AN ACT to repeal 341.04 (intro.); to renumber 341.04 (1) (b) and 341.04 (1) (c);

to renumber and amend 341.04 (1) (a); to amend 341.04 (title), 341.04 (1) (intro.) and 341.18 (2); and to create 341.04 (2m) (d) of the statutes; relating to: operation of unregistered vehicles.

Analysis by the Legislative Reference Bureau

Under current law, a vehicle subject to registration by the Department of Transportation generally may not be operated upon a highway in this state unless the vehicle is registered or an application for vehicle registration has been mailed or delivered to DOT or delivered to a motor vehicle dealer and the vehicle displays a temporary operation plate. Currently, this prohibition does not apply during a declared state of emergency. This bill eliminates the state of emergency exception and creates an exception for operation due to imminent public disaster or imminent death or great bodily harm.

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. 341.04 (title) of the statutes is amended to read:
SENIOR BILL 437

**SECTION 1**

341.04 (title) **Penalty for operating Operation of unregistered or improperly registered vehicle.**

**SECTION 2.** 341.04 (intro.) of the statutes is repealed.

**SECTION 3.** 341.04 (1) (intro.) of the statutes is amended to read:

341.04 (1) (intro.) It is unlawful for any **No** person to **may** operate or for an **and** no owner to **may** consent to being operated on any highway of this state any motor vehicle, recreational vehicle, trailer, or semitrailer, or any other vehicle for which a registration fee is specifically prescribed, unless at the time of operation the vehicle in question either is registered any of the following applies:

(a) The vehicle is registered in this state, or, except

(bm) 1. Except for registration under s. 341.30 or 341.305, a complete application for registration of the vehicle, including evidence of any inspection under s. 110.20 when required, accompanied by the required fee has been delivered to the department, submitted to a dealer under s. 341.09 (2m) for transmittal to the department, or deposited in the mail properly addressed with postage prepaid and, if,

2. If subd. 1. applies and the vehicle is an automobile or motor truck having a registered weight of 8,000 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle unless the operator or owner of the vehicle produces proof that operation of the vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in question is exempt from registration.

**SECTION 4.** 341.04 (1) (a) of the statutes is renumbered 341.04 (2m) (a) and amended to read:

341.04 (2m) (a) **Notwithstanding** sub. (1), a vehicle may be operated by a private person after the date of purchase of such the vehicle by such private the
person or after the date such the person moved to this state if application for
registration, except for registration under s. 341.30 or 341.305, and certificate of title
has been made and the person otherwise complies with any applicable requirements
of this section.

SECTION 5. 341.04 (1) (b) of the statutes is renumbered 341.04 (2m) (b).

SECTION 6. 341.04 (1) (c) of the statutes is renumbered 341.04 (2m) (c).

SECTION 7. 341.04 (2m) (d) of the statutes is created to read:

341.04 (2m) (d) Subsections (1) and (2) do not apply to the operation of a vehicle
that is caused by pressure of natural physical forces causing the owner or operator
reasonably to believe that operation of the vehicle is the only means of preventing
imminent death or great bodily harm, as defined in s. 939.22 (14), to a person or
imminent public disaster.

SECTION 8. 341.18 (2) of the statutes is amended to read:

341.18 (2) If a person claims as a defense to a citation for failure to display
evidence of registration that the person has made application for annual registration
as provided in s. 341.04 (1) (intro.) (bm) 2, and no such application was submitted to
the department and the person is convicted of operating the vehicle without
registration, the person shall be required to pay the full annual fee upon registration
of the vehicle, notwithstanding the eligibility of the vehicle for registration under s.
341.30 or 341.305. The court or the department shall order the annual registration
under s. 341.04 (3) (c).

(END)