

/2001 11:37:48 AM

2 1

2001 DRAFTING REQUEST**Bill**Received: **01/12/2001**Received By: **phurley**Wanted: **As time permits**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing:

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

May Contact:

Addl. Drafters:

Subject: **Transportation - mot veh dealers**Extra Copies: **TNF, RJM, ARG**Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Motor Vehicle Dealer law; standards for refusals

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> |
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| /1 | phurley 04/09/2001 | jdyer 04/09/2001 | martykr 04/10/2001 | _____ | lrb_docadmin 04/10/2001 | | State |
| | phurley 01/26/2001 | jdyer 01/27/2001 | | _____ | | | |
| /2 | phurley 09/28/2001 | jdyer 09/30/2001 | rschluet 07/31/2001 | _____ | lrb_docadmin 07/31/2001 | | State |
| /3 | phurley 10/08/2001 | jdyer 10/08/2001 | jfrantze 10/01/2001 | _____ | lrb_docadmin 10/01/2001 | lrb_docadminState 10/04/2001 | |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofcd</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /5 | phurley | jdye | pgreensl | _____ | lrb_docadmin | lrb_docadminState | |
| | 10/09/2001 | 10/09/2001 | 10/09/2001 | _____ | 10/09/2001 | 10/09/2001 | |

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| /4 | | <i>15 10/9 jld</i> | haugca 10/08/2001 | <i>ps/tyr</i> | lrb docadmin 10/08/2001 | lrb docadmin | State 10/08/2001 |

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ps*

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| /3 | | 1/4 10/8 JLD | jfrantze 10/01/2001 | _____ | lrb_docadmin 10/01/2001 | lrb_docadmin | State 10/04/2001 |

CH 10-8

CH RS 10-8

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Extra Copies: TNF, RJM, ARG

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Motor Vehicle Dealer law; standards for refusals

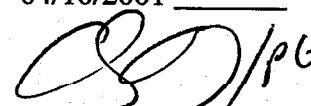
Instructions:

See Attached

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FE Sent For:

1/2 7/27/01

 7-28-01 END

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| 1? | phurley | 1/4 JLD | 1/4/10 | JF 1/4/10 | | | |

FE Sent For:

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MEMORANDUM

To: Peggy Hurley and Robert Marchant, LRB Attorneys
From: Representative Steve Freese
Date: January 10, 2001
Re: Draft request concerning the Wisconsin Motor Vehicle Dealer Law to provide dealers with a cause of action for damages resulting from unfair, unreasonable or inequitable refusals by manufacturers to approve changes in ownership or executive management, relocations of franchises or addition of franchises.

Please make the following changes -

Amend 218.0116 (Lm) to read:

218.0116 (Lm) Being a manufacturer, importer or distributor who violates s. 218.0134 (1a) or fails to comply with the procedures in s. 218.0134 regarding a dealer's request for approval of a change of ownership or executive management, transfer of its dealership assets to another person, adding another franchise at the same location as its existing franchise, or relocation of a franchise or who fails to comply with an order of the division of hearings and appeals issued under s. 218.0134.

Handwritten notes: 'dennis a request under 218.0134 who file reasons for 20.11.50'

Create 218.0134 (1a) to read:

218.0134 (1a) No affected grantor shall refuse or fail to give its approval of a dealer's proposal to change its ownership or executive management, transfer its dealership assets to another person, add another franchise at the same location of its existing franchise or relocate a franchise, unless the affected grantor's reasons for doing so are fair, reasonable and equitable.

Handwritten note: '(2)(am)?'

Amend 218.0134 (2)(b) to read:

218.0134 (2)(b) An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed action or within 30 days after receiving all the information specified in a written list served on the dealer under par. (a), whichever is later, file with the department of transportation and serve upon the dealer a written statement of the reasons for its disapproval. The publication of the reasons given for the disapproval or any explanation of those reasons by the manufacturer, distributor or importer shall not subject the manufacturer, distributor, or importer to any civil liability unless the reasons given or explanations made are malicious and published with the sole intent to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a statement within the applicable period

Handwritten note: 'and (3) (a) (2) whether grantors reasons are ...'

shall, notwithstanding the terms of any agreement, constitute approval of the proposed action by the grantor. If an affected grantor files a written statement within the applicable period, the dealer may not voluntarily undertake the proposed action unless it receives an order permitting it to do so from the division of hearings and appeals under sub. (3)(b).

If you have any questions or concerns, please do not hesitate to contact Rob in my office at 266-7502. For questions regarding appropriate language or legal inquiries, you have my permission to contact Paul Norman at 608-283-1766 or e-mail him at pnorman@boardmanlawfirm.com. Thank you!



Handwritten initials: JLd

2001 BILL

Handwritten notes in ovals: 4-9-01, soon

Gen

1 AN ACT ...; relating to: proposed actions regarding motor vehicle franchises.

Analysis by the Legislative Reference Bureau

Under current law, each manufacturer, distributor, or importer of motor vehicles (affected party) that wishes to sell its motor vehicles in the state is licensed by the department of transportation (DOT). An affected party may enter into an agreement with a motor vehicle dealer that sets forth the terms under which the motor vehicle dealer may sell the affected party's vehicles via a motor vehicle franchise. If a motor vehicle dealer wishes to transfer its assets to another person, to change ownership or executive management, or to relocate the franchise or open a second franchise at the same location, the motor vehicle dealer must give the affected party written notice of the proposed action and must secure the approval of the affected party before making the proposed action.

Under current law, the affected party must either approve of the proposed action or, within 30 days of receiving written notice of the proposed action, ~~must~~ serve the motor vehicle dealer with a written report setting forth its reasons for not approving the affected party must file a copy of this report with DOT. An affected party that does not comply with these requirements may have its license revoked and may be liable to the motor vehicle dealer for pecuniary losses and attorneys fees incurred by the motor vehicle dealer because of the affected party's failure to comply. *plain*

This bill requires an affected party to approve a proposed action unless it has fair, reasonable, and equitable reasons for not approving the proposed action. An affected party that does not comply with this requirement may have its license revoked and may be liable to the motor vehicle dealer for pecuniary losses and attorneys fees incurred by the motor vehicle dealer because of the affected party's failure to comply.

BILL

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:

1 **SECTION 1.** 218.0116 (1) (Lm) of the statutes is amended to read:

2 218.0116 (1) (Lm) Being a manufacturer, importer or distributor who fails to
3 comply with s. 218.0134 (2) (am),[✓] or who otherwise fails to comply with the
4 procedures in s. 218.0134 regarding a dealer’s request for approval of a change of
5 ownership or executive management, transfer of its dealership assets to another
6 person, adding another franchise at the same location as its existing franchise, or
7 relocation of a franchise,[✓] or who fails to comply with an order of the division of
8 hearings and appeals issued under s. 218.0134.

History: 1999 a. 31 ss. 123 to 187, 284 to 286; 1999 a. 186.

9 **SECTION 2.** 218.0134 (2) (am) of the statutes is created to read:

10 218.0134 (2) (am) An affected grantor[✓] shall approve of the proposed action
11 unless there are fair, reasonable, and equitable reasons for not approving of the
12 proposed action.

13 **SECTION 3.** 218.0134 (2) (b) of the statutes is amended to read:

14 218.0134 (2) (b) An affected grantor who does not approve of the proposed
15 action shall, within 30 days after receiving the dealer’s written notice of the proposed
16 action or within 30 days after receiving all the information specified in a written list
17 served on the dealer under par. (a), whichever is later, file with the department of
18 transportation and serve upon the dealer a written statement of the reasons for its
19 disapproval. The publication of the[✓] reasons given for the disapproval or any
20 explanation of those reasons by the manufacturer, distributor or importer shall not
21 subject the manufacturer, distributor or importer to any civil liability unless the

BILL

1 reasons given or explanations made are malicious and published with the sole intent
2 to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a
3 statement within the applicable period shall, notwithstanding the terms of any
4 agreement, constitute approval of the proposed action by the grantor. If an affected
5 grantor files a written statement within the applicable period, the dealer may not
6 voluntarily undertake the proposed action unless it receives an order permitting it
7 to do so from the division of hearings and appeals under sub. (3) (b).

History: 1999 a. 31 ss. 235 to 246.

SECTION 4. Initial applicability.

8
9 (1) This act first applies to notices of proposed actions that are given under
10 section 218.0134 (2) (a) of the statutes on the effective date of this subsection.

11 (END)



WISCONSIN STATE REPRESENTATIVE
STEPHEN J. FREESE

PEGGY:

CAN YOU PLEASE MAKE CHANGES
TO LRB-2014 AND LRB-3320 BASED ON
THE HIGHLIGHTED SECTIONS? IF YOU HAVE
ANY MAJOR QUESTIONS, PLEASE CALL
PAUL NORMAN, WI. AUTO & TRUCK DEALERS
LEGAL COUNSEL, @ 283-1776

THANK YOU!

ROB RICHARD
FREESE OFFICE

DEALER CHANGE LEGISLATION

LRB-2014/1

AN ACT to amend 218.0116(1)(Lm) and 218.0134(2)(b); and to create 218.0134(2)(am) and 218.0134(3)(c) of the statutes; relating to: proposed actions regarding motor vehicle franchises.

Analysis

Under current law, each manufacturer, distributor, or importer of motor vehicles (affected grantor) that wishes to sell its motor vehicles in the state is licensed by the department of transportation (DOT). An affected grantor may enter into an agreement with a motor vehicle dealer that sets forth the terms under which the motor vehicle dealer may sell the affected grantor's vehicles via a motor vehicle franchise. If a motor vehicle dealer wishes to transfer its assets to another person, to change ownership or executive management, or to relocate the franchise or open a second franchise at the same location, and the franchise agreement requires that the affected grantor approve the proposed action, the motor vehicle dealer must give the affected grantor written notice of the proposed action and must secure the approval of the affected grantor before making the proposed action.

Under current law, the affected grantor must either approve of the proposed action; or, within 30 days of receiving written notice of the proposed action or reasonably requested information, whichever is later, serve the motor vehicle dealer with a written report setting forth its reason for not approving and must file a copy of this report with DOT. A dealer may then seek a decision from the division of hearings and appeals permitting the proposed action to be undertaken. An affected grantor that does not comply with these requirements may have its license revoked and may be liable to the motor vehicle dealer for pecuniary losses and attorney fees incurred by the motor vehicle dealer because of the affected grantor's failure to comply. However, the dealer cannot recover for pecuniary losses and attorney fees incurred by the motor vehicle dealer because the affected grantor withholds its approval without having a good reason for doing so.

This bill requires an affected grantor to approve the proposed action unless it would substantially harm the affected grantor's interests in the relevant market where the dealer is located. An affected grantor that does not approve a proposed action will have the burden of proving that such harm would occur in any action or proceeding where a violation of this requirement is alleged. An affected grantor that does not comply with this requirement may have its license revoked and may be liable to the motor vehicle dealer for pecuniary losses and attorney fees incurred by the motor vehicle dealer because of the affected grantor's failure to comply.

This bill also provides that if a dealer secures a decision from the division of hearings and appeals permitting the proposed action to be undertaken following an affected grantor's disapproval, the dealer will have a cause of action against the affected grantor for its reasonable expenses and attorney fees incurred in the matter.

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

Section 1. 218.0116(1)(Lm) of the statutes is amended to read:

218.0116(1)(Lm) Being a manufacturer, importer or distributor who fails to comply with s. 218.0134(2)(am), or who otherwise fails to comply with the procedures in s. 218.0134 regarding a dealer's request for approval of a change of ownership or executive management, transfer of its dealership assets to another person, adding another franchise at the same location as its existing franchise, or relocations of a franchise, or who fails to comply with an order of the division of hearings and appeals issued under s. 218.0134.

Section 2. 218.01(2)(am) of the statutes is created to read:

218.0134(2)(am) An affected grantor shall approve of the proposed action unless the proposed action would substantially harm the affected grantor's interests in the relevant market where the dealer is located. ~~In any action or proceeding where a violation of this par. (am) is alleged, the affected grantor shall have the burden of proof that the proposed action would cause such harm.~~

JRC (3)

Section 3. 218.0134(2)(b) of the statutes is amended to read:

218.0134(2)(b) An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed action or within 30 days after receiving all the information specified in a written list served on the dealer under par. (a), whichever is later, file with the department of transportation and serve upon the dealer a written statement of the reasons for its disapproval. The publication of the reasons given for the disapproval or any explanation of those reasons by the manufacturer, distributor or importer shall not subject the manufacturer, distributor or importer to any civil liability unless the reasons given or explanations made are malicious and published with the sole intent to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a statement within the applicable period shall, notwithstanding the terms of any agreement, constitute approval of the proposed action by the grantor. If an affected grantor files a written statement within the applicable period, the dealer may not voluntarily undertake the proposed action unless it receives an order permitting it to do so from the division of hearings and appeals under sub. (3)(b).

Section 4. 218.0134(3)(c) of the statutes is created to read:

218.0134(3)(c) If the decision allows the dealer to undertake the proposed action, the dealer shall have a cause of action against the affected grantor for reasonable expenses and attorney fees incurred by the dealer in the matter.

Section 4 5. Initial applicability.

(1) This act first applies to notices of proposed actions that are given under section 218.0134(2)(a) of the statutes on the effective date of this subsection.

2001 BILL

D-note
in 7.26.01

Regen

1 AN ACT to amend 218.0116 (1) (Lm) and 218.0134 (2) (b); and to create 218.0134
2 (2) (am) of the statutes; relating to: proposed actions regarding motor vehicle
3 franchises.

Analysis by the Legislative Reference Bureau

Under current law, each manufacturer, distributor, or importer of motor vehicles (affected party) that wishes to sell its motor vehicles in the state is licensed by the department of transportation (DOT). An affected party may enter into an agreement with a motor vehicle dealer that sets forth the terms under which the motor vehicle dealer may sell the affected party's vehicles via a motor vehicle franchise. If a motor vehicle dealer wishes to transfer its assets to another person, to change ownership or executive management, or to relocate the franchise or open a second franchise at the same location, the motor vehicle dealer must give the affected party written notice of the proposed action and must secure the approval of the affected party before making the proposed action.

Under current law, the affected party must either approve of the proposed action; or, within 30 days of receiving written notice of the proposed action, must serve the motor vehicle dealer with a written report setting forth its reasons for not approving and must file a copy of this report with DOT. An affected party that does not comply with these requirements may have its license revoked and may be liable to the motor vehicle dealer for pecuniary losses and attorney fees incurred by the motor vehicle dealer because of the affected party's failure to comply.

This bill requires an affected party to approve a proposed action unless it has fair, reasonable, and equitable reasons for not approving the proposed action. An

grantor

grantor
grantors

Insert A

Insert B
grantor

grantors

grantor

Insert C

BILL

affected party that does not comply with this requirement may have its license revoked and ~~may be liable to the motor vehicle dealer for pecuniary losses and attorney fees incurred by the motor vehicle dealer because of the affected party's failure to comply~~

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. 218.0116 (1) (Lm) of the statutes is amended to read:

218.0116 (1) (Lm) Being a manufacturer, importer or distributor who fails to comply with s. 218.0134 (2) (am), or who otherwise fails to comply with the procedures in s. 218.0134 regarding a dealer's request for approval of a change of ownership or executive management, transfer of its dealership assets to another person, adding another franchise at the same location as its existing franchise, or relocation of a franchise, or who fails to comply with an order of the division of hearings and appeals issued under s. 218.0134.

SECTION 2. 218.0134 (2) (am) of the statutes is created to read:

218.0134 (2) (am) An affected grantor shall approve of the proposed action unless ~~there are fair, reasonable, and equitable reasons for not approving of the proposed action~~

SECTION 3. 218.0134 (2) (b) of the statutes is amended to read:

218.0134 (2) (b) An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed action or within 30 days after receiving all the information specified in a written list served on the dealer under par. (a), whichever is later, file with the department of transportation and serve upon the dealer a written statement of the reasons for its disapproval. The publication of the reasons given for the disapproval or any

Insert D

Insert E

BILL

1 explanation of those reasons by the manufacturer, distributor or importer shall not
2 subject the manufacturer, distributor or importer to any civil liability unless the
3 reasons given or explanations made are malicious and published with the sole intent
4 to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a
5 statement within the applicable period shall, notwithstanding the terms of any
6 agreement, constitute approval of the proposed action by the grantor. If an affected
7 grantor files a written statement within the applicable period, the dealer may not
8 voluntarily undertake the proposed action unless it receives an order permitting it
9 to do so from the division of hearings and appeals under sub. (3) (b).

10 **SECTION 4. Initial applicability.**

11 (1) This act first applies to notices of proposed actions that are given under
12 section 218.0134 (2) (a) of the statutes on the effective date of this subsection.

13 (END)

Insert F

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2014/2ins
PJH.....

1 INSERT A:

2 ²² and the franchise agreement requires that the affected grantor approve the
3 proposed action,

4 INSERT B:

5 ²³ The dealer may then seek a decision from the division of hearing and appeals
6 within DOT permitting the proposed action. (division)

7 INSERT C:

8 ²⁴ doing so would substantially harm the affected grantor's interests in the
9 market where the dealer is located. If an affected grantor does not approve a
10 proposed action and a dealer seeks a decision from the division of hearing and
11 appeals that the affected grantor violated this requirement, the affected grantor has
12 the burden of proving that substantial harm to its interests would occur.

13 INSERT D:

14 ²⁵ , if the division of hearing and appeals permits a proposed action after an
15 affected grantor has refused permission, the affected grantor may be liable for the
16 dealer's reasonable expenses and attorneys' fees.

17 INSERT E:

18 ²⁶ doing so would substantially harm the affected grantor's interests in the
19 market where the dealer is located.

20 INSERT F:

21 SECTION 1. 218.0134 (3) (a) 8. of the statutes is created to read:

1 218.0134 (3) (a) 8. If the dealer alleges a violation of sub. (2) (am), whether the
2 affected grantor has proven that the proposed action would cause substantial harm
3 to the affected grantor's interests in the market where the dealer is located.

4 **SECTION 2.** 218.0134 (3) (b) of the statutes is amended to read:

5 218.0134 (3) (b) The decision of the division of hearings and appeals shall be
6 in writing and shall contain findings of fact and a determination of whether there is
7 good cause for permitting the proposed action to be undertaken. The decision shall
8 include an order that the dealer be allowed or is not allowed to undertake the
9 proposed action, as the case may be. If the decision includes an order that the dealer
10 is allowed to undertake the proposed action, the dealer shall have a cause of action
11 against the affected grantor for the dealer's reasonable costs and attorneys' fees
12 incurred in the matter. The order may require fulfillment of appropriate conditions
13 before and after the proposed action is undertaken.

History: 1999 a. 31 ss. 235 to 246.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB 01-2014/2dn

PJH:.....

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Representative Freese:

Under this draft, an affected grantor must approve a proposed action by a dealer unless the proposed action would substantially harm the affected grantor's interests in the market where the dealer is located. If a proposed action is refused, a dealer may ask the division of hearings and appeals within the department of transportation to approve the action despite the affected grantor's refusal. In a proceeding before the division of hearings and appeals, the affected grantor has the burden of proving that the proposed action would cause substantial harm if the dealer alleges that no substantial harm would occur.

Please note that, as drafted, amended s. 218.0134 (3) (b) gives a cause of action for costs and attorneys' fees to any dealer that is allowed to proceed with a proposed action against the objections of an affected grantor, regardless of whether the division of hearings and appeals finds that the affected grantor failed to prove that the proposed action would cause substantial harm to the affected grantor's interests. In other words, even if the division of hearings and appeals finds that the other reasons listed in s. 218.0134 (3) (a) are sufficient to grant the proposed action without determining whether substantial harm would occur, the dealer would still have a cause of action for attorneys' fees and costs. Please let me know if this is not your intent.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB 01-2014/2dn
PJH:jld:rs

July 31, 2001

Representative Freese:

Under this draft, an affected grantor must approve a proposed action by a dealer unless the proposed action would substantially harm the affected grantor's interests in the market where the dealer is located. If a proposed action is refused, a dealer may ask the division of hearings and appeals within the department of transportation to approve the action despite the affected grantor's refusal. In a proceeding before the division of hearings and appeals, the affected grantor has the burden of proving that the proposed action would cause substantial harm if the dealer alleges that no substantial harm would occur.

Please note that, as drafted, amended s. 218.0134 (3) (b) gives a cause of action for costs and attorney fees to any dealer that is allowed to proceed with a proposed action against the objections of an affected grantor, regardless of whether the division of hearings and appeals finds that the affected grantor failed to prove that the proposed action would cause substantial harm to the affected grantor's interests. In other words, even if the division of hearings and appeals finds that the other reasons listed in s. 218.0134 (3) (a) are sufficient to grant the proposed action without determining whether substantial harm would occur, the dealer would still have a cause of action for attorney fees and costs. Please let me know if this is not your intent.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us



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 31, 2001

MEMORANDUM

To: Representative Freese

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-2014/2 Motor Vehicle Dealer law; standards for refusals

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.

DEALER CHANGE LEGISLATION

AN ACT to amend 218.0134(2)(b), 218.0163(intro) and 218.0163(1m) and to create 218.0163(1)(c) of the statutes; relating to: proposed actions regarding motor vehicle franchises.

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

Section 1. 218.0134(2)(b) of the statutes is amended to read:

218.0134(2)(b) An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed action or within 30 days after receiving all the information specified in a written list served on the dealer under par. (a), whichever is later, file with the department of transportation and serve upon the dealer a written statement of the reasons for its disapproval. The publication of the reasons given for the disapproval or any explanation of those reasons by the manufacturer, distributor or importer shall not subject the manufacturer, distributor or importer to any civil liability unless the reasons given or explanations made are malicious and published with the sole intent to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a statement within the applicable period shall, notwithstanding the terms of any agreement, constitute approval of the proposed action by the grantor. If an affected grantor files a written statement within the applicable period, the dealer may not voluntarily undertake the proposed action unless it receives an order permitting it to do so from the division of hearings and appeals under sub. (3)(b).

Section 2. 218.0163(1)(intro) is amended to read:

218.0163(1)(intro) Without exhausting any administrative remedy available under an agreement or ss. 218.0101 to 218.0163, except as provided in s. 218.0116(7) and (8) and sub. (1)(c), a licensee may recover damages in a court of competent jurisdiction for pecuniary loss, together with actual costs including reasonable attorney fees, if the pecuniary loss is caused by any of the following:

Section 3. 218.0163(1)(c) is created to read:

218.0163(1)(c) An affected grantor's disapproval of a proposed action under s. 218.0134(2)(b), if the division of hearings and appeals has determined that there is good cause for permitting the proposed action to be undertaken following a hearing under s. 218.0134(2)(c). A dealer may recover under this sub. (1)(c) even if the affected grantor complies with the order of the division of hearings and appeals under s. 218.0134(b). The damages that a dealer may recover under this sub. (1)(c) include any of the following:

1. Any pecuniary loss due to the delay in undertaking the proposed action or the inability of the dealer to undertake the proposed action, if the delay or inability is caused by the affected grantor's disapproval.

Q - good cause for permitting this action? standard

2. The dealer's actual costs including reasonable attorney fees in obtaining the division of hearings and appeals' determination of good cause.

Section 4. 218.0163(1m) is amended to read:

218.0163(1m) If a court finds that a violation ~~or~~ practice or disapproval described in sub. (1)(a) ~~or~~ (b) or (c) is wilful, a licensee shall recover damages in an amount equal to 3 times the pecuniary loss, together with actual costs including reasonable attorney fees.

Section 5. Initial applicability.

(1) This act first applies to disapprovals of proposed actions that are made under section 218.0134(2)(b) of the statutes on the effective date of this subsection.

(END)



Wisconsin Speaker Pro Tempore
Representative Stephen J. Freeze

FACSIMILE COVER SHEET

TO: PEGGY HURLEY

FAX NUMBER: 264-6948

FROM: ROB RICHARD, ADMINISTRATIVE ASSISTANT

PHONE NUMBER: LOCAL LINE 608-266-7502
TOLL FREE 1-888-534-0051

FAX NUMBER: 608-261-9474

TOTAL PAGES INCLUDING COVER SHEET: 2

PEGGY:

E-MAIL IS DOWN. HERE IS WHAT
I WANTED TO SEND YOU

— Thanks!

Rob

Fifty-First Assembly District

Office: Post Office Box 8952 • Madison, Wisconsin 53708-8952 • (608) 266 7502 • Fax: (608) 261-9474 • Rep.Freeze@legis.state.wi.us
District: 1121 Professional Drive • Dodgeville, Wisconsin 53533 • (608) 935-3789

Printed on recycled paper with soy-based ink.

Richard, Rob

To: Hurley, Peggy
Subject: LRB-2014

Peggy:

I've been informed that the faxed revision that I gave you on LRB-2014 is exactly what we want. Please draft it exactly how the language appears on the fax. If you can't do this for some reason, Paul Norman will be returning from vacation on Monday. We'll continue to work on it then.

Thank you!

Rob Richard
Freese Office

9-20-01

h/c to Rob Richard-

Are the changes to replace 2014/2 or
to be added to 2014/2?

He'll have Paul Norman call me.

9-21-01

Paul Norman called. The new stuff should
replace 2014/2. Actually, he has an even
newer version; he'll drop off tomorrow.

9-25-01 Paul Norman sent over what he
wants as a final version.

Discussed "good cause" for permitting - he
wants that language intact. Wants "soon"
to Rep. freeze.

9-25-01 Note h/c to Paul Norman: the proposed
language excepts sets par (c) from (1) (intra) damage,
then lists only atty fees. Intent is to include
pecuniary losses + actual costs + atty fees, including
those incurred in getting decision, right? Right, says
Paul Norman.

Hurley, Peggy

From: Paul Norman [pnorman@boardmanlawfirm.com]
Sent: Tuesday, September 25, 2001 10:24 AM
To: Hurley, Peggy
Cc: mgerrard@watda.org
Subject: Dealer Change Legislation



Word for Windows
97

Peggy, I am having trouble getting away from the office this morning, so I have decided to e-mail you the latest draft of this legislation instead of bringing it over. This should be our final revision on this drafting request, and the dealers would like to get this drafted as soon as possible for introduction. Please call me after you have looked this over.

DEALER CHANGE LEGISLATION

AN ACT to amend 218.0134(2)(b) and 218.0163(intro) and to create 218.0163(1)(c) of the statutes; relating to: proposed actions regarding motor vehicle franchiscs.

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

Section 1. 218.0134(2)(b) of the statutes is amended to read:

218.0134(2)(b) An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed action or within 30 days after receiving all the information specified in a written list served on the dealer under par. (a), whichever is later, file with the department of transportation and serve upon the dealer a written statement of the reasons for its disapproval. The publication of the reasons given for the disapproval or any explanation of those reasons by the manufacturer, distributor or importer shall not subject the manufacturer, distributor or importer to any civil liability unless the reasons given or explanations made are malicious and published with the sole intent to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a statement within the applicable period shall, notwithstanding the terms of any agreement, constitute approval of the proposed action by the grantor. If an affected grantor files a written statement within the applicable period, the dealer may not voluntarily undertake the proposed action unless it receives an order permitting it to do so from the division of hearings and appeals under sub. (3)(b).

Section 2. 218.0163(1)(intro) is amended to read:

218.0163(1)(intro) Without exhausting any administrative remedy available under an agreement or ss. 218.0101 to 218.0163, except as provided in s. 218.0116(7) and (8) and sub. (1)(c), a licensee may recover damages in a court of competent jurisdiction for pecuniary loss, together with actual costs including reasonable attorney fees, if the pecuniary loss is caused by any of the following:

Section 3. 218.0163(1)(c) is created to read:

218.0163(1)(c) An affected grantor's disapproval of a proposed action under s. 218.0134(2)(b), if the division of hearings and appeals has determined that there is good cause for permitting the proposed action to be undertaken following a hearing under s. 218.0134(2)(c). A dealer may recover under this sub. (1)(c) even if the affected grantor complies with the order of the division of hearings and appeals under s. 218.0134(3)(b). The damages that a dealer may recover under this sub. (1)(c) include the dealer's actual costs including reasonable attorney fees in obtaining the division of hearings and appeals' determination of good cause.

Section 4. Initial applicability.

(1) This act first applies to disapprovals of proposed actions that are made under section

218.0134(2)(b) of the statutes on the effective date of this subsection.

(END)

2001 BILL

in 9-27-01
needed by 10-01-01

legen

1 AN ACT to amend 218.0116 (1) (Lm), 218.0134 (2) (b) and 218.0134 (3) (b); and
2 to create 218.0134 (2) (am) and 218.0134 (3) (a)-8. of the statutes; relating to:
3 proposed actions regarding motor vehicle franchises.

Analysis by the Legislative Reference Bureau

Under current law, each manufacturer, distributor, or importer of motor vehicles (affected grantor) that wishes to sell its motor vehicles in the state is licensed by the department of transportation (DOT). An affected grantor may enter into an agreement with a motor vehicle dealer that sets forth the terms under which the dealer may sell the affected grantor's vehicles via a motor vehicle franchise. If a dealer wishes to transfer its assets to another person, to change ownership or executive management, or to relocate the franchise or open a second franchise at the same location, and the franchise agreement requires that the affected grantor approve the proposed action, the dealer must give the affected grantor written notice of the proposed action and must secure the approval of the affected grantor before making the proposed action.

Under current law, the affected grantor must either approve of the proposed action; or, within 30 days of receiving written notice of the proposed action, must serve the motor vehicle dealer with a written report setting forth its reasons for not approving and must file a copy of this report with DOT. The dealer may then seek a decision from the division of hearing and appeals (division) within DOT permitting the proposed action. An affected grantor that does not comply with these requirements may have its license revoked and may be liable to the dealer for

BILL

as well as actual costs ana

pecuniary losses and attorney fees incurred by the dealer because of the affected grantor's failure to comply.

This bill requires an affected grantor to approve a proposed action unless doing so would substantially harm the affected grantor's interests in the market where the dealer is located. If an affected grantor does not approve a proposed action and a dealer seeks a decision from the division that the affected grantor violated this requirement, the affected grantor has the burden of proving that substantial harm to its interests would occur. An affected grantor that does not comply with this requirement may have its license revoked and, if the division permits a proposed action after an affected grantor has refused permission, the affected grantor may be liable for the dealer's reasonable expenses and attorney fees.

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. 218.0116 (1) (Lm) of the statutes is amended to read:

218.0116 (1) (Lm) Being a manufacturer, importer or distributor who fails to comply with s. 218.0134 (2) (am), or who otherwise fails to comply with the procedures in s. 218.0134 regarding a dealer's request for approval of a change of ownership or executive management, transfer of its dealership assets to another person, adding another franchise at the same location as its existing franchise, or relocation of a franchise, or who fails to comply with an order of the division of hearings and appeals issued under s. 218.0134.

SECTION 2. 218.0134 (2) (am) of the statutes is created to read:

218.0134 (2) (am) An affected grantor shall approve of the proposed action unless doing so would substantially harm the affected grantor's interests in the market where the dealer is located.

SECTION 3. 218.0134 (2) (b) of the statutes is amended to read:

218.0134 (2) (b) An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed

Insert A

BILL

1 action or within 30 days after receiving all the information specified in a written list
2 served on the dealer under par. (a), whichever is later, file with the department of
3 transportation and serve upon the dealer a written statement of the reasons for its
4 disapproval. The publication of the reasons given for the disapproval or any
5 explanation of those reasons by the manufacturer, distributor or importer shall not
6 subject the manufacturer, distributor or importer to any civil liability unless the
7 reasons given or explanations made are malicious and published with the sole intent
8 to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a
9 statement within the applicable period shall, notwithstanding the terms of any
10 agreement, constitute approval of the proposed action by the grantor. If an affected
11 grantor files a written statement within the applicable period, the dealer may not
12 voluntarily undertake the proposed action unless it receives an order permitting it
13 to do so from the division of hearings and appeals under sub. (3) (b).

14 **SECTION 4.** 218.0134 (3) (a) 8. of the statutes is created to read:

15 ~~218.0134 (3) (a) 8. If the dealer alleges a violation of sub. (2) (am), whether the~~
16 ~~affected grantor has proven that the proposed action would cause substantial harm~~
17 ~~to the affected grantor's interests in the market where the dealer is located.~~

18 **SECTION 5.** 218.0134 (3) (b) of the statutes is amended to read:

19 ~~218.0134 (3) (b) The decision of the division of hearings and appeals shall be~~
20 ~~in writing and shall contain findings of fact and a determination of whether there is~~
21 ~~good cause for permitting the proposed action to be undertaken. The decision shall~~
22 ~~include an order that the dealer be allowed or is not allowed to undertake the~~
23 ~~proposed action, as the case may be. If the decision includes an order that the dealer~~
24 ~~is allowed to undertake the proposed action, the dealer shall have a cause of action~~
25 ~~against the affected grantor for the dealer's reasonable costs and attorney fees~~

BILL

1 ~~incurred in the matter. The order may require fulfillment of appropriate conditions~~
 2 ~~before and after the proposed action is undertaken.~~

SECTION 6. Initial applicability.

3
 4 (1) This act first applies to ~~notices~~ ^{disapprovals} of proposed actions that are ~~given~~
 5 section 218.0134 (2) ~~(a)~~ ^{of the statutes} on the effective date of this subsection.

(END)

Insert B ✓

(b) as affected by this act

✓ Filed with the department of transportation

Insert A.

¶ Under this bill, if the division[✓] determines that there is good cause to permit the proposed action, the affected grantor may be liable for the dealer's pecuniary loss, as well as for actual costs, including costs and attorney's^g fees incurred by the dealer in obtaining a determination of good cause from the division.

(end ins A)

DEALER CHANGE LEGISLATION

AN ACT to amend 218.0134(2)(b) and 218.0163(intro) and to create 218.0163(1)(c) of the statutes; relating to: proposed actions regarding motor vehicle franchises.

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

Section 1. 218.0134(2)(b) of the statutes is amended to read:

218.0134(2)(b) An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed action or within 30 days after receiving all the information specified in a written list served on the dealer under par. (a), whichever is later, file with the department of transportation and serve upon the dealer a written statement of the reasons for its disapproval. The publication of the reasons given for the disapproval or any explanation of those reasons by the manufacturer, distributor or importer shall not subject the manufacturer, distributor or importer to any civil liability unless the reasons given or explanations made are malicious and published with the sole intent to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a statement within the applicable period shall, notwithstanding the terms of any agreement, constitute approval of the proposed action by the grantor. If an affected grantor files a written statement within the applicable period, the dealer may not voluntarily undertake the proposed action unless it receives an order permitting it to do so from the division of hearings and appeals under sub. (3)(b).

Section 2. 218.0163(1)(intro) is amended to read:

218.0163(1)(intro) Without exhausting any administrative remedy available under an agreement or ss. 218.0101 to 218.0163, except as provided in s. 218.0116(7) and (8) and sub. (1)(c), a licensee may recover damages in a court of competent jurisdiction for pecuniary loss, together with actual costs including reasonable attorney fees, if the pecuniary loss is caused by any of the following:

Section 3. 218.0163(1)(c) is created to read:

218.0163(1)(c) An affected grantor's disapproval of a proposed action under s. 218.0134(2)(b), if the division of hearings and appeals has determined that there is good cause for permitting the proposed action to be undertaken following a hearing under s. 218.0134(2)(c). A dealer may recover under this sub. (1)(c) even if the affected grantor complies with the order of the division of hearings and appeals under s. 218.0134(3)(b). The damages that a dealer may recover under this sub. (1)(c) include the dealer's actual costs, including reasonable attorney fees, in obtaining the division of hearings and appeals' determination of good cause.

Section 4. Initial applicability.

(1) This act first applies to disapprovals of proposed actions that are made under section



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

October 1, 2001

MEMORANDUM

To: Representative Freese

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-2014/3 Motor Vehicle Dealer law; standards for refusals

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.

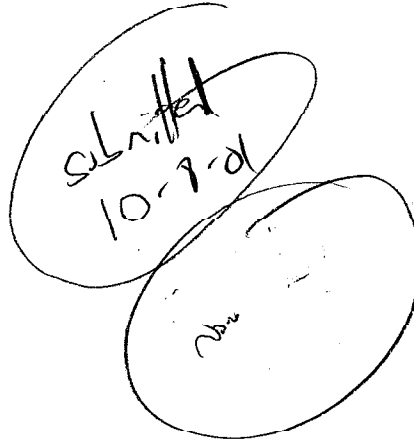
JACKET FOR ASSEMBLY JACKET FOR SENATE

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.

2001 BILL



Regen

- 1 AN ACT *to amend* 218.0134 (2) (b) and 218.0163 (1) (intro.); and *to create*
2 218.0163 (1) (c) of the statutes; **relating to:** proposed actions regarding motor
3 vehicle franchises.

Analysis by the Legislative Reference Bureau

Under current law, each manufacturer, distributor, or importer of motor vehicles (affected grantor) that wishes to sell its motor vehicles in the state is licensed by the department of transportation (DOT). An affected grantor may enter into an agreement with a motor vehicle dealer that sets forth the terms under which the dealer may sell the affected grantor's vehicles via a motor vehicle franchise. If a dealer wishes to transfer its assets to another person, to change ownership or executive management, or to relocate the franchise or open a second franchise at the same location, and the franchise agreement requires that the affected grantor approve the proposed action, the dealer must give the affected grantor written notice of the proposed action and must secure the approval of the affected grantor before making the proposed action.

Under current law, the affected grantor must either approve of the proposed action; or, within 30 days of receiving written notice of the proposed action, must serve the motor vehicle dealer with a written report setting forth its reasons for not approving and must file a copy of this report with DOT. The dealer may then seek a decision from the division of hearing and appeals (division) within DOT permitting the proposed action. An affected grantor that does not comply with these requirements may have its license revoked and may be liable to the dealer for

BILL

pecuniary losses, as well as actual costs and and attorney fees incurred by the dealer because of the affected grantor's failure to comply.

Under this bill, if the division determines that there is good cause to permit the proposed action, the affected grantor may be liable for the dealer's pecuniary loss, as well as for actual costs, including costs and attorney fees incurred by the dealer in obtaining a determination of good cause from the division.

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:

1 **SECTION 1.** 218.0134 (2) (b) of the statutes is amended to read:

2 218.0134 (2) (b) An affected grantor who does not approve of the proposed

3 action shall, within 30 days after receiving the dealer's written notice of the proposed

4 action or within 30 days after receiving all the information specified in a written list

5 served on the dealer under par. (a), whichever is later, file with the department of

6 transportation and serve upon the dealer a written statement of the reasons for its

7 disapproval. The publication of the reasons given for the disapproval or any

8 explanation of those reasons by the manufacturer, distributor or importer shall not

9 subject the manufacturer, distributor or importer to any civil liability unless the

10 reasons given or explanations made are malicious and published with the sole intent

11 to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a

12 statement within the applicable period shall, notwithstanding the terms of any

13 agreement, constitute approval of the proposed action by the grantor. If an affected

14 grantor files a written statement within the applicable period, the dealer may not

15 voluntarily undertake the proposed action unless it receives an order permitting it

16 to do so from the division of hearings and appeals under sub. (3) (b).

17 **SECTION 2.** 218.0163 (1) (intro.) of the statutes is amended to read:

10-9-01

H/c to Rob Richard -

he will send stripes and 15 language
to me today.

Subject: Dealer Change Legislation

Date: Tue, 09 Oct 2001 08:27:20 -0500

From: "Paul Norman" <pnorman@boardmanlawfirm.com>

To: <csnyder@watda.org>

Chris:

This is the language that the drafter and I agreed upon yesterday for the last sentence of 218,0163(1)(c). Dick Elmquist has stated that it is acceptable to GM.

"If a dealer recovers damages for pecuniary loss, actual costs under this paragraph also include actual costs, including reasonable attorney fees, incurred by the dealer in obtaining the division of hearings and appeals' determination of good cause."

PEGGY:

HERE IT IS. PLEASE DELETE THE
LAST SENTENCE IN SECTION 3 AND
REPLACE IT WITH THE ABOVE LANGUAGE.

ROB



Rmk

2001 ASSEMBLY BILL

10-9-d
ADW

1 *Reger*
AN ACT *to amend* 218.0134 (2) (b) and 218.0163 (1) (intro.); and *to create*
2 218.0163 (1) (c) of the statutes; **relating to:** proposed actions regarding motor
3 vehicle franchises.

Analysis by the Legislative Reference Bureau

Under current law, each manufacturer, distributor, or importer of motor vehicles (affected grantor) that wishes to sell its motor vehicles in the state is licensed by the department of transportation (DOT). An affected grantor may enter into an agreement with a motor vehicle dealer that sets forth the terms under which the dealer may sell the affected grantor's vehicles via a motor vehicle franchise. If a dealer wishes to transfer its assets to another person, to change ownership or executive management, or to relocate the franchise or open a second franchise at the same location, and the franchise agreement requires that the affected grantor approve the proposed action, the dealer must give the affected grantor written notice of the proposed action and must secure the approval of the affected grantor before making the proposed action.

Under current law, the affected grantor must either approve of the proposed action; or, within 30 days of receiving written notice of the proposed action, must serve the motor vehicle dealer with a written report setting forth its reasons for not approving and must file a copy of this report with DOT. The dealer may then seek a decision from the division of hearing and appeals (division) within DOT permitting the proposed action. An affected grantor that does not comply with these requirements may have its license revoked and may be liable to the dealer for

ASSEMBLY BILL

pecuniary losses, as well as actual costs and attorney fees incurred by the dealer because of the affected grantor's failure to comply.

Under this bill, if the division determines that there is good cause to permit the proposed action, the affected grantor may be liable for the dealer's pecuniary loss, as well as for actual costs, including costs and attorney fees incurred by the dealer in obtaining a determination of good cause from the division.

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:

1 **SECTION 1.** 218.0134 (2) (b) of the statutes is amended to read:

2 218.0134 (2) (b) An affected grantor who does not approve of the proposed
3 action shall, within 30 days after receiving the dealer's written notice of the proposed
4 action or within 30 days after receiving all the information specified in a written list
5 served on the dealer under par. (a), whichever is later, file with the department of
6 transportation and serve upon the dealer a written statement of the reasons for its
7 disapproval. The publication of the reasons given for the disapproval or any
8 explanation of those reasons by the manufacturer, distributor or importer shall not
9 subject the manufacturer, distributor or importer to any civil liability unless the
10 reasons given or explanations made are malicious and published with the sole intent
11 to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a
12 statement within the applicable period shall, notwithstanding the terms of any
13 agreement, constitute approval of the proposed action by the grantor. If an affected
14 grantor files a written statement within the applicable period, the dealer may not
15 voluntarily undertake the proposed action unless it receives an order permitting it
16 to do so from the division of hearings and appeals under sub. (3) (b).

17 **SECTION 2.** 218.0163 (1) (intro.) of the statutes is amended to read:

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1 218.0163 (1) (intro.) Without exhausting any administrative remedy available
2 under an agreement or ss. 218.0101 to 218.0163, except as provided in ~~ss.~~ ss. 218.0116
3 (7) and (8) and 218.0134, a licensee may recover damages in a court of competent
4 jurisdiction for pecuniary loss, together with actual costs including reasonable
5 attorney fees, if the pecuniary loss is caused by any of the following:

6 **SECTION 3.** 218.0163 (1) (c) of the statutes is created to read:

7 218.0163 (1) (c) An affected grantor's disapproval of a proposed action under
8 s. 218.0134 (2) (b), if the division of hearings and appeals has determined that there
9 is good cause for permitting the proposed action to be undertaken following a hearing
10 under s. 218.0134 (2) (c). A dealer may recover under this paragraph even if the
11 affected grantor complies with the order of the division of hearing and appeals under
12 s. 218.0134 (3) (b). ~~Upon a showing of pecuniary loss, a dealer may recover actual~~
13 costs, including reasonable attorney fees⁽¹⁾ incurred by the dealer in obtaining the
14 division of hearings and appeals' determination of good cause.

15 **SECTION 4. Initial applicability.**

16 (1) This act first applies to disapprovals of proposed actions that are filed with
17 the department of transportation under section 218.0134 (2) (b) of the statutes, as
18 affected by this act, on the effective date of this subsection.

19 (END)

4/10
*If a dealer recovers
damages for pecuniary
loss, actual costs under
this paragraph also
include*