

1987 Assembly Bill 412

Date of enactment: **March 24, 1988**  
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## 1987 Wisconsin Act 169

AN ACT to renumber and amend 218.015 (2) (b); and to amend 218.015 (1) (d) and 218.015 (2) (e) of the statutes, relating to the definition of motor vehicle and award of collateral costs under the new motor vehicle warranties law.

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

SECTION 1. 218.015 (1) (d) of the statutes is amended to read:

218.015 (1) (d) "Motor vehicle" means any motor driven vehicle required to be registered under ch. 341 or exempt from registration under s. 341.05 (2), including a demonstrator or executive vehicle not titled or titled by a manufacturer or a motor vehicle dealer, which a consumer purchases or accepts transfer of in this state. "Motor vehicle" does not mean a moped, semitrailer or trailer designed for use in combination with a truck or truck tractor.

SECTION 2. 218.015 (2) (b) of the statutes is renumbered 218.015 (2) (b) (intro.) and amended to read:

218.015 (2) (b) (intro.) If after a reasonable attempt to repair the nonconformity is not repaired, the manufacturer shall, at the direction of the consumer, ~~either replace~~ do one of the following:

1. Replace the motor vehicle with a comparable new motor vehicle ~~or accept~~ and refund any collateral costs.

2. Accept return of the motor vehicle and refund to the consumer and to any holder of a perfected security interest in the motor vehicle, as their interest may appear, the full purchase price plus any sales tax, finance charge, amount paid by the consumer at the point of sale and collateral ~~cost associated with the repair of the nonconformity~~ costs, less a reasonable allowance for use. A reasonable allowance for use may not exceed the amount obtained by multiplying the full purchase price of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a motorcycle, 20,000, and the numerator of which is the number of miles the motor vehicle was driven before the consumer first reported the nonconformity to the motor vehicle dealer.

SECTION 3. 218.015 (2) (e) of the statutes is amended to read:

218.015 (2) (e) The department of revenue shall refund to the manufacturer any sales tax which the manufacturer refunded to the consumer under par. (b) 2 if the manufacturer provides to the department of revenue a written request for a refund along with evidence that the sales tax was paid when the motor vehi-

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cle was purchased and that the manufacturer refunded  
the sales tax to the consumer.

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