



2025 ASSEMBLY BILL 78

February 28, 2025 - Introduced by Representatives DONOVAN, RODRIGUEZ, ALLEN, DITTRICH, DUCHOW, GOODWIN, GUNDRUM, KNODL, MAXEY, MELOTIK, MURPHY, MURSAU, NOVAK, O'CONNOR, ORTIZ-VELEZ, PENTERMAN, PIWOWARCZYK, STEFFEN, TITTL, TUSLER and WICHGERS, cosponsored by Senators WANGGAARD and TOMCZYK. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 349.115 (1) and 349.115 (3); **to create** 349.115 (1m) of the
2 statutes; **relating to:** impoundment of vehicles used in certain reckless
3 driving offenses.

Analysis by the Legislative Reference Bureau

Under current law, a political subdivision may enact an ordinance authorizing law enforcement officers to impound vehicles used in reckless driving offenses if the person cited for reckless driving is the owner of the vehicle and the person has a prior reckless driving conviction for which a forfeiture was imposed that has not been fully paid. Under this bill, such an ordinance may authorize the impoundment of any vehicle used in a reckless driving offense regardless of ownership of the vehicle or prior record of the operator. The bill also provides that a local ordinance may authorize impounding such a vehicle until outstanding fines and forfeitures owed by the vehicle's owner are fully paid.

Also under the bill, upon impounding a vehicle under such an ordinance, the law enforcement officer must attempt to determine if the vehicle has been reported as stolen, and if so, the officer or the impounding political subdivision must attempt to contact the owner. If the vehicle is reported as stolen, the vehicle must be released to the owner without the payment of a fee or charge.

ASSEMBLY BILL 78**SECTION 1**

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

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

1 **SECTION 1.** 349.115 (1) of the statutes is amended to read:

2 349.115 (1) A political subdivision may, by ordinance, authorize a law
3 enforcement officer to impound any vehicle used in the commission of a violation of
4 s. 346.62 or a local ordinance in strict conformity with s. 346.62 at the time of
5 issuing a citation for the offense ~~if the person cited is the owner of the vehicle and~~
6 ~~the person has a prior conviction for a violation of s. 346.62 or a local ordinance in~~
7 ~~strict conformity with s. 346.62 for which a forfeiture was imposed that has not been~~
8 ~~fully paid.~~ The ordinance may provide for impoundment of the vehicle until the
9 ~~person fully pays the prior forfeiture amount and~~ reasonable costs of impounding
10 the vehicle, including towing or other transportation costs and storage costs, and
11 any outstanding fine or forfeiture owed by the owner of the vehicle are fully paid.

12 **SECTION 2.** 349.115 (1m) of the statutes is created to read:

13 349.115 (1m) Upon impounding a vehicle under sub. (1), a law enforcement
14 officer shall make a reasonable effort to determine if the vehicle has been reported
15 as stolen. If the officer determines that the vehicle has been reported as stolen, the
16 officer or political subdivision shall make a reasonable attempt to contact the
17 owner. Notwithstanding sub. (2), the political subdivision shall return to its owner
18 a vehicle reported as stolen and impounded under sub. (1) without the payment of a
19 fee or charge. If a vehicle reported as stolen remains unclaimed for more than 60
20 days after impoundment, the political subdivision may dispose of the vehicle

ASSEMBLY BILL 78**SECTION 2**

1 following the same procedure as provided for disposing of an abandoned vehicle
2 under s. 342.40.

3 **SECTION 3.** 349.115 (3) of the statutes is amended to read:

4 349.115 (3) ~~—A—~~ Subject to sub. (1m), a political subdivision that has
5 impounded a vehicle under sub. (1) may dispose of the vehicle by following the same
6 procedure as provided for disposing of an abandoned vehicle under s. 342.40 if the
7 impounded vehicle remains unclaimed for more than 90 days after the disposition of
8 the citation for which the vehicle was impounded.

9 (END)