

2003 Senate Bill 420

Date of enactment: April 7, 2004
Date of publication*: April 21, 2004

2003 WISCONSIN ACT 184

AN ACT *to repeal* 342.10 (4) and 342.12 (2) (b); *to consolidate, renumber and amend* 342.12 (2) (intro.) and (a); and *to amend* 341.13 (2), 341.14 (6m) (a), 341.145 (1) (b), 342.08 (intro.), 342.12 (3) (intro.) and (b) and 342.13 (1) of the statutes; **relating to:** issuance of motor vehicle certificates of title and special distinguishing registration plates that identify the bearer as a member of the national guard.

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

SECTION 1. 341.13 (2) of the statutes is amended to read:

341.13 (2) In addition to the matter specified in s. 341.12 (3), the registration plates for a vehicle registered on the basis of gross weight except ~~a motor truck registered under s. 341.14 (6m) or 341.145 (1) (b)~~, a dual purpose motor home, or a motor home, motor truck, farm truck, or dual purpose farm truck registered under s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), ~~(6m)~~, or (6r) or 341.145 (1) (a), ~~(b)~~, (c), (d), or (e) or a motor truck or dual purpose farm truck registered under s. 341.14 (6) shall indicate the weight class into which the vehicle falls in a manner prescribed by the department. The gross weight which determines the registration fee for ~~a motor truck registered under s. 341.14 (6m) or 341.145 (1) (b)~~, a dual purpose motor home, or a motor home, motor truck, farm truck, or dual purpose farm truck registered under s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), ~~(6m)~~, or (6r) or 341.145 (1) (a), ~~(b)~~, (c), (d), or (e) or a motor truck or dual purpose farm truck registered under s. 341.14 (6) shall be shown on its certificate of registration.

SECTION 2. 341.14 (6m) (a) of the statutes is amended to read:

341.14 (6m) (a) Upon application to register an automobile or a motor home, or a motor truck, dual purpose motor home, or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight of not more than 12,000 pounds, by any person who is a resident of this state and a member or retired member of the national guard, the department shall issue to the person special plates whose colors and design shall be determined by the department and which have the words "Wisconsin guard member" placed on the plates in the manner designated by the department. The department shall consult with or obtain the approval of the adjutant general with respect to any word or symbol used to identify the national guard. An additional fee of \$15 shall be charged for the issuance or reissuance of the plates. Registration plates issued under this subsection shall expire annually.

SECTION 3. 341.145 (1) (b) of the statutes is amended to read:

341.145 (1) (b) A registration plate of the same color and design as provided in s. 341.14 (6m) for ~~an owned automobile or motor truck having a gross weight of not more than 8,000 pounds~~ a vehicle specified under s. 341.14 (6m), which displays a registration number composed of letters or numbers, or both, not exceeding 7 posi-

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

tions and not less than one position, requested by the applicant.

SECTION 4. 342.08 (intro.) of the statutes is amended to read:

342.08 Department to examine records. (intro.) The department shall check the application for a certificate of title against the records of stolen vehicles in the department of justice:

SECTION 5. 342.10 (4) of the statutes is repealed.

SECTION 6. 342.12 (2) (intro.) and (a) of the statutes are consolidated, renumbered 342.12 (2) and amended to read:

342.12 (2) If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department, subject to sub. (3), shall ~~either: Withhold~~ withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; ~~or,~~

SECTION 7. 342.12 (2) (b) of the statutes is repealed.

SECTION 8. 342.12 (3) (intro.) and (b) of the statutes are amended to read:

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

(b) The applicant has filed with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department 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 department 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 fees, by reason of the issuance of the certificate of title for 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 department, unless the department has been notified of the pendency of an action to recover on the bond.

SECTION 9. 342.13 (1) of the statutes is amended to read:

342.13 (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 department, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the department. The replacement certificate of title shall contain ~~the legend~~ "This is a notation, in a form determined by the department, identifying the certificate as a replacement certificate and that may be subject to the rights of a person under the original certificate". If applicable under s. 346.65 (6), the replacement certificate of title shall include the notation "Per section 346.65 (6) of the Wisconsin statutes, ownership of this motor vehicle may not be transferred without prior court approval".