

2019 DRAFTING REQUEST

Bill

For: Robert Cowles (608) 266-0484 Drafter: zwyatt
 By: Jason Secondary Drafters:
 Date: 10/17/2018 May Contact:
 Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Vehicle immobilization devices

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 10/23/2018	anienaja 10/24/2018			
/P1			dwalker 10/24/2018		Local
/1			dwalker 1/3/2019	dwalker 1/3/2019	Local

→ per ZDW

FE Sent For:

<END>

→ At Intro.

Wyatt, Zachary

From: Mugnaini, Jason
Sent: Wednesday, October 24, 2018 11:56 AM
To: Wyatt, Zachary
Subject: RE: Legislation on Immobilization devices

Im ok changing the definition for both.

From: Wyatt, Zachary
Sent: Wednesday, October 24, 2018 11:54 AM
To: Mugnaini, Jason <Jason.Mugnaini@legis.wisconsin.gov>
Subject: FW: Legislation on Immobilization devices

Jason,

The definition in s. 341.65 (1) (a) is cross-referenced by s. 349.139 (1) (b). Are you ok with the definition as changed to apply to that section, or should I change the definition in s. 349.139 (1) (b) to retain reference to locking around the wheel?

Thanks,
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: Mugnaini, Jason
Sent: Tuesday, October 16, 2018 10:45 AM
To: Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
Subject: Legislation on Immobilization devices

Eric,

As technology advances statutes need updating. There are new products and services for immobilization devices for automobiles that cannot exist within the current statutory framework that needs to be updated.

Could I please get the following drafted?

s.341.65 (1)(a)

delete: "by locking around a wheel" This is prohibiting certain devices that do not go around the wheel. I think by just deleting that line, the definition still stands.

s.341.65 (2)

Insert language to authorize a municipality/county/university to contract a 3rd party to handle placement on a motor vehicle, unlocking of a device, and removal from a motor vehicle

Not sure exactly where this should go, within (2) but some of these products use telephone or placement services to either remotely unlock the device or place/remove the device with a 3rd party vendor that can be contracted by an entity.

Feel free to give me a call with any questions.

Thanks,

Jason Mugnaini Chief of Staff | Office of State Senator Robert Cowles
(608) 266-0484 | (847) 722-0219 (Cell) | 118 South, State Capitol | <http://legis.wisconsin.gov/senate/02/cowles>





INSERT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAX
XRF
PW F

Gen.

1 AN ACT ...; relating to: motor vehicle immobilization devices.

Analysis by the Legislative Reference Bureau

Under current law, any municipality or county may enact ordinances prohibiting any unregistered motor vehicle from being located upon a highway and governing the immobilization, removal, and disposal of unregistered motor vehicles. Current law defines "immobilization device" as a device or mechanism that immobilizes a motor vehicle by locking around a wheel, thereby making the motor vehicle inoperable.

This bill ^{applies a} modifies the definition of "immobilization device" ^{that does not contain a} to remove reference to a device being locked around a wheel. The bill also authorizes a county, ^{municipality} city, or university to enter into a contract with a person that authorizes the person to immobilize motor vehicles.

For further information see the 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:

2 SECTION 1. 341.65 (1) (a) of the statutes is amended to read:

(NS 7-1)

1 ~~341.65 (1) (a)~~ "Immobilization device" means a device or mechanism which
2 immobilizes a motor vehicle by locking around a wheel, thereby making the motor
3 vehicle inoperable.

History: 1991 a. 233; 1997 a. 27; 2003 a. 142, 321; 2005 a. 185.

4 **SECTION 2.** 341.65 (2) (b) of the statutes is amended to read:

5 ~~341.65 (2) (b)~~ Any municipal or university police officer, sheriff's deputy, county
6 traffic patrolman, state traffic officer, conservation warden, ~~or~~ parking enforcer, or
7 other person authorized under par. (c) who discovers any unregistered motor vehicle
8 located upon any highway may cause the motor vehicle to be immobilized with an
9 immobilization device or removed to a suitable place of impoundment. Upon
10 immobilization or removal of the motor vehicle, the officer, warden, ~~or~~ parking
11 enforcer, or authorized person shall notify the sheriff or chief of police of the location
12 of the immobilized or impounded motor vehicle and the reason for the immobilization
13 or impoundment. Upon causing the removal of the motor vehicle by a towing service,
14 the officer, warden, ~~or~~ parking enforcer, or authorized person shall, within 24 hours
15 of ordering the removal, notify the towing service of the name and last-known
16 address of the registered owner and all lienholders of record of the vehicle, unless the
17 officer or parking enforcer is employed by a municipality or county that has entered
18 into a towing services agreement which requires the municipality or county to
19 provide notice to such owner and lienholders of the towing.

History: 1991 a. 233; 1997 a. 27; 2003 a. 142, 321; 2005 a. 185.

20 **SECTION 3.** 341.65 (2) (c) of the statutes is created to read:

21 ~~341.65 (2) (c)~~ A county, municipality, or university may enter into a contract
22 with a person that authorizes the person to conduct placement and removal of

- 1 immobilization devices as provided in par. (b). A contract entered into under this
- 2 paragraph may allow for remote unlocking and removal of an immobilization device.

***NOTE: Is it necessary to mention remote unlocking and removal to accomplish your intent? The provision authorizing contracting for immobilization services would accommodate any service, including one that uses remote technology.

(b) (3)

3

(END)

Xref
SA

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0477/P1ins
ZDW:...am

INS 2-1

SECTION 1. 341.65 (1) (a) of the statutes is repealed.

****NOTE: The requested change would make this definition functionally identical to the definition of "immobilization device" in s. 340.01 (23w), which would apply to this section with the repeal of s. 341.65 (1) (a).

INS 3-3

SECTION 2. 349.139 (1) (b) of the statutes is repealed.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 341.65 (1) (a) and 349.139 (1) (b); *to amend* 341.65 (2) (b); and
2 *to create* 341.65 (2) (c) of the statutes; **relating to:** motor vehicle
3 immobilization devices.

Analysis by the Legislative Reference Bureau

Under current law, any municipality or county may enact ordinances prohibiting any unregistered motor vehicle from being located upon a highway and governing the immobilization, removal, and disposal of unregistered motor vehicles. Current law defines “immobilization device” as a device or mechanism that immobilizes a motor vehicle by locking around a wheel, thereby making the motor vehicle inoperable.

This bill applies a definition of “immobilization device” that does not contain a reference to a device being locked around a wheel. The bill also authorizes a county, municipality, or university to enter into a contract with a person that authorizes the person to immobilize motor vehicles.

For further information see the *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:

4 **SECTION 1.** 341.65 (1) (a) of the statutes is repealed.

****NOTE: The requested change would make this definition functionally identical to the definition of "immobilization device" in s. 340.01 (23w), which would apply to this section with the repeal of s. 341.65 (1) (a).

1 **SECTION 2.** 341.65 (2) (b) of the statutes is amended to read:

2 341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county
3 traffic patrolman, state traffic officer, conservation warden, ~~or~~ parking enforcer, or
4 other person authorized under par. (c) who discovers any unregistered motor vehicle
5 located upon any highway may cause the motor vehicle to be immobilized with an
6 immobilization device or removed to a suitable place of impoundment. Upon
7 immobilization or removal of the motor vehicle, the officer, warden, ~~or~~ parking
8 enforcer, or authorized person shall notify the sheriff or chief of police of the location
9 of the immobilized or impounded motor vehicle and the reason for the immobilization
10 or impoundment. Upon causing the removal of the motor vehicle by a towing service,
11 the officer, warden, ~~or~~ parking enforcer, or authorized person shall, within 24 hours
12 of ordering the removal, notify the towing service of the name and last-known
13 address of the registered owner and all lienholders of record of the vehicle, unless the
14 officer or parking enforcer is employed by a municipality or county that has entered
15 into a towing services agreement which requires the municipality or county to
16 provide notice to such owner and lienholders of the towing.

17 **SECTION 3.** 341.65 (2) (c) of the statutes is created to read:

18 341.65 (2) (c) A county, municipality, or university may enter into a contract
19 with a person that authorizes the person to conduct placement and removal of
20 immobilization devices as provided in par. (b). A contract entered into under this
21 paragraph may allow for remote unlocking and removal of an immobilization device.

****NOTE: Is it necessary to mention remote unlocking and removal to accomplish your intent? The provision authorizing contracting for immobilization services would accommodate any service, including one that uses remote technology.

