

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2247/P1dn
ARG:jld:jm

April 25, 2013

Please review the attached draft carefully to ensure that it is consistent with your intent. This draft reflects the contents of 2013 LRB-2179/P1, with the requested changes.

Regarding item 4) of the requested changes, it is easy to assume in reading s. 218.0171 (2) (b) and (c) that the process described in these provisions is chronological; that is, that the election of the refund or new vehicle always occurs only before the offer to transfer title to the old vehicle. This draft makes the applicable time period start running from the later of the election or the offer. The result of this change is, as you requested, to restart the countdown from the latest election.

In this draft, I have created a definition of “commercial motor vehicle” instead of cross-referencing the definition in s. 340.01 (8). Part of the definition in s. 340.01 (8) defines “commercial motor vehicle” according to how the vehicle is being used, which is something neither the manufacturer nor dealer may know when the vehicle is sold and the warranty issued. This draft defines “commercial motor vehicle” according to the design of the vehicle rather than actual use so that it is more clear to the manufacturer and dealer that the vehicle is or is not a commercial motor vehicle at the point of sale. Please let me know if you would prefer to use the definition in s. 340.01 (8) or have no definition.

The provisions of ch. 227 are somewhat ambiguous as to whether prescribing a form constitutes rule making by an agency. As a matter of caution, I included s. 227.01 (13) (yd) to clarify that DOT does not need to engage in rule making to prescribe this form. Please advise if you would like me to remove this provision, either because you want to require rule making or because you or DOT believes that rule making is not necessary under current law and the provision is therefore superfluous.

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.

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