



# CHRIS KAPENGA

WISCONSIN STATE SENATOR

## Vehicle Seller Immunity Testimony

Senate Committee on Transportation, Veterans, and Military Affairs

Tuesday October 22nd, 2019

Thank you Chairman Petrowski and committee members for hearing testimony on Senate Bill 322 today. The idea for this bill started with a constituent of ours who owns an insurance agency.

When an individual sells their car privately, they sign over the title to the new buyer when the vehicle is picked up and paid for. The buyer is then responsible to go directly to their local DMV office and have the title transferred along with registering the vehicle.

We found that under current law if the new owner delays in titling their vehicle and subsequently gets in an accident, the liability for that accident may go back to the previous owner even though the sale has legally taken place.

In the past, the Wisconsin Supreme Court has also struggled with how to interpret current law (Wis. Stat. 342.15) in this situation. This legislation will fix an error in the law so that the liability transfers on the date of sale as listed by the seller on the title which also represents the transfer of physical ownership. In addition, this bill not only covers civil actions but also applies to ordinance violations and other criminal offenses such as parking tickets or moving violations which current law is silent on.

The goal of this bill is to clarify ambiguity in current law and provide better parameters for the courts to follow.

Thank you committee members for your time and consideration of this bill. I would be happy to answer any questions you have.



# CINDI DUCHOW

STATE REPRESENTATIVE • 99<sup>th</sup> ASSEMBLY DISTRICT

(608) 266-3007  
Toll-Free (888) 534-0099

Rep.Duchow@legis.wi.gov  
RepDuchow.com  
P.O. Box 8952  
Madison, WI 53708-8952

Senate Committee on Transportation, Veterans, and Military Affairs

Public Hearing, SB 322

October 22<sup>nd</sup>, 2019

Thank you Mr. Chairman and members of the Committee for holding a public hearing on Senate Bill 322 relating to immunity for motor vehicle sellers. This common sense piece of legislation will protect thousands of everyday Wisconsin citizens who wish to privately sell their vehicle.

Earlier this year, we became aware of a situation where an individual sold their car to another individual who then failed to transfer the title of the car and proceeded to accumulate a number of parking tickets. Because current law doesn't take into account such a situation, city police tracked down the previous owner and threatened to suspend their registration and driver's license if they didn't pay the parking tickets the buyer accrued. For this reason, we need language clearly stated in statute that ensures citizens are not taken advantage of.

Although it is common sense that if an individual no longer owns or possesses a vehicle, he or she should not be held liable for this vehicle, this bill clarifies in statute that liability is shifted the moment the title to a vehicle is signed and transferred.

Placing liability on the rightful owner of a vehicle will protect our state's vehicle sellers from civil actions and criminal actions wrongfully taken against them. It is my hope that the Committee support SB 322 to provide common sense protections to everyday Wisconsin citizens.

Thank you Committee members for your time and consideration of SB 322 and ask that you support this bill. I would be happy to answer any of your questions.