

Assembly Bill 4

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CHAPTER 118, LAWS OF 1967

AN ACT to renumber and amend 344.03; to amend 344.13 (3) and 344.15 (4); and to create 344.03 (2) of the statutes, relating to judicial review of the commissioner of motor vehicle department's orders.

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

SECTION 1. 344.03 of the statutes is renumbered 344.03 (1) and amended to read:

344.03 (1) Any person aggrieved by any action of the commissioner pursuant to this chapter may, ~~within 10 days after notice thereof, or in any event before the commissioner has revoked or suspended the operating privilege or registration by specific order if preceded by notice mailed at least 10 days prior to said revocation or suspension at any time prior to 30 days after the entry of order of suspension or revocation,~~ file a petition in the circuit court of Dane county for a review thereof as provided in s. 227.16. The court shall summarily hear the petition and may make any appropriate order or decree within the scope of s. 227.20.

SECTION 2. 344.03 (2) of the statutes is created to read:

344.03 (2) If any person aggrieved by any action of the commissioner pursuant to this chapter fails to file a petition within the time allowed in

sub. (1), the circuit court of Dane county may, upon the person's petition and notice to the commissioner, and upon the terms and within a time as the court deems reasonable, but not later than one year after the act complained of, allow a review with the same effect as though done within the time prescribed in sub. (1). This subsection does not authorize the court to stay suspension or revocation of an operator's license.

SECTION 3. 344.13 (3) of the statutes is amended to read:

344.13 (3) The commissioner within ~~60~~ 90 days after receipt of a report of an accident of the type specified in s. 344.12 and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident, shall give at least 10 days' written notice to every such person of the amount of security required to be deposited by him. The notice also shall state that an order of suspension will be made as provided in s. 344.14, unless within such time security is deposited as required by the notice. The order of suspension may be made a part of the notice, with a provision that it will take effect on the date specified in this subsection unless security is deposited prior to that date.

SECTION 4. 344.15 (4) of the statutes is amended to read:

344.15 (4) After receipt of the report of an accident of the type specified in s. 344.12, the commissioner shall forward to the insurance company or surety company named therein, that portion of the report which pertains to an automobile liability policy or bond. The commissioner shall assume that an automobile liability policy or bond as described in this section was in effect and applied to both the owner and operator with respect to the accident unless the insurance company or surety company notifies the commissioner otherwise within 30 days from the mailing to the company of that portion of the report pertaining to the automobile liability policy or bond. Upon receipt of notice from the company that an automobile liability policy or bond was in effect as to the owner only, the operator only or was not in effect as to either of them, the commissioner shall within the remainder of the ~~60~~ 90-day period specified in s. 344.13 (3) require the owner or operator or both, whichever is applicable, to deposit security pursuant to this chapter. As respects permission to operate the vehicle, the company may correct the report only if it files with the commissioner within the 30-day period specified in this subsection an affidavit signed by the owner stating that the operator did not have the owner's permission to operate the vehicle. Where the company's failure to notify the commissioner within 30 days of a correction in that portion of the report pertaining to an automobile liability policy or bond is caused by fraud, the company shall notify the commissioner of the correction within 30 days of the time the fraud is discovered.

Approved October 30, 1967.