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# MARY FELZKOWSKI

STATE SENATOR • 12<sup>TH</sup> SENATE DISTRICT

## **Testimony on SB 705**

Senate Committee on Government Operations, Legal Review and Consumer Protection

Senator Mary Felzkowski

12<sup>th</sup> Senate District

January 18<sup>th</sup>, 2022

Chairman Stroebel and Fellow Members of the Committee,

Thank you for the opportunity to testify on Senate Bill 705, which will provide a liability exemption for motor vehicle sellers after a sale.

Nowadays, personal motor vehicles play an important role in many of our lives, providing an easy means of transportation from one place to another. At a certain point in a vehicle's life, an owner may choose to sell their car or truck- maybe they want to upgrade to a nicer, newer vehicle, or maybe the cost of maintaining their current vehicle has become too high. Regardless of the reason, there are a number of routes an owner may take to sell their vehicle. Some folks may choose to do a trade-in, some may choose to sell through a dealership, and many choose to make private sales.

Private sales of vehicles are incredibly common, and can benefit both the buyer and the seller, as there is no middle man incurring further costs. While there are plenty of upsides to private sales, in current law there are downsides as well that may unfairly impact the seller. In Wisconsin, individuals who privately sell a vehicle are liable for any illegal actions committed with said vehicle by the buyer if the vehicle's title has not officially changed hands yet. For instance, if I sell a car to my neighbor and they get in an accident before the vehicle is officially re-titled, as the process of transferring a title can take several days to complete, I could still be held liable for any damages incurred.

This simple, commonsense bill clarifies in statute that liability is transferred to the buyer once the title is signed and transferred, and the sale is completed. This immunity doesn't apply if death or injury occurs due to the seller's willful or wanton acts or omissions, and it does not apply to motor vehicle or wholesale dealers.

I am grateful to my Assembly author, Rep. Duchow, and her staff, for their hard work on this legislation. Thank you for your time today, and thank you for your consideration of this bill.



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Senate Committee on  
Government Operations, Legal Review and Consumer Protections

Public Hearing on Senate Bill 705  
Liability Exemption for Motor Vehicle Sellers after Sale

January 18, 2022

Thank you Mr. Chairman and members of the Committee for holding a public hearing on Senate Bill 705, relating to a liability exemption for motor vehicle sellers after sale.

It should be common sense that if an individual no longer owns or possesses a vehicle, they should generally not be held liable for the vehicle, or the actions of the new owner of the vehicle. This bill clarifies an ambiguity in statute, and in a nutshell states that liability is shifted the moment that the title to a vehicle is lawfully transferred.

This is the second time this bill has been introduced. Last session, I introduced this bill with Sen. Kapenga after hearing about a situation where an individual sold their vehicle, but the buyer failed to transfer the car's title. The buyer proceeded to accumulate a number of parking tickets. City police tracked down the previous owner, and threatened to suspend their registration and driver's license if they didn't pay the buyer's accrued parking tickets. Heard in late 2019, it appears the bill failed to pass only because of time constraints and more pressing statewide issues with the outbreak of COVID-19.

Placing liability on the rightful owner of a vehicle will protect our state's vehicle sellers from unjust civil and criminal liability. It is important to note that liability exemptions do not apply if death or injury is caused by the seller's willful or wanton acts or omissions. Immunity also does not apply to motor vehicle or wholesale dealers.

This is a common-sense, nonpartisan, consumer-focused bill, and I hope the Committee will support SB 705 to provide protections to everyday Wisconsin citizens.

Thank you again for your time and consideration. I am happy to answer any questions.