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:

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 fined required to forfeit not less than 10 \$500 nor more than \$5,000.

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 fined 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.

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SECTION 3. Initial applicability.

17 (1) This act first applies to violations that occur on the effective date of this18 subsection.

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