

# State of Wisconsin



2001 Senate Bill 275

Date of enactment: **November 30, 2001**  
Date of publication\*: **December 13, 2001**

## 2001 WISCONSIN ACT 31

AN ACT to amend 218.0134 (2) (b) and 218.0163 (1) (intro.); and to create 218.0163 (1) (c) of the statutes; relating to: proposed actions regarding motor vehicle franchises.

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

**SECTION 1.** 218.0134 (2) (b) of the statutes is amended to read:

218.0134 (2) (b) An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed action or within 30 days after receiving all the information specified in a written list served on the dealer under par. (a), whichever is later, file with the department of transportation and serve upon the dealer a written statement of the reasons for its disapproval. The publication of the reasons given for the disapproval or any explanation of those reasons by the manufacturer, distributor or importer shall not subject the manufacturer, distributor or importer to any civil liability unless the reasons given or explanations made are malicious and published with the sole intent to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a statement within the applicable period shall, notwithstanding the terms of any agreement, constitute approval of the proposed action by the grantor. If an affected grantor files a written statement within the applicable period, the dealer may not voluntarily undertake the proposed action unless it receives an order permitting it to do so from the division of hearings and appeals under sub. (3) (b).

**SECTION 2.** 218.0163 (1) (intro.) of the statutes is amended to read:

218.0163 (1) (intro.) Without exhausting any administrative remedy available under an agreement or ss. 218.0101 to 218.0163, except as provided in s. ss. 218.0116 (7) and (8) and 218.0134, a licensee may recover damages in a court of competent jurisdiction for pecuniary loss, together with actual costs including reasonable attorney fees, if the pecuniary loss is caused by any of the following:

**SECTION 3.** 218.0163 (1) (c) of the statutes is created to read:

218.0163 (1) (c) An affected grantor's disapproval of a proposed action under s. 218.0134 (2) (b), if the division of hearings and appeals has determined that there is good cause for permitting the proposed action to be undertaken following a hearing under s. 218.0134 (2) (c). A dealer may recover under this paragraph even if the affected grantor complies with the order of the division of hearing and appeals under s. 218.0134 (3) (b). If a dealer recovers damages for pecuniary loss, actual costs under this paragraph also include actual costs, including reasonable attorney fees, incurred by the dealer in obtaining the division of hearings and appeals' determination of good cause.

**SECTION 4. Initial applicability.**

\* Section 991.11, WISCONSIN STATUTES 1999-00: 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].

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(1) This act first applies to disapprovals of proposed actions that are filed with the department of transportation under section 218.0134 (2) (b) of the statutes, as

affected by this act, on the effective date of this subsection.

