



## 2003 ASSEMBLY BILL 928

March 4, 2004 - Introduced by Representatives McCORMICK, HAHN, HINES, ALBERS, BIES, SERATTI, ZEPNICK and VRAKAS, cosponsored by Senator ELLIS. Referred to Committee on Judiciary.

1     **AN ACT** *to create* 346.675 of the statutes; **relating to:** imposing liability upon  
2             the owner of a vehicle leaving the scene of certain motor vehicle accidents and  
3             providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the operator of a vehicle involved in an accident resulting in injury to or death of a person or damage to an occupied vehicle is required to render assistance to any person injured in the accident and to provide his or her name and address, the vehicle's registration number, and, upon request and if available, his or her operator's license to the person struck or to a person occupying or attending any vehicle collided with. If the accident does not involve death or injury to a person, a vehicle operator who fails to comply with these duties (leaving the scene of an accident) is fined not less than \$300 nor more than \$1,000 or imprisoned for not more than 6 months or both. Increased penalties apply if the accident involves death or injury to a person.

This bill presumes liability upon a vehicle owner for the vehicle leaving the scene of the accident if, within 96 hours after observing the violation or having probable cause with respect to a vehicle operator leaving the scene of an accident, a traffic officer investigates the violation and prepares a traffic citation for the violation. Any traffic officer employed by the issuing authority may serve the citation upon the owner of the vehicle.

A forfeiture of not less than \$300 nor more than \$1,000 shall be imposed upon the owner of a vehicle leaving the scene of the accident. The vehicle owner's

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operating privilege may not be suspended or revoked, and no demerit points may be recorded against the owner's operating record.

The owner of the vehicle has a defense to the presumption of liability for a violation if the vehicle had been stolen at the time of the violation or if the owner provides the traffic officer with the name and address of the person who was operating the vehicle or who had the vehicle under his or her control at the time of the violation and that person admits operating the vehicle or having the vehicle under his or her control. Lessors and dealers of vehicles have similar defenses.

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

1           **SECTION 1.** 346.675 of the statutes is created to read:

2           **346.675 Vehicle owner's liability for leaving the scene of an accident.**

3           **(1)** The owner of a vehicle involved in a violation of s. 346.67 for failing to stop at or  
4           near the scene of an accident and comply with the requirements of s. 346.67 (1) (a)  
5           to (c) shall be presumed liable for the violation as provided in this section.

6           **(2)** (a) Within 72 hours after observing the violation or having probable cause  
7           to believe that a violation has occurred, the traffic officer shall investigate the  
8           violation and may prepare a uniform traffic citation under s. 345.11 for the violation  
9           and, within 96 hours after observing the violation or having probable cause to believe  
10          that a violation has occurred, any traffic officer employed by the authority issuing  
11          the citation may personally serve it upon the owner of the vehicle.

12          (b) If with reasonable diligence the owner cannot be served under par. (a),  
13          service may be made by leaving a copy of the citation at the owner's usual place of  
14          abode within this state in the presence of a competent member of the family at least  
15          14 years of age, who shall be informed of the contents thereof. Service under this  
16          paragraph may be made by any traffic officer employed by the authority issuing the  
17          citation and shall be performed within 96 hours after the violation was observed.

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1 (c) If with reasonable diligence the owner cannot be served under par. (a) or (b)  
2 or if the owner lives outside of the jurisdiction of the issuing authority, service may  
3 be made by certified mail addressed to the owner's last-known address. Service  
4 under this paragraph shall be performed by posting the certified mail within 96  
5 hours after the violation was observed.

6 **(3)** Defenses to the imposition of liability under this section include:

7 (a) That a report that the vehicle was stolen was given to a traffic officer before  
8 the violation occurred or within a reasonable time after the violation occurred.

9 (ag) That competent evidence establishes that the license number of the vehicle  
10 involved in the violation was issued for a different vehicle or that the license plate  
11 involved was stolen before the violation occurred.

12 (b) If the owner of the vehicle provides a traffic officer employed by the  
13 authority issuing the citation with the name and address of the person operating the  
14 vehicle or having the vehicle under his or her control at the time of the violation and  
15 the person so named admits operating the vehicle or having the vehicle under his or  
16 her control at the time of the violation, then that person and not the owner shall be  
17 liable under this section or under s. 346.67.

18 (c) If the vehicle is owned by a lessor of vehicles and at the time of the violation  
19 the vehicle was in the possession of a lessee, and the lessor provides a traffic officer  
20 employed by the authority issuing the citation with the information required under  
21 s. 343.46 (3), then the lessee and not the lessor shall be liable under this section or  
22 under s. 346.67.

23 (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but  
24 including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the  
25 violation the vehicle was being operated by or was under the control of any person

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1 on a trial run, and if the dealer provides a traffic officer employed by the authority  
2 issuing the citation with the name, address, and operator's license number of the  
3 person operating the vehicle, then that person, and not the dealer, shall be liable  
4 under this section or under s. 346.67.

5 (4) Notwithstanding the penalty otherwise specified under s. 346.74 (5) for a  
6 violation of s. 346.67:

7 (a) A vehicle owner or other person found liable under this section for a  
8 violation of s. 346.67 shall be required to forfeit not less than \$300 nor more than  
9 \$1,000.

10 (b) Imposition of liability under this section shall not result in suspension or  
11 revocation of a person's operating license under s. 343.30 or 343.31, nor shall it result  
12 in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

13 (END)