



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5132/2
EVM:cdc

2021 ASSEMBLY BILL 1180

March 10, 2022 - Introduced by Representatives BOWEN, SINICKI and SHELTON,
cosponsored by Senator JACQUE. Referred to Committee on Rules.

1 **AN ACT** *to create* 345.13 of the statutes; **relating to:** impoundment of vehicles
2 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:

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

4 **345.13 Impoundment.** (1) If a law enforcement officer arrests, or issues a
5 citation to, a person for a violation of any of the following, or an ordinance in
6 conformity with any of the following, the officer may immediately impound the
7 vehicle used in the violation:

ASSEMBLY BILL 1180**SECTION 1**

1 (a) A violation of a speed restriction established under s. 346.57 for which the
2 speed was greater than 25 miles per hour above the speed restriction established
3 under s. 346.57 or 349.11.

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

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

6 **(2)** Except as provided in sub. (3), an impoundment under sub. (1) shall be for
7 90 days.

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

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

21 (c) If, within 90 days of the date of that violation, a person is found not guilty
22 of the violation upon which an impoundment under this section is based or the
23 citation alleging the violation is dismissed, the impounded vehicle shall be released
24 immediately.

