

2001 DRAFTING REQUEST

Bill

Received: **09/20/2001**

Received By: **phurley**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **rachel letszing**

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

Drafter: **phurley**

May Contact:

Addl. Drafters: **fasttn**

Subject: **Transportation - miscellaneous**

Extra Copies: **ARG - 1**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Omnibus transportation remedial legislation

Instructions:

Incorporate LRB 1671, 1672, 3705, 2767, and 3512 into one preliminary draft

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>
/P1	phurley 09/20/2001	gilfokm 10/22/2001	jfrantze 10/23/2001	_____	lrb_docadmin 10/23/2001		
/1	fasttn 10/26/2001	gilfokm 10/26/2001	pgreensl 10/26/2001	_____	lrb_docadmin 10/26/2001	lrb_docadminS&L 10/29/2001	

FE Sent For:

L At intro.

<END>

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/P1	phurley 09/20/2001	gilfokm 10/22/2001 11-10/26 KMP	jfrantze 10/23/2001 10/26 P8	10/26 P8/P8 <END>	lrb_docadmin 10/23/2001		
FE Sent For:							

2001 DRAFTING REQUEST**Bill**Received: **09/20/2001**Received By: **phurley**Wanted: **As time permits**

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May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

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/P1	phurley 09/20/2001	gilfokm 10/22/2001	jfrantze 10/23/2001	_____	lrb_docadmin 10/23/2001		

FE Sent For:

<END>

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By/Representing: rachel letszing

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May Contact:

Addl. Drafters:

Subject: Transportation - miscellaneous

Extra Copies: KMG

Submit via email: NO

Pre Topic:

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Instructions:

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/P1	phurley	<i>[Signature]</i> /P1-10/22 Kmg	<i>[Signature]</i> 10-9 Kmg				
FE Sent For:			10/23	<i>[Signature]</i> 10/23			

<END>



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3828/P1

PJH:.....

CS

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

h
9-20-01

1 AN ACT ...; relating to: INSERTS A - E

Analysis by the Legislative Reference Bureau

This bill makes the following changes to current law:

1. INSERT F
 2. INSERT G
 3. INSERT H
 4. INSERT I
 5. INSERT J
-

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

2 INSERTS K - ~~A~~R

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 342.12 (4) (c) 1. c. and 346.65 (6) (km) of the statutes; **relating**
 2 **to** the sale of a motor vehicle subject to a seizure for a crime related to driving
 3 while under the influence of an intoxicant or other drug (suggested as remedial
 4 legislation by the department of transportation).

Insert A

Analysis by the Legislative Reference Bureau

Currently, if a person is convicted of a drunken driving violation, including a refusal to submit to testing to determine the presence of alcohol in his or her system, and the person has two or more prior suspensions, revocations, or convictions related to drunken driving within a ten-year period, a vehicle owned by the person is required to (beginning January 1, 2002, may) be either seized, immobilized, or equipped with an ignition interlock device. In addition, the person, when notified by the district attorney, is required to submit the certificates of title to all of the motor vehicles he or she owns to the clerk of circuit court. The clerk stamps on the title a notification that the motor vehicle may not be transferred without court approval (a transfer stop). The department of transportation (DOT) may not issue a new title transferring ownership of any vehicle that is subject to a transfer stop without court approval, except that DOT may issue a new title to a "good faith purchaser" under certain conditions.

Under current law, a person may qualify as a "good faith purchaser" if he or she submits a notarized affidavit to DOT attesting that he or she obtained a vehicle that is subject to a transfer stop without knowledge that the district attorney had commenced an action that would subject the vehicle to seizure, immobilization, or an

Insert F

Insert
F, cont.

ignition lock, and that the vehicle's certificate of title was not stamped with a transfer stop when the person obtained the vehicle.

This bill provides that a "good faith purchaser" may submit a statement, rather than an affidavit, to DOT, with the person's application for a new title.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Insert N

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SECTION ~~2~~* 342.12 (4) (c) 1. c. of the statutes is amended to read:

342.12 (4) (c) 1. c. The person requesting the issuance of the certificate of title files an ~~affidavit~~ a statement with the department attesting that the conditions under subd. 1. a. and b. are met.

Insert
PT

SECTION ~~2~~* 346.65 (6) (km) of the statutes is amended to read:

346.65 (6) (km) If a person purchases a motor vehicle in good faith and without knowledge that the motor vehicle was subject to immobilization or seizure or to equipping with an ignition interlock device under this subsection and the department has no valid reason for not issuing a certificate of title other than the prohibition under par. (k), the department shall issue a new certificate of title in the name of the person requesting the new certificate of title if at the time of the purchase of the motor vehicle the certificate of title did not contain the notation stamped on the certificate of title by the clerk of circuit court under par. (a) 2m. and if the person submits the ~~affidavit~~ statement required under s. 342.12 (4) (c) 1. c.

SECTION ~~2~~* Initial applicability.

Insert
R

Insert R.
cont.

1. (1) This ~~act~~ first applies to certificates of title that are issued on the effective
2 date of this subsection.

3 (END)

treatment of sections 342.12(4)(c)1. and
346.65(6)(km) of the statutes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert B

)

1 AN ACT to create 342.10 (3) (h) of the statutes; relating to: the titling of motor
2 vehicles that have been damaged/ (suggested as remedial legislation by the
3 department of transportation).

Analysis by the Legislative Reference Bureau

Insert G

Under current law, the department of transportation (DOT) is required to record certain information about a motor vehicle on any new or duplicate certificate of title it issues for the vehicle, including whether ownership of the vehicle has been transferred to an insurer upon payment of an insurance claim. This type of transfer may occur when a vehicle that is less than seven years old is damaged to the extent that the estimated or actual cost of repairing the vehicle exceeds 30%, but is less than 70%, of its fair market value. No person may transfer a motor vehicle without disclosing in writing to the transferee whether the vehicle has been so transferred.

This bill requires DOT to record on any new or duplicate certificate of title that a vehicle was damaged by collision or other occurrence when it was less than seven years old to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeded 30%, but was less than 70%, of its fair market value and the vehicle was self-insured by its owner at the time of the collision or other occurrence.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION ~~18~~ 342.10 (3) (h) of the statutes is created to read:

342.10 (3) (h) That the vehicle was damaged by collision or other occurrence when it was less than 7 years old to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle was at least 30% but not more than 70% of its fair market value and at the time of the collision or other occurrence the vehicle was registered by a person qualifying as a self-insurer under s. 344.16. This paragraph does not apply to salvage vehicles.

(END)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert C

1 AN ACT to amend 341.04 (1) of the statutes; relating to: operating a motor
 2 vehicle that is not registered (suggested as remedial legislation by the
 3 department of transportation).

Insert H

Analysis by the Legislative Reference Bureau

Current law prohibits any person from operating on a highway any motor vehicle, recreational vehicle, trailer, or semitrailer or any other vehicle for which a registration fee is specifically prescribed unless that vehicle is registered with the department of transportation or unless the vehicle is exempt from registration.

This bill clarifies that, unless exempt from registration, no motor vehicle, recreational vehicle, trailer, or semitrailer may be operated on a highway unless it is registered regardless of whether a specific registration fee is prescribed by law for that vehicle and that any other type of vehicle for which a specific registration fee is prescribed by law must be registered before it can be operated on a highway.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the

various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Insert L

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SECTION ~~1~~ 341.04 (1) of the statutes is amended to read:

341.04 (1) It is unlawful for any person to operate or for an owner to consent to being operated on any highway of this state any motor vehicle, recreational vehicle, trailer, or semitrailer, or any other vehicle for which a registration fee is specifically prescribed, unless at the time of operation the vehicle in question either is registered in this state, or, except for registration under s. 341.30 or 341.305, a complete application for registration, including evidence of any inspection under s. 110.20 when required, accompanied by the required fee has been delivered to the department, submitted to a dealer under s. 341.09 (2m) for transmittal to the department or deposited in the mail properly addressed with postage prepaid and, if the vehicle is an automobile or motor truck having a registered weight of 8,000 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle unless the operator or owner of the vehicle produces proof that operation of the vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in question is exempt from registration.

(END)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert D
1 AN ACT to amend 342.30 (2) of the statutes; relating to: vehicle identification
2 numbers for motorcycles (suggested as remedial legislation by the department
3 of transportation).

Insert I
Analysis by the Legislative Reference Bureau

Current law directs the department of transportation (DOT) to specify, by rule, where a vehicle identification number should be placed on a vehicle. Current law also requires a vehicle identification number for a motorcycle to be stamped on the left side of the motorcycle, near the top of the engine casting just below the cylinder barrel. Under current law, the placement of a vehicle identification number must be supervised by a motor vehicle dealer, distributor, or manufacturer or by a peace officer. The motor vehicle dealer, distributor, or manufacturer or the peace officer must report his or her supervision of the placement to DOT.

This bill allows DOT to specify by rule, on a form provided to the owner of a vehicle, where a vehicle identification number should be placed on a vehicle. The bill also eliminates the specifications for the placement of a vehicle identification number for motorcycles, and eliminates the requirement that a vehicle identification number for a motorcycle be stamped onto the motorcycle. Under the bill, a motor vehicle dealer, distributor, or manufacturer or a peace officer or an employee of the division of motor vehicles need not supervise the placement of a vehicle identification number, but must confirm that the number has been properly placed and report his or her confirmation to DOT.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

Insert 0

1 SECTION 1. ~~342.30~~ (2) of the statutes is amended to read:

2 342.30 (2) Except as provided in this subsection, an identification number
3 assigned by the department to a vehicle shall be permanently affixed to a location
4 on the vehicle that is readily visible when observed from outside the vehicle, as
5 specified by the department by rule. ~~Identification numbers assigned for cycles shall~~
6 ~~be stamped on the left side, near the top of the engine casting just below the cylinder~~
7 ~~barrel on a form provided to the owner as to the proper placement of the identification~~
8 ~~number. Such stamping or affixing shall be done under the supervision of confirmed~~
9 ~~by a dealer, distributor, or manufacturer registered under s. 341.51 or under the~~
10 ~~supervision of by a peace officer or an employee of the division of motor vehicles. The~~
11 ~~person supervising the stamping or confirming the affixing shall make a report~~
12 thereof to the department.

(END)

13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert E

1 **AN ACT to repeal** 348.185 and 348.21 (1) of the statutes; **relating to** displaying ^{and}

2 the empty weight on the side of certain motor vehicles (suggested as remedial

3 legislation by the department of transportation).

Analysis by the Legislative Reference Bureau

Insert J

Current law prohibits any person from operating a motor truck, truck tractor, motor bus, trailer, or semitrailer unless the vehicle's empty weight is displayed on the side of the vehicle. This bill eliminates the requirement that a vehicle's empty weight be displayed.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

Insert K

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

4
Insert Q

SECTION ~~A~~ 348.185 of the statutes is repealed.

Insert Q
cont

1

SECTION 2. ~~348.21~~ 348.21 (1) of the statutes is repealed.

2

(END)

Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-3512.1	341.04 (1) of the statutes is amended to read:
-1671.1	342.10 (3) (h) of the statutes is created to read:
-1672.1	342.12 (4) (c) 1. c. of the statutes is amended to read:
-2767.1	342.30 (2) of the statutes is amended to read:
-1672.2	346.65 (6) (km) of the statutes is amended to read:
-3705.1	348.185 of the statutes is repealed.
-3705.2	348.21 (1) of the statutes is repealed.
-1672.3	Initial applicability.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3828/P1

PJH:::ch

Due 10/24

kmg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in
10-11-01
~~5000~~ old

LPS: Suppress Atty Numbers

Gen. Cat.

1 AN ACT ~~to repeal~~ 348.185 and 348.21 (1); to amend 341.04 (1), 342.12 (4) (c) 1.
 2 c., 342.30 (2) and 346.65 (6) (km); and to create 342.10 (3) (h) of the statutes;
 3 relating to: the titling of motor vehicles that have been damaged (suggested
 4 as remedial legislation by the department of transportation); the sale of a motor
 5 vehicle subject to a seizure for a crime related to driving while under the
 6 influence of an intoxicant or other drug (suggested as remedial legislation by
 7 the department of transportation); displaying the empty weight on the side of
 8 certain motor vehicles (suggested as remedial legislation by the department of
 9 transportation); vehicle identification numbers for motorcycles (suggested as
 10 remedial legislation by the department of transportation); and operating a motor
 11 vehicle that is not registered (suggested as remedial legislation by the
 12 department of transportation).

Analysis by the Legislative Reference Bureau

~~*** ANALYSIS FROM 1671/P2 ***~~

Under current law, the department of transportation (DOT) is required to record certain information about a motor vehicle on any new or duplicate certificate

I
1. Self-insured vehicles. AA

of title ^{that} issues for the vehicle, including whether ownership of the vehicle has been transferred to an insurer upon payment of an insurance claim. This type of transfer may occur when a vehicle that is less than seven years old is damaged to the extent that the estimated or actual cost of repairing the vehicle exceeds 30%, but is less than 70%, of its fair market value. No person may transfer a motor vehicle without disclosing in writing to the transferee whether the vehicle has been so transferred.

This bill requires DOT to record on any new or duplicate certificate of title that a vehicle was damaged by collision or other occurrence when it was less than seven years old to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeded 30%, but was less than 70%, of its fair market value and the vehicle was self-insured by its owner at the time of the collision or other occurrence.

Under current law

~~*** ANALYSIS FROM -1672/P1 ***~~

Currently, if a person is convicted of a drunken driving violation, including a refusal to submit to testing to determine the presence of alcohol in his or her system, and the person has two or more prior suspensions, revocations, or convictions related to drunken driving within a ten-year period, a vehicle owned by the person is required to (beginning ^{on} January 1, 2002, may) be either seized, immobilized, or equipped with an ignition interlock device. In addition, the person, when notified by the district attorney, is required to submit the certificates of title to all of the motor vehicles ^{that} he or she owns to the clerk of circuit court. The clerk stamps on the title a notification that the motor vehicle may not be transferred without court approval (a transfer stop). ~~The department of transportation (DOT)~~ may not issue a new title transferring ownership of any vehicle that is subject to a transfer stop without court approval, except that DOT may issue a new title to a "good faith purchaser" under certain conditions.

2. Good faith purchasers.

DOT

Under current law, a person may qualify as a "good faith purchaser" if he or she submits a notarized affidavit to DOT attesting that he or she obtained a vehicle that is subject to a transfer stop without knowledge that the district attorney had commenced an action that would subject the vehicle to seizure, immobilization, or an ignition lock, and that the vehicle's certificate of title was not stamped with a transfer stop when the person obtained the vehicle.

This bill provides that a "good faith purchaser" may submit a statement, rather than an affidavit, to DOT, with the person's application for a new title.

~~*** ANALYSIS FROM -3705/P1 ***~~

Current law prohibits any person from operating a motor truck, truck tractor, motor bus, trailer, or semitrailer unless the vehicle's empty weight is displayed on the side of the vehicle. This bill eliminates the requirement that a vehicle's empty weight be displayed.

3. Display of empty weight.

~~*** ANALYSIS FROM -2767/P1 ***~~

Current law directs ~~the department of transportation (DOT)~~ to specify, by rule, where a vehicle identification number should be placed on a vehicle. Current law also requires a vehicle identification number for a motorcycle to be stamped on the left side of the motorcycle, near the top of the engine casting just below the cylinder barrel. Under current law, the placement of a vehicle identification number must be

DOT

4. Vehicle identification numbers for motorcycles.

supervised by a motor vehicle dealer, distributor, or manufacturer or by a peace officer. The motor vehicle dealer, distributor, or manufacturer or the peace officer must report his or her supervision of the placement to DOT.

This bill allows DOT to specify by rule, on a form provided to the owner of a vehicle, where a vehicle identification number should be placed on a vehicle. The bill also eliminates the specifications for the placement of a vehicle identification number for motorcycles, and eliminates the requirement that a vehicle identification number for a motorcycle be stamped onto the motorcycle. Under the bill, a motor vehicle dealer, distributor, or manufacturer or a peace officer or an employee of the division of motor vehicles need not supervise the placement of a vehicle identification number, but must confirm that the number has been properly placed and report his or her confirmation to DOT.

~~*** ANALYSIS FROM -3512/P1 ***~~

Current law prohibits any person from operating on a highway any motor vehicle, recreational vehicle, trailer, or semitrailer or any other vehicle for which a registration fee is specifically prescribed unless that vehicle is registered with the department of transportation or unless the vehicle is exempt from registration.

This bill clarifies that, unless exempt from registration, no motor vehicle, recreational vehicle, trailer, or semitrailer may be operated on a highway unless it is registered regardless of whether a specific registration fee is prescribed by law for that vehicle and that any other type of vehicle for which a specific registration fee is prescribed by law must be registered before it can be operated on a highway.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

- 1 *-3512/P1.1* SECTION 1. 341.04 (1) of the statutes is amended to read:
- 2 341.04 (1) It is unlawful for any person to operate or for an owner to consent
- 3 to being operated on any highway of this state any motor vehicle, recreational
- 4 vehicle, trailer, or semitrailer, or any other vehicle for which a registration fee is
- 5 specifically prescribed, unless at the time of operation the vehicle in question either
- 6 is registered in this state, or, except for registration under s. 341.30 or 341.305, a

Unregistered Vehicles

add space here
change "above" to "0.06"

1 complete application for registration, including evidence of any inspection under s.
2 110.20 when required, accompanied by the required fee has been delivered to the
3 department, submitted to a dealer under s. 341.09 (2m) for transmittal to the
4 department, or deposited in the mail properly addressed with postage prepaid and,
5 if the vehicle is an automobile or motor truck having a registered weight of 8,000
6 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle
7 unless the operator or owner of the vehicle produces proof that operation of the
8 vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in
9 question is exempt from registration.

10 ***-1671/P2.1*** SECTION 2. 342.10 (3) (h) of the statutes is created to read:

11 342.10 (3) (h) That the vehicle was damaged by collision or other occurrence
12 when it was less than 7 years old to the extent that the estimated or actual cost,
13 whichever is greater, of repairing the vehicle was at least 30% but not more than 70%
14 of its fair market value and at the time of the collision or other occurrence the vehicle
15 was registered by a person qualifying as a self-insurer under s. 344.16. This
16 paragraph does not apply to salvage vehicles.

17 ***-1672/P1.1*** SECTION 3. 342.12 (4) (c) 1. c. of the statutes is amended to read:

18 342.12 (4) (c) 1. c. The person requesting the issuance of the certificate of title
19 files ~~an affidavit~~ a statement with the department attesting that the conditions
20 under subd. 1. a. and b. are met.

21 ***-2767/P1.1*** SECTION 4. 342.30 (2) of the statutes is amended to read:

22 342.30 (2) Except as provided in this subsection, an identification number
23 assigned by the department to a vehicle shall be permanently affixed to a location
24 on the vehicle that is readily visible when observed from outside the vehicle, as
25 specified by the department by rule. ~~Identification numbers assigned for cycles shall~~

1 ~~be stamped on the left side, near the top of the engine casting just below the cylinder~~
 2 ~~barrel on a form provided to the owner as to the proper placement of the identification~~
 3 ~~number. Such stamping or affixing shall be done under the supervision of confirmed~~
 4 ~~by a dealer, distributor, or manufacturer registered under s. 341.51 or under the~~
 5 ~~supervision of by a peace officer or an employee of the division of motor vehicles. The~~
 6 ~~person supervising the stamping or confirming the affixing shall make a report~~
 7 ~~thereof to the department.~~

8 ***-1672/P1.2*** SECTION 5. 346.65 (6) (km) of the statutes is amended to read:

9 346.65 (6) (km) If a person purchases a motor vehicle in good faith and without
 10 knowledge that the motor vehicle was subject to immobilization or seizure or to
 11 equipping with an ignition interlock device under this subsection and the
 12 department has no valid reason for not issuing a certificate of title other than the
 13 prohibition under par. (k), the department shall issue a new certificate of title in the
 14 name of the person requesting the new certificate of title if at the time of the purchase
 15 of the motor vehicle the certificate of title did not contain the notation stamped on
 16 the certificate of title by the clerk of circuit court under par. (a) 2m. and if the person
 17 submits the affidavit statement required under s. 342.12 (4) (c) 1. c.

18 ***-3705/P1.1*** SECTION 6. 348.185 of the statutes is repealed.

19 ***-3705/P1.2*** SECTION 7. 348.21 (1) of the statutes is repealed.

20 ***-1672/P1.3*** SECTION 8. **Initial applicability.**

21 (1) ~~This act~~ first applies to certificates of title that are issued on the effective
 22 date of this subsection.

23 (END)

The treatment of sections 342.12⁴(c)1.c. and 346.65(6)(km)⁴ of the statutes

Fast, Timothy

From: Letzing, Rachel
Sent: Thursday, October 25, 2001 9:07 AM
To: Fast, Timothy
Subject: Section Note inserts for LRB-3828/p1 [DOT]



section notes.doc

Hi Tim,
Here are the Section Notes for the DOT remedial draft. Thanks again for your help.

Rachel

Section Note inserts for LRB-3828/p1 [DOT]

1. Insert after Section 1: Section 1 of this bill adds commas to clarify that unless exempt from registration, a motor vehicle, recreational vehicle, trailer or semi trailer, as well as any other vehicle for which a fee is specifically prescribed, must be registered before it can be operated on a highway.
2. Insert after Section 2: Section 2 of this bill requires the department of transportation to record on any new or duplicate certificate of title that the vehicle was damaged by a collision or other occurrence when it was less than seven years old to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeded 30%, but was less than 70%, of its fair market value and the vehicle was self insured by its owner at the of the collision or other occurrence. Currently, a self-insurer is not explicitly subject to the requirements under s. 342.10 (3) (h), Stats.
3. Insert after Section 3: Sections 3 and 5 of this bill change the type of written document a person is required to submit to the department of transportation when requesting a certificate of title under specified circumstances. Currently, a person must submit an affidavit to the department attesting that he or she obtained a vehicle that is subject to a "transfer stop", a notation stamped on the certificate of title by the clerk of circuit court that the vehicle may not be transferred without court approval, without knowledge that the district attorney had commenced an action that would subject the vehicle to seizure, immobilization, or an ignition lock, and that the vehicle's certificate of title was not stamped with a transfer stop when the person obtained the vehicle. Sections 3 and 5 change "affidavit", a notarized document, to "statement".
4. Insert after Section 4: Section 4 of this bill authorizes the department of transportation to specify by rule, on a form provided to the owner of a vehicle, where a vehicle identification number [VIN] should be placed on the vehicle. Section 4 also eliminates specifications for placement of a VIN for motorcycles, and eliminates the requirement that a VIN for a motorcycle be stamped onto the motorcycle. In addition, Section 4 authorizes a motor vehicle dealer, distributor, manufacturer, peace officer or department of motor vehicles' employee to confirm the placement of a VIN and report the confirmation to DOT. Currently, a motor vehicle dealer, distributor, manufacturer, peace officer or department of motor vehicles' employee must supervise the placement of a VIN.
5. Insert after Section 6: Section 6 of this bill eliminates the prohibition against operating a motor truck, truck tractor, road tractor or motor bus, or a trailer or

semi trailer used in connection with any of these vehicles unless the vehicle's empty weight is displayed on the side of the vehicle.

6. Insert after Section 7: Section 7 of this bill eliminates the penalty for operating a motor truck, truck tractor, road tractor or motor bus, or a trailer or semi trailer used in connection with any of these vehicles without displaying the vehicle's empty weight on the side of the vehicle.



State of Wisconsin
2001 - 2002 LEGISLATURE

1 (RMR)
LRB-3828/D
PJH/kmg:jf
α TNF

WANTED Soon
turned in 10/26

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen. Conf.

1 AN ACT to repeal 348.185 and 348.21 (1); to amend 341.04 (1), 342.12 (4) (c) 1.
2 c., 342.30 (2) and 346.65 (6) (km); and to create 342.10 (3) (h) of the statutes;
3 relating to: the titling of motor vehicles that have been damaged; the sale of
4 a motor vehicle subject to a seizure for a crime related to driving while under
5 the influence of an intoxicant or other drug; displaying the empty weight on the
6 side of certain motor vehicles; vehicle identification numbers for motorcycles;
7 and operating a motor vehicle that is not registered (suggested as remedial
8 legislation by the department of transportation).

Analysis by the Legislative Reference Bureau

~~1. Self-insured vehicles~~ Under current law, the department of transportation (DOT) is required to record certain information about a motor vehicle on any new or duplicate certificate of title that it issues for the vehicle, including whether ownership of the vehicle has been transferred to an insurer upon payment of an insurance claim. This type of transfer may occur when a vehicle that is less than seven years old is damaged to the extent that the estimated or actual cost of repairing the vehicle exceeds 30%, but is less than 70%, of its fair market value. No person may transfer a motor vehicle without disclosing in writing to the transferee whether the vehicle has been so transferred.

This bill requires DOT to record on any new or duplicate certificate of title that a vehicle was damaged by collision or other occurrence when it was less than seven years old to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeded 30%, but was less than 70%, of its fair market value and the vehicle was self-insured by its owner at the time of the collision or other occurrence.

~~2. Good faith purchasers.~~ Under current law, if a person is convicted of a drunken driving violation, including a refusal to submit to testing to determine the presence of alcohol in his or her system, and the person has two or more prior suspensions, revocations, or convictions related to drunken driving within a ten-year period, a vehicle owned by the person is required to (beginning on January 1, 2002, may) be either seized, immobilized, or equipped with an ignition interlock device. In addition, the person, when notified by the district attorney, is required to submit the certificates of title to all of the motor vehicles that he or she owns to the clerk of circuit court. The clerk stamps on the title a notification that the motor vehicle may not be transferred without court approval (a transfer stop). DOT may not issue a new title transferring ownership of any vehicle that is subject to a transfer stop without court approval, except that DOT may issue a new title to a "good faith purchaser" under certain conditions.

Under current law, a person may qualify as a "good faith purchaser" if he or she submits a notarized affidavit to DOT attesting that he or she obtained a vehicle that is subject to a transfer stop without knowledge that the district attorney had commenced an action that would subject the vehicle to seizure, immobilization, or an ignition lock, and that the vehicle's certificate of title was not stamped with a transfer stop when the person obtained the vehicle.

This bill provides that a "good faith purchaser" may submit a statement, rather than an affidavit, to DOT, with the person's application for a new title.

~~8. Display of empty weight.~~ Current law prohibits any person from operating a motor truck, truck tractor, motor bus, trailer, or semitrailer unless the vehicle's empty weight is displayed on the side of the vehicle. This bill eliminates the requirement that a vehicle's empty weight be displayed.

~~A. Vehicle identification numbers for motorcycles.~~ Current law directs DOT to specify, by rule, where a vehicle identification number should be placed on a vehicle. Current law also requires a vehicle identification number for a motorcycle to be stamped on the left side of the motorcycle, near the top of the engine casting just below the cylinder barrel. Under current law, the placement of a vehicle identification number must be supervised by a motor vehicle dealer, distributor, or manufacturer or by a peace officer. The motor vehicle dealer, distributor, or manufacturer or the peace officer must report his or her supervision of the placement to DOT.

This bill allows DOT to specify by rule, on a form provided to the owner of a vehicle, where a vehicle identification number should be placed on a vehicle. The bill also eliminates the specifications for the placement of a vehicle identification number for motorcycles, and eliminates the requirement that a vehicle identification number for a motorcycle be stamped onto the motorcycle. Under the bill, a motor

vehicle dealer, distributor, or manufacturer or a peace officer or an employee of the division of motor vehicles need not supervise the placement of a vehicle identification number, but must confirm that the number has been properly placed and report his or her confirmation to DOT.

~~to Unregistered vehicles~~ Current law prohibits any person from operating on a highway any motor vehicle, recreational vehicle, trailer, or semitrailer or any other vehicle for which a registration fee is specifically prescribed unless that vehicle is registered with the department of transportation or unless the vehicle is exempt from registration.

This bill clarifies that, unless exempt from registration, no motor vehicle, recreational vehicle, trailer, or semitrailer may be operated on a highway unless it is registered regardless of whether a specific registration fee is prescribed by law for that vehicle and that any other type of vehicle for which a specific registration fee is prescribed by law must be registered before it can be operated on a highway.

LPS: change "above" props to "0".
For further information, see the NOTES provided by the law revision committee of the joint legislative council.

FE-S/L

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 341.04 (1) of the statutes is amended to read:

2 341.04 (1) It is unlawful for any person to operate or for an owner to consent
3 to being operated on any highway of this state any motor vehicle, recreational
4 vehicle, trailer, or semitrailer, or any other vehicle for which a registration fee is
5 specifically prescribed, unless at the time of operation the vehicle in question either
6 is registered in this state, or, except for registration under s. 341.30 or 341.305, a
7 complete application for registration, including evidence of any inspection under s.
8 110.20 when required, accompanied by the required fee has been delivered to the
9 department, submitted to a dealer under s. 341.09 (2m) for transmittal to the
10 department, or deposited in the mail properly addressed with postage prepaid and,

Insert 4-5

1 if the vehicle is an automobile or motor truck having a registered weight of 8,000
2 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle
3 unless the operator or owner of the vehicle produces proof that operation of the
4 vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in
5 question is exempt from registration.

6 SECTION 2. 342.10 (3) (h) of the statutes is created to read:

7 342.10 (3) (h) That the vehicle was damaged by collision or other occurrence
8 when it was less than 7 years old to the extent that the estimated or actual cost,
9 whichever is greater, of repairing the vehicle was at least 30% but not more than 70%
10 of its fair market value and at the time of the collision or other occurrence the vehicle
11 was registered by a person qualifying as a self-insurer under s. 344.16. This
12 paragraph does not apply to salvage vehicles. Insert 4-12

13 SECTION 3. 342.12 (4) (c) 1. c. of the statutes is amended to read:

14 342.12 (4) (c) 1. c. The person requesting the issuance of the certificate of title
15 files ~~an affidavit~~ a statement with the department attesting that the conditions
16 under subd. 1. a. and b. are met.

17 SECTION 4. 342.30 (2) of the statutes is amended to read:

18 342.30 (2) Except as provided in this subsection, an identification number
19 assigned by the department to a vehicle shall be permanently affixed to a location
20 on the vehicle that is readily visible when observed from outside the vehicle, as
21 specified by the department by rule. ~~Identification numbers assigned for cycles shall~~
22 ~~be stamped on the left side, near the top of the engine casting just below the cylinder~~
23 ~~barrel on a form provided to the owner as to the proper placement of the identification~~
24 ~~number.~~ Such stamping or affixing shall be done under the supervision of confirmed
25 by a dealer, distributor, or manufacturer registered under s. 341.51 or under the

Insert 4-16

Insert 5-3

1 supervision of by a peace officer or an employee of the division of motor vehicles. The
2 person ~~supervising the stamping or confirming the affixing~~ shall make a report
3 thereof to the department.

4 **SECTION 5.** 346.65 (6) (km) of the statutes is amended to read:

5 346.65 (6) (km) If a person purchases a motor vehicle in good faith and without
6 knowledge that the motor vehicle was subject to immobilization or seizure or to
7 equipping with an ignition interlock device under this subsection and the
8 department has no valid reason for not issuing a certificate of title other than the
9 prohibition under par. (k), the department shall issue a new certificate of title in the
10 name of the person requesting the new certificate of title if at the time of the purchase
11 of the motor vehicle the certificate of title did not contain the notation stamped on
12 the certificate of title by the clerk of circuit court under par. (a) 2m. and if the person
13 submits the affidavit statement required under s. 342.12 (4) (c) 1. c.

14 **SECTION 6.** 348.185 of the statutes is repealed.

15 **SECTION 7.** 348.21 (1) of the statutes is repealed.

16 **SECTION 8. Initial applicability.**

17 (1) The treatment of sections 342.12 (4) (c) 1. c. and 346.65 (6) (km) of the
18 statutes first applies to certificates of title that are issued on the effective date of this
19 subsection.

20

(END)

Insert 5-14

Insert 4-5

Section Note inserts for LRB 3828 / 1 DOT

~~Insert after Section 1. Section 1 of this bill~~ adds commas to clarify that unless exempt from registration, a motor vehicle, recreational vehicle, trailer or ~~semi trailer~~ ^{semitrailer}, as well as any other vehicle for which a fee is specifically prescribed, must be registered before it can be operated on a highway.

NOTE: This SECTION

(CS)

Insert 4-12

~~Insert after Section 2. Section 2 of this bill~~ requires ~~the department of transportation~~ DOT to record on any new or duplicate certificate of title that the vehicle was damaged by a collision or other occurrence when it was less than seven years old to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeded 30%, but was less than 70%, of its fair market value and the vehicle was self-insured by its owner at the of the collision or other occurrence. Currently, a self-insurer is not explicitly subject to the requirements under s. 342.10 (3) ~~(b)~~, Stats.

NOTE: This SECTION

(CS)

time

Insert 4-16

~~Insert after Section 3. Sections 3 and 5 of this bill~~ change the type of written document a person is required to submit to ~~the department of transportation~~ DOT when requesting a certificate of title under specified circumstances. Currently, a person must submit an affidavit to ~~the department~~ attesting that he or she obtained a vehicle that is subject to a "transfer stop" (a notation stamped on the certificate of title by the clerk of circuit court that the vehicle may not be transferred without court approval) ~~without knowledge that the district attorney had commenced an action that would subject the vehicle to seizure, immobilization, or an ignition lock, and that the vehicle's certificate of title was not stamped with a transfer stop when the person obtained the vehicle.~~ These ~~Sections 3 and 5~~ change "affidavit", a notarized document, to "statement".

DOT

NOTE: SECTION

(CS)

Insert 5-3

~~Insert after Section 4. Section 4 of this bill~~ authorizes ~~the department of transportation~~ DOT to specify by rule, on a form provided to the owner of a vehicle, where a vehicle identification number [VIN] should be placed on the vehicle. ~~Section 4 also~~ eliminates specifications for placement of a VIN for motorcycles, and eliminates the requirement that a VIN for a motorcycle be stamped onto the motorcycle. ~~In addition, Section 4~~ authorizes a motor vehicle dealer, distributor, manufacturer, peace officer or ~~department~~ of motor vehicles' employee to confirm the placement of a VIN and report the confirmation to DOT. Currently, a motor vehicle dealer, distributor, manufacturer, peace officer or ~~department~~ of motor vehicles' employee must supervise the placement of a VIN.

DOT

NOTE: This SECTION

(CS)

division

Insert 5-14

~~Insert after Section 6. Section 6 of this bill~~ eliminates the prohibition against operating a motor truck, truck tractor, road tractor or motor bus, or a trailer or

NOTE: SECTION 6 and 7

(CS)

✓
semitrailer

~~semi trailer~~ used in connection with any of these vehicles unless the vehicle's empty weight is displayed on the side of the vehicle.

6. ~~Insert after Section 7. Section 7 of this bill eliminates the penalty for operating a motor truck, truck tractor, road tractor or motor bus, or a trailer or semi trailer used in connection with any of these vehicles without displaying the vehicle's empty weight on the side of the vehicle.~~

Insert
5-14-
cont

and the penalty associated with that prohibition



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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STEPHEN R. MILLER
CHIEF

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

October 26, 2001

MEMORANDUM

To: Legislative Council - LRC

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-3828/1 Omnibus transportation remedial legislation

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.

 X 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.