

No. 67, A.

Published
June 6, 1963.

CHAPTER 75

AN ACT to amend 29.06 (1) of the statutes, relating to procedure in cases of seizure and confiscation in the name of the state by the state conservation commission of motor vehicles subject to liens.

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

29.06 (1) of the statutes is amended to read:

29.06 (1) All confiscated wild animals, or carcasses or parts thereof, and all confiscated apparatus, appliances or devices shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the state conservation commission or its deputies, or by an agent * * * or commission under the written authority and supervision of the state conservation commission or its deputies. The net proceeds of such sales, after deducting the expense of seizure and sale and any such commissions, shall be promptly remitted by the warden by whom or under whose authority and supervision the sales are made, to the state conservation commission; the remittance to be accompanied by a complete and certified report of such sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed for records in the office of the state conservation commission. Of the remittance from such sales of confiscated apparatus, appliances or devices, 18 per cent shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82 per cent shall be paid into the common school fund. In the case of the proceeds from the sale of a confiscated motor vehicle if the holder of a *duly filed bona fide * * * chattel mortgage or * * * conditional sales contract* with such motor vehicle as security, shall satisfy (and the burden of proof shall be upon him) the court, or after judgment of confiscation, the state conservation commission, that the violation that led to such confiscation was not with his knowledge, consent or connivance or with that of some person employed or trusted by him, there shall also be deducted the amount due under such mortgage or conditional sales contract from the proceeds of such sale and the amount due shall be paid to the one entitled; in case a sufficient amount does not remain for such purpose after the other deductions then the amount remaining shall be paid. * * * *The commission shall make a reasonable effort within 10 days after seizure to ascertain if such contract or mortgage exists, and shall within 10 days after obtaining actual or constructive notice of such contract or mortgage give the owner of such contract or mortgage notice of the time and place when there is to be any proceeding before the court or the judge pertaining to such confiscation and shall also give such owner at least 10 days notice of the time and place of sale. Constructive notice shall be limited to chattel mortgages and conditional sales contracts duly filed in the county of residence of the owner of the confiscated motor vehicle. In all such cases the time of sale of the confiscated motor vehicle shall be within 20 days after judgment of confiscation provided in s. 29.05 (7).*

Approved May 29, 1963.