

State of Wisconsin



2011 Senate Bill 330

Date of enactment: April 6, 2012
Date of publication*: April 19, 2012

2011 WISCONSIN ACT 262

AN ACT *to repeal* 194.405, 194.407 (2), 341.41 (5), (6), (8) and (9) and 342.12 (4); and *to amend* 194.17, 341.09 (2) (d), 341.09 (2m) (a) 1. a., 341.41 (1), 341.41 (1a), 341.41 (1b) (c), 342.30 (2) and 343.30 (1r) of the statutes; **relating to:** limitations on the issuance of a certificate of title for a motor vehicle involved in certain operating while intoxicated offenses, technical changes that affect the period of revocation of a person's operating privilege, vehicle and insurance registration for motor carriers operating in multiple jurisdictions, and vehicle identification numbers assigned by the Department of Transportation (suggested as remedial legislation by the Department of Transportation).

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

SECTION 1. 194.17 of the statutes is amended to read:

194.17 Penalties. Every common motor carrier of property or of passengers, every contract motor carrier and every private motor carrier to which this chapter applies and every person who operates without obtaining a certificate under s. 194.23 or license under s. 194.34, except a license for transporting exempt commodities, or without meeting the insurance requirements under s. 194.405 or 194.41, shall forfeit not less than \$500 nor more than \$5,000. Any person who violates any other provisions of this chapter including the requirement to obtain a license to transport exempt commodities or the requirement to obtain a permit or who violates orders issued by the division of hearings and appeals or orders or rules issued by the secretary shall forfeit not less than \$50 nor more than \$100. Each violation constitutes a separate offense. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or servant or other person acting for or employed by any common motor carrier of property or of passen-

gers, any contract motor carrier or any private motor carrier, done within the scope of employment is deemed to be the act, omission, or failure of the common motor carrier of property or of passengers, contract motor carrier or private motor carrier.

SECTION 2. 194.405 of the statutes is repealed.

SECTION 3. 194.407 (2) of the statutes is repealed.

SECTION 4. 341.09 (2) (d) of the statutes is amended to read:

341.09 (2) (d) The department may issue temporary operation plates for use on any vehicle except buses, for-hire vehicles and vehicles which are subject to registration under the international registration plan if the state is a party to such plan or vehicles which are subject to registration under s. 341.41 (9). The department shall determine the size, color, design, form and specifications of the plate. The department shall charge a fee of \$3 for each temporary operation plate issued under this subsection.

SECTION 5. 341.09 (2m) (a) 1. a. of the statutes is amended to read:

341.09 (2m) (a) 1. a. Except as provided in subd. 2., a state resident who purchases or leases from the dealer any type of vehicle except buses, for-hire vehicles and

* Section 991.11, WISCONSIN STATUTES 2009-10: 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].

vehicles which are subject to registration under the international registration plan if the state is a party to such plan ~~or vehicles which are subject to registration under s. 341.41 (9), for use on such vehicle.~~

SECTION 6. 341.41 (1) of the statutes is amended to read:

341.41 (1) The secretary with the approval of the governor is authorized to enter into reciprocal agreements with the responsible officers of other jurisdictions as to licenses, mileage and flat taxes under which motor vehicles, trailers, or semitrailers properly licensed or registered in other jurisdictions may be operated in interstate commerce in this state without a Wisconsin registration or the payment of mileage or flat taxes, provided like privileges are accorded to vehicles owned by Wisconsin residents when operated in such other jurisdictions. Such agreement may include such restrictions, conditions and privileges, ~~including any proportional registration, taxes or fees,~~ as are deemed advisable. Such agreement shall provide that a resident of this state when using the highways of such other jurisdiction shall receive exemptions of a similar kind to a like degree.

SECTION 7. 341.41 (1a) of the statutes is amended to read:

341.41 (1a) The secretary with the approval of the governor is authorized to enter into reciprocal agreements with the responsible officers of other jurisdictions as to licenses, mileage and flat taxes under which motor vehicles, trailers or semitrailers properly licensed or registered in either jurisdiction, may be operated in intrastate commerce in either jurisdiction without additional base plate registration or the payment of mileage or flat taxes, providing like privileges are accorded Wisconsin licensed vehicles when operated in such other jurisdictions, and that this state will obtain a fair and equitable share of license registrations. Such agreement may include such restrictions, conditions and privileges, ~~including any proportional registration, taxes or fees,~~ as are deemed advisable.

SECTION 8. 341.41 (1b) (c) of the statutes is amended to read:

341.41 (1b) (c) The vehicle displays ~~a Wisconsin tax permit, Wisconsin prorate plate or other~~ some form of

Wisconsin authorization unless operated in accordance with rules adopted under s. 341.40 (1) (d).

SECTION 9. 341.41 (5), (6), (8) and (9) of the statutes are repealed.

SECTION 10. 342.12 (4) of the statutes is repealed.

SECTION 11. 342.30 (2) of the statutes is amended to read:

342.30 (2) Except as provided in this subsection, an identification number assigned by the department to a vehicle shall be permanently affixed to a location on the vehicle specified by the department that is readily visible when observed from outside the vehicle, ~~as specified by the department by rule.~~ Identification numbers assigned for cycles shall be stamped on the left side, near the top of the engine casting just below the cylinder barrel. Such stamping or affixing shall be done under the supervision of a dealer, distributor or manufacturer registered under s. 341.51 or under the supervision of a peace officer. The person supervising the stamping or affixing shall make a report thereof to the department. The department shall establish forms to be provided to vehicle owners specifying the location, for various types of vehicles, where identification numbers assigned by the department shall be stamped or affixed.

SECTION 12. 343.30 (1r) of the statutes is amended to read:

343.30 (1r) For any revocation the court orders under sub. (1q), the court shall extend the revocation period by the number of days to which the court sentences the person to imprisonment in a jail or prison for an offense related to the refusal revocation.

SECTION 13. Initial applicability.

(1) The treatment of section 342.30 (2) of the statutes first applies to identification numbers assigned by the department of transportation on the effective date of this subsection.

SECTION 14. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 342.30 (2) of the statutes takes effect on the first day of the 3rd month beginning after publication.