

1987 Assembly Bill 748

Date of enactment: April 21, 1988  
Date of publication: May 2, 1988

## 1987 Wisconsin Act 349 (Vetoed in Part)

AN ACT to repeal 342.15 (1) (d); to renumber 342.30 (3); to renumber and amend 342.08, 342.15 (2), 342.15 (6), 342.30 (1), 342.34 (2), 943.23 (1), 943.23 (2) and 943.395; to amend 20.395 (5) (cq), 341.05 (19), 341.08 (2) (c), 341.265 (1) (a), 341.266 (2) (intro.) and (b), 341.268 (2) (intro.), 341.295 (3) (a), 341.31 (4) (b), 342.06 (1) (b), 342.10 (1) (d) and (3), 342.15 (1) (a), 342.15 (1) (c), 342.15 (3), 342.16 (1) (a), 342.30 (title), 342.34 (1), 946.82 (4) and 973.073; to repeal and recreate 342.07; and to create subchapter X of chapter 218, 340.01 (23r), (25g) and (25r), 340.01 (55g) and (55r), 342.08 (1) and (2), 342.15 (2) (b) and (c), 342.15 (6) (b), 342.30 (1), 342.30 (3) (a) and (b) 2, 342.34 (2), (3) and (4) (b), 939.66 (2r), 943.23 (1), 943.23 (3), 943.23 (5), 943.23 (6) and 943.395 (2) of the statutes, relating to unauthorized use of vehicles, fraudulent claims, junk and salvage vehicles, vehicle identification numbers, salvage pools, buyer identification numbers and cards, vehicle titles, requiring rule making, making an appropriation and providing penalties.

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

SECTION 1. 20.395 (5) (cq) of the statutes, as affected by 1987 Wisconsin Act 27, is amended to read:

20.395 (5) (cq) *Vehicle registration, inspection and maintenance and driver licensing, state funds.* The amounts in the schedule for administering the vehicle registration and driver licensing program, including the traffic violation and registration program, for compensating local units of government for the costs of inspections performed under s. 342.07, for adminis-

tering the motor vehicle emission inspection and maintenance program under s. 110.20 and to compensate for services performed, as determined by the secretary of transportation, by any county providing registration services. Of the amount appropriated under this paragraph, the department may maintain a contingent fund, not to exceed \$6,000, for establishing change funds in the amount deemed necessary by the department.

SECTION 1m. Subchapter X of chapter 218 of the statutes is created to read:

CHAPTER 218  
SUBCHAPTER X  
MOTOR VEHICLE SALVAGE POOLS  
AND BUYER IDENTIFICATION

**218.50 Definitions.** In this subchapter:

(1) "Buyer identification card" means a card issued by the department authorizing the cardholder to bid on and purchase motor vehicles being held and offered for sale by a motor vehicle salvage pool and containing the full name, business and residence address and a brief description of the cardholder, the buyer identification number assigned to the cardholder by the department, either a facsimile of the cardholder's signature or a space upon which the cardholder shall write his or her name immediately upon receipt of the card and such other information as the department specifies.

(2) "Buyer identification number" means the distinguishing sequence of numbers or numbers and letters assigned by the department to a cardholder and appearing on that cardholder's buyer identification card.

(3) "Cardholder" means a person to whom the department has issued a buyer identification card.

(4) "Department" means the department of transportation.

(5) "Motor vehicle salvage pool" means a person who is engaged primarily the business of selling or distributing damaged motor vehicles at wholesale, whether or not the motor vehicles are owned by that person.

(6) "Qualified applicant" means a motor vehicle dealer, wholesaler salvage dealer licensed under this chapter, a motor vehicle dealer, wholesaler or salvage dealer licensed in another jurisdiction or an employe of a motor vehicle dealer, wholesaler or salvage dealer under this subsection.

**218.505 Salvage pools to be licensed as wholesalers.** No motor vehicle salvage pool may engage in business as such unless licensed as a wholesaler under s. 218.01.

**218.51 Buyer identification cards.** (1) The department shall issue buyer identification cards to qualified applicants who wish to purchase or submit bids for the purchase of used or damaged motor vehicles from a motor vehicle salvage pool. The department shall specify the form of the buyer identification card.

(2) A buyer identification card entitles a cardholder to purchase or submit bids for the purchase of a motor vehicle from a motor vehicle salvage pool during the calendar year in which the buyer identification card is issued. A buyer identification card expires on December 31 of the calendar year for which it was issued.

(3) The department shall administer this section and specify the form of the application for a buyer identification card, the information required to be provided in the application and the amount of the annual fee for issuance of a buyer identification card.

(4) The department may deny, suspend or revoke a buyer identification card on any of the following grounds:

(a) Proof of unfitness.

(b) Material misstatement in the application for a buyer identification card.

(c) Filing a materially false or fraudulent income tax return as certified by the department of revenue.

(d) Wilful failure to comply with any provision of this subchapter or any rule promulgated by the department under this subchapter.

(e) Failure or refusal to furnish and keep in force any bond required.

(f) Having made a fraudulent transaction or having permitted the fraudulent use of his or her buyer identification card.

(g) Fraudulent misrepresentation, circumvention or concealment through whatsoever subterfuge or device of any of the material particulars required under this subchapter to be stated or furnished to a motor vehicle salvage pool.

(h) Having violated any law relating to the sale, distribution or financing of salvaged parts.

(5) (a) The department may without notice deny the application for a buyer identification card within 60 days after receipt thereof by written notice to the applicant, stating the grounds for such denial. Within 30 days after such notice, the applicant may petition the office of the commissioner of transportation to conduct a hearing to review the denial, and a hearing shall be scheduled with reasonable promptness.

(b) No buyer identification card may be suspended or revoked except after a hearing thereon. The department shall give the cardholder at least 5 days' notice of the time and place of such hearing. The order suspending or revoking a buyer identification card shall not be effective until after 10 days' written notice thereof to the cardholder, after such hearing has been had; except that the department, when in its opinion the best interest of the public or the trade demands it, may suspend a buyer identification card upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the buyer identification card. Matters involving suspensions and revocations brought before the department shall be heard and decided upon by the office of the commissioner of transportation.

(c) The department may inspect the pertinent books, records, letters and contracts of a cardholder. The actual cost of each such examination shall be paid by the cardholder so examined within 30 days after demand therefor by the department, and the department may maintain an action for the recovery of such costs in any court of competent jurisdiction.

**218.52 Purchases from motor vehicle salvage pools.**

(1) No person may purchase or submit a bid for the purchase of a motor vehicle from a motor vehicle salvage pool unless the following conditions are satisfied:

(a) The person is a cardholder and the person's buyer identification card has not been suspended or revoked.

(b) The person displays his or her valid buyer identification card to the salvage pool and includes his or her buyer identification number on each sheet of any bid submitted to a motor vehicle salvage pool for the purchase of a motor vehicle or other document evidencing the purchase of a motor vehicle from a motor vehicle salvage pool.

(2) No motor vehicle salvage pool may accept a bid for the purchase of a motor vehicle or complete the sales transaction unless the person who submits the bid or offers to purchase a motor vehicle from the motor vehicle salvage pool satisfies the conditions under sub. (1) (b) and the motor vehicle salvage pool verifies that the buyer identification number displayed on the person's buyer identification card and included on each sheet of that person's bid or other document evidencing the purchase of a motor vehicle are identical.

**218.53 Penalties.** Any person who violates this subchapter shall be fined not less than \$1,000 nor more than \$10,000 and may be imprisoned for not more than 90 days or both.

SECTION 2. 340.01 (23r), (25g) and (25r) of the statutes are created to read:

340.01 (23r) "Identification number" means the numbers, letters or combination of numbers and letters assigned by the manufacturer of a vehicle or vehicle part or by the department and stamped upon or affixed to a vehicle or vehicle part for the purpose of identification. "Identification number" does not include the letters, numbers or combinations thereof on registration plates issued under chapter 341.

(25g) "Junked" means dismantled for parts or scrapped.

(25r) "Junk vehicle" means a vehicle which is incapable of operation or use upon a highway and which has no resale value except as a source of parts or scrap.

SECTION 3. 340.01 (55g) and (55r) of the statutes are created to read:

340.01 (55g) "Salvage vehicle" means a vehicle which is damaged by collision or other occurrence to the extent that the cost of repairing the vehicle for safe operation would exceed its fair market value.

(55r) "Salvage vehicle purchaser" means a person, including an insurer or motor vehicle dealer, who purchases or otherwise obtains possession of a salvage vehicle.

SECTION 4. 341.05 (19) of the statutes is amended to read:

341.05 (19) Is a motor vehicle last previously registered in another jurisdiction or a ~~previously junked motor~~ repaired salvage vehicle operated to or from a location where it is to be inspected ~~by a state or county traffic officer~~ as required by ss. 342.06 (1) (g) and 342.07, or an unregistered vehicle operated to or from

a location where it is to be inspected as required by s. 110.20.

SECTION 5. 341.08 (2) (c) of the statutes is amended to read:

341.08 (2) (c) A description of the vehicle, including make, model, ~~identifying~~ identification number and any other information which the department may reasonably require for proper identification of the vehicle.

SECTION 6. 341.265 (1) (a) of the statutes is amended to read:

341.265 (1) (a) Upon payment of a fee of \$5, the department shall issue to the person registration plates of a distinctive design, in lieu of the usual registration plates, which shall show in addition to the ~~identification~~ registration number that the vehicle is an antique. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee. The vehicle shall only be used for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes. A person who registers an antique vehicle under this paragraph may furnish and display on the vehicle during official participation in a parade, show or display a historical plate from or representing the model year of the vehicle instead of a plate issued by the department. Official participation does not include travel to or from a parade, show or display.

SECTION 7. 341.266 (2) (intro.) and (b) of the statutes are amended to read:

341.266 (2) (intro.) Any person who is the owner of a special interest vehicle which is 20 or more years old at the time of making application for registration or transfer of title of the vehicle may upon application register the same as a special interest vehicle upon payment of a fee of \$40, and be furnished registration plates of a distinctive design in lieu of the usual registration plates which shall show ~~in addition to the identification number~~ that the vehicle is a special interest vehicle owned by a Wisconsin collector. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee. The vehicle may be used as are other vehicles of the same type except that motor vehicles may not transport passengers for hire and trucks may not haul material weighing more than 500 pounds. Unless inconsistent with this section, the provisions applicable to other vehicles shall apply to special interest vehicles.

(b) A collector must own and have registered one or more vehicles with regular registration plates which ~~he~~ the collector uses for regular transportation.

SECTION 8. 341.268 (2) (intro.) of the statutes is amended to read:

341.268 (2) (intro.) Any person who is the owner of a reconstructed vehicle assembled from a vehicle manufactured 20 years or more prior to the time of making application for registration or transfer of title of the vehicle or any person who is the owner of a homemade

vehicle, may upon application register the same as a reconstructed or homemade vehicle upon payment of a fee of \$40, and be furnished registration plates of a distinctive design in lieu of the usual registration plates which shall show ~~in addition to the identification number~~ that the vehicle is a reconstructed or homemade vehicle owned by a Wisconsin hobbyist. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee. The vehicle may be used as are other vehicles of the same type except that motor vehicles may not transport passengers for hire and trucks may not haul material weighing more than 500 pounds. Unless inconsistent with this section, the provisions of this chapter applicable to other vehicles shall apply to reconstructed and homemade vehicles.

SECTION 9. 341.295 (3) (a) of the statutes is amended to read:

341.295 (3) (a) If the applicant holds registration plates which were removed from a vehicle under s. 341.31 (4) (c), 342.15 (4) (a) or 342.34 (1) (c) ~~or (2) (c)~~, and the plates were issued under the monthly series system, the department shall register a replacement vehicle of the same type and gross weight which is the subject of the application for the remainder of the unexpired registration period.

SECTION 10. 341.31 (4) (b) of the statutes is amended to read:

341.31 (4) (b) A person retaining a set of plates removed from a vehicle under s. 342.15 (4) (a) or 342.34 (1) (c) ~~or (2) (c)~~ and which was junked or transferred or is no longer used on the highways may receive credit for the unused portion of the registration fee paid when registering a replacement vehicle of the same type and gross weight.

SECTION 11. 342.06 (1) (b) of the statutes is amended to read:

342.06 (1) (b) A description of the vehicle, including make, model, identifying identification number and any other information which the department may reasonably require for proper identification of the vehicle.

SECTION 12. 342.07 of the statutes is repealed and recreated to read:

**342.07 Title for repaired salvage vehicle.** (1) Application for registration of and a new certificate of title for a repaired salvage vehicle must be accompanied by the required fees, a properly assigned salvage certificate of title for the vehicle and any other transfer document required by law, and by the certificate of inspection under sub. (3).

(2) A repaired salvage vehicle may not be registered or be issued a new certificate of title until an inspector authorized by the department examines it for the following, as specified in rules promulgated by the department:

(a) To determine whether the vehicle is the same vehicle for which the salvage title in sub. (1) was issued;

(b) To verify the source and ownership of the major parts and components used to recondition the vehicle; and

(c) To determine whether the vehicle is in compliance with safety equipment requirements.

(3) The applicant shall pay a fee of \$40 to the department for the examination in sub. (2). If the vehicle passes the examination, the inspector shall provide the applicant with an inspection certificate showing that the vehicle satisfies the inspection standards.

SECTION 13. 342.08 of the statutes is renumbered 342.08 (intro.) and amended to read:

**342.08 Department to examine records.** (intro.) ~~Before issuing a certificate of title for a vehicle last previously registered in another jurisdiction, the~~ The department shall check the application for a certificate of title against the records of stolen vehicles in the department of justice.;

SECTION 14. 342.08 (1) and (2) of the statutes are created to read:

342.08 (1) Before issuing a certificate of title for a vehicle last previously registered in another jurisdiction.

(2) Upon receipt of an application for a certificate of title showing a transfer of ownership of a vehicle.

SECTION 15. 342.10 (1) (d) and (3) of the statutes are amended to read:

342.10 (1) (d) A description of the vehicle, including make, model and identifying identification number.

(3) ~~Before issuing any new or duplicate certificate of title for a motor vehicle previously junked and reconditioned, the department shall stamp thereon the words "This vehicle previously junked and reconditioned".~~ Before issuing a new or duplicate certificate of title for a motor vehicle previously licensed and used as a taxicab or for public transportation, the department shall stamp on such certificate the words "This motor vehicle has previously been used as a taxicab or for public transportation".

SECTION 16. 342.15 (1) (a) of the statutes is amended to read:

342.15 (1) (a) If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and cause the certificate to be mailed or delivered to the transferee, except that if the vehicle being transferred is a junk vehicle or has been junked, the owner shall return the certificate to the department in accordance with s. 342.34.

SECTION 17. 342.15 (1) (c) of the statutes is amended to read:

342.15 (1) (c) If an owner transfers his or her interest in a salvage vehicle ~~to an insurance company, as a result of an insurance claim settlement,~~ the owner

shall at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and cause the certificate to be mailed or delivered to the transferee.

SECTION 18. 342.15 (1) (d) of the statutes is repealed.

SECTION 19. 342.15 (2) of the statutes is renumbered 342.15 (2) (a) and amended to read:

342.15 (2) (a) Except as provided in ~~sub. (1) (d) and~~ s. 342.16 with respect to a vehicle which is not a salvage vehicle, the transferee shall, promptly after delivery to him or her of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and application to be mailed or delivered to the department. A salvage vehicle purchaser shall comply with par. (b).

SECTION 20. 342.15 (2) (b) and (c) of the statutes are created to read:

342.15 (2) (b) A salvage vehicle purchaser shall, promptly after delivery to him or her of the salvage vehicle, apply for a salvage vehicle certificate of title by submitting to the department the properly assigned certificate of title under sub. (1) (c) or other evidence of ownership, the applicant's statement that the vehicle is a salvage vehicle, an application for a salvage certificate of title and the required fee.

(c) Upon compliance with the requirements of par. (b), the department shall issue the salvage vehicle purchaser a salvage vehicle certificate of title. The certificate shall include the words "This is a salvage vehicle".

SECTION 21. 342.15 (3) of the statutes is amended to read:

342.15 (3) Except as provided in ~~sub. (1) (d) and~~ s. 342.16 with respect to a vehicle which is not a salvage vehicle 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 requiring action by him or her is not liable as owner for any damages thereafter resulting from operation of the vehicle.

SECTION 22. 342.15 (6) of the statutes is renumbered 342.15 (6) (a) and amended to read:

342.15 (6) (a) Except as provided in ~~sub. (1) (d) and~~ s. 342.16 with respect to a vehicle which is not a salvage vehicle, any transferee of a vehicle who fails to make application for a new certificate of title immediately upon transfer to him or her of a vehicle may be required to forfeit not more than \$200. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the mail properly addressed with postage prepaid.

SECTION 23. 342.15 (6) (b) of the statutes is created to read:

342.15 (6) (b) Except as provided in s. 342.16 with respect to a vehicle which is not a salvage vehicle, any transferee of a vehicle who with intent to defraud fails to make application for a new certificate of title immediately upon transfer to him or her of a vehicle may be fined not more than \$1,000 or imprisoned for not more than 30 days or both. A certificate is considered to have been applied for when the application accompanied by the required fee has been delivered to the department or deposited in the mail properly addressed with postage prepaid.

SECTION 24. 342.16 (1) (a) of the statutes, as affected by 1987 Wisconsin Act .... (Assembly Bill 47), is amended to read:

342.16 (1) (a) If a dealer acquires a new or used vehicle which is not a salvage vehicle and holds it for resale or accepts a vehicle for sale on consignment, the dealer need not send the certificate of title or application for original certificate to the department. Upon transferring the vehicle to another person, the dealer shall immediately give the transferee on a form prescribed by the department a receipt for all title, registration, security interest and sales tax moneys paid to the dealer for transmittal to the department when required. The dealer shall promptly execute the assignment and warranty of title, showing the name and address of the transferee and of any secured party holding a security interest created or reserved at the time of the resale or sale on consignment, in the spaces provided therefor on the certificate or as the department prescribes, and shall within 7 business days following the sale or transfer mail or deliver the certificate or application for certificate to the department with the transferee's application for a new certificate. A nonresident who purchases a motor vehicle from a dealer in this state is not required to have a certificate of title issued for the vehicle in this state unless the dealer determines that a title is necessary to protect the interests of a secured party. The dealer is responsible for determining whether a title and perfection of security interest is required. The dealer is liable for any damages incurred by the department or any secured party for the dealer's failure to perfect a security interest which the dealer had knowledge of at the time of sale.

SECTION 25. 342.30 (title) of the statutes is amended to read:

**342.30 (title) Identification numbers.**

SECTION 26. 342.30 (1) of the statutes is renumbered 342.30 (1m) and amended to read:

342.30 (1m) ~~The~~ When the department shall assign a new identification number for each is satisfied as to the ownership of a vehicle subject to registration which has not been numbered by the manufacturer or on which the original number has been removed, obliterated or altered or on which the original casting

has been replaced, the department shall assign a new identification number for each such vehicle.

SECTION 27. 342.30 (1) of the statutes is created to read:

342.30 (1) No person may remove, alter or obliterate an identification number. This subsection does not apply to the obliteration of an identification number which occurs in the process of crushing a vehicle or vehicle part for scrap.

SECTION 28. 342.30 (3) of the statutes is renumbered 342.30 (3) (b) 1.

SECTION 29. 342.30 (3) (a) and (b) 2 of the statutes are created to read:

342.30 (3) (a) Any person who violates sub. (1) may be fined not more than \$5,000 or imprisoned for not more than 5 years or both.

(b) 2. Any owner of a vehicle for which the department has issued a new identification number who with intent to defraud fails to have such number attached or stamped as required by sub. (2) may be required to forfeit not more than \$1,000.

SECTION 30. 342.34 (1) of the statutes is amended to read:

342.34 (1) Any person owning or possessing a ~~motor junk vehicle which has been junked or destroyed~~ shall, within 10 days after ~~the destruction or junking occurred~~ determining that the vehicle is a junk vehicle do all of the following:

(a) Notify the department of the ~~destruction or junking; and~~ junk condition of the vehicle.

(b) Return the certificate of title to the department; ~~and.~~

(c) If the ~~motor~~ vehicle is a motorcycle or an automobile or station wagon registered under the monthly series system or a motor home or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds or a farm truck which has a gross weight of not more than 12,000 pounds, the owner shall remove the registration plates and retain and preserve them for use on any other vehicle of the same type which may subsequently be registered in his or her name. If the ~~motor~~ vehicle is not a motorcycle or an automobile or station wagon registered under the monthly series system, or a motor home or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds or a farm truck which has a gross weight of not more than 12,000 pounds, he or she shall remove and destroy the plates.

SECTION 31. 342.34 (2) of the statutes is renumbered 342.34 (4) (a) and amended to read:

342.34 (4) (a) Any person violating ~~this section sub. (1) or (2)~~ may be required to forfeit not more than \$200.

SECTION 32. 342.34 (2), (3) and (4) (b) of the statutes are created to read:

342.34 (2) Any person owning or possessing a vehicle which has been junked or destroyed shall, within 10 days after the destruction or junking occurred do all of the following:

(a) Notify the department of the destruction or junking.

(b) Return the certificate of title to the department.

(c) Remove and either retain or destroy the registration plates for the vehicle as provided in sub. (1) (c).

(3) No certificate of title may be issued for a junk vehicle or for a vehicle which has been junked or destroyed.

(4) (b) Any person who with intent to defraud violates sub. (1) or (2) may be required to forfeit not more than \$1,000.

SECTION 33. 939.66 (2r) of the statutes is created to read:

939.66 (2r) A crime which is a less serious type of violation under s. 943.23 than the one charged.

SECTION 34. 943.23 (1) of the statutes is renumbered 943.23 (2) and amended to read:

943.23 (2) Whoever intentionally takes and drives any vehicle without the consent of the owner is guilty of a Class ~~E~~ D felony.

SECTION 35. 943.23 (1) of the statutes is created to read:

943.23 (1) In this section:

(a) "Drive" means the exercise of physical control over the speed and direction of a vehicle while it is in motion.

(b) "Major part of a vehicle" means any of the following:

1. The engine.
2. The transmission.
3. Each door allowing entrance to or egress from the passenger compartment.
4. The hood.
5. The grille.
6. Each bumper.
7. Each front fender.
8. The deck lid, tailgate or hatchback.
9. Each rear quarter panel.
10. The trunk floor pan.
11. The frame or, in the case of a unitized body, the supporting structure which serves as the frame.
12. Any part not listed under subds. 1 to 11 which has a value exceeding \$500.

(c) "Operate" includes the physical manipulation or activation of any of the controls of a vehicle necessary to put it in motion.

SECTION 36m. 943.23 (2) of the statutes is renumbered 943.23 (4) and amended to read:

943.23 (4) Whoever violates sub. ~~(1)~~ (2) or (3) and abandons a vehicle without damage within 24 hours is guilty of a Class A misdemeanor.

SECTION 37. 943.23 (3) of the statutes is created to read:

943.23 (3) Whoever intentionally drives or operates any vehicle without the consent of the owner is guilty of a Class E felony.

SECTION 38. 943.23 (5) of the statutes is created to read:

943.23 (5) Whoever intentionally removes a major part of a vehicle without the consent of the owner is guilty of a Class E felony. Whoever intentionally removes any other part or component of a vehicle without the consent of the owner is guilty of a Class A misdemeanor.

SECTION 39. 943.23 (6) of the statutes is created to read:

943.23 (6) (a) In this subsection, "pecuniary loss" has the meaning described in s. 973.09 (8).

(b) In addition to the other penalties provided for violation of this section, a judge may require a violator to pay restitution to or on behalf of a victim regardless of whether the violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the violator to pay and shall determine the method of payment. Upon the application of any interested party, the court may schedule and hold an evidentiary hearing to determine the value of the victim's pecuniary loss resulting from the offense.

SECTION 40. 943.395 of the statutes is renumbered 943.395 (1), and 943.395 (1) (intro.), as renumbered, is amended to read:

943.395 (1) (intro.) Whoever, knowing it to be false or fraudulent, does any of the following ~~is guilty of a Class A misdemeanor~~ may be penalized as provided in sub. (2):

SECTION 41. 943.395 (2) of the statutes is created to read:

943.395 (2) Whoever violates this section:

(a) Is guilty of a Class A misdemeanor if the value of the claim or benefit does not exceed \$500.

(b) Is guilty of a Class E felony if the value of the claim or benefit exceeds \$500.

SECTION 42. 946.82 (4) of the statutes is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of

April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 161 and 945 and ss. 49.49, 134.05, 139.44 (1), 180.88, 181.69, 184.09 (2), 185.82 (4), 215.12, 221.17, 221.31, 221.39, 221.40, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (2) and (3), 940.20, 940.203, 940.21, 940.30, 940.305, 940.31, 940.32, 941.20 (2), 941.26, 941.28, 941.31, 941.32, 943.01 (2), 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 ~~(1)~~ (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (2) and (3), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76 and 947.015.

SECTION 43. 973.073 of the statutes, as affected by 1987 Wisconsin Act 3, is amended to read:

**973.073 Restitution; various violations.** A court may require the payment of restitution under s. 97.72 (1), 346.65 (2r), 943.23 (6), 943.24 (5) or 943.50 (5) regardless of whether the violator is placed on probation under s. 973.09.

SECTION 44. **Nonstatutory provisions; transportation.**

SECTION 44m. **Appropriation changes; transportation.** The appropriation to the department of transportation under section 20.395 (5) (cq) of the statutes, as affected by the acts of 1987, is increased by \$334,500 for fiscal year 1988-89 ~~to fund the same positions~~ for the purpose of performing the responsibilities assigned to the department of transportation under this act.

**Vetoed  
in Part**

SECTION 45. **Effective dates.** This act takes effect on the first day of the 12th month beginning after publication, except as follows:

(1) The treatment of sections 939.66 (2r), 943.23 (1), (2), (3), (4) and (5), 943.395, 946.82 (4) and 973.073 of the statutes and the creation of sections 943.23 (1) and 943.395 (2) of the statutes take effect on the day after publication.

(2) SECTION 44 of this act takes effect on the first day of the 6th month beginning after publication.