

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB262)

For: **Jon Plumer (608) 266-3404** Drafter: **emueller**
 By: **Melissa Schmidt** Secondary Drafters:
 Date: **9/13/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Plumer@legis.wisconsin.gov**
 Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**
zachary.wyatt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Owner liability for "move over" law violation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 9/16/2019				
/P1	emueller 9/17/2019	kfollett 9/16/2019	lparisi 9/16/2019		
/1		mbarman 9/17/2019	mbarman 9/17/2019	mbarman 9/17/2019	

FE Sent For: **<END>**



9/13

Rep. Plumer

- 346.072 treat, rather than work zone material

- all eyes on 346.072 (1g) as a reporter
* fly this in draft

- simple amendment

- ~~State~~ ^{Mr} Mander ^{9/16}



gf
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 262

9/16/19

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

1 indicating that a violation has occurred. If possible, the report shall contain the
2 following information:

****NOTE: Please note, under this draft, only the operator of any of the types of vehicles specified under s. 346.072 (1g) (a) to (d) may report a violation of the "move over or slow down" law. Please let me know if this is not what you intend.

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

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

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

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

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

17 (b) If with reasonable diligence the owner cannot be served under par. (a),
18 service may be made by leaving a copy of the citation at the owner's usual place of
19 abode within this state in the presence of a competent member of the family at least
20 14 years of age, who shall be informed of the contents thereof.

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

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

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

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

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

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

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

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

22 346.17 (2g) A vehicle owner found liable under s. 346.073 may be required to
23 forfeit not less than \$30 nor more than \$300. Imposition of liability under s. 346.073
24 shall not result in suspension or revocation of a person's operating privilege under

1 s. 343.30, nor shall it result in demerit points being recorded on a person's driving
2 record under s. 343.32 (2) (a).".

3 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0511/P1

EVM:kjf

RMR

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3 (END)

Mueller, Eric

From: Sands, Mitch
Sent: Monday, September 16, 2019 4:48 PM
To: Mueller, Eric
Subject: AB 262

Eric,

Can you send over LRBA0511/P1 over in introduce able form? Need to introduce tomorrow morning before 11, so first thing in the morning is fine.

Thanks,

Mitch Sands

Research Assistant
Office of Representative Jon Plumer
Assembly District 42
Mitch.Sands@legis.wi.gov
608.266.3404