



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-6056/1  
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## 2021 ASSEMBLY BILL 1187

March 10, 2022 - Introduced by Representatives S. RODRIGUEZ, HONG, SINICKI, B. MEYERS, HEBL, SUBECK and CONSIDINE. Referred to Committee on Rules.

1     **AN ACT to repeal** 349.13 (3m) (e) 1.; and **to create** 349.13 (3m) (a) 1e., 349.13 (3m)  
2           (d) 4., 349.13 (3m) (d) 5., 349.13 (3m) (dn), 349.13 (3m) (dw), 349.13 (3m) (dx)  
3           and 349.13 (3m) (f) of the statutes; **relating to:** the towing of vehicles from  
4           private property and repealing administrative rules promulgated by the  
5           Department of Transportation.

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### *Analysis by the Legislative Reference Bureau*

This bill authorizes municipalities to, by ordinance, provide for various options relating to the towing of motor vehicles from private property.

Under current law, a vehicle may be removed from private property only by a towing service. The towing service may charge reasonable charges for removal and storage of the vehicle.

The bill provides that the governing body of a municipality may, by ordinance, allow 1) the owner or authorized operator of any motor vehicle to be towed to remove the vehicle or correct the violation before the vehicle is attached to a tow truck at no charge and 2) the owner or authorized operator of a vehicle already attached to a tow truck to prevent the towing of the vehicle by payment of a drop fee not to exceed \$50. The bill also provides that an ordinance may include provisions relating to 1) advising vehicle owners or operators of the option of paying a drop fee; 2) the signing of a waiver if a vehicle owner or operator declines to pay a drop fee; and 3) acceptable forms of payment of a drop fee.

The bill eliminates the Department of Transportation's authority to promulgate rules establishing reasonable charges for removal and storage of

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vehicles. The charges currently provided for in the administrative code are incorporated into law by the bill, and the relevant provisions of the administrative code are repealed.

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

1           **SECTION 1.** 349.13 (3m) (a) 1e. of the statutes is created to read:

2           349.13 **(3m)** (a) 1e. “Fully hooked up” means a vehicle to be towed by a towing  
3 service is fully prepared for transport by attachment to a tow truck, lifted in tow  
4 position, with tow lights and safety chains attached, and, if required, placed on a  
5 dolly in a raised position.

6           **SECTION 2.** 349.13 (3m) (d) 4. of the statutes is created to read:

7           349.13 **(3m)** (d) 4. Upon payment of the charges for removal and storage of the  
8 vehicle, the towing service shall provide the vehicle owner a printed receipt that  
9 includes signatures of both a representative of the towing service and the vehicle  
10 owner, the date and time the vehicle was removed, and information regarding the  
11 local law enforcement agency to which the towing service provided the information  
12 required under subd. 2.

13           **SECTION 3.** 349.13 (3m) (d) 5. of the statutes is created to read:

14           349.13 **(3m)** (d) 5. If a towing service charges a vehicle owner as provided under  
15 par. (dw) 4., the towing service shall include on the receipt required under subd. 4.  
16 a description of the conditions specified in par. (dw) 4. a. to c. that apply to the vehicle  
17 removal. If a towing service charges a vehicle owner as provided under par. (dw) 4.  
18 b., the towing service shall also provide the vehicle owner a photograph of the vehicle  
19 as it was parked prior to removal.

20           **SECTION 4.** 349.13 (3m) (dn) of the statutes is created to read:

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1           349.13 **(3m)** (dn) If the towing service charges a service fee to the vehicle owner  
2 as required under par. (dm), the towing service may charge the vehicle owner an  
3 additional service fee not to exceed the fee amount remitted to the municipality  
4 under par. (dm).

5           **SECTION 5.** 349.13 (3m) (dw) of the statutes is created to read:

6           349.13 **(3m)** (dw) A towing service may not charge a vehicle owner an amount  
7 related to removal and storage of the vehicle from private property that exceeds the  
8 following:

9           1. For vehicle removal, \$150.

10          2. For each period of 24 consecutive hours that the vehicle is stored at an  
11 outdoor storage facility, \$25.

12          3. For each period of 24 consecutive hours that the vehicle is stored at an indoor  
13 storage facility, \$35.

14          4. For any other necessary and commercially reasonable charges relating to the  
15 use of special equipment in the removal or storage, or both, of the vehicle, and for any  
16 expenses incurred by the towing service relating to travel exceeding 20 miles, \$150.  
17 Administrative fees, gate fees, lien processing fees, or any other fees for equipment  
18 or procedures ordinarily required for the removal or storage of a vehicle may not be  
19 charged under this paragraph. A towing service may collect charges under this  
20 subdivision if any of the following applies:

21          a. The removed vehicle possesses unusual characteristics, such as size or  
22 mechanical condition, that make the maximum removal charge under subd. 1.  
23 unreasonably low or the vehicle has a gross vehicle weight rating or registered  
24 weight of 10,001 pounds or more.

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1           b. The location in which the removed vehicle was parked contains certain  
2 spatial constraints or limited access to the parked vehicle impeding the tow that  
3 make the maximum removal charge under subd. 1. unreasonably low.

4           c. The round trip travel by the towing service exceeds 20 miles. A towing service  
5 may charge a surcharge of \$3 per mile under this subd. 4. c. for miles in excess of 20  
6 miles traveled to and from the storage facility. The towing service shall establish the  
7 mileage from the tow truck odometer and shall include on the tow slip the beginning  
8 and ending odometer readings to the one-tenth per mile. If the tow truck is  
9 dispatched from a location other than the storage facility, the one-way mileage  
10 between the location from which the vehicle is removed and the storage facility shall  
11 be multiplied by 2. Mileage fractions less than five-tenths shall be omitted and  
12 mileage fractions of five-tenths or more shall be rounded up to the nearest whole  
13 number.

14           **SECTION 6.** 349.13 (3m) (dx) of the statutes is created to read:

15           349.13 **(3m)** (dx) For purposes of determining charges under par. (dw), the  
16 storage period is the number of consecutive 24-hour periods beginning on the date  
17 and time that the towing service provides the notice required under par. (d) 2. and  
18 ending when the vehicle is retrieved, rounded up to the nearest whole number. No  
19 towing service may charge a storage fee for any calendar day that the storage facility  
20 is open less than 4 consecutive hours between the hours of 8 a.m. and 5 p.m. for  
21 retrieval of the vehicle.

22           **SECTION 7.** 349.13 (3m) (e) 1. of the statutes is repealed.

23           **SECTION 8.** 349.13 (3m) (f) of the statutes is created to read:

24           349.13 **(3m)** (f) The governing body of a municipality may, by ordinance,  
25 authorize any of the following:

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1           1. If the owner or authorized operator of any motor vehicle to be towed is  
2 present and offers to remove the vehicle from the property or correct the violation  
3 before the vehicle is attached in any way to a tow truck, the towing service may not  
4 charge any fee to the vehicle owner.

5           2. If a towing service has attached towing equipment to a vehicle to be towed  
6 but the vehicle is not fully hooked up, the owner or authorized operator of the vehicle  
7 may request that the vehicle not be towed and shall be liable for a drop fee in an  
8 amount not to exceed \$50, in lieu of towing, provided the vehicle owner or authorized  
9 operator is willing and able to pay the drop fee and remove the vehicle or otherwise  
10 correct the violation.

11           3. If an owner or authorized operator of a motor vehicle to be towed is present  
12 before the vehicle is fully hooked up, the towing service shall advise the owner or  
13 authorized operator that he or she may pay the drop fee to prevent the towing of the  
14 vehicle. The towing service shall advise the owner or authorized operator of  
15 acceptable forms of payment and allow the owner or authorized operator at least 5  
16 minutes to arrange for payment of the drop fee.

17           4. If an owner or authorized operator of a motor vehicle to be towed pays the  
18 applicable drop fee, the towing service may not tow the vehicle. For purposes of this  
19 paragraph, a towing service shall accept payment by cash, credit card, or debit card  
20 for the drop fee and shall issue the person making the payment a receipt of payment  
21 of the drop fee.

22           5. If the owner or authorized operator of a motor vehicle is advised of and  
23 declines to pay the drop fee, the owner or authorized operator shall sign in duplicate  
24 a drop fee waiver form provided by the towing service.

25           **SECTION 9.** Trans 319.03 of the administrative code is repealed.

