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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Natural Resources and Transportation...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Assembly Bill 823

Relating to: motor vehicle dealers.

By Representatives Lamb, Freese, Gronemus, Kestell, Montgomery, Hahn, Owens, Musser, LeMahieu, Krawczyk, Hines, Gunderson, Gard, Kreibich, Vos, Hundertmark, Ott, Moulton and Suder; cosponsored by Senators Kapanke, A. Lasee, Leibham and Breske.

December 15, 2005 Referred to Committee on Natural Resources and Transportation.

February 1, 2006 **PUBLIC HEARING HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Absent: (0) None.

Appearances For

- Dan Kapanke — Senator, 32nd Senate District
- Gary Williams — WI Auto & Truck Dealers Association

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Andy Lamb — State Representative, 29th Assembly District
- Roger Breske — Senator, 12th Senate District

Registrations Against

- None.

February 1, 2006 **EXECUTIVE SESSION HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Absent: (0) None.

Moved by Senator Kapanke, seconded by Senator Breske that **Assembly Bill 823** be recommended for concurrence.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and
Breske.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

Matt Phillips
Committee Clerk

Vote Record

Committee on Natural Resources and Transportation

Date: 2-1-06

Bill Number: AB 823

Moved by: Kapanke

Seconded by: Breske

Motion: Concurrence

Committee Member

Senator Neal Kedzie, Chair

Senator Cathy Stepp

Senator Dan Kapanke

Senator Roger Breske

Senator Robert Wirch

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
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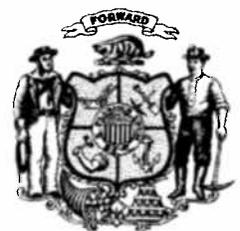
Totals: _____

Motion Carried

Motion Failed



WISCONSIN STATE LEGISLATURE



**Chairman's Notes: Senate Committee on
Natural Resources and Transportation
Executive Session – January 31, 2006**

Senate Bill 162 (Joint Legislative Council)

Relating to: creating a Council on Transportation Infrastructure in the Department of Transportation.

- **MOTION FOR INTRODUCTION AND ADOPTION OF LRB 2072/1 AS SA 1**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

- **MOTION FOR PASSAGE OF SB 162 AS AMENDED**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

ASSEMBLY BILL 20 (AINSWORTH/ZIEN)

Relating to: displaying attractions on highway specific information signs.

- **MOTION FOR CONCURRENCE OF AB 20**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

Assembly Bill 509 (Rep. Albers and Senator Breske)

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway. (FE)

- **MOTION FOR CONCURRENCE OF AB 509**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

Senate Bill 499 – Authored by Senator Grothman and Rep. Hahn

Relating to: recording and filing transportation project plats.

- MOTION FOR PASSAGE OF SB 499
- SECOND
- DISCUSSION
- ROLL CALL

No Fiscal Estimate

Assembly Bill 219 – Authored by Rep. Ainsworth and Senator Olsen

Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

- MOTION FOR CONCURRENCE OF AB 219
- SECOND
- DISCUSSION
- ROLL CALL

Questions from ATV Assoc.

Assembly Bill 235 – Authored by Rep. Musser and Senator Lassa

Relating to: designating and marking STH 173 as the 173rd Airborne Brigade Highway.

- MOTION FOR CONCURRENCE OF AB 235
- SECOND
- DISCUSSION
- ROLL CALL

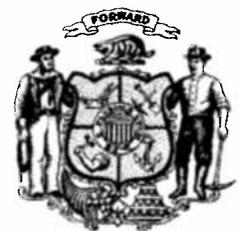
Assembly Bill 823 – Authored by Rep. Lamb and Senator Kapanke

Relating to: motor vehicle dealers.

- MOTION FOR CONCURRENCE OF AB 823
- SECOND
- DISCUSSION
- ROLL CALL



WISCONSIN STATE LEGISLATURE



**Chairman's Notes: Senate Committee on
Natural Resources and Transportation
Public Hearing – February 1, 2006**

- Welcome to today's hearing of the Senate Committee on Natural Resources and Transportation.
- Committee Clerk will take Attendance. The roll will be left open for members who have yet to arrive.
- I would like to remind individuals wishing to testify to fill out a hearing slip and give it to the member of the Sergeant's Staff.
- It is my intent to take up the items in the order listed on the hearing notice, and will take up Companion bills at the same time.

Senate Bill 84 (Assembly Bill 120) – Authored by Sen. Olsen and Rep. Petrowski

Relating to: restrictions on the operation of motor vehicles by persons holding instruction permits or probationary licenses and providing a penalty.

Summary: This bill creates an additional restriction that a probationary licensee who is under 18 years of age may not, during the first nine months following issuance of the probationary license, operate a "Class D" vehicle while using a cellular telephone, except to report an emergency. The same exceptions that apply to existing restrictions on the licensee also apply to this new restriction. The bill also stipulates that a person operating a motor vehicle under an instruction permit may not operate the motor vehicle while using a cellular telephone.

Assembly Action – AB 120:

- Passed Assembly Committee on Highway Safety on a 7-1 vote.
- Passed the Joint Committee on Finance on a 10-5 vote.
- Passed the Assembly on an 89-6 vote.

Assembly Bill 823 – Authored by Representative Lamb and Senator Kapanke

Relating to: motor vehicle dealers.

Summary: This bill clarifies certain duties a motor vehicle manufacturer, importer, or distributor has concerning motor vehicle dealers. Under current law, a manufacturer, importer, or distributor may be liable for civil damages, including actual costs and attorneys fees, if it causes harm to a dealer by certain actions or failure to act. Under this bill, a manufacturer, importer, or distributor may be liable for damages, including actual costs and attorneys fees, if it engages in action or fails to act in a way that is arbitrary and causes material damage to the dealer.

Under the bill, if a manufacturer, importer, or distributor cancels or discontinues an agreement with a dealer and the dealer challenges the cancellation or discontinuation as unwarranted, the burden of proof at a hearing before the Division of Hearings and Appeals in the Department of Administration (DOA) on the matter is on the manufacturer, distributor, or importer to show that the discontinuation or cancellation was fair, for just provocation, and with due regard to the equities.

Similarly, if a manufacturer, importer, or distributor seeks to modify an existing contract or to establish or relocate a dealership in the relevant market area of an existing dealer of the same line make, or refuses to permit a dealer to take a proposed action, the burden of proof is on the manufacturer, importer, or distributor to demonstrate that there is good cause for the modification, establishment, relocation, or refusal. Under the bill, a dealer who prevails against a manufacturer, importer, or distributor at the hearing has a cause of action for reasonable expenses and attorneys fees incurred in connection with all proceedings resulting from the complaint, unless the expenses and fees are otherwise provided for by statute, or the Division of Hearings and Appeals in DOA determines that the actions of the manufacturer, importer, or distributor were substantially justified or that other circumstances would make awards of expenses and attorneys fees unjust.

Assembly Action:

- Passed Assembly Committee on Transportation on a 13-0 vote.
- Passed by Assembly on a voice vote