



2009 SENATE BILL 506

1 **AN ACT** *to renumber and amend* 779.415 (1) and 779.415 (1m); *to amend*
2 779.415 (title) and 779.415 (2); and *to create* 779.415 (1c) and 779.415 (1g) (c)
3 of the statutes; **relating to:** vehicle towing and storage liens.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 779.415 (title) of the statutes is amended to read:
5 **779.415 (title) Liens on motor vehicles for towing and storage.**
6 **SECTION 2.** 779.415 (1) of the statutes is renumbered 779.415 (1g), and 779.415
7 (1g) (a), as renumbered, is amended to read:
8 779.415 **(1g)** (a) Every motor carrier holding a permit to perform vehicle towing
9 services, every licensed motor vehicle salvage dealer, and every licensed motor
10 vehicle dealer who performs vehicle towing services or stores a motor vehicle, when

SENATE BILL 506**SECTION 2**

1 such towing or storage is performed at the direction of a traffic officer or the owner
2 of the vehicle, shall, ~~if the vehicle is not claimed as provided herein~~ subject to sub.
3 (1m) (b), have a lien on the ~~motor~~ vehicle for reasonable towing and storage charges,
4 and may retain possession of the vehicle, until such charges are paid. If the vehicle
5 is subject to a lien perfected under ch. 342, a towing lien shall have priority only to
6 the extent of \$75 \$100 for a ~~motor~~ vehicle having a manufacturer's gross weight
7 rating of 20,000 pounds or less and \$250 \$350 for a ~~motor~~ vehicle having a
8 manufacturer's gross weight rating of more than 20,000 pounds and a storage lien
9 shall have priority only to the extent of \$7 \$10 per day but for a total amount of not
10 more than \$420 \$600 for a ~~motor~~ vehicle having a manufacturer's gross weight rating
11 of 20,000 pounds or less and \$20 \$25 per day but for a total amount of not more than
12 \$1,200 \$1,500 for a ~~motor~~ vehicle having a manufacturer's gross weight rating of
13 more than 20,000 pounds. If the value of the vehicle exceeds \$500 \$750, the lien may
14 be enforced under s. 779.48 (2). If the value of the vehicle does not exceed \$500 \$750,
15 the lien may only be enforced by sale or junking ~~substantially~~ as provided in sub. (2).

16 **SECTION 3.** 779.415 (1c) of the statutes is created to read:

17 779.415 (1c) In this section, "vehicle" has the meaning given in s. 29.001 (87).

18 **SECTION 4.** 779.415 (1g) (c) of the statutes is created to read:

19 779.415 (1g) (c) Annually, on January 1, the department of agriculture, trade
20 and consumer protection shall adjust the dollar amounts identified under par. (a) by
21 the annual change in the consumer price index, as determined under s. 16.004 (8) (e)
22 1., and publish the adjusted figures.

23 **SECTION 5.** 779.415 (1m) of the statutes is renumbered 779.415 (1m) (a) and
24 amended to read:

SENATE BILL 506

1 779.415 **(1m)** (a) Within 30 days after taking possession of a motor vehicle,
2 every motor carrier, licensed motor vehicle salvage dealer, and licensed motor vehicle
3 dealer under sub. ~~(1)~~ (1g) shall send written notice to the owner of the vehicle and
4 the holder of the senior lien on the vehicle informing them that they must take steps
5 to obtain the release of the motor vehicle.

6 **(b)** To ~~reclaim~~ repossess the vehicle, ~~the owner or the senior lienholder~~ must
7 pay all towing and storage charges that have a priority under sub. ~~(1)~~ (1g) (a) and all
8 reasonable storage charges that have accrued after 60 days from the date on which
9 possession of the motor vehicle was taken. ~~A reasonable effort to so notify the owner~~
10 ~~and the holder of the senior lien satisfies the notice requirement of this subsection.~~
11 Failure to ~~make a reasonable effort to so notify the owner and the senior lienholder~~
12 as provided in par. (a) renders void, with respect to the senior lienholder, any lien to
13 which the motor carrier, licensed motor vehicle salvage dealer, or licensed motor
14 vehicle dealer would otherwise be entitled under sub. ~~(1)~~ (1g).

15 **SECTION 6.** 779.415 (2) of the statutes is amended to read:

16 779.415 **(2)** At least 20 days prior to sale or junking, notice thereof shall be
17 given by ~~registered~~ certified mail to the person shown to be the owner of the vehicle
18 in the records of the department of transportation and to any person who has a lien
19 on such vehicle perfected under ch. 342, stating that unless the vehicle ~~is claimed by~~
20 ~~the owner or the owner's agent~~ pays all reasonable towing and storage charges for
21 the vehicle within said 20 days the vehicle will be exposed for sale or junked, as the
22 case may be. If the proceeds of the sale exceed the charges, the balance shall be paid
23 to the holder of the senior lien perfected under ch. 342, and if none, then to the owner
24 as shown in the records of the department of transportation.

25 **SECTION 7. Initial applicability.**

