

83 WisACT 445

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1983 Senate Bill 161

Date of enactment: May 10, 1984
Date of publication: May 17, 1984

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AN ACT to repeal 779.415 (3); to amend 779.415 (1) and (2); and to create 779.415 (1m) of the statutes, relating to liens on motor vehicles for towing or storage.

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

SECTION 1. 779.415 (1) and (2) of the statutes are amended to read:

779.415 (1) Every motor carrier holding a permit to perform vehicle towing services, every licensed motor vehicle salvage dealer and every licensed motor vehicle dealer who performs vehicle towing services or stores a motor vehicle when such towing or storage is performed at the direction of a traffic officer or the owner of the vehicle, shall, if the vehicle is not claimed as provided herein, have a lien on such vehicle for reasonable towing and storage charges, and may retain possession of such property until such charges are paid. If such vehicle is subject to a lien by virtue of a duly filed financing statement perfected under ch. 342, such towing lien shall have priority only to the extent of \$15 \$50 for an automobile or a motor truck having a gross weight of more than 20,000 pounds or less and \$100 for a motor truck having a gross weight of more than 20,000 pounds and such storage lien shall have priority only to the extent of \$3 per day but for a total amount of not more than \$180 for an automobile or a motor truck having a gross weight of 20,000 pounds or less and \$6 per day but for a total amount of not more than \$360 for a motor truck having a gross weight of more than 20,000 pounds. If the value of the vehicle exceeds ~~\$100~~ \$200, the lien may be enforced under s. 779.48 (2). If the value of the vehicle does not exceed ~~\$100~~ \$200, as determined by 2 independent written appraisals by qualified garages or repair shops, the lien may be enforced by sale or junking substantially as provided in sub. (2).

(2) At least 20 days prior to sale or junking, notice thereof shall be given by registered mail to the person shown to be the owner of the vehicle in the records of the department of transportation and to any person who has a lien on such vehicle ~~pursuant to any duly filed financing statement perfected under ch. 342,~~ stating that unless the vehicle is claimed by the owner or the owner's agent within said 20 days the vehicle will be exposed for sale or junked, as the case may be. If the proceeds of the sale exceed the charges, the balance shall be paid to the holder of the senior lien ~~under a duly filed financing statement perfected under ch. 342,~~ and if none, then to the owner as shown in the records of the department of transportation.

SECTION 2. 779.415 (1m) of the statutes is created to read:

779.415 (1m) Within 40 days after taking possession of a vehicle, every motor carrier, licensed motor vehicle salvage dealer and licensed motor vehicle dealer under sub. (1) shall send written notice to the holder of the senior lien on the vehicle. A reasonable effort to so notify the holder of the senior lien satisfies the notice requirement of this subsection. Failure to make a reasonable effort to so notify the senior lienholder renders void any lien to which the motor carrier, licensed motor vehicle salvage dealer or licensed motor vehicle dealer would otherwise be entitled under sub. (1).

SECTION 3. 779.415 (3) of the statutes is repealed.