



2001 ASSEMBLY BILL 827

February 18, 2002 - Introduced by Representatives STONE, PETTIS, AINSWORTH, JESKEWITZ, KAUFERT, MUSSER, POWERS, RYBA, SYKORA, TOWNSEND and TURNER, cosponsored by Senators HUELSMAN and ROSENZWEIG. Referred to Committee on Transportation.

- 1 **AN ACT** *to amend* 342.09 (2) (intro.) and 342.15 (3) of the statutes; **relating to:**
2 transfers of ownership of vehicles.

Analysis by the Legislative Reference Bureau

Current law requires the owner of a vehicle (owner), when transferring an interest in the vehicle, to record certain information on the vehicle's certificate of title and deliver the certificate of title to the person taking the interest in the vehicle (buyer). The owner must also, in most circumstances, remove the registration plates from the the vehicle. Upon receiving the certificate of title, the buyer must promptly complete an application for a new certificate of title and submit the application and the old certificate of title to the department of transportation (DOT), which then updates its records. Except as between the parties, a transfer is not effective until all requirements of the owner and buyer have been satisfied.

This bill provides that a transfer of a vehicle is effective, regardless of whether the buyer satisfies his or her obligations, if the owner satisfies his or her obligations and also notifies DOT of the transfer by submitting to DOT a photocopy of the executed certificate of title or by providing notice in any other form prescribed by DOT. The bill further requires DOT to keep records of notices of sale received from owners.

For further information see the *state* 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:

ASSEMBLY BILL 827**SECTION 1**

1 **SECTION 1.** 342.09 (2) (intro.) of the statutes is amended to read:

2 342.09 **(2)** (intro.) The department shall maintain a record of all applications
3 ~~and, all certificates of title issued by it, and all notices of transfer received by it under~~
4 s. 342.15 (3):

5 **SECTION 2.** 342.15 (3) of the statutes is amended to read:

6 342.15 **(3)** Except as provided in s. 342.16 and as between the parties, a transfer
7 by an owner is not effective until the provisions of ~~this section~~ subs. (1), (2), and (4)
8 have been complied with or, unless the vehicle is a junk vehicle or has been junked,
9 until the owner has complied with the provisions of subs. (1) and (4) and has notified
10 the department of the transfer by mailing or delivering a photocopy of the certificate
11 of title that was mailed or delivered to the transferee under sub. (1) or by providing
12 notice of the transfer in any other form prescribed by the department. An owner who
13 has delivered possession of the vehicle to the transferee and has complied with the
14 provisions of ~~this section~~ subs. (1) and (4) is not liable as owner for any damages
15 thereafter resulting from operation of the vehicle.

16 **SECTION 3. Effective date.**

17 (1) This act takes effect on the first day of the 4th month beginning after
18 publication.

19 **(END)**