

1999 DRAFTING REQUEST

Bill

Received: 10/12/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB: 99-0296

For: David Brandemuehl (608) 266-1170

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - motor vehicles

Extra Copies:

Topic:

Auction dealer licenses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nilsepe 10/13/98	gilfokm 10/13/98		_____			
/1			jfrantze 10/13/98	_____	lrb_docadmin 10/13/98	lrb_docadmin 10/15/98	

FE Sent For:

↪ Not Needed

<END>

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1?	nilsepe	1-10-12 dmg	10/13	J/RM 10/13			

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<END>

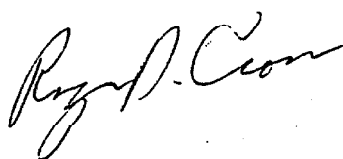
1076  
⑦

-0296

WISCONSIN DEPARTMENT OF TRANSPORTATION  
LEGISLATIVE PROPOSAL FORM  
BUDGET / NON-BUDGET

*Remedial*

SHORT TITLE OF ISSUE: Motor vehicle auction dealer penalties

DIVISION(S): Motor Vehicles, Bureau of Vehicle Services	DIVISION ADMINISTRATORS' SIGNATURES:  
DATE: August 26, 1998	
OPB CONTACT PERSON: Lis Gorenstein	TELEPHONE #: 266-0179
LEAD DIVISION CONTACT PERSON: Carson P. Frazier; Cathy Skaar	TELEPHONE #: 266-7857; 267-3635
OGC CONTACT PERSON: Joe Maassen	TELEPHONE #: 266-7364

DEFINE PROBLEM PRECISELY

Subchapter VIII of s. 218 addresses the licensing of motor vehicle auction dealers and license penalties for auction dealer trade practice violations. However, several penalty provisions in the subchapter refer to *retail* sales, while motor vehicle auction dealers sell at wholesale only. Inclusion of the term "retail" renders the current language useless as a penalty against auction dealers.

PROPOSED SOLUTION

Amend s. 218.32(3)(e), (f), and (i) to delete the word "retail" so that the provision applies to a wholesale buyer instead of a retail buyer. Repeal s. 218.32(3)(j) and (m) which do not apply to wholesale transactions.

LEGISLATIVE BACKGROUND

None.

Other

WFO: have PEN forward.

-0562/1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

administrative action against motor vehicle auction dealer's licenses. ✓

gen cat

1 AN ACT ... relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION  
DRIVERS AND MOTOR VEHICLES**

Currently, the department of transportation (DOT) may deny, suspend or revoke a motor vehicle auction dealer's license if the licensee engages in prohibited retail trade practices, including wilfully defrauding a retail buyer. However, because the licensee engages only in wholesale transactions, the prohibitions and penalties do not apply. This bill authorizes DOT to deny, suspend or revoke a motor vehicle auction dealer's license if the licensee wilfully defrauds any buyer, and repeals other inapplicable retail trade prohibitions.

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

2 SECTION 1. 218.32 (3) (e) of the statutes is amended to read:

3 218.32 (3) (e) Wilfully defrauding any retail buyer to the buyer's damage.

4 SECTION 2. 218.32 (3) (j) of the statutes is repealed.

5 SECTION 3. 218.32 (3) (m) of the statutes is repealed.

inset 1-3

1  
2  
3  
4  
5

#  
SECTION ~~9350~~ *9350*. Initial applicability ~~transportation~~ *transportation*.

(1) MOTOR VEHICLE AUCTION DEALERS. ~~The treatment of section 218.32 (3) (e), (j)~~  
~~and (m) of the statute~~ first applies to transactions with a motor vehicle auction  
dealer occurring on the effective date of this subsection.

(END)

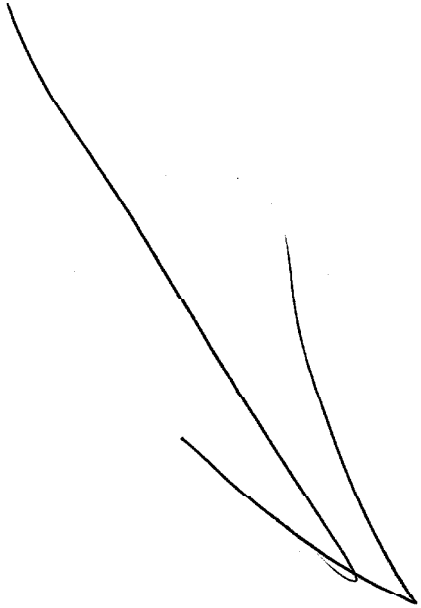
*This act*

insert  
1-3

Section #. 218.32 (3) (f) of the statutes is amended to read:

218.32 (3) (f) Wilful failure to perform any written agreement with any ~~retail~~ buyer.

History: 1977 c. 29 ss. 1375, 1654 (7) (a), (e); 1977 c. 273; 1979 c. 110 s. 60 (13); 1981 c. 347 s. 80 (2); 1983 a. 192; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1997 a. 191, 237.



✓ insert  
1-3  
(cont.)

Section #. 218.32 (3) (i) of the statutes is amended to read:

218.32 (3) (i) Fraudulent misrepresentation, circumvention or concealment through whatsoever subterfuge or device of any of the material particulars or the nature thereof required hereunder to be stated or furnished to the <sup>↓</sup>retail buyer.

History: 1977 c. 29 ss. 1375, 1654 (7) (a), (e); 1977 c. 273; 1979 c. 110 s. 60 (13); 1981 c. 347 s. 80 (2); 1983 a. 192; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1997 a. 191, 237.

(end insert)



**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 10/13/98

**To:** Representative Brandemuehl

**Relating to LRB drafting number:** LRB-0562

**Topic**

Auction dealer licenses

**Subject(s)**

Transportation - motor vehicles

1. **JACKET** the draft for introduction Brandemuehl

in the **Senate** \_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction Brandemuehl

Not  
Needed

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney  
Telephone: (608) 261-6926