



1995 ASSEMBLY BILL 120

February 8, 1995 – Introduced by Representatives OURADA, SERATTI, HAHN, BALDUS, SILBAUGH, GOETSCH, BOYLE, UNDERHEIM, OWENS, WILDER and HASENOHRL, cosponsored by Senators CLAUSING, BRESKE and PANZER. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 29.06 (1), 29.40 (2m) (a) and 29.40 (5) of the statutes; **relating**
2 **to:** collisions between airplanes and deer.

Analysis by the Legislative Reference Bureau

Under current law, a person driving a motor vehicle that collides with a deer on the highway may retain the carcass free of charge if the deer is released to the person by a warden of the department of natural resources (DNR) or by some other law enforcement officer designated by DNR. This bill expands this provision to include persons operating airplanes.

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:

3 **SECTION 1.** 29.06 (1) of the statutes is amended to read:

4 29.06 (1) All confiscated wild animals, or carcasses or parts thereof, and all
5 confiscated apparatus, appliances, equipment, vehicles or devices shall, if not
6 destroyed as authorized by law, be sold at the highest price obtainable, by the
7 department or its wardens, or by an agent on commission under the written
8 authority and supervision of the department. The net proceeds of such sales, after
9 deducting the expense of seizure and sale and any such commissions, shall be

1 promptly remitted by the warden by whom or under whose authority and supervision
2 the sales are made, to the department; the remittance to be accompanied by a
3 complete and certified report of such sales, supported by proper vouchers covering
4 all deductions made for expenses and commissions, to be filed with the department.
5 Of the remittance from such sales of confiscated apparatus, appliances, equipment,
6 vehicles or devices, 18% shall be paid into the conservation fund to reimburse it for
7 expenses incurred in seizure and sale, and the remaining 82% shall be paid into the
8 common school fund. In the case of the proceeds from the sale of a confiscated motor
9 vehicle if the holder of a security interest perfected by filing with such motor vehicle
10 as security, satisfies (and the burden of proof shall be upon the holder of a security
11 interest) the court, or after judgment of confiscation, the department, that the
12 violation that led to such confiscation was not with his or her knowledge, consent or
13 connivance or with that of some person employed or trusted by the holder of a
14 security interest, there shall also be deducted the amount due under the security
15 agreement from the proceeds of such sale and the amount due shall be paid to the
16 one entitled; in case a sufficient amount does not remain for such purpose after the
17 other deductions then the amount remaining shall be paid. The department shall
18 make a reasonable effort within 10 days after seizure to ascertain if a security
19 interest in the seized motor vehicle exists, and shall within 10 days after obtaining
20 actual or constructive notice of such security interest give the secured party notice
21 of the time and place when there is to be any proceeding before the court or the judge
22 pertaining to such confiscation and shall also give such secured party at least 10
23 days' notice of the time and place of sale. Constructive notice shall be limited to
24 security interests perfected by filing. In all such cases the time of sale of the
25 confiscated motor vehicle shall be within 20 days after judgment of confiscation

1 provided in s. 29.05 (8). The provisions of s. 973.075 (1) (b) 1. to 3. and (5) apply to
2 vehicles other than motor vehicles under this subsection. This subsection shall not
3 apply to a deer killed, or so injured that it must be killed, by a collision with a motor
4 vehicle on a highway or with an airplane. Such deer carcass shall be released free
5 of charge to the ~~motor vehicle operator~~ of the motor vehicle or the airplane under s.
6 29.40 (5) by the department or its agent, but shall be retained by the department or
7 its agent if the ~~motor vehicle operator~~ declines to accept the carcass.

8 **SECTION 2.** 29.40 (2m) (a) of the statutes is amended to read:

9 29.40 **(2m)** (a) A deer carcass tag attached under sub. (2) and a registration tag
10 attached by the department or a ~~car kill~~ tag attached under sub. (5) may be removed
11 from a gutted carcass at the time of butchering, but the person who killed or obtained
12 the deer shall retain all tags until the meat is consumed.

13 **SECTION 3.** 29.40 (5) of the statutes is amended to read:

14 29.40 **(5)** (title) ~~CAR KILLS~~ COLLISIONS WITH DEER. Any person who while
15 operating a motor vehicle on a highway or while operating an airplane accidentally
16 collides with and kills a deer may retain possession of such deer if the person has it
17 tagged by any conservation warden, or by any law enforcement officer designated by
18 the department. No fee may be charged for any such tag.

19 (END)