



2011 ASSEMBLY BILL 295

September 29, 2011 - Introduced by Representatives KNUDSON, BROOKS, JACQUE, AUGUST, BIES, KLEEFISCH, KOOYENGA, LITJENS, NASS, STROEBEL, WYNN and WEININGER, cosponsored by Senators LASEE and WANGGAARD. Referred to Committee on Transportation.

- 1 **AN ACT** *to amend* 341.35 (1) and 341.35 (4); and *to create* 341.35 (1m) of the
2 statutes; **relating to:** requiring a referendum before a municipality or county
3 may impose a local motor vehicle registration fee.

Analysis by the Legislative Reference Bureau

Under current law, any city, village, or town (municipality) or county may, by ordinance, impose an annual motor vehicle registration fee on most automobiles and light-duty trucks customarily kept in the municipality or county. The Department of Transportation (DOT) collects this local registration fee, which is in addition to the state registration fee, at the time DOT collects the state registration fee and remits the local registration fee, minus administrative costs of collection, to the applicable municipality or county. The local registration fee may only be used by a municipality or county for transportation purposes.

This bill requires an ordinance imposing a local registration fee to be ratified by the electors at a referendum held in the municipality or county before the ordinance may take effect. The question on the referendum ballot must specify the amount of the local registration fee. If the local registration fee is approved by referendum, the amount of the local registration fee cannot thereafter be changed unless the new fee amount is adopted by ordinance and approved by referendum. If a municipality or county has in effect an ordinance imposing a local registration fee prior to the effective date of this bill, that ordinance may remain valid and in effect without ratification by referendum only until the next general election. After the next general election, any preexisting local registration fee becomes invalid until it is ratified by referendum.

ASSEMBLY BILL 295

For further information see the *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.** 341.35 (1) of the statutes is amended to read:

2 341.35 (1) ANNUAL REGISTRATION FEE. In this section “municipality” means a
3 town, village or city and “motor vehicle” means an automobile or motor truck
4 registered under s. 341.25 (1) (c) at a gross weight of not more than 8,000 pounds.
5 ~~The Subject to sub. (1m), the~~ governing body of a municipality or county may enact
6 an ordinance imposing an annual flat municipal or county registration fee on all
7 motor vehicles registered in this state which are customarily kept in the municipality
8 or county. A registration fee imposed under this section shall be in addition to state
9 registration fees.

10 **SECTION 2.** 341.35 (1m) of the statutes is created to read:

11 341.35 (1m) REFERENDUM REQUIRED. An ordinance enacted under this section
12 may not take effect until the ordinance is ratified by the electors at a referendum held
13 in the municipality or county enacting the ordinance. The question on the
14 referendum ballot shall specify the amount of the registration fee to be imposed by
15 the municipality or county under the ordinance.

16 **SECTION 3.** 341.35 (4) of the statutes is amended to read:

17 341.35 (4) NOTICE OF FEES. The governing body of a municipality or county
18 which enacts a municipal or county vehicle registration fee shall notify the
19 department ~~that it has so elected~~ after the ordinance imposing the fee has been
20 ratified as provided in sub. (1m) and shall report the amount of such the fee to the
21 department. The municipality or county ~~shall report any~~ may not change in such the

ASSEMBLY BILL 295

1 amount to the department. The notification shall be made at the time and in the form
2 prescribed by the department of the fee except by ordinance and referendum as
3 provided in subs. (1) and (1m).

4 **SECTION 4. Nonstatutory provisions.**

5 (1) Notwithstanding section 341.135 (1m) of the statutes, as created by this act,
6 if a municipality or county enacted an ordinance under section 341.135 (1) of the
7 statutes imposing a registration fee prior to the effective date of this subsection, that
8 ordinance may remain valid and in effect without ratification by referendum until
9 the next general election after the effective date of this subsection.

10 (END)