



## 1995 ASSEMBLY BILL 138

February 15, 1995 - Introduced by Representatives FREESE, BALDUS, BRANDEMUEHL, RYBA, OTTE, HASENOHRL, SILBAUGH, KREUSER, HAHN, ZUKOWSKI, MUSSER, LEHMAN, AINSWORTH, GREEN, GROTHMAN, KREIBICH, LADWIG, MEYER, NASS, OLSEN, OTT, PORTER, REYNOLDS, SERATTI, UNDERHEIM, VANDER LOOP, WARD, WILDER, ZIEGELBAUER and JENSEN, cosponsored by Senators WEEDEN, LEEAN, DRZEWIECKI, ZIEN, WINEKE, COWLES, FITZGERALD, ANDREA, BRESKE, JAUCH, C. POTTER and SCHULTZ. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 779.41 (1) (intro.), (a), (b) and (c) 1. to 4. of the statutes;  
2 **relating to:** mechanic's liens.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a mechanic has a lien on property that the mechanic works on for the amounts charged in connection with that work. The mechanic may keep the property until the amounts charged are paid. Current law also creates a priority status for the mechanic's lien for charges up to \$1,000 or a greater, specified amount depending upon the size and type of the vehicle. For example, the lien on a vehicle with a gross weight exceeding 60,000 pounds has priority over other perfected liens on the vehicle, but only for charges up to \$8,000.

This bill doubles the dollar amounts of charges for which the mechanic's lien is granted priority status. Consequently, the priority status for a mechanic's lien applies to charges ranging from \$2,000 to \$16,000, depending upon the size and type of vehicle, rather than from \$1,000 to \$8,000 under current law.

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

3 **SECTION 1.** 779.41 (1) (intro.), (a), (b) and (c) 1. to 4. of the statutes are amended  
4 to read:

5 779.41 (1) (intro.) Every mechanic and every keeper of a garage or shop, and  
6 every employer of a mechanic who transports, makes, alters, repairs or does any  
7 work on personal property at the request of the owner or legal possessor of the  
8 personal property, has a lien on the personal property for the just and reasonable

1 charges therefor, including any parts, accessories, materials or supplies furnished  
2 in connection therewith and may retain possession of the personal property until the  
3 charges are paid. The lien provided by this section is subject to the lien of any  
4 security interest in the property which is perfected as provided by law prior to the  
5 commencement of the work for which a lien is claimed unless the work was done with  
6 the express consent of the holder of the security interest, but only for charges in  
7 excess of ~~\$1,000~~ \$2,000 except if the personal property is:

8 (a) A trailer or semitrailer designed for use with a road tractor, for charges in  
9 excess of ~~\$3,000~~ \$6,000.

10 (b) Road machinery, including mobile cranes and trench hoes, farm tractors,  
11 machines of husbandry, or off-highway construction vehicles and equipment, for  
12 charges in excess of ~~\$5,000~~ \$10,000.

13 (c) 1. More than 10,000 and less than 20,000 pounds, for charges in excess of  
14 ~~\$2,000~~ \$4,000.

15 2. 20,000 pounds or more but less than 40,000 pounds, for charges in excess of  
16 ~~\$4,000~~ \$8,000.

17 3. 40,000 pounds or more but less than 60,000 pounds, for charges in excess of  
18 ~~\$6,000~~ \$12,000.

19 4. 60,000 pounds or more, for charges in excess of ~~\$8,000~~ \$16,000.

20 **SECTION 2. Initial applicability.**

21 (1) This act first applies to liens on personal property transported, made,  
22 altered, worked on or repaired on the effective date of this subsection.

23 (END)