

Vote Record

Assembly Committee on Transportation

Date: 3-2-99
 Moved by: Kestell Seconded by: Gronemus
 AB: Clearinghouse Rule:
 AB: SB: Appointment:
 AJR: SJR: Other:
 A: SR:

A/S Amdt: to A/S Amdt:
 A/S Sub Amdt: to A/S Sub Amdt:
 A/S Amdt: to A/S Amdt: to A/S Sub Amdt:

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. David Brandemuehl Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jeff Stone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Huebsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Joseph Leibham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Townsend	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Turner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Leon Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Steinbrink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 17 _____ _____ _____

Motion Carried Motion Failed



DAVID BRANDEMUEHL

State Representative
49th Assembly District

TO: All Legislators

FROM: Rep. David Brandemuehl *Deab*

DATE: December 17, 1998

RE: Co-sponsorship of **LRB 0562/1**, relating to administrative action against motor vehicle auction dealer's license.

*Freese
Gotsch
Sykora*

*Farrow
Breske*

*Gronemus
Turner
Stone*

*Olson
Owens
Grothman*

*Albers
Lassa
Ryba*

I am introducing legislation to eliminate the word "retail" from provisions regarding motor vehicle auction dealer penalties. Since motor vehicle auction dealers may sell only at wholesale, not at retail, the word "retail" in these provisions creates meaningless and unenforceable language.

The analysis for this bill is printed below. If you are interested in co-sponsoring **LRB 0562/1**, please contact my office at 266-1170 by **January 15, 1999**.

Analysis by the Legislative Reference Bureau

Currently, the department of transportation (DOT) may deny, suspend or revoke a motor vehicle auction dealer's license if the licensee engages in prohibited retail trade practices, including willfully defrauding a retail buyer. However, because the licensee engages only in wholesale transactions, the prohibitions and penalties do not apply. This bill authorizes DOT to deny, suspend or revoke a motor vehicle auction dealer's license if the licensee willfully defrauds any buyer, and repeals other inapplicable retail trade prohibitions.



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

DIVISION OF MOTOR VEHICLES
4802 Sheboygan Avenue
P.O. Box 7949
Madison, WI 53707-7949

ASSEMBLY TRANSPORTATION COMMITTEE FEBRUARY 25, 1999 Testimony, Carson P. Frazier

AB 58: eliminate reference to "retail" referring to auction dealer penalties:

- By law, a motor vehicle auction dealer can only sell at *wholesale*. A motor vehicle auction dealer may not sell to retail buyers.
- Several references in the penalty provisions of this subchapter include references to "retail." These provisions replicate penalty provisions relating to motor vehicle dealers who do sell to retail buyers. We believe that this was merely a drafting oversight, from years past.
- However, this oversight has *limited DMV in being able to cite* auction dealers for unlawful practices, because the law refers to "retail."
- We request deletion of the word "retail" in certain provisions, and repeal of two provisions that apply only in retail situations.



BILL SUMMARY

AB 58: Eliminate "Retail" Reference

Date: March 18, 1999

BACKGROUND

Under current law, the DOT may deny, suspend or revoke a motor vehicle auction dealer's license if the licensee engages in prohibited *retail* trade practices, including willfully defrauding a *retail* buyer. However, by law, a motor vehicle auction dealer can only sell at *wholesale*. A motor vehicle auction dealer may not sell to retail buyers. Since the penalty provisions specifically refer to "retail" practices, the Division of Motor Vehicles has been limited in its ability to cite auction dealers for unlawful practices. The references to "retail" are believed to be a drafting oversight from years past.

SUMMARY OF AB 58

Assembly Bill 58 would eliminate the word "retail" in the references relating to motor vehicle auction dealer penalties. The DOT would then be authorized to deny, suspend or revoke a motor vehicle auction dealer's license if the licensee willfully defrauds *any* buyer.

FISCAL EFFECT

No fiscal estimate was prepared for AB 58.

PROS

1. The current references to "retail" in the penalty provisions relating to motor vehicle auction dealers create meaningless and unenforceable language. By eliminating those references, the DOT will then be able to cite dealers for unlawful practices.

CONS

None.

SUPPORTERS

Rep. David Brandemuehl, author; Sen. Roger Breske, lead co-sponsor; Carson Frazier, Wisconsin Department of Transportation; Chris Snyder, Wisconsin Auto & Truck Dealers Association; Jeff Wiswell, Wisconsin Sheriffs & Deputy Sheriffs Association.

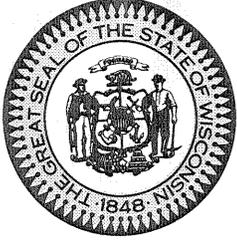
OPPOSITION

No one testified or registered in opposition to AB 58.

HISTORY

Assembly Bill 58 was introduced on January 21, 1999, and referred to the Assembly Committee on Transportation. A public hearing was held on February 25, 1999. On March 2, 1999, the Committee voted 17-0-0 to recommend passage of AB 58.

CONTACT: Sheri Krause, Office of Rep. David Brandemuehl



DAVID BRANDEMUEHL

State Representative
49th Assembly District

TO: All Senators

FROM: Rep. David Brandemuehl

DATE: March 13, 2000

RE: Assembly Bill 58

Assembly Bill 58 has been scheduled for Senate action on Tuesday, March 14. AB 58 would eliminate the word "retail" from provisions regarding motor vehicle auction dealer penalties.

Under current law, DOT may deny, suspend or revoke a motor vehicle auction dealer's license if the licensee engages in prohibited *retail* trade practices, including willfully defrauding a *retail* buyer. However, by law, a motor vehicle auction dealer can only sell at *wholesale*, he may not sell to retail buyers. Since the penalty provisions specifically refer to "retail" practices, the Division of Motor Vehicles has been limited in its ability to cite auction dealers for unlawful practices. The references to "retail" are believed to be a drafting oversight from years ago.

AB 58 would eliminate the word "retail" in the references relating to motor vehicle auction dealer penalties. DOT would then be authorized to deny, suspend or revoke a motor vehicle auction dealer's license if the licensee willfully defrauds *any* buyer.

I respectfully request your support for AB 58. Thank you.

Committee Memberships:

Transportation (Chair); Education; Highway Safety; Natural Resources; Urban & Local Affairs; Rustic Roads Board; Transportation Projects Commission

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ASSEMBLY TRANSPORTATION COMMITTEE

FEBRUARY 11, 1999

Testimony, Carson P. Frazier

AB 54: issuing dealer plates to motor vehicle salvage pools:

- This bill makes it *optional, not required*, that salvage pools purchase dealer plates.
- Salvage pools virtually always sell vehicles on consignment. In a consignment sale, the dealer does not own the vehicle – the seller still owns the vehicle until it is sold, and then title passes directly from the seller to the purchaser.
- Dealer plates must be used on vehicles that dealers own or repossess. Therefore, it is virtually always the case that salvage pools are required to purchase dealer plates when they have no need of the plates.
- Salvage pools may occasionally own vehicles that they sell, and therefore should have the option to purchase dealer plates if they need them.
- This bill makes no changes to licensing requirements for salvage pools, except this one requirement for purchasing dealer plates.
- Fiscal impact is minimal.
- We request this bill to eliminate a useless requirement for salvage pools.

AB 55: eliminate mandatory revocation of dealer license for misuse of dealer plates:

- Dealer plates must be used on vehicles that a dealer, distributor, or manufacturer owns or repossesses and is actually offered for sale, or is in transit; or is being used by manufacturer for trial tests; or is being repossessed, being reconditioned for sale or being foreclosed/resold.
- Penalty for misuse of dealer plates is forfeiture of up to \$200.
- Currently, the law mandates DOT to revoke a dealer/distributor/manufacturer business license if the business is convicted twice in a registration year of misuse of dealer plates.
- This bill eliminates the mandatory license revocation, but leaves the forfeiture for each occasion of misuse.
- License revocation is a harsh penalty, reserved for most egregious actions. DOT usually tries to impose lesser penalties, working with a dealer to encourage proper behavior. We believe this penalty is out of proportion to the offense.

Testimony before the Assembly Transportation Committee
February 11, 1999
Carson P. Frazier
Page 1 of 2 pages

AB 58: eliminate reference to "retail" referring to auction dealer penalties:

- A motor vehicle auction dealer by law can only sell at wholesale. They may not sell to retail buyers.
- Several references in the penalty provisions of this subchapter include references to "retail." These provisions replicate penalty provisions relating to motor vehicle dealers who do sell to retail buyers. We believe that this was merely a drafting oversight, from years past.
- However, this oversight has limited us in being able to cite auction dealers for unlawful practices, because the law refers to "retail."
- We request deletion of the word "retail" in certain provisions, and repeal of two provisions that apply only in retail situations.

AB 59: eliminate statutorily specified expiration dates:

- This bill eliminates three remaining actual dates listed in the statutes, for registration expiration:
 - *Farm trucks* which currently expire on the last day of February of even numbered years
 - *Motorcycles/mopeds* which currently expire on April 30 of even-numbered years
 - *\$5/5 year registrations* which currently expire on December 31 of 1993 and every 5 years after that.
- These are the last remaining expiration dates actually specified in statute.
- Over the last few years, we have requested and the legislature has eliminated several other dates that were actually listed in statute.
- We do not intend to change expiration periods in the foreseeable future.
- However, we would like to eliminate the statutory limitation on the actual date, because if we ever need to change registration periods, to balance our workload for example, we could not do under current law.