



2011 SENATE BILL 330

December 8, 2011 - Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Transportation and Elections.

1 **AN ACT** *to repeal* 194.405, 194.407 (2), 341.41 (5), (6), (8) and (9) and 342.12 (4);
2 and *to amend* 194.17, 341.09 (2) (d), 341.09 (2m) (a) 1. a., 341.41 (1), 341.41
3 (1a), 341.41 (1b) (c), 342.30 (2) and 343.30 (1r) of the statutes; **relating to:**
4 limitations on the issuance of a certificate of title for a motor vehicle involved
5 in certain operating while intoxicated offenses, technical changes that affect
6 the period of revocation of a person's operating privilege, vehicle and insurance
7 registration for motor carriers operating in multiple jurisdictions, and vehicle
8 identification numbers assigned by the Department of Transportation
9 (suggested as 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 involved in the offense 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

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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motor vehicle owned by a person convicted of a third or subsequent OWI-related offense and involved in the offense were repealed.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.

Under current law, if a court orders revocation of a person's operating privilege for certain offenses, the court must extend the revocation period by the number of days to which the court sentences the person to imprisonment for a related offense. A related offense under this provision is erroneously described as "an offense related to the refusal." This bill corrects the erroneous reference to a refusal by substituting the word "revocation."

Current law requires the DOT, subject to certain conditions, to implement the International Registration Plan (IRP). The IRP is a registration reciprocity agreement among various jurisdictions, including states and Canadian provinces, providing for apportionment by these jurisdictions of the vehicle registration fees of motor carriers operating in more than one jurisdiction.

Current law also authorizes DOT, with the approval of the governor, to enter into reciprocal agreements with other jurisdictions as to licensing and taxes under which motor vehicles, trailers, or semitrailers (vehicles) properly licensed or registered in the other jurisdictions may be operated in interstate commerce in this state, or vehicles properly licensed or registered in either jurisdiction may be operated in intrastate commerce in either jurisdiction, if certain conditions are met. These reciprocal agreements may apply with respect to vehicles that are not required to be registered under the IRP. Under these agreements, DOT may accept proportional registration of certain vehicle fleets if specified conditions are met, including that this state will receive a fair share of registration fees, and may issue prorate registration plates for these vehicles. Proportional registration involves registration based on a motor carrier's operation in more than one jurisdiction and the sharing of taxes and fees among jurisdictions in proportion to the total number of miles traveled in each jurisdiction.

This bill eliminates DOT's authority to accept proportional registration, and to issue prorate plates, under these reciprocal agreements.

Under current law, DOT may administer, in a manner provided under federal law, a single-state insurance registration system for motor carriers with interstate operations to register in, and pay applicable fees to, a single state with regard to proof of motor carrier insurance. The registration is valid in all participating states. Current law, as created by 2007 Wisconsin Act 20, also authorizes DOT to participate in the unified carrier registration system, which is a replacement for the single-state insurance registration system. DOT may not simultaneously participate in both the single-state insurance registration system and the unified carrier registration system.

This bill eliminates DOT's authority to participate in the single-state insurance registration system.

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Current law requires the DOT to assign vehicle identification numbers for vehicles under certain circumstances. An identification number assigned by DOT generally must be affixed to a location on the vehicle that is readily visible when observed from outside the vehicle, as specified by DOT by rule. The identification number must be affixed under the supervision of a peace officer or a dealer, distributor, or manufacturer.

This bill requires DOT to establish forms to be provided to vehicle owners specifying the location, for various types of vehicles, where identification numbers assigned by DOT are to be stamped or affixed. A DOT-assigned identification number must be permanently affixed to a location on the vehicle specified by DOT in these forms rather than by DOT rule.

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

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:

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.

SECTION 1. 194.17 of the statutes is amended to read:

194.17 Penalties. Every common motor carrier of property or of passengers, every contract motor carrier and every private motor carrier to which this chapter applies and every person who operates without obtaining a certificate under s. 194.23 or license under s. 194.34, except a license for transporting exempt commodities, or without meeting the insurance requirements under s. ~~194.405~~ or 194.41, shall forfeit not less than \$500 nor more than \$5,000. Any person who violates any other provisions of this chapter including the requirement to obtain a license to transport exempt commodities or the requirement to obtain a permit or who violates orders issued by the division of hearings and appeals or orders or rules issued by the secretary shall forfeit not less than \$50 nor more than \$100. Each

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1 violation constitutes a separate offense. In construing and enforcing the provisions
2 of this section, the act, omission or failure of any officer, agent or servant or other
3 person acting for or employed by any common motor carrier of property or of
4 passengers, any contract motor carrier or any private motor carrier, done within the
5 scope of employment is deemed to be the act, omission, or failure of the common motor
6 carrier of property or of passengers, contract motor carrier or private motor carrier.

NOTE: SECTION 1 deletes from a statute creating forfeitures for certain offenses a reference to the statute relating to a single state insurance registration system, which is repealed in SECTION 2 of the bill.

7 **SECTION 2.** 194.405 of the statutes is repealed.

NOTE: SECTION 2 repeals the law allowing the Department of Transportation to implement a single state insurance registration system for motor carriers, since the state cannot simultaneously participate in this program and the unified carrier registration system.

8 **SECTION 3.** 194.407 (2) of the statutes is repealed.

NOTE: SECTION 3 repeals the statute that prohibits the department from administering both a single state insurance registration system for motor carriers and a unified carrier registration system, since the single state system is repealed in SECTION 2 of this bill.

9 **SECTION 4.** 341.09 (2) (d) of the statutes is amended to read:

10 341.09 (2) (d) The department may issue temporary operation plates for use
11 on any vehicle except buses, for-hire vehicles and vehicles which are subject to
12 registration under the international registration plan if the state is a party to such
13 plan ~~or vehicles which are subject to registration under s. 341.41 (9).~~ The department
14 shall determine the size, color, design, form and specifications of the plate. The
15 department shall charge a fee of \$3 for each temporary operation plate issued under
16 this subsection.

NOTE: SECTION 4 deletes references to proportional registration, which is repealed in SECTION 9 of the bill, from the statute relating to the department's authority to issue temporary operating plates.

17 **SECTION 5.** 341.09 (2m) (a) 1. a. of the statutes is amended to read:

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1 341.09 **(2m)** (a) 1. a. Except as provided in subd. 2., a state resident who
2 purchases or leases from the dealer any type of vehicle except buses, for-hire vehicles
3 and vehicles which are subject to registration under the international registration
4 plan if the state is a party to such plan ~~or vehicles which are subject to registration~~
5 ~~under s. 341.41 (9)~~, for use on such vehicle.

NOTE: SECTION 5 deletes a reference to proportional registration, which is repealed
in SECTION 9 of the bill, from the statute that allows a motor vehicle dealer to issue
temporary operating plates and permits to a purchaser of certain types of motors vehicles.

6 **SECTION 6.** 341.41 (1) of the statutes is amended to read:

7 341.41 **(1)** The secretary with the approval of the governor is authorized to
8 enter into reciprocal agreements with the responsible officers of other jurisdictions
9 as to licenses, mileage and flat taxes under which motor vehicles, trailers, or
10 semitrailers properly licensed or registered in other jurisdictions may be operated
11 in interstate commerce in this state without a Wisconsin registration or the payment
12 of mileage or flat taxes, provided like privileges are accorded to vehicles owned by
13 Wisconsin residents when operated in such other jurisdictions. Such agreement may
14 include such restrictions, conditions and privileges, ~~including any proportional~~
15 ~~registration, taxes or fees~~, as are deemed advisable. Such agreement shall provide
16 that a resident of this state when using the highways of such other jurisdiction shall
17 receive exemptions of a similar kind to a like degree.

18 **SECTION 7.** 341.41 (1a) of the statutes is amended to read:

19 341.41 **(1a)** The secretary with the approval of the governor is authorized to
20 enter into reciprocal agreements with the responsible officers of other jurisdictions
21 as to licenses, mileage and flat taxes under which motor vehicles, trailers or
22 semitrailers properly licensed or registered in either jurisdiction, may be operated
23 in intrastate commerce in either jurisdiction without additional base plate

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1 registration or the payment of mileage or flat taxes, providing like privileges are
2 accorded Wisconsin licensed vehicles when operated in such other jurisdictions, and
3 that this state will obtain a fair and equitable share of license registrations. Such
4 agreement may include such restrictions, conditions and privileges, ~~including any~~
5 ~~proportional registration, taxes or fees~~, as are deemed advisable.

NOTE: SECTIONS 6 and 7 delete the department secretary's authority to enter into reciprocal agreements that include proportional registration, taxes, or fees, since that statute is repealed in SECTION 9 of the bill.

6 **SECTION 8.** 341.41 (1b) (c) of the statutes is amended to read:

7 341.41 (1b) (c) The vehicle displays ~~a Wisconsin tax permit, Wisconsin prorate~~
8 ~~plate or other~~ some form of Wisconsin authorization unless operated in accordance
9 with rules adopted under s. 341.40 (1) (d).

NOTE: SECTION 8 deletes references that would allow a vehicle operating in intrastate commerce displaying a Wisconsin tax permit or Wisconsin prorate plates to be exempt under a reciprocity agreement from certain requirements, since SECTION 9 repeals references to the proportional registration taxes and fee system.

10 **SECTION 9.** 341.41 (5), (6), (8) and (9) of the statutes are repealed.

NOTE: SECTION 9 deletes the statutes creating a system of proportional registration, taxes, or fees.

11 **SECTION 10.** 342.12 (4) of the statutes is repealed.

NOTE: SECTION 10 repeals statutory provisions prohibiting the department from issuing a certificate of title transfer of a motor vehicle formerly subject to seizure or sale. According to the department, these provisions were inadvertently left in place when the statutes permitting vehicle seizure and sale were repealed.

12 **SECTION 11.** 342.30 (2) of the statutes is amended to read:

13 342.30 (2) Except as provided in this subsection, an identification number
14 assigned by the department to a vehicle shall be permanently affixed to a location
15 on the vehicle specified by the department that is readily visible when observed from
16 outside the vehicle, ~~as specified by the department by rule~~. Identification numbers
17 assigned for cycles shall be stamped on the left side, near the top of the engine casting
18 just below the cylinder barrel. Such stamping or affixing shall be done under the

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1 supervision of a dealer, distributor or manufacturer registered under s. 341.51 or
2 under the supervision of a peace officer. The person supervising the stamping or
3 affixing shall make a report thereof to the department. The department shall
4 establish forms to be provided to vehicle owners specifying the location, for various
5 types of vehicles, where identification numbers assigned by the department shall be
6 stamped or affixed.

NOTE: SECTION 11 of the bill requires the department to issue a form to vehicle owners specifying where on the vehicle the vehicle identification number issued by the department should be placed, and eliminates the requirement that the department specify, by rule, where these numbers must be affixed.

7 **SECTION 12.** 343.30 (1r) of the statutes is amended to read:

8 343.30 (1r) For any revocation the court orders under sub. (1q), the court shall
9 extend the revocation period by the number of days to which the court sentences the
10 person to imprisonment in a jail or prison for an offense related to the ~~refusal~~
11 revocation.

NOTE: SECTION 12 corrects statutory language relating to the number of days by which a person's license revocation must be extended, to require the revocation to be extended by the number of days the person is imprisoned for offenses related to the revocation.

12 **SECTION 13. Initial applicability.**

13 (1) The treatment of section 342.30 (2) of the statutes first applies to
14 identification numbers assigned by the department of transportation on the effective
15 date of this subsection.

16 **SECTION 14. Effective dates.** This act takes effect on the day after publication,
17 except as follows:

18 (1) The treatment of section 342.30 (2) of the statutes takes effect on the first
19 day of the 3rd month beginning after publication.

20

(END)