LRBs0351/1 TJD:skw

SENATE SUBSTITUTE AMENDMENT 1, TO SENATE BILL 705

February 9, 2022 - Offered by Senator Felzkowski.

- 1 AN ACT to amend 342.15 (3); and to create 895.491 of the statutes; relating to:
- 2 liability exemption for motor vehicle sellers after sale.

Analysis by the Legislative Reference Bureau

Under this bill, a seller of a motor vehicle who holds legal title to the motor vehicle and has transferred possession of the motor vehicle to a buyer is immune from civil and criminal liability and is not responsible for local ordinance violations committed involving the motor vehicle after the seller has signed the motor vehicle title and given it to the buyer. The bill also applies the immunity to a circumstance in which the buyer and seller intend for ownership of the motor vehicle to be transferred to the buyer, even when certain formalities of the transfer of ownership have not occurred. The immunity provided under the bill does not apply if death or injury was caused by the seller's willful or wanton acts or omissions. The immunity under the bill also does not apply to motor vehicle or wholesale dealers.

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

Section 1. 342.15 (3) of the statutes is amended to read:

342.15 (3) Except as provided in s. 342.16 and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with. An owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of this section is not liable as owner for any damages thereafter resulting from operation of the vehicle. Nothing in this section limits the immunity from liability described under s. 895.491.

Section 2. 895.491 of the statutes is created to read:

895.491 Liability exemption; vehicle seller after sale. (1) In this section:

- (a) "Motor vehicle" has the meaning given in s. 340.01 (35).
- (b) "Motor vehicle dealer" has the meaning given in s. 218.0101 (23) (a) 2.
- (c) "Seller" does not include a motor vehicle dealer or wholesale dealer.
- (d) "Wholesale dealer" has the meaning given in s. 218.0101 (38).
- (2) Except as provided under sub. (3), a seller of a motor vehicle who holds legal title to the motor vehicle and who has transferred possession of the motor vehicle to a buyer is immune from civil and criminal liability and is not responsible for local ordinance violations committed involving the motor vehicle under any of the following circumstances:
 - (a) The seller has signed the motor vehicle title and given the title to the buyer.
- (b) Regardless of whether or not full compliance with s. 342.15 has been attained, the buyer and seller intend to transfer ownership of the vehicle to the buyer.
- (3) Immunity under this section does not apply if death or injury was caused by willful or wanton acts or omissions by the seller.