

**2013 DRAFTING REQUEST**

**Bill**

Received: **9/28/2012** Received By: **agary**  
Wanted: **As time permits** Same as LRB:  
For: **Jerry Petrowski (608) 266-2502** By/Representing: **Anna Richter**  
May Contact: Drafter: **agary**  
Subject: **Transportation - motor vehicles** Addl. Drafters:  
**Transportation - other** Extra Copies: **EVM**

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

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Fraud on the department relating to used vehicle title or registration NB 1315-29

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**Instructions:**

See attached

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**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 11/13/2012			_____			
/P1	emueller 7/23/2013	jdyer 11/16/2012	jfrantze 11/16/2012	_____	lparisi 11/16/2012		State
/1	agary 1/21/2014	evinz 7/23/2013	rschluet 7/23/2013	_____	srose 7/23/2013	sbasford 1/30/2014	State

FE Sent For:

@  
INTRO

<END>

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FE Sent For:

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See attached

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/?	agary 11/13/2012			_____			
/P1	emueller	jdyer 11/16/2012	jfrantze 11/16/2012	_____	lparisi 11/16/2012		State

/1 *emma*  
*7/23/13* *1 eev*  
FE Sent For: *7/23/13*  
*END*

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**Bill**

Received: 9/28/2012 Received By: agary  
Wanted: As time permits Same as LRB:  
For: Transportation By/Representing: Anna Richter  
May Contact: Drafter: agary  
Subject: Transportation - motor vehicles Addl. Drafters:  
Transportation - other Extra Copies: EVM

Submit via email: YES  
Requester's email: Anna.Richter@dot.wi.gov  
Carbon copy (CC) to:

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**Pre Topic:**

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**Topic:**

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**Instructions:**

See attached

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<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: **9/28/2012** Received By: **agary**  
Wanted: **As time permits** Companion to LRB:  
For: **Transportation** By/Representing: **Anna Richter**  
May Contact: Drafter: **agary**  
Subject: **Transportation - motor vehicles** Addl. Drafters:  
**Transportation - other** Extra Copies: **EVM**

Submit via email: **YES**  
Requester's email: **Anna.Richter@dot.wi.gov**  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

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1?	agary	P1 11/16 JLD	J	11/14			

FE Sent For:

<END>

**LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL  
2013-2015 BIENNIUM**

Wisconsin Department of Transportation

DT1586 6/2012

**Instructions:** Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return one completed copy to the Office of Policy, Budget & Finance (OPBF), Attention: Paul Hammer. The form is available at: <http://dotnet/forms/authorized.htm>.

Short Title of Topic  
2013 Fraud on the Department

Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	<b>OGC OFFICE USE ONLY</b> "T" Number Assigned	"B" Number Assigned	"NB" Number Assigned 1315-29
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Date Submitted 7/18/2012	Division(s) Motor Vehicles
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OPBF Contact Person Anna Richter	(Area Code) Telephone Number 608-267-7304
-------------------------------------	--

Lead Division Contact Person Reed McGinn	(Area Code) Telephone Number 608-266-7857
---	--

OGC Contact Person Paul Nilsen	(Area Code) Telephone Number 608-261-0126
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Define Problem Precisely  
Under s.341.255(2), the Department does not have the authority to cancel the title or registration for a fraudulently obtained title if it was not directly submitted to the Department. We have experienced cases where a consumer provides a licensed motor vehicle dealer with a fraudulent title when trading in a motor vehicle. This harms motor vehicle dealers and agents.

Description of Proposed Change  
Amend 342.255(2) to include agents acting on behalf of the Department.

Justification for Change

Describe any legislative history and related statutory language

**X**  
\_\_\_\_\_  
(Division Administrator Signature) (Date)

**X**  
\_\_\_\_\_  
(Division Administrator Signature) (Date)

**X**  
\_\_\_\_\_  
(Division Administrator Signature) (Date)





in  
11/13



↑  
jcd

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Prof ✓

D-Note

4

Gen

1 AN ACT ...; **relating to:** the cancellation of a motor vehicle title or registration for  
2 fraud on the Department of Transportation. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, the Department of Transportation (DOT) ✓ must suspend the registration of a vehicle if the registration was completed through fraud. ✓ DOT must also refuse issuance of a vehicle certificate of title if the application contains a false or fraudulent statement and must suspend or revoke a certificate of title if the certificate of title was fraudulently procured, erroneously issued, or prohibited by law. ✓ Certain acts of fraud in connection with vehicle registration are punishable as crimes and it is also a crime to supply a fraudulent certificate of title or registration as evidence of ownership of a vehicle. ✓

Also under current law, DOT must cancel a motor vehicle title or registration if DOT discovers fraud on DOT. ✓

This bill requires DOT to cancel a motor vehicle title or registration ✓ if DOT discovers fraud on an agent of DOT, ✓ such as a motor vehicle dealer that processes title and registration applications for transmittal to DOT. ✓

For further information see the *state* fiscal estimate, ✓ which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 342.255 (2)<sup>X</sup> of the statutes is amended to read:

2           342.255 (2) Fraud on the department or an agent of the department is

3           discovered by the department; or<sup>✓</sup>

4           History: 1977 c. 29 s. 1654 (7) (a); 1993 a. 159.

(END)

*D-Note*

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

LRB-0175/P1dn

ARG:.....

date

Jkd

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

The drafting instructions state that DOT does not have authority to cancel a motor vehicle title or registration when a consumer provides a licensed motor vehicle dealer with a fraudulent title when trading in a motor vehicle, which harms the dealer that is acting as an agent of DOT.✓

I believe that this draft might not be necessary. Under s. 342.11 (1) (b), DOT must refuse issuance of a certificate of title if the application contains a false or fraudulent statement. Current law therefore prohibits DOT from issuing a certificate of title based on a fraudulent application, regardless of whether DOT or a dealer first receives the application. Under s. 342.255 (3), DOT must cancel a title or registration if DOT discovers that issuance of the title or registration is prohibited by law. Accordingly, I believe that DOT might already have authority under ss. 342.11 (1) (b) and 342.255 (3) to cancel a vehicle title or registration based upon the consumer's fraud even if the application is submitted first to a dealer.✓

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

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

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

LRB-0175/P1dn  
ARG:jld:jf

November 16, 2012

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

The drafting instructions state that DOT does not have authority to cancel a motor vehicle title or registration when a consumer provides a licensed motor vehicle dealer with a fraudulent title when trading in a motor vehicle, which harms the dealer that is acting as an agent of DOT.

I believe that this draft might not be necessary. Under s. 342.11 (1) (b), DOT must refuse issuance of a certificate of title if the application contains a false or fraudulent statement. Current law therefore prohibits DOT from issuing a certificate of title based on a fraudulent application, regardless of whether DOT or a dealer first receives the application. Under s. 342.255 (3), DOT must cancel a title or registration if DOT discovers that issuance of the title or registration is prohibited by law. Accordingly, I believe that DOT might already have authority under ss. 342.11 (1) (b) and 342.255 (3) to cancel a vehicle title or registration based upon the consumer's fraud even if the application is submitted first to a dealer.

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

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



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0175/PT 11  
ARG:jld:jf

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

7/23/13

RMR

No Changes

Soon

regen

1 AN ACT *to amend* 342.255 (2) of the statutes; relating to: the cancellation of a  
2 motor vehicle title or registration for fraud on the Department of  
3 Transportation.

*Analysis by the Legislative Reference Bureau*

Under current law, the Department of Transportation (DOT) must suspend the registration of a vehicle if the registration was completed through fraud. DOT must also refuse issuance of a vehicle certificate of title if the application contains a false or fraudulent statement and must suspend or revoke a certificate of title if the certificate of title was fraudulently procured, erroneously issued, or prohibited by law. Certain acts of fraud in connection with vehicle registration are punishable as crimes and it is also a crime to supply a fraudulent certificate of title or registration as evidence of ownership of a vehicle.

Also under current law, DOT must cancel a motor vehicle title or registration if DOT discovers fraud on DOT.

This bill requires DOT to cancel a motor vehicle title or registration if DOT discovers fraud on an agent of DOT, such as a motor vehicle dealer that processes title and registration applications for transmittal to DOT.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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



**Gary, Aaron**

---

**From:** Yahn, Nate - DOT <Nate.Yahn@dot.wi.gov>  
**Sent:** Monday, January 20, 2014 6:46 AM  
**To:** Gary, Aaron  
**Subject:** Introducible Draft for LRB-0175/P1  
**Attachments:** 13-0175\_P1.pdf  
  
**Importance:** High

Aaron,

The Department would also like to move forward with this particular piece of legislation.

Can you please convert the attached LRB-0175/P1 to an introducible "/1"?

Thanks.

Nate

-

**Nate Yahn**

*Legislative Advisor*  
Office of the Secretary  
Wisconsin Department of Transportation  
*Phone: (608) 266-1114*  
*Email: [nate.yahn@dot.wi.gov](mailto:nate.yahn@dot.wi.gov)*

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

## Basford, Sarah

---

**From:** Gary, Aaron  
**Sent:** Thursday, January 30, 2014 1:53 PM  
**To:** Basford, Sarah  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Thank you. All should go to Petrowski, including -0165. Aaron

---

**From:** Basford, Sarah  
**Sent:** Thursday, January 30, 2014 1:51 PM  
**To:** Gary, Aaron  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

I will go ahead and jacket these for the Senate.

### **Sarah Basford**

**Senior Program Assistant**  
Legislative Reference Bureau  
1 East Main St., Suite 200  
Madison, WI 53703  
(608) 266-3561

---

**From:** Fiocchi, Tim  
**Sent:** Thursday, January 30, 2014 1:48 PM  
**To:** Gary, Aaron; Punches, Derek; Portz, Elisabeth  
**Cc:** Basford, Sarah  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Yes – thanks Aaron!

---

**From:** Gary, Aaron  
**Sent:** Thursday, January 30, 2014 1:45 PM  
**To:** Fiocchi, Tim; Punches, Derek; Portz, Elisabeth  
**Cc:** Basford, Sarah  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Scratch that – rewind.

I thought these were agency drafts for DOT. Actually LRB-0169, -0175, and -0176 are Petrowski requests, with only -0165 being a DOT request.

Do you want me to jacket all of these for the senate instead, and have companions prepared for the assembly? (I'll get them out right away.)

Aaron

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

---

**From:** Gary, Aaron  
**Sent:** Thursday, January 30, 2014 1:38 PM



**To:** Fiocchi, Tim; Punches, Derek  
**Cc:** Portz, Elisabeth  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Hi Tim and Derek,

The four bills below are now assembly bills. Do you want me to enter/prepare a senate companion for Sen. Petrowski for each bill? Thanks. Aaron

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

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**From:** Yahn, Nate - DOT [<mailto:Nate.Yahn@dot.wi.gov>]  
**Sent:** Wednesday, January 29, 2014 10:55 AM  
**To:** Portz, Elisabeth; Fiocchi, Tim; Punches, Derek  
**Cc:** Rhatican, Tom M - DOT  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Thanks, Liz.

I just emailed jacking requests to Aaron for the four bills attached in my previous email (LRBs – 0165/1, 0169/1, 0175/1, 0176/1). My request also mentioned that the respective bills would be introduced in each house.

-  
**Nate Yahn**  
*Legislative Advisor*  
Office of the Secretary  
Wisconsin Department of Transportation  
*Phone: (608) 266-1114*