



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix B

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2011 LRB-0596/P1 (For: Leg. Council)

has been copied/added to the drafting file for

2011 LRB-3433 (For: Leg. Council)

 Are These “Companion Bills” ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 11/07/2011 (Per: EVM)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2011 DRAFTING REQUEST

Bill

Received: 11/23/2010

Received By: emueller

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact:

Drafter: emueller

Subject: Transportation - motor vehicles
Drunk Driving - other

Addl. Drafters:

Extra Copies: ARG, PJH

Submit via email: YES

Requester's email: laura.rose@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Repeal notification to DMV for title transfer stops.

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>
/?							
/P1	emueller 12/15/2010	nmatzke 12/21/2010	mduchek 12/21/2010	_____	sbasford 12/21/2010		

FE Sent For:

<END>

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1/?	emueller	/PI ^{nwn} 12/20	md 12/21	pk 12/ 21			

FE Sent For:

<END>

REMEDIAL LEGISLATIVE PROPOSAL

Wisconsin Department of Transportation

DT1605 10/2006 s.13.83(1)(c)4 Wis. Stats.

Instructions: Complete this form for **Law Revision Committee Remedial Legislative proposal(s)** for which a Division requests Secretary's Office (SO) approval. This form must be signed by the Division Administrator.

Short Title of Issue Repeal notification to DMV for title transfer stops which are no longer made since underlying statute was repealed	
Date Submitted October 4, 2010	Division Motor Vehicles
Lead Division Contact Person Carson Frazier	Area Code - Telephone Number 608-266-7857
Specific Statutory Change Repeal s.342.12(4).	
Administrative Problem with Current Statute S.342.12(4)(a) requires a district attorney to notify DMV when the DA files a criminal complaint against a person with 2 or more prior convictions for violation of OWI/prohibited BAC, OWI/BAC injury, OWI/BAC homicide, and OWI/BAC great bodily harm. DMV must not transfer the title until a court order allows the transfer. S.342.12(4)(b) prohibits DMV from transferring title of a vehicle upon receipt of notice of intent to revoke a drivers license for improper refusal of a BAC test, until a court order allows the transfer. In both situations, DMV may only transfer title if the transferee provides an affidavit that the transferee purchased the vehicle in good faith and knew nothing about the pending legal actions (s.342.12(4)(c)). Both situations are for the purpose of prohibiting a person from transferring the vehicle that could be subject to seizure or immobilization under s.346.65(6), which allows a court to order vehicle seizure or immobilization as a penalty for violations noted above. 2009 Act 100 repealed s.346.65(6), therefore a possibility of vehicle seizure or immobilization no longer exists. However, 2009 Act 100 did not repeal the requirements in s.342.12(4).	
Justification/Need for Change The underlying statute has been repealed, and the notification and title transfer stop required by this provision is no longer necessary or valid.	
Fiscal Effect, if Any none	

(Division Administrator Signature – Brush Script Font If Computer Filled)

(Date)

OPBF Completes: DOT Remedial Legislation Proposal Number
R1113-07



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0596/P1

EVM: L... hwn

RM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12-15-10

*SA ✓
x-ref ✓*

gen

1 **AN ACT ...; relating to:** limitations on the issuance of a certificate of title for motor ^a
2 vehicles ^g involved in certain operating while intoxicated offenses (suggested as
3 remedial legislation by the Department of Transportation). ✓

Analysis by the Legislative Reference Bureau

Prior to July 1, 2010, if a person was convicted of certain third or subsequent operating-while-intoxicated-related (OWI-related) offenses, a court could have ordered that the person's motor vehicle used in the violation be seized and sold at auction. ✓ Under current law, upon receipt of certain notices regarding the initiation of certain OWI-related actions, the Department of Transportation (DOT) is generally prohibited from issuing a certificate of title transferring ownership of a motor vehicle owned by the person subject to the action and involved in the offense until the responsible court issues an order permitting DOT to issue a certificate of title. ✓ On July 1, 2010, the provisions permitting a court to order the seizure and sale of a motor vehicle owned by a person convicted of a third or subsequent OWI-related offense and involved in the offense were repealed. ✓ This bill repeals the provision ^a prohibiting DOT from issuing certificates of title transferring a motor vehicle formerly subject to potential seizure and sale. ✓

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council. ✓

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

LAW REVISION COMMITTEE PREFATORY NOTE: (This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.)

1

SECTION 1. 342.12 (4) of the statutes is repealed.

2

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0596/P1
EVM:nwn:md

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal** 342.12 (4) of the statutes; **relating to:** limitations on the
2 issuance of a certificate of title for a motor vehicle involved in certain operating
3 while intoxicated offenses (suggested as remedial legislation by the
4 Department of Transportation).

Analysis by the Legislative Reference Bureau

Prior to July 1, 2010, if a person was convicted of certain third or subsequent operating-while-intoxicated-related (OWI-related) offenses, a court could have ordered that the person's motor vehicle used in the violation be seized and sold at auction. Under current law, upon receipt of certain notices regarding the initiation of certain OWI-related actions, the Department of Transportation (DOT) is generally prohibited from issuing a certificate of title transferring ownership of a motor vehicle owned by the person subject to the action and involved in the offense until the responsible court issues an order permitting DOT to issue a certificate of title. On July 1, 2010, the provisions permitting a court to order the seizure and sale of a motor vehicle owned by a person convicted of a third or subsequent OWI-related offense and involved in the offense were repealed. This bill repeals the provision prohibiting DOT from issuing a certificate of title transferring a motor vehicle formerly subject to potential seizure and sale.

