



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 262**  
[2011 Senate Bill 330]

**Remedial Legislation**  
[Department of Transportation]

This legislation was suggested as remedial legislation by the Department of Transportation (DOT) and introduced by the Joint Legislative Council's Law Revision Committee under s. 13.83 (1) (c) 4. and 5., Stats. 2011 Wisconsin Act 262 makes the following changes to the transportation-related statutes.

### **Single-State Insurance System**

Under *current law* DOT may participate in either a single-state insurance registration system or a unified carrier registration system for motor carriers, but not both. Wisconsin participates in a unified carrier registration plan. Therefore, the *Act* eliminates DOT's authority to implement a single-state insurance registration system and related statutory provisions.

### **Prorate Registration Plates**

The *Act* eliminates DOT's authority to accept proportional registration for motor carriers that operate in multiple jurisdictions, and repeals statutory language referring to prorate registration plates. These provisions are obsolete because Wisconsin participates in the International Registration Plan, which provides for the registration fees of interstate carriers to be apportioned among the jurisdictions in which the carriers operate.

### **Placement of Vehicle Identification Numbers**

The *Act* eliminates the statutory requirement that DOT specify by rule where identification numbers must be placed on a vehicle. It authorizes DOT to instead establish forms that provide this information to vehicle owners.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

**Withholding Certificate of Title**

Under *current law*, a district attorney must notify the Department of Motor Vehicles (DMV) when he or she files a criminal complaint against a person who has been arrested for certain violations related to operating while intoxicated or operating with a prohibited blood alcohol concentration if the person has two or more prior convictions, suspensions, or revocations for related offenses. The DMV may not issue a certificate of title transferring ownership of the motor vehicle involved in the violation from the individual arrested for the violation until a court allows the transfer. In addition, the DMV may not issue a certificate transferring title of a vehicle when it has received a notice of intent to revoke the vehicle owner's license for improper refusal of a blood alcohol concentration test.

According to DOT, the purpose of these provisions was to prohibit a person from circumventing s. 346.65 (6), Stats., which permitted a court to order vehicle seizure or immobilization as a penalty for the above violations. Section 346.65 (6), Stats., was repealed by 2009 Act 100. Therefore, the *Act* repeals the statutory provisions requiring the DMV to withhold title for the above offenses.

**Extending Revocations Due to Jail Time Ordered**

Under *current law*, when a court orders a person revoked for operating a motor vehicle while intoxicated or with a prohibited blood alcohol concentration, the court must "extend the revocation period by the number of days to which the court sentences the person to imprisonment in a jail or prison for an offense related to the refusal." It appears that the use of the word "refusal" here is an error. The *Act* deletes the reference to "refusal" and inserts in its place the word "revocation."

***Effective date:*** The Act took effect on April 20, 2012, except as follows: the provision of the Act relating to the placement of vehicle identification numbers takes effect on July 1, 2012.

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