



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3783/1
EVM:amn

2021 SENATE BILL 437

June 24, 2021 - Introduced by Senators MARKLEIN and NASS, cosponsored by Representatives NOVAK, DITTRICH, KNODL, KUGLITSCH, MOSES, SPIROS, BRANDTJEN and MURPHY. Referred to Committee on Judiciary and Public Safety.

AN ACT *to repeal* 341.04 (intro.); *to renumber* 341.04 (1) (b) and 341.04 (1) (c); *to renumber and amend* 341.04 (1) (a); *to amend* 341.04 (title), 341.04 (1) (intro.) and 341.18 (2); and *to create* 341.04 (2m) (d) of the statutes; **relating to:** operation of unregistered vehicles.

Analysis by the Legislative Reference Bureau

Under current law, a vehicle subject to registration by the Department of Transportation generally may not be operated upon a highway in this state unless the vehicle is registered or an application for vehicle registration has been mailed or delivered to DOT or delivered to a motor vehicle dealer and the vehicle displays a temporary operation plate. Currently, this prohibition does not apply during a declared state of emergency. This bill eliminates the state of emergency exception and creates an exception for operation due to imminent public disaster or imminent death or great bodily harm.

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:

SENATE BILL 437**SECTION 1**

SECTION 1. 341.04 (title) of the statutes is amended to read:

341.04 (title) ~~Penalty for operating~~ Operation of unregistered or improperly registered vehicle.

SECTION 2. 341.04 (intro.) of the statutes is repealed.

SECTION 3. 341.04 (1) (intro.) of the statutes is amended to read:

341.04 (1) (intro.) ~~It is unlawful for any~~ No person ~~to~~ may operate ~~or for an~~ and no owner ~~to~~ may consent to being operated on any highway of this state any motor vehicle, recreational vehicle, trailer, ~~or~~ semitrailer, or ~~any~~ other vehicle for which a registration fee is specifically prescribed, unless at the time of operation ~~the vehicle in question either is registered~~ any of the following applies:

(am) The vehicle is registered in this state, ~~or, except.~~

(bm) 1. Except for registration under s. 341.30 or 341.305, a complete application for registration of the vehicle, including evidence of any inspection under s. 110.20 when required, accompanied by the required fee has been delivered to the department, submitted to a dealer under s. 341.09 (2m) for transmittal to the department, or deposited in the mail properly addressed with postage prepaid ~~and,~~ if.

2. If subd. 1. applies and the vehicle is an automobile or motor truck having a registered weight of 8,000 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle unless the operator or owner of the vehicle produces proof that operation of the vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle ~~in question~~ is exempt from registration.

SENATE BILL 437**SECTION 4**

SECTION 4. 341.04 (1) (a) of the statutes is renumbered 341.04 (2m) (a) and amended to read:

341.04 (2m) (a) ~~A~~ Notwithstanding sub. (1), a vehicle may be operated by a private person after the date of purchase of ~~such~~ the vehicle by ~~such private~~ the person or after the date ~~such~~ the person moved to this state if application for registration, except for registration under s. 341.30 or 341.305, and certificate of title has been made and the person otherwise complies with any applicable requirements of this section.

SECTION 5. 341.04 (1) (b) of the statutes is renumbered 341.04 (2m) (b).

SECTION 6. 341.04 (1) (c) of the statutes is renumbered 341.04 (2m) (c).

SECTION 7. 341.04 (2m) (d) of the statutes is created to read:

341.04 (2m) (d) Subsections (1) and (2) do not apply to the operation of a vehicle that is caused by pressure of natural physical forces causing the owner or operator reasonably to believe that operation of the vehicle is the only means of preventing imminent death or great bodily harm, as defined in s. 939.22 (14), to a person or imminent public disaster.

SECTION 8. 341.18 (2) of the statutes is amended to read:

341.18 (2) If a person claims as a defense to a citation for failure to display evidence of registration that the person has made application for annual registration as provided in s. 341.04 (1) ~~(intro.)~~ (bm) 2. and no such application was submitted to the department and the person is convicted of operating the vehicle without registration, the person shall be required to pay the full annual fee upon registration of the vehicle, notwithstanding the eligibility of the vehicle for

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SECTION 8

registration under s. 341.30 or 341.305. The court or the department shall order the annual registration under s. 341.04 (3) (c).

(END)