LRB-3783/1 ARG:jld

# **2015 SENATE BILL 408**

December 3, 2015 – Introduced by Senators Kapenga and Wanggaard, cosponsored by Representatives Kuglitsch, Craig, Hutton, Jacque, Knodl, Kulp, T. Larson, Neylon, Rohrkaste, Sanfelippo and Tittl. Referred to Committee on Judiciary and Public Safety.

#### \*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

- 1 **A**N **A**CT *to renumber and amend* 343.15 (2) (b); and *to create* 343.15 (2) (b) 1.
- 2 and 2. of the statutes; **relating to:** the liability of an adult sponsor of a minor applicant for a motor vehicle operator's license.

## Analysis by the Legislative Reference Bureau

This bill limits the liability that may be imputed to a parent or other adult who sponsors a person under the age of 18 (minor) in obtaining a motor vehicle operator's license.

Under current law, with limited exceptions, an application for a motor vehicle operator's license by a minor must be signed and verified by a parent or other adult sponsor. After the operator's license is issued, any negligence or willful misconduct of the minor when operating a motor vehicle is imputed to the parents or to the adult sponsor who signed the application. The parents or the adult sponsor is jointly and severally liable with the minor for any damages caused by the minor's negligent or willful misconduct.

This bill creates a limit for liability imputed to the parents or adult sponsor for damages caused by the minor's negligent or willful misconduct. Under the bill, liability is limited to the higher of: 1) a total of \$300,000 for all parents or adult sponsors to all parties arising from any one accident; or 2) the limits of any insurance

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coverage provided to the minor under the parent's or adult sponsor's applicable insurance policies.

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

**SECTION 1.** 343.15 (2) (b) of the statutes is renumbered 343.15 (2) (b) (intro.) and amended to read:

343.15 (2) (b) (intro.) Any negligence or willful misconduct of a person under the age of 18 years when operating a motor vehicle upon the highways is imputed to the parents where both have custody and either parent signed as sponsor, otherwise, it is imputed to the adult sponsor who signed the application for such person's license. The parents or the adult sponsor is jointly and severally liable with such operator for any damages caused by such negligent or willful misconduct. The liability imputed under this paragraph is limited to a maximum total of the higher of the following:

**Section 2.** 343.15 (2) (b) 1. and 2. of the statutes are created to read:

- 343.15 **(2)** (b) 1. \$300,000 for all parents or adult sponsors to all parties arising from any one accident.
- 2. The limits of any insurance coverage provided to the minor under the parent's or adult sponsor's applicable insurance policies.

## SECTION 3. Initial applicability.

(1) This act first applies to accidents occurring on the effective date of this subsection.

18 (END)