



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 411
[2005 Assembly Bill 966]

**Vehicle Owner Liability for
Failure-to-Stop (Hit-and-Run)
Violations**

Act 411 authorizes the imposition under certain circumstances of a civil forfeiture on a vehicle owner for failure-to-stop, or “hit-and-run,” violations involving the owned vehicle. Violations covered by the bill are: s. 346.67 (1), Stats. (duty to stop and render aid in cases involving personal injury, death, or vehicle damage); s. 346.68, Stats. (duty to stop and provide information upon striking an unattended vehicle); and s. 346.69, Stats. (duty upon striking property on or adjacent to highway).

Report of Failure to Stop

Under the Act, a person who observes a failure-to-stop violation may, within 24 hours after observing the violation, report the violation to a traffic officer of the county or municipality in which the violation occurred. If possible, the report is to include: a description of the alleged violation; the time and approximate location of the violation; the vehicle registration number and the color of all vehicles involved in the violation; identification of each vehicle involved in the violation as an automobile, station wagon, motor truck, motor bus, motorcycle, or other type of vehicle; and, if the violation included damage to property other than a vehicle, a description of that property.

Investigation by Traffic Officer; Issuance of Citation

Within 72 hours after receiving a report containing all the information described above, the traffic officer may investigate the violation. After verifying the information relating to the vehicles and property involved in the violation and determining that there is probable cause to believe that a failure-to-stop violation has occurred, the officer may prepare a uniform traffic citation and serve it on the owner of the vehicle allegedly involved in the violation.

Defenses Available to Vehicle Owner

Under the Act, the only defenses available to a vehicle owner who receives a citation are the following:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

1. A report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time afterward.
2. The vehicle owner provides a traffic officer with a name and address of the person operating the vehicle at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner was operating the vehicle at the time. (If the vehicle owner provides this information, the person operating the vehicle must be charged and the owner may not be charged.)
3. Another person has been convicted of the violation.

Defenses are also available to vehicle lessors for vehicles in the possession of a lessee and to vehicle dealers in connection with vehicles being operated by a person on a test drive.

Penalties

Under the Act, if a vehicle owner is issued a citation for a failure-to-stop violation involving an unattended vehicle or damage to property other than a vehicle, the owner is subject to a forfeiture of not more than \$100. For any other failure-to-stop violation, the owner is subject to a forfeiture of not more than \$1,000. The Act prohibits suspension or revocation of an owner's operating privilege for a violation and prohibits recording demerit points on a person's driving record for a violation.

Effective Date: June 3, 2006.

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