

**2011 DRAFTING REQUEST**

**Senate Amendment (SA-SB478)**

Received: **02/27/2012**

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **CJ**

May Contact:

Drafter: **agary**

Subject: **Transportation - other  
Transportation - traffic laws**

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Changes relating to assistance after an accident;

---

**Instructions:**

Revise (1m) (b) to what appears in the draft; change title to (1m)

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**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>
/P1	agary 02/28/2012	jdyer 02/28/2012	phenry 02/28/2012	_____	lparisi 02/28/2012		
/P2	agary 03/06/2012	jdyer 03/07/2012	phenry 03/07/2012	_____	mbarman 03/07/2012		
/P3	agary 03/08/2012	jdyer 03/08/2012	phenry 03/08/2012	_____	lparisi 03/08/2012		
/1	agary	kfollett	phenry	_____	lparisi	lparisi	

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	03/08/2012	03/08/2012	03/08/2012 _____		03/08/2012	03/08/2012	

FE Sent For:

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11/5/12  
3/8  
7/8 pLX

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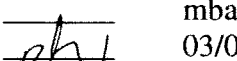
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**Instructions:**

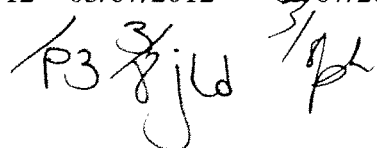
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*P2 3/7 JLD*      *3/1/12*      *11/10/12*  
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/P1	agary	1/28 JLD	2/28 PL	_____	_____	_____	_____

FE Sent For:

<END>



in  
2/28  
wanted  
2/29



jkd

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 2011 SENATE BILL 478**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 4: delete "ASSISTANCE" and substitute "LAW ENFORCEMENT  
3 CONTACT AND INVOLVEMENT". ✓

4 **2.** Page 4, line 17: delete the material beginning with that line and ending with  
5 page 5, line 1 and substitute: ✓

6 "(b) No person may assist an operator or occupant of a motor vehicle involved  
7 in an accident as described in sub. (1) unless the accident has first been reported to  
8 a law enforcement agency, except to provide medical assistance." ✓

9 (END)



## Gary, Aaron

---

**From:** Szafir, Charles  
**Sent:** Tuesday, March 06, 2012 7:28 PM  
**To:** Gary, Aaron  
**Subject:** RE: Duty to report amendment changes

I think it looks good. Can you draft it up?

---

**From:** Gary, Aaron  
**Sent:** Tuesday, March 06, 2012 6:55 PM  
**To:** Szafir, Charles  
**Subject:** RE: Duty to report amendment changes

CJ,

With the changes below, par. (b) would look like this: "(b) No person may knowingly assist an operator or occupant of a motor vehicle involved in an accident as described in sub. (1) to flee the scene of the accident unless the accident has first been reported to a law enforcement agency, except to provide medical assistance." Taking a closer look at this change, I'm not sure this provision really works. It seems to me that "flee the scene" of an accident is inherently inconsistent with having reported the accident. So I believe that, with these new changes, the sentence could end at ".... to flee the scene of the accident", period. Adding the new language and keeping the existing verbiage at the end of the sentence seems a little incongruous to me. How would you like this sentence to read?

As far as the second change, par. (a), I have made your suggested changes but kept some of the language because the towing company might be first contacted by law enforcement. The new par (a) will read as follows: "No person in the business of towing, recovery, or repair of motor vehicles may contract for retrieval, recovery, or removal from the scene of a traffic accident described in sub. (1) of any motor vehicle that has sustained damage unless the person notifies, or has been contacted by, a law enforcement agency prior to retrieval, recovery, or removal of the vehicle." I have *not* deleted (a) 3. Please let me know if this is OK.

FYI, when illegally parked or abandoned vehicles are towed, it is the traffic officer that notifies the towing service to tow the vehicle. So usually the flow of communication is from law enforcement to the towing company, not vice versa. See 342.40(3)(a) and 349.13(3) and (5) (c).

Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

---

**From:** Szafir, Charles  
**Sent:** Tuesday, March 06, 2012 5:07 PM  
**To:** Gary, Aaron  
**Subject:** Duty to report amendment changes

Changes to the amendment (LRBa2515/P1):

- 2 (b) No person may **knowingly** assist an operator or occupant **to flee the scene** of a motor vehicle involved in an accident as described in sub. (1) . . .

Addition to the amendment (LRBa2515/P1):

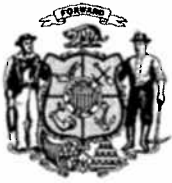
- Delete the material under sections (1m)(a)(1)-(1m)(a)(2)
- Replace it with "No person in the business of towing, recovery, or repair of motor vehicles may contract for

retrieval, recovery, or removal from the scene of a traffic accident described in sub. (1) of any motor vehicle that has sustained damage unless the person notifies law enforcement prior to retrieval, recovery, or removal of the vehicle.

The issue with the addition is that we want to soften the duty we are imposing on tow truck drivers (and similar professions).

Best,  
CJ

CJ Szafir  
*Policy Advisor*  
Senator Scott Fitzgerald  
(608) 266-5660



in  
3/6  
wanted  
3/7  
RMR

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2 **1.** Page 4, line 4: delete "ASSISTANCE" and substitute "LAW ENFORCEMENT  
3 CONTACT AND INVOLVEMENT".

4 **2.** Page 4, line 17: delete the material beginning with that line and ending with  
5 page 5, line 1, and substitute:

6 "(b) No person may <sup>knowingly</sup> assist an operator or occupant of a motor vehicle involved  
7 in an accident as described in sub. (1) <sup>to flee the scene of the accident</sup> unless the accident has first been reported to  
8 a law enforcement agency, except to provide medical assistance." ✓

9 (END)

insert →

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa2515/P2ins  
ARG:.....

1  
2  
3  
4  
5  
6  
7

**INSERT**

**1.** Page 4, line 7: after "person" insert "notifies, or". ✓

**2.** Page 4, line 7: delete "by" and substitute "by". ✓

**3.** Page 4, line 8: after "agency" insert "prior to retrieval, recovery, or removal  
of the vehicle". ✓

**4.** Page 4, line 9: delete the material beginning with "No" and ending with "3."  
on line 14. ✓

(end insert)

3/8

the w CJ - a2515

address comment: for (b) - what if  
somebody says they called law  
enforcement but they really didn't?



TODAY



A.M.

LRBa2515/12 P3

ARG:jld:ph

in 3/8

RMR

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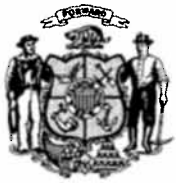
5 **3.** Page 4, line 7: delete "by" and substitute "by,".

6 **4.** Page 4, line 8: after "agency" insert "prior to retrieval, recovery, or removal  
7 of the vehicle".

8 **5.** Page 4, line 9: delete the material beginning with "No" and ending with "3."  
9 on line 14.

10 **6.** Page 4, line 17: delete the material beginning with that line and ending with  
11 page 5, line 1, and substitute:





now



LRBa2515/18 /

ARG:jld:ph

2/8 - per CJ - wants / /  
looks good

stays RMR

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11 page 5, line 1, and substitute:



1           “(b) No person may knowingly assist an operator or occupant of a motor vehicle  
2 involved in an accident as described in sub. (1) to flee the scene of the accident unless  
3 the accident has, or the person is advised that the accident has, first been reported  
4 to a law enforcement agency, except to provide medical assistance.”.

5

(END)