

State of Wisconsin



2009 Senate Bill 506

Date of enactment: **April 21, 2010**

Date of publication*: **May 5, 2010**

2009 WISCONSIN ACT 201

AN ACT *to renumber and amend* 779.415 (1) and 779.415 (1m); *to amend* 779.415 (title) and 779.415 (2); and *to create* 779.415 (1c) and 779.415 (1g) (c) of the statutes; **relating to:** vehicle towing and storage liens.

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

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

779.415 (title) Liens on motor vehicles for towing and storage.

SECTION 2. 779.415 (1) of the statutes is renumbered 779.415 (1g), and 779.415 (1g) (a), as renumbered, is amended to read:

779.415 (1g) (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~~ subject to sub. (1m) (b), have a lien on the motor vehicle for reasonable towing and storage charges, and may retain possession of the vehicle, until such charges are paid. If the vehicle is subject to a lien perfected under ch. 342, a towing lien shall have priority only to the extent of \$75 \$100 for a motor vehicle having a manufacturer's gross weight rating of 20,000 pounds or less and \$250 \$350 for a motor vehicle having a manufacturer's gross weight rating of more than 20,000 pounds and a storage lien shall have priority only to the extent of \$7 \$10 per day but for a total amount of not more than

\$420 \$600 for a motor vehicle having a manufacturer's gross weight rating of 20,000 pounds or less and \$20 \$25 per day but for a total amount of not more than \$1,200 \$1,500 for a motor vehicle having a manufacturer's gross weight rating of more than 20,000 pounds. If the value of the vehicle exceeds \$500 \$750, the lien may be enforced under s. 779.48 (2). If the value of the vehicle does not exceed \$500 \$750, the lien may only be enforced by sale or junking ~~substantially~~ as provided in sub. (2).

SECTION 3. 779.415 (1c) of the statutes is created to read:

779.415 (1c) In this section, "vehicle" has the meaning given in s. 29.001 (87).

SECTION 4. 779.415 (1g) (c) of the statutes is created to read:

779.415 (1g) (c) Annually, on January 1, the department of agriculture, trade and consumer protection shall adjust the dollar amounts identified under par. (a) by the annual change in the consumer price index, as determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

SECTION 5. 779.415 (1m) of the statutes is renumbered 779.415 (1m) (a) and amended to read:

779.415 (1m) (a) Within 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) ~~(1g)~~ shall send written notice to the

* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

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.

(b) To ~~reclaim~~ repossess the vehicle, ~~the owner or the senior lienholder~~ must pay all towing and storage charges that have a priority under sub. (1) (1g) (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 as provided in par. (a) renders void, with respect to the senior lienholder,~~ any lien to which the motor carrier, licensed motor vehicle salvage dealer, or licensed motor vehicle dealer would otherwise be entitled under sub. (1) (1g).

SECTION 6. 779.415 (2) of the statutes is amended to read:

779.415 (2) At least 20 days prior to sale or junking, notice thereof shall be given by ~~registered~~ certified mail to the person shown to be the owner of the vehicle in the records of the department of transportation and to any person who has a lien on such vehicle perfected under ch. 342, stating that unless the vehicle is ~~claimed by the owner or the owner's agent~~ pays all reasonable towing and storage charges for the vehicle within said 20 days the vehicle will be exposed for sale or junked, as the case may be. If the proceeds of the sale exceed the charges, the balance shall be paid to the holder of the senior lien perfected under ch. 342, and if none, then to the owner as shown in the records of the department of transportation.

SECTION 7. Initial applicability.

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

SECTION 8. Effective date.

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