

**2001 DRAFTING REQUEST**

**Bill**

Received: **11/19/2001**

Received By: **fasttn**

Wanted: **As time permits**

Identical to LRB:

For: **Daniel Vrakas (608) 266-3007**

By/Representing: **Bonnie Deering (aide)**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF, PJH**

Submit via email: **NO**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Titling of homemade motorcycles

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 01/31/2002	hhagen 02/14/2002	jfrantze 02/15/2002	_____	lrb_docadmin 02/15/2002	lrb_docadminState 02/22/2002	

FE Sent For: **02/22/2002.**

<END>

2001 DRAFTING REQUEST

Bill

Received: 11/19/2001

Received By: fasttn

Wanted: As time permits

Identical to LRB:

For: Daniel Vrakas (608) 266-3007

By/Representing: Bonnie Deering (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: TNF, PJH

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Titling of homemade motorcycles

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 01/31/2002	hhagen 02/14/2002	jfrantze 02/15/2002	_____	lrb_docadmin 02/15/2002		State

FE Sent For:

<END>

02-22-02  
("1")

requested  
by Brian Pleva

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/19/2001

Received By: fasttn

Wanted: As time permits

Identical to LRB:

For: Daniel Vrakas (608) 266-3007

By/Representing: Bonnie Deering (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF, PJH**

Submit via email: NO

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Titling of homemade motorcycles

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	agary	1 hmk 2/14/02	2/15	6/15 2/15			State

FE Sent For:

<END>

**Gary, Aaron**

---

**From:** Fast, Timothy  
**Sent:** Wednesday, November 14, 2001 12:22 PM  
**To:** Gary, Aaron  
**Subject:** FW: Draft proposal

Would you like to handle?

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

**From:** Deering, Bonnie  
**Sent:** Wednesday, November 14, 2001 9:54 AM  
**To:** Fast, Timothy  
**Subject:** Draft proposal

Rep. Vrakas would like to have a proposal drafted for introduction that relates to the way home-built or home-made motorcycles are titled. I understand that you work with transportation drafts, but please forward this request to the appropriate drafter if you are not the correct person. Thank you.

Rep. Vrakas has been contacted by Harley Davidson about a concern they ran across on more than one occasion. Apparently when a person builds their own motorcycle from scratch the DOT (DMV) titles the vehicle as a replica, such as a Suzuki replica or Harley Davidson replica. This is placed on the title of the motorcycle. However, when the cycle is sold and/or transferred the word replica is lost on follow up titles, and therefore the cycle looks as though it is really a Harley Davidson (or other manufacturers) cycle. For obvious reasons Harley Davidson does not like this titling process. They do not want cycles out there sold as Harley's when they are some home built cycle. Plus it is unfair to the buyer, thinking that they are buying a Harley when it is some home built cycle that has been retitled and the replica wording is lost.

So Rep. Vrakas would like to draft legislation saying that the DOT (DMV) can no longer use the word replica in the titling process of motorcycles. We would like the title to state that this is a home built or home made cycle.

Thank you for your assistance on this matter. Please feel free to contact me at 6-3007, or via email with any follow up questions you may have.

Bonnie Deering  
Office of State Representative Dan Vrakas  
119 West, State Capitol

## Gary, Aaron

---

**From:** Deering, Bonnie  
**Sent:** Wednesday, January 23, 2002 9:05 AM  
**To:** Gary, Aaron  
**Subject:** RE: Motorcycle titling proposal

Aaron: Dan spoke to his contacts on this bill and everyone is fine with changing present titling laws for all vehicles, including motorcycles. Dan got some information that very few, if any, other state allow for brand name use in the titling process of vehicles.

Please proceed with a draft that includes the titling of all vehicles. If you have any questions, don't hesitate to call 6-3007 or email me. Thanks much for your help on this!

Bonnie Deering  
Office of State Representative Dan Vrakas  
119 West, State Capitol

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

**From:** Gary, Aaron  
**Sent:** Friday, January 18, 2002 11:00 AM  
**To:** Deering, Bonnie  
**Subject:** RE: Motorcycle titling proposal

I am working on it as we speak. Under existing law, there is no separate provision for "replica motorcycles"; instead, one provision covers the titling of all "replica vehicles", including motorcycles. The reasons given for the bill would seem just as applicable to other vehicles (eg, it seems just as misleading for a person to build a homemade "replica" Ford for which, on transfer, the word "replica" is dropped from the title to misleadingly just show that the vehicle is a Ford). For this reason, I have drafted the bill to eliminate the term "replica" for the titling of all vehicles, including motorcycles. Is this okay?

If not, the options would be to create new provisions specifically treating motorcycles differently from other vehicles, or to simply mandate that DOT include the term "replica" on any vehicle title that is in fact a "replica".

Thanks. Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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

**From:** Deering, Bonnie  
**Sent:** Thursday, January 17, 2002 2:05 PM  
**To:** Gary, Aaron  
**Subject:** Motorcycle titling proposal

Some time ago I sent a request to Tim Fast about a proposal that Rep. Vrakas would like to introduce regarding the titling of home made or self manufactured motorcycles. Tim told me that you were working on

this draft. Could you please update me on the status of this draft?  
Thanks much.

Bonnie Deering  
Office of State Representative Dan Vrakas  
119 West, State Capitol

**Gary, Aaron**

---

**From:** Deering, Bonnie  
**Sent:** Friday, January 18, 2002 12:31 PM  
**To:** Gary, Aaron  
**Subject:** RE: Motorcycle titling proposal

Aaron: I just talked with Rep. Vrakas about having this draft effect all vehicles. He is doing some checking on whether or not he wants to undertake all vehicles or just motorcycles. So you may want to hold off for now, until I can get an answer from Rep. Vrakas.

Thank you for bringing this to our attention. I never thought about this effecting all vehicles!

Hope to be back in touch with you soon...

Bonnie Deering  
Office of State Representative Dan Vrakas  
119 West, State Capitol

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

**From:** Gary, Aaron  
**Sent:** Friday, January 18, 2002 11:00 AM  
**To:** Deering, Bonnie  
**Subject:** RE: Motorcycle titling proposal

I am working on it as we speak. Under existing law, there is no separate provision for "replica motorcycles"; instead, one provision covers the titling of all "replica vehicles", including motorcycles. The reasons given for the bill would seem just as applicable to other vehicles (eg, it seems just as misleading for a person to build a homemade "replica" Ford for which, on transfer, the word "replica" is dropped from the title to misleadingly just show that the vehicle is a Ford). For this reason, I have drafted the bill to eliminate the term "replica" for the titling of all vehicles, including motorcycles. Is this okay?

If not, the options would be to create new provisions specifically treating motorcycles differently from other vehicles, or to simply mandate that DOT include the term "replica" on any vehicle title that is in fact a "replica".

Thanks. Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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

**From:** Deering, Bonnie  
**Sent:** Thursday, January 17, 2002 2:05 PM  
**To:** Gary, Aaron  
**Subject:** Motorcycle titling proposal

Some time ago I sent a request to Tim Fast about a proposal that Rep. Vrakas would like to introduce regarding the titling of home made or

2001 BILL

soon  
turned in 1/31

Generate

1 AN ACT ...; relating to: the registration of replica and homemade vehicles.

*Analysis by the Legislative Reference Bureau*

Under current law, an owner (hobbyist) of a replica or homemade vehicle may, under specified circumstances, register the vehicle as a replica or homemade vehicle for a one-time fee of twice the regular annual registration fee (\$45 for most automobiles), plus a one-time processing fee of \$50, and the registration may be renewed for no additional fee so long as the vehicle is not operated on the highways during the month of January. A homemade vehicle is one constructed or assembled using a body and frame not originating from and not resembling any previously manufactured motor vehicle. A replica vehicle is a reproduction of a vehicle originally made by another manufacturer and consists of a reproduction body combined with a new, used, or replica frame.

This bill eliminates the "replica vehicle" category of vehicles that a hobbyist may register, and instead places these vehicles under the category of "homemade vehicles." The bill does not otherwise alter the law relating to a hobbyist's registration and use of vehicles formerly known as replica vehicles.

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:*

X

2 SECTION 1. 341.09 (7) of the statutes is amended to read:



## BILL

## SECTION 1

1           341.09 (7) The owner of a special interest vehicle registered under s. 341.266  
2           (2) (a) or a reconstructed, ~~replica~~, street modified, or homemade vehicle registered  
3           under s. 341.268 (2) (a) may, upon payment of a fee of \$5 and application to the  
4           department, be issued a permit for operation of the vehicle for a period not to exceed  
5           5 successive days during the month of January. The permit shall be valid only in the  
6           calendar year for which the permit is issued. The department shall prescribe the  
7           form of the application and permit and the manner in which the permit shall be  
8           displayed. The owner may be issued additional permits in subsequent years upon  
9           application and payment of the required fee.

10           SECTION 2. 341.14 (4r) of the statutes is amended to read:

11           341.14 (4r) For reconstructed, street modified, and homemade vehicles as  
12           specified in s. 341.268.

13           SECTION 3. 341.268 (title) of the statutes is amended to read:

14           **341.268 (title) Reconstructed, ~~replica~~, street modified, and homemade**  
15           **vehicles; registration, plates, use.**

16           SECTION 4. 341.268 (1) (a) of the statutes is amended to read:

17           341.268 (1) (a) "Hobbyist" means the owner of one or more reconstructed,  
18           ~~replica~~, street modified, or homemade vehicles who collects, purchases, acquires,  
19           trades, or disposes of reconstructed, ~~replica~~, street modified, or homemade vehicles  
20           or parts thereof for personal use in order to build, reconstruct, restore, preserve, and  
21           maintain a reconstructed, ~~replica~~, street modified, or homemade vehicle for historic  
22           or hobby interest.

23           SECTION 5. 341.268 (1) (b) of the statutes is renumbered 341.268 (1) (b) (intro.)  
24           and amended to read:

**BILL**

1           341.268 (1) (b) (intro.) "Homemade vehicle" means a motor vehicle which has  
2 been constructed that is any of the following:

3           1. Constructed or assembled from new or used parts or both using a body and  
4 frame not originating from and not resembling any previously manufactured motor  
5 vehicle.

6           **SECTION 6.** 341.268 (1) (c) of the statutes is amended to read:

7           341.268 (1) (c) "Parts car" means a motor vehicle generally in nonoperable  
8 condition <sup>that</sup> which is owned by the hobbyist to furnish parts <sup>that</sup> which will enable the  
9 hobbyist to build, reconstruct, restore, preserve, and maintain a reconstructed,  
10 replica, street modified, or homemade vehicle.

11           **SECTION 7.** 341.268 (1) (e) of the statutes is renumbered 341.268 (1) (b) 2. and  
12 amended to read:

13           341.268 (1) (b) 2. "~~Replica vehicle~~" means ~~a motor vehicle that is a~~ A  
14 reproduction of a vehicle originally made by another manufacturer and ~~which~~ <sup>that</sup>  
15 consists of a reproduction body that is combined with a new, used, or replica frame  
16 and drivetrain.

17           **SECTION 8.** 341.268 (2) (a) (intro.) of the statutes is amended to read:

18           341.268 (2) (a) (intro.) Any person who is the owner of a reconstructed, replica,  
19 street modified, or homemade vehicle and who owns, has registered in this state, and  
20 uses for regular transportation at least one vehicle that has regular registration  
21 plates may upon application register the vehicle as a reconstructed, replica, street  
22 modified, or homemade vehicle upon payment of a fee under par. (b), provided that  
23 the vehicle is one of the following:

24           **SECTION 9.** 341.268 (2) (a) 2. of the statutes is renumbered 341.268 (2) (a) 5. and  
25 amended to read:

## BILL

## SECTION 9

1           341.268 (2) (a) 5. A ~~replica vehicle which~~ homemade vehicle under sub. (1) (b)  
2 2. that is a reproduction of a vehicle manufactured 20 years or more prior to the time  
3 of making application for registration or transfer of title of the replica homemade  
4 vehicle.

5           **SECTION 10.** 341.268 (2) (a) 4. of the statutes is amended to read:

6           341.268 (2) (a) 4. A homemade vehicle under sub. (1) (b) 1.

7           **SECTION 11.** 341.268 (2) (c) of the statutes is amended to read:

8           341.268 (2) (c) The department shall furnish the owner of the vehicle with  
9 registration plates of a distinctive design in lieu of the usual registration plates, and  
10 those plates shall show that the vehicle is a reconstructed, ~~replica,~~ street modified,  
11 or homemade vehicle owned by a Wisconsin hobbyist. Upon application, the owner  
12 may reregister the vehicle without the payment of any additional fee.

13           **SECTION 12.** 341.268 (2) (d) of the statutes is amended to read:

14           341.268 (2) (d) Each hobbyist applying for reconstructed, ~~replica,~~ street  
15 modified, or homemade vehicle registration plates will be issued a hobbyist's  
16 identification number which will appear on each plate. Second and all subsequent  
17 registrations under this section by the same hobbyist will bear the same hobbyist's  
18 identification number followed by a suffix letter for vehicle identification.

19           **SECTION 13.** 341.268 (2) (e) 3. of the statutes is amended to read:

20 <sup>341.268(2)(e)3.</sup> Except as provided in s. 341.09 (7), no reconstructed, ~~replica,~~ street modified,  
21 or homemade vehicle may be operated upon any highway of this state during the  
22 month of January unless the owner of the vehicle reregisters the vehicle under s.  
23 341.25 and replaces the distinctive registration plates issued under par. (c) with  
24 regular registration plates or transfers regular registration plates to the vehicle.

25           **SECTION 14.** 341.268 (2) (f) of the statutes is amended to read:

**BILL**

1           341.268 (2) (f) Unless inconsistent with this section, the provisions of this  
2 chapter applicable to other vehicles shall apply to reconstructed, ~~replica~~, street  
3 modified, and homemade vehicles.

4           **SECTION 15.** 341.268 (3) of the statutes is amended to read:

~~341.268~~ (3) In addition to the fee in sub. (2) (b), there shall be an original (first time only)  
6 processing fee of \$50 to defray the cost of issuing the original hobbyist's  
7 reconstructed, ~~replica~~, street modified, or homemade vehicle registration plates and  
8 to ensure that each hobbyist will be issued only one hobbyist's identification number.

9           **SECTION 16.** 341.268 (4m) of the statutes is created to read:

10           341.268 (4m) A vehicle registered as a replica vehicle under s. 341.268, 1999  
11 stats., shall be considered a homemade vehicle for purposes of this section and ss.  
12 341.09 (7), 341.27 (3) (a), 341.28 (2), and 341.31 (4) (b), except that the owner of the  
13 vehicle is not required to replace the distinctive registration plates issued under s.  
14 341.268 (2) (c), 1999 stats., showing that the vehicle is a replica vehicle.

15           **SECTION 17.** 341.27 (3) (a) of the statutes is amended to read:

16           341.27 (3) (a) If the applicant holds current registration plates that were  
17 removed from an automobile that the applicant no longer owns or that has been  
18 junked, is no longer used on the highways or has been registered as a special interest  
19 vehicle under s. 341.266 (2) (a) or a reconstructed, ~~replica~~, street modified, or  
20 homemade vehicle under s. 341.268 (2) (a), and the plates were issued under the  
21 system of registration prescribed by this section, the department shall register the  
22 automobile <sup>that</sup> which is the subject of the application for the remainder of the unexpired  
23 registration period.

24           **SECTION 18.** 341.28 (2) (intro.) of the statutes is amended to read:

## BILL

## SECTION 18

1           341.28 (2) (intro.) If the applicant for registration holds current registration  
2 plates ~~which~~<sup>that</sup> were removed from an automobile ~~which~~<sup>that</sup> the applicant no longer owns  
3 or ~~which~~<sup>that</sup> has been junked, is no longer being used on the highways, or has been  
4 registered as a special interest vehicle under s. 341.266 (2) (a) or a reconstructed,  
5 replica, street modified, or homemade vehicle under s. 341.268 (2) (a), and the plates  
6 were issued under the system of registration prescribed by s. 341.27, the applicant  
7 is exempt from the payment of a registration fee, except in the following cases:

8           **SECTION 19.** 341.31 (4) (b) of the statutes <sup>X</sup> is amended to read:

9           341.31 (4) (b) A person retaining a set of plates removed from a vehicle under  
10 s. 342.15 (4) (a) or 342.34 (1) (c) or (2) (c) and ~~which~~<sup>that</sup> was junked or transferred, is no  
11 longer leased to the person or used on the highways or has been registered as a  
12 special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street  
13 modified, or homemade vehicle under s. 341.268 (2) (a) may receive credit for the  
14 unused portion of the registration fee paid when registering a replacement vehicle  
15 of the same type and gross weight.

16           **SECTION 20.** 347.02 (7) of the statutes <sup>X</sup> is amended to read:

17           347.02 (7) The vehicle equipment requirements for a street modified vehicle  
18 shall be the same as the vehicle equipment requirements for a vehicle of the same  
19 type and model year that is not a street modified vehicle. The vehicle equipment  
20 requirements for a ~~replica vehicle~~ homemade vehicle specified in s. 341.268 (1) (b)  
21 2. shall be the same as the vehicle equipment requirements for a vehicle of the same  
22 type and model year as the vehicle used for purposes of the reproduction.

23           **SECTION 21. Initial applicability.**

24           (1) This act first applies to applications for registration received by the  
25 department of transportation on the effective date of this subsection.



## Basford, Sarah

---

**From:** Basford, Sarah  
**Sent:** Tuesday, February 19, 2002 2:58 PM  
**To:** Rep.Vrakas  
**Subject:** LRB -4293/1 (attached)



01-4293/1

**Sarah Basford**  
Program Assistant  
State of Wisconsin  
Legislative Reference Bureau  
PH: (608) 266-3561/FAX: (608) 264-6948  
[sarah.basford@legis.state.wi.us](mailto:sarah.basford@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

February 15, 2002

### MEMORANDUM

To: Representative Vrakas

From: Aaron R. Gary, Attorney

Re: LRB-4293/1 Titling of homemade motorcycles

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) 261-6926 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.



# Memo

To: Rep. Vrakas

(The Draft's Requestor)

Per your request ... the attached is a fiscal estimate was prepared for your un-introduced 2001 draft.

LRB Number: LRB - 4293

Version: " / 1 "

*3/16/02*

Entered In Computer And Copy Sent To Requestor Via E-Mail: 02 / 26 / 2002

Fiscal Estimate Prepared By: (agency abbr.) DOT

If you have questions about the attached fiscal estimate, you may contact the agency/ individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

- If this draft is **re-drafted** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.
- If this draft is **introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.  
Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- If this draft is **introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the drafts intro. number below and give this fiscal estimate to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2001 AB-868

**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Tuesday, February 26, 2002 2:47 PM  
**To:** Rep.Vrakas  
**Subject:** LRB-4293/1 (FE by DOT - attached - for your review)



FE\_Vrakas.pdf

FE\_Vrakas.pdf