

2001 DRAFTING REQUEST

Bill

Received: 01/24/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF, ARG**

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Temporary permits issued to trailer manufacturers

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	phurley	hhagen	pgreensl	_____	lrb_docadmin			
	05/07/2001	05/07/2001		05/08/2001				05/08/2001
	phurley	hhagen		_____				_____
	07/09/2001	07/10/2001	_____	_____				
/2			pgreensl	_____	lrb_docadmin	lrb_docadmin		
			07/10/2001	_____	07/10/2001	08/28/2001		

FE Sent For:

None needed

<END>

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/1	phurley 05/07/2001	hhagen 05/07/2001 <i>12 kmh 7/10/01</i>	pgreensl 05/08/2001 <i>7/10 pg</i>	<i>7/10 P8/RS</i>	lrb_docadmin 05/08/2001		

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/?	phurley	li hmh 5/7/01	5/8 pg	5/8 SELF			

FE Sent For:

<END>

Fast, Timothy

From: Nilsen, Paul
Sent: Friday, January 19, 2001 8:44 AM
To: Miller, Mark
Cc: Fast, Timothy
Subject: RE: Truck Trailer Temporary Permits

Representative Miller,

I received the bill drafting request below. I no longer work for the LRB. I have forwarded your request to Timothy Fast at the LRB for drafting, or for assignment to the proper attorney. I will keep your request confidential.

Paul E. Nilsen
Office of General Counsel, WisDOT
Paul.Nilsen@dot.state.wi.us
(608) 261-0126

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

From: Miller, Mark
Sent: Thursday, January 18, 2001 3:14 PM
To: Nilsen, Paul
Subject: Truck Trailer Temporary Permits

Paul,

Reference my email, Feb 23, 2000, Trailer temporary permit and your email response, Feb 24, 2000, and your memo, February 23, 2000, Trailer manufacturers transporting trailers under manufacturer's registration.

Last February you researched the issue of a trailer manufacturer using a temporary permit to haul freight when delivering a trailer to a customer or dealer. According to your memo, referenced above, such use is not permitted. You also stated in your email, also referenced above, that "it would probably be a very simple draft to change the law..."

Please draft a bill that will accomplish this result. I will send you copies of our previous correspondence by inter-D.

Thank you.

Mark

Mark Miller
48th Assembly District
Capitol Room 112 North
P.O. 8953
Madison, WI 53708
608-266-5342
608-282-3648 Fax
Rep.Miller@legis.state.wi.us

Miller, Mark

From: Nilsen, Paul
Sent: Thursday, February 24, 2000 9:00 AM
To: Miller, Mark
Subject: RE: Trailer temporary permit

Representative Miller,

Thanks for providing the additional information. I'll check with DOT about their interpretation and identify the \$3/30-day permit and why it can or can't be used to haul freight for hire when delivering the trailer to the purchaser. My guess is that the \$3 plate was the temporary operation plate under . 341.09, which cannot be used on 'for-hire' vehicles (s. 341.09 (2) (d)), but notice that the temporary plates are available only if the owner makes application for regular registration (s. 341.09 (2) (a)).

I'm not aware of any manufacturer plate reciprocity, but I'll check with DOT on that, too.

If it turns out that the practice you described is prohibited, it would probably be a very simple draft to change the law to allow the single trips you describe.

Other possible public policy purposes are to 'prevent lost revenue' by allowing use of unregistered vehicles (DOT's likely argument), and to avoid putting regular commercial haulers at a competitive disadvantage by requiring them to register their vehicles (truckers' likely argument).

"For hire" prohibitions include registration exemption for smaller trailers except those used for hire (s. 341.05(13m)); special registration fees for certain vehicles if not used for hire (s. 341.26 (1)(c) and (2) (e) and (j)); vehicles registered as special interstate vehicles may not be used for hire (ss. 341.266(2)(e)1., 341.268(2)(e)1.). These are not especially relevant, except to show a pattern of not giving breaks to 'for-hire' vehicles.

I will be out of the office this weekend, but expect I should have a written reply for you by the middle of the week of 3/1.

Attorney Paul E. Nilsen
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2307
Tel: (608) 261-6926
Fax: (608) 264-8522
Email: Paul.Nilsen@legis.state.wi.us

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

From: Miller, Mark
Sent: Wednesday, February 23, 2000 9:58 PM
To: Nilsen, Paul
Subject: Trailer temporary permit

Paul:

RE: your memo February 23, 2000

Subj: Allowable uses for a semitrailer being transported by manufacturer to customer or dealer using dealer plates.

Thank you for your prompt reply.

You described the factual situation precisely in your memo of February 23. The semitrailer manufacturer is locating a load to deliver "for hire" when delivering a new trailer to a

purchaser or distributor. The manufacturer uses his own tractors to haul the semitrailer and the load "for hire". The load is delivered to the freight recipient, then the semitrailer is delivered to the purchaser or distributor. The tractor driver seeks a return load.

This practice helps to offset the cost of delivering the trailer and conserves energy and labor. According to your memo, this practice does not seem to be permissible under Wisconsin statutes.

Please inquire of DOT whether they interpret the statute in this way. The only reason I can see to justify this as public policy is to prevent abusive use of the manufacturer's plate. Is there perhaps a reciprocity agreement among the states to disallow using a manufacturer's plate in this way?

The manufacturer says he pays \$3.00 for a 30-day plate. Sect 341 of the statutes does not reference such a fee schedule. Rules refers to a \$15.00 fee for a bundle of five permits (Trans 132.05).

341.47(1), which you cite, is silent on the question of whether a semitrailer "in transit from the factory to a distributor or dealer or from the dealer to the purchaser" permits the simultaneous hauling of a load "for hire." The restrictive interpretation must arise in some other section of the statutes or rules. I could not locate the statute section that you refer to that "...reserve many of the of the registration exceptions for vehicles that are not used "for hire."

I appreciate your assistance in finding out what the statutes (and rules) say, and how DOT is interpreting the same.

Mark Miller
48th Assembly District
Capitol, Room 3 North
P.O. Box 8953
Madison, WI 53708
(608)266-5342, FAX (608)282-3648
Rep.Miller@legis.state.wi.us

*(13n) 341.05
341.09(a)(2)(a)
or (3n)*



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-8522
REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

February 23, 2000

MEMORANDUM

To: Representative Mark Miller

From: Paul E. Nilsen, Legislative Attorney, (608) 261-6926
Paul E. Nilsen

Subject: Trailer manufacturers transporting loaded trailers under manufacturer's registration

You asked whether the manufacturer of a trailer could operate that trailer, without registering it, to haul a load while transporting the trailer to the purchaser. You said the department of transportation (DOT) believes that the manufacturer may not. I think the manufacturer probably may not. However, I need to know more facts to answer the question any more specifically than I do below; there may be other exceptions that do or do not apply depending on facts unknown to me. The most effective way to determine whether I think DOT is correct is to allow me to speak with DOT to have them justify their position using the facts as they understand them.

With specific exceptions, no person may operate an unregistered trailer on a highway [s. 341.04 (1), stats.]. One exception (in a long list of exceptions) allows an unregistered trailer to be operated on the highway if it is operated in accordance with the provisions relating to registration of dealers, distributors, manufacturers, transporters or finance companies [s. 341.05 (1), stats.]. Because those persons seldom keep ownership of particular vehicles for long, those persons are themselves registered and may display their registration plates upon vehicles they operate. The vehicle is technically not registered.

The provisions relating to operation under dealer plates is s. 341.47 (1), stats. That section provides that, with exceptions, any trailer or semitrailer owned or repossessed by a dealer, distributor or manufacturer may be operated on the highways of this state for either private or business purposes without being registered if such vehicle has displayed upon it valid manufacturer registration plates issued to the manufacturer who is the owner of the vehicle and such vehicle: (a) Is actually offered for sale by a dealer, distributor or manufacturer; or (b) Is in transit from the factory to a distributor or dealer or from the dealer to the purchaser; or (c) Is being used by a manufacturer primarily for trial tests; or (d) Is being repossessed, being reconditioned for resale or being foreclosed or resold. These four exceptions do not seem to allow the manufacturer to transport loads while delivering the trailer to the purchaser. The statutes also reserve many of the registration exceptions for vehicles that are not used "for-hire"; if the trailer is transporting another's loads "for hire" it is less likely that the transport would be permissible under an exception.

Please do not hesitate to contact me if you have any questions about this memo, or if you would like me to speak with DOT, your constituent, or anybody else about your concern.



2001 BILL

5-7-01

1 *Generate*
AN ACT ...; relating to: *gd* delivering a trailer or semitrailer from the manufacturer
2 to a dealer or distributor or from the dealer or distributor to a purchaser.

Analysis by the Legislative Reference Bureau

Ⓚ Under current law, the department of transportation issues a registration plate to motor vehicle dealers, distributors, manufacturers, and transporters. Current law allows a motor vehicle manufacturer to deliver to a dealer or distributor, or a dealer or distributor to deliver to a purchaser, a motor vehicle, recreational vehicle, trailer, or semitrailer without registering that vehicle if the vehicle displays a registration plate that is issued to the manufacturer, dealer, or distributor.

Under this bill, a manufacturer, dealer, or distributor may pick up and deliver a load of freight incidental to the delivery of a trailer or semitrailer without registering the trailer or semitrailer if the vehicle displays a registration plate that is issued to the manufacturer, dealer, or distributor.

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

3 SECTION 1. 341.47 of the statutes is amended to read:

Ⓚ 341.47 When vehicles of dealers, distributors, manufacturers, and
Ⓞ transporters *are* exempt from general registration requirements. (1) Except as

BILL

SECTION 1

1 provided in sub. (2), any motor vehicle, recreational vehicle, trailer, or semitrailer
2 that is owned or repossessed by, or consigned for sale to, a dealer, distributor, or
3 manufacturer may be operated on the highways of this state for either private or
4 business purposes without being registered if the vehicle has displayed upon it valid
5 registration plates issued under s. 341.51 to the dealer, distributor, or manufacturer
6 and the vehicle is one of the following:

7 (a) ~~Is actually~~ Actually offered for sale by a dealer, distributor, or manufacturer,
8 including for sale on consignment; ~~or.~~

9 (b) ~~Is in~~ In transit from the factory to a distributor or dealer or from the dealer
10 to the purchaser; ~~or.~~ A trailer or semitrailer in transit under this paragraph may be
11 incidentally operated to pick up, carry, and deliver no more than one load of freight.

12 (c) ~~Is being~~ Being used by a manufacturer primarily for trial tests; ~~or.~~

13 (d) ~~Is being~~ Being repossessed, ~~being~~ reconditioned for resale, or ~~being~~
14 foreclosed or resold.

15 (END)

Hurley, Peggy

From: Kahler, Pam
Sent: Thursday, May 10, 2001 3:22 PM
To: Hurley, Peggy
Subject: FW: LRB-2225/1, trailer licensing

Hi, Peggy:

Here's an e-mail for you. I think one of us is going to have to change her name!
Pam

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

From: Miller, Mark
Sent: Thursday, May 10, 2001 3:18 PM
To: Kahler, Pam
Subject: LRB-2225/1, trailer licensing

Ms Kahler,

Thanks for sending over the draft for LRB-2225/1, the bill I requested to allow for one-time hauling when delivering a semi-trailer. I want to make two small changes:

P2, L7, insert "or lease" after "sale"

P2, L9, delete the first "or", insert "purchaser, or lessee," after the first "dealer", insert commas after "distributor" and after, the first "dealer". the changed portion of line 9 should read: "...to a distributor, dealer, purchaser, or lessee, or from the dealer..." I'm not sure if "leasee" or "lessee" is more correct.

I'm returning /1 to you with the changes inked in.
Thanks.
mm

Mark Miller
48th Assembly District
Capitol Room 112 North
P.O. 8953, Madison, WI 53708
608-266-5342, 608-282-3648 Fax
Rep.Miller@legis.statc.wi.us

5-11-01 t/c to Rep Miller's office. Do vehicles go directly from a factory to a purchaser or lessee? If so, rep's language is OK (w/ lessee added to end). If not, just add "or lessee" to end.

Jamie will get back to me.

6-14: Rep Miller called - vehicles do sometimes go directly to purchase/lessee.

05/10/2001

BILL

1 Except as provided in sub. (2), any motor vehicle, recreational vehicle, trailer, or
2 semitrailer that is owned or repossessed by, or consigned for sale to, a dealer,
3 distributor, or manufacturer may be operated on the highways of this state for either
4 private or business purposes without being registered if the vehicle has displayed
5 upon it valid registration plates issued under s. 341.51 to the dealer, distributor, or
6 manufacturer and the vehicle is one of the following:

7 (a) ~~is actually~~ Actually offered for sale, ^{or lease} by a dealer, distributor, or manufacturer,
8 including for sale on consignment; ~~or,~~ ^{purchaser or lessee,}

9 (b) ~~is in~~ In transit from the factory to a distributor, ~~or dealer,~~ or from the dealer
10 to the purchaser; ~~or.~~ A trailer or semitrailer in transit under this paragraph may be
11 incidentally operated to pick up, carry, and deliver no more than one load of freight.

12 (c) ~~is being~~ Being used by a manufacturer primarily for trial tests; ~~or,~~

13 (d) ~~is being~~ Being repossessed, being reconditioned for resale, or being
14 foreclosed or resold.

15 (END)

2
stays

2001 BILL

Regenerate

1 **AN ACT to amend 341.47 of the statutes; relating to:** delivering a trailer or
2 semitrailer from the manufacturer to a dealer or distributor or from the dealer
3 or distributor to a purchaser.

Analysis by the Legislative Reference Bureau

Under current law, the department of transportation issues a registration plate to motor vehicle dealers, distributors, manufacturers, and transporters. Current law allows a motor vehicle manufacturer to deliver to a dealer or distributor, or a dealer or distributor to deliver to a purchaser, a motor vehicle, recreational vehicle, trailer, or semitrailer without registering that vehicle if the vehicle displays a registration plate that is issued to the manufacturer, dealer, or distributor.

Under this bill, a manufacturer, dealer, or distributor may pick up and deliver a load of freight incidental to the delivery of a trailer or semitrailer without registering the trailer or semitrailer if the vehicle displays a registration plate that is issued to the manufacturer, dealer, or distributor.

Insert A

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

4 **SECTION 1.** 341.47 of the statutes is amended to read:
5 **341.47** When vehicles of dealers, distributors, manufacturers, and
6 **transporters are exempt from general registration requirements. (1)**

BILL

1 Except as provided in sub. (2), any motor vehicle, recreational vehicle, trailer, or
2 semitrailer that is owned or repossessed by, or consigned for sale to, a dealer,
3 distributor, or manufacturer may be operated on the highways of this state for either
4 private or business purposes without being registered if the vehicle has displayed
5 upon it valid registration plates issued under s. 341.51 to the dealer, distributor, or
6 manufacturer and the vehicle is one of the following:

7 (a) ~~Is actually~~ Actually offered for sale ^{or lease} by a dealer, distributor, or manufacturer,
8 including for sale on consignment; ~~or,~~ ^{or} purchaser, or lessee,

9 (b) ~~Is in~~ In transit from the factory to a distributor ~~or dealer~~ ^{or lessee} or from the dealer
10 ~~to the purchaser; or~~ A trailer or semitrailer in transit under this paragraph may be
11 incidentally operated to pick up, carry, and deliver no more than one load of freight.

12 (c) ~~Is being~~ Being used by a manufacturer primarily for trial tests; ~~or,~~

13 (d) ~~Is being~~ Being repossessed, ~~being~~ reconditioned for resale, or being
14 foreclosed or resold.

15 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2225/2
PJH:.....

1

INSERT A:

¶ Under this bill, a motor vehicle manufacturer may pick up and deliver a load of freight incidental to the delivery of a trailer or semitrailer to a distributor, dealer, purchaser, or lessee without registering the trailer or semitrailer if the vehicle displays a registration plate that is issued to the manufacturer. A distributor or dealer may also pick up and deliver a load of freight incidental to the delivery of a trailer or semitrailer to a purchaser or lessee without registering the trailer or semitrailer if the vehicle displays a registration plate that is issued to the dealer or distributor.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

July 10, 2001

MEMORANDUM

To: Representative Miller

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-2225/2 Temporary permits issued to trailer manufacturers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.