

(8) Any officer or employe referred to in subsection (2) or any district attorney who shall without proper excuse neglect or refuse to perform the duties required of him herein within such times as may be specified shall be subject to removal. The governor may remove any such sheriff or district attorney under the provisions of section 17.16 by filing a complaint on his own motion.

(9) A written record shall be kept by every officer and district attorney of reports made by or to him under subsection (2). On the first day of the third calendar month after the passage of this section the district attorney of each county shall report in writing to the governor the name, address and office, if any, of each person who has reported to him knowledge of gambling devices under the provisions of subsection (2). He shall also set out the disposition of such reports and the status of all cases instituted thereon. Thereafter such a report shall be filed quarterly on the first days of January, April, July and October in each year, and each report shall also set forth the status of cases not shown by any prior report to be finally determined.

(10) If any part of this section or its application to any person or circumstance shall be held invalid, the remaining part or its application to other persons or circumstances shall not be affected.

SECTION 3. 348.091 of the statutes is created to read:

348.091 SEIZURE OF GAMBLING DEVICES. Any public officer or employe authorized to enforce the provisions of sections 348.07, 348.08 and 348.09 may seize all personal property used or kept in violation of said sections.

Approved June 27, 1945.

No. 209, S.]

[Published July 2, 1945.

## CHAPTER 375.

AN ACT to repeal and recreate 85.09 of the statutes, relating to motor vehicle financial responsibility, and providing a penalty.

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

SECTION 1. 85.09 of the statutes is repealed and recreated to read:

85.09 MOTOR VEHICLE RESPONSIBILITY. (1) DEFINITIONS. The following words and phrases, when used in this section, shall, for the purposes of this section, have the meanings respectively ascribed to them in this subsection and as used in sections 85.08 and 85.10, except in those instances where the context clearly indicates a different meaning:

(a) "Commissioner". The commissioner of motor vehicles of this state.

(b) "Judgment". Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon the cause of action on an agreement of settlement for such damages.

(c) "License". Any operator's license, temporary instruction permit or temporary license issued under the laws of this state pertaining to the licensing of operators.

(d) "Motor vehicle". Every self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

(e) "Nonresident". Every person who is not a resident of this state.

(f) "Nonresident's operating privilege". The privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.

(g) "Operator". Every person who is in actual physical control of a motor vehicle.

(h) "Owner". A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested

in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this section.

(i) "Person". Every natural person, firm, copartnership, association or corporation.

(j) "Proof of financial responsibility". Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of \$5,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of \$10,000 because of bodily injury to or death of 2 or more persons in any one accident, and in the amount of \$1,000 because of injury to or destruction of property of others in any one accident.

(k) "Registration". Registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

(1) "State". Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

(2) COMMISSIONER TO ADMINISTER; COURT REVIEW. (a) The commissioner shall administer and enforce the provisions of this section and may make rules and regulations necessary for its administration.

(b) Any person aggrieved by an order or act of the commissioner, under the provisions of chapter 227, may, within 10 days after notice thereof, file a petition in the circuit court of Dane county for a review thereof; but the filing of such a petition shall not suspend the order or act unless a stay thereof shall be allowed by a judge of said court pending final determination of the review. The court shall summarily hear the petition and make any appropriate order or decree.

(3) COMMISSIONER TO FURNISH OPERATING RECORD. The commissioner shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this section, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a

motor vehicle or of any injury or damage caused by such person, the commissioner shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

(4) **REPORT OF ACCIDENT REQUIRED.** Failure to report an accident as provided by section 85.141, unless in the judgment of the commissioner there was excusable cause for such failure to report, or failure to give correctly the information required of him by the commissioner in connection with such report shall be a misdemeanor and, in the event of injury or damage to the person or property of another in such accident, shall also constitute a ground for suspension or revocation of:

(a) The license or registration for any motor vehicle, or of all such licenses and registrations of the person failing to make such report as herein required, and

(b) The nonresident's operating privilege of such person.

(5) **SECURITY REQUIRED FOLLOWING ACCIDENT UNLESS EVIDENCE OF INSURANCE; SUSPENSION FOR FAILURE TO DEPOSIT SECURITY.** (a) Within 60 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$50, the commissioner shall suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; provided notice of such suspension shall be sent by the commissioner to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security.

(b) This section shall not apply:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him ;

3. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond ; or

4. To the operator or owner of any vehicle the owner of which has qualified as a self-insurer under subsection 34.

(c) No such policy or bond shall be effective under this subsection unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this subsection unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident ; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$10,000 because of bodily injury to or death of 2 or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$1,000 because of injury to or destruction of property of others in any one accident.

(d) Upon receipt of notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident.

(6) EXCEPTIONS TO REQUIREMENT OF SECURITY.  
The requirements as to security and suspension in subsection (5) shall not apply :

(a) To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.

(b) To the operator or the owner of a motor vehicle legally parked at the time of the accident.

(c) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission.

(d) If, prior to the date that the commissioner would otherwise suspend license and registration of nonresident's operating privilege under subsection (5), there shall be filed with the commissioner evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a warrant for confession of judgment, payable when and in such instalments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in instalments, with respect to all claims for injuries or damages resulting from the accident.

(7) DURATION OF SUSPENSION. The license and registration and nonresident's operating privilege suspended as provided in subsection (5) shall remain so suspended and shall not be renewed nor shall any such license or registration be issued to such person until

(a) Such person shall deposit or there shall be deposited on his behalf the security required under subsection (5); or

(b) One year shall have elapsed following the date of such accident and evidence satisfactory to the commissioner has been filed with him that during such period no action for damages arising out of such accident has been instituted; or

(c) Evidence satisfactory to the commissioner has been filed with him of a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with subsection (6) (d), provided, however, in the event there shall be any default in the payment of any instalment under any confession of judgment, then, upon notice of such default, the commissioner shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided, further that in the event there shall be any default in the payment of any instalment under any duly

acknowledged written agreement, then, upon notice of such default, the commissioner shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until (1) such person deposits and thereafter maintains security as required under subsection (5) in such amount as the commissioner may then determine, or (2) one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this state.

(8) APPLICATION TO NONRESIDENTS, UNLICENSED DRIVERS AND UNREGISTERED MOTOR VEHICLES. In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, he shall not be allowed a license or registration until he has complied with the requirements of this section to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

(9) FORM AND AMOUNT OF SECURITY. (a) The security required under this section shall be in such form and in such amount as the commissioner may require but in no case in excess of the limits specified in subsection (5). The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the commissioner or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

(b) The commissioner may reduce the amount of security ordered in any case within 6 months after the date of the accident if, in his judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of subsection (10).

(10) CUSTODY, DISPOSITION AND RETURN OF SECURITY. Security deposited in compliance with the requirements of this section shall be placed by the commissioner in the

custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under subsection (7) (c), and such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the commissioner has been filed with him that there has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment or a duly acknowledged agreement, in accordance with subsection (6) (d) or whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under subsection (7) (c), the commissioner shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

(11) **MATTERS NOT TO BE EVIDENCED IN CIVIL SUITS.** Neither the report required by subsection (4), the action taken by the commissioner pursuant to this section, the findings, if any, of the commissioner upon which such action is based, nor the security filed as provided in this section shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

(12) **COURTS TO REPORT NONPAYMENT OF JUDGMENTS (AND CONVICTIONS)** (a) Whenever any person fails within 60 days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court, which has no clerk, in which any such judgment is rendered, within this state, to forward to the commissioner immediately after the expiration of said 60 days, a certified copy of such judgment.

(b) If the defendant named in any certified copy of a judgment reported to the commissioner is a nonresident, the commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

(13) **SUSPENSION FOR NONPAYMENT OF JUDGMENTS.** (a) Upon the receipt of a certified copy of a judgment, the commissioner shall forthwith suspend, except as pro-



vided in subsection (16), the license and registration and the nonresident's operating privilege of any person against whom such judgment was rendered.

(b) If the judgment creditor consents in writing, in such form as the commissioner may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the commissioner, in his discretion, for 6 months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any instalments thereof prescribed in subsection (16), provided the judgment debtor furnishes proof of financial responsibility.

(14) **SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN.** Such license, registration and nonresident's operating privilege shall, except as provided in subsection (16), remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until the said person gives proof of financial responsibility.

(15) **PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS.** Judgments in excess of the amounts specified in subsection (1) (j) shall, for the purpose of this section only, be deemed satisfied when payments in the amounts so specified have been credited thereon; provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the respective amounts so specified.

(16) **INSTALMENT PAYMENT OF JUDGMENTS; DEFAULT.** (a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in instalments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the instalments.

(b) The commissioner shall not suspend a license, registration or a nonresident's operating privilege, and shall restore any license, registration or nonresident's operating privilege suspended

following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order, permitting the payment of such judgment in instalments, and while the payment of any said instalment is not in default.

(c) In the event the judgment debtor fails to pay any instalment as specified by such order, then upon notice of such default, the commissioner shall forthwith suspend the license, registration or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this section.

(17) **PROOF REQUIRED UPON CERTAIN CONVICTIONS.** (a) Whenever the commissioner, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the commissioner shall also suspend the registration for all motor vehicles registered in the name of such person, except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

(b) Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under chapter 85 and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

(c) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

(d) Whenever the commissioner suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall im-

mediately give and thereafter maintain proof of financial responsibility.

(18) ALTERNATE METHODS OF GIVING PROOF. Proof of financial responsibility shall be furnished for each motor vehicle registered by any person required to give such proof and may be given by filing:

(a) A certificate of insurance as provided in subsection (19) or subsection (20) or

(b) A bond as provided in subsection (24) or

(c) A certificate of deposit of money or securities as provided in subsection (25) or

(d) A certificate of self-insurance as provided in subsection (34).

(19) CERTIFICATE OF INSURANCE AS PROOF. (a) Proof of financial responsibility may be furnished by filing with the commissioner the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

(20) CERTIFICATE FURNISHED BY NONRESIDENT AS PROOF. (a) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the commissioner a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this section, and the commissioner shall accept the same upon condition that said insurance car-

rier complies with the following provisions with respect to the policies so certified:

1. Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

2. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance carrier, not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the commissioner shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

(21) "MOTOR VEHICLE LIABILITY POLICY" DEFINED. (a) A "motor vehicle liability policy" as said term is used in this section shall mean an owner's or an operator's policy of liability insurance, certified as provided in subsection (19) or (20) as proof of financial responsibility, and issued, except as otherwise provided in subsection (20), by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance

1. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

2. Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: \$5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, \$10,000 because of bodily injury to or death of 2 or

more persons in any one accident, and \$1,000 because of injury to or destruction of property of others in any one accident.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subjects to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this section as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this section.

(e) Such motor vehicle liability policy shall not insure any liability under any workmen's compensation law as provided in chapter 102 nor any liability on account of bodily injury to or death of an employe of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of any injury or damage covered by said motor vehicle liability policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b) 2 hereof.

4. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions

of the section shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this section. With respect to a policy which grants such excess of additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this subsection.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this section.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

(22) NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED POLICY. When an insurance carrier has certified a motor vehicle liability policy under subsection (19) or a policy under subsection (20), the insurance so certified shall not be canceled or terminated until at least 10 days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the commissioner, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

(23) NOT TO AFFECT OTHER POLICIES. (a) This section shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the

requirements of this section, may be certified as proof of financial responsibility under this section.

(b) This section shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

(24) BOND AS PROOF. (a) Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least 2 individual sureties each owning real estate within this state, which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amounts specified in subsection (1) (j). Such bond shall be filed with the commissioner and shall not be cancelable except after 10 days written notice to the commissioner. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such bond was filed, upon the filing of a notice to that effect by the commissioner in the office of the proper clerk or court of the county or city where such real estate shall be located as provided in chapter 235.

(b) If such a judgment, rendered a person who has executed such bond, shall not be satisfied within 60 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. In the foreclosure of the lien mentioned herein, the provisions of chapter 278 for the foreclosure of real estate mortgages shall apply as far as possible.

(25) MONEY OR SECURITIES AS PROOF. (a) Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited

with him \$11,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of \$11,000. The state treasurer shall not accept any such deposit and issue a certificate therefor and the commissioner shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this section, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

(26) OWNER MAY GIVE PROOF FOR OTHERS. Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the commissioner shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The commissioner shall designate the restrictions imposed by this subsection on the face of such person's license.

(27) SUBSTITUTION OF PROOF. The commissioner shall consent to the cancellation of any bond or certificate of insurance or the commissioner shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this section.

(28) OTHER PROOF MAY BE REQUIRED. Whenever any proof of financial responsibility filed under the provisions of this section no longer fulfills the purposes for which required, the commissioner shall for the purpose of this section, require other proof as required by this section and shall suspend the



license and registration or the nonresident's operating privilege pending the filing of such other proof.

(29) DURATION OF PROOF; WHEN PROOF MAY BE CANCELED OR RETURNED. (a) The commissioner shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the commissioner shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this section as proof of financial responsibility, or the commissioner shall waive the requirement of filing proof, in any of the following events:

1. At any time after 3 years from the date such proof was required when, during the 3-year period preceding the request, the commissioner has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom such proof was furnished; or

2. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

3. In the event the person who has given proof surrenders his license and registration to the commissioner;

(b) Provided, however, that the commissioner shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the commissioner.

(c) Whenever any person whose proof has been canceled or returned under subdivision 3 applies for a license or registration within a period of 3 years from the date proof was originally

required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such 3-year period.

(30) **TRANSFER OF REGISTRATION TO DEFEAT PURPOSE; PROHIBITED.** If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the motor vehicle in respect of which such registration was issued registered in any other name until the commissioner is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this section. Nothing in this subsection shall be held to apply to or affect the registration of any motor vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed such motor vehicle from a person whose registration has been suspended under the provisions of this section.

(31) **SURRENDER OF LICENSE AND REGISTRATION.** Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this section, shall have been canceled or terminated, or who shall neglect to furnish other proof upon request of the commissioner shall immediately return his license and registration to the commissioner. If any person shall fail to return to the commissioner the license or registration as provided herein, the commissioner shall forthwith direct any peace officer to secure possession thereof and to return the same to the commissioner.

(32) **OTHER VIOLATIONS; PENALTIES.** (a) Any person whose license or registration or nonresident's operating privileges has been suspended or revoked under this section and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this section, shall be deemed guilty of a misdemeanor and be fined not more than \$500 or imprisoned not exceeding 6 months, or both.

(b) Any person willfully failing to return license or registration as required in subsection (31) shall be deemed guilty of a misdemeanor and be fined not more than \$500 or imprisoned not to exceed 30 days, or both.

(c) Any person who shall forge or, without authority, sign any notice provided for under subsection (5) that a policy or bond is in effect, or any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be deemed guilty of a misdemeanor and be fined not more than \$1,000 or imprisoned not more than one year, or both.

(d) Any person who shall violate any provision of this section for which no penalty is otherwise provided shall be fined not more than \$500 or imprisoned not more than 90 days, or both.

(33) EXCEPTIONS. This section shall not apply with respect to any motor vehicle owned by the United States, this state or any political subdivision of this state or any municipality therein; nor, except for subsections (4) and (26), with respect to any motor vehicle which is subject to the requirements of sections 40.345, 194.41, and 194.42 nor to taxicabs in the city of Milwaukee as long as the owners thereof comply with the financial responsibility requirements of the ordinances of that city.

(34) SELF-INSURERS. (a) Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the commissioner as provided in paragraph (b).

(b) The commissioner may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than 5 days' notice and a hearing pursuant to such notice, the commissioner may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

(d) Any person engaged in the operation of a railroad, street railway system or public utility subject to the regulation of the public service commission in whose name more than 25 motor vehicles are registered.

(35) REPEAL. The existing section 85.09 is hereby repealed except with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this section.

(36) PAST APPLICATION. This section shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this section.

(37) ACT NOT TO PREVENT OTHER PROCESS. Nothing in this section shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

(38) UNIFORMITY OF INTERPRETATION. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

(39) CONSTITUTIONALITY. If any part or parts of this section shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this section. The legislature hereby declares that it would have passed the remaining parts of this section if it had known that such part or parts thereof would be declared unconstitutional.

(40) TITLE. This section may be cited as the "Motor Vehicle Safety Responsibility Act".

SECTION 2. This act shall take effect January 1, 1946.

Approved June 26, 1945.

No. 282, S.]

[Published July 3, 1945.]

### CHAPTER 376.

AN ACT to amend 108.02 (6) of the statutes, relating to unemployment compensation.

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

SECTION 1. 108.02 (6) of the statutes is amended to read:  
 108.02 (6) "Wages" means every form of remuneration payable for a given period (or paid within such period, if this basis is permitted or prescribed by the commission) to an individual for personal services, including salaries, commissions,