

# State of Wisconsin



2003 Assembly Bill 821

Date of enactment: April 8, 2004  
Date of publication\*: April 22, 2004

## 2003 WISCONSIN ACT 216

AN ACT *to amend* 218.0111 (1) (intro.), 218.0114 (1), 218.0114 (13) (b) and (c), 218.0114 (18) and 218.33 (2) (a); and *to create* 218.0101 (22m), 218.0114 (14) (fm) and 218.34 of the statutes; **relating to:** motor vehicle buyers, granting rule-making authority, making an appropriation, and providing a penalty.

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

**SECTION 1.** 218.0101 (22m) of the statutes is created to read:

218.0101 (22m) "Motor vehicle buyer" means an individual who is employed by or who has contracted with one or more motor vehicle dealers to bid on or purchase a motor vehicle being held and offered for sale by a motor vehicle dealer or motor vehicle auction.

**SECTION 2.** 218.0111 (1) (intro.) of the statutes is amended to read:

218.0111 (1) (intro.) The department of transportation shall issue the licenses provided for in s. 218.0114 (14) (a) to ~~(f)~~ (fm) and have supervision over the licensees in respect to all of the provisions of ss. 218.0101 to 218.0163, except that the division of banking shall have jurisdiction and control over all of the following:

**SECTION 3.** 218.0114 (1) of the statutes is amended to read:

218.0114 (1) No motor vehicle dealer, motor vehicle wholesaler, motor vehicle salesperson, motor vehicle buyer, or sales finance company may engage in business as a motor vehicle dealer, motor vehicle wholesaler, motor vehicle salesperson, motor vehicle buyer, or sales finance company in this state without a license therefor as provided in ss. 218.0101 to 218.0163. If any motor

vehicle dealer acts as a motor vehicle salesperson, he or she shall secure a motor vehicle salesperson's license in addition to a motor vehicle dealer license. Every motor vehicle dealer shall be responsible for the licensing of every motor vehicle salesperson or motor vehicle buyer in his or her employ. Any person violating this subsection may be fined not less than \$500 nor more than \$5,000.

**SECTION 4.** 218.0114 (13) (b) and (c) of the statutes are amended to read:

218.0114 (13) (b) The department of transportation shall promulgate rules establishing the license period for each type of license described in sub. (14) (a) to ~~(f)~~ (fm).

(c) The department of transportation may promulgate rules establishing expiration dates for the various types of licenses described in sub. (14) (a) to ~~(f)~~ (fm).

**SECTION 5.** 218.0114 (14) (fm) of the statutes is created to read:

218.0114 (14) (fm) For motor vehicle buyers, \$6. Any motor vehicle buyer who buys a motor vehicle on behalf of more than one dealership must hold a separate motor vehicle buyer license for each employing dealership.

**SECTION 6.** 218.0114 (18) of the statutes is amended to read:

218.0114 (18) Every salesperson, factory representative ~~or~~ distributor representative, or motor vehicle buyer shall carry his or her license when engaged in business,

\* Section 991.11, WISCONSIN STATUTES 2001-02 : 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].

and display the license upon request. The license shall name the licensee's employer or motor vehicle dealership for whom the motor vehicle buyer is buying. Upon leaving an employer, or, in the case of a buyer, terminating a buying relationship with a motor vehicle dealership, the licensee shall immediately surrender the license to his or her employer or to the dealership, who shall mail the license to the licensor. If during the license period the licensee again is employed or acts as a salesperson or motor vehicle buyer, he or she shall make application for reissue of a salesperson's or motor vehicle buyer license. There shall be no fee in connection with the subsequent applications application for a salesperson's license. The fee for a subsequent application for a motor vehicle buyer license is \$6.

**SECTION 7.** 218.33 (2) (a) of the statutes is amended to read:

218.33 (2) (a) Sales of motor vehicles shall be confined to those offered by licensed motor vehicle dealers and shall be made only to ~~licensed motor vehicle dealers~~ a person who is qualified under s. 218.34 to purchase, or submit a bid for the purchase of, a motor vehicle from a motor vehicle auction.

**SECTION 8.** 218.34 of the statutes is created to read:

**218.34 Purchases from a motor vehicle auction.**

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

(a) The person holds a valid motor vehicle dealer, motor vehicle wholesaler, or motor vehicle buyer license.

(b) If licensed as a motor vehicle buyer, the person bids on a vehicle for only one motor vehicle dealer at a time, and uses that dealer's funds when purchasing the vehicle.

(c) The person displays his or her valid motor vehicle dealer, motor vehicle wholesaler, or motor vehicle buyer license to the motor vehicle auction and includes his or her license number on each sheet of any bid submitted to a motor vehicle auction for the purchase of a motor vehicle or other document evidencing the purchase of a motor vehicle from a motor vehicle auction.

(2) No motor vehicle auction may accept a bid for the purchase of a motor vehicle or complete the sale transaction unless the person who submits the bid or offers to purchase a motor vehicle from the motor vehicle auction satisfies the requirements of sub. (1) and the motor vehicle auction verifies that the motor vehicle dealer license, motor vehicle wholesaler license, or motor vehicle buyer license number displayed on the person's license and included on each sheet of that person's bid or other document evidencing the purchase of a motor vehicle are identical.

(3) For each motor vehicle sold by a motor vehicle auction, the motor vehicle auction shall enter on the certificate of title, or on the form or in the automated format used to reassign the title, any information that the department requires to indicate that ownership of the vehicle was transferred by a motor vehicle auction.

**SECTION 8m. Nonstatutory provisions.**

(1) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2005-07 biennial budget bill, the department of transportation shall submit a dollar amount for the appropriation under section 20.395 (5) (cq) of the statutes that is \$44,000 less than the total amount appropriated under section 20.395 (5) (cq) of the statutes for the 2004-05 fiscal year, before submitting any information relating to any increase or decrease in the dollar amount for that appropriation for the 2005-07 fiscal biennium.

**SECTION 8r. Appropriation changes.**

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation under section 20.395 (5) (cq) of the statutes, as affected by the acts of 2003, the dollar amount is increased by \$44,000 for fiscal year 2004-05 to increase funding for administering the buyer license card.

**SECTION 8x. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.