

State of Wisconsin



1995 Senate Bill 131

Date of enactment: **November 16, 1995**

Date of publication*: **December 1, 1995**

1995 WISCONSIN ACT 62

AN ACT to amend 779.415 (1) (a) and 779.415 (1m) of the statutes; relating to: towing and storage liens.

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

SECTION 1. 779.415 (1) (a) of the statutes is amended to read:

779.415 (1) (a) Every motor carrier holding a permit to perform vehicle towing services, every licensed motor vehicle salvage dealer and every licensed motor vehicle dealer who performs vehicle towing services or stores a motor vehicle, when such towing or storage is performed at the direction of a traffic officer or the owner of the vehicle, shall, if the vehicle is not claimed as provided herein, have a lien on ~~such~~ the motor vehicle for reasonable towing and storage charges, and may retain possession of ~~such property~~ the vehicle until such charges are paid. If ~~such~~ the vehicle is subject to a lien perfected under ch. 342, ~~such a~~ towing lien shall have priority only to the extent of ~~\$50~~ \$75 for an automobile or a motor ~~truck~~ vehicle having a gross weight of 20,000 pounds or less and ~~\$100~~ \$250 for a motor ~~truck~~ vehicle having a gross weight of more than 20,000 pounds and ~~such a~~ storage lien shall have priority only to the extent of ~~\$3~~ \$7 per day but for a total amount of not more than ~~\$180~~ \$420 for an automobile or a motor ~~truck~~ vehicle having a gross weight of 20,000 pounds or less and ~~\$6~~ \$20 per day but for a total amount of not more than ~~\$360~~ \$1,200 for a motor ~~truck~~ vehicle having a gross weight of more than 20,000 pounds. If the value of the vehicle exceeds ~~\$200~~ \$500,

the lien may be enforced under s. 779.48 (2). If the value of the vehicle does not exceed ~~\$200~~ \$500, the lien may be enforced by sale or junking substantially as provided in sub. (2).

SECTION 2. 779.415 (1m) of the statutes is amended to read:

779.415 (1m) Within ~~40~~ 30 days after taking possession of a motor vehicle, every motor carrier, licensed motor vehicle salvage dealer and licensed motor vehicle dealer under sub. (1) shall send written notice to the owner of the vehicle and the holder of the senior lien on the vehicle informing them that they must take steps to obtain the release of the motor vehicle. To reclaim the vehicle, the owner or the senior lienholder must pay all towing and storage charges that have a priority under sub. (1) (a) and all reasonable storage charges that have accrued after 60 days from the date on which possession of the motor vehicle was taken. A reasonable effort to so notify the owner and the holder of the senior lien satisfies the notice requirement of this subsection. Failure to make a reasonable effort to so notify the owner and the senior lienholder renders void any lien to which the motor carrier, licensed motor vehicle salvage dealer or licensed motor vehicle dealer would otherwise be entitled under sub. (1).

SECTION 3. Initial applicability.

* 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].

(1) This act first applies to vehicles towed or put into storage on the effective date of this subsection.

(1) This act takes effect on the first day of the 3rd month beginning after publication.

SECTION 4. Effective date.
