

1999 DRAFTING REQUEST

Bill

Received: **06/29/1999**

Received By: **fasttn**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **Greg Reiman**

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Alt. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PEN, ISR - 1**

Pre Topic:

No specific pre topic given

Topic:

Junk vehicle titles

Instructions:

Allow a person who has obtained a vehicle that he or she believes was erroneously titled as a junk vehicle to petition DOT to title vehicle as a salvage vehicle

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	fasttn 09/09/1999	chanaman 09/10/1999		_____			State
/P1			martykr 09/10/1999	_____	lrb-docadmin 09/10/1999		State
/1	fasttn 1 1/11/1999	chanaman 1 1/11/1999	martykr 1 1/12/1999	_____	lrb-docadmin 1 1/12/1999		State
/2	fasttn 1 1/17/1999	chanaman 1 1/17/1999	mclark 1 1/17/1999	_____	lrb-docadmin 1 1/17/1999	lrb-docadmin 0 1/03/2000	

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FE Sent For:

<END>

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/1	fasttn 1 1/11/1999	chanaman 1 1/11/1999	martykr 1 1/12/1999	_____	lrb-docadmin 1 1/12/1999		

FE Sent For:

cmH
11/17
MRC
11/17
MRC JF
11/17
<END>

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Wanted: As time permits

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I?	fasttn 09/09/1999	chanaman 09/10/1999		_____			State
/P1		<i>cmr</i> 10/1	martykr 09/10/1999	_____	lrb_docadmin 09/10/1999		
FE Sent For:		<i>11/11</i>	<i>11/12</i>	<i>11/12</i>			

<END>

1999 DRAFTING REQUEST

Bill

Received: **0612911999**

Received By: **fasttn**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **Greg Reiman**

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Alt. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PEN, ISR - 1**

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1/?	fasttn	cmd /i a/10	h/g	cb g h/10			

FE Sent For:

<END>

10/10/10

1999

Date (the) needed

Soon
(turned in 9/9/99)

LRB - 32451 PL

BILL

TNF: 4-4: _____

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] to **repeal** . . . ; to **renumber** . . . ; to **consolidate and renumber** . . . ; to **renumber and amend** . . . ; to **consolidate, renumber and amend** . . . ; to **amend** . . . ; to **repeal** and recreate . . . ; and to **create** . . . of the statutes; relating to: allowing the department of transportation to issue certificates of title for certain vehicles whose certificates of title were erroneously returned to the department of transportation.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles **used** in an **analysis**, in the component bar:

For **the** main heading [old =M], **execute**: **create** → **anal**: → **title**: → **head**

For the subheading [old =Sl, **execute**: **create** → **anal**: → **title**: → **sub**

For the sub-subheading [old =P], **execute**: **create** → **anal**: → **title**: → **sub-sub**

(Attached)

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

SECTION #.

SECTION #. CR; 342.05(1)(c)

(B)

342.05 (1)(c) Upon notification from the department under s. 342.34 (3)(b), the owner shall make application under s. 342.06 or, if applicable, s. 342.06⁵(1)(d).



(d)
Section #. 342.065 (1) ~~(b)~~ of the statutes is created to read:

(d) Upon notification from the department under s. 342.34 (3)(b),

342.065 (1) ~~(b)~~ The owner of a salvage vehicle ~~that is not currently titled as a salvage vehicle~~ shall promptly apply for a salvage vehicle certificate of title by submitting to the department ~~the certificate of title for the vehicle or other~~ evidence of ownership, the applicant's statement that the vehicle is a salvage vehicle, an application for a salvage certificate of title and the required fee. ~~This paragraph does not apply to a salvage vehicle that is purchased by a salvage vehicle purchaser. Subject to the requirements of par. (2)~~

History: 1993 a. 63 s. 5, 6, 11; 1997 a. 283.

of the vehicle

whose certificate of title was erroneously returned to the department under s. 342.34(1)(b)



Section #. 342.34 (3) of the statutes is renumbered 342.34 (3) (a) and amended to read:

342.34 (3) (a) ~~No~~ certificate of title may be issued for a junk vehicle or for a vehicle which has been junked or destroyed.

History: **1971 c. 278; 1977 c. 29 ss. 1455, 1654 (7) (a); 1977 c. 129, 418; 1983 a. 126, 227, 270, 538; 1987 a. 349; 1993 a. 63; 1997 a. 27.**

Except as provided in par. (b), no

SECTION #. CR; 342.34(3)(b)

(B)

342.34(3)(b) Any person owning a vehicle

whose certificate of title was returned to the department

under sub. (1)(b) may petition the department to

review whether the certificate was erroneously returned

to the department because the vehicle was not a junk

vehicle. If the department concludes that the certificate

of title for the vehicle was erroneously returned, the

department shall promptly notify the petitioner that the

petitioner is required to apply for a regular certificate

of title for the vehicle under s. 342.06 or, if applicable

a salvage vehicle certificate of title under s. 342.065

(1)(d).

(END)

18

18



1997 BILL

NO
9

DOT is prohibited from issuing a certificate of title for a junk vehicle.

ANALYSIS
INSERT

~~AN ACT to amend 343.11 (1g) and (5), and to create 342.15 (1m) and 342.15 (5r) of the statutes; relating to: transfer of interest in junk vehicles, unlicensed motor vehicle salvage dealers and providing a penalty.~~

that ten
Analysis by the Legislative Reference Bureau

Under current law, a person who owns or possesses a junk vehicle that has not been junked or destroyed must return the certificate of title for the vehicle to the department of transportation (DOT) within 40 days after determining the junk condition of the vehicle. A "junk vehicle" is a vehicle that is incapable of operation or use upon a highway and which has no resale value except as a source of scrap or parts or a vehicle that an insurance company owns or possesses if the estimated cost of repairing the vehicle exceeds its fair market value.

~~This bill provides that a junk vehicle may be transferred only to a licensed motor vehicle salvage dealer (a person licensed by DOT who purchases and resells motor vehicles for wrecking, processing, scrapping, recycling or dismantling purposes or who conducts the business of wrecking, processing, scrapping, recycling or dismantling motor vehicles or selling parts of those vehicles). A person who violates this transfer restriction with respect to a junk vehicle, either as the seller or buyer of the junk vehicle, may be required to forfeit not more than \$1,000 for each violation. This transfer restriction does not apply to certain abandoned vehicles or to motor vehicles that are subject to liens for towing and storage.~~

~~Under current law, an unlicensed motor vehicle salvage dealer may be fined not less than \$25 nor more than \$200 or imprisoned for not more than 60 days or both.~~



91 This bill permits the owner of a vehicle whose certificate of title was returned to DOT on the basis of the vehicle being a junk vehicle to petition DOT to review whether the certificate was erroneously returned to DOT because the vehicle was not a junk vehicle. If DOT concludes that the certificate was erroneously returned, the owner of the vehicle must obtain a regular certificate of title for the vehicle or, if applicable, a salvage vehicle certificate of title.

91 FE-S

(END OF ANALYSIS INSERT)

Fast, Timothy

From: Reiman, Greg
Sent: Thursday, November 04, 1999 12:54 PM
To: Fast, Timothy
Subject: RE: Drafting Request related to LRB 3245

Tim: VIN # JYA1AE003GA006292

thanks

-Greg

-----Original Message-----

From: Fast, Timothy
Sent: Thursday, November 04, 1999 8:54 AM
To: Reiman, Greg
Subject: RE: Drafting Request related to LRB 3245

Great. Just e-mail me the applicable identification number and I'll redraft LRB-3245.

Regards, Tim

-----Original Message-----

From: Reiman, Greg
Sent: Thursday, November 04, 1999 8:56 AM
To: Fast, Timothy
Subject: RE: Drafting Request related to LRB 3245

We are OK with whatever it takes to get this done. Thanks.

-Greg

-----Original Message-----

From: Fast, Timothy
Sent: Thursday, November 04, 1999 8:49 AM
To: Reiman, Greg
Subject: RE: Drafting Request related to LRB 3245

Probably the best way to go on this is to reference the identification number of the vehicle and require DOT to register "a vehicle with an identification number of XXX as a motorcycle" upon its receipt of an application and required fee, notwithstanding the particular statutory provisions that currently prohibit the vehicle being registered as a motorcycle. How does that sound?

Peace, Tim

-----Original Message-----

From: Reiman, Greg
Sent: Tuesday, November 02, 1999 2:50 PM
To: Fast, Timothy
cc: Walker, Scott
Subject: Drafting Request related to LRB 3245

Tim: You had drafted LRB 3245 at Rep. Walker's request. This proposal had to do with retitling a "junked" vehicle. We shared this draft with the folks at DOT for their comments and input. Their comment was "please don't do this". I will be happy to share their detailed explanation with you. What they suggested instead is something they called "private legislation", introducing a bill creating a nonstatutory provision allowing the DOT to register this particular motorcycle so the the constituent may legally operate the vehicle.

What information would you need from us to proceed with such legislation?

Thanks!

Greg Reiman
Office of Rep. Scott Walker
266-9180

WANTED SOON
turned in 11/11

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

a motorcycle having
a certain vehicle
identification number

register and ^{register}

1 **AN ACT to renumber and amend 342.34 (3); and to create 342.05 (1) (c),**

2 342.065 (1) (d) and 342.34 (3) (b) of the statutes; **relating to:** allowing the

3 department of transportation to issue ^a certificates ^{of} titles ^{of} for ~~certain vehicles~~

4 whose certificates of title were erroneously returned to the department of

5 transportation.

Analysis by the Legislative Reference Bureau

Under current law, a person who owns or possesses a junk vehicle that has not been junked or destroyed must return the certificate of title for the vehicle to the department of transportation (DOT) within ten days after determining the junk condition of the vehicle. A "junk vehicle" is a vehicle that is incapable of operation or use upon a highway and that has no resale value except as a source of scrap or parts or a vehicle that an insurance company owns or possesses if the estimated cost of repairing the vehicle exceeds its fair market value. DOT is prohibited from issuing a certificate of title for a junk vehicle.

regular

This bill ~~permits the owner of a vehicle whose certificate of title was returned to DOT on the basis of the vehicle being a junk vehicle to petition DOT to review whether the certificate was erroneously returned to DOT because the vehicle was not a junk vehicle. If DOT concludes that the certificate was erroneously returned, the owner of the vehicle must obtain a regular certificate of title for the vehicle or, if applicable, a salvage vehicle certificate of title.~~

Insert (A)

STAYS

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:

SECTION 1. 342.05 (1) (c) of the statutes is created to read:

342.05 (1) (c) Upon notification from the department under s. 342.34 (3) (b), the owner shall make application under s. 342.06 or, if applicable, s. 342.065 (1) (d).

SECTION 2. 342.065 (1) (d) of the statutes is created to read:

342.065 (1) (d) Upon notification from the department under s. 342.34 (3) (b), the owner of a salvage vehicle whose certificate of title was erroneously returned to the department under s. 342.34 (1) (b) shall promptly apply for a salvage vehicle certificate of title by submitting to the department evidence of ownership of the vehicle, the applicant's statement that the vehicle is a salvage vehicle, an application for a salvage certificate of title and the required fee.

SECTION 3. 342.34 (3) of the statutes is renumbered 342.34 (3) (a) and amended to read:

342.34 (3) (a) ~~No~~ Except as provided in par. (b), no certificate of title may be issued for a junk vehicle or for a vehicle which has been junked or destroyed.

SECTION 4. 342.34 (3) (b) of the statutes is created to read:

342.34 (3) (b) Any person owning a vehicle whose certificate of title was returned to the department under sub. (1) (b) may petition the department to review whether the certificate was erroneously returned to the department because the vehicle was not a junk vehicle. If the department concludes that the certificate of title for the vehicle was erroneously returned, the department shall promptly notify the petitioner that the petitioner is required to apply for a regular certificate of title for

1 the vehicle under s. 342.06 or, if applicable, a salvage vehicle certificate of title under
2 s. 342.065 (1) (d).

3 (END)

Insert 3-2

1999

Insert 3-2

LRB 3245 1 2

Nonstat File Sequence: **AAA**

TNF: _____;

NONSTAT SESSLAW

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → nonstat

For the budget action phrase, execute: create → action: → *NS: → 91XX

For a subsection, execute: create → text: → *NS: → sub

For a paragraph, execute: create → text: → *NS: → par

For a subdivision, execute: create → text: → *NS: → subd

For a subdivision paragraph, execute: create → text: → *NS: → subpar

2. Nonstatutory subunits are numbered automatically if "(#1)", "(#a)", etc., is filled in. Below, for the budget, fill in the 9109 department code; and fill in "___" or "()" only if a "frozen" number is needed.

SECTION # W [91] W W W. Nonstatutory provisions W...

..... (C)
(#1) W VEHICLE REGISTRATION AND TITLING.....

Notwithstanding any provisions of chapters 341 and 342 of the statutes concerning eligibility for vehicle registration and titling, the department of transportation may register and issue a regular certificate of title for a motorcycle having a vehicle identification number of JYA1AE003GA006292 upon receipt of completed applications and all required fees, notwithstanding the fact that the department was notified of the junk condition of the vehicle and its certificate of title was returned to the department in accordance with section 342.34 of the statutes. This subsection does not apply after December 31, 2000.

(END OF INSERT)

100



Insert (A)

③ allows DOT to register and issue a regular ^{having} certificate of title for a motorcycle ~~with~~ a vehicle identification number of JYA1AE0036A006292 upon receipt of completed applications and all required fees, notwithstanding the fact that ~~the department~~ DOT was notified of the junk condition of the vehicle and its certificate of title was returned to DOT.

(END OF INSERT)

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State of Wisconsin
1999 - 2000 LEGISLATURE

2 (Redraft
LRB-3245/1 makes ha
TNF:cmh:km been run)

WANTED 11/18
[turned in 11/17]

1999 BILL

1

negotiated
AN ACT relating to: ~~allowing~~ *requiring* the department of transportation to register and issue a certificate of title for a motorcycle having a certain vehicle identification number.

2

3

Analysis by the Legislative Reference Bureau

Under current law, a person who owns or possesses a junk vehicle that has not been junked or destroyed must return the certificate of title for the vehicle to the department of transportation (DOT) within ten days after determining the junk condition of the vehicle. A "junk vehicle" is a vehicle that is incapable of operation or use upon a highway and that has no resale value except as a source of scrap or parts or a vehicle that an insurance company owns or possesses if the estimated cost of repairing the vehicle exceeds its fair market value. DOT is prohibited from issuing a regular certificate of title for a junk vehicle.

requires This bill ~~allows~~ DOT to register and issue a regular certificate of title for a **motorcycle** having a vehicle identification number of JYA1AE0036A006292 upon receipt of completed applications and all required fees, notwithstanding the fact that DOT was notified of the junk condition of the vehicle and its certificate of title was returned to DOT.

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:

BILL

shall

SECTION 1. Nonstatutory provisions.

(1) VEHICLE REGISTRATION AND TITLING. Notwithstanding any provisions of chapters 341 and 342 of the statutes concerning eligibility for vehicle registration and titling, the department of transportation ~~may~~ register and issue a regular certificate of title for a motorcycle having a vehicle identification number of JYA1AE0036A006292 upon receipt of completed applications and all required fees, notwithstanding the fact that the department was notified of the junk condition of the vehicle and its certificate of title was returned to the department in accordance with section 342.34 of the statutes. This subsection does not apply after December 31, 2000.

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 1/17/1999

To: Representative Walker

Relating to LRB drafting number: LRB-3245

Topic

Junk vehicle titles

Subject(s)

Transportation - motor vehicles

1. **JACKET** the draft for introduction _____

in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW, prior to introduction** _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Timothy N. Fast, Senior Legislative Attorney
Telephone: (608) 266-9739



1999 BILL

1 **AN ACT relating to:** requiring the department of transportation to register and
2 issue a certificate of title for a motorcycle having a certain vehicle identification
3 number.

Analysis by the Legislative Reference Bureau

Under current law, a person who owns or possesses a junk vehicle that has not been junked or destroyed must return the certificate of title for the vehicle to the department of transportation (DOT) within ten days after determining the junk condition of the vehicle. A "junk vehicle" is a vehicle that is incapable of operation or use upon a highway and that has no resale value except as a source of scrap or parts or a vehicle that an insurance company owns or possesses if the estimated cost of repairing the vehicle exceeds its fair market value. DOT is prohibited from issuing a regular certificate of title for a junk vehicle.

This bill requires DOT to register and issue a regular certificate of title for a motorcycle having a vehicle identification number of **JYA1AE0036A006292** upon receipt of completed applications and all required fees, notwithstanding the fact that DOT was notified of the junk condition of the vehicle and its certificate of title was returned to DOT.

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:

