

Chapter MVD 10

SAFETY RESPONSIBILITY

MVD 10.03	Proof of operating without permission under s. 344.14 (2) (g), Stats.	MVD 10.05	Notice of subrogation or assignments
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MVD 10.03 Proof of operating without permission under s. 344.14 (2) (g), Stats. In all motor vehicle accident cases wherein the owner of a motor vehicle involved alleges the vehicle to have been operated or parked without the owner's express or implied permission for the purpose of being exempt from the requirement of depositing security as provided under s. 344.14 (2) (g), Stats., such owner shall produce proof of such operation without express or implied permission as follows:

(1) In the case of a stolen vehicle with the driver unknown, a letter from the law enforcement chief of the municipality where the offense occurred, that the vehicle was immediately reported stolen and investigated by such law enforcement agency and found to be a stolen vehicle with driver unknown; or,

(2) In the case of a claim that the vehicle was operated without express or implied permission by a letter from the district attorney that the owner has shown his good faith and signed a complaint with the district attorney, that a warrant was issued and the driver was convicted and proven to be so operating such vehicle at the time of the accident; or,

(3) In cases where the claim is made that prosecution would be impossible because of it being in the family, a close friend causing a breach in the family or loss of companionship society and immediate friends or other good and sufficient cause, the owner files with the administrator his sworn affidavit of such operation without express or implied permission;

(a) Upon the filing of such affidavit of operation without permissive use, the administrator shall give all injured passengers and the owners of all damaged property involved, a ten-day notice of such claim for exemption and further stating that unless substantial proof to the contrary is filed within such 10-day period, the owner's claim for exemption will be granted.

(b) Where no proof to the contrary is filed within such 10-day period resulting in the administrator's granting an exemption to the owner on the basis of the operator's operation of the vehicle without express or implied permission, such exemption shall stand irrespective of proof to the contrary being filed untimely under such notice until a court of competent jurisdiction determines otherwise.

(c) In all cases where substantiated proof by affidavit is furnished within such 10-day notice period, that an investigation by a party in interest has produced facts to prove that a vehicle was operated with either express or implied permission indicating a controversy, either security must be deposited in accordance with law, or an insurance certifi-

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cate in lieu of such security indicating coverage for the accident; or, one of the other alternatives meeting the statutory requirements filed with the administrator to comply with the statute.

History: Cr. Register, June, 1956, No. 6, eff. 7-1-56; am. intro. par., (2), (3), (3a), Register, August, 1957, No. 20, eff. 9-1-57; am. (3), Register, February, 1969, No. 158, eff. 3-1-69.

MVD 10.04 Time for substantiation of damage. In all cases of requirement of an affidavit of damages (personal or real property or personal injury) under s. 344.13 (2), Stats., such substantiation must be filed within 10 days on the day certain as noticed such party or considered untimely for the requirement of security. Such time limitation is evident from the fact that s. 344.12, Stats., requires the administrator to require the security within 60 days of the filing of the accident report, with at least a 10 day notice of the amount of security requirement given within such 60 day period.

History: Cr. Register, June, 1956, No. 6, eff. 7-1-56; am. Register, August, 1957, No. 20, eff. 9-1-57; am. Register, February, 1969, No. 158, eff. 3-1-69.

MVD 10.05 Notice of subrogation or assignments. In all cases of subrogation claims or assignments under ch. 344, Stats., a signed duplicate or certified copy of such subrogation or assignment agreement of claim must be filed with the administrator as notice of such rights. Where the administrator has acted prior to receipt of such notice the notice shall be considered as untimely.

History: Cr. Register, June, 1956, No. 6, eff. 7-1-56; am. Register, August, 1957, No. 20, eff. 9-1-57; am. February, 1969, No. 158, eff. 3-1-69.

MVD 10.15 Forms. (1) Resolution authorizing power of attorney.

(2) Power of attorney under ch. 344, Stats.

Note: All forms are obtainable from the division of motor vehicles.

History: Filed, October 27, 1958; revised form filed January 16, 1963; revised form filed July 31, 1963.