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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Assembly Bill 365**

**Assembly Amendment 1**

### 2019 ASSEMBLY BILL 365

2019 Assembly Bill 365 authorizes a first class city (the City of Milwaukee) to use an automated speed enforcement system to identify speed limit violations that are at least 20 miles over the posted speed limit. The bill also authorizes the City of Milwaukee to enact an ordinance that allows a traffic control photographic system (TCPS) to be used on highways within its jurisdiction to identify traffic signal violations (i.e., running a red stoplight). All of the authority created by the bill expires five years after the effective date of the bill.

With respect to the authority that the City of Milwaukee has to enact an ordinance allowing the use of a TCPS to identify traffic signal violations, the bill provides that a citation for running a red stoplight identified by a TCPS will generally be issued to the owner of the vehicle. The bill also sets forth various administrative and procedural requirements to which the City of Milwaukee must adhere in order to enact the ordinance.

Related to the penalties that may be imposed for the traffic signal violation identified by the TCPS, the bill provides that the owner of the vehicle is generally subject to a forfeiture. The forfeiture that may be imposed must be identical to the forfeiture that may be imposed for traffic signal violations pursuant to state law. The vehicle's lessor or the operator of the vehicle, however, is subject to the forfeiture penalty imposed pursuant to the ordinance if the owner is able to successfully assert one of the following defenses:

- The owner reported that the vehicle was stolen to a law enforcement agency before the violation occurred or within seven business days after the violation occurred.
- The owner of the vehicle provided a traffic officer with the name and address of the person operating the vehicle at the time of the violation and the person so named admits operating the vehicle at the time of the violation.
- The vehicle is owned by a lessor of vehicles.
- Any other defense specified in the ordinance.

Under the bill, the Department of Transportation's Division of Motor Vehicles will also assess demerit points against the owner of the vehicle for a violation of an ordinance authorizing the use of a TCPS to identify a traffic signal violation.

### ASSEMBLY AMENDMENT 1

Assembly Amendment 1 prohibits demerit points from being assessed for a violation of an ordinance authorizing the use of a TCPS to identify traffic signal violations that is enacted by the City of Milwaukee.

## **BILL HISTORY**

Assembly Amendment 1 was introduced on October 23, 2019, by Representative Crowley. On October 29, 2019, the Assembly Committee on Local Government voted to recommend adoption of the amendment by a vote of Ayes, 9; Noes, 0; and passage of the bill, as amended, by a vote of Ayes, 8; Noes, 1.

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