



1997 SENATE BILL 64

February 12, 1997 - Introduced by Senators ZIEN, WELCH, MOORE, A. LASEE, SCHULTZ, DRZEWIECKI, FITZGERALD, DARLING, HUELSMAN and FARROW, cosponsored by Representatives NASS, RILEY, M. LEHMAN, KREIBICH, AINSWORTH, ZUKOWSKI, GUNDERSON, HAHN, MUSSER, ALBERS, GOETSCH, SCHAFER, SKINDRUD, SERATTI, GARD, GROTHMAN, OLSEN, OTT, F. LASEE, WARD, SYKORA, FOTI, TURNER, HANDRICK, LORGE and OWENS. Referred to Committee on Labor, Transportation and Financial Institutions.

- 1 **AN ACT to amend** 342.30 (4) (a); and **to create** 342.30 (4) (d) of the statutes;
2 **relating to:** vehicles or vehicle parts having an altered or obliterated vehicle
3 identification number.

Analysis by the Legislative Reference Bureau

Under current law, a law enforcement officer may seize a vehicle or vehicle part (vehicle) having a vehicle identification number (VIN) that has been altered or obliterated. If the VIN cannot be identified, the seized vehicle is presumed to be contraband and a person must prove ownership to reclaim the property. If the VIN can be identified, the vehicle may be returned to its owner or may be retained as seized property. Any seized vehicle is subject to forfeiture in the same manner as stolen property, except that, if a criminal action is commenced in the matter, the forfeiture action may not commence until after a final determination is reached in the criminal action.

Under this bill, the custodian of a seized motorcycle or motorcycle part whose VIN can be identified must immediately return the motorcycle or motorcycle part to its registered owner if no forfeiture action is commenced within 30 days after the motorcycle or motorcycle part is seized. The bill authorizes the recovery of costs and attorney fees incurred by the owner in an action to recover a motorcycle that is not returned within 30 days after the seizure.

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For further information see the *state and local* 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.** 342.30 (4) (a) of the statutes is amended to read:

2 342.30 (4) (a) If a law enforcement agency finds a vehicle or part of a vehicle
3 on which the identification number has been removed, altered or obliterated or made
4 impossible to read, the law enforcement agency may seize the vehicle or part of a
5 vehicle. If the identification number cannot be identified, the seized vehicle or
6 vehicle part is presumed to be contraband. If Except as provided in par. (d), if the
7 identification number can be identified, the agency may return the vehicle to the
8 registered owner. Except as provided in par. (b), the district attorney shall institute
9 forfeiture proceedings under s. 973.076 regarding any vehicle or vehicle part that is
10 seized under this paragraph and not returned to the owner.

11 **SECTION 2.** 342.30 (4) (d) of the statutes is created to read:

12 342.30 (4) (d) If the identification number of a motorcycle or part of a motorcycle
13 seized under par. (a) can be identified and if no forfeiture proceeding is commenced
14 under s. 973.076 within 30 days after the seizure of the property, the custodian of the
15 seized property shall immediately return the seized property to the owner named in
16 the certificate of title or registration. If a motorcycle or part of a motorcycle is not
17 returned to the owner named in the certificate of title or registration as required in
18 this paragraph, and if the owner of the property commences a replevin action to
19 recover possession of the property, and if the judge finds that the custodian of the
20 property unreasonably retained the property after 30 days after the seizure, the

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1 court shall award the owner the costs and reasonable attorney fees incurred in the
2 replevin action.

3 (END)