



1997 ASSEMBLY BILL 121

February 18, 1997 - Introduced by Representatives KRUSICK, AINSWORTH, BRANDEMUEHL, HANDRICK, HUBER, KELSO, KREIBICH, KRUG, LADWIG, LAZICH, M. LEHMAN, MUSSER, NOTESTEIN, OLSEN, OTT, SCHAFER, TURNER, URBAN, WALKER and WARD, cosponsored by Senators DARLING, HUELSMAN and C. POTTER. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 347.417; and **to create** 349.136 of the statutes; **relating to:**
2 permitting the immobilization of motor vehicles for nonmoving traffic
3 violations.

Analysis by the Legislative Reference Bureau

Under current law, an authority that issues citations for nonmoving traffic violations (parking tickets) may notify the department of transportation if a person fails to pay a parking ticket or appear in court in response to a parking ticket and specify that registration for any vehicle owned by the person is to be refused or registration for the vehicle involved in the parking ticket is to be suspended, or both. The suspension or refusal of vehicle registration continues until the person appears in court in response to the parking ticket or pays the amount of the parking ticket and costs, if any, of suspending or refusing vehicle registration.

This bill allows a local highway authority, by ordinance or resolution, to authorize any motor vehicle owned by a person who has received 5 or more parking tickets which the person has not paid or for which the person has not appeared in court to be immobilized with an immobilization device that prevents the vehicle from being operated. Notice must be mailed at least 28 days before any motor vehicle owned by the person may be immobilized. If the parking tickets are paid or the person appears in court in response to the parking tickets, the immobilization device is removed from the vehicle.

The bill also provides that, if the immobilization device is removed from a vehicle and the person fails to comply with a court order with respect to the parking tickets, the court may order the vehicle immobilized with an immobilization device.

ASSEMBLY BILL 121

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 347.417 of the statutes is amended to read:

2 **347.417 Immobilization device tampering.** (1) No person may remove,
3 disconnect, tamper with or otherwise circumvent the operation of any
4 immobilization device installed under s. 349.136 (2) or in response to a court order
5 under s. 346.65 (6) or 349.136 (3) (b). This subsection does not apply to the removal
6 of an immobilization device pursuant to a court order, a release under s. 349.136 (3)
7 (a) or to necessary repairs to a malfunctioning immobilization device.

8 (2) The department shall design a warning label which shall be affixed by the
9 owner of each immobilization device before the device is used to immobilize any
10 motor vehicle under s. 346.65 (6) or 349.136 (2) or (3) (b). The label shall provide
11 notice of the penalties for removing, disconnecting, tampering with or otherwise
12 circumventing the operation of the immobilization device.

13 **SECTION 2.** 349.136 of the statutes is created to read:

14 **349.136 Authority to immobilize motor vehicles for nonmoving traffic**
15 **violations.** (1) In this section, “nonmoving traffic violation” has the meaning given
16 in s. 345.28 (1) (c).

17 (2) Local authorities with respect to highways under their jurisdiction,
18 including state trunk highways or connecting highways within corporate limits, and
19 parking facilities within corporate limits, may by ordinance or resolution authorize
20 a duly authorized municipal or county representative to immobilize a motor vehicle
21 with an immobilization device if all of the following apply:

ASSEMBLY BILL 121

1 (a) The local authority has cited the owner of the motor vehicle for 5 or more
2 nonmoving traffic violations for which the owner has neither paid the forfeitures nor
3 appeared in court in response to the citations.

4 (b) The local authority has mailed to the last-known address of the owner at
5 least one notice that specifies, for each citation counted under par. (a), the date on
6 which the citation was issued, the license number of the motor vehicle involved, the
7 amount of the forfeiture, the place where the citation may be paid and the means by
8 which the citation may be contested. The notice shall inform the owner that any
9 motor vehicle owned by him or her may be immobilized with an immobilization
10 device if, within 28 days after the date on which the notice is mailed, the owner does
11 not either pay all forfeitures specified in the notice under this paragraph or appear
12 in court in response to all citations counted under par. (a) for which the forfeitures
13 have not been paid.

14 (c) The owner has not, within 28 days after the date on which the notice is
15 mailed, either paid all forfeitures specified in the notice under par. (b) or appeared
16 in court in response to all citations counted under par. (a) for which the forfeitures
17 have not been paid.

18 **(3)** (a) The owner of a motor vehicle that is immobilized under sub. (2) may
19 secure release of the motor vehicle by either paying all forfeitures specified in the
20 notice under sub. (2) (b), including a reasonable fee sufficient to cover the cost of
21 immobilizing the motor vehicle with an immobilization device, or appearing in court
22 in response to all citations counted under sub. (2) (a) for which the forfeitures have
23 not been paid.

24 (b) If an owner secures release of a motor vehicle under par. (a) by appearing
25 in court and thereafter fails to comply with any court order with respect to such

ASSEMBLY BILL 121**SECTION 2**

1 citations, the court may order a law enforcement officer to immobilize the motor
2 vehicle involved in the nonmoving traffic violations. Upon compliance with the court
3 order, the court shall order a law enforcement officer to remove the immobilization
4 device.

5 (4) Any ordinance or resolution enacted or adopted under this section
6 permitting immobilization of a motor vehicle may prohibit any person from
7 removing, disconnecting, tampering with or otherwise circumventing the operation
8 of an immobilization device installed under sub. (2) or (3) (a) except upon release of
9 the motor vehicle to the owner or to make necessary repairs to a malfunctioning
10 immobilization device.

11 (5) Section 349.137 does not apply to the use of motor vehicle immobilization
12 devices under this section.

13 (END)