

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Flood Damaged Vehicles and Other Title Brands

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment Flood Damaged Vehicles and Other Title Brands s. 342, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://wisconsindot.gov/Pages/dmv/vehicles/title-plates/brands.aspx>

2. Mailing written comments to:
Division of Motor Vehicles
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7336
Madison, WI 53707-7336

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsindot.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV



State of Wisconsin Department of Transportation

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Flood damaged vehicles and other title brands

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A title "brand" provides important information about the condition of a vehicle. It is a permanent record that prints on each Wisconsin title issued for an individual vehicle.

Responsibilities of a vehicle owner/seller

The owner of a vehicle must disclose certain brand information when selling a vehicle, or when applying for a title if the current Wisconsin title for that vehicle does not already have the brand. The owner marks any appropriate brand on the assignment of title or on the Wisconsin Title and License Plate application [MV1](#). Failure to disclose a title brand may result in a fine up to \$5,000 [s.342.15\(5m\)\(b\)](#).

Advice to a vehicle buyer

When you are buying a vehicle, check the front of the title for any brands and ask the seller if he/she should check any of the brands on the assignment of title at the time of transfer. Brand

information is printed under "Additional Vehicle Detail" on the bottom half of Wisconsin titles issued after December 2004. In addition to Wisconsin title brand information, you will find any available brand information for a vehicle previously titled in another jurisdiction.

State law requires the vehicle owner to disclose the following title brand information if it is not already on the current Wisconsin title:

- **Claim paid** - A vehicle less than seven years old damaged by collision or other occurrence to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle is more than 30% of its [fair market value](#) and was transferred to an insurer upon payment of an insurance claim. This brand does not apply to a [salvage vehicle](#) that, by definition, has damage more than of 70% of its [fair market value](#), [s.342.10\(3\)\(g\)](#).
- **Flood damaged** - A vehicle that is not considered [junk](#) and damaged by water to the extent that the estimated or actual repair costs, whichever is greater, is more than 70% of the [fair market value](#). A vehicle that has been submerged in water will receive a flood damaged brand. If the vehicle is less than seven years old it will also receive a Wisconsin [salvage vehicle](#) brand [s.340.01\(18p\)](#).
- **Hail damaged** - A vehicle less than seven years old damaged solely by hail to the extent that the estimated or actual cost, whichever is greater, to repair the vehicle is more than 70% of its [fair market value](#). Also, the vehicle was or may be repaired without replacing any non-mechanical sheet metal or plastic parts of the exterior of a motor vehicle, including inner and outer panels. If repairs include any of these replacement parts, the vehicle must receive a [salvage vehicle](#) brand [s.340.01\(20m\)](#).
- **Non-USA standard** - A vehicle not manufactured in compliance with all federal emission and safety standards applicable at the time of manufacture. The vehicle is not required to be brought into compliance with these standards [s.342.10\(3\)\(c\)](#).
- **Prior non-USA** - A vehicle not manufactured in compliance with all federal emission and safety standards applicable at the time of manufacture and was later modified to meet such standards [s.342.10\(3\)\(c\)](#).
- **Prior police vehicle** - A vehicle that will be or was previously used as a police vehicle by a law enforcement agency [s.342.10\(3\)\(b\)](#).
- **Prior taxi** - A vehicle that will be or was previously used as a taxicab or for public transportation [s.342.10\(3\)\(a\)](#).

Manufacturer buyback (Lemon Law) - A vehicle repurchased by the manufacturer (or by an authorized distributor or dealer with compensation from the manufacturer) because of a nonconformity that was not corrected after a reasonable attempt to repair it. "Nonconformity" means a defect that substantially impairs a vehicle's use, value or safety. "Reasonable attempt to repair" means four unsuccessful attempts to repair the same problem within twelve months, or thirty days out of service for any number of defects within twelve months. [s.340.01\(28e\)](#)

Rebuilt salvage - A vehicle last titled in Wisconsin as a [salvage vehicle](#) after successfully passing a Wisconsin salvage inspection by a certified state salvage inspector [s.342.07](#); [Wisconsin Administrative Code Trans 149](#).

Salvage vehicle - A vehicle less than seven years old that is not considered [junk](#) and damaged by collision or other occurrence (other than from [hail damage](#)) to the extent that the cost of repairing the vehicle is more than 70% of the [fair market value](#). Or, a vehicle of any model year last titled in another jurisdiction with a salvage brand.

A salvage vehicle must successfully pass a Wisconsin salvage inspection by a certified state salvage title inspector before it may receive registration license plates. Inspections ensure the vehicle and its individual parts are not stolen, have proper equipment and are in safe operating condition. ([See Wisconsin Administrative Code Trans 149](#)). Operation of a salvage vehicle is illegal except to or from an inspection site. After successfully passing the inspection, the title brand will change to

□ [rebuilt salvage](#). Refer to the □ [Salvage Vehicle Inspecting Agency List](#) for a vehicle inspector in your area □ [s.340.01\(55g\)](#); □ [s.342.065](#); □ [Wisconsin Administrative Code Trans 149](#).

The Department of Transportation (WisDOT) will add the following title brands under specific circumstances:

- **Not for highway use** - A vehicle that does not qualify for use on public roads. This brand is added only if a previous title was issued in error. The vehicle is not eligible to receive registration license plates [s.342.10\(1\)\(e\)](#).
- **Reconstructed** - A motor vehicle substantially altered or modified from the original manufacturer's specifications to the extent that it no longer resembles the original manufactured vehicle. A reconstructed vehicle must be inspected prior to receiving registration license plates for the first time in Wisconsin [s.341.268\(1\)\(d\)](#); [Wisconsin Administrative Code Trans 305](#).
- **Replica** - A motor vehicle, other than a motorcycle, that is a reproduction of a vehicle originally made by another manufacturer and consists of a reproduction body that is combined with a new, used, or replica frame and drivetrain [s.341.268\(1\)\(e\)](#).
- **Special designed** - A homemade, reconstructed or manufactured vehicle with a maximum speed of 35 miles per hour and authorized by the department to operate on public roads. All special design vehicles must be inspected and approved before it can be titled or receive registration license plates [s.347.02\(6\)](#); [Wisconsin Administrative Code Trans 303](#).
- **State (St) Farm not inspected** - A vehicle declared by State Farm Insurance Company as a total loss but not disclosed as salvage. This was part of a settlement with State Farm Insurance and the Wisconsin Department of Justice to compensate current vehicle owners, as the owner may take a loss on the vehicle now that it has a brand. The vehicle is not considered to be a salvage vehicle in Wisconsin and has not passed an inspection by a certified state salvage inspector. [s.342.10\(1\)\(e\)](#)
- **Street modified**- A motor vehicle modified from original manufacturers specifications, but is not a reconstructed vehicle. [s.341.268\(1\)\(f\)](#); [Wisconsin Administrative Code Trans 149](#).

Additional Information:

"Fair market value" means the value of a vehicle, taking into account the condition of the vehicle immediately before the damage occurred, and determined by reliable sources generally accepted within the automotive and insurance industries (price guidebooks, dealer quotations, computerized valuation services and other methods prescribed by the department). □ [s.340.01\(15v\)](#)

Wisconsin does not issue titles with a brand of "junk." A junked vehicle cannot be operated or used on public roads and has no resale value except as a source for parts. It is also any vehicle an insurance company receives if the estimated cost of repairing the vehicle is more than its fair market value. A junked vehicle cannot be titled in Wisconsin. □ [s.340.01\(25j\)](#)

For more information:

- [Homemade or reconstructed vehicles](#)
- [Salvage title inspection](#)
- [Selling a vehicle](#)

Consumer protection tips:

- [Vehicle history and recall information](#)

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