

State of Wisconsin



1997 Assembly Bill 96

Date of enactment: **December 12, 1997**

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1997 WISCONSIN ACT 33

AN ACT *to amend* 342.30 (4) (a); and *to create* 342.30 (4) (d) of the statutes; **relating to:** vehicles or vehicle parts having an altered or obliterated vehicle identification number.

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

SECTION 1. 342.30 (4) (a) of the statutes is amended to read:

342.30 (4) (a) If a law enforcement agency finds a vehicle or part of a vehicle on which the identification number has been removed, altered or obliterated or made impossible to read, the law enforcement agency may seize the vehicle or part of a vehicle. If the identification number cannot be identified, the seized vehicle or vehicle part is presumed to be contraband. If Except as provided in par. (d), if the identification number can be identified, the agency may return the vehicle to the registered owner. Except as provided in par. (b), the district attorney shall institute forfeiture proceedings under s. 973.076 regarding any vehicle or vehicle part that is seized under this

paragraph and not returned to the owner.

SECTION 2. 342.30 (4) (d) of the statutes is created to read:

342.30 (4) (d) If the identification number of a motorcycle or part of a motorcycle seized under par. (a) can be identified and if no forfeiture proceeding is commenced under s. 973.076 within 30 days after the seizure of the property, the custodian of the seized property shall immediately return the seized property to the owner named in the certificate of title or registration. If a motorcycle or part of a motorcycle is not returned to the owner named in the certificate of title or registration as required in this paragraph, and if the owner of the property commences a replevin action to recover possession of the property, and if the judge finds that the custodian of the property unreasonably retained the property after 30 days after the seizure, the court shall award the owner the costs and reasonable attorney fees incurred in the replevin action.

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].