

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.

342.02 Excepted liens and security interests. This chapter does not apply to or affect:

(1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle.

(2) A lien given by statute to the United States, this state or any political subdivision of this state.

(3) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale, which shall be governed by the applicable provisions of ch. 409.

342.05 When certificate of title required.

(1) The owner of a vehicle subject to registration in this state, whether or not such vehicle is operated on any highway of 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. 342.15.

(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 division 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 division 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 required to forfeit not more than \$200. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the division or deposited in the mail properly addressed and with postage prepaid.

History: 1971 c. 278.

342.06 Application for certificate of title.

(1) An application for a certificate of title shall be made to the division 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 division 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 secured parties in the order of their priority.
- (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 and, the manufacturer's document of origin. Such document of origin shall contain such information as is prescribed by the division.
- (e) Any further evidence of ownership which may reasonably be required by the division to enable it to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle.
- (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 any certificate of ownership issued by the other jurisdiction and a statement pertaining to the title history and ownership of such motor vehicle, such statement to be in the form the division prescribes, and shall furnish a certification by a law enforcement officer or by an employe designated by the division 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 required to forfeit not more than \$1,000.

History: 1973 c. 218; 1975 c. 121, 286.

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.

(3) Subsections (1) and (2) do not apply if the owner applying for certificate of title for a motor vehicle which has previously been junked certifies to the division that the motor vehicle will not be operated on the public highways. In such case, the division shall stamp on the title: "NOT FOR HIGHWAY USE". If at a subsequent time the owner wishes to operate the motor vehicle on the public highways, the owner shall comply with subs. (1) and (2) at the time of making application for registration. In any event, any vehicle which is titled under this section shall be treated as a motor vehicle for the purposes of compliance with this chapter and ch. 346.

History: 1975 c. 385, 421.

342.08 Division to examine records. Before issuing a certificate of title for a vehicle last previously registered in another jurisdiction, the division shall check the application against the records of stolen vehicles in the department of justice.

History: 1973 c. 169.

342.09 When division to issue certificate and to whom; maintenance of records. (1) The division shall file each application for

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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 division 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 division determines to be desirable.

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

- (a) The name and address of the owner.
- (b) The names of any secured parties in the order of priority as shown on the application or, if the application is based on another certificate of title, as shown on such certificate.
- (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 division 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 secured party and the assignment or release of a security interest.

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

(4) Unless the applicant fulfills the requirements of s. 342.12 (3), a distinctive certificate of title shall be issued for a vehicle last previously registered in another jurisdiction the laws of which do not require that secured parties be named on a certificate of title to perfect their security interests. The certificate shall contain the legend "This vehicle may be subject to an undisclosed security interest" and may contain any other information the division prescribes. If no notice of a security interest in the vehicle is received by the division within 4 months from the

issuance of the distinctive certificate of title, it shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

(5) A certificate of title issued by the division is prima facie evidence of the facts appearing on it.

342.11 Grounds for refusing issuance of certificate of title. The division 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 division pursuant to authority of law.

342.12 Withholding certificate of title; bond. (1) No certificate of title shall be issued by the division until the outstanding evidence of ownership is surrendered to the division.

(2) If the division is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the division, subject to sub. (3), shall either:

(a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the division as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(b) Issue a distinctive certificate of title pursuant to s. 342.10 (4) or 342.283.

(3) Notwithstanding sub. (2), the division may issue a nondistinctive certificate of title if the applicant fulfills either of the following requirements:

(a) The applicant is a dealer licensed under s. 218.01 or 218.11 and is financially responsible as substantiated by the last financial statement on file with the division, a finance company licensed under s. 138.09 or 218.01, a bank organized under the laws of this state, or a national bank located in this state; or

(b) The applicant has filed with the division a bond in the form prescribed by the division and executed by the applicant, and either accompanied by the deposit of cash with the division or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the division and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in

interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of 5 years or prior thereto if, apart from this section, a nondistinctive certificate of title could then be issued for the vehicle, or if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the division, unless the division has been notified of the pendency of an action to recover on the bond.

History: 1973 c. 116 s. 6.

342.13 Lost, stolen or mutilated certificates.

(1) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the records of the division, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the division. The replacement certificate of title shall contain the legend "This is a replacement certificate and may be subject to the rights of a person under the original certificate".

(2) The division shall not issue a new certificate of title to a transferee upon application made on a replacement until 15 days after receipt of the application.

(3) A person recovering an original certificate of title for which a replacement has been issued shall promptly surrender the original certificate to the division.

History: 1975 c. 297.

342.14 Fees. The division shall be paid the following fees:

(1) For filing an application for the first certificate of title, \$2, by the owner of the vehicle.

(2) For the original notation and subsequent release of each security interest noted upon a certificate of title, a single fee of \$1.50 by the owner of the vehicle. This fee is exempt from s. 86.35.

(3) For a certificate of title after a transfer, \$2, by the owner of the vehicle.

(4) For each assignment of a security interest noted upon a certificate of title, \$1 by the assignee.

(5) For a replacement certificate of title, \$5, by the owner of the vehicle.

(6) The division shall transmit monthly, as provided in s. 59.57 (12), to the proper registers of deeds, 50 cents from each fee collected pursuant to sub. (2) to cover the fee for filing memoranda required by s. 59.57 (5m).

(7) For processing applications for certificates of title which have a special handling request for fast service, a fee to be established by divisional rule which shall approximate the cost to the division for providing this special handling service to persons so requesting.

History: 1975 c. 39, 297, 422.

TRANSFER OF TITLE

342.15 Transfer of interest in a vehicle.

(1) (a) If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and cause the certificate to be mailed or delivered to the transferee, except that if the vehicle being transferred has been junked, the owner shall return the certificate to the division in accordance with s. 342.34.

(b) No person shall transfer a motor vehicle without disclosing in writing to the transferee the odometer reading and either that such reading is known to be actual mileage, or that such reading is known to be inaccurate in which case actual mileage shall be disclosed if known, or that such reading is not known to be actual mileage. No transferor shall knowingly give a false statement to a transferee in making such disclosure. The division shall prescribe the manner in which such written disclosure shall be made and retained. The transferor of a motor vehicle with a gross weight rating of more than 16,000 pounds, or of a vehicle 25 or more years old, need not disclose odometer mileage as required by this subsection.

(2) Except as provided in s. 342.16, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the division prescribes, and cause the certificate and application to be mailed or delivered to the division.

(3) Except as provided in s. 342.16 and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with. An owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of this section requiring action by him is not liable as owner for any damages thereafter resulting from operation of the vehicle.

(4) If the vehicle being transferred is an automobile registered pursuant to the monthly

series system, the owner shall 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 as such fee, the transferor shall remove the plates and return them to the division. 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 division in accordance with s. 342.34.

(5) Any owner of a vehicle for which a certificate of title has been issued, who upon transfer of the vehicle fails to execute and deliver the assignment and warranty of title required by sub. (1) may be required to forfeit not more than \$200.

(6) Except as provided in s. 342.16, 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 required to forfeit not more than \$200. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the division or deposited in the mail properly addressed with postage prepaid.

(7) Any owner of a vehicle currently registered in this state who fails to comply with the requirements of sub. (4) may be required to forfeit not more than \$200.

History: 1971 c. 278; 1975 c. 121, 199.

Sub. (3) is the statute governing the time of transfer of ownership for purposes of determining liability of the owner in a personal injury action, although rights and liabilities as between the parties arising under the law of sales are governed by the Uniform Commercial Code. *Knutson v. Mueller*, 68 W (2d) 199, 228 NW (2d) 342.

342.16 Transfer to or from dealer. (1) If a dealer acquires a new or used vehicle and holds it for resale the dealer need not send the certificate of title or application for original certificate to the division. Upon transferring the vehicle to another person the dealer shall immediately give such person on a form prescribed by the division a receipt for all title, registration, security interest and sales tax moneys paid to the dealer for transmittal to the division when required. The dealer shall promptly execute the assignment and warranty of title, showing the name and address of the transferee and of any secured party holding a security interest created or reserved at the time of the resale, in the spaces provided therefor on the certificate or as the division prescribes, and shall within 4 business days following the sale or transfer mail or deliver the certificate or application for certificate to the

division with the transferee's application for a new certificate.

(1m) No motor vehicle dealer or motor vehicle salesman shall transfer a motor vehicle without disclosing in writing to the transferee the odometer reading and either that such reading is known to be actual mileage or that such reading is known to be inaccurate in which case actual mileage shall be disclosed if known, or that such reading is not known to be actual mileage. No motor vehicle dealer or motor vehicle salesman shall knowingly give a false statement to a transferee in making such disclosure. The division shall prescribe the manner in which such written disclosure shall be made and retained. Such disclosure requirement shall not apply to a motor vehicle with a gross weight rating of more than 16,000 pounds, or a vehicle 25 or more years old.

(2) Every dealer shall maintain for 5 years a record in the form the division prescribes of every vehicle bought, sold or exchanged by him, or received by him for sale or exchange, which shall be open to inspection by a representative of the division or a peace officer during reasonable business hours.

(2m) (a) Notwithstanding the provisions of s. 342.13, upon the application of a dealer for the issuance of a certificate of title naming the dealer as owner of a vehicle purchased by the dealer and held for resale, the division shall issue the certificate of title to the dealer as soon as practicable after receipt of the application. If the original certificate of title is unavailable to the dealer at the time the dealer obtains possession of the vehicle for resale because of any of the reasons stated in s. 342.13, the dealer shall obtain from the prior owner, on a form prescribed by the division, such prior owner's certification of the security interests presently existing in the vehicle and submit such certification to the division with the application. The dealer shall be liable to any person who shall incur damages by reason that a certificate of title issued pursuant to this subsection fails to disclose a presently existing security interest.

(b) The dealer shall have a cause of action against a prior owner for damages incurred by the dealer by reason of the owner's failure to accurately list all security interests on the certification form required by par. (a). Any person who wilfully fails to disclose an existing security interest on such certification form may further be required to forfeit not more than \$200.

(3) Any dealer who fails to comply with this section may be required to forfeit not more than \$200.

History: 1973 c. 218; 1975 c. 121, 286, 351, 421.

342.17 Involuntary transfers. (1) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in sub. (2), promptly mail or deliver to the division the last certificate of title, if available, and the documents required by the division to legally effect such transfer, and his application for a new certificate in the form the division prescribes.

(2) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a secured party named in the certificate of title, the transferee shall promptly mail or deliver to the division the last certificate of title, his application for a new certificate in the form the division prescribes, and an affidavit made by or on behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(3) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the division upon request of the division. The delivery of the certificate pursuant to the request of the division does not affect the rights of the person surrendering the certificate, and the action of the division in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or secured party named in the old certificate.

(4) (a) In all cases of the transfer of a vehicle owned by a decedent, except under par. (b), ward, trustee or bankrupt, the division shall accept as sufficient evidence of the transfer of ownership the following:

1. Evidence satisfactory to the division of the issuance of the letters of administration, letters testamentary, letters of guardianship, letters of trust or appointment of the trustee in bankruptcy;

2. The title executed by such administrator, executor, guardian or trustee; and

3. The evidence concerning payment of sales or use taxes required by s. 77.61 (1) or evidence that the transfer is exempt from such taxes.

(b) 1. The division shall transfer the decedent's interest in any vehicle to the surviving spouse upon receipt of the title executed by the surviving spouse and an affidavit by the spouse which shall state:

a. The date of death of the decedent;

b. The approximate value and description of the vehicle; and

c. That the spouse makes himself personally liable for the decedent's debts and charges to the extent of the value of the vehicle, subject to s. 859.25.

2. The transfer shall not affect any liens upon the vehicle.

3. This paragraph is limited to no more than 2 vehicles.

(c) Upon compliance with this subsection neither the administrator nor the division shall bear any liability or responsibility for the transfer of such vehicles in accordance with this section.

History: 1971 c. 164 s. 82; 1973 c. 40, 243.

342.18 When division to issue a new certificate. (1) The division, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other transfer documents required by law, to support the transfer, shall issue a new certificate of title in the name of the transferee as owner.

(2) The division, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the transfer constituted a termination of the owner's interest or a sale under a security agreement by a secured party named in the certificate, under s. 342.17 (2), the new certificate shall be issued free of the names and addresses of the secured party who terminated the owner's interest and of all secured parties subordinate under s. 342.19 to such secured party. If the outstanding certificate of title is not delivered to it, the division shall make demand therefor from the holder of such certificate.

(3) The division shall file and retain for 5 years a record of every surrendered certificate of title, the file to be maintained so as to permit the tracing of title of the vehicle designated therein.

(4) Under the following circumstances only, the division 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. 218.01 or 218.11, a finance company licensed under s. 138.09 or 218.01, a bank organized under the laws of this state, or a national bank located in this state, and the vehicle in question is a used vehicle for which the division 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 division 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 division 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.

History: 1973 c. 116 s. 6.

342.19 Perfection of security interests.

(1) Unless excepted by s. 342.02, a security interest in a vehicle of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or secured parties of the vehicle unless perfected as provided in this chapter.

(2) Except as provided in sub. (2m), a security interest is perfected by the delivery to the division of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the secured party, and the required fee. It is perfected as of the time of its creation if such delivery is completed within 10 days thereafter, and without regard to the limitations expressed in s. 409.301 (2); otherwise, as of the time of such delivery.

(2m) If a secured party whose name and address is contained on the certificate of title for a vehicle acquires a new or additional security interest in the vehicle, such security interest is perfected at the time of its attachment under s. 409.203.

(3) An unperfected security interest is subordinate to the rights of persons described in s. 409.301.

(4) The rules of priority stated in s. 409.312, and the other sections therein referred to, shall, to the extent appropriate, apply to conflicting security interests in a vehicle of a type for which a certificate of title is required, or in a "previously certificated vehicle" as defined in s. 342.281. A security interest perfected under this section or under ss. 342.284 and 342.285 is a security interest perfected otherwise than by filing for purposes of s. 409.312.

(5) The rules stated in ss. 409.501 to 409.507 governing the rights and duties of secured parties and debtors and the requirements for, and effect of, disposition of a vehicle by a secured party, upon default shall, to the extent appropriate, govern the rights of secured parties and owners with respect to security interests in vehicles perfected under this chapter.

(6) If a vehicle is subject to a security interest when brought into this state, s. 409.103 (1), (2) and (3) state the rules which apply to determine

the validity and perfection of the security interest in this state.

History: 1973 c. 336 s. 79; 1975 c. 286, 422.

342.20 Duties on creation of security interest. If an owner creates a security interest in a vehicle, unless the name and address of the secured party already is contained on the certificate of title for the vehicle:

(1) The owner shall immediately execute, in the space provided therefor on the certificate of title or on a separate form prescribed by the division, an application to name the secured party on the certificate, showing the name and address of the secured party, and cause the certificate, application and the required fee to be delivered to the secured party.

(2) The secured party shall immediately cause the certificate, application and the required fee to be mailed or delivered to the division.

(3) Upon receipt of the certificate of title, application and the required fee, the division shall issue to the owner a new certificate containing the name and address of the new secured party. The division shall deliver to such new secured party and to the register of deeds of the county of the debtor's residence, memoranda, in such form as the division prescribes, evidencing the notation of the security interest upon the certificate; and thereafter, upon any assignment, termination or release of the security interest, additional memoranda evidencing such action.

(4) The registers of deeds shall maintain a file of all memoranda received from the division pursuant to sub. (3). Such filing, however, is not required for perfection, release or assignment of security interests, which shall be effective upon compliance with ss. 342.19 (2), 342.21, and 342.22.

History: 1975 c. 286.

342.21 Assignment of security interest.

(1) A secured party may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the secured party as the holder of the security interest and the secured party remains liable for any obligations as a secured party until the assignee is named as secured party on the certificate.

(2) The assignee may but need not, to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as secured party, upon delivering to the division the certificate and an assignment by the secured

party named in the certificate in the form the division prescribes.

342.22 Release of security interest. (1) Whenever there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured by the security interest in a vehicle under any security agreement between the owner and the secured party, the secured party shall execute and deliver to the owner, as the division prescribes, a release of the security interest in the form and manner prescribed by the division. If the secured party fails to execute and deliver such a release within 10 days after receipt of the owner's written demand therefor he shall be liable to the owner for \$25 and for any loss caused to the owner by such failure.

(2) The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the division, which shall release the secured party's rights on the certificate and issue a new certificate.

342.23 Secured party's and owner's duties. (1) A secured party named in a certificate of title shall, upon written request of the owner or of another secured party named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

(2) An owner shall promptly deliver his certificate of title to any secured party who is named on it or who has a security interest in the vehicle described in it under any other applicable prior law of this state, upon receipt of a notice from such secured party that his security interest is to be assigned, extended or perfected.

(3) Any secured party who fails to disclose information pursuant to sub. (1) shall be liable for any loss caused to owner thereby.

(4) Any owner who fails to deliver the certificate of title to a secured party requesting it pursuant to sub. (2) shall be liable to such secured party for any loss caused to the secured party thereby and may be required to forfeit not more than \$200.

History: 1971 c. 278.

342.24 Method of perfecting exclusive. The method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. Security interests subject to this chapter are hereby exempted from the provisions of law which otherwise require or relate to the filing of instruments creating or evidencing security interests.

The motor vehicle law provisions relating to security do not apply to a mobile home once it has become a fixture. *George v. Commercial Credit Corp.* 440 F (2d) 551.

342.25 Suspension or revocation of certificate. (1) The division shall suspend or revoke a certificate of title if it finds:

(a) The certificate of title was fraudulently procured, erroneously issued or prohibited by law;

(b) The vehicle has been scrapped, dismantled or destroyed; or

(c) A transfer of title is set aside by a court of record by order or judgment.

(2) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(3) When the division suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the division.

(4) The division may seize and impound any certificate of title which has been suspended or revoked.

342.255 Cancellation of title or registration. The division shall cancel a title or registration whenever:

(1) A transfer of title is set aside by the court by order or judgment; or

(2) Fraud on the division is discovered by the division; or

(3) It is subsequently discovered that the issuance or possession of a title or registration is prohibited by law.

342.26 Hearings and appeal. Any person aggrieved by an act or omission of the division under this chapter is entitled, upon request, to a hearing and judicial review thereof in accordance with ch. 227.

342.281 Previously certificated vehicle. A previously certificated vehicle is a vehicle for which a certificate of title has been issued by the division prior to June 1, 1966.

342.282 Deferred application to previously certificated vehicle. Sections 342.19 to 342.24 shall not apply to a previously certificated vehicle until:

(1) There is a transfer of ownership of the vehicle; or

(2) The division issues a certificate of title of the vehicle under this chapter.

342.283 Distinctive certificate. If the division is not satisfied that there are no undisclosed security interests, created before June 1, 1966, in a previously certificated vehicle, it shall, unless

the applicant fulfills the requirements of s. 342.12 (3), issue a distinctive certificate of title of the vehicle containing the legend "This vehicle may be subject to an undisclosed security interest" and any other information the division prescribes.

342.284 New security interest in a previously certificated vehicle. After June 1, 1966, a security interest in a previously certificated vehicle may be created and perfected only by compliance with ss. 342.19 and 342.24.

342.285 Unsatisfied security interest in previously certificated vehicle. (1) If a security interest in a previously certificated vehicle is perfected under any other applicable law of this state at the time this section takes effect (June 1, 1966), the security interest continues perfected until its perfection lapses under the law under which it was perfected (or would lapse in the absence of a further filing or renewal of filing) and thereafter, if, before such lapse, there is delivered to the division the existing certificate of title together with the application and fee required by s. 342.20 (1). In such case the division shall issue a new certificate pursuant to s. 342.20 (3).

(2) If a security interest in a previously certificated vehicle was created, but was unperfected, under any other applicable law of this state at the time this section takes effect (June 1, 1966), it may be perfected under sub. (1), but such perfection dates only from the date of the division's receipt of the certificate.

ANTI-THEFT AND ANTI-FRAUD PROVISIONS.

342.30 Assignment and stamping of new identification numbers. (1) The division 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 division shall begin with 101, run consecutively and be followed by the letters "WIS".

(2) An identification number assigned by the division to a mobile home, trailer or semitrailer shall be stamped upon the frame in a readily visible location. An identification number assigned to a motor vehicle manufactured prior to January 1, 1969, shall be permanently affixed to the left front pillar. The vehicle identification number for motor vehicles manufactured after January 1, 1969, shall be permanently affixed upon either a part of the vehicle that is not

designed to be removed except for repair, or a separate plate which is permanently affixed to such part. The vehicle identification number shall be located inside the passenger compartment and shall be readable, without moving any part of the vehicle, through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision (Snellen) whose eyepoint is located outside the vehicle adjacent to the left windshield pillar. Identification numbers assigned for cycles shall be stamped on the left side, near the top of the engine casting just below the cylinder barrel. Such stamping or affixing 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 affixing shall make a report thereof to the division.

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

History: 1971 c. 278; 1975 c. 121.

342.31 Report of stolen or abandoned motor vehicles. (1) Each sheriff and police department in the state shall immediately report to the department of justice each motor vehicle reported stolen or recovered 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 to the local law enforcement agency the make, motor number and serial or identification number of any 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 such report may be required to forfeit not more than \$25.

History: 1971 c. 278; 1973 c. 169.

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 division 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 required to forfeit not more than \$1,000.

History: 1973 c. 218.

342.34 Division 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 division of the destruction or junking; and

(b) Return the certificate of title to the division; 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 division.

(2) Any person violating this section may be required to forfeit not more than \$200.

History: 1971 c. 278.

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. Whether or not the municipality recovers the cost of towing and enforcement, the municipality shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.

(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.

History: 1971 c. 131; 1973 c. 213.