



1995 SENATE BILL 131

April 6, 1995 - Introduced by Senators WEEDEN, ANDREA, COWLES and SCHULTZ, cosponsored by Representatives LEHMAN, HASENOHRL, SILBAUGH, HAHN, LADWIG, BALDUS, AINSWORTH, GREEN, GROTHMAN, GUNDERSON, GOETSCH and HANDRICK. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 **AN ACT to amend** 779.415 (1) (a) and 779.415 (1m) of the statutes; **relating to:**
2 towing and storage liens.

Analysis by the Legislative Reference Bureau

Under current law, if a person authorized to tow or store a motor vehicle does so at the direction of a traffic officer or the vehicle's owner, that person may receive a lien on the vehicle for towing or storage charges.

This bill increases the maximum amount of a towing lien from \$50 to \$75 for a small vehicle and from \$100 to \$250 for a large vehicle and increases the per-day storage charge and maximum total storage charges from \$3 per day and \$180 total to \$7 per day and \$420 total for small vehicles and from \$6 per day and \$360 total to \$20 per day and \$1,200 total for large vehicles.

Currently, a vehicle valued at less than \$200 may be junked or sold expeditiously to pay a towing or storage lien. The bill raises the \$200 value to \$500.

The bill also requires the lienholder, within 40 days after taking possession of the vehicle, to notify in writing both the owner and the senior lienholder on the vehicle, if any, that they may be liable for storage charges. Currently, only the senior lienholder is required to be notified in writing, and the notice is not required to inform the lienholder of possible liability for storage charges that accrue after the vehicle has been held for 40 days.

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

3 **SECTION 1.** 779.415 (1) (a) of the statutes is amended to read:
4 779.415 (1) (a) Every motor carrier holding a permit to perform vehicle towing
5 services, every licensed motor vehicle salvage dealer and every licensed motor

1 vehicle dealer who performs vehicle towing services or stores a motor vehicle, when
2 such towing or storage is performed at the direction of a traffic officer or the owner
3 of the vehicle, shall, if the vehicle is not claimed as provided herein, have a lien on
4 ~~such~~ the motor vehicle for reasonable towing and storage charges, and may retain
5 possession of ~~such property~~ the vehicle until such charges are paid. If ~~such~~ the
6 vehicle is subject to a lien perfected under ch. 342, ~~such~~ a towing lien shall have
7 priority only to the extent of ~~\$50~~ \$75 for ~~an automobile or a motor truck~~ vehicle
8 having a gross weight of 20,000 pounds or less and ~~\$100~~ \$250 for a motor truck
9 vehicle having a gross weight of more than 20,000 pounds and ~~such~~ a storage lien
10 shall have priority only to the extent of ~~\$3~~ \$7 per day but for a total amount of not
11 more than ~~\$180~~ \$420 for ~~an automobile or a motor truck~~ vehicle having a gross
12 weight of 20,000 pounds or less and ~~\$6~~ \$20 per day but for a total amount of not more
13 than ~~\$360~~ \$1,200 for a motor truck vehicle having a gross weight of more than 20,000
14 pounds. If the value of the vehicle exceeds ~~\$200~~ \$500, the lien may be enforced under
15 s. 779.48 (2). If the value of the vehicle does not exceed ~~\$200~~ \$500, the lien may be
16 enforced by sale or junking substantially as provided in sub. (2).

17 **SECTION 2.** 779.415 (1m) of the statutes is amended to read:

18 779.415 (1m) Within 40 days after taking possession of a motor vehicle, every
19 motor carrier, licensed motor vehicle salvage dealer and licensed motor vehicle
20 dealer under sub. (1) shall send written notice to the owner of the vehicle and the
21 holder of the senior lien on the vehicle informing them that they must take steps to
22 obtain the release of the vehicle or the lienholder as well as the owner may be liable
23 for storage charges that accrue after the vehicle has been held for 40 days. A
24 reasonable effort to so notify the holder of the senior lien satisfies the notice
25 requirement of this subsection. Failure to make a reasonable effort to so notify the

1 senior lienholder renders void any lien to which the motor carrier, licensed motor
2 vehicle salvage dealer or licensed motor vehicle dealer would otherwise be entitled
3 under sub. (1).

4 **SECTION 3. Initial applicability.**

5 (1) This act first applies to vehicles towed or put into storage on the effective
6 date of this subsection.

7 **SECTION 4. Effective date.**

8 (1) This act takes effect on the first day of the 3rd month beginning after
9 publication.

10 (END)