

1999 ASSEMBLY BILL 667

January 19, 2000 – Introduced by Representatives PETTIS, MUSSER, LADWIG, SCHNEIDER, GOETSCH, AINSWORTH, BRANDEMUEHL, VRAKAS, NASS, FREESE, TOWNSEND and GUNDERSON, cosponsored by Senator HUELSMAN. Referred to Committee on Transportation.

1 **AN ACT to amend** 342.15 (1) (a), 342.15 (1) (c), 342.15 (3) and 342.18 (1); and **to**
2 **create** 342.09 (4), 342.10 (1) (dr), 342.10 (2) (a) 5. and 342.15 (1) (e) of the
3 statutes; **relating to:** the transfer of an interest in a motor vehicle.

Analysis by the Legislative Reference Bureau

Under current law, upon transferring an interest in a motor vehicle, the owner is required to execute an assignment and warranty of title to the purchaser of the motor vehicle and deliver the certificate of title to the purchaser. The owner must also disclose the motor vehicle's mileage in writing to the purchaser and, in most cases, remove the registration plates from the motor vehicle. After an owner complies with these requirements, the owner is no longer liable as an owner for any damages that result from operation of the motor vehicle.

Current law also requires the purchaser of a motor vehicle to forward the transferred certificate of title with an application for a new certificate of title to the department of transportation (DOT). A purchaser must also apply within two business days after the transfer of interest in the motor vehicle to DOT for temporary registration plates.

Under this bill, DOT must attach a notice of transfer of interest to each certificate of title it issues after the effective date of this bill. The notice must be easily detachable from the certificate of title and include spaces for the signatures of the owner, the names and addresses of the owner and purchaser, the date of the transfer of interest and the amount paid by the purchaser. This bill requires the owner of a motor vehicle who transfers an interest in a motor vehicle for which a

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certificate of title was issued by DOT after the effective date of this bill to forward to DOT a completed notice of transfer of interest within two business days after the transfer of interest. This bill does not apply to transfers of salvage vehicles or transfers by motor vehicle dealers.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 342.09 (4) of the statutes is created to read:

2 342.09 (4) The department shall maintain a record of all notices of transfer of
3 interest received under s. 342.15 (1) (e) according to vehicle identification number.

4 **SECTION 2.** 342.10 (1) (dr) of the statutes is created to read:

5 342.10 (1) (dr) An easily detachable notice of transfer of interest required under
6 s. 342.15 (1) (e) shall be attached to the certificate of title.

7 **SECTION 3.** 342.10 (2) (a) 5. of the statutes is created to read:

8 342.10 (2) (a) 5. The notice of transfer of interest shall contain spaces for the
9 signature of the transferor, the name and address of the transferor, the name and
10 address of the transferee, the date of the transfer and the amount paid by the
11 transferee.

12 **SECTION 4.** 342.15 (1) (a) of the statutes is amended to read:

13 342.15 (1) (a) If an owner transfers an interest in a vehicle, other than by the
14 creation of a security interest, the owner shall comply with the requirements of par.
15 (e) and s. 342.155 and, at the time of the delivery of the vehicle, execute an
16 assignment and warranty of title to the transferee in the space provided therefor on
17 the certificate, and cause the certificate to be mailed or delivered to the transferee,
18 except that if the vehicle being transferred is a junk vehicle or has been junked, the
19 owner shall return the certificate to the department in accordance with s. 342.34.

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1 **SECTION 5.** 342.15 (1) (c) of the statutes is amended to read:

2 342.15 (1) (c) If an owner transfers his or her interest in a salvage vehicle, the
3 owner shall at the time of the delivery of the vehicle, execute an assignment and
4 warranty of title to the transferee in the space provided therefor on the certificate,
5 and cause the certificate to be mailed or delivered to the transferee, and comply with
6 the requirements of par. (e).

7 **SECTION 6.** 342.15 (1) (e) of the statutes is created to read:

8 342.15 (1) (e) An owner who transfers an interest in a vehicle for which the
9 certificate of title was issued by the department after the effective date of this
10 paragraph [revisor inserts date], shall within 2 days after the transfer forward to
11 the department a notice of transfer of interest. The notice of transfer of interest
12 submitted to the department under this subsection shall be in the form specified
13 under s. 342.10 (1) (dr) and (2) (a) 5. and include the signature of the transferor, the
14 name and address of the transferor, the name and address of the transferee, the date
15 of the transfer of interest and the amount paid by the transferee.

16 **SECTION 7.** 342.15 (3) of the statutes is amended to read:

17 342.15 (3) Except as provided in s. 342.16 with respect to a vehicle which is not
18 a salvage vehicle and as between the parties, a transfer by an owner is not effective
19 until the provisions of this section, other than sub. (1) (e), have been complied with.
20 An owner who has delivered possession of the vehicle to the transferee and has
21 complied with the provisions of this section, other than sub. (1) (e), requiring action
22 by him or her is not liable as owner for any damages thereafter resulting from
23 operation of the vehicle.

24 **SECTION 8.** 342.18 (1) of the statutes is amended to read:

