

2007 DRAFTING REQUEST

Bill

Received: 11/16/2006

Received By: **bbalinsk**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC 266-0292**

By/Representing: **Don Dyke**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Operation of vehicle without registration (R 0709-04)

Instructions:

See Attached

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>
/P1	bbalinsk 01/02/2007	jdyer 01/04/2007	rschlue 01/04/2007	_____	sbasford 01/04/2007		
/1	bbalinsk 11/15/2007	jdyer 11/16/2007	pgreensl 11/16/2007	_____	cduerst 11/16/2007	cduerst 11/19/2007	

FE Sent For: *N/A*

<END>

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FE Sent For:

1 11/16 jld
11/14 PB
11/16 PS/mw
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/P1	bbalinsk	P1 1/4 JW	98 147				

FE Sent For:

<END>

REMEDIAL LEGISLATIVE PROPOSAL

Wisconsin Department of Transportation

DT1605 2/2003 s.13.83(1)(c)4 Wis. Stats.

Instructions: Complete this form for **Law Revision Committee Remedial Legislative proposal(s)** for which a Division requests Secretary's Office (SO) approval. This form must be signed by the Division Administrator.

Short Title of Issue Clarify unlawful operation without registration DOT Remedial Legislation Proposal Number: R 0709-04		DOT Remedial Legislation Proposal Number
Date Submitted August 7, 2006	Division Motor Vehicles	
Lead Division Contact Person Carson P. Frazier	Area Code - Telephone Number 608-266-7857	
Specific Statutory Change Amend S.341.04(1) by adding commas to clarify 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.		
Administrative Problem with Current Statute S.341.04(1) requires that vehicles operated on public highways must be registered. The exact wording is: "It is unlawful for any person to operate or for an owner to consent to being operated on any highway of this state any motor vehicle, recreational vehicle, trailer or semitrailer or any other vehicle for which a registration fee is specifically prescribed unless at the time of operation the vehicle in question either is registered in this state.."DOT has always interpreted the provision to say that no motor vehicle, OR recreational vehicle, OR trailer, OR semitrailer may be operated on highways unless it is registered, and ALSO any other vehicle for which a registration fee is specifically prescribed must also be registered. DOT has never been challenged on this interpretation, but stylistic drafting conventions have changed since the time that this provision was drafted and this clarification is needed to be absolutely clear.		
Justification/Need for Change While the language change is stylistic, the change makes it quite clear that the Legislature intended this interpretation of the sentence.		
Fiscal Effect, If Any None		

(Division Administrator Signature)

(Date)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0807/P1

BAB:.....

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 11/2/07

Gen

1 AN ACT ...; relating to: operation of unregistered motor vehicles on highways

2

(suggested as remedial legislation by the Department of Transportation)

Analysis by the Legislative Reference Bureau

Under current law, motor vehicles, recreational vehicles, trailers, semitrailers, and other vehicles that are required to be registered with the Department of Transportation must be currently registered or have a registration application in process to be operated on a highway. This bill makes minor grammatical changes to clarify that requirement.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

3 SECTION 1. 341.04 (1) of the statutes is amended to read:

4 341.04 (1) It is unlawful for any person to operate or for an owner to consent
5 to being operated on any highway of this state any motor vehicle, recreational

1 vehicle, trailer, or semitrailer, ✓ or any other vehicle for which a registration fee is
2 specifically prescribed, unless at the time of operation the vehicle in question either
3 is registered in this state, or, except for registration under s. 341.30 or 341.305, a
4 complete application for registration, including evidence of any inspection under s.
5 110.20 when required, accompanied by the required fee has been delivered to the
6 department, submitted to a dealer under s. 341.09 (2m) for transmittal to the
7 department or deposited in the mail properly addressed with postage prepaid and,
8 if the vehicle is an automobile or motor truck having a registered weight of 8,000
9 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle
10 unless the operator or owner of the vehicle produces proof that operation of the
11 vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in
12 question is exempt from registration.

History: 1973 c. 218; 1975 c. 351; 1977 c. 29 s. 1654 (7) (a); 1977 c. 56; 1979 c. 274; 1979 c. 361 s. 113; 1983 a. 469; 1989 a. 31; 1991 a. 39; 1993 a. 288; 1997 a. 27; 1999 a. 9, 80, 186.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to amend 341.04 (1) of the statutes; relating to: operation of
2 unregistered motor vehicles on highways (suggested as remedial legislation by
3 the Department of Transportation).

Analysis by the Legislative Reference Bureau

Under current law, motor vehicles, recreational vehicles, trailers, semitrailers, and other vehicles that are required to be registered with the Department of Transportation must be currently registered or have a registration application in process to be operated on a highway. This bill makes minor grammatical changes to clarify that requirement.

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RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 11/15/07
SOON

Regen

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2 unregistered motor vehicles on highways (suggested as remedial legislation by
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4 SECTION 1. 341.04 (1) of the statutes is amended to read:

clarifying grammatical

1 341.04 **(1)** It is unlawful for any person to operate or for an owner to consent
2 to being operated on any highway of this state any motor vehicle, recreational
3 vehicle, trailer, or semitrailer, or any other vehicle for which a registration fee is
4 specifically prescribed, unless at the time of operation the vehicle in question either
5 is registered in this state, or, except for registration under s. 341.30 or 341.305, a
6 complete application for registration, including evidence of any inspection under s.
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10 if the vehicle is an automobile or motor truck having a registered weight of 8,000
11 pounds or less, the vehicle displays a temporary operation plate issued for the vehicle
12 unless the operator or owner of the vehicle produces proof that operation of the
13 vehicle is within 2 business days of the vehicle's sale or transfer, or the vehicle in
14 question is exempt from registration. ✓

15 (END)

Duerst, Christina

From: Dyke, Don
Sent: Monday, November 19, 2007 1:52 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0807/1 Topic: Operation of vehicle without registration (R 0709-04)

Please Jacket LRB 07-0807/1 for the ASSEMBLY.
Thanks