

---

# Wisconsin Legislative Council

## ACT MEMO

---



**Prepared by:** Amber Otis, Senior Staff Attorney

April 10, 2023

**2023 Wisconsin Act 1**  
[2023 Senate Bill 92]

**Local Authority to Impound  
Vehicles Driven Recklessly**

### BACKGROUND

State law prohibits certain acts involving the negligent operation of a vehicle, which are commonly referred to as “reckless driving.” The penalties for committing the offense of reckless driving range from a noncriminal forfeiture to a Class I felony, depending on the circumstances, such as the level of harm caused to another. In addition to prohibitions under state law, local units of government may enact reckless driving ordinances that contain elements strictly conforming to the state law crime, but are punishable only as noncriminal forfeitures.

### 2023 WISCONSIN ACT 1

2023 Wisconsin Act 1 allows local units of government to authorize, by ordinance, impoundment of a vehicle that is used in the commission of a reckless driving offense, if certain conditions are met.

Specifically, under the act, a city, village, town, or county may, by ordinance, authorize a law enforcement officer to impound a vehicle used in the commission of a reckless driving offense at the time of issuing a citation for the reckless driving offense if the driver: (1) is the owner of the vehicle; and (2) has previously been found to have committed a reckless driving offense for which a forfeiture was imposed that has not been fully paid.

The act authorizes the ordinance to provide for impoundment of the vehicle until the person fully pays the prior forfeiture amount and reasonable costs of impounding the vehicle, including towing or other transportation costs and storage costs. The act requires return of the impounded vehicle to its owner upon payment of the amount required under the ordinance. If the impounded vehicle remains unclaimed for more than 90 days after the disposition of the citation for which the vehicle was impounded, the act allows a city, village, town, or county to initiate procedures to dispose of the vehicle by following the existing procedure governing disposal of abandoned vehicles under state law.

**Effective date:** April 5, 2023

For a full history of the bill, visit the Legislature’s [bill history page](#).

AO:tr;ksm