

State of Wisconsin



1997 Senate Bill 483

Date of enactment: **June 8, 1998**
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1997 WISCONSIN ACT 258

AN ACT *to amend* 343.31 (3) (i), 343.31 (3) (j), 343.315 (2) (a) 3., 346.68, 346.74 (5) (intro.), 349.13 (3), 349.13 (5) (a), 351.02 (1) (a) 7., 938.17 (1) (intro.), 938.396 (3) and 949.03 (1) (c); and *to create* 346.67 (2) of the statutes; **relating to:** removal of disabled vehicles, accident debris and other obstructions from freeways and expressways and stopping after a motor vehicle accident.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.31 (3) (i) of the statutes is amended to read:

343.31 (3) (i) If a person is convicted for a violation of s. 346.67 (1) where the accident involved great bodily harm, the period of revocation is 2 years.

SECTION 2. 343.31 (3) (j) of the statutes is amended to read:

343.31 (3) (j) If a person is convicted for a violation of s. 346.67 (1) where the accident involved death, the period of revocation is 5 years.

SECTION 3. 343.315 (2) (a) 3. of the statutes is amended to read:

343.315 (2) (a) 3. Section 346.67 (1), 346.68 or 346.69 or a local ordinance in conformity therewith or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.67 (1), 346.68 or 346.69 or the law of another jurisdiction prohibiting leaving the scene of an accident involving a motor vehicle driven or operated by the person, as those or substantially similar terms are used in that jurisdiction's laws.

SECTION 4. 346.67 (2) of the statutes is created to read:

346.67 (2) Any stop required under sub. (1) shall be made without obstructing traffic more than is necessary.

SECTION 5. 346.68 of the statutes is amended to read:

346.68 Duty upon striking unattended vehicle.

The operator of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck, a written notice giving the name and address of the operator and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. Any such stop shall be made without obstructing traffic more than is necessary.

SECTION 6. 346.74 (5) (intro.) of the statutes is amended to read:

346.74 (5) (intro.) Any person violating any provision of s. 346.67 (1):

SECTION 7. 349.13 (3) of the statutes is amended to read:

349.13 (3) Whenever any traffic officer finds a vehicle standing upon a highway in violation of a prohibition, limitation or restriction on stopping, standing or parking imposed under ch. 346 or this section, or a disabled vehicle that obstructs the roadway of a freeway or

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

expressway, as defined in s. 346.57 (1) (ag), the traffic officer is authorized to move the vehicle or to require the operator in charge thereof to move the vehicle to a position where parking is permitted or to either private or public parking or storage premises. The removal may be performed by, or under the direction of, the traffic officer or may be contracted for by local authorities. Any charges for removal shall be regulated by local ordinance. The operator or owner of the vehicle removed shall pay the reasonable charges for moving or towing or any storage involved based upon the ordinance.

SECTION 8. 349.13 (5) (a) of the statutes is amended to read:

349.13 (5) (a) No person, who removes or stores a vehicle under subs. (3) to (4) or otherwise at the request of a law enforcement officer, and no person who removes or stores a disabled vehicle, accident debris or other object that obstructs the roadway of a freeway or expressway, as defined in s. 346.57 (1) (ag), may incur any civil liability for the act, except for civil liability for failure to exercise reasonable care in the performance of the act or for conduct that is willful, wanton or malicious.

SECTION 9. 351.02 (1) (a) 7. of the statutes is amended to read:

351.02 (1) (a) 7. Failure of the operator of a motor vehicle involved in an accident to stop at or near the scene of the accident and report his or her identity under s. 346.67 (1).

SECTION 10. 938.17 (1) (intro.) of the statutes is amended to read:

938.17 (1) **TRAFFIC, BOATING, SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.** (intro.) Except for ss. 342.06 (2) and 344.48 (1), and ss. 30.67 (1) and 346.67 (1) when death or injury occurs, courts of criminal and civil jurisdiction shall have exclusive jurisdiction in pro-

ceedings against juveniles 16 or older for violations of s. 23.33, of ss. 30.50 to 30.80, of chs. 341 to 351, and of traffic regulations as defined in s. 345.20 and nonmoving traffic violations as defined in s. 345.28 (1). A juvenile charged with a traffic, boating, snowmobile or all-terrain vehicle offense in a court of criminal or civil jurisdiction shall be treated as an adult before the trial of the proceeding except that the juvenile may be held in secure custody only in a secure detention facility. A juvenile convicted of a traffic, boating, snowmobile or all-terrain vehicle offense in a court of criminal or civil jurisdiction shall be treated as an adult for sentencing purposes except as follows:

SECTION 11. 938.396 (3) of the statutes is amended to read:

938.396 (3) This section does not apply to proceedings for violations of chs. 340 to 349 and 351 or any county or municipal ordinance enacted under ch. 349, except that this section does apply to proceedings for violations of ss. 342.06 (2) and 344.48 (1), and ss. 30.67 (1) and 346.67 (1) when death or injury occurs.

SECTION 12. 949.03 (1) (c) of the statutes is amended to read:

949.03 (1) (c) The commission or the attempt to commit the crime specified in s. 346.67 (1) if the victim was a pedestrian.

SECTION 13. Initial applicability.

(1) The treatment of section 349.13 (5) (a) of the statutes first applies to the removal or initial storage of vehicles, debris or other obstructing objects occurring on the effective date of this subsection.

(2) The treatment of sections 346.67 (2) and 346.68 of the statutes first applies to accidents or collisions occurring on the effective date of this subsection.