



2019 SENATE BILL 322

July 23, 2019 - Introduced by Senators KAPENGA, NASS, OLSEN and SMITH, cosponsored by Representatives DUCHOW, DITTRICH, FELZKOWSKI, HORLACHER, HUTTON, JAMES, KITCHENS, KUGLITSCH, KULP, KURTZ, MILROY, NOVAK, PLUMER, QUINN, RAMTHUN, RODRIGUEZ, SANFELIPPO, SKOWRONSKI, SORTWELL, SPIROS, STAFSHOLT, C. TAYLOR, TITTL, TUSLER and WICHGERS. Referred to Committee on Transportation, Veterans and Military Affairs.

1 **AN ACT to create** 895.491 of the statutes; **relating to:** immunity for motor
2 vehicle sellers.

Analysis by the Legislative Reference Bureau

Under this bill, a seller of a motor vehicle who holds legal title to the motor vehicle and has transferred possession of the motor vehicle to a buyer is immune from civil and criminal liability and is not responsible for local ordinance violations committed involving the motor vehicle after the seller has signed the motor vehicle title and given it to the buyer. The immunity provided under the bill does not apply if death or injury was caused by the seller's willful or wanton acts or omissions. The immunity under the bill also does not apply to motor vehicle or wholesale dealers.

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

3 **SECTION 1.** 895.491 of the statutes is created to read:
4 **895.491 Liability exemption; vehicle seller after sale.** (1) In this section:
5 (a) "Motor vehicle" has the meaning given in s. 340.01 (35).
6 (b) "Motor vehicle dealer" has the meaning given in s. 218.0101 (23) (a) 2.
7 (c) "Seller" does not include a motor vehicle dealer or wholesale dealer.

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SECTION 1

1 (d) “Wholesale dealer” has the meaning given in s. 218.0101 (38).

2 (2) Except as provided under sub. (3), a seller of a motor vehicle who holds legal
3 title to the motor vehicle and who has transferred possession of the motor vehicle to
4 a buyer is immune from civil and criminal liability and is not responsible for local
5 ordinance violations committed involving the motor vehicle after the seller has
6 signed the motor vehicle title and given the title to the buyer.

7 (3) Immunity under this section does not apply if death or injury was caused
8 by willful or wanton acts or omissions by the seller.

9 (END)