

1999 DRAFTING REQUEST

Bill

Received: **12/2/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Roger Breske (608) 266-2509**

By/Representing: **Vaughn**

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

Drafter: **fasttn**

May Contact:

Alt. Drafters:

Subject: **Transportation - mot veh dealers**

Extra Copies: **PEN, ISR**

Pre Topic:

No specific pre topic given

Topic:

Penalties for motor dealers

Instructions:

See Attached

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>
/?	nilsepe 02/18/99 fasttn 03/8/99	gilfokm 03/8/99		_____			
/1			ismith 03/9/99	_____	lrb_docadmin 03/9/99	lrb_docadmin 04/19/99	

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 12/2/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Roger Breske (608) 266-2509

By/Representing: Vaughn

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Alt. Drafters:

Subject: Transportation - mot veh dealers

Extra Copies: PEN, ISR

Pre Topic:

No specific pre topic given

Topic:

Penalties for motor dealers

Instructions:

See Attached

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>
/?	nilsepe 02/18/99 fasttn 03/8/99	gilfokm 03/8/99		_____			
/1			ismith 03/9/99	_____	lrb_docadmin 03/9/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **12/2/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Roger Breske (608) 266-2509**

By/Representing: **Vaughn**

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

Drafter: **fasttn**

May Contact:

Alt. Drafters:

Subject: **Transportation - mot veh dealers**

Extra Copies: **PEN, ISR**

Pre Topic:

No specific pre topic given

Topic:

Penalties for motor dealers

Instructions:

See Attached

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>
1?	nilsepe	1-3-8-99 Kmg	IS 3/9/99	IS/CH 3/9/99			

FE Sent For:

<END>

-1087
12/2

ROGER BRESKE

STATE SENATOR

12th District

Capitol Address:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-2509

Home Address:
8800 Hwy. 29
Eland, WI 54427
(715) 454-6575



Legislative Hotline:
1 (800) 362-9472

M E M O R A N D U M

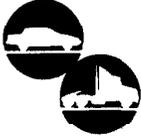
November 30, 1998

TO: Paul Nilsen
Legislative Reference Bureau
FR: Vaughn L. Vance for *VL*
Senator Roger Breske
RE: §218.01 (2) (a) Drafting Request

Roger is requesting that legislation be drafted to amend §218.01 (2) (a) to read as follows:

“Any person violating this paragraph ~~may be fined~~ may be required to forfeit not less than \$500 nor more than \$5,000.”

I have attached a copy of a related letter from the Wisconsin Automobile & Truck Dealers Association for your reference. Of course, please feel free to give me a call at 266-2509 should you have any questions or concerns regarding this matter.



**Wisconsin Automobile & Truck
Dealers Association**

GARY D. WILLIAMS
President

150 E. Gilman Street - Suite A
Madison, WI 53703
(608) 251-5577 FAX: 251-4379

Mailing Address:
P.O. Box 5345, Madison, WI 53705-0345

November 23, 1998

Senator Roger Breske
Wisconsin State Senate
PO Box 7882
Madison, WI 53707

Dear Senator Breske:

Last session 1997 Wisconsin Act 120 was passed to increase the penalty for operating as an unlicensed motor vehicle dealer, and to change the penalty to a fine rather than a forfeiture.

While the legislation was well intended, changing the penalty to a fine has made the law more difficult to enforce. Unlicensed dealing is now a crime as defined in s. 939.12. Division of Motor Vehicles investigators have found district attorneys reluctant or unwilling to complete a criminal complaint and prosecute unlicensed dealing as a crime when other crimes are more pressing priorities. By changing the penalty from a forfeiture to a fine, Act 120 has seriously diminished the Division of Motor Vehicles ability to enforce any penalty against unlicensed dealers.

Would you be willing to have legislation drafted which would make the penalty for operating as a motor vehicle dealer without a license a forfeiture, not a fine? The change will give law enforcement authority to issue citations to those dealers who are operating outside the law.

The suggested statutory change is attached to this request.

We would be grateful for your help in solving this problem.

Sincerely,

Mary Ann Gerrard
Legal Counsel & Lobbyist

cc: Vaughn Vance, Office of Senator Breske

1999

Date (time) needed

3/10 if possible

LRB - 1087 / 1

BILL

TNF: King

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:

[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 =S], execute: create -> anal: -> title: -> sub

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

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

SECTION #.

~~1997 ASSEMBLY BILL 513~~

~~September 16, 1997 - Introduced by Representatives FOTI, F. LASEE, BAUMGART, DOBYNS, FREESE, GOETSCH, HANDRICK, HUBER, LADWIG, LAZICH, M. LEHMAN, MUSSER, OTT, PLALE, RYBA, SCHAFER, STEINBRINK, UNDERHEIM, VANDER LOOP and OTTE, cosponsored by Senators SHIBILSKI, COWLES, DRZEWIECKI, FITZGERALD, JAUCH, MOEN, PLACHE, C. POTTER, RISSER, ROESSLER, WENKE and ZIEN. Referred to Committee on Highways and Transportation.~~

Sen Cat

motor vehicle

1 AN ACT to amend 218.01 (2) (a), 218.01 (8), 218.205 (1) and 345.11 (1g) and (5)
2 of the statutes relating to the licensing of motor vehicle dealers and
3 salespersons, sales finance companies and motor vehicle salvage dealers and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires all motor vehicle dealers and salespersons to be licensed by the department of transportation (DOT). In addition, all sales finance companies of fine are required to be licensed by the division of banking in the department of financial institutions. Failure to comply with any of these licensing requirements may result in a forfeiture of not less than ~~\$25~~ nor more than \$500 for each violation. \$5,000

~~Current law also requires all motor vehicle salvage dealers to be licensed by DOT. A motor vehicle salvage dealer is a person 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. 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.~~

motor vehicle

This bill changes the penalty that may be imposed on an unlicensed motor vehicle dealer or salesperson, sales finance company or motor vehicle salvage dealer to a fine of not less than \$500 nor more than \$5,000 or imprisonment for not more than 60 days or both. The bill also permits the uniform traffic citation form to be used for forfeitures of the license requirement for motor vehicle salvage dealers.

forfeiture

ASSEMBLY BILL 513

~~For further information see the state and local 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:

Insert 2-1 ✓

1 SECTION 1. 218.01 (2) (a) of the statutes is amended to read:

2 218.01 (2) (a) No motor vehicle dealer, motor vehicle salesperson or sales
3 finance company shall engage in business as such in this state without a license
4 therefor as provided in this section. If any motor vehicle dealer acts as a motor
5 vehicle salesperson, he or she shall secure a motor vehicle salesperson's license in
6 addition to a license for motor vehicle dealer. Every motor vehicle dealer shall be
7 responsible for the licensing of every motor vehicle salesperson in his or her employ.
8 Any person violating this paragraph may be fined not less than \$500 nor more than
9 \$5,000 or imprisoned for not more than 60 days or both.

10 SECTION 2. 218.01 (8) of the statutes is amended to read:

11 218.01 (8) PENALTIES. Except for sub. (3) (a) 1., 3., 6., 7., 11., 12., 13., 20., 25.,
12 29. and 30., and except for violations for sub. (2) (a), (2a), (3a) (c) or (7b), any person
13 violating this section may be required to forfeit not less than \$25 nor more than \$500
14 for each violation.

15 SECTION 3. 218.205 (1) of the statutes is amended to read:

16 218.205 (1) No person may carry on or conduct the business of a motor vehicle
17 salvage dealer unless licensed to do so by the department. Any person violating this
18 section may be fined not less than ~~\$25~~ \$500 nor more than ~~\$200~~ \$5,000 or imprisoned
19 for not more than 60 days or both.

20 SECTION 4. 345.11 (1g) and (5) of the statutes are amended to read:

ASSEMBLY BILL 513

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

345.11 (1g) The uniform traffic citation may be used for violations of s. ss. 218.01 (2) (a) and 218.205 (1). The report of conviction shall be forwarded to the department.

(5) Notwithstanding any other provision of the statutes, the use of the uniform traffic citation promulgated under sub. (4) by any peace officer in connection with the enforcement of any state traffic laws, any local traffic ordinances in strict conformity with the state traffic laws or s. 218.01 (2) (a) or 218.205 (1) shall be deemed adequate process to give the appropriate court jurisdiction over the person upon the filing with or transmitting to the court of the uniform traffic citation.

SECTION 5. Initial applicability.

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

~~SECTION 6. Effective date.~~

~~(1) This act takes effect on the first day of the 4th month beginning after publication.~~

(END)

Insert 2-1

~~Section # 21801 (2) (a) of the Statutes is amended to read~~

218.01 (2) (a) No motor vehicle dealer, motor vehicle salesperson or sales finance company shall engage in business as such in this state without a license therefor as provided in this section. If any motor vehicle dealer acts as a motor vehicle salesperson, he or she shall secure a motor vehicle salesperson's license in addition to a license for motor vehicle dealer. Every motor vehicle dealer shall be responsible for the licensing of every motor vehicle salesperson in his or her employ. Any person violating this paragraph may be ~~fine~~^Y not less than \$500 nor more than \$5,000.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

required to forfeit

**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: 3/9/99

To: Senator Breske

Relating to LRB drafting number: LRB-1087

Topic

Penalties for motor dealers

Subject(s)

Transportation - mot veh dealers

1. **JACKET** the draft for introduction Roger Breske
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