identified under
2 subd. 3. pays the amount of the outstanding towing and storage charges within 30
3 days after the 2nd notice from the authority is mailed.

4 (b) If the renter or lessee does not pay the amount of the outstanding towing
5 and storage charges, the authority may notify the department under sub. (4) (a) 1m.
6 that the towing and storage charges remain unpaid. The action which the authority
7 shall specify that the department take under sub. (4) (a) 2. is limited to refusal of the
8 registration of any vehicle owned by the renter or lessee.

9 (c) 1. If the renter or lessee does not pay the amount of the outstanding towing
10 and storage charges within 30 days after the 2nd notice from the authority is mailed
11 to the renter or lessee, the owner shall pay the authority 50% of the amount of the
12 outstanding towing and storage charges. The authority shall notify the owner in
13 writing of its responsibility for this payment.

14 2. If the owner does not pay 50% of the amount of the outstanding towing and
15 storage charges within 30 days after notice under subd. 1. has been mailed to the
16 owner, the authority may send a notice to the department under sub. (4) (a) 1m. The
17 action which the authority shall specify that the department take under sub. (4) (a)
18 2. is limited to suspension of the registration of the vehicle to which the towing and
19 storage charges apply.

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

24 **SECTION 18.** 345.28 (7) of the statutes is amended to read:

ASSEMBLY BILL 419

Insert 9-10

1 345.28 (7) Nothing in this section prevents a court from issuing a warrant
2 under s. 345.36 or 345.37 if the person appears in court in response to a citation for
3 a nonmoving traffic violation or after notice by the authority who issued the citation
4 or the department under sub. (4) with respect to the citation or on the date specified
5 by the officer or the court under sub. (5) and then fails to appear in court at any time
6 fixed by subsequent postponement. Unless the case is tried immediately with the
7 person's consent, any person who is arrested on a warrant issued under this
8 subsection may be released on his or her own recognizance or on posting bond or may
9 be released without bail and shall be released if the person posts cash bail for his or
10 her appearance.

persons who incur

11 **SECTION 19. Initial applicability.**

12 (1) This act first applies to towing and storage charges ~~that remain unpaid~~ on
13 the effective date of this subsection.

14

(END)

D-NOTE

Insert 9-13

Insert 2-1
✓

Section #. 85.13 of the statutes is amended to read:

85.13 Cost of traffic violation and registration program. The department shall develop a system for charging local units of government or other authority as defined in s. 345.28 (1) (a) for the cost of the development and operation of the traffic violation and registration program under ss. 341.08 (4m), 341.10 (7) and (7m), 341.63 (1) (c), 345.28 (4) and 345.47 (1) (d) based on the number of transactions processed by the local unit of government or other authority. No notices under s. 345.28 (4) submitted by an authority or under s. 345.47 (1) (d) submitted by the court may be processed by the department unless the local unit of government or other authority involved has paid the department the appropriate amount determined by the department under this section.

History: 1979 c. 221 s. 903x; 1981 c. 165; 1983 a. 330.

A notice under s. 345.28(4) submitted by an authority
with respect to unpaid towing and storage charges shall
be considered a separate transaction for purposes of this
section.

SECTION 4. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	2001-02	2002-03
20.505 Administration, department of		
(4) ATTACHED DIVISIONS AND OTHER BODIES		
(kt) Wisconsin tribal-state council PR-S A	-0-	214,300

SECTION 5. 20.505 (4) (kt) of the statutes is created to read:
20.505 (4) (kt) *Wisconsin tribal-state council*. The amounts in the schedule for the general program operations of the Wisconsin tribal-state council. All moneys transferred from the appropriation account under sub. (8) (hm) 22. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm).

SECTION 6. 20.505 (8) (hm) 22. of the statutes is created to read:
20.505 (8) (hm) 22. The amount transferred to sub. (4) (kt) shall be the amount in the schedule under sub. (4) (kt).

SECTION 7. 20.923 (6) (ab) of the statutes is created to read:
20.923 (6) (ab) Administration, department of: executive director of the Wisconsin tribal-state council.

SECTION 8. 230.08 (2) (yz) of the statutes is created to read:
230.08 (2) (yz) The executive director of the Wisconsin tribal-state council.

~~SECTION 9. Nonstatutory provisions; administration~~ transportation

(1) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the ~~2003-05~~ biennial

2005-07

3

ASSEMBLY BILL 771

\$13,300

transportation

1 budget bill, the department of ~~administration~~ shall submit a dollar amount for the
 2 appropriation under section ~~20.505 (4) (kt)~~ of the statutes, ~~as created by this act~~ that
 3 is ~~\$15,000~~ less than the total amount appropriated under section ~~20.505 (4) (kt)~~ of
 4 the statutes for the ~~2002-03~~ fiscal year, before submitting any information relating
 5 to any increase or decrease in the dollar amount for that appropriation for the
 6 ~~2002-03~~ fiscal biennium. 2005-07 20.395(5)(cg)

2004-05

SECTION 10. Nonstatutory provisions; Wisconsin tribal-state council.

8 (1) POSITION AUTHORIZATIONS. There is authorized for the Wisconsin tribal-state
 9 council 1.0 FTE PR executive director position and 2.0 FTE PR other positions, to be
 10 funded from the appropriation under section 20.505 (4) (kt) of the statutes, as created
 11 by this act.

~~(END)~~

Nonstat File Sequence: **DDD**

LRB 5014011

TNF: _____

\$\$\$ CHANGE

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → \$change

For the budget action phrase, execute: create → action: → *NS: → 92XX

For the text, execute: create → text: → *NS: → \$change

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 9200 department code.

SECTION # 192. Appropriation changes;

(#1) MM

..... In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation

under section 20.395 (5) (cg) of the statutes, as affected by the acts of 2003, the dollar amount is increased by \$ 41,600 for fiscal year 2003-04 and the dollar amount is increased by \$ 60,200 for fiscal year 2004-05

to increase funding for the purpose (purposes) for which the appropriation is made to increase funding for the traffic violation and registration program

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

(end of insert)

Nonstat File Sequence: **FFF**

LRB 5014011

TNF: _____

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 # 1444 • Effective date.

(#1) 1444 This act takes effect on February 1, 2004, or on the first day of the first month beginning after publication, whichever is later.

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

LRBs 0140/1dn
TNF:

DRAFTER'S NOTE

(to be considered)

¶ This substitute amendment is identical to the bill, except for the following changes:

¶ 1. Section 85.13^{stats.} is amended to specifically provide that notices relating to unpaid towing and storage charges are separate transactions for purposes of the traffic violation and registration program. ✓

¶ 2. Appropriation increases of \$41,600 for fiscal year 2003-04 and \$60,200 for fiscal year 2004-05, with \$13,300 for fiscal year 2004-05 as one-time funding. ✓

3. The initial applicability provision has been changed so that the bill first applies to persons who incur towing and storage charges after the

bill becomes law. This change allows a local authority to use the notification process for earlier unpaid towing and storage charges, but only with respect to persons who incur ~~unpaid~~ towing and storage charges on or after the effective date of the bill. ✓

4. An effective date of February 1st 2004th or the first day of the first month beginning after publication, whichever is later. ✓

TNF ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0140/1dn
TNF:cjs:jf

August 8, 2003

This substitute amendment is identical to the bill, except for the following changes:

1. Section 85.13, stats., is amended to specifically provide that notices relating to unpaid towing and storage charges are to be considered separate transactions for purposes of the traffic violation and registration program.

2. Appropriation increases of \$41,600 for fiscal year 2003-04 and \$60,200 for fiscal year 2004-05, with \$13,300 for fiscal year 2004-05 as one-time funding.

3. The initial applicability provision has been changed so that the bill first applies to persons who incur towing and storage charges after the bill becomes law. This change allows a local authority to use the notification process for earlier unpaid towing and storage charges, but only with respect to persons who incur towing and storage charges on or after the effective date of the bill.

4. An effective date of February 1, 2004, or the first day of the first month beginning after publication, whichever is later.

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

8/13/03 +/c from Bonnie Ladwig - please redraft and delete appropriation provisions, drafting those provisions deleted as a separate bill (Item #2 supra)

TNF

Barman, Mike

From: Barman, Mike
Sent: Monday, August 11, 2003 10:33 AM
To: Popp, Sarah
Subject: LRB 03s0140/1 (attached - per your request)



03s0140/1



03s0140/1dn

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

August 5, 2003

Carole Schaeffer
Wisconsin Department of Administration
10th Floor
101 E. Wilson Street
Madison, Wisconsin

Dear Ms. Schaeffer:

RE: Assembly Bill 419

Pursuant to Joint Rule 41(3)(b), I am requesting a supplemental fiscal estimate on Assembly Bill 419. This bill is scheduled for a hearing on August 14th. If there is a problem with completion of the fiscal estimate prior to the hearing date, please notify Representative Ladwig, the bill's author, or Ellen Nowak from my office immediately.

Sincerely,

John G. Gard
Speaker
Wisconsin Assembly

JGG/een

Memo

To: Senator

Representative

Ladwig

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.

LRB Number: LRB S 0140

Version: " / 1 "

Fiscal Estimate Prepared By: (agency abbr.) DOT

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 08 / 13 / 2003

* * * * *

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 _____

Barman, Mike

From: Barman, Mike
Sent: Wednesday, August 13, 2003 9:44 AM
To: Rep.Ladwig
Cc: Popp, Sarah
Subject: LRB 03s0140/1 (FE by DOT - attached - for your review)



FE_Ladwig.pdf

Fiscal Estimate - 2003 Session

Original Updated Corrected Supplemental

LRB Number **03s0140/1** Introduction Number

Subject
 DOT fees re unpaid storage and towing charges notification

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate
 Increase Existing Appropriations Increase Existing Revenues Increase Costs - May be possible to absorb within agency's budget
 Decrease Existing Appropriations Decrease Existing Revenues Yes No
 Create New Appropriations Decrease Costs

Local:

No Local Government Costs
 Indeterminate

1. Increase Costs 3. Increase Revenue
 Permissive Mandatory Permissive Mandatory
 2. Decrease Costs 4. Decrease Revenue
 Permissive Mandatory Permissive Mandatory

5. Types of Local Government Units Affected
 Towns Village Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR FED PRO PRS SEG SEGS 20.395(5)(cq)

Agency/Prepared By DOT/ Carson Frazier (608) 266-7857	Authorized Signature Carol Buckmaster (608) 267-6979	Date 8/13/2003
---	--	--------------------------

Fiscal Estimate Narratives

DOT 8/13/2003

LRB Number	03s0140/1	Introduction Number	Estimate Type	Supplemental
Subject				
DOT fees re unpaid storage and towing charges notification				

Assumptions Used in Arriving at Fiscal Estimate

EFFECT OF ASSEMBLY SUBSTITUTE AMENDMENT TO 2003 AB 419 (LRBs0140/1):

Under the Traffic Violations and Registration Program (TVRP), if a person fails to pay non-moving traffic citations, a local parking authority may direct DMV to suspend the registration of the vehicle involved in the parking citation, or refuse to register any vehicle owned by the person, or both.

AB 419 authorizes a local parking authority to direct DMV to suspend or refuse registration because of unpaid towing and storage charges associated with a parking citation, as well as the unpaid citation itself.

Current law requires that the vehicle registration renewal notice include a list of any unpaid parking citations, and a notice to the registrant that unless the citations are paid, the vehicle may not be registered. AB 419 requires that the vehicle registration renewal notice must include a list of unpaid towing and storage charges as well, and notice to the registrant that unless the towing and storage charges are paid, the vehicle may not be registered.

Assembly Substitute Amendment to AB 419 (LRBs0140/1) retains all the above provisions. In addition, it amends S.85.13, which governs the cost of the TVRP program. The Substitute Amendment makes it clear that under TVRP a sanction for unpaid towing and storage charges is a separate transaction from a citation transaction under TVRP.

Under the Substitute Amendment, instead of sending DMV one citation that includes both the citation amount and the towing/storage charge amount, local parking authorities will send DMV a new transaction, in exactly the same format as a citation transaction, for towing/storage charges associated with a citation. Thus, for every citation that also has towing/storage charges, the local parking authority will send DMV two transactions instead of one transaction as currently.

The Substitute Amendment also increases the DMV appropriation to cover DMV's added cost resulting from the bill, and establishes a delayed effective date.

BASIS OF FISCAL ESTIMATE FOR ASSEMBLY SUBSTITUTE AMENDMENT TO AB 419:

This fiscal estimate does not purport to estimate the true or complete TVRP program cost on a per transaction basis. This fiscal estimate addresses only direct costs arising from the marginal cost of adding 30,000 transactions on an annual basis. As required by statute and administrative rule, the Department of Transportation periodically will determine the cost of development and operation of the TVRP program based on the number of transactions processed by a local parking authority. This fiscal estimate does not substitute for that program cost determination.

This fiscal estimate makes assumptions about processing procedures in a data processing system that has not yet been built. Once the new processing system is operational, the assumptions in this fiscal estimate are subject to change.

In addition, S.345.28(1)(a) and S.340.01(26) explicitly state what governmental units may notify DMV to place a registration sanction. This bill authorizes only those same governmental units to notify DMV. This fiscal estimate is based on the fact that DMV will receive notices only from authorized governmental units that issued the citation associated with towing and storage charges.

TRANSACTION VOLUME:

The City of Milwaukee estimates that it will send DMV about 19,000 new transactions annually, under this bill. The City of Milwaukee has consistently represented about half of DMV's total caseload under TVRP. However, the City of Milwaukee may be more aggressive about using TVRP sanctions for unpaid

towing/storage charges than other municipalities may be. Therefore, this fiscal estimate assumes that a total of 30,000 additional TVRP transactions annually will result from this bill.

ONE-TIME COST and REVENUE IMPACT:

DMV will incur no data processing development cost. However, DMV will incur higher operation cost in FY 2004 and FY 2005, during the time that the automated TVRP transaction processing is being developed. Development of automated TVRP transaction processing will require 8 months after DMV's redesigned system is operational at the end of January 2004.

FY 2004: 5 months of cost, at annual rate of \$99,800: \$41,600 in appropriation 20.395(5)(cq). The bill increases appropriation 20.395(5)(cq) to fund this cost. Revenue increase to the Transportation Fund, at a \$150,000 annual rate, is \$62,500 for 5 months in FY 2004.

FY 2005: 3 months of cost at annual rate of \$99,800, plus 9 months of cost at annual rate of \$46,900, for total cost of \$60,200 in appropriation 20.395(5)(cq). The bill increases appropriation 20.395(5)(cq) to fund this cost. Revenue increase to the Transportation Fund is \$150,000 in FY 2005.

Cost for manual processing is estimated as follows: A citation transaction requires 6.1 minutes to process. 30,000 new transactions would require an increase of 3,050 processing hours annually, or 1.8 FTE permanent positions, for \$66,600 annually salary and fringe benefits. Mail opening and distribution would require 340 hours annually, or .2 FTE, for \$5,500 salary and fringe benefits. Staff support costs would be \$4,300 annually. DP operating cost would be \$12,000 annually. Forms and postage and handling to mail suspension notification letters would be \$11,400. Total: \$99,800 on an annual basis, and 2.0 FTE increase.

AUTOMATED TVRP TRANSACTION PROCESSING:

After DMV's redesigned registration processing system is operational, we anticipate developing the capability for local parking authorities to submit transactions electronically. The system will look for the correct vehicle and owner in DMV records, and will automatically place the sanctions on the proper DMV vehicle record. The "match" will be done according to rules that are programmed into the system. If a match cannot be found, the system will print a report of transactions that must be processed manually.

Once the system allows automated transaction processing, DMV's workload will decrease. The City of Milwaukee will almost certainly use the automated transmittal process. While other local parking authorities will be able to do so, it is unclear which of them will take advantage of that ability. This estimate assumes that the City of Milwaukee's 19,000 towing and storage transactions will be transmitted electronically, and half of the remaining 11,000 towing and storage transactions will also be transmitted electronically. Thus, 24,500 transactions will be transmitted electronically, and 5,500 transactions will continue to be processed manually.

CPU cost in the new DB2 environment is significant. Because the DB2-based TVRP system has not yet been implemented, it is not clear what the actual data processing CPU cost for each transaction will be. For purposes of this fiscal estimate, DMV uses the cost estimate of a similar type of transaction. Driver license reinstatement will require 1.4 CPU cycles per transaction, at a cost of \$.286 per CPU cycle. We estimate that a TVRP transaction would require about the same amount of CPU time. 30,000 transactions would require 42,000 CPU cycles for \$12,000 annually.

Because the system is not yet built, it is not clear how many transactions will actually need to be processed manually. For purposes of this fiscal estimate we have assumed that about 20% of the transactions electronically transmitted will not match and will require manual processing. This rate is based on our title processing experience, in which about 20% of titles need an intervention with the customer because of customer error or inability of the system to process some item.

ON-GOING COST:

With automated transaction processing, 20% of the 24,500 transactions electronically transmitted, or 4,900, will require manual processing. In addition, 5,500 mailed transactions will be processed. These 10,400 transactions will require 6.1 minutes each to process. Processing time is 1,057 hours, or .6 FTE, for \$22,200 salary and fringe benefits, plus \$1,300 staff support cost. DP operating cost would be \$12,000. Forms and postage and handling to mail suspension notification letters would be \$11,400. Total: \$46,900 annually, in appropriation 20.395(5)(cq), and .6 FTE increase.

The bill increases appropriation 20.395(5)(cq) by \$46,900 annually to fund the cost, although the bill does not increase DMV's FTE authorization. Appropriation increase comes from the balance of the Transportation Fund.

ON-GOING REVENUE:

Local parking authorities pay DOT a fee to process TVRP transactions. The fee is currently \$5 per transaction. For 30,000 new cases each year, the Transportation Fund would receive increased revenue of \$150,000 annually.

LOCAL FISCAL IMPACT: Indeterminate. **Costs:** Since a local parking authority must pay a fee (currently \$5) for each transaction that the authority requests of DMV, the cost to the local authority will depend on how many requests for towing and storage charges that the authority sends to DMV. **Revenue:** DOT has no way to estimate how successful local parking authorities will be in obtaining added revenue as a result of this bill.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2003 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 03s0140/1	Introduction Number
-----------------------------	---------------------

Subject
 DOT fees re unpaid storage and towing charges notification

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

DMV will incur no data processing development cost. However, DMV will incur operation cost of \$41,600 in FY 2004 and \$60,200 in FY 2005, while the automated TVRP transaction processing is being developed. The Transportation Fund will experience an increased revenue of \$62,500 in FY 2004 and \$150,000 in FY 2005. The Substitute Amendment increases the DMV appropriation in FY 2004 and FY 2005 to fund DMV's cost, from the balance of the Transportation Fund.

II. Annualized Costs:	Annualized Fiscal Impact on funds from:	
	Increased Costs	Decreased Costs

A. State Costs by Category		
State Operations - Salaries and Fringes	\$22,200	
(FTE Position Changes)	(0.6 FTE)	
State Operations - Other Costs	24,700	
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$46,900	\$

B. State Costs by Source of Funds		
GPR		
FED		
PRO/PRS		
SEG/SEG-S	46,900	

III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)

	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S	150,000	
TOTAL State Revenues	\$150,000	\$

NET ANNUALIZED FISCAL IMPACT		
	State	Local
NET CHANGE IN COSTS	\$46,900	\$
NET CHANGE IN REVENUE	\$150,000	\$

Agency/Prepared By	Authorized Signature	Date
--------------------	----------------------	------

DOT/ Carson Frazier (608) 266-7857

Carol Buckmaster (608) 267-6979

8/13/2003

D-NOTE



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs014012 (Redraft makes has been run)
TNF:cjs:jf

Only changes pp. 1 and 9

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 419

WANTED NOW

S&J
bill with ✓

Rese cut

1 AN ACT to renumber 345.28 (4) (e) and 345.28 (4) (h); to renumber and amend
2 345.28 (4) (b) and 345.28 (4) (c); to amend 85.13, 341.08 (4m), 341.10 (7m),
3 345.28 (3) (a), 345.28 (5) (a), 345.28 (5m) (a) (intro.), 345.28 (5m) (a) 3., 345.28
4 (5m) (d) and 345.28 (7); and to create 345.28 (4) (a) 1m., 345.28 (4) (b) 2., 345.28
5 (4) (c) 2., 345.28 (4) (e) 2., 345.28 (4) (h) 2. and 345.28 (5r) of the statutes;
6 relating to: towing and storage charges associated with nonmoving traffic
7 violations and making an appropriation.

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

8 SECTION 1. 85.13 of the statutes is amended to read:
9 85.13 Cost of traffic violation and registration program. The
10 department shall develop a system for charging local units of government or other
11 authority as defined in s. 345.28 (1) (a) for the cost of the development and operation
12 of the traffic violation and registration program under ss. 341.08 (4m), 341.10 (7) and

1 (7m), 341.63 (1) (c), 345.28 (4) and 345.47 (1) (d) based on the number of transactions
2 processed by the local unit of government or other authority. A notice under s. 345.28
3 (4) submitted by an authority with respect to unpaid towing and storage charges
4 shall be considered a separate transaction for purposes of this section. No notices
5 under s. 345.28 (4) submitted by an authority or under s. 345.47 (1) (d) submitted by
6 the court may be processed by the department unless the local unit of government
7 or other authority involved has paid the department the appropriate amount
8 determined by the department under this section.

9 **SECTION 2.** 341.08 (4m) of the statutes is amended to read:

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

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

6 **SECTION 3.** 341.10 (7m) of the statutes is amended to read:

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

12 **SECTION 4.** 345.28 (3) (a) of the statutes is amended to read:

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

22 **SECTION 5.** 345.28 (4) (a) 1m. of the statutes is created to read:

23 345.28 (4) (a) 1m. If the person does not pay the outstanding towing and storage
24 charges associated with a nonmoving traffic violation, the authority may notify the

1 department in the form and manner prescribed by the department that the towing
2 and storage charges remain unpaid.

3 **SECTION 6.** 345.28 (4) (b) of the statutes is renumbered 345.28 (4) (b) 1. and
4 amended to read:

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

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

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

23 **SECTION 8.** 345.28 (4) (c) of the statutes is renumbered 345.28 (4) (c) 1. and
24 amended to read:

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

10 **SECTION 9.** 345.28 (4) (c) 2. of the statutes is created to read:

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

22 **SECTION 10.** 345.28 (4) (e) of the statutes is renumbered 345.28 (4) (e) 1.

23 **SECTION 11.** 345.28 (4) (e) 2. of the statutes is created to read:

24 345.28 (4) (e) 2. If the person subsequently pays the amount of the outstanding
25 towing and storage charges and the costs, if any, under par. (d), the department shall

1 be immediately notified in the form and manner prescribed by the department. If
2 the vehicle to which the towing and storage charges apply is owned by a person
3 engaged in the business of renting or leasing motor vehicles and the owner pays the
4 costs, if any, under par. (d) and 50% of the amount of the outstanding towing and
5 storage charges, the authority shall immediately notify the department in the form
6 and manner prescribed by the department.

7 **SECTION 12.** 345.28 (4) (h) of the statutes is renumbered 345.28 (4) (h) 1.

8 **SECTION 13.** 345.28 (4) (h) 2. of the statutes is created to read:

9 345.28 (4) (h) 2. If an authority receives payment of 50% of the amount of the
10 outstanding towing and storage charges from the owner of a leased or rented vehicle
11 to which the towing and storage charges apply and receives payment of the amount
12 of the outstanding towing and storage charges from the lessee or renter of the vehicle
13 to which the towing and storage charges apply, the authority shall refund to the
14 owner the 50% payment received.

15 **SECTION 14.** 345.28 (5) (a) of the statutes is amended to read:

16 345.28 (5) (a) In lieu of the procedure under sub. (4), if the person does not pay
17 the forfeiture or appear in court in response to the citation for a nonmoving traffic
18 violation on the date specified in the citation or, if no date is specified in the citation,
19 within 28 days after the citation was issued, the authority, after sending 2 notices
20 which meet the requirements under sub. (4) (c) 1., may issue a warrant under par.
21 (b) for the person.

22 **SECTION 15.** 345.28 (5m) (a) (intro.) of the statutes is amended to read:

23 345.28 (5m) (a) (intro.) No notice under sub. (4) (a) 1. may be sent to the
24 department, or if the notice has already been sent the notice shall be canceled, and

1 no further action may be taken against the owner under sub. (4) or (5) or s. 341.10
2 (7m) or 341.63 (1) (c) if:

3 **SECTION 16.** 345.28 (5m) (a) 3. of the statutes is amended to read:

4 345.28 (5m) (a) 3. The owner of the vehicle provides the information required
5 under s. 343.46 (3) for such renter or lessee to the authority who issued the citation
6 within 10 days after the 2nd notice was sent to the owner under sub. (4) (c) 1.; and

7 **SECTION 17.** 345.28 (5m) (d) of the statutes is amended to read:

8 345.28 (5m) (d) The notices to the renter or lessee required under sub. (4) (b)
9 1. shall be mailed on 2 separate days to the last-known address of the renter or lessee
10 and shall include the information specified in sub. (4) (c) 1. and the name of the owner
11 of the vehicle.

12 **SECTION 18.** 345.28 (5r) of the statutes is created to read:

13 345.28 (5r) (a) No notice under sub. (4) (a) 2. may be sent to the department,
14 or if the notice has already been sent the notice shall be canceled, and no further
15 action may be taken against the owner under sub. (4) or (5) or s. 341.10 (7m) or 341.63
16 (1) (c) if:

17 1. The vehicle to which the towing and storage charges apply is owned by a
18 person engaged in the business of renting or leasing motor vehicles;

19 2. At the time of the towing and storage the vehicle was in the possession of a
20 renter or lessee;

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

1 4. After being notified by the authority, the renter or lessee identified under
2 subd. 3. pays the amount of the outstanding towing and storage charges within 30
3 days after the 2nd notice from the authority is mailed.

4 (b) If the renter or lessee does not pay the amount of the outstanding towing
5 and storage charges, the authority may notify the department under sub. (4) (a) 1m.
6 that the towing and storage charges remain unpaid. The action which the authority
7 shall specify that the department take under sub. (4) (a) 2. is limited to refusal of the
8 registration of any vehicle owned by the renter or lessee.

9 (c) 1. If the renter or lessee does not pay the amount of the outstanding towing
10 and storage charges within 30 days after the 2nd notice from the authority is mailed
11 to the renter or lessee, the owner shall pay the authority 50% of the amount of the
12 outstanding towing and storage charges. The authority shall notify the owner in
13 writing of its responsibility for this payment.

14 2. If the owner does not pay 50% of the amount of the outstanding towing and
15 storage charges within 30 days after notice under subd. 1. has been mailed to the
16 owner, the authority may send a notice to the department under sub. (4) (a) 1m. The
17 action which the authority shall specify that the department take under sub. (4) (a)
18 2. is limited to suspension of the registration of the vehicle to which the towing and
19 storage charges apply.

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

24 **SECTION 19.** 345.28 (7) of the statutes is amended to read:

1 345.28 (7) Nothing in this section prevents a court from issuing a warrant
2 under s. 345.36 or 345.37 if the person appears in court in response to a citation for
3 a nonmoving traffic violation or after notice by the authority who issued the citation
4 or the department under sub. (4) with respect to the citation or on the date specified
5 by the officer or the court under sub. (5) and then fails to appear in court at any time
6 fixed by subsequent postponement. Unless the case is tried immediately with the
7 person's consent, any person who is arrested on a warrant issued under this
8 subsection may be released on his or her own recognizance or on posting bond or may
9 be released without bail and shall be released if the person posts cash bail for his or
10 her appearance.

11 **SECTION 20. Nonstatutory provisions; transportation.**

12 (1) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting
13 information under section 16.42 of the statutes for purposes of the 2005–07 biennial
14 budget bill, the department of transportation shall submit a dollar amount for the
15 appropriation under section 20.395 (5) (cq) of the statutes that is \$13,300 less than
16 the total amount appropriated under section 20.395 (5) (cq) of the statutes for the
17 2004–05 fiscal year, before submitting any information relating to any increase or
18 decrease in the dollar amount for that appropriation for the 2005–07 fiscal biennium.

19 **SECTION 21. Appropriation changes.**

20 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
21 to the department of transportation under section 20.395 (5) (cq) of the statutes, as
22 affected by the acts of 2003, the dollar amount is increased by \$41,600 for fiscal year
23 2003–04 and the dollar amount is increased by \$60,200 for fiscal year 2004–05 to
24 increase funding for the traffic violation and registration program.

25 **SECTION 22. Initial applicability.**

LRBs 0140/2dn
TNF: cjs

DRAFTER'S NOTE

¶ This redraft is identical to the previous version, except that it deletes the appropriation provisions from the bill.

TNF

✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0140/2dn
TNF:cjs:rs

August 13, 2003

This redraft is identical to the previous version, except that it deletes the appropriation provisions from the bill.

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

Fast, Timothy

From: Popp, Sarah
Sent: Thursday, August 21, 2003 4:52 PM
To: Fast, Timothy
Subject: RE: Towing and storage charges substitute amendment

Tim
I talked to Bonnie and she agrees, she'd like to go with the 20 day maximum.
Thank you again for all of your help!
Sarah

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

From: Fast, Timothy
Sent: Wednesday, August 20, 2003 1:34 PM
To: Popp, Sarah
Subject: Towing and storage charges substitute amendment

Sarah -- I am redrafting the sub and have a question. Rep. Ladwig mentioned capping storage charges at 10 or 20 days, basically whatever state law dictated re storage duration.

There are different storage durations in the statutes. Relevant statutory provisions apply to unregistered and abandoned motor vehicles and to liens for towing and storage. With respect to an unregistered or abandoned vehicle that is impounded, state law requires the vehicle to be "retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders of record...." See s. 341.65 (2) (g) and 342.40 (3) (c), stats. There's the reference to 10 days, albeit it's a minimum. If the vehicle is not reclaimed, it may be sold or, if applicable, junked.

With respect to motor vehicles towed or stored at the direction of the police (such as with an illegally parked vehicle), state law implies a vehicle may be stored longer. See s. 779.415, stats. For example, within 30 days of towing, notice must be sent to the owner and senior lienholder (if any) of the steps necessary (essentially paying the towing and storage charges) to retrieve the vehicle. If not reclaimed, at least 20 days' notice must be given before the sale or junking of certain vehicles. See s. 779.415 (2), stats. There's the reference to 20 days, but again it's a minimum. (I should mention that state law contemplates a longer storage duration period for some vehicles. See s. 779.48 (2), stats.)

So essentially it is your call whether to have outstanding storage charges capped at 10 days or 20 days. I'm tempted to recommend 20 days because current law requires that 2 notices be sent to the vehicle owner before DOT may be notified of unpaid parking tickets. The substitute amendment parallels this requirement for towing and storage charges. See proposed s. 345.28 (4) (c) 2, stats. But, as a friend of mine says, I have no dogs in this hunt.

Finally, the substitute amendment will now require DOT to be notified when the outstanding towing and storage charges reported to DOT are paid. In theory, anyway, a person may get the registration hold(s) lifted by paying this amount, i.e., the total storage charges incurred (capped and non-capped, for want of a better world) do not need to be paid in order to have the registration holds lifted. I'll try to make this as clear as I can in the substitute amendment. My guess is this won't often be a problem but I thought I'd mention it. Thanks, Sarah, for your help! --Tim

Timothy N. Fast
Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-9739

8/20/03 t/c Rep. Ladwig : also require enactment of
AB-467 for act to take effect

TNF



State of Wisconsin
2003 - 2004 LEGISLATURE

3 (Redraft
LRBs0140/2 maker
TNF:cjs:rs has been
(run)
JD

Wanted
Mon. 8/25
aft.

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 419

Regen

1 AN ACT *to renumber* 345.28 (4) (e) and 345.28 (4) (h); *to renumber and amend*
2 345.28 (4) (b) and 345.28 (4) (c); *to amend* 85.13, 341.08 (4m), 341.10 (7m),
3 345.28 (3) (a), 345.28 (5) (a), 345.28 (5m) (a) (intro.), 345.28 (5m) (a) 3., 345.28
4 (5m) (d) and 345.28 (7); and *to create* 345.28 (4) (a) 1m., 345.28 (4) (b) 2., 345.28
5 (4) (c) 2., 345.28 (4) (e) 2., 345.28 (4) (h) 2. and 345.28 (5r) of the statutes;
6 **relating to:** towing and storage charges associated with nonmoving traffic
7 violations.

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

8 SECTION 1. 85.13[✓] of the statutes is amended to read:
9 **85.13 Cost of traffic violation and registration program.** The
10 department shall develop a system for charging local units of government or other
11 authority as defined in s. 345.28 (1) (a) for the cost of the development and operation
12 of the traffic violation and registration program under ss. 341.08 (4m), 341.10 (7) and

1 (7m), 341.63 (1) (c), 345.28 (4) and 345.47 (1) (d) based on the number of transactions
2 processed by the local unit of government or other authority. A notice under s. 345.28
3 (4) submitted by an authority with respect to unpaid towing and storage charges
4 shall be considered a separate transaction for purposes of this section. No notices
5 under s. 345.28 (4) submitted by an authority or under s. 345.47 (1) (d) submitted by
6 the court may be processed by the department unless the local unit of government
7 or other authority involved has paid the department the appropriate amount
8 determined by the department under this section.

9 **SECTION 2.** 341.08 (4m) of the statutes is amended to read:

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

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

6 **SECTION 3.** [✓] 341.10 (7m) of the statutes is amended to read:

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

12 **SECTION 4.** [✓] 345.28 (3) (a) of the statutes is amended to read:

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

22 **SECTION 5.** [✓] 345.28 (4) (a) 1m. of the statutes is created to read:

23 345.28 (4) (a) 1m. If the person does not pay the outstanding towing and storage
24 charges associated with a nonmoving traffic violation, the authority may notify the

Outstanding storage charges under this subdivision may not exceed 20 days of such storage. department in the form and manner prescribed by the department that towing

1

2

and storage charges remain unpaid.

3

SECTION 6. 345.28 (4) (b) of the statutes is renumbered 345.28 (4) (b) 1. and

4

amended to read:

5

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) 1. 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.

14

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

15

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

20

23

SECTION 8. 345.28 (4) (c) of the statutes is renumbered 345.28 (4) (c) 1. and amended to read:

24

the amount of the outstanding towing and storage charges,

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

10 **SECTION 9.** ✓ 345.28 (4) (c) 2. of the statutes is created to read:

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

22 **SECTION 10.** ✓ 345.28 (4) (e) of the statutes is renumbered 345.28 (4) (e) 1.

23 **SECTION 11.** ✓ 345.28 (4) (e) 2. of the statutes is created to read:

24 345.28 (4) (e) 2. If the person subsequently pays the amount of the outstanding
25 towing and storage charges and the costs, if any, under par. (d), the department shall

specified in the notice to the department under
par. (a) 1m. ✓

specified in the notice to the department under
par. (a) 1m. ✓

1 be immediately notified in the form and manner prescribed by the department. If
2 the vehicle to which the towing and storage charges apply is owned by a person
3 engaged in the business of renting or leasing motor vehicles and the owner pays the
4 costs, if any, under par. (d) and 50% of the amount of the outstanding towing and
5 storage charges, the authority shall immediately notify the department in the form
6 and manner prescribed by the department.

7 SECTION 12. ✓ 345.28 (4) (h) of the statutes is renumbered 345.28 (4) (h) 1.

8 SECTION 13. ✓ 345.28 (4) (h) 2. of the statutes is created to read:

9 345.28 (4) (h) 2. If an authority receives payment of 50% of the amount of the
10 outstanding towing and storage charges from the owner of a leased or rented vehicle
11 to which the towing and storage charges apply and receives payment of the amount
12 of the outstanding towing and storage charges from the lessee or renter of the vehicle
13 to which the towing and storage charges apply, the authority shall refund to the
14 owner the 50% payment received.

15 SECTION 14. ✓ 345.28 (5) (a) of the statutes is amended to read:

16 345.28 (5) (a) In lieu of the procedure under sub. (4), if the person does not pay
17 the forfeiture or appear in court in response to the citation for a nonmoving traffic
18 violation on the date specified in the citation or, if no date is specified in the citation,
19 within 28 days after the citation was issued, the authority, after sending 2 notices
20 which meet the requirements under sub. (4) (c) 1., may issue a warrant under par.
21 (b) for the person.

22 SECTION 15. ✓ 345.28 (5m) (a) (intro.) of the statutes is amended to read:

23 345.28 (5m) (a) (intro.) No notice under sub. (4) (a) 1. may be sent to the
24 department, or if the notice has already been sent the notice shall be canceled, and

1 no further action may be taken against the owner under sub. (4) or (5) or s. 341.10
2 (7m) or 341.63 (1) (c) if:

3 **SECTION 16.** [✓] 345.28 (5m) (a) 3. of the statutes is amended to read:

4 345.28 (5m) (a) 3. The owner of the vehicle provides the information required
5 under s. 343.46 (3) for such renter or lessee to the authority who issued the citation
6 within 10 days after the 2nd notice was sent to the owner under sub. (4) (c) 1.; and

7 **SECTION 17.** [✓] 345.28 (5m) (d) of the statutes is amended to read:

8 345.28 (5m) (d) The notices to the renter or lessee required under sub. (4) (b)
9 1. shall be mailed on 2 separate days to the last-known address of the renter or lessee
10 and shall include the information specified in sub. (4) (c) 1. and the name of the owner
11 of the vehicle.

12 **SECTION 18.** [✓] 345.28 (5r) of the statutes is created to read:

13 345.28 (5r) (a) No notice under sub. (4) (a) 2. may be sent to the department,
14 or if the notice has already been sent the notice shall be canceled, and no further
15 action may be taken against the owner under sub. (4) or (5) or s. 341.10 (7m) or 341.63
16 (1) (c) if:

17 1. The vehicle to which ~~the~~ towing and storage charges apply is owned by a
18 person engaged in the business of renting or leasing motor vehicles;

19 2. At the time of ~~the~~ towing and storage the vehicle was in the possession of a
20 renter or lessee; [✓] its

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

1 4. After being notified by the authority, the renter or lessee identified under
2 subd. 3. pays the amount of the outstanding towing and storage charges within 30
3 days after the 2nd notice from the authority is mailed.

4 (b) If the renter or lessee does not pay the amount of the outstanding towing
5 and storage charges, the authority may notify the department under sub. (4) (a) 1m.
6 that ~~the~~ towing and storage charges remain unpaid. The action which the authority
7 shall specify that the department take under sub. (4) (a) 2. is limited to refusal of the
8 registration of any vehicle owned by the renter or lessee.

9 (c) 1. If the renter or lessee does not pay the amount of the outstanding towing
10 and storage charges within 30 days after the 2nd notice from the authority is mailed
11 to the renter or lessee, the owner shall pay the authority 50% of the amount of the
12 outstanding towing and storage charges. The authority shall notify the owner in
13 writing of its responsibility for this payment.

14 2. If the owner does not pay 50% of the amount of the outstanding towing and
15 storage charges within 30 days after notice under subd. 1. has been mailed to the
16 owner, the authority may send a notice to the department under sub. (4) (a) 1m. The
17 action which the authority shall specify that the department take under sub. (4) (a)
18 2. is limited to suspension of the registration of the vehicle to which the towing and
19 storage charges apply.

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

24 **SECTION 19.** 345.28 (7) of the statutes is amended to read:

2003

Insert 9-10

Nonstat File Sequence: **AAA**

LRB 5014013

TNF: _____

NONSTAT SESSLAW

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → nonstat

For the budget action phrase, execute: create → action: → *NS: → 91XX

For a subsection, execute: create → text: → *NS: → sub

For a paragraph, execute: create → text: → *NS: → par

For a subdivision, execute: create → text: → *NS: → subd

For a subdivision paragraph, execute: create → text: → *NS: → subpar

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 9100 department code.

SECTION # ~~191~~

Nonstatutory provisions ~~1~~...

(#1) ~~191~~ RECONCILIATION PROVISION.

~~191~~ This act is void unless SECTIONS 1 and 2 of 2003 Wisconsin Act (Assembly Bill 467) become law on or before the effective date of this act.