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State of Misconsin 2015 - 2016 LEGISLATURE

LRB-4735/1 MCP:amn&wlj

2015 ASSEMBLY BILL 956

February 26, 2016 - Introduced by Representative Schraa, cosponsored by Senator Petrowski. Referred to Committee on Transportation.

AN ACT to repeal 134.405 (3m), 134.405 (5) (a) (intro.) and 134.405 (5) (am); to renumber 134.405 (5) (a) 1., 134.405 (5) (a) 2. and 134.405 (5) (a) 3.; to amend 134.405 (2), 134.405 (3) (a) (intro.), 218.20 (1r) and 218.23 (1r); and to create 218.20 (1v) of the statutes; relating to: acquisition of a motor vehicle by scrap metal dealers and motor vehicle salvage dealers.

Analysis by the Legislative Reference Bureau

This bill requires scrap metal processors and dealers who acquire a motor vehicle for scrap or salvage to comply with the same requirements as motor vehicle salvage dealers, and changes certain requirements that apply before a motor vehicle salvage dealer may acquire a motor vehicle in which another person holds a security interest.

This bill changes the definition of a "motor vehicle salvage dealer" to include a scrap metal processor or scrap metal dealer who acquires a motor vehicle for scrap or salvage. Under current law, a motor vehicle salvage dealer must be licensed by the Department of Transportation and comply with certain requirements. Under current law, a "scrap metal processor" is a person who processes or scraps motor vehicles but does not sell motor vehicles or vehicle parts and whose business is limited to a fixed location where scrap metal is processed into prepared grades for sale for remelting. A "scrap metal dealer" is a person engaged in the business of buying or selling scrap metal. The bill also eliminates certain requirements under current law that apply to scrap metal dealers who acquire a motor vehicle, relating

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to the acquisition of a motor vehicle whose certificate of title identifies a holder of a security interest, that are the same as requirements that apply to motor vehicle salvage dealers under current law.

In addition, the bill allows a licensed motor vehicle salvage dealer to acquire a motor vehicle whose certificate of title identifies a holder of a security interest, for the purpose of wrecking or junking the vehicle, if the dealer pays the amount of the outstanding obligation represented by the security interest in full to the security interest holder when the dealer obtains the title for the vehicle. Current law prohibits a motor vehicle salvage dealer from acquiring such a motor vehicle.

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

SECTION 1. 134.405 (2) of the statutes, as affected by 2015 Wisconsin Act 55, is amended to read:

134.405 (2) Purchases of ferrous scrap. Except as provided in sub. (3m), a A scrap metal dealer may purchase scrap metal other than nonferrous scrap, a metal article, or a proprietary article from any person over the age of 18.

SECTION 2. 134.405 (3) (a) (intro.) of the statutes, as affected by Wisconsin Act 55, is amended to read:

134.405 (3) (a) (intro.) Subject to par. (b) and except as provided in sub. (3m), a scrap dealer may purchase nonferrous scrap, metal articles, or proprietary articles from any person who is over the age of 18 if all of the following apply:

Section 3. 134.405 (3m) of the statutes, as created by 2015 Wisconsin Act 55, is repealed.

SECTION 4. 134.405 (5) (a) (intro.) of the statutes, as created by 2015 Wisconsin Act 55, is repealed.

SECTION 5. 134.405 (5) (a) 1. of the statutes is renumbered 134.405 (5) (ad).

SECTION 6. 134.405 (5) (a) 2. of the statutes is renumbered 134.405 (5) (ah).

SECTION 7. 134.405 (5) (a) 3. of the statutes is renumbered 134.405 (5) (ap).

Section 8. 134.405 (5) (am) of the statutes, as created by 2015 Wisconsin Act

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2	55, is repealed.
3	Section 9. 218.20 (1r) of the statutes, as affected by 2015 Wisconsin Act 55, is
4	amended to read:
5	218.20 (1r) "Motor vehicle salvage dealer" means a person who purchases and
6	resells motor vehicles for wrecking, processing, scrapping, recycling, or dismantling
7	purposes or who carries on or conducts the business of wrecking, processing
8	scrapping, or dismantling motor vehicles or selling parts of motor vehicles so
9	processed. Motor vehicle salvage dealer includes a motor vehicle scavenger and a
10	scrap metal processor or scrap metal dealer who acquires a motor vehicle for scrap
11	<u>or salvage</u> .
12	Section 10. 218.20 (1v) of the statutes is created to read:
13	218.20 (1v) "Scrap metal dealer" has the meaning given in s. 134.405 (1) (h).
14	SECTION 11. 218.23 (1r) of the statutes, as created by 2015 Wisconsin Act 55
15	is amended to read:
16	218.23 (1r) No licensed motor vehicle salvage dealer may acquire a motor
17	vehicle for the purpose of wrecking or junking the motor vehicle if the certificate of
18	title for the motor vehicle identifies a holder of a security interest in the motor
19	vehicle, unless the dealer, when obtaining the certificate of title for the vehicle, pays
20	the outstanding amount of the obligation represented by the security interest in full
21	to the holder of the security interest.
22	(END)