



2025 ASSEMBLY BILL 29

February 17, 2025 - Introduced by Representatives PENTERMAN, B. JACOBSON, KNODL, MURPHY, O'CONNOR, PIWOWARCZYK, SPAUDE and TUSLER, cosponsored by Senators JACQUE, WANGGAARD and TOMCZYK. Referred to Committee on Criminal Justice and Public Safety.

- 1 **AN ACT** *to create* 345.13 of the statutes; **relating to:** impoundment of vehicles
- 2 used in certain traffic offenses.

Analysis by the Legislative Reference Bureau

Under this bill, in addition to the penalties available under current law for the following offenses, the vehicle used in the offense may be immediately impounded and remain impounded for 90 days or, for a violation occurring on a highway under the jurisdiction of a political subdivision, a shorter period established by the political subdivision:

1. Operating a vehicle without a license, with certain exceptions, or with a revoked operating privilege.
2. Speeding at a rate higher than 25 miles per hour above the speed limit.
3. Fleeing from a law enforcement officer.
4. Racing on a highway.

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:

- 3 **SECTION 1.** 345.13 of the statutes is created to read:

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1 **345.13 Impoundment.** (1) If a law enforcement officer arrests, or issues a
2 citation to, a person for a violation of any of the following, or an ordinance in
3 conformity with any of the following, the officer may immediately impound the
4 vehicle used in the violation:

5 (a) A 2nd or subsequent violation of s. 343.05. This paragraph does not apply
6 to a vehicle operated by a person who holds an expired operator's license that
7 expired not more than 3 months before the violation.

8 (b) A violation of s. 343.44 (1) (b) to (d).

9 (c) A violation of a speed restriction established under s. 346.57 for which the
10 speed was greater than 25 miles per hour above the speed restriction established
11 under s. 346.57 or 349.11.

12 (d) A violation of s. 346.04 (2t) or (3).

13 (e) A violation of s. 346.94 (2).

14 (2) Except as provided in sub. (3), an impoundment under sub. (1) shall be for
15 90 days. A city, village, town, or county may establish by ordinance an
16 impoundment period under this subsection that is less than 90 days for offenses
17 occurring on a highway under the jurisdiction of the city, village, town, or county.

18 (3) (a) The owner of a vehicle impounded under sub. (1) may request release of
19 the vehicle at any time. The law enforcement agency impounding the vehicle shall
20 release the vehicle upon the request of the owner if the law enforcement agency is
21 satisfied that the requester is the owner of the vehicle and the vehicle was not being
22 operated with the owner's consent at the time of the violation.

23 (b) A person claiming that a vehicle owned by the person was improperly

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1 impounded under sub. (1) or that the person otherwise has a right to immediate
2 possession of a vehicle impounded under sub. (1) may petition the circuit court for
3 the county in which the vehicle was seized for the vehicle's release. The court shall
4 hold a hearing no more than 30 days after the petition is filed, except that the
5 hearing may be postponed by no more than 10 days by agreement or for good cause.
6 If the petitioner's right to the immediate possession of the vehicle is proved to the
7 court's satisfaction, the court shall order the vehicle released.

8 (c) If, within the period of impoundment for the violation, a person is found
9 not guilty of the violation upon which an impoundment under sub. (1) is based or
10 the citation alleging the violation is dismissed, the impounded vehicle shall be
11 released immediately.

12 (d) If, within the period of impoundment for the violation, a person is found
13 guilty of the violation upon which an impoundment under sub. (1) is based, the
14 court may increase or decrease the period of impoundment.

15 (4) If a person is found guilty of the violation upon which an impoundment
16 under sub. (1) is based, the court shall impose and collect from the person the costs
17 that the law enforcement agency reasonably incurs or expects to incur for the
18 impoundment of the vehicle. The court shall disburse any amounts collected under
19 this subsection to the law enforcement agency that incurred or expects to incur the
20 costs for the impoundment of the vehicle.

21 (5) A law enforcement agency that has impounded a vehicle under sub. (1)
22 may dispose of the vehicle by following the same procedure as provided for disposing
23 of an abandoned vehicle under s. 342.40 if the impounded vehicle remains

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1 unclaimed for more than 90 days after the completion of the period of impoundment
2 or the release of the vehicle.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this
5 subsection.

6 (END)