



2019 ASSEMBLY BILL 340

July 16, 2019 - Introduced by Representatives TUSLER, RIEMER, DOYLE, FIELDS, KULP, MURPHY, OHNSTAD, SINICKI, SKOWRONSKI, SPIROS, STUBBS and STUCK, cosponsored by Senators PETROWSKI, BEWLEY, KAPENGA, MARKLEIN, OLSEN, RINGHAND and L. TAYLOR. Referred to Committee on Insurance.

1 **AN ACT** *to create* 342.065 (1m) of the statutes; **relating to:** evidence of
2 ownership for purposes of obtaining certain motor vehicle certificates of title.

Analysis by the Legislative Reference Bureau

Current law defines a “salvage vehicle” as “a vehicle less than 7 years old that is not precluded from subsequent registration and titling and that is damaged by collision or other occurrence to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 70 percent of its fair market value.” Under current law, a purchaser of a salvage vehicle that is not currently titled as a salvage vehicle must apply for a salvage vehicle certificate of title by submitting to the Department of Transportation all of the following: 1) the properly assigned certificate of title or other evidence of ownership, 2) the applicant’s statement that the vehicle is a salvage vehicle, 3) an application for a salvage certificate of title, and 4) the required fee.

This bill provides that an insurer who is taking delivery in this state of a salvage vehicle that is not currently titled as a salvage vehicle upon payment of an insurance claim that exceeds 70 percent of the fair market value of the vehicle satisfies item 1) above by providing “other evidence of ownership” if all of the following apply: 1) the insurer provides certain notice to the previous owner, 2) the previous owner fails to execute an assignment of title for the vehicle to the insurer, and 3) the insurer provides DOT with evidence that the insurer has paid to the previous owner or secured party a total loss claim on the vehicle and that the insurer requested that the previous owner execute an assignment and warranty of title for the vehicle to the insurer.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 342.065 (1m) of the statutes is created to read:

2 342.065 (**1m**) An insurer taking delivery in this state of a salvage vehicle that
3 is not currently titled as a salvage vehicle upon payment of an insurance claim that,
4 including any deductible amounts, exceeds 70 percent of the fair market value of the
5 vehicle, provides other evidence of ownership under sub. (1) (a), if all of the following
6 apply:

7 (a) The insurer provides notice to the previous owner of the requirement under
8 s. 342.15 (1) (c) to execute an assignment and warranty of title for the vehicle to the
9 insurer. Notice under this paragraph shall be provided concurrently with the
10 payment of the claim or by certified mail. If the certificate of title was issued by the
11 department, the insurer shall provide a copy of the notice to secured parties shown
12 in the records of the department. If the certificate of title was issued by another state,
13 the insurer shall provide a copy of the notice to secured parties on record with that
14 state.

15 (b) The previous owner does not execute an assignment and warranty of title
16 for the vehicle to the insurer within 30 days of receiving the notice under par. (a).

17 (c) The insurer provides the department with evidence of all of the following:

18 1. That the insurer has paid to the previous owner or secured party a total loss
19 claim on the vehicle.

20 2. That the insurer on at least 2 occasions requested in writing addressed to
21 the previous owner and secured parties that the previous owner execute an

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1 assignment and warranty of title for the vehicle to the insurer. Evidence under this
2 subdivision may include an affidavit from the insurer or its authorized agent stating
3 that it has on at least 2 occasions requested in writing that the previous owner
4 execute an assignment and warranty of title for the vehicle to the insurer and that
5 these requests were addressed to the previous owner and secured parties and were
6 sent by certified mail.

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(END)