




State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 08/31/2015 (Per: MED)


Compile Draft – Appendix D

Appendix A  The 2015 drafting file for LRB–1676

Appendix B  The 2015 drafting file for LRB–1684

Appendix C  The 2015 drafting file for LRB–2087

Appendix D  The 2015 drafting file for LRB–2122

Appendix E  The 2015 drafting file for LRB–2260

has been copied/added to the drafting file for

2015 LRB–3011

2015 DRAFTING REQUEST

Bill

Received: 4/1/2015 Received By: zwyatt
For: Frank Lasee (608) 266-3512 Same as LRB:
May Contact: By/Representing: Rob Kovach
Subject: Transportation - other Drafter: zwyatt
Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Lasee@legis.wisconsin.gov
Carbon copy (CC) to: zachary.wyatt@legis.wisconsin.gov
aaron.gary@legis.wisconsin.gov
eric.mueller@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Towing vehicles illegally parked on private property

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	zwyatt 6/8/2015	kmochal 6/10/2015	_____	lparisi 4/15/2015		
/P2			_____	mbarman 6/11/2015		

FE Sent For:

<END>

Wyatt, Zachary

From: Kovach, Robert
Sent: Friday, April 10, 2015 9:54 AM
To: Wyatt, Zachary
Subject: RE: 2013 Act 76 revision request

I certainly want to address both matters. It's the Senator's intent to create a workable environment for towing operators to provide the service of removing cars parked on private property without permission at the property owner's request. If the towing operators are unable to collect charges for that service, it won't be very workable.

I think that if we require a good faith effort to notify law enforcement, that should meet the statutory requirements that would address both civil liability and their ability to collect charges.

Thanks!

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Wyatt, Zachary
Sent: Friday, April 10, 2015 8:32 AM
To: Kovach, Robert
Subject: FW: 2013 Act 76 revision request

Rob,

I am finishing up this draft, but I had a quick question. In this draft, we are providing that a towing service is immune from liability if they make a good faith effort to comply with the law enforcement notification requirement. Under current law, s. 349.13(3m)(dr)2., a towing service may not collect any charges for the removal or storage of an illegally parked vehicle if the towing service has not complied with the law enforcement notification requirement. Did you want to treat that section as well or are you just trying to address the issue of potential civil liability?

Zachary D. Wyatt
Legislative Attorney
Wisconsin Legislative Reference Bureau
zachary.wyatt@legis.wisconsin.gov
608.267.3362

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: LRB.Legal
Sent: Wednesday, April 01, 2015 10:03 AM
To: Gary, Aaron; Mueller, Eric; Wyatt, Zachary
Subject: FW: 2013 Act 76 revision request

This draft request looks to be within your drafting area.

Sarah Barford

Senior Program Assistant

Legislative Reference Bureau
1 East Main St., Suite 200
Madison, WI 53703
(608) 266-3561

From: Kovach, Robert
Sent: Wednesday, April 01, 2015 9:59 AM
To: LRB.Legal
Subject: FW: 2013 Act 76 revision request

Dear LRB staff,

Could you have the request below sent to drafting? Senator Lasee would like to create a trailer bill to fix these issues related to 2013 Act 76.

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Dan Johnson [mailto:djohnson@witruck.org]
Sent: Wednesday, April 01, 2015 9:33 AM
To: Kovach, Robert
Subject: 2013 Act 76 revision request

Hi Rob!

Hope all is well with you.

As you may know, we've been involved in the DOT emergency rule regarding a fee schedule for towing unauthorized vehicles from private property, as required by 2013 Act 76. You've probably heard from the DOT and others regarding a couple of provisions that need to be corrected in Act 76 in order for it to work as intended.

The Wisconsin Towing Association supports and hopes Senator Lasee would consider making the following revisions in order to meet the legislative intent:

1. Revise Wis. Stats. 349.13(3m) to clarify that the fee schedule created by the Department only applies to vehicle removals where a citation has **not** been issued.
2. Revise Wis. Stats. 349.13(3m) to hold harmless any towing service that makes a good faith effort to comply with the law enforcement notification requirements.

I don't have the exact language for either of the above, but its my understanding you've already heard from the DOT on these two revisions, which they and the Apartment Association are also requesting and supporting.

Thanks Rob, and please let me know if you have any questions or concerns.

Dan Johnson
Vice President

WI Motor Carriers Association
562 Grand Canyon Drive
Madison, WI 53719
(608) 833-8200 x17



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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen Cat

1 **AN ACT ...; relating to: towing vehicles illegally parked on private property.**

Analysis by the Legislative Reference Bureau

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle and will be immune from liability from any claim arising from a failure to comply with the requirement.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property. Under this bill, these charges apply only ~~where~~ ^{when} no citation was issued.

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

2 **SECTION 1.** 349.13 (3m) (dr) 2. of the statutes is amended to read:
3 349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal
4 or storage of an illegally parked vehicle under this subsection if unless the towing

1 service has ~~not complied~~ made a good faith effort to comply with par. (d) 2. with
2 respect to the vehicle.

History: 1973 c. 248; 1975 c. 299; 1977 c. 29 ss. 1654 (3), (8) (a), 1656 (43); 1977 c. 116, 272, 418; 1979 c. 34, 59, 231, 276, 325; 1981 c. 227; 1981 c. 255 ss. 10, 11, 13; 1983 a. 77 s. 15; 1983 a. 213; 1985 a. 29; 1985 a. 87 s. 5; 1989 a. 304; 1991 a. 269, 316; 1993 a. 246; 1995 a. 448; 1997 a. 27, 159, 258; 1999 a. 85; 2003 a. 142; 2005 a. 326; 2009 a. 246; 2011 a. 73; 2013 a. 76, 326, 327, 359; s. 13.92 (2) (i).

3 **SECTION 2.** 349.13 (3m) (dr) 3. of the statutes is created to read:

4 349.13 (3m) (dr) 3. A towing service that made a good faith effort to comply with
5 par. (d) 2. shall be immune from liability for any claim arising from a failure to comply
6 with par. (d) 2.

7 **SECTION 3.** 349.13 (3m) (e) 1. of the statutes is amended to read:

8 349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles
9 under this subsection when no citation has been issued.

History: 1973 c. 248; 1975 c. 299; 1977 c. 29 ss. 1654 (3), (8) (a), 1656 (43); 1977 c. 116, 272, 418; 1979 c. 34, 59, 231, 276, 325; 1981 c. 227; 1981 c. 255 ss. 10, 11, 13; 1983 a. 77 s. 15; 1983 a. 213; 1985 a. 29; 1985 a. 87 s. 5; 1989 a. 304; 1991 a. 269, 316; 1993 a. 246; 1995 a. 448; 1997 a. 27, 159, 258; 1999 a. 85; 2003 a. 142; 2005 a. 326; 2009 a. 246; 2011 a. 73; 2013 a. 76, 326, 327, 359; s. 13.92 (2) (i).

10

(END)

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2122/P1ins
ZDW:wlj

1 **INS A1**

2 and guidelines for notifying law enforcement

3 **INS A2**

4 and guidelines

5 **INS 2-12**

6 **SECTION 1.** 349.13 (3m) (e) 3. of the statutes is amended to read:

7 349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement

8 under par. (d) upon removal of a vehicle when no citation has been issued.

History: 1973 c. 248; 1975 c. 299; 1977 c. 29 ss. 1654 (3), (8) (a), 1656 (43); 1977 c. 116, 272, 418; 1979 c. 34, 59, 231, 276, 325; 1981 c. 227; 1981 c. 255 ss. 10, 11, 13; 1983 a. 77 s. 13; 1983 a. 213; 1985 a. 29; 1985 a. 87 s. 5; 1989 a. 304; 1991 a. 269, 316; 1993 a. 246; 1995 a. 448; 1997 a. 27, 159, 258; 1999 a. 85; 2003 a. 142; 2005 a. 326; 2009 a. 246; 2011 a. 73; 2013 a. 76, 326, 327, 359; s. 13.92 (2) (i).

9

(END)

Wyatt, Zachary

From: Kovach, Robert
Sent: Monday, June 08, 2015 9:41 AM
To: Wyatt, Zachary
Subject: FW: Draft review: LRB -2122/P1 Topic: Towing vehicles illegally parked on private property
Attachments: 15-2122/P1.pdf

Dear Zach,

Could you please include the recommended language below in a P2?

Thanks!

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Yahn, Nate - DOT [mailto:Nate.Yahn@dot.wi.gov]
Sent: Friday, June 05, 2015 8:00 PM
To: Kovach, Robert
Subject: RE: Draft review: LRB -2122/P1 Topic: Towing vehicles illegally parked on private property

Hi Rob,

I'll give you a call on Monday to further follow up on this email and discuss this particular issue (re: towing of vehicles) in general.

In addition to the change listed in *Section 3.* of the draft bill, the department would recommend the following provision to also be included in the bill:

- "349.13 (3m) (e) 3. of the statutes is amended to read:
349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement under par. (d) upon removal of a vehicle when no citation has been issued."

Nate Yahn

Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Phone: (608) 266-1114

From: Kovach, Robert [mailto:Robert.Kovach@legis.wisconsin.gov]
Sent: Tuesday, April 21, 2015 4:21 PM
To: Ristow, Nathaniel L - DOR (Nate)
Subject: FW: Draft review: LRB -2122/P1 Topic: Towing vehicles illegally parked on private property

Nate,

Can you look this draft over?

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: LRB.Legal

Sent: Wednesday, April 15, 2015 4:03 PM

To: Sen.Lasee

Subject: Draft review: LRB -2122/P1 Topic: Towing vehicles illegally parked on private property

Following is the PDF version of draft LRB -2122/P1.

CONFIDENTIALITY NOTICE: This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. This information is only for the use of the individual or entity to whom this electronic mail transmission was intended. If you are not the intended recipient, any disclosure, copying, distribution, or action taken in reliance on the contents of the information contained in this transmission is strictly prohibited. If you have received this transmission in error, please immediately contact the sender and delete the message. Thank you.



INSET

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen. Cat. ✓

1 AN ACT *to amend* 349.13 (3m) (dr) 2. and 349.13 (3m) (e) 1.; and *to create* 349.13
2 (3m) (dr) 3. of the statutes; **relating to:** towing vehicles illegally parked on
3 private property.

Analysis by the Legislative Reference Bureau

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle and *will be* immune from liability from any claim arising from a failure to comply with the requirement.

INS A1 ✓
INS A2 ✓
~~Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property. Under this bill, these charges apply only when no citation was issued.~~

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

4 SECTION 1. 349.13 (3m) (dr) 2. of the statutes is amended to read:

1 349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal
2 or storage of an illegally parked vehicle under this subsection if unless the towing
3 service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with
4 respect to the vehicle.

5 **SECTION 2.** 349.13 (3m) (dr) 3. of the statutes is created to read:

6 349.13 (3m) (dr) 3. A towing service that made a good faith effort to comply with
7 par. (d) 2. shall be immune from liability for any claim arising from a failure to comply
8 with par. (d) 2.

9 **SECTION 3.** 349.13 (3m) (e) 1. of the statutes is amended to read:

10 349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles
11 under this subsection when no citation has been issued.

12 WS 2-12

(END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2122/P2
ZDW:wj&klm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 349.13 (3m) (dr) 2., 349.13 (3m) (e) 1. and 349.13 (3m) (e) 3.;

2 and *to create* 349.13 (3m) (dr) 3. of the statutes; **relating to:** towing vehicles

3 illegally parked on private property.

Analysis by the Legislative Reference Bureau

Under current law, before any vehicle is removed from private property by a towing service, the towing service must notify a local law enforcement agency of the make, model, vehicle identification number, and registration plate number of the vehicle and the location to which the vehicle will be removed. A towing service that fails to comply with this requirement may not collect any charges for the removal and storage of the vehicle. Under this bill, a towing service that makes a good faith effort to comply with the notification requirement may collect charges for the removal and storage of the vehicle and is immune from liability from any claim arising from a failure to comply with the requirement.

Under current law, the Department of Transportation is required to promulgate rules establishing reasonable charges for removal of vehicles from private property and guidelines for notifying law enforcement. Under this bill, these charges and guidelines apply only when no citation was issued.

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

4 **SECTION 1.** 349.13 (3m) (dr) 2. of the statutes is amended to read:

1 349.13 (3m) (dr) 2. A towing service may not collect any charges for the removal
2 or storage of an illegally parked vehicle under this subsection if unless the towing
3 service ~~has not complied~~ made a good faith effort to comply with par. (d) 2. with
4 respect to the vehicle.

5 **SECTION 2.** 349.13 (3m) (dr) 3. of the statutes is created to read:

6 349.13 (3m) (dr) 3. A towing service that made a good faith effort to comply with
7 par. (d) 2. shall be immune from liability for any claim arising from a failure to comply
8 with par. (d) 2.

9 **SECTION 3.** 349.13 (3m) (e) 1. of the statutes is amended to read:

10 349.13 (3m) (e) 1. Reasonable charges for removal and storage of vehicles
11 under this subsection when no citation has been issued.

12 **SECTION 4.** 349.13 (3m) (e) 3. of the statutes is amended to read:

13 349.13 (3m) (e) 3. Guidelines for towing services to notify law enforcement
14 under par. (d) upon removal of a vehicle when no citation has been issued.

15

(END)