March 10, 2022 - Introduced by Representatives Bowen, Sinicki and Shelton, cosponsored by Senator Jacque. Referred to Committee on Rules.

AN ACT to create 345.13 of the statutes; relating to: impoundment of vehicles used in certain traffic offenses.

Analysis by the Legislative Reference Bureau

Under this bill, in addition to the penalties available under current law for following offenses, the vehicle used in the offense may be immediately impounded and remain impounded for 90 days:
1. Speeding at a rate higher than 25 miles per hour above the speed limit.
2. Fleeing from a law enforcement officer.
3. Racing on a highway.
For further information see the state and 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:

SECTION 1. 345.13 of the statutes is created to read:

345.13 Impoundment. (1) If a law enforcement officer arrests, or issues a citation to, a person for a violation of any of the following, or an ordinance in conformity with any of the following, the officer may immediately impound the vehicle used in the violation:
(a) A violation of a speed restriction established under s. 346.57 for which the speed was greater than 25 miles per hour above the speed restriction established under s. 346.57 or 349.11.

(b) A violation of s. 346.04 (2t) or (3).

(c) A violation of s. 346.94 (2).

(2) Except as provided in sub. (3), an impoundment under sub. (1) shall be for 90 days.

(3) (a) The owner of a vehicle impounded under sub. (1) may request release of the vehicle at any time. The law enforcement agency impounding the vehicle shall release the vehicle upon the request of the owner if the law enforcement agency is satisfied that the requester is the owner of the vehicle and the vehicle was not being operated with the owner’s consent at the time of the violation.

(b) A person claiming that a vehicle owned by the person was improperly impounded under sub. (1) or that the person otherwise has a right to immediate possession of a vehicle impounded under sub. (1) may petition the circuit court for the county in which the vehicle was seized for the vehicle’s return. The court shall hold a hearing no more than 30 days after the petition is filed, except that the hearing may be extended by no more than 10 days by agreement or for good cause. If the petitioner’s right to the immediate possession of the vehicle is proved to the court’s satisfaction, the court shall order the vehicle returned.

(c) If, within 90 days of the date of that violation, a person is found not guilty of the violation upon which an impoundment under this section is based or the citation alleging the violation is dismissed, the impounded vehicle shall be released immediately.
(d) If, within 90 days of the date of that violation, a person is found guilty of the
violation upon which an impoundment under this section is based, the court may
increase or decrease the period of impoundment.

SECTION 2. Initial applicability.

(1) This act first applies to violations committed on the effective date of this
subsection.

(END)