



1995 ASSEMBLY BILL 68

January 30, 1995 - Introduced by Representative CARPENTER, cosponsored by Senator BURKE. Referred to Committee on Highways and Transportation.

1 **AN ACT to renumber 885.237; to renumber and amend 341.09 (2m) (b); to**
2 **amend 341.09 (1), 341.09 (2m) (a), 341.09 (2m) (c) and 341.09 (4); and to create**
3 **341.09 (2m) (b) 2., 341.09 (8) and 885.237 (2) of the statutes; relating to:**
4 temporary operation plates for automobiles and station wagons and creating a
5 presumption that certain motor vehicles located on a highway are unregistered
6 or improperly registered vehicles

Analysis by the Legislative Reference Bureau

Under current law, a motor vehicle dealer licensed in this state may buy temporary operation plates from the department of transportation (DOT) at \$3 per plate and resell the plates at cost to state residents who purchase most types of vehicles from the dealer. The plate is valid for 60 days or until the person receives the regular registration plates for the vehicle, whichever occurs first. No person is required to obtain a temporary operation plate for a vehicle that is purchased from a motor vehicle dealer.

This bill requires a motor vehicle dealer to issue a temporary operation plate for a fee of \$3 to any state resident who purchases an automobile or station wagon from the dealer. The plate is valid for 90 days or until the purchaser receives the regular registration plates for the vehicle, whichever occurs first. The bill requires DOT to issue temporary operation plates to motor vehicle dealers without charge. Each motor vehicle dealer must reimburse DOT \$2 for each temporary operation plate that is issued by the dealer.

Under current law, DOT may also issue a temporary operation permit or plate for a vehicle under certain circumstances for a fee of \$3. DOT is also required to issue a temporary operation permit or plate for a vehicle if it appears that a person would

be unable to lawfully operate the vehicle without such permit or plate. The temporary operation plate is valid for 60 days or until the applicant receives the regular registration plates for the vehicle, whichever occurs first.

This bill directs DOT to issue a temporary operation plate for an automobile or station wagon whenever a person applies for vehicle registration, the vehicle was not purchased from a motor vehicle dealer licensed in this state and DOT determines that the applicant is unlikely to receive the regular registration plates for the vehicle within 5 working days. The temporary operation plate is valid for 90 days or until the applicant receives the regular registration plates from the vehicle, whichever occurs first. There is no additional charge for the issuance of the temporary operation plate.

The bill also creates a presumption that any motor vehicle that is located on a highway without valid registration plates or temporary operation plate is an unregistered or improperly registered vehicle.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 341.09 (1) of the statutes is amended to read:

2 341.09 (1) The department may issue a temporary operation permit or plate
3 for an unregistered vehicle ~~under any of the circumstances set forth in subs. (2) to~~
4 ~~(6) as provided under this section, except that the department shall issue temporary~~
5 ~~operation plates as provided under subs. (2m) and (9).~~ Such permits or plates shall
6 contain the date of expiration and sufficient information to identify the vehicle for
7 which and the person to whom it is issued. The department may place the
8 information identifying the vehicle and the person to whom the permit or plate is
9 issued on a separate form.

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

11 341.09 (2m) (a) ~~Upon request by a dealer licensed in this state, the department~~
12 ~~may issue any~~ The department shall issue a sufficient number of temporary
13 operation plates ~~to a dealer under sub. (2) at a fee of \$3 per plate~~ without charge to

1 each dealer licensed in this state. The dealer shall issue the temporary operation
2 plate at a fee of \$3 to any state resident who purchases from the dealer an automobile
3 or station wagon, and may issue the temporary operation plate at a fee of \$3 to any
4 state resident who purchases from the dealer any other type of vehicle except buses,
5 for-hire vehicles and vehicles which are subject to registration under the
6 international registration plan if the state is a party to such plan or vehicles which
7 are subject to registration under s. 341.41 (9). The department shall prescribe the
8 manner in which a dealer shall keep records of temporary operation plates issued by
9 the dealer and shall reimburse the department \$2 for each temporary operation plate
10 issued by the dealer.

11 **SECTION 3.** 341.09 (2m) (b) of the statutes is renumbered 341.09 (2m) (b) 1. and
12 amended to read:

13 341.09 (2m) (b) 1. A Except as provided in subd. 2., a plate issued under this
14 subsection is valid for a period of 60 days from its issuance to the person or until the
15 person receives the regular registration plates, whichever occurs first.

16 **SECTION 4.** 341.09 (2m) (b) 2. of the statutes is created to read:

17 341.09 (2m) (b) 2. A plate issued under this subsection for an automobile or
18 station wagon is valid for a period of 90 days from its issuance to the person or until
19 the person receives the regular registration plates, whichever occurs first.

20 **SECTION 5.** 341.09 (2m) (c) of the statutes is amended to read:

21 341.09 (2m) (c) Nothing in this subsection requires a person who has received
22 a receipt under s. 342.16 (1) (a) for any type of vehicle except an automobile or station
23 wagon to obtain a temporary operation plate.

24 **SECTION 6.** 341.09 (4) of the statutes is amended to read:

1 341.09 (4) Upon receipt of an application and a fee of \$3, the department shall
2 register a vehicle purchased in this state by a nonresident for a period not to exceed
3 30 days. The department shall determine the size, color, design, form and
4 specifications of a plate issued under this subsection. The plate may be similar or
5 identical to a plate issued under sub. (2). The department may issue the plates to
6 dealers at a fee of \$3 per plate in the manner and for the purpose provided in sub.
7 (2m)

8 **SECTION 7.** 341.09 (8) of the statutes is created to read:

9 341.09 (8) (a) Notwithstanding any other provision of this section, the
10 department shall issue a temporary operation plate for an automobile or station
11 wagon upon receipt of an application for registration of the vehicle, including
12 evidence of any test or inspection under s. 110.20 when required, accompanied by the
13 required fee, if the department determines that the applicant is unlikely to receive
14 the regular registration plates for the vehicle within 5 working days after receipt of
15 the application by the department.

16 (b) The department shall determine the size, color, design, form and
17 specifications of the temporary operation plates under this subsection. A temporary
18 operation plate issued under this subsection shall be valid for a period of 90 days or
19 until the applicant receives the regular registration plates, whichever occurs first,
20 and shall contain sufficient information to identify the vehicle for which and the
21 person to whom it is issued. No charge in addition to the registration fee may be made
22 for the issuance of a temporary operation plate under this subsection.

23 (c) This subsection does not apply to an automobile or station wagon subject to
24 issuance or a temporary operation plate under sub. (2m).

25 **SECTION 8.** 885.237 of the statutes is renumbered 885.237 (1).

1 **SECTION 9.** 885.237 (2) of the statutes is created to read:

2 885.237 (2) Notwithstanding s. 341.04, the fact that a motor vehicle is located
3 on a highway, as defined in s. 340.01 (22), and is not displaying valid registration
4 plates or a temporary operation plate is prima facie evidence, for purposes of ch. 341,
5 that the motor vehicle is an unregistered or improperly registered vehicle.

6 **SECTION 10. Initial applicability.**

7 (1) This act first applies to purchases of automobiles and station wagons and
8 to applications submitted to the department of transportation on the effective date
9 of this subsection.

10 **SECTION 11. Effective date.**

11 (1) This act takes effect on the first day of the 6th month beginning after
12 publication.

13

(END)