



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 256
[2011 Senate Bill 478]

**Notice of and Assistance After
Motor Vehicle Accidents**

2011 Wisconsin Act 256 relates to giving notice of, and providing assistance after, a motor vehicle accident.

Current Law

Under current law, among other requirements, an operator of a vehicle involved in an accident resulting in injury or death of any person, any damage to state or other government-owned property, except a state or other government-owned vehicle, to an apparent extent of \$200 or more, or total damage to property owned by any one person or to a state or other government-owned vehicle to an apparent extent of \$1,000 or more must immediately, by the quickest means of communication, give notice of such accident to law enforcement.

Act 256

Act 256 requires an owner *or occupant* of a vehicle to immediately give notice to law enforcement after a reportable accident. The Act also increases the penalty for a violation of this requirement so that a person may be required to forfeit not less than \$200 nor more than \$500 for the first offense and may be required to forfeit not less than \$300 nor more than \$500 for the second or subsequent conviction within one year. In addition, the Act requires an assessment of six demerit points for each violation of the requirement. Under prior law, a person who violated this provision was required to forfeit not less than \$40 nor more than \$200 for the first offense and to forfeit not less than \$100 nor more than \$500 for the second or subsequent conviction within one year.

The Act creates a new provision relating to assistance following an accident. Under the Act, a person in the business of towing, recovery, or repair of motor vehicles may not contract for retrieval, recovery, or removal from the scene of a traffic accident that is reportable, as described above, of any motor vehicle that has sustained damage unless the person notifies, or has been contacted by, a law

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/>.

enforcement agency prior to retrieval, recovery, or removal of the vehicle. This provision does not apply with respect to removal of a motor vehicle from the roadway at the scene of an accident if the removal is necessary to avoid imminent danger to motorists or other persons.

The Act further provides that a person may not knowingly assist an operator or occupant of a motor vehicle involved in a reportable accident to flee the scene of the accident, except to provide medical assistance, unless the accident has, or the person is advised that the accident has, been reported to a law enforcement agency.

Effective date: Act 256 takes effect on August 1, 2012.

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