

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Landlord Eligibility to Dispose of Abandoned Vehicles

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Landlord Eligibility to Dispose of Abandoned Vehicles, ch. 19 and Title 18 USC, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DMV447>

2. Mailing written comments to:

Division of Motor Vehicles
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7336
Madison, WI 53707-7336

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV



State of Wisconsin Department of Transportation

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Abandonment of property to landlord

Landlord's eligibility to dispose of abandoned vehicles

If a tenant vacates or is evicted from the premises and leaves behind a titled motor vehicle, you may store the vehicle until it is claimed or dispose of the vehicle in any way you determine appropriate, including by sale, junking, or titling the vehicle in your own name or business name.

Landlord Requirements:

To dispose of the vehicle by sale, you must have provided written notice to the tenant of your intent to not store any abandoned property left behind, when the tenant entered into or renewed their rental agreement.

How to proceed:

Step 1 - Verify ownership

You must verify the vehicle's ownership and lien holder's information, as required by law. If the vehicle is titled in Wisconsin, use form [MV2896](#) Vehicle/Driver Record Information Request to obtain this information.

- If the vehicle is no longer on record with the Wisconsin Department of Transportation, you will need to contact the Vehicle Records Section at (608) 264-7447 or vehiclequestions@dot.wi.gov for information on alternative procedures.
- If the vehicle is titled in another state, you will need to contact that state to obtain ownership/lien holder's information on record.
- You may also use the [vehicle history website](#) to obtain a national vehicle record search of the vehicle's current titled owner and secured parties.

Step 2 - Notify owners and lien holders of intent to dispose of the vehicle

Once you have received ownership and lien holder verification, you must send written notice of your intent to not store the abandoned vehicle to the following:

The tenant, personally or by regular or certified mail addressed to the tenant's last-known address.

- Any secured party of which you have actual notice, personally or by regular or certified mail addressed to the secured party's last-known address.

We suggest you send written notice by certified mail, "Return Receipt Requested" to the owners, and any lien holder of record notifying them:

- the vehicle will be sold or junked if it is not claimed
- vehicle description, vehicle identification number (VIN), year, make, model
- the date, time, and location of a public sale OR the date a private sale will be held.

Step 3 - Noncompliance

If the vehicle is not claimed prior to the date stated in your notice, you may sell or otherwise dispose of it in accordance with the notice.

Step 4 – Selling the vehicle

You may sell the vehicle either publicly or privately. An example of a public sale is an auction that has been advertised in a publication or website in which vehicles are normally bought and sold. A private sale would be the sale of the vehicle to a new owner without offering it to the public.

Step 5 - To obtain a Wisconsin Title after the sale

The landlord must furnish to the buyer a completed form [MV2882](#) Abandonment of Property to a Landlord. The buyer must submit this form and an [MV1](#) Wisconsin Title and License Plate Application along with the appropriate fees.

If the vehicle is less than ten model years old, the landlord is also required to complete and furnish form **MV2488** Vehicle Transfer and Odometer Mileage Statement to the buyer. This form is not available online, however, it may be obtained from a Division of Motor Vehicles customer service center or by contacting the Vehicle Records Section at (608) 264-7447 or

vehiclequestions@dot.wi.gov. Photocopies of form MV2488 are not acceptable.

- You may obtain forms MV1, MV2882 and MV2896 on the [vehicle forms page](#).
- These forms are also available from a Division of Motor Vehicles customer service center or by contacting the Vehicle Records Section at (608) 264-7447 or vehiclequestions@dot.wi.gov.

Mail Completed Forms To:

Wisconsin Department of Transportation
Special Plates Unit
P.O. Box 7911
Madison, WI 53707-7911

Things landlords should know:

- If you dispose of the vehicle by private or public sale, you may send the proceeds of the sale, minus any costs of sale and any storage charges, to the Department of Administration for deposit in the appropriation under s. 20.505 (7) (h). Wis. Stats.
- Be sure to retain a photocopy of all notices to owners, lien holders, advertisements of the sale and receipts for your records.
- Anyone, including the landlord, may purchase the vehicle.
- Landlords may purchase the vehicle for \$0.
- A new certificate of title will be issued in the name of the transferee as owner, as a result of abandonment of property to a landlord.

- **If a lien release is not provided**, this new certificate of title shall reflect any perfected security interest(s) appearing on the original owner's certificate of registration.
- You may not dispose of the property if there is a written agreement between yourself and the tenant stating that the property has not been abandoned and the property may not be sold.

Service Members Civil Relief Acts

- A person holding a lien on the property or effects of a service member may not, during any period of military service of the service member and for 90 days thereafter, foreclose upon or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement. 50 App. U.S.C.A. s.537.
- Any person who violates this paragraph shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both. s.321.62(14)(e), Wis. Stats.

Questions:

Call (608) 266-3041 between 8:00 a.m. and 4:30 p.m. Monday through Friday.

Email: [□ special-plates.dmv@dot.wi.gov](mailto:special-plates.dmv@dot.wi.gov)

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