

**2003 DRAFTING REQUEST**

**Bill**

Received: **03/31/2003**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Transportation**

By/Representing: **Karen Baetsen**

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - mot veh dealers**

Extra Copies:

Submit via email: **YES**

Requester's email: **carol.buckmaster@dot.state.wi.us**

Carbon copy (CC:) to: **julie.johnson@dot.state.wi.us**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Forfeiture for unauthorized use of motor vehicle dealership

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**Instructions:**

See Attached

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**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>
/?							Crime
/1	phurley 03/31/2003	kgilfoy 03/31/2003	pgreensl 04/01/2003		sbasford 04/01/2003		Crime
/2	phurley 10/28/2003	kgilfoy 10/30/2003	pgreensl 10/30/2003		lemery 10/30/2003	sbasford 01/05/2004	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

\_\_\_\_\_  
\_\_\_\_\_

sbasford  
01/05/2004

FE Sent For:

*none  
needed*

<END>

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/?

Crime

/1	phurley 03/31/2003	kgilfoy 03/31/2003	pgreensl 04/01/2003	<u>19/30</u>	sbasford 04/01/2003		
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FE Sent For:

12-19/30  
Kmg

19/30  
PS

PS/RS  
<END>

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1?	phurley	11-3/31 King	11/18 DS	4/1 slg			

FE Sent For:

<END>



PJH  
*King*

**2003 BILL**

1  
2  
3

*Gen. Act*  
AN ACT *Gen. Act*; relating to: unlicensed motor vehicle dealers, motor vehicle salespersons, and motor vehicle sales finance 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 motor vehicle sales finance company without being licensed by the Department of Transportation. A person who violates this may be fined not less than \$500 nor more than \$5,000.

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

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:***

4  
5  
6

SECTION 1. 218.0114 (1) of the statutes is amended to read:  
218.0114 (1) No motor vehicle dealer, motor vehicle salesperson or sales finance company may engage in business as a motor vehicle dealer, motor vehicle

**BILL**

1 salesperson or sales finance company in this state without a license therefor as  
2 provided in ss. 218.0101 to 218.0163. If any motor vehicle dealer acts as a motor  
3 vehicle salesperson, he or she shall secure a motor vehicle salesperson's license in  
4 addition to a motor vehicle dealer license. Every motor vehicle dealer shall be  
5 responsible for the licensing of every motor vehicle salesperson in his or her employ.  
6 Any person violating this subsection may be ~~fined~~ required to forfeit not less than  
7 \$500 nor more than \$5,000.

History: 1999 a. 31 ss. 57 to 104; 1999 a. 186.

8 **SECTION 2. Initial applicability.**

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

11 (END)

## Hurley, Peggy

---

**From:** Frazier, Carson  
**Sent:** Friday, October 24, 2003 9:19 AM  
**To:** Hurley, Peggy  
**Subject:** FW: Wisconsin Department of Transportation Non-Budget Legislation

**Importance:** High

Hi Peggy, I'm following up on Carol's note. Could you please combine these two drafts, that you authored? They both deal with the penalty for acting as a dealer without a license -- one, for that offense specifically; and the other for failing to surrender a license credential when the dealer is no longer licensed or report change in business location, which has the effect that the person is still acting as a dealer without a license. The rationale for changing "fine" to "forfeiture" is the same in both cases.

Please call me if you have any questions. My number is 6-7857. Thank you very much.

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

**From:** Buckmaster, Carol  
**Sent:** Wednesday, October 22, 2003 2:03 PM  
**To:** Hurley, Peggy  
**Cc:** Frazier, Carson; Nilsen, Paul  
**Subject:** Wisconsin Department of Transportation Non-Budget Legislation

Good afternoon Peggy. I've received a request from the Division of Motor Vehicles to combine two non-budget legislative drafts that your office has forward to us.

These drafts are for:

NB001 - LRB 2443/1  
NB002 - LRB 2442/1

Both drafts deal with the penalty for acting as a dealer without a dealer license and DMV believes these two drafts can be combined into one draft.

If you have questions regarding this request, Carson Frazier is the DMV contact. Carson can be reached at (608) 266-7857.

Thank you.

2003 BILL

soon  
10-28-03

Gen. Cat.

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

*Analysis by the Legislative Reference Bureau*

(DOT)

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. 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.

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:*

4 SECTION 1. 218.0114 (1) of the statutes is amended to read:  
5 218.0114 (1) No motor vehicle dealer, motor vehicle salesperson or sales  
6 finance company may engage in business as a motor vehicle dealer, motor vehicle

Insert

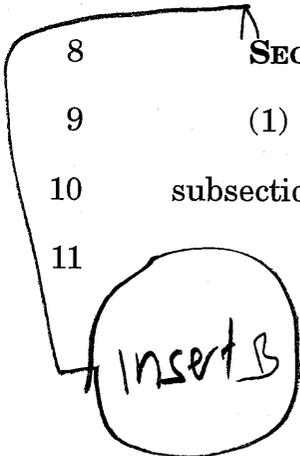
**BILL**

1 salesperson or sales finance company in this state without a license therefor as  
2 provided in ss. 218.0101 to 218.0163. If any motor vehicle dealer acts as a motor  
3 vehicle salesperson, he or she shall secure a motor vehicle salesperson's license in  
4 addition to a motor vehicle dealer license. Every motor vehicle dealer shall be  
5 responsible for the licensing of every motor vehicle salesperson in his or her employ.  
6 Any person violating this subsection may be ~~fin~~required to forfeit not less than  
7 \$500 nor more than \$5,000.

8 **SECTION 2. Initial applicability.**

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

11 (END)



insert B

## 2003 BILL

1 AN ACT to amend 218.0119 (4) of the statutes; relating to: changes in status for  
2 motor vehicle dealers, distributors, and manufacturers, and transporters, and  
3 providing a penalty.

---

### *Analysis by the Legislative Reference Bureau*

Current law <sup>(also)</sup> requires a motor vehicle dealer, distributor, manufacturer, or transporter to report to ~~the Department of Transportation~~ 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.

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.

Insert  
A

**BILL**

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:*

In sect 1B

1 **SECTION 1.** 218.0119 (4) of the statutes is amended to read:

2 218.0119 (4) Any dealer, distributor, manufacturer or transporter who fails to  
3 comply with the requirements of this section may be ~~fin~~ed not more than \$200 or  
4 ~~imprisoned for not more than 6 months or both~~ required to forfeit not less than \$100  
5 nor more than \$200.

6 ~~**SECTION 2. Initial applicability.**~~

7 (1) This act ~~first~~ applies to violations that occur on the effective date of this  
8 subsection.

9 (END)

## Basford, Sarah

---

**From:** Hurley, Peggy  
**Sent:** Monday, January 05, 2004 1:45 PM  
**To:** Basford, Sarah  
**Subject:** Stripes

Sarah,

Can you take care of this?

Peggy J. Hurley  
Legislative Reference Bureau  
One East Main Street  
Madison, Wisconsin 53701-2037  
608 266 8906

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

**From:** Frazier, Carson  
**Sent:** Monday, January 05, 2004 12:58 PM  
**To:** Boardman, Kristina; Hurley, Peggy  
**Subject:** RE: Non-budget legislative request: penalties for acting as a dealer without a license

Peggy, can you get the stripes for LRB-2443/2, that you wrote, to Kristina Boardman in Rep Ainsworth's office? Also, to Dan Lindstedt in Sen Liebham's office? They will do companion bills for us. Thanks very much.

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

**From:** Frazier, Carson  
**Sent:** Monday, January 05, 2004 12:55 PM  
**To:** Boardman, Kristina  
**Subject:** RE: Non-budget legislative request: penalties for acting as a dealer without a license

Hi Kristina. Peggy Hurley would have the stripes. I thought it would be easier if it came directly from LRB to you. Thanks very much!

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

**From:** Romanski, Randy  
**Sent:** Monday, January 05, 2004 12:52 PM  
**To:** Boardman, Kristina  
**Cc:** Klein, Rose  
**Subject:** RE: Non-budget legislative request: penalties for acting as a dealer without a license

Great. We will get some information over to you about this. Carson Frazier would be a good contact person from our agency for you. We'll send information over as quickly as possible. Thanks.

Randy

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

**From:** Boardman, Kristina  
**Sent:** Monday, January 05, 2004 12:29 PM  
**To:** Romanski, Randy  
**Subject:** RE: Non-budget legislative request: penalties for acting as a dealer without a license