



1995 SENATE BILL 9

January 11, 1995 - Introduced by Senator BURKE. Referred to Committee on Transportation, Agriculture and Local Affairs.

- 1 **AN ACT to amend** 344.02 (3), 344.04 (2) and 344.14 (1m) (intro.) of the statutes;
2 **relating to:** the impoundment of motor vehicles for failure to provide proof of
3 financial responsibility or a deposit of security after an accident.

Analysis by the Legislative Reference Bureau

Under current law, the department of transportation is required to notify the operator or owner of a motor vehicle that is involved in an accident that results in injury, death or property damage of \$500 or more and to obtain a deposit of security for the accident. A deposit is not required if the person can provide proof of financial responsibility (an applicable motor vehicle liability insurance policy or bond was in effect at the time of the accident providing not less than the following amounts for any single accident: \$25,000 for one person, \$50,000 for more than one person and \$10,000 for property damage).

With certain exceptions, failure to provide proof of financial responsibility or a deposit of security after an accident results in revocation of the operator's motor vehicle operating privilege or of the registration of any vehicles registered by the owner of the vehicle involved in the accident. The secretary of transportation may also order that any motor vehicle owned by the operator or owner of the motor vehicle that is involved in the accident be impounded. Any revocation or motor vehicle impoundment continues until the person provides a deposit of security or otherwise clears his or her liability or a year elapses without an action being commenced as a result of the accident.

This bill makes motor vehicle impoundment mandatory for failure to provide proof of financial responsibility or a deposit of security after an accident.

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.** 344.02 (3) of the statutes is amended to read:

2 344.02 (3) Upon completion of the hearing, the department shall make findings
3 of fact, conclusions of law, and a decision, and shall either proceed to order revocation
4 of the person's operating privilege, or registrations, or both, and ~~may~~ shall also order
5 the impoundment of the person's motor vehicle, in accordance with s. 344.14, or upon
6 good cause appearing therefor, shall terminate the proceedings.

7 **SECTION 2.** 344.04 (2) of the statutes is amended to read:

8 344.04 (2) Upon receiving information, other than of a judgment for damages
9 in a court of this state, that would be cause for revocation of registration or
10 impoundment of the vehicle, the secretary shall notify the registrant of the intention
11 to revoke such registration or impound the vehicle. The registrant may thereupon
12 petition any court of record in the registrant's county for an order enjoining the
13 secretary's contemplated action, whereupon the judge of such court shall grant an
14 order restraining the secretary in the matter until the petition is finally determined
15 by the court. If such petition and order are served upon the secretary within 10 days
16 after the date of the secretary's notice or in any event before the secretary has
17 revoked the registration or impounded the vehicle, the secretary shall await the final
18 determination of the court. The secretary shall be given notice of the hearing. Upon
19 a showing that it would result in undue hardship upon the petitioner to have any
20 such registration revoked or the vehicle impounded, the court ~~shall~~ may issue an

1 order restraining the secretary from revoking the registration or impounding the
2 vehicle.

3 **SECTION 3.** 344.14 (1m) (intro.) of the statutes is amended to read:

4 344.14 **(1m)** (intro.) In addition to the revocations under sub. (1), the secretary
5 ~~may~~ shall order the impoundment of any motor vehicle which is:

6 **SECTION 4. Initial applicability; transportation.**

7 (1) MOTOR VEHICLE IMPOUNDMENT. This act first applies to accidents occurring
8 on the effective date of this subsection.

9 (END)