

gency or may be permitted to retire voluntarily at any time. His retirement allowance shall then be calculated in accordance with chapter 201, laws of 1937, as amended by chapter 144, laws of 1941.

SECTION 2. If any section, subsection, paragraph, or other provision of this act, or its application to any person or circumstance shall be held unconstitutional, such decision shall not affect the constitutionality of any other section, subsection, paragraph, or other provision, or its application to other persons or circumstances.

Approved May 27, 1943.

No. 452, A.]

[Published May 29, 1943.]

CHAPTER 219.

AN ACT to repeal and recreate 218.01 (2) (i); to renumber 218.01 (1) (l) to (r) to be 218.01 (1) (n) to (t), respectively, 218.01 (7) (g) and (h) and to be 218.01 (7a) (a) and (b), respectively, and 218.01 (8) 1 and 2 to be 218.01 (8) (a) and (b), respectively; to amend 218.01 (1) (d), (2) (b), (d) 1 and 8, (e), (f), (h) and (j), (3) (b), (c), (d), (f) and (g), (4) and (5) (a), (b) and (c); and to create 218.01 (1) (b) 4, (l) and (m), (1a) and (8) (e) of the statutes, relating to motor vehicle dealers, licenses and regulations, sales finance companies, the powers and functions of the state motor vehicle department and state banking commission, and providing penalties.

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

SECTION 1. 218.01 (1) (b) 4 of the statutes is created to read:

218.01 (1) (b) 4. Sales finance companies or other loan agencies who sell or offer for sale motor vehicles repossessed or foreclosed by them under terms of an instalment contract, or motor vehicles taken in trade on such repossessions.

SECTION 2. 218.01 (1) (d) of the statutes is amended to read:

218.01 (1) (d) "Sales finance company" means and includes any person, firm or corporation engaging in this state in

the business, in whole or in part, of acquiring by purchase or by loan on the security thereof, or otherwise, retail instalment contracts from retail sellers in this state, including any motor vehicle dealer who * * * *sells any motor vehicle on an instalment contract or acquires any retail instalment contracts* * * * in his retail sales of motor vehicles.

SECTION 3. 218.01 (1) (1) to (r) (both inclusive) are renumbered to be 218.01 (1) (n) to (t) (both inclusive,) respectively, of the statutes.

SECTION 4. 218.01 (1) (1) and (m) of the statutes are created to read:

218.01 (1) (1) The term department means the state motor vehicle department, and includes any duly authorized deputy named or appointed by the director thereof to perform any function in the administration or enforcement of this section.

(m) Licensor means the body, either the commission or the department or both, issuing a license hereunder.

SECTION 5. 218.01 (1a) of the statutes is created to read:

218.01 (1a) The department shall issue the licenses provided for in subsection (2) (d) 1 to 6 and have supervision over the licensees thereunder in respect to all the provisions of this section, except only as to such matters as relate to the sale of motor vehicles on retail instalment contracts and the financing and servicing of such contracts, over which matter the commission shall have jurisdiction and control, and the commission shall issue the licenses to sales finance companies. Either licensor hereunder shall, upon request, furnish the other licensor with any information it may have in respect to any licensee or applicant for license or any transaction in which such licensee or applicant may be a party or be interested. No license shall be issued under subsection (2) (d) 1 and 8 until both licensors have approved the application. The suspension or revocation of either of such licenses shall automatically likewise suspend or revoke the other license; and such suspension or revocation shall be certified by the licensor ordering it to the other licensor.

SECTION 6. 218.01 (2) (b), (e), (f), (h) and (j), (3) (b), (c), (d), (f) and (g), (4) and (5) (c) of the statutes are amended by substituting the word "licensor" for the word "commission" wherever it appears in any of said subsections and paragraphs.

SECTION 7. 218.01 (5) (a) and (b) of the statutes are amended to read:

218.01 (5)(a) The * * * *licensor* shall promote the interests of the retail buyers of motor vehicles. It shall have power to define unfair practices in the motor vehicle industry and trade between licensees or between any licensees and retail buyers of motor vehicles.

(b) The commission shall have the power in hearings and trials arising under this section to determine the place, in the state of Wisconsin, where they shall be held; to subpoena witnesses; to take depositions of witnesses residing without the state, in the manner provided for in civil actions in courts of record; to pay such witnesses the fees and mileage for their attendance as is provided for witnesses in civil actions in courts of record; and to administer oaths. Whenever a hearing or trial shall be held by * * * *the licensor* or by an examiner, he shall report his findings in writing to the * * * *licensor*, which shall thereupon make its rulings and orders.

SECTION 8. 218.01 (2) (d) 1 and 8 of the statutes are amended to read:

218.01 (2) (d) 1. For motor vehicle dealers, * * * \$3 for each office or branch or agent thereof, plus \$1 for a supplemental license for each used car lot not immediately adjacent to the office or to a branch.

8. For motor vehicle dealers, who operate as a sales finance company, *and carry or retain time sales contracts for more than 30 days*, the same as sales finance companies, except for the first \$5,000 of gross volume, * * * \$1; on each \$1,000 of gross volume, or part thereof, over \$5,000 and up to \$25,000, \$1.

SECTION 9. 218.01 (2) (i) of the statutes is repealed and re-created to read:

218.01 (2) (i) Application for dealers' licenses shall be submitted to the department in duplicate and contain such information as the licensors may require. Application for sales finance company licenses shall contain such information as the commission may require. No motor vehicle dealer or sales finance company, unless so licensed, shall be permitted to register or receive or use license plates under section 85.02. Sales finance companies licensed hereunder shall have all the rights accorded to and be liable to all the penalties imposed on motor vehicle dealers

under section 85.02. The department shall transmit the duplicate copy of each application for a dealer's license to the commission with \$1 for each application fee to cover the fee required under 218.01 (2) (d) 8 and the commission shall issue a sales finance company license to the dealer if no prior sales finance company license has been suspended or revoked, and if applicant meets the requirements of this section relating to sales finance companies.

SECTION 10. 218.01 (7) (g) and (h) are renumbered to be 218.01 (7a) (a) and (b), respectively, of the statutes.

SECTION 11. 218.01 (8) 1 and 2 of the statutes are renumbered to be 218.01 (8) (a) and (b) of the statutes, respectively.

SECTION 12. 218.01 (8) (c) of the statutes is created to read:

218.01 (8) (c) Any person violating any provision of this section or a lawful order issued thereunder for which there is no specific penalty shall, upon conviction, be subject to a fine not less than \$25 and not more than \$100, and imprisonment not to exceed 90 days, or both, and licensor may cancel the license of the offending licensee, and the license plates issued to any such licensee shall be surrendered to any police officer upon direction of the department without any refund of the fees paid. Any license so cancelled shall not be renewed during the current year.

SECTION 13. This act shall take effect January 1, 1944.

Approved May 27, 1943.

No. 453, A.]

[Published May 29, 1943.

CHAPTER 220.

AN ACT to amend 67.05 (6a) (c) of the statutes, relating to the time of opening and closing polls at certain school district referendum elections.

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

67.05 (6a) (c) of the statutes is amended to read:

67.05 (6a) (c) Such election shall be held and conducted and the votes cast thereat counted, canvassed and returned as at annual town elections. The polls thereat shall be open at * * * 7 a. m. and be closed at * * * 8 p. m.

Approved May 27, 1943.