

1971 Senate Bill 154

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CHAPTER 131, Laws of 1971

AN ACT to create 342.40 of the statutes, relating to disposal of abandoned motor vehicles.

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

342.40 of the statutes is created to read:

342.40 VEHICLE ABANDONMENT PROHIBITED; REMOVAL; DISPOSAL. (1) No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any vehicle has been left unattended without the permission of the property owner for more than 48 hours in cities of the 1st class and, in other cities, villages and towns, a period set by the governing body thereof, the vehicle is deemed abandoned and constitutes a public nuisance.

(2) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (3) except that if a duly authorized municipal or county representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the municipality or county prior to expiration of the impoundment period upon determination by the chief of police or

sheriff having jurisdiction that the vehicle is not wanted for evidence or other reason.

(3) Any municipality or county may enact ordinances governing the removal and disposal of abandoned vehicles and provide a forfeiture in addition to providing for the recovery by the municipality or county of the cost of impounding and disposing of the vehicle.

(a) Any municipal or university police officer, sheriff's deputy, county traffic patrolman, state traffic officer or conservation warden who discovers any motor vehicle, trailer, semitrailer, or mobile home on any public highway or private or public property which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment. Upon removal of the vehicle the officer or warden shall notify the sheriff or chief of police of the abandonment and of the location of the impounded vehicle.

(b) The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the municipality against the owner.

(c) Any abandoned vehicle which is determined by a duly authorized municipal or county representative to have a value in excess of \$100 shall be retained in storage for a period of 14 days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Thereafter the municipality or county may dispose of the vehicle by sale as provided by ordinance.

(d) Any abandoned vehicle which is determined by a duly authorized municipal or county representative to have a value less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(e) Within 5 days after the sale or disposal of a vehicle as provided in par. (c) or (d), the municipality or county shall advise the division of the sale or disposition on form supplied by the division.
