

CHAPTER 342.

VEHICLE TITLE AND ANTI-THEFT LAW.

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CERTIFICATE OF TITLE.

342.01 Words and phrases defined. Words and phrases defined in s. 340.01 are used in the same sense in this chapter unless a different definition is specifically provided.

342.05 When certificate of title required. (1) The owner of a vehicle subject to registration in this state shall make application for certificate of title for the vehicle under the following circumstances:

(a) If he has newly acquired the vehicle, he shall make application when and as required by s. 342.19;

(b) If he applies for registration of a vehicle for which he does not hold a valid certificate of title previously issued to him by the department for the vehicle in question, he shall at the same time apply for a certificate of title.

(2) Except as provided in sub. (3), an applicant's eligibility for a certificate of title is a prerequisite to registration of the vehicle. If the applicant for registration holds a valid certificate of title previously issued to him by the department for the vehicle in question, that is prima facie evidence that he is the owner of the vehicle and he need not apply for a new certificate of title each time he applies for registration.

(3) This section does not apply in a situation where the law expressly authorizes registration of a vehicle in the name of a person other than the owner or where the law expressly authorizes registration without a certificate of title.

(4) Any owner who operates or consents to the operation of a vehicle for which a certificate of title is required without such certificate having been issued or applied for or any other person who operates a vehicle for which a certificate of title is required, knowing that the certificate of title has not been issued or applied for, may be fined not more than \$200 or imprisoned not more than 6 months or both. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the United States mail properly addressed and with postage prepaid.

342.06 Application for certificate of title. (1) An application for a certificate of title shall be made to the department upon a form prescribed by it and shall be accompanied by the required fee. Each application for certificate of title shall contain the following information:

(a) The name and address of the owner.

(b) A description of the vehicle, including make, model, identifying number and any other information which the department may reasonably require for proper identification of the vehicle.

(c) The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders.

(d) If the vehicle is a new vehicle being registered for the first time, the signature of a dealer authorized to sell such new vehicle.

(e) Any further evidence of ownership which may reasonably be required by the department to enable it to determine whether the owner is entitled to a certificate of title.

(f) If the identification number of the vehicle has been removed, obliterated or altered, or if the original casting has been replaced, or if the vehicle has not been numbered by the manufacturer, the application for certificate of title shall so state.

(g) If the vehicle is a used motor vehicle which was last previously registered in another jurisdiction, the applicant shall furnish a sworn statement pertaining to the title history of such motor vehicle, such statement to be in such form as the department may prescribe, and shall furnish a certification by a law enforcement officer to the effect that the physical description of the motor vehicle has been checked and conforms to the description given in the application.

(h) If the applicant for certificate of title for a motor vehicle intends to utilize that vehicle as a taxicab or for public transportation, he shall state that fact in the application. If he knows that the vehicle has previously been used as a taxicab or for public transportation and that fact is not noted on the old certificate of title, he shall state in the application that the vehicle has previously been so used.

(2) Any person who knowingly makes a false statement in an application for a certificate of title may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

(3) Any person intending to use a vehicle as a taxicab or for public transportation who fails to state such intent in his application for certificate of title or any person who fails to furnish any other information required by sub. (1) (h) may be fined not more than \$1,000 or imprisoned not more than one year in county jail or both.

342.07 Application when vehicle previously junked. (1) Application for registration of and certificate of title for a motor vehicle which has previously been junked must be accompanied by the certificate of a state or county traffic officer to the effect that he has examined the motor vehicle described in the application and that, in his opinion, it is in such mechanical condition that operation thereof on the public highways will not jeopardize the safety of motorists or pedestrians and that the description of the vehicle conforms to the description given in the application. The application also must be accompanied by the inspection fee receipt from the clerk of the county employing the county traffic officer who made the examination or from the state traffic officer who made the examination.

(2) The applicant for registration of and certificate of title for a previously junked vehicle shall pay an examination fee of \$25 to the clerk of the county employing the examining officer or to the state traffic officer making the examination. Such clerk or state traffic officer shall give to the applicant a receipt showing payment of the fee and containing the applicant's name and the make and identifying numbers of the vehicle inspected.

342.08 Department to examine records. Before issuing a certificate of title for a vehicle last previously registered in another jurisdiction, the department shall check the application against its records of stolen and recovered vehicles and felonies committed.

342.09 When department to issue certificate and to whom; maintenance of records.

(1) The department shall file each application for certificate of title received by it and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue and deliver a certificate to the owner of the vehicle.

(2) The department shall maintain a record of all applications and all certificates of title issued by it:

- (a) According to title number.
- (b) According to engine or identification number.
- (c) Alphabetically, according to name of owner.
- (d) In any other manner which the department determines to be desirable.

342.10 Contents of certificate of title. (1) Each certificate of title issued by the department shall contain:

- (a) The name and address of the owner.
- (b) The names of any lienholders.
- (c) The title number assigned to the vehicle.
- (d) A description of the vehicle, including make, model and identifying number.
- (e) Any other data which the department deems pertinent and desirable.

(2) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for application for a certificate of title by a transferee and for the naming of a lienholder.

(3) Before issuing any new or duplicate certificate of title for a motor vehicle previously junked and reconditioned, the department shall stamp thereon the words "This vehicle previously junked and reconditioned". Before issuing a new or duplicate certificate of title for a motor vehicle previously licensed and used as a taxicab or for public transportation, the department shall stamp on such certificate the words "This motor vehicle has previously been used as a taxicab or for public transportation".

342.11 Grounds for refusing issuance of certificate of title. The department shall refuse issuance of a certificate of title if any required fee is not paid or if it has reasonable grounds to believe that:

- (1) The person alleged to be the owner of the vehicle is not the owner; or
- (2) The application contains a false or fraudulent statement; or
- (3) The applicant fails to furnish the information or documents required by law or by the department pursuant to authority of law.

342.12 Application for and issuance of duplicate certificate. When a certificate of title is lost or destroyed, the owner shall make application for a duplicate upon a form prescribed by the department. Upon satisfactory proof that the certificate has been lost or destroyed and upon payment of the required fee, the department shall issue a duplicate certificate to the owner.

342.13 Title fees. For the issuance of a certificate of title upon registration of a vehicle not previously registered in this state or last previously registered in another jurisdiction or for the issuance of a certificate of title upon transfer of a vehicle or for the issuance of a duplicate certificate upon application therefor pursuant to s. 342.12, there shall be paid to the department a fee of \$1. Such fee is in addition to any registration fee which may be payable upon registration of the vehicle.

TRANSFER OF TITLE.

342.18 Duty of owner upon sale of vehicle. (1) Whenever the owner of a vehicle for which a certificate of title has been issued sells or otherwise transfers his interest in such vehicle, he shall at the time of sale or transfer of the vehicle to the transferee:

(a) Endorse upon the certificate of title in the spaces provided therefor the name and address of the transferee together with a statement of all liens and encumbrances on the vehicle. The seller shall sign the title in the space provided. If the transferee is a dealer, distributor or manufacturer registered under s. 341.51, he shall endorse upon the certificate of title in the spaces provided for such registered dealer the name and address of the purchaser, the required information on all liens and encumbrances, the firm name, the counter signature and dealer license number; and

(b) Deliver the endorsed certificate of title to the transferee, except that if the vehicle being transferred has been junked he shall return the certificate of title to the department in accordance with s. 342.34; and

(c) If the vehicle being transferred is an automobile registered pursuant to the monthly series system, remove the registration plates and retain and preserve them for use on any other automobile which may subsequently be registered in his name. If the vehicle being transferred is a vehicle registered pursuant to s. 341.26 at a special fee and the new owner will not be entitled to register the vehicle at such fee, the transferor shall remove the plates and return them to the department. In all other cases the transferor shall permit the plates to remain attached to the vehicle being transferred, except that if the vehicle has been junked he shall return the plates to the department in accordance with s. 342.34.

(2) Any owner of a vehicle for which a certificate of title has been issued, who upon transfer of the vehicle, fails to endorse such certificate and deliver it to the transferee as required by sub. (1) (a) and (b) may be fined not more than \$200 or imprisoned not more than 6 months or both.

(3) Any owner of a vehicle currently registered in this state who fails to comply with the requirements of sub. (1) (c) may be fined not more than \$200 or imprisoned not more than 6 months or both.

342.19 Duty of new owner upon acquiring a vehicle. (1) Immediately after transfer to him of a vehicle subject to registration, the new owner shall execute an application for a new certificate of title in the space provided therefor on the certificate of title delivered to him by the previous owner and cause the certificate to be mailed or delivered to the department. If the transferred vehicle is new or for some other reason does not have a certificate of title, the new owner shall execute the application upon the form prescribed therefor by the department. If ownership of the vehicle was transferred by judicial decree or judicial sale or by operation of law, the application shall be accompanied by such evidence as the department reasonably requires as proof that ownership of the vehicle passed to the applicant. Applications shall in every case be accompanied by the required fee.

(2) A dealer, distributor or manufacturer registered under s. 341.51 need not apply for a certificate of title for a vehicle in stock or acquired for stock purposes. Upon transfer of such vehicle, he shall give the transferee evidence of title which, in case the vehicle has a certificate of title, shall be a reassignment of such certificate and delivery thereof to the transferee.

(3) Except as provided in sub. (2), any transferee of a vehicle who fails to make application for a new certificate of title immediately upon transfer to him of a vehicle may be fined not more than \$200 or imprisoned not more than 6 months or both. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the United States mail properly addressed and with postage prepaid.

342.20 When department to issue new certificate for transferred vehicle. (1) The department shall issue and deliver a new certificate of title to the transferee of a vehicle upon receipt of such proof as is required by law or by the department pursuant to authority of law that ownership passed to the transferee and upon receipt of the required fee.

(2) Under the following circumstances only, the department shall issue a certificate of title for a transferred vehicle without requiring registration of the vehicle:

(a) Application therefor accompanied by the required fee is made by a dealer licensed under s. 110.09 or 218.01 or a finance company licensed under s. 115.09 or 218.01 and the vehicle in question is a used vehicle for which the department had issued a certificate of title to the previous owner or a vehicle previously registered in another jurisdiction or is a mobile home; or

(b) Application therefor accompanied by the required fee is made by any other person and the vehicle in question is a vehicle for which the department had issued a certificate of title to the previous owner or is a vehicle previously registered in another jurisdiction or is a mobile home and the department is satisfied that the present owner has not operated or consented to the operation of the vehicle since it was transferred to him and that he understands that the certificate of title merely is evidence of his ownership of the vehicle and does not authorize operation of the vehicle on the highways of this state.

342.25 Issuance of new certificate upon release of lien. Upon receiving a certificate of title upon which a lienholder has released or assigned his interest to the owner or upon receipt of a certificate of title not so endorsed but accompanied by a legal release from a lienholder of his interest in the vehicle, the department shall issue to the owner a new certificate of title without charge.

ANTI-THEFT AND ANTI-FRAUD PROVISIONS.

342.30 Assignment and stamping of new identification numbers. (1) The department shall assign a new identification number for each vehicle subject to registration which has not been numbered by the manufacturer or on which the original number has been removed, obliterated or altered or on which the original casting has been replaced. Identification numbers assigned by the department shall begin with 101, run consecutively, and be followed by the letters "WIS".

(2) An identification number assigned by the department to a mobile home, trailer or semitrailer shall be stamped upon the frame. An identification number assigned to a 1954 or earlier model of a motor vehicle shall be stamped upon the engine. An identification number assigned to a 1955 or later model shall be stamped upon or welded to the body. Such stamping or welding shall be done under the supervision of a dealer, distributor or manufacturer registered under s. 341.51 or under the supervision of a peace officer. The person supervising the stamping or welding shall make a report thereof to the department.

(3) Any owner of a vehicle for which the department has issued a new identification number who fails to have such number attached or stamped as required by sub. (2) may be fined not more than \$200 or imprisoned not more than 6 months or both.

342.31 Report of stolen or abandoned motor vehicles. (1) Each sheriff and police department in the state shall immediately report to the department each motor vehicle reported stolen or recovered and each felony involving a motor vehicle committed and detected within its jurisdiction.

(2) An owner of a garage or trailer park or of any type of storage or parking lot for motor vehicles shall report in writing to the department and to the local law enforcement agency the make, motor number and serial or identification number of any motor vehicle stored, parked or left in his garage, park or lot for a period of more than 30 consecutive days unless arrangements have been made by the owner of the vehicle for its continuous storage or parking or unless the owner of the vehicle is personally known to the owner of the garage, park or lot. Any person who fails to submit the report required of him by this subsection may be fined not more than \$25.

342.32 Department to file, index and publish stolen vehicle reports. The department shall keep a file and index of reports received by it pursuant to s. 342.31 and of similar reports received by it from other states. Once each month, on the basis of such reports received by it during the preceding month, the department shall compile a list of stolen and recovered vehicles and of felonies committed involving motor vehicles and shall forward a copy of such list to each sheriff and police department in this state, to each motor vehicle organization in this state requesting a copy, and to the motor vehicle registration official in each state of the United States.

342.33 Sale of vehicle used as taxicab. No person shall sell or exchange, authorize or direct the sale or exchange of, or offer for sale or exchange any motor vehicle which he knows has been used as a taxicab or for public transportation unless the certificate of title for such vehicle has been stamped by the department with the words "This motor vehicle has previously been used as a taxicab or for public transportation" and unless such certificate of title is exhibited by the vendor to the vendee before the sale of such vehicle is consummated. Any person who violates this section may be fined not more than \$1,000 or imprisoned not more than one year in county jail or both.

342.34 Department to be notified of destruction or junking of vehicle. (1) Any person owning or possessing a motor vehicle which has been junked or destroyed shall, within 10 days after the destruction or junking occurred:

- (a) Notify the department of the destruction or junking; and
- (b) Return the certificate of title to the department; and
- (c) If the motor vehicle is an automobile registered pursuant to the monthly series system, remove the registration plates and retain and preserve them for use on any other automobile which may subsequently be registered in his name. If the motor vehicle is not an automobile registered pursuant to the monthly series system, he shall remove the plates and return them to the department.

(2) Any person violating this section may be fined not more than \$200 or imprisoned not more than 6 months or both.

342.35 Motor vehicle salvage dealers to be licensed. No person shall carry on or conduct the business of wrecking or dismantling any motor vehicle or selling parts thereof unless licensed to do so by the department. Any person violating this section may be fined not less than \$25 nor more than \$200 or imprisoned not more than 60 days or both. This section shall not apply to motor vehicle dealers licensed under s. 218.01 (2) who remove parts of motor vehicles prior to sale of such vehicles to motor vehicle salvage dealers.

342.36 Application for salvage dealer's license. (1) Application for a motor vehicle salvage dealer's license shall be made upon the form prescribed by the department and shall contain:

- (a) The name and address of the applicant.
- (b) When the applicant is a partnership, the name and address of each partner.
- (c) When the applicant is a corporation, the names of the principal officers of the corporation and the name of the state in which incorporated.
- (d) The place or places where the business is to be conducted and the nature of the business.

(e) Such other pertinent information as may be required by the department for the purpose of determining the eligibility of the applicant to be licensed.

(2) Every application shall be executed by the applicant, if an individual, or in the event the applicant is a partnership or corporation, by a partner or officer thereof. Every such application shall be accompanied by the fee required by law.

(3) Any person who knowingly makes a false statement in an application for a motor

vehicle salvage dealer license may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

342.37 When department to license salvage dealers. (1) The department shall issue a license certificate to the applicant for a motor vehicle salvage dealer's license upon receipt of a properly completed application form accompanied by a fee of \$25 and upon being satisfied that the applicant is of good character and that, so far as can be ascertained, he has complied with and will comply with the laws of this state with reference to the provisions of ss. 342.35 to 342.38.

(2) A motor vehicle salvage dealer's license entitles the licensee to carry on and conduct the business of a motor vehicle salvage dealer during the calendar year in which the license is issued. Such license expires on December 31 of the calendar year for which it was issued and may be renewed upon application therefor and upon payment of the annual license fee of \$25.

(3) The department may refuse to issue a license when satisfied that the applicant does not qualify. The department, after written notice to the licensee and a hearing, may cancel a license when satisfied that the licensee has failed to comply with ss. 342.35 to 342.38.

(4) (a) No salvage dealer licensed under ss. 342.35 to 342.38 shall be licensed as a dealer under s. 218.01 (2) at his salvage dealer location, provided that nothing herein shall prohibit licensing and transacting of both businesses at the same location where the salvage operations are physically separated.

(b) In order that such dealers have sufficient time to make the necessary business arrangements so as to comply therewith, par. (a) is suspended in operation until January 1, 1961, when it shall again take effect.

342.38 Licensee to maintain records; sale of vehicles by licensee. (1) Whenever a licensed motor vehicle salvage dealer acquires a motor vehicle for the purpose of wrecking it, he shall mail or deliver the certificate of title for such vehicle to the department within 10 days after the vehicle is delivered to the salvage yard unless the previous owner already has done so. In the event he subsequently wishes to transfer such vehicle to another person, he shall make such transfer only by bill of sale. In such bill of sale, he shall describe the vehicle and shall state that the certificate of title for the vehicle has been mailed or delivered to the department on the ground that the vehicle was to have been junked.

(2) Every licensed motor vehicle salvage dealer shall maintain a record of every vehicle which is bought or otherwise acquired and wrecked by him, which record shall state the name and address of the person from whom such vehicle was acquired and the date thereof. The record shall be in the form prescribed by the department.

(3) Any person violating this section may be fined not less than \$25 nor more than \$200 or imprisoned not more than 60 days or both.

LICENSING OF AUCTION DEALERS.

342.40 Motor vehicle auction dealers to be licensed. No person shall carry on or conduct the business of auctioning motor vehicles at wholesale unless licensed to do so by the department. Any person violating this section may be fined not less than \$25 nor more than \$200 or imprisoned not more than 60 days, or both.

342.41 Application for auction dealer's license. (1) Application for a motor vehicle auction dealer's license shall be made upon the form prescribed by the department and shall contain:

- (a) The name and address of the applicant.
- (b) When the applicant is a partnership, the name and address of each partner.
- (c) When the applicant is a corporation, the names of the principal officers of the corporation and the name of the state in which incorporated.
- (d) The place or places where the business is to be conducted and the nature of the business.
- (e) Such other pertinent information as may be required by the department for the purpose of determining the eligibility of the applicant to be licensed.

(2) Every application shall be executed by the applicant, if an individual, or in the event the applicant is a partnership or corporation, by a partner or officer thereof. Every such application shall be accompanied by the fee required by law.

342.42 When department to license auction dealer. (1) The department shall issue a license certificate to the applicant for a motor vehicle auction dealer's license upon receipt of a properly completed application form accompanied by a fee of \$50 and upon being satisfied that the applicant is of good character and that, so far as can be ascer-

tained, he has complied with and will comply with the laws of this state with reference to the provisions of ss. 342.40 to 342.43.

(2) A motor vehicle auction dealer's license entitles the licensee to carry on and conduct the business of a motor vehicle auction dealer during the calendar year in which the license is issued. Such license expires on December 31 of the calendar year for which it was issued and may be renewed upon application therefor and upon payment of the annual license fee of \$50.

(3) The department may refuse to issue a license when satisfied that the applicant does not qualify. The department, after written notice to the licensee and a hearing, may revoke a license when satisfied that the licensee has failed to comply with ss. 342.40 to 342.43.

342.43 Motor vehicle auction dealer to be bonded; conduct of auction business.

(1) Each licensee under s. 342.42 shall furnish and maintain a corporate surety bond in the amount of \$25,000 in such form as the department approves, conditioned upon the licensee's complying with the laws applicable to the licensee and as indemnity for any loss sustained by any person by reason of acts of the licensee constituting grounds for refusal or revocation of his auction dealer's license. The bond shall run to the state of Wisconsin for the benefit of aggrieved parties, but the aggregate liability of the surety for all such parties shall not exceed the amount of said bond.

(2) The following rules shall govern the conduct of motor vehicle auction sales:

(a) Sales of motor vehicles shall be confined to those offered by licensed motor vehicle dealers and shall be sold only to licensed motor vehicle dealers.

(b) Every motor vehicle offered for sale shall be sold with the understanding that a clear title will be furnished, or in lieu of such an agreement, the obtaining of title insurance on each motor vehicle sold. A dealer's reassignment form shall be filed on each motor vehicle sold at the auction.

(c) Payment for motor vehicles bought and sold shall be made immediately after sale.

(3) Any person violating this section may be fined not less than \$25 nor more than \$200 or imprisoned not more than 60 days, or both.