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State of Misconsin 2019 - 2020 LEGISLATURE

LRB-0477/1 ZDW:amn

2019 SENATE BILL 4

January 23, 2019 – Introduced by Senators Cowles, Stroebel, Olsen, Marklein and Wanggaard, cosponsored by Representatives Spiros, Kulp, Quinn, Steffen, Tittl, Horlacher, Zimmerman, Plumer and Murphy. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 AN ACT to repeal 341.65 (1) (a) and 349.139 (1) (b); to amend 341.65 (2) (b); and 2 to create 341.65 (2) (c) of the statutes; relating to: motor vehicle 3 immobilization devices.

Analysis by the Legislative Reference Bureau

Under current law, any municipality or county may enact ordinances prohibiting any unregistered motor vehicle from being located upon a highway and governing the immobilization, removal, and disposal of unregistered motor vehicles. Current law defines "immobilization device" as a device or mechanism that immobilizes a motor vehicle by locking around a wheel, thereby making the motor vehicle inoperable.

This bill applies a definition of "immobilization device" that does not contain a reference to a device being locked around a wheel. The bill also authorizes a county, municipality, or university to enter into a contract with a person that authorizes the person to immobilize motor vehicles.

For further information see the *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:

SECTION 1. 341.65 (1) (a) of the statutes is repealed.

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SECTION 2. 341.65 (2) (b) of the statutes is amended to read:

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 $\mathbf{2}$ 341.65 (2) (b) Any municipal or university police officer, sheriff's deputy, county 3 traffic patrolman, state traffic officer, conservation warden, or parking enforcer, or other person authorized under par. (c) who discovers any unregistered motor vehicle 4 $\mathbf{5}$ located upon any highway may cause the motor vehicle to be immobilized with an 6 immobilization device or removed to a suitable place of impoundment. Upon 7 immobilization or removal of the motor vehicle, the officer, warden, or parking enforcer, or authorized person shall notify the sheriff or chief of police of the location 8 9 of the immobilized or impounded motor vehicle and the reason for the immobilization 10 or impoundment. Upon causing the removal of the motor vehicle by a towing service, 11 the officer, warden, or parking enforcer, or authorized person shall, within 24 hours 12of ordering the removal, notify the towing service of the name and last-known 13address of the registered owner and all lienholders of record of the vehicle, unless the 14 officer or parking enforcer is employed by a municipality or county that has entered 15into a towing services agreement which requires the municipality or county to 16 provide notice to such owner and lienholders of the towing.

17 **SECTION 3.** 341.65 (2) (c) of the statutes is created to read:

18 341.65 (2) (c) A county, municipality, or university may enter into a contract
19 with a person that authorizes the person to conduct placement and removal of
20 immobilization devices as provided in par. (b). A contract entered into under this
21 paragraph may allow for remote unlocking and removal of an immobilization device.
22 SECTION 4. 349.139 (1) (b) of the statutes is repealed.

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