



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 262**

September 17, 2019 - Offered by Representative PLUMER.

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

2 **1.** Page 1, line 3: delete “speed limit” and substitute “overtaking and passing”.

3 **2.** Page 3, line 4: after “ss.” insert “346.073”.

4 **3.** Page 3, line 5: after that line insert:

5 “**SECTION 4m.** 346.073 of the statutes is created to read:

6 **346.073 Owner’s liability for certain violations related to stopped**  
7 **emergency or roadside service vehicles. (1)** Subject to sub. (5) (b), the owner  
8 of a vehicle involved in a violation of s. 346.072 is liable for the violation as provided  
9 in this section.

10 **(2)** An operator of an emergency or roadside service vehicle, as defined in s.  
11 346.072 (1g), who observes a violation of s. 346.073 may prepare a written report  
12 indicating that a violation has occurred. If possible, the report shall contain the  
13 following information:

1 (a) The time and the approximate location at which the violation occurred.

2 (b) The license number and color of the vehicle involved in the violation.

3 (c) Identification of the vehicle as an automobile, motor truck, motor bus,  
4 motorcycle, or other type of vehicle.

5 (3) If, within 24 hours after observing the violation, the flagman delivers a  
6 report under sub. (2) to a traffic officer of the county or municipality in which the  
7 violation occurred, the officer may issue a citation under sub. (4). A report that does  
8 not contain all of the information in sub. (2) shall be maintained by the county or  
9 municipality for statistical purposes.

10 (4) (a) Within 48 hours after receiving a report under sub. (3) containing all of  
11 the information in sub. (2), the traffic officer may issue a citation for a violation of  
12 this section to the owner of the vehicle involved in the violation. A citation for a  
13 violation of this section shall be prepared on a uniform traffic citation form under s.  
14 345.11 and personally served on the owner of the vehicle.

15 (b) If with reasonable diligence the owner cannot be served under par. (a),  
16 service may be made by leaving a copy of the citation at the owner's usual place of  
17 abode within this state in the presence of a competent member of the family at least  
18 14 years of age, who shall be informed of the contents thereof.

19 (c) If with reasonable diligence the owner cannot be served under par. (a) or (b)  
20 or if the owner lives outside of the jurisdiction of the issuing authority, service may  
21 be made by certified mail addressed to the owner's last-known address.

22 (5) (a) Except as provided in par. (b), it is not a defense to a violation of this  
23 section that the owner was not operating the vehicle at the time of the violation.

24 (b) The following are defenses to a violation of this section:

1           1. That a report that the vehicle was stolen was made by the owner to a law  
2 enforcement agency before the violation occurred or within a reasonable time after  
3 the violation occurred.

4           2. That the owner of the vehicle provided a traffic officer with the name and  
5 address of the person operating the vehicle at the time of the violation and the person  
6 so named admits operating the vehicle at the time of the violation. In that case, the  
7 person operating the vehicle may be charged under s. 346.072.

8           3. That the vehicle is owned by a lessor of vehicles and is registered in the name  
9 of the lessor, that at the time of the violation the vehicle was in the possession of a  
10 lessee, and that the lessor provided a traffic officer with the information required  
11 under s. 343.46 (3). In that case, the lessee may be charged under s. 346.072.

12           4. That the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.), but  
13 including the persons specified in s. 340.01 (11) (a) to (d), that at the time of the  
14 violation the vehicle was being operated by a person on a trial run, and that the  
15 dealer provided a traffic officer with the name, address, and operator's license  
16 number of the person operating the vehicle. In that case, the person operating the  
17 vehicle may be charged under s. 346.072.

18           **SECTION 4p.** 346.17 (2g) of the statutes is created to read:

19           **346.17 (2g)** A vehicle owner found liable under s. 346.073 may be required to  
20 forfeit not less than \$30 nor more than \$300. Imposition of liability under s. 346.073  
21 shall not result in suspension or revocation of a person's operating privilege under  
22 s. 343.30, nor shall it result in demerit points being recorded on a person's driving  
23 record under s. 343.32 (2) (a).”.

24

(END)