

Vote Record

Assembly Committee on Transportation

Date: 3-2-99
 Moved by: Turner Seconded by: Stone
 AB: 55 Clearinghouse Rule: _____
 AB: _____ SB: _____ Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____ to A/S Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. David Brandemuehl Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Huebsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Joseph Leibham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Townsend	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Turner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Leon Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Steinbrink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 17 _____ _____ _____

Motion Carried Motion Failed



Breske, Drzewiecki, Darling

DAVID BRANDEMUEHL

State Representative
49th Assembly District

TO: All Legislators

FROM: Rep. David Brandemuehl *def*

DATE: December 17, 1998

RE: Co-sponsorship of **LRB 0298/2**, relating to misuse of a distinctive dealer registration plate by a motor vehicle dealer, distributor, transporter or manufacturer.

Freese
Gotsch
Sykora
Grommes

M. Lehman
Forester
Musser
Turner
Strac

Grothma
Olson
Owens
Albers
Lassa
Ryba
Powers

At the request of the Department of Transportation (DOT), I am introducing legislation to eliminate the requirement that the DOT revoke a dealer license for misusing dealer plates.

Under current law, dealer license plates are to be used only on a vehicle that a dealer owns or repossesses, and is being offered for sale, is in transit to the dealer or the purchaser, being used for trial tests, or is being repossessed, foreclosed, resold, or reconditioned for resale. The penalty for misuse is a \$200 forfeiture. After the second conviction in one year, the dealer's license, by statute, must be revoked for one year.

Since misuse of dealer plates is a relatively minor violation and revocations are generally reserved for egregious violations, the DOT would prefer to utilize one of the other sanctions available to them.

The analysis for this bill is printed on the reverse side. If you are interested in co-sponsoring **LRB 0298/2**, please contact my office at 266-1170 by **January 15, 1999**.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from acting as a motor vehicle dealer, distributor or manufacturer unless the person possesses a license issued by the department of transportation (DOT) authorizing the activity. Licensed motor vehicle dealers, distributors or manufacturers may register with DOT and receive distinctive "dealer" registration plates, which authorize the operation of unregistered motor vehicles upon a highway. In contrast, current law generally requires that all motor vehicles (rather than their operators) be registered before being operated upon a highway.

Current law also requires DOT to revoke the motor vehicle dealer, distributor or manufacturer license of a motor vehicle dealer, distributor or manufacturer who, for the second or subsequent time within one registration year, operates or consents to the operation of a vehicle under purported authority of a dealer registration plate when the vehicle is not owned or being repossessed by the dealer, distributor or manufacturer or is not otherwise authorized to be operated under authority of the dealer registration plates. A motor vehicle dealer, distributor or manufacturer who misuses a dealer plate in this manner may also be required to pay a forfeiture of \$200 for each offense.

This bill repeals the requirement that DOT revoke the license of a motor vehicle dealer, distributor or manufacturer for misusing or consenting to the misuse of a dealer registration plate for a second or subsequent time within one registration year.



BILL SUMMARY

AB 55: Eliminate Mandatory Revocation for Plate Misuse

Date: March 16, 1999

BACKGROUND

Under current law, the Department of Transportation is required to revoke a dealer/distributor/manufacture business license for one year if the business is convicted of misusing dealer plates twice in one year. The initial penalty for misuse is a \$200 forfeiture.

SUMMARY OF AB 55

Assembly Bill 55 would eliminate the mandatory revocation of a dealer license for misuse of dealer plates, but leaves the \$200 forfeiture for each occasion of misuse.

FISCAL EFFECT

No fiscal impact statement was prepared for Assembly Bill 55.

PROS

1. Revocation of a dealer license is not in proportion to the offense. License revocation is a harsh penalty usually reserved for the most egregious actions. The DOT would prefer to impose lesser penalties and work with the dealer to encourage proper behavior.
2. If a dealer license is revoked, then all of the salespeople who work for that dealership are unable to work as well. The salespeople should not be punished for the actions of the dealer.
3. Through other means, the DOT could still revoke a dealer's license for misusing dealer plates if the actions become egregious.
4. During the last 3 years, only one dealer was issued 2 citations in one year. Considering the ramifications, the DOT did not revoke the dealer's license despite state statute.

CONS

1. Repeat offenses of misusing dealer plates would not result in any stiffer penalties.
2. Eliminating the mandatory revocation may encourage greater misuse of dealer plates.

SUPPORTERS

Rep. David Brandemuehl, author; Sen. Roger Breske, lead co-sponsor; Carson Frazier, Wisconsin Department of Transportation; Chris Snyder, Wisconsin Auto & Truck Dealers Association.

OPPOSITION

No one testified or registered in opposition to Assembly Bill 55.

HISTORY

Assembly Bill 55 was introduced on January 21, 1999, and referred to the Assembly Committee on Transportation. A public hearing was held on February 25, 1999. On March 2, 1999, the Committee voted 17-0-0 to recommend passage of AB 55.

CONTACT: Sheri Krause, Office of Rep. David Brandemuehl



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

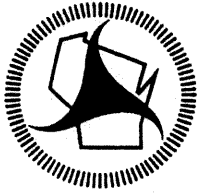
Charles H. Thompson
Secretary

DIVISION OF MOTOR VEHICLES
4802 Sheboygan Avenue
P. O. Box 7949
Madison, WI 53707-7949

ASSEMBLY TRANSPORTATION COMMITTEE FEBRUARY 25, 1999 Testimony, Carson P. Frazier

AB 55: eliminate mandatory revocation of dealer license for misuse of dealer plates:

- Dealer plates must be used on vehicles that a dealer, distributor, or manufacturer owns or repossesses and is actually offered for sale, or is in transit; or is being used by manufacturer for trial tests; or is being repossessed, being reconditioned for sale or being foreclosed/resold.
- Penalty for misuse of dealer plates is forfeiture of up to \$200.
- Currently, the law mandates DOT to revoke a dealer/distributor/manufacture business license if the business is convicted twice in a registration year of misuse of dealer plates.
- This bill eliminates the mandatory license revocation, but leaves the forfeiture for each occasion of misuse.
- License revocation is a harsh penalty, reserved for most egregious actions. DOT usually tries to impose lesser penalties, working with a dealer to encourage proper behavior.
- If a dealer license is revoked, then all the salespeople who work for that dealership are not able to work either.
- Since 1990, DMV has revoked only 12 dealer licenses, all for unconscionable trade practices or significant offenses against consumers.
- In each of the last three years, the number of citations for misuse of dealer plates was: 1996: 30; 1997: 38; 1998: 35. During the last 3 years, only one dealer had been issued 2 citations in one year.
- We request this bill to eliminate revocation of a dealer license – a penalty that is out of proportion to the offense.



Wisconsin Department of Transportation



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Governor

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ASSEMBLY TRANSPORTATION COMMITTEE

FEBRUARY 11, 1999

Testimony, Carson P. Frazier

AB 54: issuing dealer plates to motor vehicle salvage pools:

- This bill makes it *optional, not required*, that salvage pools purchase dealer plates.
- Salvage pools virtually always sell vehicles on consignment. In a consignment sale, the dealer does not own the vehicle – the seller still owns the vehicle until it is sold, and then title passes directly from the seller to the purchaser.
- Dealer plates must be used on vehicles that dealers own or repossess. Therefore, it is virtually always the case that salvage pools are required to purchase dealer plates when they have no need of the plates.
- Salvage pools may occasionally own vehicles that they sell, and therefore should have the option to purchase dealer plates if they need them.
- This bill makes no changes to licensing requirements for salvage pools, except this one requirement for purchasing dealer plates.
- Fiscal impact is minimal.
- We request this bill to eliminate a useless requirement for salvage pools.

AB 55: eliminate mandatory revocation of dealer license for misuse of dealer plates:

- Dealer plates must be used on vehicles that a dealer, distributor, or manufacturer owns or repossesses and is actually offered for sale, or is in transit; or is being used by manufacturer for trial tests; or is being repossessed, being reconditioned for sale or being foreclosed/resold.
- Penalty for misuse of dealer plates is forfeiture of up to \$200.
- Currently, the law mandates DOT to revoke a dealer/distributor/manufacture business license if the business is convicted twice in a registration year of misuse of dealer plates.
- This bill eliminates the mandatory license revocation, but leaves the forfeiture for each occasion of misuse.
- License revocation is a harsh penalty, reserved for most egregious actions. DOT usually tries to impose lesser penalties, working with a dealer to encourage proper behavior. We believe this penalty is out of proportion to the offense.

Testimony before the Assembly Transportation Committee

February 11, 1999

Carson P. Frazier

Page 1 of 2 pages

AB 58: eliminate reference to "retail" referring to auction dealer penalties:

- A motor vehicle auction dealer by law can only sell at wholesale. They may not sell to retail buyers.
- Several references in the penalty provisions of this subchapter include references to "retail." These provisions replicate penalty provisions relating to motor vehicle dealers who do sell to retail buyers. We believe that this was merely a drafting oversight, from years past.
- However, this oversight has limited us in being able to cite auction dealers for unlawful practices, because the law refers to "retail."
- We request deletion of the word "retail" in certain provisions, and repeal of two provisions that apply only in retail situations.

AB 59: eliminate statutorily specified expiration dates:

- This bill eliminates three remaining actual dates listed in the statutes, for registration expiration:
 - *Farm trucks* which currently expire on the last day of February of even numbered years
 - *Motorcycles/mopeds* which currently expire on April 30 of even-numbered years
 - *\$5/5 year registrations* which currently expire on December 31 of 1993 and every 5 years after that.
- These are the last remaining expiration dates actually specified in statute.
- Over the last few years, we have requested and the legislature has eliminated several other dates that were actually listed in statute.
- We do not intend to change expiration periods in the foreseeable future.
- However, we would like to eliminate the statutory limitation on the actual date, because if we ever need to change registration periods, to balance our workload for example, we could not do under current law.