

LEGISLATIVE HEARING CALENDAR

Positions to be taken by the City of Milwaukee on the following bills will be discussed by the

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, MARCH 19, 2001 AT 10:00 A.M.

Room 301-B, City Hall

A-166 Parking Tickets: Rented or Leased Vehicles

Discussion on:

Residency Requirements (Assembly Bill 113)

2001 ASSEMBLY BILL 166

March 1, 2001 - Introduced by Representatives DUFF, STONE, MONTGOMERY, URBAN, LA FAVE, TURNER, PETTIS, KEDZIE, GRONEMUS, NASS, VRAKAS, LADWIG, TOWNSEND, OLSEN, GUNDERSON, POWERS, GROTHMAN and ALBERS, cosponsored by Senators WIRCH, SCHULTZ, FARROW, ROESSLER, BURKE and HUELSMAN. Referred to Committee on Highway Safety.

1 **AN ACT** *to renumber* 345.28 (5m) (a) 4.; *to amend* 345.28 (4) (e), 345.28 (4) (g),
2 345.28 (5m) (b), 345.28 (5m) (c) 1. and 345.28 (5m) (c) 2.; and *to create* 345.28
3 (5m) (a) 4. (intro.), 345.28 (5m) (a) 4. b. and 345.28 (5m) (c) 3. of the statutes;
4 **relating to:** nonmoving traffic violations involving rented or leased motor
5 vehicles.

Analysis by the Legislative Reference Bureau

Under current law, an authority that issues citations for nonmoving traffic violations (i.e., violations for which a parking ticket is issued) may notify the department of transportation (DOT) if a person fails to pay a parking ticket or appear in court in response to a parking ticket, and may require DOT to suspend the registration of the vehicle that was ticketed, or to refuse registration of any vehicle owned by the violator, or to do both. The suspension or refusal of vehicle registration continues until the person appears in court in response to the parking ticket or pays the amount of the parking ticket and costs, if any, of suspending or refusing vehicle registration.

When a parking ticket is issued to a motor vehicle that is rented or leased to another, the process of resolving the parking ticket is more complex. A person engaged in the business of renting or leasing vehicles (lessor) generally is responsible for the parking tickets issued to its vehicles. However, an authority may not provide notice to DOT to suspend registration or refuse registration if the vehicle involved in the parking violation is owned by a lessor; the vehicle was rented or leased to

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another when the parking ticket was issued; the lessor timely identifies the renter or lessee to the authority; and if the renter or lessee, after receiving notice from the authority, timely pays the forfeiture or appears in court in response to the parking ticket. If the renter or lessee fails to pay or appear as required, the authority may require DOT to refuse to register any vehicle owned by the renter or lessee, and the lessor must pay 50% of the forfeiture and costs applicable to the parking ticket. If the lessor fails to pay 50% of the forfeiture and costs, the authority may require DOT to suspend the registration of the vehicle involved in the parking violation. If the lessor pays 50% of the forfeiture and costs of a parking ticket, and that ticket is later paid in full by the renter or lessee, the lessor is refunded the 50% payment.

This bill relieves a lessor from liability for a parking ticket and DOT may not suspend the registration of the vehicle involved in the parking violation or refuse to register any other vehicle owned by the lessor, if the lessor identifies the renter or lessee to the authority and the renter or lessee pays the forfeiture or appears in court, or if more than one year has elapsed since the ticket was issued and the authority has not sent notice to the lessor within the year. As under current law, the lessor generally is liable for the parking ticket unless the lessor identifies the renter or lessee. The bill retains the required reimbursement of a lessor who pays any part of a forfeiture or costs of a parking ticket that is later paid by a renter or lessee.

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:

1 **SECTION 1.** 345.28 (4) (e) of the statutes is amended to read:

2 345.28 (4) (e) If the person subsequently pays the amount of the forfeiture and
3 the costs, if any, under par. (d) or appears in court in response to the citation or a
4 notice by the authority who issued the citation or the department, the department
5 shall be immediately notified in the form and manner prescribed by the department.
6 If the vehicle involved in the nonmoving traffic violation is owned by a person
7 engaged in the business of renting or leasing motor vehicles and the owner pays the
8 costs, if any, under par. (d) and 50% of the amount of the forfeiture under sub. (2) (a),
9 the authority shall immediately notify the department in the form and manner
10 prescribed by the department.

11 **SECTION 2.** 345.28 (4) (g) of the statutes is amended to read: