

To: Members of the Wisconsin State Legislature

From: Rep. Sanfelippo, Sen. Craig

Date: Monday, November 25, 2019

Re: Co-sponsorship of LRB-4175, The Driver Responsibility Bill.

Deadline: **Wednesday, December 4, 2019 at Noon**

Wisconsin has a growing problem of individuals operating motor vehicles illegally by driving without a license and without mandatory liability insurance coverage in place. Over a 5-year span, police cited [Melvin Gates of Madison](#) over 30 times for driving without a valid license. Worse yet, [Jathiel Ruffins of Cottage Grove](#) received over 40 citations for operating a vehicle after having his driver license revoked. [Baraboo resident Jacob Schonenberger's](#) 36 citations for driving without a license earned him a story on the local news in early 2018, yet despite the attention to his repeated offenses, he has since been able to get that number to well over 40 citations. With only a small fine as a penalty and no mandatory court appearance to enforce it, these drivers can—and do—brazenly ignore the repeated citations and continue to drive without a valid license.

While seemingly innocuous in nature, these offenders can often pose a real threat on the roads. In May 2018, [Ladell Harrison of Milwaukee](#) was released on a \$500 signature bond after his third offense for driving without a valid license or insurance; a few days later, he led the Milwaukee Police Department on a dangerous high-speed chase that ended with the death of one MPD officer and another seriously injured. Just this past February, Terron Clayborn struck and killed a Milwaukee Department of Public Works employee working in the road before fleeing the scene. Despite never having actually possessed a valid driver license, Mr. Clayborn had [previously been cited a staggering 31 times for driving without a license](#), yet it took his killing a public employee in a hit-and-run collision before he faced any real consequences for his actions.

These individuals who drive without licenses represent a real danger to the public as [they are nearly three times as likely to cause a fatal crash](#). Nationally, [19% of fatal car accidents involve at least one invalidly licensed driver](#). Individuals who have lost their license for good cause—or were never licensed in the first place—represent a particularly dangerous group of drivers that the government should make an effort to keep off the roads. However, Wisconsin law currently treats driving without a license, with a suspended license, or without car insurance as civil offenses, thereby tying the hands of law enforcement and sending a message to these scofflaws that they can continue to ignore the law without repercussions.

Beyond the direct risk of harm from these drivers, uninsured motorists also inflict financial harm on other drivers. Wisconsin has a high rate of uninsured drivers: an estimated 14.3% of Wisconsin motorists fail to carry the mandatory liability coverage, [15th-worst in the nation](#). This leads to [tens of millions of dollars in claims](#) against uninsured drivers, often without any realistic hope of recovery by the injured party. As a result, the costs of the medical care and property damage get passed on to insured consumers through higher premiums, with an estimated 10-15% of the cost

of an average motor vehicle insurance policy attributable to unrecouped losses incurred due to uninsured motorists.

LRB-4175 represents a serious overhaul of how Wisconsin addresses the problem of unlicensed and uninsured drivers by putting real force behind the law through significantly stronger penalties and enforcement. Crucially, the bill includes a mechanism to actually induce compliance from the scofflaws by requiring police to impound the vehicle of repeat offenders and not releasing it until the vehicle is properly registered and the individual claiming it is licensed and insured. This bill also requires the Wisconsin Department of Transportation to automatically suspend the license and registration of any individual convicted of driving without insurance unless that individual provides proof of financial responsibility and maintains it for three years.

With this legislation, we are replacing merely hoping for corrective action with real plan for keeping these dangerous drivers off of the road until they demonstrate a willingness to behave responsibly.

If you would like to co-sponsor LRB-4175, please reply to this email or contact Rep. Sanfelippo at 6-0620 or Sen. Craig at 6-5400 no later than **Wednesday, December 4, 2019 at Noon.**

Analysis by the Legislative Reference Bureau

This bill changes certain penalties and requirements related to operating a motor vehicle without sufficient liability insurance, provides for impoundment of motor vehicles used in certain crimes, expands the coverage of certain crimes related to operating a motor vehicle without a license, and requires a valid driver's license to register a motor vehicle.

Liability insurance requirement

Current law prohibits, with certain exceptions, a person from operating a motor vehicle on a highway unless the vehicle owner or operator has in effect a sufficient motor vehicle liability insurance policy with respect to the motor vehicle. Any person who violates this requirement may be required to forfeit not more than \$500. Current law also prohibits a person from operating a motor vehicle on a highway unless the person has in his or her immediate possession proof that he or she is in compliance with the insurance requirement.

Under this bill, persons who are operating a motor vehicle on certain nonhighway areas, including certain parking areas, are also required to have in effect insurance with respect to the motor vehicle.

This bill repeals the requirement that a person have in his or her immediate possession proof of compliance with insurance requirements. However, under this bill, a traffic officer must cite a person for operating without insurance if the traffic officer does not know that the person is in compliance with the insurance requirements and the person does not have in his or her immediate possession proof of compliance. A person, though, may not be convicted of operating without insurance if the person produces proof that he or she was in compliance with the insurance requirements at the time he or she was issued a citation for a violation.

This bill also alters the penalties for operating without insurance. Under this bill, a person who violates the requirement that the owner or operator of a motor vehicle be insured is subject to the following penalties:

1. A forfeiture of \$100 for a first offense.
2. A forfeiture of not less than \$250 nor more than \$750 for a second or subsequent offense occurring within three years.
3. If the person, in the course of a second or subsequent violation, causes great bodily harm to another, a forfeiture of not less than \$250 nor more than \$2,500.
4. If the person, in the course of a violation, causes the death of another, a forfeiture of not less than \$500 nor more than \$7,500.

This bill also provides that, for a first offense, if a person obtains sufficient motor vehicle liability insurance before the person's appearance in court, the court may not impose a penalty.

This bill also eliminates the exemption of operating without insurance offenses from certain surcharges and fees that generally must be paid by persons who violate traffic laws.

Currently, if the Department of Transportation receives a certified copy of a judgment for damages of \$500 or more arising out of a motor vehicle accident, DOT must, with certain exceptions, immediately suspend the operating privilege and all registrations of the person against whom the judgment was rendered unless the person can provide proof of financial responsibility. Proof of financial responsibility may be given by filing certification of coverage under a motor vehicle liability insurance policy with minimum limits for any single accident of \$25,000 for bodily injury to or death of one person, \$50,000 for bodily injury to or death of more than one person, and \$10,000 for property damage. Alternatively, proof of financial responsibility may be furnished by depositing with DOT \$60,000 in cash or certain securities with a market value of \$60,000. DOT must then hold the deposit of cash or securities to satisfy any judgment against the person making the deposit for damages resulting from the ownership, maintenance, use, or operation of a motor vehicle, including damages for bodily injury, death, or property damage.

Under this bill, if DOT receives a record of conviction for operating a motor vehicle on a highway without having in effect a motor vehicle liability insurance policy with respect to the vehicle, DOT must suspend the person's operating privilege and all registrations of the person unless the person can provide proof of financial responsibility. The proof of financial responsibility requirement remains in effect for three years from the date of conviction.

Registration

Under current law, an application to register or renew the registration of a vehicle must be made on forms prescribed by 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.

Impoundment

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, operating a motor vehicle upon premises held out to the public for the use of their

motor vehicles, premises provided by employers to employees for the use of their motor vehicles, or premises provided to tenants of rental housing in buildings of four or more units for the use of their motor vehicle during any period in which the person's motor vehicle operating privilege is suspended or revoked or if the person does not possess a valid operator's license is also prohibited. Also 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 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.

If you would like to co-sponsor this legislation, please reply to this email or contact Rep. Sanfelippo at 6-0620 or Sen. Craig at 6-5400 no later than **Wednesday, December 4, 2019 at Noon.**