



1995 ASSEMBLY BILL 971

February 29, 1996 - Introduced by Representatives NOTESTEIN, LEHMAN, HASENOHRL, KLUSMAN, GRONEMUS, CULLEN, OTT, KRUG, HAHN, BLACK, LORGE, ROBSON, BELL, AINSWORTH, RYBA, SILBAUGH, KREUSER, ZUKOWSKI, HANSON, KAUFERT, R. POTTER, TURNER, WALKER and RILEY, cosponsored by Senators DRZEWIECKI, MOEN, HUELSMAN, BURKE, PETAK and DARLING. Referred to Committee on Highways and Transportation.

1 **AN ACT to repeal** 341.09 (2) (f) and 341.09 (2m) (c); **to renumber** 885.237; **to re-**
2 **number and amend** 341.09 (2m) (a); **to amend** 341.04 (1) (intro.), 341.04 (1)
3 (a), 341.09 (1), 341.09 (2) (d), 341.09 (4) and 341.09 (5); and **to create** 25.40 (1)
4 (ie), 59.20 (8g), 341.09 (2m) (a) 2., 341.09 (2m) (ag), 341.09 (9) and 885.237 (2)
5 of the statutes; **relating to:** operating an unregistered vehicle; temporary op-
6 eration plates for automobiles, station wagons and other vehicles having a
7 gross vehicle weight rating of 8,000 pounds or less; and creating a presumption
8 that certain motor vehicles located on a highway are unregistered or improper-
9 ly registered vehicles.

Analysis by the Legislative Reference Bureau

Under current law, a vehicle subject to registration by the department of transportation (DOT) may not be operated upon a highway in this state unless the vehicle is registered or an application for vehicle registration has been delivered or mailed to DOT. A violation of this prohibition may result in a forfeiture of \$500 or, if the vehicle is an automobile, station wagon or any other vehicle having a gross weight of not more than 8,000 pounds ("automobile or station wagon"), \$200.

Under current law, DOT may also issue a temporary operation permit or plate for a vehicle under certain circumstances for a fee of \$3. DOT is also required to issue a temporary operation plate or permit for a vehicle if it appears that a person would be unable to lawfully operate the vehicle without such plate or permit. The temporary operation plate is valid for 60 days or until the applicant receives the regular registration plates for the vehicle, whichever occurs first.

In addition, any motor vehicle dealer licensed in this state may buy temporary operation plates from DOT at \$3 per plate and resell the plates at cost to state residents who purchase most types of vehicles from the dealer. The plate is valid for 60 days or until the person receives the regular registration plates for the vehicle, whichever occurs first. No person is required to obtain a temporary operation plate for a vehicle that is purchased from a motor vehicle dealer.

This bill provides that an automobile or station wagon for which application for registration has been delivered or mailed to DOT may be lawfully operated upon a highway in this state only if the vehicle is displaying a temporary operation plate or is being operated within 2 business days of its sale or transfer. The bill also creates a presumption that any motor vehicle that is located on a highway without valid registration plates or a temporary operation plate or, for vehicles registered on a quarterly or consecutive monthly basis, other evidence of registration is an unregistered or improperly registered vehicle.

The bill requires each motor vehicle dealer to issue a temporary operation plate for each automobile or station wagon that is sold by the dealer to a state resident. The dealer may also issue a temporary operation plate to any other state resident who is the transferee of an automobile or station wagon, regardless of whether the person purchased the vehicle from the dealer. The bill also requires DOT and each county clerk to issue a temporary operation plate to any state resident who applies for the plate and is the transferee of an automobile or station wagon. A temporary operation plate may not be issued unless certain conditions are satisfied, including that regular registration plates for the vehicle have not been issued by DOT.

The temporary operation plate is valid for 60 days or until the state resident receives the regular registration plates for the vehicle, whichever occurs first. The fee for a temporary operation plate is increased from \$3 to \$5. The bill requires DOT to issue temporary operation plates to motor vehicle dealers and county clerks without charge. Each dealer and county clerk must reimburse DOT \$3 for each temporary operation plate that the dealer or county clerk issues.

For further information see the *state and local* 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:

- 1 **SECTION 1.** 25.40 (1) (ie) of the statutes is created to read:
- 2 25.40 (1) (ie) All moneys forwarded by county treasurers from fees under s.
- 3 341.09 (2m) (a) 2., as provided in ss. 59.20 (8g) and 341.09 (2m) (a) 2.
- 4 **SECTION 2.** 59.20 (8g) of the statutes is created to read:

1 59.20 (8g) Forward 60% of the fees received under s. 341.09 (2m) (a) 2. to the
2 state treasurer for deposit in the transportation fund under s. 25.40 (1) (ie).

3 **SECTION 3.** 341.04 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Act
4 288, is amended to read:

5 341.04 (1) (intro.) It is unlawful for any person to operate or for an owner to
6 consent to being operated on any highway of this state any motor vehicle, mobile
7 home, trailer or semitrailer or any other vehicle for which a registration fee is specifi-
8 cally prescribed unless at the time of operation the vehicle in question either is regis-
9 tered in this state, or, except for registration under s. 341.30 or 341.305, a complete
10 application for registration, including evidence of any inspection under s. 110.20
11 when required, accompanied by the required fee has been delivered to the depart-
12 ment or deposited in the mail properly addressed with postage prepaid, ~~or~~ and, if the
13 vehicle is an automobile, station wagon or any other vehicle having a gross vehicle
14 weight rating of 8,000 pounds or less, the vehicle displays a temporary operation
15 plate issued for the vehicle or the operator or owner of the vehicle produces proof that
16 operation of the vehicle is within 2 business days of the vehicle's sale or transfer, or
17 the vehicle in question is exempt from registration.

18 **SECTION 4.** 341.04 (1) (a) of the statutes is amended to read:

19 341.04 (1) (a) A vehicle may be operated by a private person after the date of
20 purchase of such vehicle by such private person or after the date such person moved
21 to this state if application for registration, except for registration under s. 341.30 or
22 341.305, and certificate of title has been made and the person otherwise complies
23 with any applicable requirements of this section.

24 **SECTION 5.** 341.09 (1) of the statutes is amended to read:

1 341.09 (1) The department shall issue temporary operation plates as provided
2 under subs. (2), (2m) and (9) and may issue a temporary operation permit or plate
3 for an unregistered vehicle ~~under any of the circumstances set forth in subs. (2) to~~
4 ~~(6) as otherwise provided under this section.~~ Such permits or plates shall contain the
5 date of expiration and sufficient information to identify the vehicle for which and the
6 person to whom it is issued. The department may place the information identifying
7 the vehicle and the person to whom the permit or plate is issued on a separate form.

8 **SECTION 6.** 341.09 (2) (d) of the statutes is amended to read:

9 341.09 (2) (d) The department may issue temporary operation plates for use
10 on any vehicle except buses, for-hire vehicles and vehicles which are subject to regis-
11 tration under the international registration plan if the state is a party to such plan
12 or vehicles which are subject to registration under s. 341.41 (9). The department
13 shall determine the size, color, design, form and specifications of the plate. The de-
14 partment shall charge a fee of ~~\$3~~ \$5 for each temporary operation plate issued under
15 this subsection.

16 **SECTION 7.** 341.09 (2) (f) of the statutes is repealed.

17 **SECTION 8.** 341.09 (2m) (a) of the statutes is renumbered 341.09 (2m) (a) 1. and
18 amended to read:

19 341.09 (2m) (a) 1. ~~Upon request by a dealer licensed in this state, the depart-~~
20 ~~ment may issue any~~ The department shall issue a sufficient number of temporary
21 operation plates ~~to a dealer under sub. (2) at a fee of \$3 per plate. The~~ to each dealer
22 licensed in this state without charge. Except as provided in subd. 2., the dealer may
23 issue the temporary operation plate ~~at a fee of \$3~~ to any state resident who purchases
24 from the dealer any type of vehicle except buses, for-hire vehicles and vehicles which

1 are subject to registration under the international registration plan if the state is a
2 party to such plan or vehicles which are subject to registration under s. 341.41 (9).

3 3. The dealer shall charge a fee of \$5 for each temporary operation plate issued
4 under this paragraph, of which \$3 shall be forwarded to the department. The depart-
5 ment shall prescribe the manner in which a dealer shall keep records of temporary
6 operation plates issued by the dealer.

7 **SECTION 9.** 341.09 (2m) (a) 2. of the statutes is created to read:

8 341.09 **(2m)** (a) 2. Each dealer shall issue the temporary operation plate to any
9 state resident who purchases from the dealer an automobile, station wagon or any
10 other vehicle having a gross vehicle weight rating of 8,000 pounds or less and, upon
11 application, may issue the temporary operation plate to any other state resident for
12 use on an automobile, station wagon or any other vehicle having a gross vehicle
13 weight rating of 8,000 pounds or less if the dealer is satisfied as to ownership of the
14 vehicle and the person certifies that he or she has made application for registration
15 to the department and has neither received the regular registration plates for the ve-
16 hicle nor has been issued a temporary operation plate under this section for the ve-
17 hicle.

18 **SECTION 10.** 341.09 (2m) (ag) of the statutes is created to read:

19 341.09 **(2m)** (ag) 1. The department shall issue a sufficient number of tempo-
20 rary operation plates to each county clerk. The county clerk shall issue the tempo-
21 rary operation plate at a fee of \$5 to any state resident for use on an automobile, sta-
22 tion wagon or any other vehicle having a gross vehicle weight rating of 8,000 pounds
23 or less if the county clerk is satisfied as to ownership of the vehicle and the person
24 certifies that he or she has made application for registration to the department and
25 has neither received the regular registration plates for the vehicle nor has been

1 issued a temporary operation plate under this section for the vehicle. The depart-
2 ment shall prescribe the manner in which a county clerk shall keep records of tempo-
3 rary operation plates issued by the county clerk.

4 2. Of each fee received by the county clerk under subd. 1., the county treasurer
5 shall pay 60% to the state treasurer for deposit in the transportation fund under s.
6 25.40 (1) (ie) and retain the balance for the use of the county.

7 **SECTION 11.** 341.09 (2m) (c) of the statutes is repealed.

8 **SECTION 12.** 341.09 (4) of the statutes is amended to read:

9 341.09 (4) Upon receipt of an application and a fee of ~~\$3~~ \$5, the department
10 shall register a vehicle purchased in this state by a nonresident for a period not to
11 exceed 30 days. The department shall determine the size, color, design, form and
12 specifications of a plate issued under this subsection. The plate may be similar or
13 identical to a plate issued under sub. (2). The department may issue the plates to
14 dealers at a fee of ~~\$3~~ \$5 per plate in the manner and for the purpose provided in sub.
15 (2m)

16 **SECTION 13.** 341.09 (5) of the statutes, as affected by 1993 Wisconsin Act 288,
17 is amended to read:

18 341.09 (5) The department may issue a temporary operation permit or plate
19 which is valid for a period of 30 days upon request of the owner of a vehicle which is
20 subject to the inspection required by s. 110.20 (6). The department shall charge a fee
21 of ~~\$3~~ \$5 for each temporary operation permit or plate issued under this subsection.
22 The department shall determine the size, color, design, form and specification of the
23 plate.

24 **SECTION 14.** 341.09 (9) of the statutes is created to read:

1 341.09 (9) (a) Notwithstanding any other provision of this section, the depart-
2 ment shall issue a temporary operation plate for an automobile, station wagon or any
3 other vehicle having a gross vehicle weight rating of 8,000 pounds or less upon re-
4 ceipt of an application if the department does not immediately issue the regular reg-
5 istration plates for the vehicle and the department determines that the applicant has
6 not otherwise been issued a temporary operation plate under this section.

7 (b) The department shall determine the size, color, design, form and specifica-
8 tions of the temporary operation plates under this subsection. A temporary opera-
9 tion plate issued under this subsection shall be valid for a period of 60 days or until
10 the applicant receives the regular registration plates, whichever occurs first, and
11 shall contain sufficient information to identify the vehicle for which and the person
12 to whom it is issued. The department shall charge a fee of \$5 for each temporary op-
13 eration plate issued under this subsection.

14 **SECTION 15.** 885.237 of the statutes is renumbered 885.237 (1).

15 **SECTION 16.** 885.237 (2) of the statutes is created to read:

16 885.237 (2) Notwithstanding s. 341.04, the fact that a motor vehicle is located
17 on a highway, as defined in s. 340.01 (22), and is not displaying valid registration
18 plates, a temporary operation plate or other evidence of registration as provided un-
19 der s. 341.18 (1) is prima facie evidence, for purposes of ch. 341, that the motor vehicle
20 is an unregistered or improperly registered vehicle.

21 **SECTION 17. Initial applicability.**

22 (1) This act first applies to transfers of interests in and the operation of auto-
23 mobiles, station wagons and other vehicles having a gross vehicle weight rating of
24 8,000 pounds or less on the effective date of this subsection.

25 **SECTION 18. Effective date.**

SECTION 18

1 (1) This act takes effect on the first day of the 6th month beginning after publi-
2 cation.

3 (END)