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

SECTION 1. 218.0171 (1) (bt) of the statutes is created to read:
218.0171 (1) (bt) “Heavy-duty vehicle” means any motor vehicle having a gross vehicle weight rating or actual gross weight of more than 10,000 pounds.

SECTION 2. 218.0171 (1) (g) of the statutes is created to read:
218.0171 (1) (g) “Out of service,” with respect to a motor vehicle, means that the vehicle is unable to be used by the consumer for the vehicle’s intended purpose as a result of any of the following:
1. The vehicle is in the possession of the manufacturer, motor vehicle lessor, or any of the manufacturer’s authorized motor vehicle dealers for the purpose of performing or attempting repairs to correct a nonconformity.
2. The vehicle is in the possession of the consumer and the vehicle has a nonconformity that substantially affects the use or safety of the vehicle and that has been subject to an attempt to repair under sub. (2) (a) on at least 2 occasions.

SECTION 3. 218.0171 (2) (a) of the statutes is amended to read:
218.0171 (2) (a) If a new motor vehicle does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the motor vehicle lessor, or any of the manufacturer’s authorized motor vehicle dealers on the form specified in sub. (8) (a) 1., and makes the motor vehicle available for repair before the expiration of the warranty or one year after first delivery of the motor vehicle to a consumer, whichever is sooner, the nonconformity shall be repaired.

SECTION 4. 218.0171 (2) (b) 1. of the statutes is amended to read:
218.0171 (2) (b) 1. If after a reasonable attempt to repair the nonconformity is not repaired and if the consumer provides the manufacturer with the form specified in sub. (8) (a) 2. or 3., the manufacturer shall carry out the requirement under subd. 2. or 3., whichever is appropriate.

SECTION 5. 218.0171 (2) (b) 2. a. of the statutes is amended to read:
218.0171 (2) (b) 2. a. Accept return of the motor vehicle and, subject to par. (cg), replace the motor vehicle with a comparable new motor vehicle and refund any collateral costs.

SECTION 6. 218.0171 (2) (c) of the statutes is amended to read:
218.0171 (2) (c) If the nonconformity has not been repaired or replaced as required under this section, the consumer is entitled to receive a refund of any collateral costs.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”
218.0171 (2) (c) To receive a comparable new motor vehicle or a refund due under par. (b) 1. or 2., a consumer described under sub. (1) (b) 1., 2., or 3. shall offer to the manufacturer of the motor vehicle having the nonconformity to transfer title of that motor vehicle to that manufacturer. No later than 30 days after that offer, the manufacturer shall provide the consumer with the comparable new motor vehicle or refund. When the manufacturer provides the new motor vehicle or refund, the consumer shall return the motor vehicle having the nonconformity to the manufacturer and provide the manufacturer with the certificate of title and all endorsements necessary to transfer title to the manufacturer. If another person is in possession of the certificate of title, as shown by the records of the department of transportation, that person shall, upon request of the consumer, provide the certificate of title to the manufacturer or to the consumer upon satisfaction of any security interest in the motor vehicle.

Section 7. 218.0171 (2) (cg) of the statutes is created to read:

218.0171 (2) (cg) 1. If a consumer described under sub. (1) (b) 1., 2., or 3. elects a comparable new motor vehicle on the form specified in sub. (8) (a) 2., no later than 30 days after receiving this form the manufacturer shall agree in writing to provide a comparable new motor vehicle or a refund of the full purchase price plus any sales tax, finance charge, amount paid by the consumer at the point of sale, and collateral costs. Upon the consumer’s receipt of this writing, the manufacturer shall have until the 45th day after receiving from the consumer the form specified in sub. (8) (a) 2. to either provide the comparable new motor vehicle or the refund. During this period, the manufacturer shall exercise due diligence in locating and providing a comparable new motor vehicle. If the manufacturer agrees to provide a comparable new motor vehicle, the manufacturer retains the right to provide the refund if a comparable new motor vehicle does not exist or cannot be delivered within the 45-day period. This subdivision does not apply with respect to heavy-duty vehicles.

2. If a consumer described under sub. (1) (b) 1., 2., or 3. elects a comparable new motor vehicle on the form specified in sub. (8) (a) 2., no later than 30 days after receiving this form the manufacturer shall agree in writing to provide a comparable new motor vehicle or a refund of the full purchase price plus any sales tax, finance charge, amount paid by the consumer at the point of sale, and collateral costs. Upon the consumer’s receipt of this writing, the manufacturer shall have until the 120th day after receiving from the consumer the form specified in sub. (8) (a) 2. to either provide the comparable new motor vehicle or the refund. During this period, the manufacturer shall exercise due diligence in locating and providing a comparable new motor vehicle. If the manufacturer agrees to provide a comparable new motor vehicle, the manufacturer retains the right to provide the refund if a comparable new motor vehicle does not exist or cannot be delivered within this 120-day period. This subdivision applies only with respect to heavy-duty vehicles.

3. When a manufacturer provides a new motor vehicle under subd. 1. or 2., the consumer shall return the motor vehicle having the nonconformity to the manufacturer and provide the manufacturer with the certificate of title and all endorsements necessary to transfer title to the manufacturer. If another person is in possession of the certificate of title, as shown by the records of the department of transportation, that person shall, upon request of the consumer, provide the certificate of title to the manufacturer upon satisfaction of any security interest in the motor vehicle.

Section 8. 218.0171 (2) (cq) of the statutes is amended to read:

218.0171 (2) (cq) Upon payment of a refund to a consumer under par. (b) 2. b. or (cg) 1. or 2., the manufacturer shall provide to the consumer a written statement that specifies the trade-in amount previously applied under s. 77.51 (12m) (b) 5. or 6. or (15b) (b) 5. or 6. toward the sales price of the motor vehicle having the nonconformity and the date on which the manufacturer provided the refund.

Section 9. 218.0171 (2) (d) of the statutes is amended to read:

218.0171 (2) (d) No motor vehicle returned by a consumer or motor vehicle lessor in this state under par. (b) or sub. (6m), or by a consumer or motor vehicle lessor in another state under a similar law of that state, may be sold or leased again in this state unless full disclosure of the reasons for return is made to any prospective buyer or lessee.

Section 10. 218.0171 (5) of the statutes is amended to read:

218.0171 (5) This section does not limit rights or remedies available to a consumer under any other law.

Section 11. 218.0171 (6m) of the statutes is created to read:

218.0171 (6m) Notwithstanding subs. (2) (b) and (6), if the consumer enters into a negotiated written settlement with the manufacturer regarding any motor vehicle nonconformity, the manufacturer shall no longer be subject to any requirement of this section, except for sub. (2) (d), with respect to that motor vehicle. This subsection applies only with respect to heavy-duty vehicles.

Section 12. 218.0171 (7) of the statutes is renumbered 218.0171 (7) (a) and amended to read:

218.0171 (7) (a) In addition to pursuing any other remedy, a consumer may bring an action to recover for any damages caused by a violation of this section if the action is commenced within 36 months after first delivery of the motor vehicle to a consumer. The court shall
award a consumer who prevails in such an action twice
the amount of any pecuniary loss, together with costs,
disbursements and reasonable attorney fees, and may
award any equitable relief the court determines appro-
priate.

**SECTION 13.** 218.0171 (7) (b) of the statutes is
created to read:

218.0171 (7) (b) Notwithstanding any other provi-
sion of this section or ch. 802, 804, or 806, in an action
for a violation under this section, if a court finds that any
party to the action has failed to reasonably cooperate with
another party’s efforts to comply with obligations under
this section, which hinders the other party’s ability to
comply with or seek recovery under this section, the court
may extend any deadlines specified in this section,
reduce any damages, attorney fees, or costs that may be
awarded under par. (a), strike pleadings, or enter default
judgment against the offending party.

**SECTION 14.** 218.0171 (8) of the statutes is created to
read:

218.0171 (8) (a) The department of transportation
shall prescribe one or more forms for consumers to use
for all of the following:

1. To report a nonconformity to the manufacturer, the
motor vehicle lessor, or any of the manufacturer’s autho-
rized motor vehicle dealers for the purpose of having the
nonconformity repaired.

2. To elect that a manufacturer replace a motor
vehicle with a comparable new motor vehicle as provided
under sub. (2) (b) 2. a.

3. To elect that a manufacturer make a refund as pro-
vided under sub. (2) (b) 2. or 3.

(b) The department shall make any form specified in
par. (a) available on the department’s Internet site. Any
form specified in par. (a) shall require the consumer to
provide all of the following information:

1. The consumer’s contact information.

2. Identification of the motor vehicle dealer from
which the motor vehicle was purchased, the date of deliv-
er of the motor vehicle from the dealer, and the purchase
price of the motor vehicle.

3. Identification of any holder of a perfected security
interest in the consumer’s motor vehicle.

4. The mileage of the motor vehicle at the time the
first nonconformity is asserted to have occurred.

5. If the form is to be used for the purpose of making
an election described in par. (a) 2. or 3., a place on the
form to make the election.

6. An itemization of any other damages claimed by
the consumer.

(c) If any form specified in par. (a) is required under
this section to be used by a consumer and the consumer
has not provided all information required under par. (b)
to the satisfaction of the manufacturer, the manufacturer
may, within 30 days of receiving the form, request that
the consumer provide additional information required
under par. (b). If the manufacturer makes such a timely
request for additional information, any time period under
sub. (2) (c), (cg) 1. or 2., or (cm) 1. does not begin to
elapse until the consumer provides this additional infor-
mation.

**SECTION 15.** 227.01 (13) (yd) of the statutes is
created to read:

227.01 (13) (yd) Relates to any form prescribed by
the department of transportation under s. 218.0171 (8).

**SECTION 16. Initial applicability.**

(1) This act first applies with respect to motor
vehicles for which the express warranty commences on
the effective date of this subsection.

**SECTION 17. Effective date.**

(1) This act takes effect on the first day of the 3rd
month beginning after publication.