



1995 SENATE BILL 221

June 1, 1995 - Introduced by Senators PETAK, HUELSMAN, PANZER, ANDREA and BURKE, cosponsored by Representatives OTTE, GREEN, GOETSCH, BRANDEMUEHL, SCHNEIDERS, FREESE, GARD, MUSSER, DUFF, LEHMAN, ALBERS, AINSWORTH, LADWIG, NASS, VRAKAS, KAUFERT, SILBAUGH, HAHN, LORGE, GROTHMAN, KREIBICH, SKINDRUD, KELSO, OWENS, OLSEN, F. LASEE, RYBA, LA FAVE, BOYLE, HUBER and PLOMBON. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 **AN ACT to repeal** 344.47; **to amend** 341.13 (3), 341.13 (3m), 341.15 (3) (a), 341.61
2 (1), 341.61 (2) and 341.61 (3); and **to create** 341.03, 341.605, 341.61 (4), 341.61
3 (5) and 341.615 of the statutes; **relating to:** fraud offenses involving evidence
4 of motor vehicle registration, operating a motor vehicle having a suspended,
5 revoked or canceled registration and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits displaying a license plate on any vehicle other than the vehicle for which the plate was issued, and prohibits lending a license plate for unlawful display. Also under current law, no person may alter the appearance of a license plate or registration sticker. Violators may be required to forfeit up to \$500.

This bill makes the following substantive changes to current law:

1. Prohibits the manufacture of counterfeit registration plates, stickers or other evidence of registration. Violators may be required to forfeit not less than \$200 nor more than \$500.

2. Prohibits the unlawful transfer or offering for sale of any registration plate, sticker or other evidence of registration, genuine or counterfeit. Violators may be fined up to \$5,000 or imprisoned for not more than 5 years, or both, for each violation.

3. Prohibits possessing a counterfeit or unlawfully obtained registration plate, sticker or other evidence of registration. Violators may be required to forfeit up to \$500.

4. Prohibits the display upon a vehicle of a sticker or other evidence of registration not issued for that vehicle.

5. Prohibits the unlawful lending of a registration sticker or other evidence of registration. Violators may be required to forfeit up to \$500.

Under current law, no person may drive a motor vehicle if the registration for that vehicle has been suspended or revoked for failure to comply with the financial

responsibility laws of this state relating to motor vehicles. Any person who violates this prohibition is subject to a forfeiture of not less than \$50 nor more than \$200.

This bill eliminates this condition on the prohibition against driving a motor vehicle having an invalid registration. Instead, the bill prohibits any person from driving a motor vehicle if the registration for that vehicle is suspended, revoked or canceled for any reason. The penalty for a violation of these prohibitions is a forfeiture of not more than \$200 or, if the motor vehicle weighs more than 10,000 pounds, a forfeiture of not more than \$500. A violator who did not know, and had no reason to know, that the registration was suspended is not subject to a forfeiture.

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

1 **SECTION 1.** 341.03 of the statutes is created to read:

2 **341.03 Operating vehicle after suspension, revocation or cancellation**
3 **of registration. (1) PROHIBITION.** No person may operate or knowingly permit the
4 operation of a motor vehicle if the registration for that vehicle is suspended, revoked
5 or canceled under s. 144.42 (6) (d) or 342.255, ch. 344 or this chapter, or if the
6 registration for that vehicle is suspended, canceled or revoked under the law of
7 another jurisdiction.

8 **(2) PENALTIES.** (a) Any person who violates sub. (1), where the vehicle used is
9 an automobile, station wagon or any other vehicle having a gross weight rating of
10 10,000 pounds or less, as determined by the manufacturer of the vehicle, may be
11 required to forfeit not more than \$200.

12 (b) Any person who violates sub. (1), where the vehicle used is a vehicle not
13 enumerated under par. (a), may be required to forfeit not more than \$500.

14 **(3) DEFENSES.** (a) 1. It is a defense to a violation of sub. (1) that the person did
15 not know, and had no reason to know, that the motor vehicle registration was
16 suspended, revoked or canceled at the time of the violation.

1 2. Refusal to accept or failure to receive an order of suspension, revocation or
2 cancellation mailed by the department to the person's last-known address shall not
3 be a defense to a violation of sub. (1). If the person has changed his or her address
4 and fails to notify the department as required in s. 343.22, then failure to receive
5 notice of suspension, revocation or cancellation shall not be a defense to a violation
6 of sub. (1).

7 (b) This section does not apply if operating the motor vehicle was made
8 necessary by a situation of emergency, as determined by the court.

9 **SECTION 2.** 341.13 (3) of the statutes is amended to read:

10 341.13 (3) In lieu of issuing a new plate upon each renewal of registration of
11 a vehicle, the department may issue one insert tag, decal or other ~~identification~~
12 evidence of registration per vehicle to indicate the period of registration. The tag,
13 decal or other ~~identification~~ evidence of registration shall be provided by the
14 department and used only if the outstanding plate is in suitable condition for further
15 usage. A decal shall be displayed as provided in s. 341.15 (1m).

16 **SECTION 3.** 341.13 (3m) of the statutes is amended to read:

17 341.13 (3m) In lieu of issuing new plates upon the renewal of a calendar year
18 registration under s. 341.51 or 341.57, the department may issue insert tags, decals
19 or other ~~identification~~ evidence of registration for use as provided in sub. (3).

20 **SECTION 4.** 341.15 (3) (a) of the statutes is amended to read:

21 341.15 (3) (a) A person who operates a vehicle for which a current registration
22 plate ~~or~~, insert tag, decal or other evidence of registration has been issued without
23 such plate ~~or~~, tag, decal or other evidence of registration being attached to the
24 vehicle, except when such vehicle is being operated pursuant to a temporary
25 operation permit or plate;

1 **SECTION 5.** 341.605 of the statutes is created to read:

2 **341.605 Unlawful transfer of evidence of registration.** (1) Except as
3 authorized by the department, no person may transfer to another person or offer for
4 sale a registration plate, insert tag, decal or other evidence of registration issued by
5 the department. This subsection does not apply to transfers of vehicles under s.
6 342.15 (4) (c).

7 (2) No person may transfer to another person or offer for sale a counterfeit,
8 forged or fictitious registration plate, insert tag, decal or other evidence of
9 registration.

10 (3) Whoever violates sub. (1) or (2) may be fined not more than \$5,000 or
11 imprisoned for not more than 5 years, or both, for each violation.

12 **SECTION 6.** 341.61 (1) of the statutes is amended to read:

13 341.61 (1) Lends to another a registration plate, insert tag, decal or other
14 evidence of registration for display upon a vehicle for which the plate, tag, decal or
15 other evidence of registration has not been issued.

16 **SECTION 7.** 341.61 (2) of the statutes is amended to read:

17 341.61 (2) Displays upon a vehicle a registration plate, insert tag, decal or other
18 evidence of registration not issued for such vehicle or not otherwise authorized by
19 law to be used thereon.

20 **SECTION 8.** 341.61 (3) of the statutes is amended to read:

21 341.61 (3) Wilfully twists, paints, alters or adds to or cuts off any portion of a
22 registration plate ~~or sticker~~, insert tag, decal or other evidence of registration; or who
23 places or deposits, or causes to be placed or deposited on such plate ~~or sticker~~, insert
24 tag, decal or other evidence of registration any substance to hinder the normal
25 reading of such plate, insert tag, decal or other evidence of registration; or who

1 defaces, disfigures, covers, obstructs, changes or attempts to change any letter or
2 figure thereon; or who causes such plate ~~or sticker~~, insert tag, decal or other evidence
3 of registration to appear to be a different color.

4 **SECTION 9.** 341.61 (4) of the statutes is created to read:

5 341.61 (4) Possesses a fraudulently or unlawfully obtained registration plate,
6 insert tag, decal or other evidence of registration.

7 **SECTION 10.** 341.61 (5) of the statutes is created to read:

8 341.61 (5) Possesses a counterfeit registration plate, insert tag, decal or other
9 evidence of registration.

10 **SECTION 11.** 341.615 of the statutes is created to read:

11 **341.615 Reproducing evidence of registration prohibited.** Except as
12 authorized by the department, any person who reproduces, by any means whatever,
13 a registration plate, insert tag, decal or other evidence of registration shall forfeit not
14 less than \$200 nor more than \$500.

15 **SECTION 12.** 344.47 of the statutes is repealed.

16 **SECTION 13. Initial applicability.**

17 (1) This act first applies to offenses committed on the effective date of this
18 subsection.

19 (END)