

State of Wisconsin



1995 Assembly Bill 138

Date of enactment: **December 6, 1995**
Date of publication*: **December 20, 1995**

1995 WISCONSIN ACT 107

AN ACT to amend 779.41 (1) (intro.), (a), (b) and (c) 1. to 4.; and to create 779.41 (1m) of the statutes; relating to mechanic's liens.

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

SECTION 1. 779.41 (1) (intro.), (a), (b) and (c) 1. to 4. of the statutes are amended to read:

779.41 (1) (intro.) Every mechanic and every keeper of a garage or shop, and every employer of a mechanic who transports, makes, alters, repairs or does any work on personal property at the request of the owner or legal possessor of the personal property, has a lien on the personal property for the just and reasonable charges therefor, including any parts, accessories, materials or supplies furnished in connection therewith and may retain possession of the personal property until the charges are paid. The lien provided by this section is subject to the lien of any security interest in the property which is perfected as provided by law prior to the commencement of the work for which a lien is claimed unless the work was done with the express consent of the holder of the security interest, but only for charges in excess of ~~\$1,000~~ \$1,500 except if the personal property is:

(a) A trailer or semitrailer designed for use with a road tractor, for charges in excess of ~~\$3,000~~ \$4,500.

(b) Road machinery, including mobile cranes and trench hoes, farm tractors, machines of husbandry, or

off-highway construction vehicles and equipment, for charges in excess of ~~\$5,000~~ \$7,500.

(c) 1. More than 10,000 and less than 20,000 pounds, for charges in excess of ~~\$2,000~~ \$3,000.

2. 20,000 pounds or more but less than 40,000 pounds, for charges in excess of ~~\$4,000~~ \$6,000.

3. 40,000 pounds or more but less than 60,000 pounds, for charges in excess of ~~\$6,000~~ \$9,000.

4. 60,000 pounds or more, for charges in excess of ~~\$8,000~~ \$12,000.

SECTION 2. 779.41 (1m) of the statutes is created to read:

779.41 (1m) Annually, on January 1, the department of agriculture, trade and consumer protection shall adjust the dollar amounts identified under sub. (1) (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

SECTION 3. Initial applicability.

(1) The treatment of section 779.41 (1) (intro.), (a), (b) and (c) 1. to 4. of the statutes first applies to liens on personal property transported, made, altered, worked on or repaired on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].