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# Wisconsin Legislative Council

## ACT MEMO

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### 2021 Wisconsin Act 201 [2021 Senate Bill 893]

### Nonprobate Transfers of Farm Implements

2021 Wisconsin Act 201 specifies requirements relating to the nonprobate transfer of an interest in a farm implement to a beneficiary upon the death of the owner or the last of multiple owners. The act defines “farm implement” to mean a tractor or machine, including any associated accessories, attachments, fuel, and repair parts, used exclusively and directly in farming. The definition includes various exceptions, generally relating to a farm implement’s physical relationship to real property. However, the act specifies various items that retain their character as a farm implement regardless of the extent to which they are fastened to, connected to, or built into real property.

To provide for the nonprobate transfer of an interest in a farm implement under the act, the owner or owners of a farm implement must designate a beneficiary on a document that meets certain requirements. This document must be in writing and must be executed with formalities enumerated under the act. Among these formalities, a document must include the signatures of at least two witnesses, at least one of whom is a disinterested witness. The act defines a disinterested witness as an individual who is not designated as a beneficiary on a document that he or she is acting as a witness to.

The act provides that a beneficiary designation may be changed or cancelled at any time before the death of a sole owner or the last of multiple owners by executing another document that designates a different beneficiary or no beneficiary.

**Effective date:** March 20, 2022

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