



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0036/1
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2023 SENATE BILL 410

September 8, 2023 - Introduced by Senators JACQUE, WANGGAARD, BALLWEG and MARKLEIN, cosponsored by Representatives PENTERMAN, MYERS and BRANDTJEN. Referred to Committee on Judiciary 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:

1. Operating a vehicle without a license, with certain exceptions, or with a suspended or 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:

4 **345.13 Impoundment.** (1) If a law enforcement officer arrests, or issues a
5 citation to, a person for a violation of any of the following, or an ordinance in

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1 conformity with any of the following, the officer may immediately impound the
2 vehicle used in the violation:

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

6 (b) A violation of s. 343.44.

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

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

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

12 **(2)** Except as provided in sub. (3), an impoundment under sub. (1) shall be for
13 90 days.

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

19 (b) A person claiming that a vehicle owned by the person was improperly
20 impounded under sub. (1) or that the person otherwise has a right to immediate
21 possession of a vehicle impounded under sub. (1) may petition the circuit court for
22 the county in which the vehicle was seized for the vehicle's release. The court shall
23 hold a hearing no more than 30 days after the petition is filed, except that the hearing
24 may be postponed by no more than 10 days by agreement or for good cause. If the

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1 petitioner's right to the immediate possession of the vehicle is proved to the court's
2 satisfaction, the court shall order the vehicle released.

3 (c) If, within 90 days of the date of that violation, a person is found not guilty
4 of the violation upon which an impoundment under sub. (1) is based or the citation
5 alleging the violation is dismissed, the impounded vehicle shall be released
6 immediately.

7 (d) If, within 90 days of the date of that violation, a person is found guilty of the
8 violation upon which an impoundment under sub. (1) is based, the court may
9 increase or decrease the period of impoundment.

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

16 (5) A law enforcement agency that has impounded a vehicle under sub. (1) may
17 dispose of the vehicle by following the same procedure as provided for disposing of
18 an abandoned vehicle under s. 342.40 if the impounded vehicle remains unclaimed
19 for more than 90 days after the completion of the period of impoundment or the
20 release of the vehicle.

21 **SECTION 2. Initial applicability.**

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

24

(END)