

**CHAPTER 68, Laws of 1977**

AN ACT to repeal 342.40 (3) (d); to amend 342.40 (1), (2) and (3) (c) and (e); and to create 346.94 (13) and 346.95 (5) of the statutes, relating to abandoned motor vehicles, and providing a penalty.

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

SECTION 1. 342.40 (1), (2) and (3) (c) of the statutes are amended to read:

342.40 (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~~ Except as otherwise provided in this subsection, 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. A motor vehicle shall not be considered an abandoned motor vehicle when it is out of ordinary public view, or when designated as not abandoned by a duly authorized municipal or county official pursuant to municipal or county ordinance.

(2) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (3) except that if it is deemed by 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 or sold 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 stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with sub. (3) (c).

(3) (c) Any ~~abandoned~~ vehicle which is ~~determined~~ deemed abandoned by a duly authorized municipal or county representative ~~to have a value in excess of \$100 and not disposed of under sub. (2)~~ shall be retained in storage for a minimum period of 14 10 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~~ Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold. The municipality or county may dispose of the vehicle by sealed bid or auction sale as provided by ordinance. At such sale the highest bid for any such motor vehicle shall be accepted unless the same is deemed inadequate by a duly authorized municipal or county representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the municipality or county may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold. If municipal or county ordinances do not state the procedure to be followed in advertising or providing public notice of the sale, a public notice shall be posted at the office of the municipal police department or the office of

the county sheriff. The posting of the notice at the police or sheriff's department shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Upon sale of an abandoned vehicle, the municipality or county shall supply the purchaser with a completed form designed by the division enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the municipality or county for each day the vehicle remains in storage after the 2nd business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by any municipality or county shall be made available to any interested person or organization which makes a written request for such list. The municipality or county may charge a fee for the list.

SECTION 2. 342.40 (3) (d) of the statutes is repealed.

SECTION 3. 342.40 (3) (e) of the statutes is amended to read:

342.40 (3) (e) Within 5 days after the sale or disposal of a vehicle as provided in ~~par. (e) or (d)~~ this subsection or sub. (2), the municipality or county shall advise the division of the sale or disposition on a form supplied by the division.

SECTION 4. 346.94 (13) of the statutes is created to read:

346.94 (13) ABANDONED MOTOR VEHICLES. No person may cause a motor vehicle to be abandoned, within the meaning of s. 342.40 (1), on or along any highway or on any public or private property.

SECTION 5. 346.95 (5) of the statutes is created to read:

346.95 (5) Any person violating s. 346.94 (13) may be required to forfeit not more than \$200.

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