

CA 83-17

C E R T I F I C A T E

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STATE OF WISCONSIN )  
DEPARTMENT OF TRANSPORTATION ) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the department, do hereby certify that the annexed rule TRANS 139.03(3)(a) and TRANS 139.04(6)(a), relating to Motor Vehicle Dealer Advertising and Dealer's Used Motor Vehicle Labels was duly approved and adopted by this department in accordance with s. 227.026(1), Stats.

I further certify that the annexed copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation in the City of Madison, Wisconsin, this 22nd day of Sept., 1983.

Lowell B. Jackson  
Lowell B. Jackson, P.E.  
Secretary

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OFFICE OF THE SECRETARY

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IN THE MATTER OF THE AMENDMENT OF :  
 SECTIONS TRANS 139.03(3)(a) AND :  
 TRANS 139.04(6)(a), WIS. ADMIN. CODE, : ORDER AMENDING RULE  
 RELATING TO MOTOR VEHICLE DEALER :  
 ADVERTISING AND DEALER'S USED MOTOR :  
 VEHICLE LABELS :

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LEGISLATIVE CLEARINGHOUSE RULE 83-17

ANALYSIS BY THE DEPARTMENT OF TRANSPORTATION

This proposal (1) amends section Trans 139.03(3)(a) to not require dealers disclose that advertised prices of motor vehicles do not include sales tax and title and registration fees, and (2) amends section Trans 139.04(6)(a) to require dealers obtain the purchaser's signature on the dealer's file copy of the used motor vehicle disclosure label prior to delivery of the motor vehicle, rather than prior to signing the purchase contract.

The first amendment simply removes a disclosure requirement which at one time was considered by Department of Transportation, but was subsequently determined to be unneeded and unjustified, and through oversight was not deleted prior to submission of the final rule draft.

The second amendment provides that the purchaser must sign the disclosure statement prior to vehicle delivery rather than prior to contract signing. The purpose of this section is to ensure that the purchaser sees the disclosure prior to signing the contract. Since this section also requires the original copy be displayed within the vehicle for review by prospective purchasers and be delivered to the ultimate purchaser it does not seem necessary to also require signing of the disclosure prior to contract execution. In addition, under the current rule, a replacement 2-ply used motor vehicle disclosure label would have to be completed in all cases where the purchaser does not take delivery of the vehicle, for whatever reason (dealer did not accept and sign the contract, purchaser cannot obtain financing, purchaser simply refuses to accept delivery, etc.) making this a somewhat burdensome requirement to dealers if it were left as is.

#### FISCAL ESTIMATE

No fiscal effect is anticipated from the promulgation of these rule changes.

#### RULE TEXT

Pursuant to authority vested in the Department of Transportation by ss. 110.06(1), 218.01(5) and 227.014, Wis. Stats., the Department of Transportation proposes to amend Trans 139 as follows:

SECTION 1. Section Trans 139.03(3)(a) of the Wisconsin Administrative Code is amended to read:

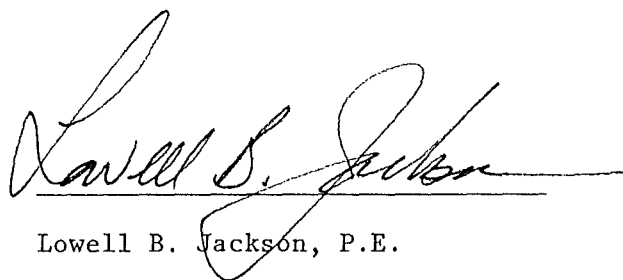
(a) When the price of a motor vehicle is advertised by a dealer licensee, or a group of dealer licensees are named in a joint advertisement, the advertised price shall include all charges that shall be paid by the purchaser to acquire ownership of the vehicle with the exception of sales tax and title and registration fees; ~~the exclusion of which shall be disclosed in the advertisement.~~

SECTION 2. Section Trans 139.04(6)(a) of the Wisconsin Administrative Code is amended to read:

(a) Except as provided in par. (c), each used motor vehicle displayed or offered for sale by a dealer licensee shall display a label as prescribed by the department. The label shall be completed in duplicate. The original shall be displayed within the vehicle and shall be readable from the outside, or attached to motor driven cycles, and it shall become the possession of the purchaser upon delivery. The copy shall be signed by the purchaser prior to delivery ~~execution~~ of the motor vehicle ~~purchase contract~~ and shall be retained by the dealer licensee for 4 years. The label shall clearly state in simple and concise language:

The rule revisions contained in this order shall take effect upon publication as provided in s. 227.026(1), Stats.

Signed at Madison, Wisconsin  
this 27<sup>th</sup> day of April,  
1983.

A handwritten signature in cursive script, reading "Lowell B. Jackson", written over a horizontal line.

Lowell B. Jackson, P.E.

Secretary

Department of Transportation