

(6) **SENATE HEARING SLIP**

(Please Print Plainly)

ABLD 9

DATE: 2/27/02

BILL NO. AB609

OR

SUBJECT DOT Omnibus bill

Vikki VanDerventer

(NAME)

4802 Sleboyan Ave

(Street Address or Route Number)

Madison 53705

(City and Zip Code)

DOT

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY.**

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882



Wisconsin Department of Transportation

www.dot.state.wi.us



Scott McCallum
Governor

Gene Kussart
Secretary

Division of Motor Vehicles
4802 Sheboygan Ave.
P O Box 7911
Madison, WI 53707-7911

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SENATE COMMITTEE ON INSURANCE, TOURISM AND TRANSPORTATION
Hearing Comments, February 27, 2002
Vikki VanDeventer
AB 609, DOT Remedial Bill

AB 609 contains five statutory language changes requested by DOT and approved by the Law Revision Committee as remedial legislation:

- (1) This bill clarifies that the title branding law applies to vehicles owned by a company that is *self-insured*, as well as to vehicles insured by a separate company. A self-insured company is one that qualifies under the financial responsibility law, Chapter 344.

Explanation: The title branding law provides that a vehicle title must include a notation if the vehicle, less than 7 years old, was damaged by a single occurrence to the extent that estimated or actual cost is between 30% and 70% of the vehicle's fair market value and the vehicle was transferred to an insurer upon payment of a claim. A self-insured company does not transfer the vehicle, but the law still applies to the company.

- (2) The bill changes, from "affidavit" to "*statement*," the form that a good faith purchaser must sign, to obtain title to a vehicle subject to seizure under OWI laws.

Explanation: An affidavit is a legal document, notarized and involving a person swearing to certain things. An affidavit is far more complex than necessary for this purpose. Many of our customers aren't aware of the difference between an affidavit and a statement, and submit statements that aren't notarized. We then must send the statement back with a letter telling the customer to get the document notarized and send it back to us. This is frustrating for the customer and creates more work for us. In a statement, the good faith purchaser would simply say that he or she is purchasing the vehicle in good faith, did not know that the vehicle was subject to seizure, and the vehicle title was not stamped saying that the vehicle may not be transferred without prior court approval. Only the purchaser's signature is required on the statement, it need not be notarized.

- (3) The bill eliminates the requirement that a truck display the *empty weight* on the side of the truck.

Explanation: This requirement dates from long ago when the only way to check for overweight operation was to add the empty vehicle weight to the weight of the load listed on the bill of lading the trucker carried. New weighing tools make this practice obsolete. Why make people paint the weight on the truck cab door when it's unnecessary?

- (4) The bill clarifies that DOT shall specify by rule, *on a form* provided to the owner of a vehicle, where a DOT-issued vehicle identification number (VIN) should be located on the vehicle.

Explanation: This provision was part of DOT's last remedial bill. The current wording implies that DOT must list in the administrative rule itself, where the DOT-issued VIN should be placed – on every kind of vehicle. The intent of that provision is that DOT would give an instruction form to the vehicle owner; and the form says where to place the VIN, on that particular kind of vehicle.

- (5) The bill clarifies that, unless exempt from registration, no motor vehicle, recreational vehicle, trailer, or semitrailer, may be operated on the 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.

Explanation: While the language change is stylistic, the change makes it quite *clear that the Legislature intended* this interpretation of the sentence. DOT has always interpreted the wording this way, and we have not been challenged. However, the stylistic convention of adding commas would make this perfectly clear.

I thank you for your consideration, and I ask your approval of AB 609.

PAPER BALLOT
Committee on Insurance, Tourism and Transportation

Assembly Bill 609

Relating to: the titling of motor vehicles that have been damaged; the sale of a motor vehicle subject to a seizure for a crime related to driving while under the influence of an intoxicant or other drug; displaying the empty weight on the side of certain motor vehicles; vehicle identification numbers for motorcycles; and operating a motor vehicle that is not registered (suggested as remedial legislation by the department of transportation).

Law Revision Committee.

October 30, 2001 Referred to Committee on Transportation.

November 15, 2001 PUBLIC HEARING HELD

Present: (14) Representatives Stone, Petrowski, Ainsworth, Gunderson,
 Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff,
 Schooff, Plale and Steinbrink.

Absent: (2) Representatives Sherman and Staskunas.

Appearances for

- Carson Frazier, WisDOT

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- None.

Registrations against

- None.

January 10, 2002 EXECUTIVE SESSION

Present: (15) Representatives Stone, Petrowski, Ainsworth, Gunderson, Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff, Schooff, Plale, Staskunas and Steinbrink.

Absent: (1) Representative Sherman.

Moved by Representative Gunderson, seconded by Representative Leibham, that Assembly Bill 609 be recommended for passage.

Ayes: (15) Representatives Stone, Petrowski, Ainsworth, Gunderson, Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff, Schooff, Plale, Staskunas and Steinbrink.

Noes: (0) None.

Absent: (1) Representative Sherman.

PASSAGE RECOMMENDED, Ayes 15, Noes 0, Absent 1

February 28, 2002 Referred to the Committee on Insurance, Tourism and Transportation.

*NOTE: A public hearing was held on the "subject matter contained in AB609" in anticipation of its referral to the Committee on Insurance, Tourism and Transportation on February 27, 2002. The Department of Transportation was appeared before the committee to explain the provisions of this bill.

MOTION: By *Senator Breske* to introduce and adopt the Senate Amendment (LRBa1411/1) as a committee amendment.

Aye
 Nay

MOTION: By *Senator Breske* to recommend concurrence of Assembly Bill 609 as amended.

Aye
 Nay

Signature: _____

Date: _____

Laurel M. Schaefer
3/4/02

January 10, 2002 EXECUTIVE SESSION

Present: (15) Representatives Stone, Petrowski, Ainsworth, Gunderson, Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff, Schooff, Plale, Staskunas and Steinbrink.

Absent: (1) Representative Sherman.

Moved by Representative Gunderson, seconded by Representative Leibham, that Assembly Bill 609 be recommended for passage.

Ayes: (15) Representatives Stone, Petrowski, Ainsworth, Gunderson, Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff, Schooff, Plale, Staskunas and Steinbrink.

Noes: (0) None.

Absent: (1) Representative Sherman.

PASSAGE RECOMMENDED, Ayes 15, Noes 0, Absent 1

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Aye
 Nay

MOTION: By *Senator Breske* to recommend concurrence of Assembly Bill 609 as amended.

Aye
 Nay

Signature:

Jim Baumgardner

Date:

3/1/02

January 10, 2002 EXECUTIVE SESSION

Present: (15) Representatives Stone, Petrowski, Ainsworth, Gunderson, Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff, Schooff, Plale, Staskunas and Steinbrink.

Absent: (1) Representative Sherman.

Moved by Representative Gunderson, seconded by Representative Leibham, that Assembly Bill 609 be recommended for passage.

Ayes: (15) Representatives Stone, Petrowski, Ainsworth, Gunderson, Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff, Schooff, Plale, Staskunas and Steinbrink.

Noes: (0) None.

Absent: (1) Representative Sherman.

PASSAGE RECOMMENDED, Ayes 15, Noes 0, Absent 1

February 28, 2002 Referred to the Committee on Insurance, Tourism and Transportation.

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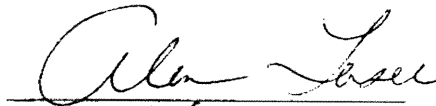
MOTION: By *Senator Breske* to introduce and adopt the Senate Amendment (LRBa1411/1) as a committee amendment.

Aye
 Nay

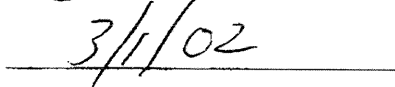
MOTION: By *Senator Breske* to recommend concurrence of Assembly Bill 609 as amended.

Aye
 Nay

Signature:



Date:



January 10, 2002 EXECUTIVE SESSION

Present: (15) Representatives Stone, Petrowski, Ainsworth, Gunderson, Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff, Schooff, Plale, Staskunas and Steinbrink.
Absent: (1) Representative Sherman.

Moved by Representative Gunderson, seconded by Representative Leibham, that Assembly Bill 609 be recommended for passage.

Ayes: (15) Representatives Stone, Petrowski, Ainsworth, Gunderson, Hahn, Suder, Leibham, Lippert, Loeffelholz, Meyerhofer, Plouff, Schooff, Plale, Staskunas and Steinbrink.
Noes: (0) None.
Absent: (1) Representative Sherman.

PASSAGE RECOMMENDED, Ayes 15, Noes 0, Absent 1

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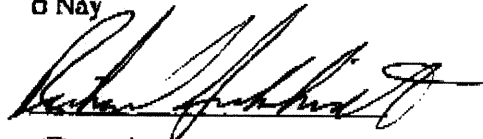
MOTION: By Senator Breske to introduce and adopt the Senate Amendment (LRBa1411/1) as a committee amendment.

Aye
 Nay

MOTION: By Senator Breske to recommend concurrence of Assembly Bill 609 as amended.

Aye
 Nay

Signature:



Date:

3-1-02



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: MEMBERS OF THE SENATE COMMITTEE ON INSURANCE, TOURISM, AND
TRANSPORTATION

FROM: Joyce L. Kiel, Senior Staff Attorney

RE: Senate Amendment __ (LRBa1411/1) to 2001 Assembly Bill 609, Relating to Remedial
Legislation Suggested by the Department of Transportation

DATE: March 1, 2002

This memorandum describes Senate Amendment __ (LRBa1411/1) to 2001 Assembly Bill 609, relating to remedial legislation suggested by the Department of Transportation (DOT). Assembly Bill 609 was introduced by the Law Revision Committee. It passed the Assembly on a voice vote. The Senate Committee on Insurance, Tourism, and Transportation held a hearing on the substance of the bill on February 27, 2002. Senate Amendment __ (LRBa1411/1) to the bill has not yet been introduced.

In pertinent part, the *bill* requires DOT to record on any new or duplicate certificate of title that the 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*, this information is provided to DOT and included on a title if the vehicle was transferred to an *insurer* upon payment of an insurance claim. However, current law does not explicitly provide that this applies to a self-insurer.

Senate Amendment __ (LRBa1411/1) to 2001 Assembly Bill 609, is a technical correction to a cross-reference. The amendment provides that a person who is applying for a certificate of title for a vehicle must provide to DOT any evidence that DOT may reasonably require to enable DOT to determine whether the information specified in the bill, as discussed above, applies to the vehicle and, therefore, must be included on the title.

If you have any questions about this matter, please feel free to contact me at the Legislative Council Staff offices.

JLK:ksm:tl;tlu