

ASSEMBLY BILL 777 (LRB -2443)

An Act to amend 218.0114 (1) and 218.0119 (4) of the statutes; relating to: unlicensed motor vehicle dealers, motor vehicle salespersons, and sales finance companies, and providing a penalty.

2004

02-25.	A.	Introduced by Representatives Ainsworth, Albers, Gottlieb, Hines, Hundertmark, Jeskewitz, M. Lehman, Montgomery, Musser, Ott, Petrowski, Stone and Van Roy ; cosponsored by Senators Leibham, S. Fitzgerald and Schultz.	
01-29.	A.	Read first time and referred to committee on Transportation	652
02-11.	A.	Public hearing held.	
02-17.	A.	Executive action taken.	
02-19.	A.	Report passage recommended by committee on Transportation, Ayes 15, Noes 0	709
02-19.	A.	Referred to committee on Rules	710
02-25.	A.	Placed on calendar 3-2-2004 by committee on Rules.	
03-02.	A.	Read a second time	768
03-02.	A.	Ordered to a third reading	768
03-02.	A.	Rules suspended	768
03-02.	A.	Read a third time and passed	768
03-02.	A.	Ordered immediately messaged	768
03-03.	S.	Received from Assembly	660
03-03.	S.	Read first time and referred to committee on Senate Organization	661
03-03.	S.	Available for scheduling.	
03-03.	S.	Placed on calendar 3-4-2004 by committee on Senate Organization.	
03-04.	S.	Read a second time	672
03-04.	S.	Ordered to a third reading	672
03-04.	S.	Rules suspended	672
03-04.	S.	Read a third time and concurred in	672
03-04.	S.	Ordered immediately messaged	674
03-04.	A.	Received from Senate concurred in	787

**2003
ENROLLED BILL**

03en AB-777

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

03 -244312

Amendments to above (if none, write "NONE"): none

Corrections - show date (if none, write "NONE"): none

Topic relax MINUS penalty

 3/6/04 [Signature]
Date **Enrolling Drafter**

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2003 ASSEMBLY BILL 777

January 29, 2004 - Introduced by Representatives AINSWORTH, ALBERS, GOTTLIEB, HINES, HUNDERTMARK, JESKEWITZ, M. LEHMAN, MONTGOMERY, MUSSER, OTT, PETROWSKI, STONE and VAN ROY, cosponsored by Senators LEIBHAM, S. FITZGERALD and SCHULTZ. Referred to Committee on Transportation.

1 **AN ACT to amend** 218.0114 (1) and 218.0119 (4) of the statutes; **relating to:**
2 unlicensed motor vehicle dealers, motor vehicle salespersons, and sales finance
3 companies, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may act as a motor vehicle dealer, motor vehicle salesperson, or sales finance company without being licensed by the Department of Transportation (DOT). A person who violates this requirement may be fined not less than \$500 nor more than \$5,000.

This bill changes the fine to a forfeiture of not less than \$500 nor more than \$5,000.

Current law also requires a motor vehicle dealer, distributor, manufacturer, or transporter to report to DOT any change in its place of business and to surrender its dealer's license and dealer registration plates to DOT when the dealer, distributor, manufacturer, or transporter discontinues business or is subject to license revocation or suspension. A dealer, distributor, manufacturer, or transporter who fails to do so is subject to a fine of not more than \$200 or imprisonment for not more than six months or both.

Under this bill, a dealer, distributor, manufacturer, or transporter who fails to report to DOT any change in its place of business or to surrender its license and dealer registration plates to DOT when the dealer, distributor, manufacturer, or transporter discontinues business or is subject to license revocation or suspension may be required to forfeit not less than \$100 nor more than \$200.

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Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** 218.0114 (1) of the statutes is amended to read:

2 218.0114 (1) No motor vehicle dealer, motor vehicle salesperson or sales
3 finance company may engage in business as a motor vehicle dealer, motor vehicle
4 salesperson or sales finance company in this state without a license therefor as
5 provided in ss. 218.0101 to 218.0163. If any motor vehicle dealer acts as a motor
6 vehicle salesperson, he or she shall secure a motor vehicle salesperson's license in
7 addition to a motor vehicle dealer license. Every motor vehicle dealer shall be
8 responsible for the licensing of every motor vehicle salesperson in his or her employ.
9 Any person violating this subsection may be ~~fin~~ed required to forfeit not less than
10 \$500 nor more than \$5,000.

11 **SECTION 2.** 218.0119 (4) of the statutes is amended to read:

12 218.0119 (4) Any dealer, distributor, manufacturer or transporter who fails to
13 comply with the requirements of this section may be ~~fin~~ed ~~not more than \$200 or~~
14 ~~imprisoned for not more than 6 months or both~~ required to forfeit not less than \$100
15 nor more than \$200.

16 **SECTION 3. Initial applicability.**

17 (1) This act first applies to violations that occur on the effective date of this
18 subsection.

19 (END)