

## 2001 SENATE BILL 275

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.

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*Analysis by the Legislative Reference Bureau*

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

4             **SECTION 1.** 218.0134 (2) (b) of the statutes is amended to read:  
5             218.0134 **(2)** (b) An affected grantor who does not approve of the proposed  
6             action shall, within 30 days after receiving the dealer's written notice of the proposed  
7             action or within 30 days after receiving all the information specified in a written list  
8             served on the dealer under par. (a), whichever is later, file with the department of  
9             transportation and serve upon the dealer a written statement of the reasons for its  
10            disapproval. The publication of the reasons given for the disapproval or any

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

11 218.0163 (1) (intro.) Without exhausting any administrative remedy available  
12 under an agreement or ss. 218.0101 to 218.0163, except as provided in s. ss. 218.0116  
13 (7) and (8) and 218.0134, a licensee may recover damages in a court of competent  
14 jurisdiction for pecuniary loss, together with actual costs including reasonable  
15 attorney fees, if the pecuniary loss is caused by any of the following:

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

17 218.0163 (1) (c) An affected grantor's disapproval of a proposed action under  
18 s. 218.0134 (2) (b), if the division of hearings and appeals has determined that there  
19 is good cause for permitting the proposed action to be undertaken following a hearing  
20 under s. 218.0134 (2) (c). A dealer may recover under this paragraph even if the  
21 affected grantor complies with the order of the division of hearing and appeals under  
22 s. 218.0134 (3) (b). If a dealer recovers damages for pecuniary loss, actual costs under  
23 this paragraph also include actual costs, including reasonable attorney fees,  
24 incurred by the dealer in obtaining the division of hearings and appeals'  
25 determination of good cause.

