

State of Wisconsin



2015 Senate Bill 153

Date of enactment: **November 11, 2015**

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2015 WISCONSIN ACT 106

AN ACT *to amend* 342.40 (2), 342.40 (3) (b), 342.40 (3) (c) and 342.40 (3) (e); and *to create* 45.095 of the statutes; relating to: donation of abandoned vehicles.

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

SECTION 1. 45.095 of the statutes is created to read:
45.095 Donation of abandoned vehicles. A non-profit organization that provides financial assistance or other services to veterans and their dependents that receives a vehicle donated under s. 342.40 shall use at least 50 percent of the proceeds obtained through the donation to serve the needs of active duty service members, veterans, or the families of veterans.

SECTION 2. 342.40 (2) of the statutes is amended to read:

342.40 (2) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (3) except that if it is ~~deemed by a duly~~ an authorized municipal or county representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked, donated to a nonprofit organization, or sold by the municipality or county prior to expiration of the impoundment period upon determination by the chief of police or sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with sub. (3) (c).

SECTION 3. 342.40 (3) (b) of the statutes is amended to read:

342.40 (3) (b) The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and all costs of impounding and disposing of the vehicle. ~~Costs~~ If the vehicle is sold, costs not recovered from the sale of the vehicle may be recovered in a civil action by the municipality against the owner. Whether or not the municipality recovers the cost of towing and enforcement, the municipality shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.

SECTION 4. 342.40 (3) (c) of the statutes is amended to read:

342.40 (3) (c) Any vehicle which is deemed abandoned by a duly authorized municipal or county representative and not disposed of under sub. (2) shall be retained in storage for a minimum period of 10 days after certified mail notice has been sent to the owner and lienholders of record to permit reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned motor vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this section

* Section 991.11, WISCONSIN STATUTES: 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."

shall be deemed is a waiver of all right, title, and interest in the vehicle and a consent to the sale or donation of the vehicle. Each retained vehicle not reclaimed by its owner or lienholder may be sold. ~~The or donated to a nonprofit organization.~~ If the vehicle is sold, the municipality or county may dispose of the vehicle by sealed bid or auction sale as provided by ordinance. At such sale the highest bid for any such motor vehicle shall be accepted unless ~~the same is deemed an authorized municipal or county representative finds the bid inadequate by a duly authorized municipal or county representative,~~ in which event all bids may be rejected. If all bids are rejected or no bid is received, the municipality or county may ~~either~~ readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale ~~or~~ junk the vehicle, or donate the vehicle to a nonprofit organization. Any interested person may offer bids on each abandoned vehicle to be sold. If municipal or county ordinances do not state the procedure to be followed in advertising or providing public notice of the sale, a public notice shall be posted at the office of the municipal police department or the office of the county sheriff. The posting of the notice at the police or sheriff's department shall be in the same form as the certified mail notice sent to the owner or lien-

holders of record. Upon sale of an abandoned vehicle, the municipality or county shall supply the purchaser with a completed form designed by the department enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area, but shall pay a reasonable storage fee established by the municipality or county for each day the vehicle remains in storage after the 2nd business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again or donated to a nonprofit organization. Any listing of vehicles to be sold by any municipality or county shall be made available to any interested person or organization which makes a written request for such list. The municipality or county may charge a fee for the list.

SECTION 5. 342.40 (3) (e) of the statutes is amended to read:

342.40 (3) (e) Within 5 days after the sale, donation, or disposal of a vehicle as provided in this subsection or sub. (2), the municipality or county shall advise the department of the sale, donation, or disposition on a form supplied by the department.
