
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Assembly Bill 734

**Assembly Substitute
Amendment 1**

BACKGROUND

Very generally under current law, the transfer¹ of an owner's interest in a vehicle is not effective until the statutory provisions set forth in [s. 342.15, Stats.](#), have been complied with. Current law also provides that a person is not liable as owner for any damages resulting thereafter from operation of the vehicle (owner liability) if the person has, in compliance with this statute, done both of the following: (1) delivered possession of the vehicle to the transferee; and (2) transferred interest in title to the vehicle.

The Wisconsin Supreme Court addressed whether owner's liability for damages shifts when the procedures required under s. 342.15, Stats., for transferring interest in a vehicle have not been completely satisfied in *Bachelor v. Employers Mut. Liability Ins. Co.*, 93 Wis. 2d. 564, 573 (1980). In *Bachelor*, the Court held that while strict compliance with this statute conclusively establishes that a change in ownership has occurred, statutory compliance is not an essential condition for accomplishing this change. The Court said that a conclusive presumption arises that ownership has transferred where the title certificate has been endorsed and delivered. But where the title certificate has not been endorsed and delivered, "the intent and conduct of the parties govern." [*Bachelor*, at 573 and 573b-573c.]

2021 ASSEMBLY BILL 734

2021 Assembly Bill 734 provides that the seller² of a motor vehicle who holds legal title to the motor vehicle and who has transferred title to the motor vehicle and who has transferred possession of the motor vehicle to a buyer is immune from civil and criminal liability and is not responsible for local ordinance violations committed involving the motor vehicle after the seller has signed the motor vehicle title and given the title to the buyer. The bill specifies that this immunity provision does not apply if death or injury was caused by willful and wanton acts or omissions by the seller.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 makes the following changes to the bill:

- Provides that nothing under current law relating to the transfer of interest in a vehicle (the provisions found in s. 342.15, Stats.), limits the immunity from liability created by the bill.
- Provides that the seller of a motor vehicle is immune from civil and criminal liability and is not responsible for local ordinance violations if either of the following applies: (1) the seller has signed

¹ "Transfer" means to change ownership by purchase, gift, or any other means. [s. 342.01 (2) (c), Stats.]

² Under the bill, a "seller" does not include a "motor vehicle dealer or wholesale dealer."

the motor vehicle title and given the title to the buyer; or (2) regardless of whether or not full compliance with s. 342.15, Stats., has been attained, the buyer and seller intend to transfer ownership of the vehicle to the buyer.

BILL HISTORY

Representative Duchow offered Assembly Substitute Amendment 1 to Assembly Bill 734 on February 9, 2022. On February 22, 2022, the Assembly Committee on Consumer Protection voted to recommend adoption of the substitute amendment and passage of the bill, as amended, both on votes of Ayes, 6; Noes, 2.

DM:jal