



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2818/1  
EVM:klm&jld

## 2015 BILL

1     **AN ACT** *to repeal* 343.44 (4) and 343.44 (5); *to amend* 343.05 (6); and *to create*  
2             341.08 (1g), 341.10 (2) (bm) and 343.05 (5m) of the statutes; **relating to:**  
3             requirements for registering motor vehicles and impounding vehicles used in  
4             certain offenses related to operating a vehicle without an operator's license or  
5             after suspension or revocation of an operating privilege.

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***Analysis by the Legislative Reference Bureau***

This bill provides for impoundment of motor vehicles used in certain crimes and requires a valid operator's license to register a motor vehicle.

Under current law, an application to register a vehicle must be made on forms prescribed by the Department of Transportation (DOT) and must be accompanied by the required fee. Under this bill, DOT must require an individual making such an application to provide a valid operator's license and must refuse registration if a valid operator's license is not provided.

Current law prohibits a person from operating a motor vehicle on a highway during any period in which the person's motor vehicle operating privilege is suspended (operating while suspended or OWS) or revoked (operating after revocation or OAR) or, with limited exceptions, if the person does not possess a valid operator's license (operating without a license or OWL). Under this bill, in addition to the penalties available under current law, the vehicle used in an OWL, OWS, or OAR offense will, with an exception, be immediately impounded and may be impounded for an additional period determined by the court. A person may claim his

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or her vehicle after the impoundment period by paying any fine or forfeiture for the OWL, OWS, or OAR offense and any impoundment fees. Vehicles not claimed more than 30 days after the end of the impoundment period are subject to sale or other disposal. Also under this bill, no vehicle that has been impounded after having been used in an OWL, OWS, or OAR offense may be released unless the vehicle is registered with DOT or exempt from registration and the person to whom the vehicle is released provides a valid operator's license and proof of insurance.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 341.08 (1g) of the statutes is created to read:

2           341.08 (1g) The department shall require an individual making an application  
3 for original registration to provide a valid operator's license.

4           **SECTION 2.** 341.10 (2) (bm) of the statutes is created to read:

5           341.10 (2) (bm) A valid operator's license.

6           **SECTION 3.** 343.05 (5m) of the statutes is created to read:

7           343.05 (5m) IMPOUNDMENT. (a) 1. Except as provided in subd. 2., if a law  
8 enforcement officer arrests, or issues a citation to, a person for a violation of this  
9 section or s. 343.44, the officer shall do all of the following:

10           a. Immediately impound the vehicle used in the violation.

11           b. Make an inventory of any property contained in the vehicle.

12           c. Contact any rental or leasing agency registered as owner of the vehicle and  
13 any person registered as a holder of a security interest in the vehicle.

14           2. If the operating privilege of the person violating this section expired in the  
15 6 months before the violation and the person has not been previously charged for a  
16 violation of this section or s. 343.44, the citing or arresting law enforcement officer  
17 is not required to take any of the actions under subd. 1.

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1 (b) Subject to par. (f), a vehicle that has been impounded under par. (a) shall  
2 be released without payment of any fee related to the impoundment to any of the  
3 following:

4 1. The owner of the vehicle, if the person operating the vehicle during a  
5 violation of this section or s. 343.44 is not also an owner of the vehicle.

6 2. A motor vehicle rental or leasing company that owns the vehicle.

7 3. A person who is found not guilty of the violation of this section or s. 343.44  
8 upon which the impoundment is based.

9 (c) In addition to other penalties for violation of this section or s. 343.44, the  
10 court may order that any vehicle used in a violation of this section be impounded.  
11 An order for impoundment shall specify all of the following:

12 1. The motor vehicle subject to the order.

13 2. The period of impoundment.

14 3. The law enforcement agency responsible for carrying out the impoundment.

15 (d) Subject to pars. (e) and (f), after the period of impoundment has expired, the  
16 owner of the motor vehicle may claim the motor vehicle by paying any forfeiture or  
17 fine ordered for a violation of this section or s. 343.44 and any fee imposed under this  
18 paragraph. The fee shall include all costs reasonably incurred in impounding the  
19 vehicle.

20 (e) 1. If more than 30 days have expired since the period of impoundment has  
21 ended and no payment has been received, a notice shall be sent to the owners of the  
22 vehicle and holders of a security interest in the vehicle stating that the motor vehicle  
23 may be reclaimed upon payment of accrued charges and compliance with par. (f). The  
24 notice shall set forth the year, make, model, and serial number of the motor vehicle  
25 and the place where the motor vehicle is being held. The notice shall state that the

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1 failure of the owner or lienholders to exercise their rights to reclaim the motor vehicle  
2 under this section shall be considered a waiver of all right, title, and interest in the  
3 motor vehicle and a consent to the sale of the motor vehicle.

4 2. Any impounded motor vehicle not reclaimed by its owner or lienholder may  
5 be sold. The law enforcement agency impounding the motor vehicle may dispose of  
6 the vehicle by sealed bid or auction sale. At the sale, the highest bid for the motor  
7 vehicle shall be accepted unless the bid is considered inadequate by the law  
8 enforcement agency, in which event all bids may be rejected. If all bids are rejected  
9 or no bid is received, the law enforcement agency may readvertise the sale, adjourn  
10 the sale to another date, sell the motor vehicle at a private sale, or junk the motor  
11 vehicle.

12 (f) No vehicle that has been impounded under par. (a) may be released unless  
13 all of the following apply:

14 1. The motor vehicle is registered under ch. 341 or exempt from registration  
15 under s. 341.05.

16 2. The person to whom the vehicle is released provides a valid motor vehicle  
17 operator's license.

18 3. The person to whom the vehicle is released provides proof that the person  
19 has in effect a motor vehicle liability policy, as defined under s. 344.61 (2), with  
20 respect to the vehicle or proof that an exception under s. 344.63 (1) applies with  
21 respect to the vehicle.

22 **SECTION 4.** 343.05 (6) of the statutes is amended to read:

23 343.05 (6) OTHER OFFENSES; PENALTIES. ~~Section~~ Except as provided in sub. (5m),  
24 s. 343.44 and the penalties thereunder shall apply in lieu of this section to any person

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1 operating a motor vehicle upon a highway in this state with an operator's license  
2 which is revoked or suspended.

3 **SECTION 5.** 343.44 (4) of the statutes is repealed.

4 **SECTION 6.** 343.44 (5) of the statutes is repealed.

5 **SECTION 7. Initial applicability.**

6 (1) The treatment of sections 341.08 (1g) and 341.10 (2) (bm) of the statutes first  
7 applies to applications for original registration made on the effective date of this  
8 subsection.

9 (2) The treatment of sections 343.05 (5m) and (6) and 343.44 (4) and (5) of the  
10 statutes first applies to violations committed on the effective date of this subsection.

11 (END)