

2009 DRAFTING REQUEST

Bill

Received: **09/10/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Stephen Nass (608) 266-5715**

By/Representing: **Nathan**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Nass@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Repeal of motor vehicle local registration fee (wheel tax)

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>
/?				_____			Local
/P1	agary 09/16/2009	jdyer 09/17/2009	phenry 09/17/2009	_____	sbasford 09/17/2009		Local
/1	agary 09/30/2009	jdyer 09/30/2009	mduchek 09/30/2009	_____	lparisi 09/30/2009	cduerst 10/01/2009	

FE Sent For:

*at
intro*

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/?	agary	PI 9/16jld	ph 9/17	[Signature] 9/17			Local

FE Sent For:

<END>

Gary, Aaron

From: Berken, Nathan
Sent: Friday, September 11, 2009 1:44 PM
To: Gary, Aaron
Subject: RE: Wheel Tax Legislation

Thanks for the question Gary. I just noticed that the City of Mayville passed their fee April 1, 2009.

Rather than January 1, 2009, let's change it to the effective date of the bill.

Nathan

From: Gary, Aaron
Sent: Friday, September 11, 2009 11:40 AM
To: Berken, Nathan
Subject: RE: Wheel Tax Legislation

Thanks Nathan. Is the January 1, 2009 date correct (cutting off municipalities that adopted and implemented a wheel tax before this legislation was proposed/passed but after the beginning of the year)?

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Berken, Nathan
Sent: Thursday, September 10, 2009 4:57 PM
To: Gary, Aaron
Subject: Wheel Tax Legislation

Hi Aaron,

Thank you for your help on the phone this afternoon. To recap, Representative Nass would like to draft a bill repealing the Wheel Tax. In our conversation, the question arose over how to smoothly structure the repeal. After discussing the issue with Rep. Nass, here are the specifics we would like included in the bill:

- We want to ultimately repeal the "municipal or county vehicle registration fee" statute (Wheel Tax). Chapter 341.35.
- After passage of the bill, we want to give municipalities and counties that are currently levying the fee the ability to levy for an additional 18 months after the effective date of the bill. After 18 months, the DOT would be prohibited from collecting on behalf of the municipalities and counties, and the municipalities and counties would be prohibited from having an ordinance authorizing the fee.
- After passage of the bill, we do not want any new municipalities or counties to institute a Wheel Tax for their community. Specifically, only municipalities and counties levying the fee prior to January 1, 2009 would be allowed to levy after the effective date of the bill.

Please let me know if you have any questions.

Sincerely,

Nathan

—
Nathan Berken
Legislative Assistant

Office of Representative Steve Nass
(608) 266-5715



State of Wisconsin
2009 - 2010 LEGISLATURE

in
9/16

LRB-3424/P1

ARG:.....

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

X

Gen

1 AN ACT ...; relating to: eliminating the authority of municipalities and counties
2 to impose a local motor vehicle registration fee.

Analysis by the Legislative Reference Bureau

Under current law, any city, village, or town (municipality) or county may, by ordinance, impose an annual motor vehicle registration fee on most automobiles and light-duty trucks customarily kept in the municipality or county. The Department of Transportation (DOT) collects this local registration fee, which is in addition to the state registration fee, at the time DOT collects the state registration fee and remits the local registration fee, minus administrative costs of collection, to the applicable municipality or county. The local registration fee may only be used by a municipality or county for transportation purposes.

This bill eliminates, after a phase-out period, the authority of municipalities and counties to impose the local registration fee. After the bill becomes effective, a municipality or county cannot impose a new local registration fee. For those municipalities and counties that already have a local registration fee when the bill becomes effective, collection of the fee must cease within about 18 months after the bill's effective date and the authority to impose the fee is thereafter terminated.

For further information see the local 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:

1 SECTION 1. 20.395 (5) (iv) of the statutes is repealed.

2 SECTION 2. 79.03 (3) (b) 4. a. of the statutes is amended to read:

3 79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax
4 increments collected for payment to a municipality under s. 66.1105 which is
5 attributable to that municipality's own levy, the portion of environmental
6 remediation tax increments collected for payment to a municipality or county under
7 s. 66.1106 that is attributable to that municipality's or county's own levy, general
8 property taxes, excluding taxes for a county children with disabilities education
9 board, collected to finance the general purpose government unit, property taxes
10 collected for sewage and sanitary districts, monthly municipal permit fees under s.
11 66.0435 (3), and the proceeds of county sales and use taxes ~~and municipal and county~~
12 ~~vehicle registration fees under s. 341.35 (1).~~

History: 1971 c. 125, 215; 1973 c. 90; 1975 c. 39; 1977 c. 29, 203, 418; 1979 c. 1; 1979 c. 34 ss. 903s to 905m, 2102 (46) (d); 1979 c. 221; 1981 c. 20, 93, 314, 317; 1983 a. 27, 189; 1985 a. 29, 120; 1987 a. 27, 399; 1989 a. 31, 56, 336; 1991 a. 39, 269; 1993 a. 16, 437, 490; 1995 a. 27; 1997 a. 27, 164, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 109; 2003 a. 33, 320; 2005 a. 253, 254; 2007 a. 11.

13 SECTION 3. 341.307 (4) (f) of the statutes, as created by 2009 Wisconsin Act 28,
14 is repealed.

15

SECTION 4. 341.35 of the statutes is repealed.

as affected by 2009 Wisconsin Act.... (this act),

16 SECTION 5. 341.35 (5) of the statutes is amended to read:

17 341.35 (5) PAYMENT OF FEES. At the time a motor vehicle is first registered or
18 at the time of registration renewal, the applicant shall pay to the department any fee
19 imposed by a county or municipality under this section in addition to fees required
20 under this chapter. No applicant is required to pay to the department a fee under
21 this subsection after the first day of the 19th month beginning after the effective date
22 of this subsection [LRB inserts date].

History: 1971 c. 125 s. 521; 1971 c. 164 s. 83; 1977 c. 29 ss. 446, 1654 (7) (a); 1977 c. 273; 1979 c. 221; 1983 a. 27; 1987 a. 216; 1997 a. 27; 1999 a. 80.

23 SECTION 6. 341.35 (6) of the statutes is amended to read:

1 341.35 (6) DEPARTMENT TO REMIT FEES TO MUNICIPALITIES AND COUNTIES.
2 Beginning July 1, 1984, and annually thereafter, the department shall remit those
3 moneys collected under this section, less administrative costs under sub. (6m), to any
4 municipality or county which has imposed a fee under this section. The department
5 may by rule provide that the moneys be remitted at more frequent intervals if the
6 department deems it advisable. The department may not collect any moneys under
7 this section after the first day of the 19th month beginning after the effective date
8 of this subsection ... [LRB inserts date].

History: 1971 c. 125 s. 521; 1971 c. 164 s. 83; 1977 c. 29 s. 446, 1654 (7) (a); 1977 c. 273; 1979 c. 221; 1983 a. 27; 1987 a. 216; 1997 a. 27; 1999 a. 80.

9 **SECTION 7.** 341.35 (9) of the statutes is created to read:

10 341.35 (9) SUNSET. (a) No municipality or county may enact an ordinance
11 imposing a registration fee under sub. (1) on or after the effective date of this
12 paragraph ... [LRB inserts date].

13 (b) Any ordinance imposing a registration fee under sub. (1) that was enacted
14 by a municipality or county prior to the effective date of this paragraph ... [LRB
15 inserts date] shall become void on the first day of the 19th month beginning after the
16 effective date of this paragraph ... [LRB inserts date].

17 **SECTION 8.** 349.03 (2) of the statutes is amended to read:

18 349.03 (2) No local authority may enact or enforce any traffic regulation
19 providing for suspension or revocation of motor vehicle operator's licenses or
20 requiring local registration of vehicles, ~~except as authorized by s. 341.35,~~ or in any
21 manner excluding or prohibiting any motor vehicle, mobile home, vehicle
22 transporting a manufactured home or modular home, recreational vehicle, trailer,
23 or semitrailer whose owner has complied with chs. 341 to 348 from the free use of all

1 highways, except as authorized by sub. (3) and ss. 66.0429 (1) and (3), 349.13, 349.17,
2 349.22 and 349.23.

History: 1971 c. 234, 277; 1973 c. 86, 87, 336; 1979 c. 59; 1981 c. 20, 165; 1983 a. 535; 1985 a. 194; 1987 a. 3, 27; 1989 a. 105; 1993 a. 113; 1999 a. 150 s. 672; 2007 a.

3 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) The treatment of sections 79.03 (3) (b) 4. a. and 349.03 (2) of the statutes
6 and the repeal of sections 20.395 (5) (iv), 341.307 (4) (f), and 341.35 of the statutes
7 take effect on December 31, 2011.

8 (END)

d-note
↓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3424/P1dn

ARG: ^...

date

Jld

ATTN: Nathan Berken ✓

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3424/P1dn
ARG:jld:ph

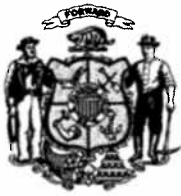
September 17, 2009

ATTN: Nathan Berken

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin
2009 - 2010 LEGISLATURE

m
9/30
TOMMY

LRB-3424/11

ARG:jld:ph

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

9/30- the w/nathan - make sure locals also can't
increase local reg. fee after eff. date

Regen

1 AN ACT *to repeal* 20.395 (5) (iv), 341.307 (4) (f) and 341.35; *to amend* 79.03 (3)
2 (b) 4. a., 341.35 (5), 341.35 (6) and 349.03 (2); and *to create* 341.35 (9) of the
3 statutes; **relating to:** eliminating the authority of municipalities and counties
4 to impose a local motor vehicle registration fee. ✓

Analysis by the Legislative Reference Bureau

Under current law, any city, village, or town (municipality) or county may, by ordinance, impose an annual motor vehicle registration fee on most automobiles and light-duty trucks customarily kept in the municipality or county. The Department of Transportation (DOT) collects this local registration fee, which is in addition to the state registration fee, at the time DOT collects the state registration fee and remits the local registration fee, minus administrative costs of collection, to the applicable municipality or county. The local registration fee may only be used by a municipality or county for transportation purposes.

* This bill eliminates, after a phase-out period, the authority of municipalities and counties to impose the local registration fee. After the bill becomes effective, a municipality or county cannot impose a new local registration fee. For those municipalities and counties that already have a local registration fee when the bill becomes effective, collection of the fee must cease within about 18 months after the bill's effective date and the authority to impose the fee is thereafter terminated.

or modify an existing local registration fee ✓

For further information see the *local* 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:

1 **SECTION 1.** 20.395 (5) (iv) of the statutes is repealed.

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20 imposed by a county or municipality under this section in addition to fees required
21 under this chapter. No applicant is required to pay to the department a fee under

1 this subsection after the first day of the 19th month beginning after the effective date
2 of this subsection [LRB inserts date].

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7 and 349.03 (2) of the statutes and the repeal of section 341.35 of the statutes take
8 effect on December 31, 2011.

9 (END)

Duerst, Christina

From: Berken, Nathan
Sent: Thursday, October 01, 2009 12:38 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3424/1 Topic: Repeal of motor vehicle local registration fee (wheel tax)

Please Jacket LRB 09-3424/1 for the ASSEMBLY.