



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 262**

September 17, 2019 - Offered by Representative PLUMER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete “speed limit” and substitute “overtaking and passing”.

3 **2.** Page 3, line 4: after “ss.” insert “346.073”.

4 **3.** Page 3, line 5: after that line insert:

5 “**SECTION 4m.** 346.073 of the statutes is created to read:

6 **346.073 Owner’s liability for certain violations related to stopped**
7 **emergency or roadside service vehicles.** (1) Subject to sub. (5) (b), the owner
8 of a vehicle involved in a violation of s. 346.072 is liable for the violation as provided
9 in this section.

10 **(2)** An operator of an emergency or roadside service vehicle, as defined in s.
11 346.072 (1g), who observes a violation of s. 346.073 may prepare a written report
12 indicating that a violation has occurred. If possible, the report shall contain the
13 following information:

1 (a) The time and the approximate location at which the violation occurred.

2 (b) The license number and color of the vehicle involved in the violation.

3 (c) Identification of the vehicle as an automobile, motor truck, motor bus,
4 motorcycle, or other type of vehicle.

5 (3) If, within 24 hours after observing the violation, the flagman delivers a
6 report under sub. (2) to a traffic officer of the county or municipality in which the
7 violation occurred, the officer may issue a citation under sub. (4). A report that does
8 not contain all of the information in sub. (2) shall be maintained by the county or
9 municipality for statistical purposes.

10 (4) (a) Within 48 hours after receiving a report under sub. (3) containing all of
11 the information in sub. (2), the traffic officer may issue a citation for a violation of
12 this section to the owner of the vehicle involved in the violation. A citation for a
13 violation of this section shall be prepared on a uniform traffic citation form under s.
14 345.11 and personally served on the owner of the vehicle.

15 (b) If with reasonable diligence the owner cannot be served under par. (a),
16 service may be made by leaving a copy of the citation at the owner's usual place of
17 abode within this state in the presence of a competent member of the family at least
18 14 years of age, who shall be informed of the contents thereof.

19 (c) If with reasonable diligence the owner cannot be served under par. (a) or (b)
20 or if the owner lives outside of the jurisdiction of the issuing authority, service may
21 be made by certified mail addressed to the owner's last-known address.

22 (5) (a) Except as provided in par. (b), it is not a defense to a violation of this
23 section that the owner was not operating the vehicle at the time of the violation.

24 (b) The following are defenses to a violation of this section:

