



State of Wisconsin
2001 - 2002 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 43**

April 26, 2001 - Offered by COMMITTEE ON INSURANCE, TOURISM, AND
TRANSPORTATION.

1 **AN ACT** *to renumber* 345.28 (5m) (a) 4.; *to amend* 345.28 (4) (e), 345.28 (4) (g),
2 345.28 (5m) (b), 345.28 (5m) (c) 1. and 345.28 (5m) (c) 2.; and *to create* 345.28
3 (5m) (a) 4. (intro.), 345.28 (5m) (a) 4. b. and 345.28 (5m) (c) 3. of the statutes;
4 **relating to:** nonmoving traffic violations involving rented or leased motor
5 vehicles.

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

6 **SECTION 1.** 345.28 (4) (e) of the statutes is amended to read:
7 345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and
8 the costs, if any, under par. (d) or appears in court in response to the citation or a
9 notice by the authority who issued the citation or the department, the department
10 shall be immediately notified in the form and manner prescribed by the department.
11 If the vehicle involved in the nonmoving traffic violation is owned by a person
12 engaged in the business of renting or leasing motor vehicles and the owner pays the

1 ~~costs, if any, under par. (d) and 50% of the amount of the forfeiture under sub. (2) (a),~~
2 the authority shall immediately notify the department in the form and manner
3 prescribed by the department.

4 **SECTION 2.** 345.28 (4) (g) of the statutes is amended to read:

5 345.28 (4) (g) Notification of the department under par. (a) 1. shall toll any
6 applicable statute of limitation for 4 years from the date of the notification. This
7 paragraph does not apply to a citation issued to the owner of a vehicle if the
8 requirements of sub. (5m) (a) 1. to 3. are satisfied.

9 **SECTION 3.** 345.28 (5m) (a) 4. of the statutes is renumbered 345.28 (5m) (a) 4.

10 a.

11 **SECTION 4.** 345.28 (5m) (a) 4. (intro.) of the statutes is created to read:

12 345.28 (5m) (a) 4. (intro.) Either of the following applies:

13 **SECTION 5.** 345.28 (5m) (a) 4. b. of the statutes is created to read:

14 345.28 (5m) (a) 4. b. At least one year has elapsed since the citation was issued
15 and notice under par. (c) 1. has not been mailed to the owner within that period.

16 **SECTION 6.** 345.28 (5m) (b) of the statutes is amended to read:

17 345.28 (5m) (b) If Notwithstanding par. (a), if the renter or lessee does not pay
18 the forfeiture or appear in court in response to the citation for a nonmoving traffic
19 violation, the authority may notify the department under sub. (4) (a) 1. that a citation
20 has been issued to the person and the citation remains unpaid. The action which the
21 authority shall specify that the department take under sub. (4) (a) 2. is limited to
22 refusal of the registration of any vehicle owned by the renter or lessee.

23 **SECTION 7.** 345.28 (5m) (c) 1. of the statutes is amended to read:

24 345.28 (5m) (c) 1. If the renter or lessee does not pay the forfeiture or appear
25 in court in response to the citation for a nonmoving traffic violation within 30 days

1 after the 2nd notice from the authority is mailed to the renter or lessee, the owner
2 shall pay the authority 50% of the amount of the forfeiture applicable to the
3 nonmoving traffic violation under sub. (2) (a). The authority shall notify the owner
4 in writing of its responsibility for this payment.

5 **SECTION 8.** 345.28 (5m) (c) 2. of the statutes is amended to read:

6 345.28 **(5m)** (c) 2. If the owner does not pay 50% of the amount of the forfeiture
7 applicable to the citation under sub. (2) (a) within 30 days after notice under subd.
8 1. has been mailed to the owner, the authority may send a notice to the department
9 under sub. (4) (a) 1. The action which the authority shall specify that the department
10 take under sub. (4) (a) 2. is limited to suspension of the registration of the vehicle
11 involved in the nonmoving traffic violation.

12 **SECTION 9.** 345.28 (5m) (c) 3. of the statutes is created to read:

13 345.28 **(5m)** (c) 3. This paragraph does not apply if notice under subd. 1. has
14 not been mailed to the owner within one year from the date on which the citation was
15 issued.

16 **SECTION 10. Initial applicability.**

17 (1) This act first applies to citations issued for nonmoving violations committed
18 on the effective date of this subsection.

19 **SECTION 11. Effective date.**

20 (1) This act takes effect on the first day of the 4th month beginning after
21 publication.

22 (END)