



1997 ASSEMBLY BILL 487

August 26, 1997 - Introduced by Representatives FREESE, GOETSCH, GREEN, GROTHMAN, KELSO, MEYER, MUSSER, PLOUFF, SCHAFER, SERATTI, SYKORA, TRAVIS and ZIEGELBAUER, cosponsored by Senators BRESKE, HUELSMAN, JAUCH, A. LASEE, ROESSLER, SHIBILSKI, WELCH and WIRCH. Referred to Committee on Judiciary.

1 **AN ACT to amend** 342.12 (4) (a), 342.12 (4) (b) and 346.65 (6) (k); and **to create**
2 342.12 (4) (c) and 346.65 (6) (km) of the statutes; **relating to:** the sale of a motor
3 vehicle subject to a seizure for a crime related to driving while under the
4 influence of an intoxicant or other drug and providing a penalty.

Analysis by the Legislative Reference Bureau

Currently, if a person is convicted of a drunk driving violation, including a refusal to submit to testing to determine the presence of alcohol in his or her system, and the person has 2 or more prior suspensions, revocations or convictions related to drunk driving within a 10-year period, a vehicle owned by the person may be seized, immobilized or equipped with an ignition interlock device. In addition, current law requires the person, when notified by the district attorney, to submit the certificates of title to all of the motor vehicles he or she owns to the clerk of circuit court. The clerk is required by current law to stamp on the title a notification that the motor vehicle may not be transferred without court approval. Current law prohibits a person from transferring ownership of a motor vehicle that is subject to seizure, immobilization or equipping with an ignition interlock device and prohibits the department of transportation (DOT) from issuing a certificate of title transferring ownership of such a motor vehicle without court approval.

This bill allows DOT to issue a certificate of title transferring ownership of such a motor vehicle if the person applying for the transfer purchased the motor vehicle in good faith, did not know that the district attorney had commenced a criminal action against the owner that would make the motor vehicle subject to seizure,

ASSEMBLY BILL 487

immobilization or equipping with an ignition interlock device and if the certificate of title did not contain the stamped notification that the motor vehicle may not be transferred without court approval. The bill requires the person requesting the transfer of the ownership of the motor vehicle to submit an affidavit to DOT at the time of the application stating that these conditions have been met.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 342.12 (4) (a) of the statutes is amended to read:

2 342.12 (4) (a) The district attorney shall notify the department when he or she
3 files a criminal complaint against a person who has been arrested for violating s.
4 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions,
5 suspensions or revocations within a 10-year period, as counted under s. 343.307 (1).
6 The Except as provided under par. (c), the department may not issue a certificate of
7 title transferring ownership of any motor vehicle owned by the person upon receipt
8 of a notice under this subsection until the court assigned to hear the criminal
9 complaint issues an order permitting the department to issue a certificate of title.

10 **SECTION 2.** 342.12 (4) (b) of the statutes is amended to read:

11 342.12 (4) (b) The Except as provided under par. (c), the department may not
12 issue a certificate of title transferring ownership of any motor vehicle owned by a
13 person upon receipt of a notice of intent to revoke the person's operating privilege
14 under s. 343.305 (9) (a), if the person has 2 or more prior convictions, suspensions or
15 revocations within a 10-year period, as counted under s. 343.307 (1), until the court
16 assigned to the hearing under s. 343.305 (9) issues an order permitting the
17 department to issue a certificate of title.

18 **SECTION 3.** 342.12 (4) (c) of the statutes is created to read:

ASSEMBLY BILL 487

1 342.12 (4) (c) 1. The department shall issue a certificate of title transferring
2 ownership of a motor vehicle that was owned by a person who has been arrested for
3 violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior
4 convictions, suspensions or revocations within a 10-year period, as counted under
5 s. 343.307 (1), if all of the following conditions are met:

6 a. The person requesting the issuance of the certificate of title purchased the
7 motor vehicle in good faith and without knowledge of the criminal complaint
8 described in par. (a) or of the notice of intent to revoke a person's operating privilege
9 under par. (b).

10 b. The certificate of title to the motor vehicle does not contain the notation
11 stamped on the certificate of title by the clerk of circuit court under s. 346.65 (6) (a)
12 2m.

13 c. The person requesting the issuance of the certificate of title files an affidavit
14 with the department attesting that the conditions under subd. 1. a. and b. are met.

15 d. The department has no valid reason for not issuing a certificate of title other
16 than the prohibitions under par. (a) or (b).

17 2. Any person providing a false affidavit under subd. 1. c. shall forfeit not more
18 than \$1,000.

19 **SECTION 4.** 346.65 (6) (k) of the statutes is amended to read:

20 346.65 (6) (k) ~~No~~ Except as provided in par. (km), no person may transfer
21 ownership of any motor vehicle that is subject to immobilization or seizure or to
22 equipping with an ignition interlock device under this subsection or make
23 application for a new certificate of title under s. 342.18 for the motor vehicle unless
24 the court determines that the transfer is in good faith and not for the purpose of or
25 with the effect of defeating the purposes of this subsection. The department may

ASSEMBLY BILL 487

1 cancel a title or refuse to issue a new certificate of title in the name of the transferee
2 as owner to any person who violates this paragraph.

3 **SECTION 5.** 346.65 (6) (km) of the statutes is created to read:

4 346.65 (6) (km) If a person purchases a motor vehicle in good faith and without
5 knowledge that the motor vehicle was subject to immobilization or seizure or to
6 equipping with an ignition interlock device under this subsection and the
7 department has no valid reason for not issuing a certificate of title other than the
8 prohibition under par. (k), the department shall issue a new certificate of title in the
9 name of the person requesting the new certificate of title if at the time of the purchase
10 of the motor vehicle the certificate of title did not contain the notation stamped on
11 the certificate of title by the clerk of circuit court under par. (a) 2m. and if the person
12 submits the affidavit required under s. 342.12 (4) (c) 1. c.

13 **SECTION 6. Initial applicability.**

14 (1) This act first applies to purchases of motor vehicles occurring on the
15 effective date of this subsection.

16 (END)