



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 146**

May 29, 1997 - Offered by COMMITTEE ON LABOR, TRANSPORTATION AND FINANCIAL INSTITUTIONS.

1 **AN ACT** *to renumber and amend* 885.237; and *to create* 341.042 of the statutes;
2 **relating to:** imposing liability upon the owner of a vehicle for certain vehicle
3 registration offenses and providing a penalty.

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

4 **SECTION 1.** 341.042 of the statutes is created to read:

5 **341.042 Owner's liability for vehicle registration offenses.** (1) In this
6 section, "violation" means a violation of any of the provisions of s. 341.15 (3) (a) to (c)
7 or 341.61 (2) or (3) or, by the operator of a vehicle, of any of the provisions of s. 341.04
8 (1) or (2).

9 **(2)** (a) The owner of a vehicle involved in a violation is liable for the violation
10 as provided in this section, except that the owner may be convicted for the violation
11 under this section or under any of the provisions of s. 341.04 (1) or (2), 341.15 (3) (a)
12 to (c) or 341.61 (2) or (3), but not both.

1 (b) A traffic officer may proceed under sub. (3) instead of issuing a citation at
2 the time of the violation.

3 (3) (a) Within 72 hours after observing the violation, the traffic officer shall
4 investigate the violation and may prepare a uniform traffic citation under s. 345.11
5 for the violation. If the citation is served, service shall be made within 96 hours after
6 the violation was observed.

7 (b) Except as provided in par. (c), the citation prepared under par. (a) may be
8 personally served upon the owner of the vehicle or, if with reasonable diligence the
9 owner cannot be personally served, service may be made by leaving a copy of the
10 citation at the owner's usual place of abode within this state in the presence of a
11 competent member of the family at least 14 years of age, who shall be informed of the
12 contents thereof. Service under this paragraph may be made by any traffic officer
13 employed by the authority issuing the citation.

14 (c) The citation prepared under par. (a) may be served by mailing a copy
15 addressed to the owner's last-known address by certified mail.

16 (4) (a) Except as provided in par. (b), it is not a defense to a violation subject
17 to this section that the owner of the vehicle was not operating the vehicle or in control
18 of the vehicle at the time of the violation.

19 (b) The following are defenses to a violation subject to this section:

20 1. That a report that the vehicle was stolen was given to a traffic officer before
21 the violation occurred or within a reasonable time after the violation occurred.

22 2. That the owner of the vehicle provides a traffic officer with the name and
23 address of the person operating the vehicle or having the vehicle under his or her
24 control at the time of the violation and the person so named admits operating the

1 vehicle or having the vehicle under his or her control at the time of the violation. In
2 such a case, that person and not the owner shall be charged with the violation.

3 3. That the vehicle is owned by a lessor of vehicles and at the time of the
4 violation the vehicle was in the possession of a lessee, and the lessor provides a traffic
5 officer with the information required under s. 343.46 (3). In such a case, the lessee
6 and not the lessor shall be charged with the violation.

7 (c) Notwithstanding par. (b) 2. or 3., the owner of a vehicle involved in a
8 violation of any of the provisions of s. 341.15 (3) (a) to (c) or 341.61 (2) or (3) for which
9 another person was charged under par. (b) 2. or 3. is liable for the violation as
10 provided in this section if the owner consented to that person operating the vehicle
11 or having the vehicle under his or her control at the time of the violation and the
12 owner knew or reasonably should have known that the applicable provisions of s.
13 341.15 (3) (a) to (c) or 341.61 (2) or (3) were not being complied with at the time of the
14 violation.

15 (5) (a) A vehicle owner or other person found liable under this section for a
16 violation of any of the provisions of s. 341.04 (1) or (2) or 341.15 (3) (a) to (c) may be
17 required to forfeit not more than \$200.

18 (b) A vehicle owner or other person found liable under this section for a
19 violation of any of the provisions of s. 341.61 (2) or (3) may be required to forfeit not
20 more than \$500.

21 (c) Imposition of liability under this section shall not result in suspension or
22 revocation of a person's operating license under s. 343.30, nor shall it result in
23 demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

24 **SECTION 2.** 885.237 of the statutes is renumbered 341.02 and amended to read:

