

2019 Senate Bill 320 (LRB -3294)

An Act to create 342.065 (1m) of the statutes; relating to: evidence of ownership for purposes of obtaining certain motor vehicle certificates of title. (FE)

2019

07-10.	S.	Introduced by Senators Petrowski, Bewley, Kapenga, Marklein, Olsen, Ringhand and L. Taylor; cosponsored by Representatives Tusler, Riemer, Doyle, Fields, Kulp, Murphy, Ohnstad, Sinicki, Skowronski, Spiros, Stubbs and Stuck.	301
07-10.	S.	Read first time and referred to Committee on Transportation, Veterans and Military Affairs	301
07-25.	S.	Representative Bowen added as a cosponsor	312
08-08.	S.	Public hearing held	
09-05.	S.	Fiscal estimate received	
09-20.	S.	Senate Amendment 1 offered by Senator Petrowski (LRB a0465)	389
09-25.	S.	Executive action taken	
09-26.	S.	Report adoption of Senate Amendment 1 recommended by Committee on Transportation, Veterans and Military Affairs, Ayes 5, Noes 0	402
09-26.	S.	Report passage as amended recommended by Committee on Transportation, Veterans and Military Affairs, Ayes 5, Noes 0	402
09-26.	S.	Available for scheduling	
10-04.	S.	Placed on calendar 10-8-2019 pursuant to Senate Rule 18(1)	419
10-08.	S.	Read a second time	429
10-08.	S.	Senate Amendment 1 adopted	429
10-08.	S.	Ordered to a third reading	429
10-08.	S.	Rules suspended	429
10-08.	S.	Read a third time and passed	429
10-08.	S.	Ordered immediately messaged	430
10-08.	A.	Received from Senate	311
10-16.	A.	Read first time and referred to committee on Insurance	330
10-17.	A.	Executive action taken	
11-06.	A.	Report concurrence recommended by Committee on Insurance, Ayes 11, Noes 0	361
11-06.	A.	Referred to committee on Rules	361
11-07.	A.	Placed on calendar 11-12-2019 by Committee on Rules	
11-12.	A.	Read a second time	
11-12.	A.	Ordered to a third reading	
11-12.	A.	Rules suspended	
11-12.	A.	Read a third time and concurred in	
11-12.	A.	Ordered immediately messaged	
11-12.	S.	Received from Assembly concurred in	

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Adopted Documents

Original Engrossed Substitute Amdt

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Amendments: None or Listed below.

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Corrections: None or Listed by date below.

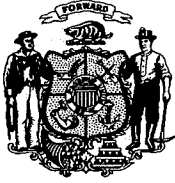
Topic: Same as relating clause or Indicated below.

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Date

Enrolling Drafter



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3294/1
EVM:cdc

2019 SENATE BILL 320

July 10, 2019 - Introduced by Senators PETROWSKI, BEWLEY, KAPENGA, MARKLEIN, OLSEN, RINGHAND and L. TAYLOR, cosponsored by Representatives TUSLER, RIEMER, DOYLE, FIELDS, KULP, MURPHY, OHNSTAD, SINICKI, SKOWRONSKI, SPIROS, STUBBS and STUCK. Referred to Committee on Transportation, Veterans and Military Affairs.

1 **AN ACT to create** 342.065 (1m) of the statutes; **relating to:** evidence of
2 ownership for purposes of obtaining certain motor vehicle certificates of title.

Analysis by the Legislative Reference Bureau

Current law defines a “salvage vehicle” as “a vehicle less than 7 years old that is not precluded from subsequent registration and titling and that is damaged by collision or other occurrence to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 70 percent of its fair market value.” Under current law, a purchaser of a salvage vehicle that is not currently titled as a salvage vehicle must apply for a salvage vehicle certificate of title by submitting to the Department of Transportation all of the following: 1) the properly assigned certificate of title or other evidence of ownership, 2) the applicant’s statement that the vehicle is a salvage vehicle, 3) an application for a salvage certificate of title, and 4) the required fee.

This bill provides that an insurer who is taking delivery in this state of a salvage vehicle that is not currently titled as a salvage vehicle upon payment of an insurance claim that exceeds 70 percent of the fair market value of the vehicle satisfies item 1) above by providing “other evidence of ownership” if all of the following apply: 1) the insurer provides certain notice to the previous owner, 2) the previous owner fails to execute an assignment of title for the vehicle to the insurer, and 3) the insurer provides DOT with evidence that the insurer has paid to the previous owner or secured party a total loss claim on the vehicle and that the insurer requested that the previous owner execute an assignment and warranty of title for the vehicle to the insurer.

SENATE BILL 320

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.** 342.065 (1m) of the statutes is created to read:

2 342.065 (1m) An insurer taking delivery in this state of a salvage vehicle that
3 is not currently titled as a salvage vehicle upon payment of an insurance claim that,
4 including any deductible amounts, exceeds 70 percent of the fair market value of the
5 vehicle, provides other evidence of ownership under sub. (1) (a), if all of the following
6 apply:

7 (a) The insurer provides notice to the previous owner of the requirement under
8 s. 342.15 (1) (c) to execute an assignment and warranty of title for the vehicle to the
9 insurer. Notice under this paragraph shall be provided concurrently with the
10 payment of the claim or by certified mail. If the certificate of title was issued by the
11 department, the insurer shall provide a copy of the notice to secured parties shown
12 in the records of the department. If the certificate of title was issued by another state,
13 the insurer shall provide a copy of the notice to secured parties on record with that
14 state.

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15 (b) The previous owner does not execute an assignment and warranty of title
16 for the vehicle to the insurer within 30 days of receiving the notice under par. (a).

17 (c) The insurer provides the department with evidence of all of the following:

18 1. That the insurer has paid to the previous owner or secured party a total loss
19 claim on the vehicle. X INS SA 1 2.

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20 2. That the insurer on at least 2 occasions requested in writing addressed to
21 the previous owner and secured parties that the previous owner execute an

SENATE BILL 320

1 assignment and warranty of title for the vehicle to the insurer. Evidence under this
 2 subdivision may include an affidavit from the insurer or its authorized agent stating
 3 that it has on at least 2 occasions requested in writing that the previous owner
 4 execute an assignment and warranty of title for the vehicle to the insurer and that
 5 these requests were addressed to the previous owner and secured parties and were
 6 sent by certified mail.

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**SENATE AMENDMENT 1,
TO SENATE BILL 320**

September 20, 2019 - Offered by Senator PETROWSKI.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 10: delete the material beginning with “mail.” and ending with
3 “state.” on line 14 and substitute “mail or electronic means, including electronic mail
4 or posting on an electronic network or site that is accessible via the Internet by using
5 a mobile application, computer, mobile device, tablet, or any other electronic device.”.

6 **2.** Page 2, line 19: after “vehicle.” insert “An electronic image of a screen or
7 other representation showing payment of the claim via electronic funds transfer or
8 other electronic means shall be sufficient evidence of payment.”.

9 **3.** Page 3, line 6: delete “mail.” and substitute “mail or electronic means,
10 including electronic mail or posting on an electronic network or site that is accessible
11 via the Internet by using a mobile application, computer, mobile device, tablet, or any
12 other electronic device.”.

13 **4.** Page 3, line 6: after that line insert:

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SECTION 2m. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication”.

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