

# State of Wisconsin



1995 Assembly Bill 312

Date of enactment: **December 20, 1995**

Date of publication\*: **January 5, 1996**

## 1995 WISCONSIN ACT 128

AN ACT *to repeal* 344.47; *to amend* 341.13 (3), 341.13 (3m), 341.15 (3) (a), 341.61 (1), 341.61 (2) and 341.61 (3); and *to create* 341.03, 341.605, 341.61 (4), 341.61 (5) and 341.615 of the statutes; **relating to:** fraud offenses involving evidence of motor vehicle registration, operating a motor vehicle having a suspended, revoked or canceled registration and providing a penalty.

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

**SECTION 1.** 341.03 of the statutes is created to read:

**341.03 Operating vehicle after suspension, revocation or cancellation of registration.** (1) PROHIBITION. No person may operate or knowingly permit the operation of a motor vehicle if the registration for that vehicle is suspended, revoked or canceled under s. 144.42 (6) (d) or 342.255, ch. 344 or this chapter, or if the registration for that vehicle is suspended, canceled or revoked under the law of another jurisdiction.

(2) PENALTIES. (a) Any person who violates sub. (1), where the vehicle used is an automobile, station wagon or any other vehicle having a gross weight rating of 10,000 pounds or less, as determined by the manufacturer of the vehicle, may be required to forfeit not more than \$200.

(b) Any person who violates sub. (1), where the vehicle used is a vehicle not enumerated under par. (a), may be required to forfeit not more than \$500.

(3) DEFENSES. (a) 1. It is a defense to a violation of sub. (1) that the person did not know, and had no reason to know, that the motor vehicle registration was suspended, revoked or canceled at the time of the violation.

2. Refusal to accept or failure to receive an order of suspension, revocation or cancellation mailed by the department to the person's last-known address shall not be a defense to a violation of sub. (1). If the person has changed his or her address and fails to notify the department as required in s. 343.22, then failure to receive notice of suspension, revocation or cancellation shall not be a defense to a violation of sub. (1).

(b) This section does not apply if operating the motor vehicle was made necessary by a situation of emergency.

**SECTION 2.** 341.13 (3) of the statutes is amended to read:

341.13 (3) In lieu of issuing a new plate upon each renewal of registration of a vehicle, the department may issue one insert tag, decal or other ~~identification evidence~~ evidence of registration per vehicle to indicate the period of registration. The tag, decal or other ~~identification evidence of registration~~ evidence of registration shall be provided by the department and used only if the outstanding plate is in suitable condition for further usage. A decal shall be displayed as provided in s. 341.15 (1m).

**SECTION 3.** 341.13 (3m) of the statutes is amended to read:

341.13 (3m) In lieu of issuing new plates upon the renewal of a calendar year registration under s. 341.51 or

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

341.57, the department may issue insert tags, decals or other ~~identification~~ evidence of registration for use as provided in sub. (3).

**SECTION 4.** 341.15 (3) (a) of the statutes is amended to read:

341.15 (3) (a) A person who operates a vehicle for which a current registration plate ~~or~~, insert tag, decals or other evidence of registration has been issued without such plate ~~or~~, tag, decals or other evidence of registration being attached to the vehicle, except when such vehicle is being operated pursuant to a temporary operation permit or plate;

**SECTION 5.** 341.605 of the statutes is created to read:

**341.605 Unlawful transfer of evidence of registration.** (1) Except as authorized by the department, no person may transfer to another person or offer for sale a registration plate, insert tag, decal or other evidence of registration issued by the department. This subsection does not apply to transfers of vehicles under s. 342.15 (4) (c).

(2) No person may transfer to another person or offer for sale a counterfeit, forged or fictitious registration plate, insert tag, decal or other evidence of registration.

(3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000 or imprisoned for not more than 5 years, or both, for each violation.

**SECTION 6.** 341.61 (1) of the statutes is amended to read:

341.61 (1) Lends to another a registration plate, insert tag, decal or other evidence of registration for display upon a vehicle for which the plate, tag, decal or other evidence of registration has not been issued.

**SECTION 7.** 341.61 (2) of the statutes is amended to read:

341.61 (2) Displays upon a vehicle a registration plate, insert tag, decal or other evidence of registration

not issued for such vehicle or not otherwise authorized by law to be used thereon.

**SECTION 8.** 341.61 (3) of the statutes is amended to read:

341.61 (3) Wilfully twists, paints, alters or adds to or cuts off any portion of a registration plate ~~or sticker~~, insert tag, decal or other evidence of registration; or who places or deposits, or causes to be placed or deposited on such plate ~~or sticker~~, insert tag, decal or other evidence of registration any substance to hinder the normal reading of such plate, insert tag, decal or other evidence of registration; or who defaces, disfigures, covers, obstructs, changes or attempts to change any letter or figure thereon; or who causes such plate ~~or sticker~~, insert tag, decal or other evidence of registration to appear to be a different color.

**SECTION 9.** 341.61 (4) of the statutes is created to read:

341.61 (4) Possesses a fraudulently or unlawfully obtained registration plate, insert tag, decal or other evidence of registration.

**SECTION 10.** 341.61 (5) of the statutes is created to read:

341.61 (5) Possesses a counterfeit registration plate, insert tag, decal or other evidence of registration.

**SECTION 11.** 341.615 of the statutes is created to read:

**341.615 Reproducing evidence of registration prohibited.** Except as authorized by the department, any person who reproduces, by any means whatever, a registration plate, insert tag, decal or other evidence of registration shall forfeit not less than \$200 nor more than \$500.

**SECTION 12.** 344.47 of the statutes is repealed.

**SECTION 13. Initial applicability.**

(1) This act first applies to offenses committed on the effective date of this subsection.