



1 **City of Racine, Wisconsin**  
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE: Common Council/Committee of the Whole LEGISLATION ITEM #: Ord. 0014-24**

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5 **AGENDA DATE: October 28 through November 14, 2024**

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7 **DEPARTMENT:** City Attorney's Office

8 **Prepared By:** Robin Zbikowski, Assistant City Attorney

9 **Reviewed By:** Scott R. Letteney, City Attorney

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11 **SUBJECT:** Communication sponsored by Alder Maack and Mayor Mason requesting an ordinance that  
12 provides for the impoundment of vehicles involved in the commission of a violation of reckless driving.

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14 **EXECUTIVE SUMMARY:**

15 This piece of legislation proposes to allow any police officer to impound any vehicle involved in  
16 the commission of a violation of reckless driving so long as certain statutory requirements are met,  
17 consistent with state law.

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19 **BACKGROUND & ANALYSIS:**

20 In Wisconsin, no person may endanger the safety of any person or property by the negligent  
21 operation of a vehicle. Wis. Stat. § 346.62. Stated otherwise, no person may commit a violation of  
22 reckless driving. *Id.* While a first offense may result in a municipal citation, any second or subsequent  
23 offense may be charged criminally. Both the charge and penalty increase for violations in at-risk traffic  
24 areas and/or violations that cause or result in harm.

25 The city may elect to enact an ordinance that allows a law enforcement officer to impound any  
26 vehicle involved in the commission of a violation of reckless driving. However, the person cited for such  
27 offense must meet certain requirements by law. First, the person cited must own the vehicle. Second, the  
28 person cited must have a prior conviction for reckless driving. And third, the forfeiture for that prior  
29 conviction cannot be fully paid. If the person cited meets these criteria, then the vehicle may be  
30 impounded at the time the citation for reckless driving is issued.

31 Further, the vehicle shall remain impounded until both the forfeiture for the prior conviction for  
32 reckless driving and any costs associated with the impoundment (e.g. towing, storage) are paid.

33 If approved, Section 94-23 would read as follows:

34 **Sec. 94-23. – Impounding vehicles involved in reckless driving.**

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36 (a) *Impoundment; authority and requirements.* A law enforcement officer may  
37 impound any vehicle used in the commission of a violation of reckless driving  
38 under Wisconsin Statutes section 346.62 at the time of issuing a citation for the  
39 offense if the person cited meets each of the following criteria:

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41 (1) Is the owner of the vehicle.

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43 (2) Has a prior conviction for a violation of reckless driving under Wisconsin  
44 Statutes section 346.62 or a local ordinance in strict conformity therewith  
45 for which a forfeiture was imposed that has not been fully paid.

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47 (b) *Release.* Any vehicle impounded under subsection (a) shall be returned to its  
48 owner if each of the following criteria have been met:

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50 (1) The forfeiture for the prior conviction for a violation of reckless driving has  
51 been fully paid.

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53 (2) The reasonable costs of impounding the vehicle have been fully paid,  
54 including towing or other transportation costs and storage costs.

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56 **BUDGETARY IMPACT:** No change.

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58 **OPTIONS/ALTERNATIVES:**

59 To approve, whereby enacting an ordinance that permits law enforcement to impound vehicles involved  
60 in the commission of a violation of reckless driving, so long as certain statutory requirements are met.

61 To deny, whereby disallowing an ordinance that would permit law enforcement to impound vehicles  
62 involved in the commission of a violation of reckless driving were certain statutory requirements met.

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64 **RECOMMENDED ACTION:** To approve.

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66 **ATTACHMENT(S):** None.