

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB182)

Received: **5/30/2013** Received By: **agary**
Wanted: **As time permits** Same as LRB: **s0068**
For: **Jerry Petrowski (608) 266-2502** By/Representing: **Lane Oling**
May Contact: Drafter: **agary**
Subject: **Transportation - mot veh dealers** Addl. Drafters:
Extra Copies: **EVM**

Submit via email: **YES**
Requester's email: **Sen.Petrowski@legis.wisconsin.gov**
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Motor vehicle warranty law (lemon law) changes relating to damages, refund information, commercial motor vehicles, civil actions, and reasonable attempts to repair (revise)

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>
/?	agary 6/1/2013	jdyer 6/3/2013	jfrantze 6/3/2013	_____			
/1	agary 6/7/2013	jdyer 6/7/2013	jfrantze 6/7/2013	_____	mbarman 6/3/2013	mbarman 6/3/2013	
/2	agary	jdyer	jfrantze	_____	srose	srose	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	8/14/2013	8/15/2013	8/15/2013	_____	6/7/2013	6/7/2013	
/3				_____	sbasford	sbasford	
				_____	8/15/2013	8/15/2013	

FE Sent For:

<END>

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/1	agary 6/7/2013	jdyer 6/7/2013	jfrantze 6/7/2013	<i>ARG 8/14</i>		mbarman 6/3/2013	
/2		<i>3/8/15 jld</i>	<i>Jb E</i>			srose	

Vers. Drafted

Reviewed

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Required

6/7/2013

6/7/2013

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/1		<i>2/6/7 jld</i>		_____	mbarman 6/3/2013	mbarman 6/3/2013	

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

Pre Topic:

No specific pre topic given

Topic:

Lemon law (revise)

Instructions:

See attached

Drafting History:

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/?	agary	6/3 jld					

FE Sent For:

<END>

Gary, Aaron

From: Oling, Lane
Sent: Thursday, May 30, 2013 12:10 PM
To: Gary, Aaron
Subject: Substitute Amendment Request for SB 182
Attachments: Sub Amendment for lemon law.docx

Aaron,

I have attached some drafting instructions for a substitute amendment. When you get a chance to look at this please call so we can walk through it. The assembly is exec-ing this June 5th so there is a rush because they want this sub for the exec. I have based my instructions as if the bill did not exist, so any provisions kept from the bill are included in the attached instructions.

Thank you VERY much, I know you have a lot on your plate.

Lane Oling
Office of Senator Jerry Petrowski
29th Senate District
(608) 266-2502

Substitute Amendment AB 200, SB 182

I. Commercial Motor Vehicle

Create a definition for “Heavy Duty Vehicles” (instead of “commercial vehicles” as in the bill). The language example is as follows:

Heavy Duty Vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation

II. Create a definition for “Out of service”

“Out of service,” with respect to a motor vehicle means 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 value, use, or safety of the vehicle and that has been subject to a previous repair attempt to correct the same nonconformity.

III. Refund Timeline

In order to commence a claim for repair, replacement or refund under 218.0171, the consumer must complete a Repair, Replacement or Refund Notice form (or whatever DOT will call it). DOT would have rulemaking authority to create this form. Upon the completion of this form to the satisfaction of the manufacturer, the timeline begins (30 for refund, 45 for comparable non heavy duty vehicle, 90 for heavy duty vehicle) to toll. If the form does not fulfill statutorily required elements, manufacturer must request additional statutory information within 30 days. Once the additional information is received, the timeline begins (30 for refund, 45 for comparable auto, 90 for heavy duty vehicle). The form will require the consumer to provide the following information:

1. Election of refund, replacement or comparable vehicle
2. Name of lien holder
3. Mileage at first incident
4. Contact information
5. Dealer’s name, date of delivery and purchase price

6. Itemization of other damages

IV. Automobile Replacement

If the consumer elects a comparable new motor vehicle, the manufacturer shall provide the consumer with the comparable new motor vehicle within the 45 day period. If no comparable vehicle exists or is not available for delivery, the manufacturer shall provide a refund for 100% of the purchase price in lieu of providing a comparable vehicle and shall provide this refund no later than 45 days after the Repair Replacement Form completed or the election of a comparable motor vehicle, whichever is later. Statutorily require that the manufacturer must exercise due diligence.

The purpose of including the 100% purchase price is because under current law a refund is calculated on a use-reduction basis. We want to provide an incentive for the manufacturer to find a comparable vehicle by requiring that if they cannot procure a comparable vehicle they must provide a full refund without the use deduction calculation under section 218.0171.

V. Commercial Replacement

Give commercial vehicles 90 days to provide comparable vehicle. If the consumer elects a comparable new motor vehicle, the manufacturer shall provide the consumer with the comparable new motor vehicle within the 90 day period. If no comparable vehicle exists or is not available for delivery, the manufacturer shall provide a refund for 100% of the purchase price in lieu of providing a comparable vehicle and shall provide this refund no later than 90 days after the Repair Replacement Form completed or the election of a comparable motor vehicle, whichever is later. Statutorily require that the manufacturer must exercise due diligence.

The purpose of including the 100% purchase price is because under current law a refund is calculated on a use-reduction basis. We want to provide an incentive for the manufacturer to find a comparable vehicle by requiring that if they cannot procure a comparable vehicle they must provide a full refund without the use deduction calculation under section 218.0171.

VI. Refund

Amend 218.0171(2)(c) to read: 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 DOT, 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. **(this language is identical to sb 182).**

VII. Negotiated Written Settlement

Change the language so that branding requirement of the lemon law remains intact. Delete provision making negotiated settlements void and create: "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 with respect to that motor vehicle, excluding the

provision requiring branding of title. What we intend to do here is prevent the manufacturer from washing title after entering into an agreement with a consumer, thus potentially making the consumer liable.

VIII. Statute of Limitations

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 the consumer. Legal rights accrue and vest 12 months after delivery, and suit must be filed within 36 months.

IX. Good Faith Provision

Insert language requiring that all parties act in good faith. Potential Language: “Good faith required. If the court finds that either party has intentionally failed to reasonably co-operate with the other party’s efforts to comply with obligations under this section, for purposes of hindering the other party’s ability to comply with or seek recovery under this section, the court may extend deadlines set herein, reduce the penalty damages or attorney’s fees and costs awarded, or strike pleadings and enter default judgment. “

X. Damages

Change language to mandatory award but no double damages. The court shall award a consumer who prevails in such an action the amount of any pecuniary loss, together with costs, disbursements and reasonable attorney fees, and may award any equitable relief the court deems appropriate.

XI. Jury Issue

Make substitute amendment clear that it eliminates jury trials for lemon law cases.

XII. Initial Applicability

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

Gary, Aaron

From: Oling, Lane
Sent: Friday, May 31, 2013 11:20 AM
To: Gary, Aaron
Cc: Fiocchi, Tim; David, Curt
Subject: FW: Tweaks to Sub Amendment for Lemon Law
Attachments: Tweakstosubamendmentlemonlaw.docx

Aaron,

Some tweaks to the sub amendment for the lemon law bill:

- 1) Change process when consumer elects a comparable vehicle. We would like to insert additional language that **if and only if** a consumer elects a comparable vehicle, the manufacturer must agree in writing within 30 days to either find a comparable vehicle or provide a full purchase price refund. Full purchase price refund should mean a 100% purchase price refund, as opposed to a use-reduction based refund provide for in statute. Once that agreement is entered into, then they will receive the extra time to comply (whether that is an extra 15 days or 60 days). Also, language should be included that ensures the manufacturer reserves the right to provide a full purchase price refund even if they agree to provide a comparable vehicle should that vehicle not exists or not be available for delivery. If the consumer elects a refund, nothing would change from current law under the sub amendment. It would still be subject to use reduction and required within 30 days. I have attached some potential language.
- 2) Include language in the written negotiated settlement provision that would prevent a manufacturer from using Power of Attorney on behalf of the consumer in transferring title. We want to prevent manufacturers from ignoring the branding requirement by obtaining a Power of Attorney from the consumer, with which the title is laundered through a non-branding state, even if resold in Wisconsin.
- 3) Insert a provision requiring the vehicle be returned to the manufacturer upon satisfaction of judgment. (I have attached language from bill that we would like to keep).

Thank you very much,

Lane Oling
Office of Senator Jerry Petrowski
29th Senate District
(608) 266-2502

Potential Language

Comparable Vehicles

If the consumer elects a comparable new motor vehicle, no later than 30 days after receipt of the Repair, Replace, or Refund Notice Form, the manufacturer must agree in writing to provide a comparable vehicle or a full purchase price refund. Upon the consumer's receipt of the written agreement, the manufacturer will have an additional 15 days past the 30 day deadline to either provide the comparable vehicle or full purchase price refund. The manufacturer shall exercise due diligence in locating and providing a comparable new motor vehicle within this 45 day period. If the manufacturer agrees to provide a comparable vehicle, the manufacturer retains the right to provide a full purchase price refund if no comparable vehicle exists or cannot be delivered within the before the 45 day deadline. This subdivision does not apply with respect to heavy duty vehicles.

Comparable Vehicles – Heavy Duty Vehicles

Except as provided in this subdivision, if the consumer elects a comparable new motor vehicle, no later than 30 days after receipt of the Repair, Replace, or Refund Notice Form, the manufacturer must agree in writing to provide a comparable vehicle or a full purchase price refund. Upon the consumer's receipt of the written agreement, the manufacturer will have an additional 60 days past the original 30 day deadline to either provide the comparable vehicle or full purchase price refund. The manufacturer shall exercise due diligence in locating and providing a comparable new motor vehicle within this 60 day period. If the manufacturer agrees to provide a comparable vehicle, the manufacturer retains the right to provide a full purchase price refund if no comparable vehicle exists or cannot be delivered within the 60 day deadline.

A "full purchase price refund" is the total purchase cost of the motor vehicle and is not subject to the use-reduction calculation provided for in 218.0171(2)(b)2.b.

Return of Motor Vehicle

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.

Gary, Aaron

From: Oling, Lane
Sent: Friday, May 31, 2013 2:41 PM
To: Gary, Aaron
Cc: Fiocchi, Tim; David, Curt
Subject: RE: Tweaks to Sub Amendment for Lemon Law

Aaron,

One (hopefully final) addition for the sub.

Create the definition of out of service to read:

“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 the nonconformity.
2. The vehicle is in possession of the consumer and all of the following apply:
 - a. The vehicle has a nonconformity.
 - b. **The consumer has reported in a form and manner prescribed by the department of transportation and available online, the nonconformity to the manufacturer, motor vehicle lessor, or manufacturer’s authorized motor vehicle dealer and the manufacturer, lessor, or dealer has refused to accept the vehicle for the purposes of performing or attempting subsequent repairs.**

Thank you very much,

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29th Senate District
(608) 266-2502

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refund provide for in statute. Once that agreement is entered into, then they will receive the extra time to comply (whether that is an extra 15 days or 60 days). Also, language should be included that ensures the manufacturer reserves the right to provide a full purchase price refund even if they agree to provide a comparable vehicle should that vehicle not exist or not be available for delivery. If the consumer elects a refund, nothing would change from current law under the sub amendment. It would still be subject to use reduction and required within 30 days. I have attached some potential language.

- 2) Include language in the written negotiated settlement provision that would prevent a manufacturer from using Power of Attorney on behalf of the consumer in transferring title. We want to prevent manufacturers from ignoring the branding requirement by obtaining a Power of Attorney from the consumer, with which the title is laundered through a non-branding state, even if resold in Wisconsin.
- 3) Insert a provision requiring the vehicle be returned to the manufacturer upon satisfaction of judgment. (I have attached language from bill that we would like to keep).

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State of Wisconsin
2013 - 2014 LEGISLATURE

in Saf. 6/1

needs
Mar.
6/3



50066/1

LRB-2247
ARG:jld:rs

keep

RMNR

D-note

Senate Substitute Amendment,
TO **2013 SENATE BILL 182**

May 16, 2013 - Introduced by Senators PETROWSKI, FABROW and VUKMIR, cosponsored by Representatives KRAMER, LEMAHIEU, WILLIAMS, CRAIG, KUGLITSCH, THIESFELDT, SCHRAA, CZAJA, MURPHY, TITTL, JACQUE, STONE, KLEEFISCH, STEINEKE, SUDER, NEYLON, MURTHA, NYGREN, SEVERSON, BALLWEG, A. OTT, JAGLER, NERISON, PETRYK, AUGUST, MURSAU, KAUFERT, SANFELIPPO, LOUDENBECK, KESTELL, RIPP, TAUCHEN, WEATHERSTON, SPIROS, SWEARINGEN, BIES, BORN, HONADEL, T. LARSON, KNODL, STROEBEL, STRACHOTA, WEININGER, BERNIER, KOOYENGA and PRIDEMORE. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

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Regen

- 1 **AN ACT to renumber and amend** 218.0171 (2) (c); **to amend** 218.0171 (2) (b)
- 2 a., 218.0171 (2) (cm) 1. and 2. and 218.0171 (7); and **to create** 218.0171 (1)
- 3 (am), 218.0171 (1) (g), 218.0171 (2) (c) 3., 4. and 5., 218.0171 (2) (cm) 4., 218.0171
- 4 (6m), 218.0171 (8) and 227.01 (13) (yd) of the statutes; **relating to:** the law
- 5 governing repair, replacement, and refund under a motor vehicle warranty. ✓

Analysis by the Legislative Reference Bureau

Currently the law governing repair, replacement, and refund under a motor vehicle warranty, commonly referred to as the "lemon law," provides remedies for a person who purchases, receives, or leases (consumer) a motor vehicle that is under an express warranty and that has a nonconformity. A "nonconformity" is defined as a condition or defect that substantially impairs the use, value, or safety of the motor vehicle and that is covered by an express warranty, but does not include a condition or defect that is the result of abuse, neglect, or unauthorized modification or alteration of the motor vehicle by the consumer.

Under current law, if a consumer reports a nonconformity to the manufacturer or manufacturer's agent such as the importer or distributor (manufacturer), the lessor of the motor vehicle (lessor) if the consumer is leasing the vehicle, or any of the manufacturer's authorized motor vehicle dealers (authorized dealers) and if the consumer makes the motor vehicle available for repair before the warranty expires or within one year after first delivery of the motor vehicle to a consumer, whichever is sooner, the consumer is entitled to have the nonconformity repaired. If, after a

SENATE BILL 182

reasonable attempt to repair, the nonconformity is not repaired, the manufacturer must provide the consumer with a comparable new motor vehicle or a refund, at the consumer's option. "Reasonable attempt to repair" is defined as any of the following occurring within the warranty period or within one year after first delivery of the motor vehicle to a consumer, whichever is sooner: 1) the same nonconformity is subject to repair by the manufacturer, lessor, or authorized dealer at least four times and the nonconformity continues; or 2) the motor vehicle is out of service for an aggregate of at least 30 days because of nonconformities. To receive a comparable new motor vehicle or a refund, the consumer must offer to transfer title of the vehicle with the nonconformity to the manufacturer and, within 30 days after this offer, the manufacturer must provide the consumer with the comparable new motor vehicle or refund. When the manufacturer provides the new motor vehicle or refund, the consumer must return the vehicle with the nonconformity to the manufacturer along with necessary vehicle title documents. If another person is in possession of the vehicle's certificate of title, that person must provide the certificate to the manufacturer or to the consumer. In addition to the new replacement vehicle or refund, the consumer may bring a civil action to recover damages caused by a lemon law violation. If the consumer prevails, the court must award the consumer twice the amount of any pecuniary loss, along with costs and reasonable attorney fees.

This bill creates a definition of "out of service," which affects whether a "reasonable attempt to repair" has been made under item 2), above. Under the bill, "out of service" means that a motor 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, lessor, or authorized dealer for the purpose of performing or attempting repairs to correct a nonconformity; or 2) the vehicle is in the consumer's possession and all of the following apply: a) the vehicle has a nonconformity that substantially affects the use or safety of the vehicle and that has been subject to a previous repair attempt to correct the same nonconformity; and b) the consumer has reported, in writing, the nonconformity to the manufacturer, lessor, or authorized dealer and the manufacturer, lessor, or dealer has refused to accept the vehicle for the purpose of performing or attempting subsequent repairs.

Under the bill, if a consumer elects to receive a comparable new motor vehicle or a refund and offers to transfer title of the vehicle with the nonconformity to the manufacturer, the deadline for the manufacturer to provide the consumer with the comparable new motor vehicle or refund, discussed further below, is measured from the later of the election or the offer, except as discussed below. The bill also requires a consumer requesting a refund to provide to the manufacturer, in a form and manner prescribed by the Department of Transportation (DOT), all information timely requested and required by the manufacturer and any written consent to allow the manufacturer to provide the refund. The consumer must provide this information during or prior to the 30-day period that commences with the later of the consumer's election of the refund or the consumer's offer to transfer title to the manufacturer of the vehicle with the nonconformity. If the consumer fails to provide any of this information by the end of this 30-day period, the consumer may not bring a civil action to recover damages caused by a lemon law violation. Also, if a consumer

SENATE BILL 182

elects to receive a refund, the deadline for the manufacturer to provide the consumer with the refund can be no earlier than ten days after the manufacturer receives from the consumer the required information and consent in the form and manner prescribed by DOT.

The bill also extends the time in which a manufacturer must provide a comparable new motor vehicle to a consumer who elects to receive a comparable new motor vehicle, from 30 days to 45 days after the later of the election or offer. If no comparable new motor vehicle is available for delivery within this 45-day period, the manufacturer must provide a refund in lieu of providing the comparable new motor vehicle. The manufacturer must exercise due diligence in locating and providing a comparable new motor vehicle during this 45-day period. These changes also apply if the comparable new motor vehicle is a commercial motor vehicle, except that the applicable period is 120 days rather than 45 days.

The bill also imposes additional limitations on civil actions brought to recover damages caused by lemon law violations. Under the bill, any action must be commenced within 24 months after first delivery of the motor vehicle to a consumer. The bill also makes an award for pecuniary loss, costs, and attorney fees to a prevailing consumer in such an action discretionary with the court or jury rather than mandatory. The bill further eliminates the provision requiring the award of twice the amount of a prevailing consumer's pecuniary loss and instead allows an award of up to the amount of the prevailing consumer's pecuniary loss.

This bill specifies that, if a consumer enters into a negotiated written settlement with the manufacturer regarding a vehicle nonconformity, the manufacturer is no longer subject to any requirement under the lemon law with respect to that vehicle.

Also under this bill, if a consumer returns a vehicle with a nonconformity to the manufacturer and another person is in possession of the vehicle's certificate of title, that person must provide the certificate of title to the manufacturer, not the consumer, upon satisfaction of any security interest in the vehicle.

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

✓
Insert
3-1 →

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SECTION 1. 218.0171 (1) (am) of the statutes is created to read:
218.0171 (1) (am) 1. Subject to subd. 2., "commercial motor vehicle" means a motor vehicle designed to transport passengers or property and having one or more of the following characteristics:

SENATE BILL 182**SECTION 1**

1 a. The vehicle is a single vehicle with a gross vehicle weight rating of 26,001
2 or more pounds or the vehicle's registered weight or actual gross weight is more than
3 26,000 pounds.

4 b. The vehicle is a combination vehicle with a gross combination weight rating,
5 registered weight or actual gross weight of 26,001 or more pounds inclusive of a
6 towed unit with a gross vehicle weight rating, registered weight or actual gross
7 weight of more than 10,000 pounds.

8 c. The vehicle is designed to transport the driver and 15 or more passengers.
9 If the vehicle is equipped with bench type seats intended to seat more than one
10 person, the passenger-carrying capacity shall be determined under s. 340.01 (31) or,
11 if the vehicle is a school bus, by dividing the total seating space measured in inches
12 by 13.

13 2. "Commercial motor vehicle" does not include a motor home, as defined in s.
14 340.01 (33m).

15 **SECTION 2.** 218.0171 (1) (g) of the statutes is created to read:

16 218.0171 (1) (g) "Out of service," with respect to a motor vehicle, means that
17 the vehicle is unable to be used by the consumer for the vehicle's intended purpose
18 as a result of any of the following:

19 1. The vehicle is in the possession of the manufacturer, motor vehicle lessor, or
20 any of the manufacturer's authorized motor vehicle dealers for the purpose of
21 performing or attempting repairs to correct a nonconformity.

22 2. The vehicle is in the possession of the consumer and all of the following apply:

23 a. The vehicle has a nonconformity that substantially affects the use or safety
24 of the vehicle and that has been subject to a previous repair attempt to correct the
25 same nonconformity.

SENATE BILL 182

-5-
insert 5-1 ✓

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b. The consumer has reported, in writing, the nonconformity to the manufacturer, motor vehicle lessor, or manufacturer's authorized motor vehicle dealer and the manufacturer, lessor, or dealer has refused to accept the vehicle for the purpose of performing or attempting subsequent repairs.

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insert 5-4 ✓

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SECTION 3. 218.0171 (2) (b) 2. a. of the statutes is amended to read:

6

218.0171 (2) (b) 2. a. Accept return of the motor vehicle and, subject to par. (c)

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3. and 4., replace the motor vehicle with a comparable new motor vehicle and refund any collateral costs.

(cg) ✓
↑
score

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SECTION 4. 218.0171 (2) (c) of the statutes is renumbered 218.0171 (2) (c) 1. and amended to read:

insert 5-10 ✓

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218.0171 (2) (c) 1. 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~~

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~~2. Subject to subd. 5., if the consumer elects a refund, no later than 30 days after that the offer under subd. 1. or the election of the refund, whichever is later, the manufacturer shall provide the consumer with the comparable new motor vehicle or refund. During or prior to this 30-day period, the consumer shall provide to the manufacturer, in a form and manner prescribed by the department of transportation, all information timely requested and required by the manufacturer and any written consent to allow the manufacturer to provide the refund. If the consumer fails to provide any of this information by the end of this 30-day period, the consumer may not bring an action under sub. (7).~~

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6. When the manufacturer provides the new motor vehicle or refund, the consumer shall return the motor vehicle having the nonconformity to the

SENATE BILL 182**SECTION 4**

1 manufacturer and provide the manufacturer with the certificate of title and all
2 endorsements necessary to transfer title to the manufacturer. If another person is
3 in possession of the certificate of title, as shown by the records of the department of
4 transportation, that person shall, upon request of the consumer, provide the
5 certificate of title to the manufacturer or to the consumer upon satisfaction of any
6 security interest in the motor vehicle.

7 **SECTION 5.** 218.0171 (2) (c) 3., 4. and 5. of the statutes are created to read:

8 218.0171 (2) (c) 3. Except as provided in this subdivision, if the consumer elects
9 a comparable new motor vehicle, no later than 45 days after the offer under subd. 1.
10 or the election of the new motor vehicle, whichever is later, the manufacturer shall
11 provide the consumer with the comparable new motor vehicle. The manufacturer
12 shall exercise due diligence in locating and providing a comparable new motor
13 vehicle within this 45-day period. If no comparable new motor vehicles exists or if
14 a comparable new motor vehicle is otherwise unavailable for delivery within this
15 45-day period, the manufacturer shall provide a refund in lieu of providing a
16 comparable new motor vehicle and shall provide this refund no later than 45 days
17 after the offer under subd. 1. or the election of the new motor vehicle, whichever is
18 later. This subdivision does not apply with respect to commercial motor vehicles.

19 4. Except as provided in this subdivision, if the consumer elects a comparable
20 new commercial motor vehicle, no later than 120 days after the offer under subd. 1.
21 or the election of the new commercial motor vehicle, whichever is later, the
22 manufacturer shall provide the consumer with the comparable new commercial
23 motor vehicle. The manufacturer shall exercise due diligence in locating and
24 providing a comparable new commercial motor vehicle within this 120-day period.
25 If no comparable new commercial motor vehicles exists or if a comparable new

SENATE BILL 182

1 commercial motor vehicle is otherwise unavailable for delivery within this 120-day
2 period, the manufacturer shall provide a refund in lieu of providing a comparable
3 new commercial motor vehicle and shall provide this refund no later than 120 days
4 after the offer under subd. 1. or the election of the new commercial motor vehicle,
5 whichever is later.

6 5. A manufacturer is not required to provide a consumer with a refund under
7 subd. 2. less than 10 days after the manufacturer receives from the consumer the
8 information and consent required under subd. 2., in the form and manner specified
9 in sub. (8).

10 **SECTION 6.** 218.0171 (2) (cm) 1. and 2. of the statutes are amended to read:

11 218.0171 (2) (cm) 1. To receive a refund due under par. (b) 3., a consumer
12 described under sub. (1) (b) 4. shall offer to the manufacturer of the motor vehicle
13 having the nonconformity to return that motor vehicle to that manufacturer. No
14 Subject to subd. 4., no later than 30 days after that offer, the manufacturer shall
15 provide the refund to the consumer. During or prior to this 30-day period, the
16 consumer shall provide to the manufacturer, in a form and manner prescribed by the
17 department of transportation, all information timely requested and required by the
18 manufacturer and any written consent to allow the manufacturer to provide the
19 refund. If the consumer fails to provide any of this information by the end of this
20 30-day period, the consumer may not bring an action under sub. (7). When the
21 manufacturer provides the refund, the consumer shall return the motor vehicle
22 having the nonconformity to the manufacturer.

23 2. To receive a refund due under par. (b) 3., a motor vehicle lessor shall offer to
24 the manufacturer of the motor vehicle having the nonconformity to transfer title of
25 that motor vehicle to that manufacturer. No Subject to subd. 4., no later than 30 days

SENATE BILL 182

Handwritten mark resembling a stylized 'y' or 'j'.

1 after that offer, the manufacturer shall provide the refund to the motor vehicle lessor.
 2 During or prior to this 30-day period, the consumer shall provide to the
 3 manufacturer, in a form and manner prescribed by the department of transportation,
 4 all information timely requested and required by the manufacturer and any written
 5 consent to allow the manufacturer to provide the refund. When the manufacturer
 6 provides the refund, the motor vehicle lessor shall provide to the manufacturer the
 7 certificate of title and all endorsements necessary to transfer title to the
 8 manufacturer. If another person is in possession of the certificate of title, as shown
 9 by the records of the department of transportation, that person shall, upon request
 10 of the motor vehicle lessor, provide the certificate to the manufacturer or to the motor
 11 vehicle lessor.

12 SECTION 7. 218.0171 (2) (cm) 4. of the statutes is created to read:

13 218.0171 (2) (cm) 4. A manufacturer is not required to provide a consumer with
 14 a refund under subd. 1. or a motor vehicle lessor a refund under subd. 2. less than
 15 10 days after the manufacturer receives from the consumer the information and
 16 consent required under subd. 1. or 2., in the form and manner specified in sub. (8)

17 SECTION 8. 218.0171 (6m) of the statutes is created to read:

18 218.0171 (6m) Notwithstanding subs. (2) (b) and (6), if the consumer enters
 19 into a negotiated written settlement with the manufacturer regarding any motor
 20 vehicle nonconformity, the manufacturer shall no longer be subject to any
 21 requirement of this section with respect to that motor vehicle.

22 SECTION 9. 218.0171 (7) of the statutes is amended to read:

23 (a) 218.0171 (7) ~~In~~ Subject to subs. (2) (c) 2. and (cm) 1. and (3), in addition to
 24 pursuing any other remedy, a consumer may bring an action to recover for any
 25 damages caused by a violation of this section if the action is commenced within 24

Handwritten notes:
 - "except for sub. (2) (d)" with an arrow pointing to "with respect to that motor vehicle."
 - "renumbered 218.0171(7) (a) and" with an arrow pointing to "SECTION 9."
 - "delete strike" with an arrow pointing to the circled "In" in line 23.
 - "plain" with an arrow pointing to the underlined text in line 23.
 - A circled "24" at the end of line 24.

21
 22
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Handwritten notes:
 - "change component" written vertically next to lines 22-24.
 - A circled "23" next to line 23.

Handwritten note: 36

Plain delete strike

SENATE BILL 182

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months after first delivery of the motor vehicle to a consumer. The court shall or jury
 may award a consumer who prevails in such an action twice up to the amount of any
 pecuniary loss, together with costs, disbursements and reasonable attorney fees, and
 any equitable relief the court determines appropriate.

SECTION 10. 218.0171 (8) of the statutes is created to read:

218.0171 (8) The department of transportation shall prescribe a form and
 manner for consumers to provide information and consent to manufacturers for
 purposes of sub. (2) (c) 2. and (cm) 1. and 2.

SECTION 11. 227.01 (13) (yd) of the statutes is created to read:

227.01 (13) (yd) Relates to any form or manner of providing information and
 consent prescribed by the department of transportation under s. 218.0171 (8).

SECTION 12. 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 13. Effective date.

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

(END)

D-Note

insert 9-4

insert 9-6

1 **INSERT 3-1:**

2 **SECTION 1.** 218.0171 (1) (bt) of the statutes is created to read:

3 218.0171 (1) (bt) "Heavy-duty vehicle" means any motor vehicle used on a
4 highway in interstate commerce to transport passengers or property if any of the
5 following ~~apply~~ *applies*:

6 1. The motor vehicle has a gross vehicle weight rating or actual gross weight
7 of more than 10,000 pounds.

8 2. The motor vehicle is designed or used to transport more than 8 passengers,
9 including the driver, for compensation.

10 3. The motor vehicle is designed or used to transport more than 15 passengers,
11 including the driver, and is not used to transport passengers for compensation.

12
13 **INSERT 5-1:**

14 *(no fl)* on the form specified in sub. (8) (a) 1., *NO fl*

15 **INSERT 5-4:**

16 **SECTION 2.** 218.0171 (2) (a) of the statutes is amended to read:

17 218.0171 (2) (a) If a new motor vehicle does not conform to an applicable
18 express warranty and the consumer reports the nonconformity to the manufacturer,
19 the motor vehicle lessor, or any of the manufacturer's authorized motor vehicle
20 dealers on the form specified in sub. (8) (a) 1. and makes the motor vehicle available
21 for repair before the expiration of the warranty or one year after first delivery of the
22 motor vehicle to a consumer, whichever is sooner, the nonconformity shall be
23 repaired.

1 **SECTION 3.** 218.0171 (2) (b) 1. of the statutes is amended to read:

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

(end ins)

6 **History:** 1983 a. 48; 1985 a. 205 ss. 1m to 6, 8; 1987 a. 105, 169, 323, 403; 1989 a. 31; 1999 a. 31 s. 287; Stats. 1999 s. 218.0171; 2001 a. 45; 2009 a. 2; 2011 a. 32.

7 **INSERT 5-10:**

8 **SECTION 4.** 218.0171 (2) (c) of the statutes is amended to read:

9 218.0171 (2) (c) To receive a ~~comparable new motor vehicle or a~~ refund due
10 under par. (b) 1. or 2., a consumer described under sub. (1) (b) 1., 2. or 3. shall offer
11 to the manufacturer of the motor vehicle having the nonconformity to transfer title
12 of that motor vehicle to that manufacturer. No later than 30 days after that offer, the
13 manufacturer shall provide the consumer with the ~~comparable new motor vehicle or~~
14 refund. When the manufacturer provides the ~~new motor vehicle or~~ refund, the
15 consumer shall return the motor vehicle having the nonconformity to the
16 manufacturer and provide the manufacturer with the certificate of title and all
17 endorsements necessary to transfer title to the manufacturer. If another person is
18 in possession of the certificate of title, as shown by the records of the department of
19 transportation, that person shall, upon request of the consumer, provide the
20 certificate of title to the manufacturer ~~or to the consumer~~ upon satisfaction of any
21 security interest in the motor vehicle.

22 **History:** 1983 a. 48; 1985 a. 205 ss. 1m to 6, 8; 1987 a. 105, 169, 323, 403; 1989 a. 31; 1999 a. 31 s. 287; Stats. 1999 s. 218.0171; 2001 a. 45; 2009 a. 2; 2011 a. 32.

23 **SECTION 5.** 218.0171 (2) (cg) of the statutes is created to read:

24 218.0171 (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



1 30[✓] days after receiving this form the manufacturer shall agree in writing to provide
 2 a comparable new motor vehicle or a full purchase price refund.[✓] Upon the consumer's
 3 receipt of this writing, the manufacturer shall have until the 45th[✓] day after receiving
 4 from the consumer the form specified in sub. (8) (a) 2.[✓] to either provide the
 5 comparable new motor vehicle or a full purchase price refund.[✓] During this period,
 6 the manufacturer shall exercise due diligence in locating and providing a comparable
 7 new motor vehicle.[✓] If the manufacturer agrees to provide a comparable new motor
 8 vehicle, the manufacturer retains the right to provide a full purchase price refund
 9 if no comparable new motor vehicle exists or cannot be delivered within this 45[✓] day
 10 period. This subdivision[✓] does not apply with respect to heavy-duty vehicles.[✓]

11 2. If a consumer described under sub. (1) (b) 1., 2., or 3.[✓] elects a comparable new
 12 motor vehicle on the form specified in sub. (8) (a) 2.,[✓] no later than 30[✓] days after
 13 receiving this form the manufacturer shall agree in writing to provide a comparable
 14 new motor vehicle or a full purchase price refund.[✓] Upon the consumer's receipt of
 15 this writing, the manufacturer shall have until the 90th[✓] day after receiving from the
 16 consumer the form specified in sub. (8) (a) 2.[✓] to either provide the comparable new
 17 motor vehicle or a full purchase price refund.[✓] During this period, the manufacturer
 18 shall exercise due diligence in locating and providing a comparable new motor
 19 vehicle.[✓] If the manufacturer agrees to provide a comparable new motor vehicle, the
 20 manufacturer retains the right to provide a full purchase price refund if no
 21 comparable new motor vehicle exists or cannot be delivered within this 90[✓] day period.
 22 This subdivision[✓] applies only with respect to heavy-duty[✓] vehicles.

23 3. When a manufacturer provides a new motor vehicle under subd. 1. or 2.,[✓] the
 24 consumer shall return the motor vehicle having the[✓] nonconformity to the
 25 manufacturer and provide the manufacturer with the certificate of title and all



1 endorsements necessary to transfer title to the manufacturer. ✓ If another person is
2 in possession of the certificate of title, as shown by the records of the department of
3 transportation, that person shall, upon request of the consumer, provide the
4 certificate of title to the manufacturer upon satisfaction of any security interest in
5 the motor vehicle.

6 **SECTION 6.** 218.0171 (2) (cq) ✓ of the statutes is amended to read:

7 218.0171 (2) (cq) Upon payment of a refund to a consumer under par. (b) 2. b.
8 or (cg) 1. or 2. ✓, the manufacturer shall provide to the consumer a written statement
9 that specifies the trade-in amount previously applied under s. 77.51 (12m) (b) 5. or
10 6. or (15b) (b) 5. or 6. toward the sales price of the motor vehicle having the
11 nonconformity and the date on which the manufacturer provided the refund.

12 **History:** 1983 a. 48; 1985 a. 205 ss. 1m to 6, 8; 1987 a. 105, 169, 323, 403; 1989 a. 31; 1999 a. 31 s. 287; Stats. 1999 s. 218.0171; 2001 a. 45; 2009 a. 2; 2011 a. 32.

13 **SECTION 7.** 218.0171 (2) (d) of the statutes is amended to read:

14 218.0171 (2) (d) No motor vehicle returned by a consumer or motor vehicle
15 lessor in this state under par. (b) or sub. (6m). ✓ or by a consumer or motor vehicle lessor
16 in another state under a similar law of that state, may be sold or leased again in this
17 state unless full disclosure of the reasons for return is made to any prospective buyer
18 or lessee. A manufacturer may not use a power of attorney ✓ to act as an agent of a
19 consumer for purposes of transferring title to a motor vehicle returned to the
manufacturer under this section. ✓

20 **History:** 1983 a. 48; 1985 a. 205 ss. 1m to 6, 8; 1987 a. 105, 169, 323, 403; 1989 a. 31; 1999 a. 31 s. 287; Stats. 1999 s. 218.0171; 2001 a. 45; 2009 a. 2; 2011 a. 32.

21 **SECTION 8.** 218.0171 (5) of the statutes is amended to read:

22 218.0171 (5) This ✓ Except as provided in sub. (7) (b) and (c), ✓ this section does
not limit rights or remedies available to a consumer under any other law.

23 **History:** 1983 a. 48; 1985 a. 205 ss. 1m to 6, 8; 1987 a. 105, 169, 323, 403; 1989 a. 31; 1999 a. 31 s. 287; Stats. 1999 s. 218.0171; 2001 a. 45; 2009 a. 2; 2011 a. 32.

24 (end ins)

INSERT 9-4:

SECTION 9. 218.0171 (7) (b) and (c) of the statutes are created to read:

218.0171 (7) (b) Notwithstanding ss. 799.21 (3) and 805.01, a trial by jury is not available in any action for a violation under this section.

(c) Notwithstanding any other provision 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 intentionally failed to reasonably cooperate with another party's efforts to comply with obligations under this section, for purposes of hindering 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.

INSERT 9-6:

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 authorized motor vehicle dealers for the purpose of having the nonconformity repaired under sub. (2) (a) or sub. (1) (g).

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 provided 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 1. The consumer's contact information.
- 2 2. Identification of the motor vehicle dealer from which the motor vehicle was
- 3 purchased, the date of delivery of the motor vehicle from the dealer, and the purchase
- 4 price of the motor vehicle. ✓
- 5 3. Identification of any holder of a perfected security interest^e in the consumer's ~~star~~
- 6 motor vehicle. ✓
- 7 4. The mileage of the motor vehicle at the time the first nonconformity is
- 8 asserted to have occurred. ✓
- 9 5. If the form is to be used for the purpose of making an election described in
- 10 par. (a) 2. or 3., a place on the form to make the election. ✓
- 11 6. An itemization of any other damages claimed by the consumer. ✓
- 12 (c) If any form specified in par. (a) is required under this section to be used by
- 13 a consumer and the consumer has not provided all information required under par.
- 14 (b) to the satisfaction of the manufacturer, the manufacturer may, within 30 days of
- 15 receiving the form, request that the consumer provide additional information
- 16 required under par. (b). ✓ If the manufacturer makes such a timely request^e for
- 17 additional information, any time period under sub. (2) (c), (cg) 1. or 2., or (cm) 1. does
- 18 not begin to elapse until the consumer provides this additional information. ✓

(end ins)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0066/1dn

ARG:.....

date

Jld

substitute amendment

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

Under current law, the term "full purchase price" is used without definition. I therefore do not believe it is necessary to provide a definition in this draft. I note, however, that current law affords a consumer who elects a refund with additional items of recovery beyond the full purchase price minus a reasonable allowance for use. Under s. 218.0171 (2) (b) 2. b., the manufacturer must refund "the full purchase price plus any sales tax, finance charge, amount paid by the consumer at the point of sale and collateral costs, less a reasonable allowance for use." In this draft it is unclear whether a manufacturer that provides a refund when a comparable new motor vehicle is requested must also include these additional cost items with the full purchase price.

manufacturer
substitute amendment

The provision in this draft eliminating jury trials in lemon law cases might be subject to challenge as unconstitutional. See Art. I, sec. 5, of the Wisconsin Constitution ("The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy").

With regard to the DOT form to be used by a consumer, I have retained the provisions in AB-200/SB-182 that create a rule-making exception for the form, although the instructions state that DOT would have rulemaking authority. The entire draft hinges on this form. After 2011 Act 21, the rulemaking process is lengthy (possibly years long) and unpredictable and can be easily thwarted by the executive branch. For this reason, I have kept the rulemaking exemption, but if you prefer the draft could provide for emergency rulemaking and numerous rulemaking exceptions instead.

Wisconsin

Under current law, the lemon law does not apply to vehicle combinations such as truck-trailer or truck-semitrailer combinations. I have assumed that you do not want to expand the lemon law to apply to vehicle combinations and have therefore modified the proposed definition of "heavy-duty vehicle" accordingly.

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.

substitute amendment

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

LRBs0066/1dn
ARG:jld:jf

June 3, 2013

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

Under current law, the term “full purchase price” is used without definition. I therefore do not believe it is necessary to provide a definition in this draft. I note, however, that current law affords a consumer who elects a refund with additional items of recovery beyond the full purchase price minus a reasonable allowance for use. Under s. 218.0171 (2) (b) 2. b., the manufacturer must refund “the full purchase price plus any sales tax, finance charge, amount paid by the consumer at the point of sale and collateral costs, less a reasonable allowance for use.” In this substitute amendment, it is unclear whether a manufacturer that provides a refund when a comparable new motor vehicle is requested must also include these additional cost items with the full purchase price.

The provision in this draft eliminating jury trials in lemon law cases might be subject to challenge as unconstitutional. See Art. I, sec. 5, of the Wisconsin Constitution (“The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy”).

With regard to the DOT form to be used by a consumer, I have retained the provisions in AB-200/SB-182 that create a rule-making exception for the form, although the instructions state that DOT would have rule-making authority. The entire substitute amendment hinges on this form. After 2011 Wisconsin Act 21, the rule-making process is lengthy (possibly years long) and unpredictable and can be easily thwarted by the executive branch. For this reason, I have kept the rule-making exemption, but if you prefer the draft could provide for emergency rule-making and numerous rule-making exceptions instead.

Under current law, the lemon law does not apply to vehicle combinations such as truck-trailer or truck-semitrailer combinations. I have assumed that you do not want to expand the lemon law to apply to vehicle combinations and have therefore modified the proposed definition of “heavy-duty vehicle” accordingly.

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

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

Gary, Aaron

From: Oling, Lane
Sent: Thursday, June 06, 2013 4:32 PM
To: Gary, Aaron
Subject: RE: Lemon law draft

Yes, and no rush on that. Just wanted to make sure you had it.

Thank you very much for all of work throughout this.

Lane

From: Gary, Aaron
Sent: Thursday, June 06, 2013 4:24 PM
To: Oling, Lane
Cc: Fiocchi, Tim
Subject: RE: Lemon law draft

Hi Lane,

I got the jacket back for the SB-182 sub, LRBs0066/1. Do you want me to redraft it to be identical to the assembly version (LRBs0068/2)?

Thanks. Aaron

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

From: Oling, Lane
Sent: Monday, June 03, 2013 12:29 PM
To: Gary, Aaron
Subject: Lemon law draft

Thank you very much for that extremely quick turnaround!! Again, apologies for the timeline. I will read this through this and be in touch.

Lane Oling
Office of Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2013 - 2014 LEGISLATURE

Note: redraft is based on a different LRB #

in 6/7

LPS - FROM 2013 LRB S 0068/2
LRB 0068/2 S 0066/1
ARG:jld:jm
RMNR

Senate
ASSEMBLY SUBSTITUTE AMENDMENT 1,
Senate
TO ASSEMBLY BILL 200 182

June 4, 2013 - Offered by Representative KRAMER.

4 Regen

1 **AN ACT to renumber and amend** 218.0171 (7); **to amend** 218.0171 (2) (a),
2 218.0171 (2) (b) 1., 218.0171 (2) (b) 2. a., 218.0171 (2) (c), 218.0171 (2) (cq),
3 218.0171 (2) (d) and 218.0171 (5); and **to create** 218.0171 (1) (bt), 218.0171 (1)
4 (g), 218.0171 (2) (cg), 218.0171 (6m), 218.0171 (7) (b), 218.0171 (8) and 227.01
5 (13) (yd) of the statutes; **relating to:** the law governing repair, replacement,
6 and refund under a motor vehicle warranty.

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

7 **SECTION 1.** 218.0171 (1) (bt) of the statutes is created to read:
8 218.0171 (1) (bt) "Heavy-duty vehicle" means any motor vehicle having a gross
9 vehicle weight rating or actual gross weight of more than 10,000 pounds.

10 **SECTION 2.** 218.0171 (1) (g) of the statutes is created to read:

1 218.0171 (1) (g) "Out of service," with respect to a motor vehicle, means that
2 the vehicle is unable to be used by the consumer for the vehicle's intended purpose
3 as a result of any of the following:

4 1. The vehicle is in the possession of the manufacturer, motor vehicle lessor, or
5 any of the manufacturer's authorized motor vehicle dealers for the purpose of
6 performing or attempting repairs to correct a nonconformity.

7 2. The vehicle is in the possession of the consumer and the vehicle has a
8 nonconformity that substantially affects the use or safety of the vehicle.

9 **SECTION 3.** 218.0171 (2) (a) of the statutes is amended to read:

10 218.0171 (2) (a) If a new motor vehicle does not conform to an applicable
11 express warranty and the consumer reports the nonconformity to the manufacturer,
12 the motor vehicle lessor, or any of the manufacturer's authorized motor vehicle
13 dealers on the form specified in sub. (8) (a) 1. and makes the motor vehicle available
14 for repair before the expiration of the warranty or one year after first delivery of the
15 motor vehicle to a consumer, whichever is sooner, the nonconformity shall be
16 repaired.

17 **SECTION 4.** 218.0171 (2) (b) 1. of the statutes is amended to read:

18 218.0171 (2) (b) 1. If after a reasonable attempt to repair the nonconformity is
19 not repaired and if the consumer provides the manufacturer with the form specified
20 in sub. (8) (a) 2. or 3., the manufacturer shall carry out the requirement under subd.
21 2. or 3., whichever is appropriate.

22 **SECTION 5.** 218.0171 (2) (b) 2. a. of the statutes is amended to read:

23 218.0171 (2) (b) 2. a. Accept return of the motor vehicle and, subject to par. (cg),
24 replace the motor vehicle with a comparable new motor vehicle and refund any
25 collateral costs.

1 **SECTION 6.** 218.0171 (2) (c) of the statutes is amended to read:

2 218.0171 (2) (c) To receive a ~~comparable new motor vehicle or a~~ refund due
3 under par. (b) 1. or 2., a consumer described under sub. (1) (b) 1., 2. or 3. shall offer
4 to the manufacturer of the motor vehicle having the nonconformity to transfer title
5 of that motor vehicle to that manufacturer. No later than 30 days after that offer, the
6 manufacturer shall provide the consumer with the ~~comparable new motor vehicle or~~
7 refund. When the manufacturer provides the ~~new motor vehicle or~~ refund, the
8 consumer shall return the motor vehicle having the nonconformity to the
9 manufacturer and provide the manufacturer with the certificate of title and all
10 endorsements necessary to transfer title to the manufacturer. If another person is
11 in possession of the certificate of title, as shown by the records of the department of
12 transportation, that person shall, upon request of the consumer, provide the
13 certificate of title to the manufacturer ~~or to the consumer~~ upon satisfaction of any
14 security interest in the motor vehicle.

15 **SECTION 7.** 218.0171 (2) (cg) of the statutes is created to read:

16 218.0171 (2) (cg) 1. If a consumer described under sub. (1) (b) 1., 2., or 3. elects
17 a comparable new motor vehicle on the form specified in sub. (8) (a) 2., no later than
18 30 days after receiving this form the manufacturer shall agree in writing to provide
19 a comparable new motor vehicle or a refund of the full purchase price plus any sales
20 tax, finance charge, amount paid by the consumer at the point of sale, and collateral
21 costs. Upon the consumer's receipt of this writing, the manufacturer shall have until
22 the 45th day after receiving from the consumer the form specified in sub. (8) (a) 2.
23 to either provide the comparable new motor vehicle or the refund. During this period,
24 the manufacturer shall exercise due diligence in locating and providing a comparable
25 new motor vehicle. If the manufacturer agrees to provide a comparable new motor

1 vehicle, the manufacturer retains the right to provide the refund if no comparable
2 new motor vehicle exists or cannot be delivered within this 45-day period. This
3 subdivision does not apply with respect to heavy-duty vehicles.

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

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

25 **SECTION 8.** 218.0171 (2) (cq) of the statutes is amended to read:

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

6 **SECTION 9.** 218.0171 (2) (d) of the statutes is amended to read:

7 218.0171 (2) (d) No motor vehicle returned by a consumer or motor vehicle
8 lessor in this state under par. (b) or sub. (6m), or by a consumer or motor vehicle lessor
9 in another state under a similar law of that state, may be sold or leased again in this
10 state unless full disclosure of the reasons for return is made to any prospective buyer
11 or lessee. A manufacturer may not use a power of attorney to act as an agent of a
12 consumer for purposes of transferring title to a motor vehicle returned to the
13 manufacturer under this section.

14 **SECTION 10.** 218.0171 (5) of the statutes is amended to read:

15 218.0171 (5) This Except as provided in sub. (7) (b), this section does not limit
16 rights or remedies available to a consumer under any other law.

17 **SECTION 11.** 218.0171 (6m) of the statutes is created to read:

18 218.0171 (6m) Notwithstanding subs. (2) (b) and (6), if the consumer enters
19 into a negotiated written settlement with the manufacturer regarding any motor
20 vehicle nonconformity, the manufacturer shall no longer be subject to any
21 requirement of this section, except for sub. (2) (d), with respect to that motor vehicle.
22 This subsection applies only with respect to heavy-duty vehicles.

23 **SECTION 12.** 218.0171 (7) of the statutes is renumbered 218.0171 (7) (a) and
24 amended to read:

1 218.0171 (7) (a) In addition to pursuing any other remedy, a consumer may
2 bring an action to recover for any damages caused by a violation of this section if the
3 action is commenced within 36 months after first delivery of the motor vehicle to a
4 consumer. The court shall award a consumer who prevails in such an action ~~twice~~
5 the amount of any pecuniary loss, together with costs, disbursements and reasonable
6 attorney fees, and may award any equitable relief the court determines appropriate.

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

8 218.0171 (7) (b) Notwithstanding any other provision of this section or ch. 802,
9 804, or 806, in an action for a violation under this section, if a court finds that any
10 party to the action has failed to reasonably cooperate with another party's efforts to
11 comply with obligations under this section, which hinders the other party's ability
12 to comply with or seek recovery under this section, the court may extend any
13 deadlines specified in this section, reduce any damages, attorney fees, or costs that
14 may be awarded under par. (a), strike pleadings, or enter default judgment against
15 the offending party.

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

17 218.0171 (8) (a) The department of transportation shall prescribe one or more
18 forms for consumers to use for all of the following:

19 1. To report a nonconformity to the manufacturer, the motor vehicle lessor, or
20 any of the manufacturer's authorized motor vehicle dealers for the purpose of having
21 the nonconformity repaired.

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

24 3. To elect that a manufacturer make a refund as provided under sub. (2) (b)
25 2. or 3.

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

4 1. The consumer's contact information.

5 2. Identification of the motor vehicle dealer from which the motor vehicle was
6 purchased, the date of delivery of the motor vehicle from the dealer, and the purchase
7 price of the motor vehicle.

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

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

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

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

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

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

23 227.01 (13) (yd) Relates to any form prescribed by the department of
24 transportation under s. 218.0171 (8).

25 **SECTION 16. Initial applicability.**

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, August 14, 2013 1:22 PM
To: Oling, Lane
Cc: Fiocchi, Tim
Subject: RE: Senate sub amendment for lemon law bill

Hi Lane,

Yes, I'll need the jacket back for LRBs0066. I can then redraft it as a "/3" that incorporates the substance of AA1 to ASA1 to AB200.

Thanks. Aaron

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

From: Gary, Aaron
Sent: Wednesday, August 14, 2013 12:58 PM
To: Oling, Lane
Cc: Fiocchi, Tim
Subject: RE: Senate sub amendment for lemon law bill

Hi Lane,

I think where we left this was that the assembly bill is now in the senate and has been referred to the senate committee. So I think the preferred route would be for the committee to act on AB-200 (which includes all amendments passed by the assembly).

Let me know if you have any questions or need anything else.

Thanks. Aaron

8/14 HC w/ Tim
- yes, need senate SSA

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

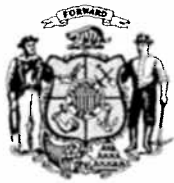
From: Oling, Lane
Sent: Wednesday, August 14, 2013 12:46 PM
To: Gary, Aaron
Subject: Senate sub amendment for lemon law bill

Good afternoon Aaron,

I am hoping to get a senate substitute amendment for SB 182 that reflects the changes to AB 200 (sub amendment and simple to the sub). Basically Senator Petrowski wants an identical bill in the Senate. I believe I still need to return the jacket for the original senate sub amendment correct?

LS0066/2

Lane Oling, J.D.
Office of Senator Jerry Petrowski
29th Senate District
(608) 266-2502



in
8/14



LRBs00664 3
ARG:jld:jf

needed
8/19

RMNR

SENATE SUBSTITUTE AMENDMENT,
TO SENATE BILL 182

D-Not

✓ Regen

1 AN ACT *to renumber and amend* 218.0171 (7); *to amend* 218.0171 (2) (a),
2 218.0171 (2) (b) 1., 218.0171 (2) (b) 2. a., 218.0171 (2) (c), 218.0171 (2) (cq),
3 218.0171 (2) (d) and 218.0171 (5); and *to create* 218.0171 (1) (bt), 218.0171 (1)
4 (g), 218.0171 (2) (cg), 218.0171 (6m), 218.0171 (7) (b), 218.0171 (8) and 227.01
5 (13) (yd) of the statutes; **relating to:** the law governing repair, replacement,
6 and refund under a motor vehicle warranty.

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

7 SECTION 1. 218.0171 (1) (bt) of the statutes is created to read:
8 218.0171 (1) (bt) "Heavy-duty vehicle" means any motor vehicle having a gross
9 vehicle weight rating or actual gross weight of more than 10,000 pounds.

10 SECTION 2. 218.0171 (1) (g) of the statutes is created to read:

1 218.0171 (1) (g) “Out of service,” with respect to a motor vehicle, means that
2 the vehicle is unable to be used by the consumer for the vehicle’s intended purpose
3 as a result of any of the following:

4 1. The vehicle is in the possession of the manufacturer, motor vehicle lessor, or
5 any of the manufacturer’s authorized motor vehicle dealers for the purpose of
6 performing or attempting repairs to correct a nonconformity.

7 2. The vehicle is in the possession of the consumer and the vehicle has a
8 nonconformity that substantially affects the use or safety of the vehicle. ✓
9 *insert 2-8*

10 **SECTION 3.** 218.0171 (2) (a) of the statutes is amended to read:

11 218.0171 (2) (a) If a new motor vehicle does not conform to an applicable
12 express warranty and the consumer reports the nonconformity to the manufacturer,
13 the motor vehicle lessor, or any of the manufacturer’s authorized motor vehicle
14 dealers on the form specified in sub. (8) (a) 1. and makes the motor vehicle available
15 for repair before the expiration of the warranty or one year after first delivery of the
16 motor vehicle to a consumer, whichever is sooner, the nonconformity shall be
17 repaired.

18 **SECTION 4.** 218.0171 (2) (b) 1. of the statutes is amended to read:

19 218.0171 (2) (b) 1. If after a reasonable attempt to repair the nonconformity is
20 not repaired and if the consumer provides the manufacturer with the form specified
21 in sub. (8) (a) 2. or 3., the manufacturer shall carry out the requirement under subd.
22 2. or 3., whichever is appropriate.

23 **SECTION 5.** 218.0171 (2) (b) 2. a. of the statutes is amended to read:

24 218.0171 (2) (b) 2. a. Accept return of the motor vehicle and, subject to par. (cg),
25 replace the motor vehicle with a comparable new motor vehicle and refund any
collateral costs.

1 **SECTION 6.** 218.0171 (2) (c) of the statutes is amended to read:

2 218.0171 **(2)** (c) To receive a ~~comparable new motor vehicle or a~~ refund due
3 under par. (b) 1. or 2., a consumer described under sub. (1) (b) 1., 2. or 3. shall offer
4 to the manufacturer of the motor vehicle having the nonconformity to transfer title
5 of that motor vehicle to that manufacturer. No later than 30 days after that offer, the
6 manufacturer shall provide the consumer with the ~~comparable new motor vehicle or~~
7 refund. When the manufacturer provides the ~~new motor vehicle or~~ refund, the
8 consumer shall return the motor vehicle having the nonconformity to the
9 manufacturer and provide the manufacturer with the certificate of title and all
10 endorsements necessary to transfer title to the manufacturer. If another person is
11 in possession of the certificate of title, as shown by the records of the department of
12 transportation, that person shall, upon request of the consumer, provide the
13 certificate of title to the manufacturer ~~or to the consumer~~ upon satisfaction of any
14 security interest in the motor vehicle.

15 **SECTION 7.** 218.0171 (2) (cg) of the statutes is created to read:

16 218.0171 **(2)** (cg) 1. If a consumer described under sub. (1) (b) 1., 2., or 3. elects
17 a comparable new motor vehicle on the form specified in sub. (8) (a) 2., no later than
18 30 days after receiving this form the manufacturer shall agree in writing to provide
19 a comparable new motor vehicle or a refund of the full purchase price plus any sales
20 tax, finance charge, amount paid by the consumer at the point of sale, and collateral
21 costs. Upon the consumer's receipt of this writing, the manufacturer shall have until
22 the 45th day after receiving from the consumer the form specified in sub. (8) (a) 2.
23 to either provide the comparable new motor vehicle or the refund. During this period,
24 the manufacturer shall exercise due diligence in locating and providing a comparable
25 new motor vehicle. If the manufacturer agrees to provide a comparable new motor

1 vehicle, the manufacturer retains the right to provide the refund if ^ano comparable
 2 new motor vehicle ^{does not} exist or cannot be delivered within this 45-day period. This
 3 subdivision does not apply with respect to heavy-duty vehicles.

4 2. If a consumer described under sub. (1) (b) 1., 2., or 3. elects a comparable new
 5 motor vehicle on the form specified in sub. (8) (a) 2., no later than 30 days after
 6 receiving this form the manufacturer shall agree in writing to provide a comparable
 7 new motor vehicle or a refund of the full purchase price plus any sales tax, finance
 8 charge, amount paid by the consumer at the point of sale, and collateral costs. Upon
 9 the consumer's receipt of this writing, the manufacturer shall have until the 120th
 10 day after receiving from the consumer the form specified in sub. (8) (a) 2. to either
 11 provide the comparable new motor vehicle or the refund. During this period, the
 12 manufacturer shall exercise due diligence in locating and providing a comparable
 13 new motor vehicle. If the manufacturer agrees to provide a comparable new motor

14 vehicle, the manufacturer retains the right to provide the refund if ^ano comparable
 15 new motor vehicle ^{does not} exist or cannot be delivered within this 120-day period. This
 16 subdivision applies only with respect to heavy-duty vehicles.

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

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

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

6 **SECTION 9.** 218.0171 (2) (d) of the statutes is amended to read:

7 218.0171 (2) (d) No motor vehicle returned by a consumer or motor vehicle
8 lessor in this state under par. (b) or sub. (6m), or by a consumer or motor vehicle lessor
9 in another state under a similar law of that state, may be sold or leased again in this
10 state unless full disclosure of the reasons for return is made to any prospective buyer

11 or lessee. A manufacturer may not use a power of attorney to act as an agent of a
12 consumer for purposes of transferring title to a motor vehicle returned to the
13 manufacturer under this section.

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15 218.0171 (5) This Except as provided in sub. (7) (b), this section does not limit
16 rights or remedies available to a consumer under any other law.

17 **SECTION 11.** 218.0171 (6m) of the statutes is created to read:

18 218.0171 (6m) Notwithstanding subs. (2) (b) and (6), if the consumer enters
19 into a negotiated written settlement with the manufacturer regarding any motor
20 vehicle nonconformity, the manufacturer shall no longer be subject to any
21 requirement of this section, except for sub. (2) (d), with respect to that motor vehicle.
22 This subsection applies only with respect to heavy-duty vehicles.

23 **SECTION 12.** 218.0171 (7) of the statutes is renumbered 218.0171 (7) (a) and
24 amended to read:

1 218.0171 (7) (a) In addition to pursuing any other remedy, a consumer may
2 bring an action to recover for any damages caused by a violation of this section if the
3 action is commenced within 36 months after first delivery of the motor vehicle to a
4 consumer. The court shall award a consumer who prevails in such an action ~~twice~~
5 the amount of any pecuniary loss, together with costs, disbursements and reasonable
6 attorney fees, and may award any equitable relief the court determines appropriate.

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

8 218.0171 (7) (b) Notwithstanding any other provision of this section or ch. 802,
9 804, or 806, in an action for a violation under this section, if a court finds that any
10 party to the action has failed to reasonably cooperate with another party's efforts to
11 comply with obligations under this section, which hinders the other party's ability
12 to comply with or seek recovery under this section, the court may extend any
13 deadlines specified in this section, reduce any damages, attorney fees, or costs that
14 may be awarded under par. (a), strike pleadings, or enter default judgment against
15 the offending party.

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

17 218.0171 (8) (a) The department of transportation shall prescribe one or more
18 forms for consumers to use for all of the following:

19 1. To report a nonconformity to the manufacturer, the motor vehicle lessor, or
20 any of the manufacturer's authorized motor vehicle dealers for the purpose of having
21 the nonconformity repaired.

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

24 3. To elect that a manufacturer make a refund as provided under sub. (2) (b)
25 2. or 3.

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

4 1. The consumer's contact information.

5 2. Identification of the motor vehicle dealer from which the motor vehicle was
6 purchased, the date of delivery of the motor vehicle from the dealer, and the purchase
7 price of the motor vehicle.

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

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

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

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

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

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

23 227.01 (13) (yd) Relates to any form prescribed by the department of
24 transportation under s. 218.0171 (8).

25 **SECTION 16. Initial applicability.**



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0599/1
ARG:sac:jf

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 200**

INSERT

June 11, 2013 - Offered by Representative KRAMER.

Insert
2-8

1
2
3
4
5
6
7
8
9

At the locations indicated, amend the substitute amendment as follows:

1. Page 2, line 8: after "vehicle" insert "and that has been subject to an attempt to repair under sub. (2) (a) on at least 2 occasions".

2. Page 4, line 1: on lines 1 and 14, delete "no" and substitute "a".

3. Page 4, line 2: on lines 2 and 15, delete "exists" and substitute "does not exist".

4. Page 5, line 11: delete the material beginning with "A manufacturer" and ending with "section." on line 13.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0066/3dn

ARG: :...

date

↑
jcd

As requested, I have redrafted this substitute amendment so that it is identical to ASA1 to AB-200 with AA1 to ASA1 to AB-200 incorporated. ✓

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0066/3dn
ARG:jld:jf

August 15, 2013

As requested, I have redrafted this substitute amendment so that it is identical to ASA1 to AB-200 with AA1 to ASA1 to AB-200 incorporated.

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