



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 15

**Assembly
Amendments 1 and 2**

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The **bill** imposes liability upon the owner of a vehicle involved in a violation of certain traffic laws relating to railroad crossings. A railroad employee who observes a railroad crossing violation may submit a written report concerning the violation to a traffic officer within 24 hours of observing the violation. The traffic officer may, within 48 hours of receiving the report, prepare a traffic citation for the violation and serve it upon the owner of the vehicle by personal service or, if that is not possible, by leaving a copy at the owner's residence or by certified mail.

Assembly Amendment 1

Assembly Amendment 1 provides that:

1. The **venue** for the action for liability under the bill shall be in the county where the violation occurred, except that the venue shall be in the county where the person is a resident **if**: (a) he or she is a resident of the state; and (b) he or she petitions the court for a change of venue to his or her county of residence.
2. In addition to serving the person with the citation under one of the methods described above, the serving agency must include **a notice** that informs the person: (a) that he or she may petition the court for a change of venue; (b) of the court costs required for petitioning for a change of venue; and (c) of the procedures for petitioning the court for a change of venue.

Assembly Amendment 2

Assembly Amendment 2 specifies that the traffic officer may prepare and serve a citation under the new owner liability provision only "after verifying the information provided under sub. (2) (c) and (d)" in the bill. Subsection (2) (c) is "the license number and color of the vehicle involved in the violation." Subsection (2) (d) is "identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle, or other type of vehicle."

Legislative History

On May 6, 2003, the Assembly Committee on Highway Safety voted to recommend passage of the bill on a vote of Ayes, 8; Noes, 0. On September 23, 2003, the Assembly passed the bill, as amended by Assembly Amendments 1 and 2 (which were adopted on voice votes), on a voice vote. The bill was immediately messaged to the Senate.

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