

1975 Assembly Bill 497

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CHAPTER 97, Laws of 1975

AN ACT to amend 29.06 (1) and 29.40 (1); and to create 29.40 (5) of the statutes, relating to allowing persons accidentally hitting deer with motor vehicles to retain possession of such deer.

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

SECTION 1. 29.06 (1) of the statutes is amended to read:

29.06 (1) All confiscated wild animals, or carcasses or parts thereof, and all confiscated apparatus, appliances or devices shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the department or its wardens, or by an agent on commission under the written authority and supervision of the department. The net proceeds of such sales, after deducting the expense of seizure and sale and any such commissions, shall be promptly remitted by the warden by whom or under whose authority and supervision the sales are made, to the department; the remittance to be accompanied by a complete and certified report of such sales, supported by proper

vouchers covering all deductions made for expenses and commissions, to be filed with the department. Of the remittance from such sales of confiscated apparatus, appliances or devices, 18% shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82% shall be paid into the common school fund. In the case of the proceeds from the sale of a confiscated motor vehicle if the holder of a security interest perfected by filing with such motor vehicle as security, satisfies (and the burden of proof shall be upon him) the court, or after judgment of confiscation, the department, that the violation that led to such confiscation was not with his knowledge, consent or connivance or with that of some person employed or trusted by him, there shall also be deducted the amount due under the security agreement from the proceeds of such sale and the amount due shall be paid to the one entitled; in case a sufficient amount does not remain for such purpose after the other deductions then the amount remaining shall be paid. The department shall make a reasonable effort within 10 days after seizure to ascertain if a security interest in the seized motor vehicle exists, and shall within 10 days after obtaining actual or constructive notice of such security interest give the secured party notice of the time and place when there is to be any proceeding before the court or the judge pertaining to such confiscation and shall also give such secured party at least 10 days' notice of the time and place of sale. Constructive notice shall be limited to security interests perfected by filing. In all such cases the time of sale of the confiscated motor vehicle shall be within 20 days after judgment of confiscation provided in s. 29.05 (7). This subsection shall not apply to a deer killed, or so injured that it must be killed, by a collision with a motor vehicle on a highway. Such deer carcass shall be released free of charge to the motor vehicle operator under s. 29.40 (5) by the department or its agent, but shall be retained by the department or its agent if the motor vehicle operator declines to accept the carcass.

SECTION 2. 29.40 (1) of the statutes is amended to read:

29.40 (1) DEER TAGS. ~~Any~~ Except as provided under sub. (5), any person having killed a deer shall immediately attach and lock and leave attached and locked to the gambrel of either hind leg thereof, the deer tag corresponding to his license. No person ~~shall~~ may have in his possession or under his control, or have in storage or as a common carrier, any deer carcass or part thereof unless it is tagged as required by law.

SECTION 3. 29.40 (5) of the statutes is created to read:

29.40 (5) CAR KILLS. Any person who while operating a motor vehicle on a highway accidentally collides with and kills a deer may retain possession of such deer if he has it tagged by the department. No fee may be charged for any such tag.
