

CHAPTER 344

FINANCIAL RESPONSIBILITY

GENERAL PROVISIONS.

- 344.01 Words and phrases defined.
 344.02 Hearing on suspension.
 344.03 Judicial review of administrator's action.
 344.04 Power of court to stay suspension of registration of vehicles.
 344.05 Courts to report nonpayment of certain judgments.
 344.07 Responsibility law not to prevent other process.
 344.08 Suspension for failure to report accident.
 344.09 Reinstatement of suspended operating privilege and registration.
 SECURITY FOR PAST ACCIDENTS.
 344.12 Applicability of provisions relating to deposit of security for past accidents.
 344.13 Administrator to determine amount of security required following accident and to give notice thereof.
 344.14 Suspension for failure to deposit security; exceptions.
 344.15 Requirements as to policy or bond.
 344.16 Requirements as to self-insurers.
 344.17 Requirements as to form and amount of security.
 344.18 Duration of suspension for failure to deposit security.
 344.19 Applicability to nonresidents, unlicensed drivers, unregistered motor vehicles and accidents in other states.
 344.20 Custody, disposition and return of security.
 344.21 Matters not to be evidence in civil suits.
 344.22 Short title.

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

- 344.24 Applicability of sections relating to proof of financial responsibility for the future.
 344.25 Revocation of license and registration for nonpayment of judgment; exceptions

- 344.26 Revocation to continue until judgment paid and proof of financial responsibility given.
 344.27 Instalment payment of judgments; revocation upon default.
 344.29 Proof of financial responsibility for the future required.
 344.30 Methods of giving proof of financial responsibility.
 344.31 Certificate of insurance as proof.
 344.32 Certificate furnished by nonresidents as proof.
 344.33 "Motor vehicle liability policy" defined.
 344.34 Notice of cancellation or termination of certified policy.
 344.35 This chapter not to affect other policies.
 344.36 Bond as proof.
 344.37 Money or securities as proof.
 344.38 Owner and leasing company may give proof for others.
 344.39 Substitution of proof.
 344.40 Suspension for failure to maintain proof; other proof may be required.
 344.41 Duration of proof; when proof may be canceled or returned.
 PENALTIES FOR VIOLATIONS OF CHAPTER
 344.45 Surrender of license, and registration upon suspension.
 344.46 Transfer of vehicle ownership to defeat purpose of chapter.
 344.47 Operating vehicle after suspension or revocation.
 344.48 Forged proof.

FINANCIAL RESPONSIBILITY FOR RENTED VEHICLES

- 344.51 Financial responsibility for domestic rented vehicles.
 344.52 Financial responsibility for foreign rented vehicles.

GENERAL PROVISIONS.

344.01 Words and phrases defined. (1) Words and phrases defined in ss. 340.01 and 343.01 are used in the same sense in this chapter unless a different definition is specifically provided.

(2) In this chapter the following words and phrases have the designated meanings:

(a) "Judgment" means a judgment for damages 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, including damages for care and for loss of services because of bodily injury to or death of any person and damages because of injury to or destruction of property and the consequent loss of use thereof, which judgment has become final by expiration without appeal of the time within which an appeal might have been perfected or by final affirmation on appeal. "Judgment" also includes a judgment rendered by a court of competent jurisdiction upon a cause of action on

an agreement of settlement for damages of the type specified in this paragraph, which judgment has become final within the meaning of this paragraph.

(b) "Motor vehicle" means a self-propelled vehicle and also includes trailers and semitrailers designed for use with such vehicles, except that "motor vehicle" does not include farm tractors, well drillers, road machinery or snowmobiles.

(c) "Operator" means a person who is in actual or constructive physical control of a motor vehicle. It includes a person who has parked a motor vehicle. It includes the driver of a vehicle being pushed or towed and, in case there is no person actually doing the driving, the person who is doing the pushing or towing.

(d) "Proof of financial responsibility" or "proof of financial responsibility for the future" means proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of such proof, arising out of the maintenance or use of a motor vehicle in the amount of \$15,000 because of bodily injury to or death of one person in any one

accident and, subject to such limit for one person, in the amount of \$30,000 because of bodily injury to or death of 2 or more persons in any one accident and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident.

(e) "Registration" means, in the case of a person whose vehicle is registered under ch. 341, the registration so issued; in the case of a person whose vehicle is not so registered, it means the privilege to register a vehicle in Wisconsin and the reciprocal privilege granted a nonresident to operate in Wisconsin a vehicle not registered in Wisconsin.

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

(g) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except vehicles used exclusively upon stationary rails or tracks or vehicles propelled by use of electricity obtained from overhead trolley structures.

History: 1971 c. 277; 1973 c. 90.

344.02 Hearing on suspension. (1) Whenever the administrator under s. 344.13 gives notice of the amount of security required to be deposited and that an order of suspension will be made if such security is not deposited, he shall afford the person so notified an opportunity for a hearing on the proposed suspension, if written request for such hearing is received by the division prior to the date specified in such notice, or prior to the postponed effective date of suspension if postponement has been granted under s. 344.14 (1). Upon receipt of timely request for hearing, the administrator shall fix the time and place of such hearing and give notice thereof to such person by regular mail. The scope of the hearing shall be limited to the matter set forth in s. 344.14 (2) (k). Any person who fails without reasonable cause to appear at the time and place specified in the notice shall forfeit his right to a hearing.

(2) In connection with such hearings the administrator or his duly authorized representative may administer oaths and issue subpoenas for the attendance of witnesses and the production of documents. No law enforcement officer or other witness called by the person who has requested a hearing to testify on his behalf shall be paid a witness fee by the division nor shall any law enforcement officer called as a witness for the division be paid any witness fee by the division.

(3) Upon completion of the hearing, the division shall make findings of fact, conclusions of law, and a decision, and the administrator

shall either proceed to order suspension of the person's operating privilege, or registrations, or both in accordance with s. 344.14, or upon good cause appearing therefor, shall terminate suspension proceedings.

(4) The time during which enforcement of an order of suspension is stayed pending completion of court review thereof shall not be included as part of the 13-month period fixed by s. 344.18

(1) (d)

History: 1971 c. 253.

344.03 Judicial review of administrator's action.

(1) Any person aggrieved by any action of the administrator pursuant to this chapter may, at any time prior to 30 days after the entry of order of suspension or revocation, file a petition in the circuit court of Dane county for a review thereof as provided in s. 227.16. The court shall summarily hear the petition and may make any appropriate order or decree within the scope of s. 227.20.

(2) If any person aggrieved by any action of the administrator pursuant to this chapter fails to file a petition within the time allowed in sub.

(1), the circuit court of Dane county may, upon the person's petition and notice to the administrator, and upon the terms and within a time as the court deems reasonable, but not later than one year after the act complained of, allow a review with the same effect as though done within the time prescribed in sub. (1). This subsection does not authorize the court to stay suspension or revocation of an operator's license.

344.04 Power of court to stay suspension of registration of vehicles.

(1) Notwithstanding any other provision of this chapter, the administrator shall not revoke or suspend the registration of a vehicle when ordered not to do so by the court wherein the judgment for damages was had or, in a case not involving a judgment, when ordered not to do so by a court pursuant to petition of the registrant in accordance with sub. (2).

(2) Upon receiving information, other than of a judgment for damages in a court of this state, that would be cause for revocation or suspension of registration, the administrator shall notify the registrant of his intention to revoke or suspend such registration. The registrant may thereupon petition any court of record in his county for an order enjoining the administrator's contemplated action, whereupon the judge of such court shall grant an order restraining the administrator in the matter until the petition is finally determined by the court. If such petition and order are served upon the administrator within 10 days after the date of the administrator's notice or in any event before the administrator

has revoked or suspended the registration, the administrator shall await the final determination of the court. The administrator shall be given notice of the hearing. Upon a showing that it would result in undue hardship upon the petitioner to have any such registration revoked or suspended, the court shall issue an order restraining the administrator from revoking or suspending the registration.

(3) This section does not authorize a court to stay suspension or revocation of an operator's license.

344.05 Courts to report nonpayment of certain judgments. (1) Whenever any judgment in excess of \$100 for damages arising out of a motor vehicle accident is not satisfied within 30 days after its having become final by expiration without appeal of the time within which an appeal might have been perfected or by final affirmation on appeal, the clerk of the court in which such judgment was rendered, or the judge if the court has no clerk, shall forthwith forward to the administrator a certified copy of such judgment upon request of the judgment creditor or the attorney of record for the judgment creditor.

(2) If the defendant named in any certified copy of a judgment reported to the administrator is a nonresident, the administrator 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.

344.07 Responsibility law not to prevent other process. Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

344.08 Suspension for failure to report accident. (1) The administrator may suspend the operating privilege or registration of any person who fails to report an accident as required by s. 346.70 or to give correctly the information requested by the administrator in connection with such report unless, in the judgment of the administrator, there was excusable cause for such failure or unless the accident did not result in injury or damage to the person or property of anyone other than the person so required to report.

(2) Any operating privilege suspended pursuant to this section, or suspended pursuant to any other section for failure to report an accident, shall be reinstated in accordance with s. 344.09 at the end of 13 months following the accident if, during such 13-month period, no notice of action instituted within one year from

the date of the accident has been filed with the division in the manner specified in s. 344.18 (1) (d).

344.09 Reinstatement of suspended operating privilege and registration. (1) Whenever the administrator is satisfied that the reason for suspension of an operating privilege under this chapter has been removed, including satisfaction of any of the requirements of s. 344.18, he shall forthwith order reinstatement of such operating privilege and shall give notice of such reinstatement to the person whose operating privilege has been suspended. Such reinstatement order has the same effect as an automatic reinstatement under s. 343.39.

(2) Whenever an operating privilege suspended or revoked pursuant to this chapter is reinstated, any registration which was suspended or revoked along with the operating privilege is automatically reinstated and the division shall return any surrendered and unexpired registration plate in its possession.

SECURITY FOR PAST ACCIDENTS.

344.12 Applicability of provisions relating to deposit of security for past accidents. Subject to the exceptions contained in s. 344.14, the provisions of this chapter requiring deposit of security and requiring suspension for failure to deposit security apply to the operator and owner of every motor vehicle which is in any manner involved in an accident in this state which has resulted in bodily injury to or death of any person or damage to property of any other person in excess of \$200.

344.13 Administrator to determine amount of security required following accident and to give notice thereof. (1) The administrator after receipt of a report of an accident of the type specified in s. 344.12 shall determine, with respect to such accident, the amount of security which is sufficient in his judgment to satisfy any judgment for damages resulting from such accident which may be recovered against either operator or owner of the vehicles involved in such accident. Such determination shall be based upon the total property damage suffered by other persons whose property was involved in the accident, not including the vehicle a person was operating when such operation was with the owner's permission, and on the extent of personal injuries, including deaths, involving other parties to the accident. The determination as to the amount of security required shall not be made with respect to operators or owners who are

exempt from the requirements of security and suspension under s. 344.14 (2).

(2) The administrator shall determine the amount of security required to be deposited by each person on the basis of the accident reports or other information submitted. In addition to the accident reports required by law, the administrator may request from any of the persons, including passengers and pedestrians, involved in such accident such further information, sworn statements or other evidence relating to property damage, personal injury or death in motor vehicle accidents as he deems necessary to aid in determining the amount to be deposited as security under s. 344.14. Failure of a person to comply with such request is grounds for suspending such person's operating privilege but no suspension shall be made on such grounds until one follow-up request has been made and at least 20 days have elapsed since the mailing of the first request.

(3) The administrator within 90 days after receipt of a report of an accident of the type specified in s. 344.12 and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident, shall give at least 10 days' written notice to every such person of the amount of security required to be deposited by him. The notice also shall state that an order of suspension will be made as provided in s. 344.14, unless within such time security is deposited as required by the notice. The order of suspension may be made a part of the notice, with a provision that it will take effect on the date specified in this subsection unless security is deposited prior to that date.

History: 1971 c. 253.

344.14 Suspension for failure to deposit security; exceptions. (1) If a person who was given notice pursuant to s. 344.13 (3) fails to deposit security in the amount and by the time specified in the notice, the administrator shall forthwith suspend his operating privilege if he was the operator of a motor vehicle involved in the accident and all his registrations if he was the owner of a motor vehicle involved in the accident unless he furnishes proof satisfactory to the administrator that he comes within one of the exceptions set forth in sub. (2). If the owner and operator are separate persons, only one of them need deposit security or the 2 persons may cooperate in depositing security. Upon request of the owner or operator in question, the administrator may postpone the effective date of a suspension under this section not to exceed 20 days.

(2) The requirements as to security and suspension stated in sub. (1) do not apply:

(a) To the owner of a motor vehicle involved in an accident if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to such motor vehicle, which policy or bond complies with the requirements of s. 344.15.

(b) To the operator who is not the owner of the vehicle involved in the accident if either the owner had in effect an automobile liability policy or bond applying to the operator's operation of the motor vehicle at the time of the accident or there was in effect at the time of the accident an automobile liability policy or bond with respect to the operator's operation of motor vehicles not owned by him, which policy or bond meets the requirements of s. 344.15.

(c) To the operator or owner whose liability for damages resulting from the accident is, in the judgment of the administrator, covered by any other form of liability insurance policy or bond meeting the requirements of s. 344.15.

(d) To any person qualifying as a self-insurer under s. 344.16 or to any person operating a vehicle for such self-insurer.

(e) To the operator or owner of a vehicle involved in an accident wherein no injury was caused to the person of anyone other than such operator or owner and wherein damage to property of any one person other than such operator or owner did not exceed \$200.

(f) To the operator or owner of a vehicle legally parked at the time of the accident, provided that the operators of the other vehicles involved admit that such vehicle was legally parked or other proof establishing such fact to the administrator's satisfaction is filed.

(g) To the owner of a 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 vehicle without such permission.

(h) To any person who would otherwise have to deposit security if, prior to the date the administrator would otherwise suspend such person's operating privilege and registrations under sub. (1), there is filed with the administrator evidence satisfactory to the administrator that such person has been released from liability or has been finally adjudicated not to be liable 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 damage resulting from the accident. The administrator may accept a release from liability executed by a parent as natural guardian on behalf of a minor child with respect to property damage or personal injuries sustained by such minor, provided that the total damages, including the cost of medical care, does not exceed \$1,500 and that, in case of personal

injury, the doctor's certificate of injury filed with the division certifies that such minor received no permanent injury.

(i) To the owner of a vehicle insured as required by s. 121.53, 194.41 or 194.42 or to the operator of such vehicle if operating with the owner's permission at the time of the accident.

(j) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any county or municipality of this state, or to the operator of such vehicle if operating such vehicle with permission.

(k) To the operator or the owner of a vehicle involved in an accident when it appears to the satisfaction of the administrator that there does not exist a reasonable possibility of a judgment in the amount claimed or in a lesser amount being rendered against such operator or owner as a result of the accident.

(3) A suspension for failing to deposit security under sub. (1) shall suspend only the operator's license and operating privileges thereunder and shall not suspend a person's chauffeur's license or his operating privilege thereunder when operating a vehicle subject to the requirements of s. 194.41 or 194.42 or a vehicle owned by or leased to the United States, this state or any county or municipality of this state.

History: 1971 c. 78; 1971 c. 164 s. 83; 1971 c. 253; 1975 c. 55, 199, 297.

344.15 Requirements as to policy or bond.

(1) No policy or bond is effective under s. 344.14 unless issued by an insurance company or surety company authorized to do business in this state, except as otherwise provided in sub. (2), nor unless 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 \$15,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, to a limit of not less than \$30,000 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 \$5,000 because of injury to or destruction of property of others in any one accident.

(2) A policy or bond with respect to a vehicle which was not registered in this state or was registered elsewhere at the time of the effective date of the policy or bond or the most recent renewal thereof may be effective under s. 344.14 even though not issued by an insurance company or surety company authorized to do business in this state if the following conditions are complied with:

(a) The policy or bond either meets the liability limits specified in sub. (1) or meets the liability limits of the equivalent law of the state in which issued and such limits are, in the judgment of the administrator, adequate to cover any damage or injury involved in the accident in question.

(b) The company which issued the policy or bond executes a power of attorney authorizing the administrator to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) Where service of process is made on the administrator under a power of attorney filed in accordance with sub. (2), the administrator shall forthwith mail by registered mail a copy of the process papers to the company at the address given in the filed power of attorney. In all cases of such service, there shall be served the original, one copy for the administrator's record of service and such additional number of copies as there are defendants so served in the action. The original shall be returned with proper certificate of service attached for filing in court as proof of service of the copies by having mailed them by registered mail to the defendants named therein. The service fee shall be \$2 for each defendant so served.

(4) After receipt of the report of an accident of the type specified in s. 344.12, the administrator shall forward to the insurance company or surety company named therein, that portion of the report which pertains to an automobile liability policy or bond. The administrator shall assume that an automobile liability policy or bond as described in this section was in effect and applied to both the owner and operator with respect to the accident unless the insurance company or surety company notifies the administrator otherwise within 30 days from the mailing to the company of that portion of the report pertaining to the automobile liability policy or bond. Upon receipt of notice from the company that an automobile liability policy or bond was in effect as to the owner only, the operator only or was not in effect as to either of them, the administrator shall within the remainder of the 90-day period specified in s. 344.13 (3) require the owner or operator or both, whichever is applicable, to deposit security pursuant to this chapter. As respects permission to operate the vehicle, the company may correct the report only if it files with the administrator within the 30-day period specified in this subsection an affidavit signed by the owner stating that the operator did not have the owner's permission to operate the vehicle. Where the company's failure to notify the administrator within 30 days of a correction in that portion of the report pertaining to an automobile liability

policy or bond is caused by fraud, the company shall notify the administrator of the correction within 30 days of the time the fraud is discovered.

(5) Nothing in this chapter shall be construed to impose any obligation not otherwise assumed by the insurance company or surety company in its automobile liability policy or bond except that if no correction is made in the report within 30 days after it is mailed to the insurance company or surety company, the company, except in case of fraud, whenever such fraud may occur, is estopped from using as a defense to its liability the insured's failure to give permission to the operator or a violation of the purposes of use specified in the automobile liability policy or bond or the use of the vehicle beyond agreed geographical limits.

History: 1975 c. 55

This section does not bar an insurer from denying coverage because of an exclusion for fellow employees even though the form SR-21 was not corrected. *Holmgren v. Strebis*, 54 W (2d) 590, 196NW (2d) 655.

Coverage of automobile liability insurance is not mandatory in Wisconsin and a liability policy issued in Oregon with limits of \$10,000 per person is not in conflict with this statute. *Schanche v. Estate of Alvarez*, 368 F Supp. 543.

344.16 Requirements as to self-insurers.

(1) 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 administrator as provided in sub. (2).

(2) The administrator 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 a ability to pay judgments obtained against such person.

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

344.17 Requirements as to form and amount of security.

(1) The security required under s. 344.14 shall be in such form and in such amount as the administrator may require but in no case in excess of the limits specified in s. 344.15 (1) with reference to the acceptable limits of a policy or bond. 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 administrator, the person depositing it may, in writing, amend the specification of the persons on whose behalf the deposit is made to include an additional person or persons, subject to the limitation that a single deposit of security shall

be applicable only on behalf of persons required to furnish security because of the same accident.

(2) The administrator may reduce the amount of security ordered in any case if, in his judgment, from evidence submitted, the amount ordered is excessive or has become excessive by filed release on part of the liability or by adjudication reducing the extent of the liability. In case the security originally ordered had been deposited at the time the reduced amount is ordered, the excess over the reduced amount shall be returned to the depositor or his personal representative forthwith, notwithstanding s. 344.20.

(3) In all cases where the administrator accepts security in the form of a lien on real estate, the party owning such real estate shall prepare the proper instrument to effect such lien, payable to the state and all persons entitled thereto under this chapter, and shall record such instrument in the office of the register of deeds in the county where the real estate is situated. The administrator may require the party to furnish the administrator an abstract of merchantable title showing the lien to be a first lien on the premises. A certified copy of the recorded instrument and abstract, when required, shall be deposited with the administrator. In all cases where a judgment has been entered against a person involved in a motor vehicle accident and such judgment remains unsatisfied 60 days after it has become final, the judgment creditor may for his or her own use and benefit and at the judgment creditor's sole expense bring an action to foreclose such lien in the name of the state for his or her use and benefit under this section. The costs of such foreclosure may be estimated by the administrator and added to the amount required to be posted. In the foreclosure of such lien, ch. 846 on foreclosure of real estate mortgages shall apply as far as possible.

(4) In all cases where the administrator accepts security in the form of lien on personal property, the party owning such personal property shall prepare the proper instrument to effect such lien payable to the state and all persons entitled thereto under this chapter and shall file such instrument as provided in s. 409.401. He or she shall furnish the administrator a certified copy of the filed instrument and, if required by the administrator, a chattel abstract from the filing officer showing the lien to be a first lien on such property. In all cases where a judgment has been entered against a person involved in a motor vehicle accident and it remains unsatisfied 60 days after it has become final, the judgment creditor may, for his or her own use and benefit and at the judgment creditor's sole expense, bring an action to foreclose such lien in the name of the state for his

or her use and benefit under this chapter. The costs of such foreclosure shall be estimated by the administrator and added to the amount required to be posted. In foreclosure of such liens ss. 409.501 to 409.507 shall apply as far as possible.

(5) In all cases where the administrator has accepted security in the form of a lien on real estate or personal property the administrator shall satisfy such lien of record and return the security upon the party's compliance with this chapter. The administrator shall execute a satisfaction in legal form in the name of the state. The administrator shall note on the satisfaction that the administrator has issued such order, and such notation shall be prima facie evidence of such issuance. The administrator shall record or file such satisfaction with the proper register of deeds.

History: 1973 c. 189 s. 20; Sup. Ct. Order, 67 W (2d) 776; 1975 c. 218, 270, 421, 422.

344.18 Duration of suspension for failure to deposit security. (1) Any operating privilege or registration suspended as provided in s. 344.14 shall remain suspended and shall not be renewed or reinstated until one of the following requirements has been met:

(a) The person whose operating privilege or registration was suspended deposits the security required under s. 344.14.

(b) There is filed with the administrator evidence satisfactory to him that the person whose operating privilege or registration was suspended has been released from liability or has been finally adjudicated not to be liable. The administrator may accept a release executed by a parent on behalf of a minor child only if the release satisfies the requirements specified in s. 344.14 (2) (h).

(c) There is filed with the administrator evidence satisfactory to the administrator that the person whose operating privilege or registration was suspended has executed a duly acknowledged written agreement in accordance with s. 344.14 (2) (h) and subject to sub. (3) of this section.

(d) Thirteen months have elapsed since the date of the accident and, during such period, no notice has been filed with the administrator by any claimant that an action was commenced by a party in interest within the one-year period following the date of the accident or by service of counterclaim or cross-complaint within the 20-day answer period. If the action was commenced in a court of record, the notice required by this paragraph shall include a certified copy of the summons and complaint or counterclaim or cross-complaint and proof of service filed therein. In all cases of service under s. 345.09

(nonresident service), an additional notice and service must be made under ch. 344 to avail oneself of the provisions of said chapter.

(2) If there is any default in the payment of any instalment under any confession of judgment, the administrator, upon notice of such default given within the terms of the instalment agreement or in no event later than 30 days after the time for the final instalment, shall forthwith suspend the operating privilege and registrations of the defaulting person, which suspension shall remain in effect until the entire amount provided for in the confession of judgment has been paid.

(3) If there is any default in the payment of any instalment under a duly acknowledged written agreement, the administrator, upon notice of such default given in no event later than 30 days after the time for final instalment, shall forthwith suspend the operating privilege and registrations of the defaulting person, which suspension shall remain in effect until one of the following requirements has been met:

(a) Such person deposits the security required under s. 344.14.

(b) Thirteen months have elapsed since the date when the security was required and, during such period, no notice has been filed with the administrator by any claimant that an action was commenced by a party in interest within the one-year period following the date when such security was required or by service of counterclaim or cross-complaint within the 20-day answer period. The notice required by this paragraph shall comply with sub. (1) (d).

(4) The administrator shall not suspend, as required by sub. (2) or (3), if the defaulting person has made payments to the extent specified in s. 344.15 (1) with reference to the acceptable limits of a policy or bond.

History: Sup. Ct. Order, 67 W (2d) 766; 1975 c. 55, 199.

344.19 Applicability to nonresidents, unlicensed drivers, unregistered motor vehicles and accidents in other states. (1) If the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, whether because he is a nonresident or because he is a resident who has failed or neglected to obtain a license or registration in this state, he shall not be allowed a license or registration until he has complied with the requirements of this chapter to the same extent as would be necessary if, at the time of the accident, he had held a license and registration in this state.

(2) If the operating privilege or registration of a nonresident is suspended pursuant to s. 344.14, the administrator shall transmit a certified copy of the record of such action to the administrator of the division of motor vehicles or

equivalent official of the state in which that person resides if the law of the state in which that person resides provides for similar action by the administrator or equivalent official of that state in the event that a resident of this state has his nonresident's operating privilege or registration in that state suspended or revoked for failure to comply with the safety responsibility law of that state.

(3) Upon receipt of such certification from another state to the effect that the operating privilege or registration of a resident of this state has been suspended or revoked in such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for payment of judgments arising out of a motor vehicle accident, under circumstances which would require the administrator to suspend a nonresident's operating privilege or registration had the accident occurred in this state, the administrator shall suspend the license of such resident if he was the operator and all of his registrations if he was the owner of a motor vehicle involved in such accident. The division may accept a certification which is in the form of a combined notice of required security and suspension or revocation order, but shall not suspend a resident's operating privilege or registration on the basis of such order until at least 30 days have elapsed since the time for depositing security in the other state expired. A suspension under this section shall continue until such resident furnishes evidence of his compliance with the law of the other state relating to the deposit of security.

344.20 Custody, disposition and return of security. (1) Security shall be deposited with the administrator in compliance with this chapter.

(2) The administrator shall apply the security only to the payment of judgments and assignments and only as provided in this subsection:

(a) The security may be applied to the payment of judgments for damages arising out of the accident in question rendered against either operator or owner for the damages resulting from such accident in an action at law begun not later than one year after the date of the accident or not later than one year after the date of deposit of any security under s. 344.18 (3). Any party to such action in favor of whom a judgment was rendered may move to have the court order the administrator to transmit to the court for application to the payment of the judgment the money or securities available for such purpose, and the court may so order. The administrator shall transmit to the clerk of the court the money or securities in the amount authorized by par.

(c) or in the amount specified in the court order if less than the amount so authorized. Securities transmitted shall be valued at the same amount as when received by the division. Any excess shall be returned by the court to the administrator to be held by the administrator subject to the provisions of this chapter.

(b) Subject to the restrictions imposed by par. (c), the security may be applied to the payment of a duly acknowledged assignment by the person who made the deposit, provided the assignment is accompanied by releases signed by all parties in interest and releasing the assignor from all liability to such parties on account of damages arising out of the accident in question.

(c) No amount in excess of the portion designated by the administrator as having been deposited on account of damages suffered by the assignee or judgment creditor or person representing either of them shall be paid out on behalf of such person unless the depositor has been released from liability by all other parties in interest. In the latter event, the deposit may be applied to the payment of the judgment or assignment in question without regard to the designations.

(3) The deposit of security or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the administrator has been filed with him that one of the contingencies specified in s. 344.18 (1) (b), (c) or (d) or (3) (b) has occurred.

History: 1973 c. 12; 1975 c. 270, 421.

344.21 Matters not to be evidence in civil suits. Neither the report required following an accident, the action taken by the administrator pursuant to this chapter, the findings, if any, upon which such action is based nor the security filed as provided in this chapter shall be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages, but this shall not be construed to exclude a notice of insurance filed pursuant to s. 344.15 (4) from being admissible in evidence where it would otherwise be material and admissible under the rules of evidence.

344.22 Short title. Sections 344.12 to 344.22 and the general provisions applicable thereto may be cited as the safety responsibility law.

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE.

344.24 Applicability of sections relating to proof of financial responsibility for the future. Sections 344.29 to 344.41 are applicable

in all cases in which a person is required to deposit proof of financial responsibility for the future, including those cases in which a person is required to deposit proof of financial responsibility for the future under ss. 344.25 to 344.27 and those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to reinstatement of an operating privilege revoked pursuant to ch. 343.

344.25 Revocation of license and registration for nonpayment of judgment; exceptions. Upon the receipt, pursuant to s. 344.05, of a certified copy of a judgment for damages in excess of \$100 arising out of a motor vehicle accident, the administrator shall forthwith revoke the operating privilege and all registrations of the person against whom such judgment was rendered, subject to the following exceptions:

(1) If the judgment arose out of an accident caused by the ownership or operation, with permission, of a vehicle owned by or leased to the United States, this state or any county or municipality of this state or a vehicle subject to the requirements of s. 121.53, 194.41 or 194.42, the administrator shall not revoke such license or registration.

(2) If the judgment creditor consents in writing in such form as the administrator may prescribe that the judgment debtor be allowed to retain or reinstate his operating privilege and registrations, the same may be allowed by the administrator, 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 as prescribed in s. 344.27, provided the judgment debtor furnishes proof of financial responsibility for the future and maintains such proof at all times when such license and registrations are in effect during a period of 3 years following the entry of the judgment.

(3) The administrator shall not revoke such license or registrations if the judgment debtor obtains a court order for instalment payments and furnishes proof of financial responsibility as provided in s. 344.27.

(4) The administrator shall not revoke the chauffeur's license of a debtor, his operating privilege thereunder or his registration with respect thereto when the debtor is operating a vehicle subject to the requirements of s. 194.41 or 194.42 or a vehicle owned by or leased to the United States, this state or any county or municipality of this state.

(5) When the administrator receives certification of the entry of a damage judgment in accordance with s. 344.05 against a resident of

this state which has been entered by a court in another jurisdiction, he shall give notice to such person that he has received such certification of judgment. If satisfaction of such judgment is not made and copy of such satisfaction filed with the administrator within 30 days from the date such notice was given, the administrator shall revoke the license and registrations of such judgment debtor.

344.26 Revocation to continue until judgment paid and proof of financial responsibility given. (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any operating privilege or registration revoked pursuant to s. 344.25 shall remain revoked until every judgment mentioned in s. 344.25 is stayed, satisfied or discharged and, unless 3 years have elapsed since the date of entry of the judgment which was the cause for revocation, until the person whose operating privilege and registration was revoked furnishes proof of financial responsibility for the future and maintains such proof at all times during such 3-year period when the operating privilege or registration is in effect.

(3) Judgments in excess of the amounts specified in s. 344.01 (2) (d) shall, for the purpose of this section only, be deemed satisfied when payments in the amounts so specified have been credited thereon. 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.

History: 1975 c. 297

344.27 Instalment payment of judgments; revocation upon default. (1) 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.

(2) The administrator shall not revoke the operating privilege or registration and shall restore any operating privilege or registration revoked following nonpayment of a judgment when the judgment debtor obtains such order permitting the payment of the judgment in instalments and, unless 3 years have elapsed since the entry of judgment, furnishes and maintains proof of financial responsibility for the future.

(3) If the judgment debtor fails to pay any instalment as specified by such order, the administrator, upon notice of such default, shall forthwith revoke the operating privilege and

registrations of the judgment debtor until such judgment is satisfied as provided in s. 344.26.

344.29 Proof of financial responsibility for the future required. Proof of financial responsibility for the future shall be furnished by any person required to give such proof under ss. 344.25 to 344.27 and in those cases in which the deposit of proof of financial responsibility for the future is a condition precedent to reinstatement of an operating privilege revoked under ch. 343.

History: 1973 c. 90.

344.30 Methods of giving proof of financial responsibility. Whenever a person is required under ch. 343 or 344 to give proof of financial responsibility for the future, such proof may be given by filing:

(1) A certificate of insurance as provided in s. 344.31 or 344.32; or

(2) A bond as provided in s. 344.36; or

(3) A certificate of deposit of money or securities as provided in s. 344.37; or

(4) A certificate of self-insurance as provided in s. 344.16, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obligated to pay under a motor vehicle liability policy if it had issued such a policy to such self-insurer.

History: 1973 c. 90.

344.31 Certificate of insurance as proof. Proof of financial responsibility for the future may be furnished by filing with the administrator 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 certify coverage for any motor vehicle operated by the named insured.

History: 1973 c. 90.

344.32 Certificate furnished by nonresidents as proof. (1) A nonresident may give proof of financial responsibility by filing with the administrator a written certificate of an insurance carrier authorized to transact business in the state in which he resides, provided such certificate otherwise conforms to this chapter. The administrator shall accept the certificate only upon condition that such insurance carrier complies with the following provisions with respect to the policies so certified:

(a) Such insurance carrier shall execute a power of attorney authorizing the administrator to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state.

(b) Such 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.

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

History: 1971 c. 164 s. 82; 1973 c. 90.

344.33 "Motor vehicle liability policy" defined. (1) CERTIFICATION. As used in this chapter, a "motor vehicle liability policy" means a motor vehicle policy of liability insurance, certified as provided in s. 344.31 or 344.32 as proof of financial responsibility for the future, and issued, except as otherwise provided in s. 344.32, by an insurance carrier duly authorized to transact business in this state to or for the benefit of the person named therein as insured.

(2) MOTOR VEHICLE LIABILITY POLICY. A motor vehicle policy of liability insurance shall insure the person named therein using any motor vehicle with the express or implied permission of the owner, against loss from the liability imposed by law for damages arising out of the maintenance or use of such motor vehicle within the United States of America or the Dominion of Canada, subject to the limits exclusive of interest and costs, with respect to each such motor vehicle as follows: \$15,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$30,000 because of bodily injury to or death of 2 or more persons in any one accident, and \$5,000 because of injury to or destruction of property of others in any one accident.

(3) REQUIRED STATEMENTS IN POLICY. 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 chapter with respect to bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(4) **CERTAIN TYPES OF COVERAGE EXCLUDED.** Such motor vehicle liability policy shall not insure any liability under any worker's compensation law as provided in ch. 102 nor any liability on account of bodily injury to or death of any 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 or any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(5) **PROVISIONS INCORPORATED IN POLICY BY LAW.** Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) 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 such motor vehicle liability policy.

(b) 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.

(c) 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 sub. (2).

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitutes the entire contract between the parties.

(6) **EXCESS OR ADDITIONAL COVERAGE.** 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 is not subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" applies only to that part of the coverage which is required by this section.

(7) **REIMBURSEMENT PROVISION PERMITTED.** 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.

(8) **PRORATING OF INSURANCE PERMITTED.** Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(9) **MULTIPLE POLICIES.** 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.

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

History: 1973 c. 90, 243; 1975 c. 147 s. 54.

344.34 Notice of cancellation or termination of certified policy.

When an insurance carrier has certified a motor vehicle liability policy under s. 344.31 or a policy under s. 344.32, 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 has been filed in the office of the administrator. No insurance so certified may be canceled or terminated by the insurer prior to the expiration of 90 days from the effective date of the certificate on the grounds of failure to pay a premium when due. Such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified. Any certification or recertification filed by the same insurer following cancellation shall be accompanied by a fee of \$3 payable by the insurance carrier.

History: 1973 c. 90.

344.35 This chapter not to affect other policies.

(1) This chapter does not apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state. If such policies contain an agreement or are endorsed to conform to the requirements of this chapter, they may be certified as proof of financial responsibility under this chapter.

(2) This chapter does not 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.

344.36 Bond as proof.

(1) 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 and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of a court of record. Such bond shall be conditioned for the payment of the amounts specified in s. 344.01 (2) (d). The bond shall be filed with the administrator and shall not be cancelable except after 10 days' written notice to the administrator.

(2) The bond constitutes a lien in favor of the state upon any surety's real estate which is scheduled in the bond and which is not exempt by law from execution. Such lien is effective as of the time when the administrator records the bond in the office of the register of deeds of the county wherein such real estate is located, as provided in s. 706.05 (1). Such lien exists in favor of any holder of a final judgment against the person who filed such bond, for damages resulting from the ownership, maintenance, use or operation of a motor vehicle after such bond was recorded, including damages for care and for loss of services because of bodily injury to or death of any person and damages because of injury to or destruction of property and the consequent loss of use thereof.

(3) If the judgment rendered against the principal on the bond is not satisfied within 60 days after it has become final, the judgment creditor may, for his or her own use and benefit and at the judgment creditor's sole expense, bring an action in the name of the state against the company or persons executing the 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 such lien, ch. 846 on the foreclosure of real estate mortgages shall apply as far as possible.

History: 1973 c. 189 s. 20; Sup. Ct. Order, 67 W (2d) 776; 1975 c. 218.

344.37 Money or securities as proof. (1) Proof of financial responsibility for the future may be evidenced by a deposit with the administrator by the person of \$35,000 in cash, or in securities such as may legally be purchased by savings banks or for trust funds of a market value of \$35,000. The administrator shall not accept any such deposit unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(2) Deposits made under this section shall be held by the administrator to satisfy, in accordance with this chapter, any execution on a judgment issued against the person making the deposit, for damages resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made, including damages for care and for loss of services because of bodily injury to or death of any person and damages because of injury to or destruction of property and the consequent loss of use thereof. Money or securities so deposited are not subject to attachment or execution unless such attachment or execution arises out of a suit for damages as set forth in this section.

History: 1971 c. 164 s. 82; 1975 c. 270.

344.38 Owner and leasing company may give proof for others. Whenever any person required to give proof of financial responsibility for the future under this chapter 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 administrator shall accept proof given by such owner in lieu of proof by such other person. If the vehicle is leased to the employer, then the leasing company may file proof of financial responsibility on behalf of the person required to furnish such proof. When proof has been given as provided in this section, the person on whose behalf such proof was furnished may be granted a license, but only to operate those vehicles for which proof was so given. The division shall note such restriction on the person's license, including a designation of each vehicle for which proof was given.

344.39 Substitution of proof. The administrator shall consent to the cancellation of any bond or certificate of insurance or 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 chapter.

History: 1975 c. 270.

344.40 Suspension for failure to maintain proof; other proof may be required. (1) Whenever any person who has furnished proof of financial responsibility fails to maintain such proof at any time during the period when proof of financial responsibility is required, the administrator shall revoke such person's operating privilege for a period of time running from the date of revocation until such time as either satisfactory proof of financial responsibility is again furnished or the period during which proof was required to be furnished has expired.

(2) Whenever any proof of financial responsibility filed under this chapter no longer fulfills the purposes for which required, the administrator shall require other proof meeting the requirements of this chapter and shall suspend the operating privilege pending the filing of such other proof.

History: 1973 c. 90.

344.41 Duration of proof; when proof may be canceled or returned. (1) Subject to the exceptions set forth in sub. (2), the administrator shall, upon request, consent to the immediate cancellation of any bond or certificate of insurance, return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility and shall waive any requirement of the filing of

344.41 FINANCIAL RESPONSIBILITY

3492

proof of financial responsibility whenever any of the following events has occurred:

(a) The period during which proof of financial responsibility is required has expired; or

(b) The person on whose behalf such proof was filed has died or has become permanently incapacitated to operate a motor vehicle; or

(c) The person who has given proof surrenders his license to the administrator.

(2) The administrator shall not consent to the cancellation of any bond or the return of any money or securities if 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 if the person who filed the bond or deposited the money or securities has, within one year immediately preceding the request for cancellation of the bond or return of the money or securities, 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 damages is sufficient evidence thereof in the absence of evidence to the contrary in the records of the administrator.

(3) Whenever any person whose proof has been canceled or returned under sub. (1) (c) desires reinstatement of his license prior to the expiration of the period during which proof of financial responsibility is required, he shall again furnish proof of financial responsibility. Thereupon his license is automatically reinstated as provided in s. 343.39.

History: 1973 c. 90; 1975 c. 270.

PENALTIES FOR VIOLATIONS OF CHAPTER.

344.45 Surrender of license, and registration upon suspension. (1) Whenever a person's operating privilege or registration is revoked or suspended pursuant to this chapter, the administrator shall also order such person to surrender to the division his license and the registration plates and certificates of registration of the vehicles for which registration was revoked or suspended. If such person fails forthwith to return such license, registration plates or certificates of registration to the division, the administrator shall direct a traffic officer to take possession thereof and return them to the division.

(2) Any person who intentionally fails or refuses to return a license, registration plate or certificate of registration as required by this

section may be required to forfeit not more than \$100.

History: 1971 c. 278.

344.46 Transfer of vehicle ownership to defeat purpose of chapter. (1) No owner of a motor vehicle involved in an accident in this state which is reportable under s. 346.70 shall transfer the ownership or registration of any vehicle whose registration is subject to suspension under s. 344.14 until this chapter has been complied with or until the administrator is satisfied that such transfer is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

(2) Any person violating this section may be required to forfeit not more than \$200.

(3) This section does not apply to or affect the registration of any 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 vehicle from a person whose registration has been suspended pursuant to this chapter.

History: 1971 c. 278.

344.47 Operating vehicle after suspension or revocation. (1) No person whose registration has been revoked or suspended pursuant to this chapter shall, during such revocation or suspension, operate or knowingly permit the operation of any motor vehicle owned by him, except as permitted under this chapter.

(2) Any person violating this section may be required to forfeit not less than \$50 nor more than \$200.

History: 1971 c. 278.

344.48 Forged proof. (1) No person shall:

(a) Forge or, without authority, sign any notice provided for in s. 344.15 (4) to the effect that a policy or bond is in effect or, knowing or having reason to believe that such notice has been forged or signed without authority, file or offer such notice for filing; or

(b) Forge or, without authority, sign any evidence of proof of financial responsibility or, knowing or having reason to believe that such evidence has been forged or signed without authority, file or offer such evidence for filing.

(c) Sign or file the affidavit mentioned in s. 344.15 (4), knowing that it contains a false statement.

(2) Any person violating this section may be fined not more than \$1,000 or imprisoned not more than one year or both.

FINANCIAL RESPONSIBILITY FOR RENTED VEHICLES.

344.51 Financial responsibility for domestic rented vehicles. (1) No person shall for compensation rent any motor vehicle to be operated by or with the consent of the person renting such vehicle unless there is filed with the division a good and sufficient bond or policy of insurance or certificate issued by a company or exchange organized under the laws of this state or duly authorized to transact business in this state. Such bond, policy, or certificate shall provide that the company or exchange which issued it will be liable for damages caused by the negligent operation of such motor vehicle in the amounts set forth in s. 344.01 (2) (d).

(2) Any person failing to comply with this section is directly liable for all damages caused by the negligence of the person operating such rented vehicle to the extent that such liability could have been established if this section had been complied with.

(3) Any person violating this section may be required to forfeit not more than \$200.

(4) In this section, "motor vehicle" means a self-propelled vehicle.

History: 1971 c. 278.

344.52 Financial responsibility for foreign rented vehicles. (1) Whenever any motor vehicle rented for compensation outside this state is operated in this state, the lessor of such motor vehicle is directly liable for all damages to persons or property caused by the negligent operation of such rented vehicle unless, at the time when such damage or injury occurs, the operation of the vehicle is effectively covered by a policy of insurance which provides coverage at

least in the amounts specified in s. 344.01 (2) (d) for property damage, personal injury or death suffered by any person on account of the negligent operation of such vehicle. The amount of liability imposed upon the lessor by this section in the absence of insurance coverage shall not exceed the limits set forth in s. 344.01 (2) (d) with respect to the acceptable limits of liability when furnishing proof of financial responsibility. The fact that the rented vehicle is operated in this state contrary to any understanding or agreement with the lessor is not a defense to any liability imposed by this section.

(2) If a motor vehicle rented for compensation outside this state is operated in this state, the lessor of such vehicle is deemed to have irrevocably appointed the administrator as his agent or attorney upon whom legal process may be served in any action or proceeding against such lessor or his executor, administrator, personal representative, successors or assigns, growing out of the operation of such rented motor vehicle in this state. Such appointment is binding upon the lessor's executor, administrator, personal representative, successors or assigns. The operation of such rented motor vehicle in this state is a signification of the lessor's agreement that such legal process or notice may be served upon him or his executor, administrator, personal representative, successors or assigns and that process or notice so served has the same legal force as if personally served upon him or them in this state. Service of such process or notice shall be made as provided in s. 345.09. This section does not affect the right to serve process or notice on the nonresident operator of the rented motor vehicle as provided in s. 345.09.

(3) In this section, "motor vehicle" means a self-propelled vehicle.