

Rep. Novak, Sen. Marklein: Unregistered vehicles bill signed into law

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MADISON – Senate Bill 437 (SB 437) authored by Rep. Todd Novak (R-Dodgeville) and Sen. Howard Marklein (R-Spring Green), relating to exemptions for unregistered vehicles during a declared state of emergency has been signed into law as 2021 Wisconsin Act 108.

“We crafted this legislation to simplify existing law and provide clarity for drivers and law enforcement during declared states of emergency,” said Rep. Novak. “This change does not eliminate the exemption for unregistered vehicles, but instead narrows the focus to ensure the exemption applies only to instances when someone is fleeing an actual or imminent emergency.”

“I was proud to work with local law enforcement to solve this unintended consequence of ongoing declared states of emergency,” Sen. Marklein said. “Collaborative problem-solving like this is one of the best ways our government can serve the needs of our community.”

Representative Novak and Senator Marklein worked closely with members of the local law enforcement community including Monticello Police Chief Szvon Conway, Darlington Police Chief Jason King, and Green County District Attorney Craig Nolen in crafting this legislation.

Under prior law, a driver could not operate an unregistered motor vehicle. However, there was an exception, “during a state of emergency proclaimed under ch. 323”. This meant that whenever a state of emergency was declared anywhere in Wisconsin, the exception applied to all vehicles in Wisconsin for the duration of the

emergency declaration.

This makes sense during an actual and imminent emergency as it allows someone to drive to escape imminent harm. However, with so many State of Emergency declarations over the past few years to manage the COVID-19 pandemic and natural disasters, the law was inhibiting law enforcement from doing its job.

Since 2019, there have been 19 State of Emergency declarations by the Governor that have applied to at least some part of the state under Wisconsin Statutes Chapter 323. These declarations have covered about 70% of days since January 2019. In addition, there have been countless local emergency declarations. For example, all law enforcement officers were prohibited from stopping or ticketing an unregistered vehicle anywhere in Wisconsin from April 5, 2021 through June 3, 2021 because of “elevated wildfire risk”. This law change eliminates unintended consequences.