



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2168/1
EVM:cjs

2023 SENATE BILL 92

March 1, 2023 - Introduced by Senators NASS, L. JOHNSON, BALLWEG, JACQUE and TAYLOR, cosponsored by Representatives DONOVAN, KNODL, ALLEN, BALDEH, BINSFELD, DUCHOW, GUNDRUM, S. JOHNSON, KURTZ, MAXEY, MURPHY, MYERS, NEDWESKI, NOVAK, O'CONNOR, ORTIZ-VELEZ, RETTINGER, STEFFEN and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to repeal** 349.025 (1) (b); **to renumber and amend** 349.01 (2); **to amend**
2 349.03 (5) (a); and **to create** 349.01 (2) (m) and 349.115 of the statutes; **relating**
3 **to:** impoundment of vehicles used in certain reckless driving offenses.

Analysis by the Legislative Reference Bureau

Under this bill, a political subdivision may enact an ordinance authorizing law enforcement officers to impound vehicles used in reckless driving offenses when the person cited for reckless driving is the owner of the vehicle and has a prior reckless driving conviction for which a forfeiture was imposed that has not been fully paid.

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

4 **SECTION 1.** 349.01 (2) of the statutes is renumbered 349.01 (2) (intro.) and
5 amended to read:
6 349.01 (2) (intro.) In this chapter, “chauffeur”:
7 (b) “Chauffeur” means a person employed full time or on a regular basis,
8 including leased drivers, for the principal purpose of operating a motor vehicle.

SENATE BILL 92**SECTION 2**

1 **SECTION 2.** 349.01 (2) (m) of the statutes is created to read:

2 349.01 (2) (m) “Political subdivision” means a city, village, town, or county.

3 **SECTION 3.** 349.025 (1) (b) of the statutes is repealed.

4 **SECTION 4.** 349.03 (5) (a) of the statutes is amended to read:

5 349.03 (5) (a) Notwithstanding sub. (1), a political subdivision, ~~as defined in~~
6 ~~s. 349.025 (1) (b)~~, may enter into a written agreement with the owner of a private road
7 or driveway within a manufactured and mobile home community, as defined in s.
8 66.0435 (1) (cg), that is located within the boundaries of the political subdivision to
9 enforce traffic regulations under ch. 346, or local ordinances in conformity with these
10 regulations, on the private road or driveway.

11 **SECTION 5.** 349.115 of the statutes is created to read:

12 **349.115 Authority to impound vehicles. (1)** A political subdivision may,
13 by ordinance, authorize a law enforcement officer to impound any vehicle used in the
14 commission of a violation of s. 346.62 or a local ordinance in strict conformity with
15 s. 346.62 at the time of issuing a citation for the offense if the person cited is the owner
16 of the vehicle and the person has a prior conviction for a violation of s. 346.62 or a
17 local ordinance in strict conformity with s. 346.62 for which a forfeiture was imposed
18 that has not been fully paid. The ordinance may provide for impoundment of the
19 vehicle until the person fully pays the prior forfeiture amount and makes a deposit
20 under s. 345.26 for the citation for which the vehicle was impounded.

21 **(2)** A political subdivision shall return to its owner a vehicle impounded under
22 sub. (1) upon payment of the prior forfeiture amount described in sub. (1) and the
23 making of a deposit under s. 345.26 for the citation for which the vehicle was
24 impounded.

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1 **(3)** A political subdivision that has impounded a vehicle under sub. (1) may
2 dispose of the vehicle by following the same procedure as provided for disposing of
3 an abandoned vehicle under s. 342.40 if the impounded vehicle remains unclaimed
4 for more than 90 days after the disposition of the citation for which the vehicle was
5 impounded.

6

(END)