

State of Wisconsin



1997 Assembly Bill 487

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1997 WISCONSIN ACT 199

AN ACT to amend 342.12 (4) (a), 342.12 (4) (b) and 346.65 (6) (k); and to create 342.12 (4) (c) and 346.65 (6) (km) of the statutes; relating to: the sale of a motor vehicle subject to a seizure for a crime related to driving while under the influence of an intoxicant or other drug and providing a penalty.

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

SECTION 1. 342.12 (4) (a) of the statutes is amended to read:

342.12 (4) (a) The district attorney shall notify the department when he or she files a criminal complaint against a person who has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions, suspensions or revocations within a 10-year period, as counted under s. 343.307 (1). ~~The~~ Except as provided under par. (c), the department may not issue a certificate of title transferring ownership of any motor vehicle owned by the person upon receipt of a notice under this subsection until the court assigned to hear the criminal complaint issues an order permitting the department to issue a certificate of title.

SECTION 2. 342.12 (4) (b) of the statutes is amended to read:

342.12 (4) (b) ~~The~~ Except as provided under par. (c), the department may not issue a certificate of title transferring ownership of any motor vehicle owned by a person upon receipt of a notice of intent to revoke the person's operating privilege under s. 343.305 (9) (a), if the person has 2 or more prior convictions, suspensions or revocations within a 10-year period, as counted under s.

343.307 (1), until the court assigned to the hearing under s. 343.305 (9) issues an order permitting the department to issue a certificate of title.

SECTION 3. 342.12 (4) (c) of the statutes is created to read:

342.12 (4) (c) 1. The department shall issue a certificate of title transferring ownership of a motor vehicle that was owned by a person who has received a notice of intent to revoke the person's operating privilege under s. 343.305 (9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions, suspensions or revocations within a 10-year period, as counted under s. 343.307 (1), if all of the following conditions are met:

a. The person requesting the issuance of the certificate of title purchased the motor vehicle in good faith and without knowledge of the criminal complaint described in par. (a) or of the notice of intent to revoke a person's operating privilege under par. (b).

b. The certificate of title to the motor vehicle does not contain the notation stamped on the certificate of title by the clerk of circuit court under s. 346.65 (6) (a) 2m.

c. The person requesting the issuance of the certificate of title files an affidavit with the department attesting that the conditions under subd. 1. a. and b. are met.

* 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].

d. The department has no valid reason for not issuing a certificate of title other than the prohibitions under par. (a) or (b).

2. Any person providing a false affidavit under subd. 1. c. shall forfeit not more than \$1,000.

SECTION 4. 346.65 (6) (k) of the statutes is amended to read:

346.65 (6) (k) ~~No~~ Except as provided in par. (km), no person may transfer ownership of any motor vehicle that is subject to immobilization or seizure or to equipping with an ignition interlock device under this subsection or make application for a new certificate of title under s. 342.18 for the motor vehicle unless the court determines that the transfer is in good faith and not for the purpose of or with the effect of defeating the purposes of this subsection. The department may cancel a title or refuse to issue a new certificate of title in the name of the transferee as owner to any person who violates this paragraph.

SECTION 5. 346.65 (6) (km) of the statutes is created to read:

346.65 (6) (km) If a person purchases a motor vehicle in good faith and without knowledge that the motor vehicle was subject to immobilization or seizure or to equipping with an ignition interlock device under this subsection and the department has no valid reason for not issuing a certificate of title other than the prohibition under par. (k), the department shall issue a new certificate of title in the name of the person requesting the new certificate of title if at the time of the purchase of the motor vehicle the certificate of title did not contain the notation stamped on the certificate of title by the clerk of circuit court under par. (a) 2m. and if the person submits the affidavit required under s. 342.12 (4) (c) 1. c.

SECTION 6. Initial applicability.

(1m) This act first applies to applications for a certificate of title received by the department of transportation on the effective date of this subsection.