

**2013 DRAFTING REQUEST**

**Bill**

Received:	<b>7/31/2013</b>	Received By:	<b>emueller</b>
Wanted:	<b>As time permits</b>	Same as LRB:	<b>-4324</b>
For:	<b>Jerry Petrowski (608) 266-2502</b>	By/Representing:	<b>Anna Richter</b>
May Contact:		Drafter:	<b>emueller</b>
Subject:	<b>Transportation - motor vehicles Transportation - other</b>	Addl. Drafters:	
		Extra Copies:	<b>ARG</b>

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Fraudulent motor vehicle emissions inspections (NB 1315-31)

**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>
/?	emueller 11/12/2013			_____			
/P1	emueller 1/30/2014	scalvin 12/2/2013	jfrantze 12/2/2013	_____	mbarman 12/2/2013		State S&L Crime
/P2	emueller 2/20/2014	scalvin 2/5/2014	rschluet 2/6/2014	_____	srose 2/6/2014		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1		scalvin 2/20/2014	rschluet 2/20/2014	_____	srose 2/20/2014	srose 3/4/2014	State S&L Crime

FE Sent For:

act intro  
/1

<END>

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Wanted: As time permits Same as LRB:  
For: Jerry Petrowski (608) 266-2502 By/Representing: Anna Richter  
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Transportation - other Extra Copies: ARG

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1/ EOM  
2/20/14

1/ SAC  
02/20/2014

1/ SAC  
02/20/2014



Vers. Drafted

Reviewed

Typed

Proofed

Submitted

Jacketed

Required  
Crime

FE Sent For:

<END>

## Mueller, Eric

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**From:** Gary, Aaron  
**Sent:** Thursday, February 20, 2014 10:07 AM  
**To:** Mueller, Eric  
**Subject:** FW: Jacketing Request: LRB-2812  
**Attachments:** 13-2812\_P2.pdf

**Importance:** High

**From:** Yahn, Nate - DOT [<mailto:Nate.Yahn@dot.wi.gov>]  
**Sent:** Thursday, February 20, 2014 9:55 AM  
**To:** Gary, Aaron  
**Subject:** Jacketing Request: LRB-2812  
**Importance:** High

Hi Aaron,

Please convert the attached draft into a "/1" and jacket for senate introduction. The senate author will be Sen. Petrowski.

Let me know if you have any questions.

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)

**2013 DRAFTING REQUEST**

**Bill**

Received: 7/31/2013 Received By: emueller  
Wanted: As time permits Same as LRB:  
For: Jerry Petrowski (608) 266-2502 By/Representing: Anna Richter  
May Contact: Drafter: emueller  
Subject: Transportation - motor vehicles Addl. Drafters:  
Transportation - other Extra Copies: ARG

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

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Fraudulent motor vehicle emissions inspections (NB 1315-31)

---

**Instructions:**

See attached

---

**Drafting History:**

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/1		scalvin 2/20/2014	rschluet 2/20/2014	_____	srose 2/20/2014		State S&L Crime

FE Sent For:

<END>

## 2013 DRAFTING REQUEST

### Bill

Received: 7/31/2013 Received By: emueller  
Wanted: As time permits Same as LRB:  
For: Transportation By/Representing: Anna Richter  
May Contact: Drafter: emueller  
Subject: Transportation - motor vehicles Addl. Drafters:  
Transportation - other Extra Copies: ARG

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

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Fraudulent motor vehicle emissions inspections (NB 1315-31)

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### Instructions:

See attached

---

### Drafting History:

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Vers. Drafted      Reviewed    Typed      Proofed      Submitted      Jacketed      Required  
Crime

FE Sent For:

<END>

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 May Contact: Drafter: emueller  
 Subject: Transportation - motor vehicles Addl. Drafters:  
 Transportation - other Extra Copies: ARG

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

Pre Topic:

No specific pre topic given

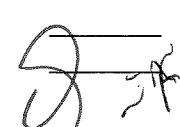

Topic:

Fraudulent motor vehicle emissions inspections (NB 1315-31)

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>
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/P2	ESM 1/30/14	PA SAC 02/05/2014	PS SAC 02/05/2014				

FE Sent For:

<END>

### 2013 DRAFTING REQUEST

#### Bill

Received: 7/31/2013 Received By: emueller  
Wanted: As time permits Same as LRB:  
For: Transportation By/Representing: Anna Richter  
May Contact: Drafter: emueller  
Subject: Transportation - motor vehicles Addl. Drafters:  
Transportation - other Extra Copies: ARG

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:

Fraudulent motor vehicle emissions inspections (NB 1315-31)

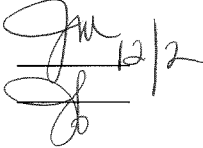
---

#### 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>
1?	emueller						
1/1	EMM 11/12/13	1/PI sac 4/27/2013	1/PI sac 11/27/2013				
FE Sent For:							

<END>

## Mueller, Eric

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**From:** Richter, Anna - DOT <Anna.Richter@dot.wi.gov>  
**Sent:** Wednesday, July 31, 2013 9:55 AM  
**To:** Gary, Aaron; Mueller, Eric  
**Subject:** Drafting Request: Fraudulent IM Inspections



Hi Aaron and Eric,

Attached is drafting request from DOT regarding fraudulent IM inspections. Please let me know if you have any questions.

Thanks so much!  
Anna

**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  
Fraudulent I/M Inspections

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 1315-31
Date Submitted 5/20/2013	Division(s) DMV		
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		

Define Problem Precisely

There's no crime or penalty for falsely reporting an emission test result required by the Wisconsin Vehicle Inspection Program.

Description of Proposed Change

Amend 110.20(11) to add prohibitions against:

- Altering test data
- Submitting false test data
- Attributing test data to another vehicle. Make it a crime against the individual inspector, and a civil penalty against the employer.

Example: Any person who conducts a false or fictitious emissions inspection required under the federal act may be subject to false swearing under s. 946.32.

Section 341.10 (10)(a)(b) references refusing registration for a vehicle not in compliance with emissions requirements. Section 341.60 is the penalty section for vehicle registration violations.

Amend these two sections to cover motorists who are knowingly involved with fraudulent inspections by presenting false information.

Need definition of False Information.

Example: Any vehicle owner who uses the results of a false emissions inspection under 110.20(11)(b) in an application for registration may be subject to forfeiture of no less than \$50.

Justification for Change

DMV has some Private Inspection Facilities suspected of 'clean scanning', by submitting passing test results for one vehicle as being the test results from other vehicles, to indicate that the other vehicle passed.

Describe any legislative history and related statutory language

X

(Division Administrator Signature)

(Date)

X

---

(Division Administrator Signature)

(Date)

**X**

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(Division Administrator Signature)

(Date)



D Note  
**State of Wisconsin**  
2013 - 2014 LEGISLATURE



LRB-2812/P1

EVM:./:....

SAC

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

RMR

11/12/13

PB

gen

1 **AN ACT ...; relating to:** fraudulent motor vehicle emission inspection reports and  
2 providing a penalty.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** 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:***

- x
- 3 **SECTION 1.** 110.20 (11) (c) of the statutes is created to read:
- 4 110.20 (11) (c) No person may knowingly do any of the following:
- 5 1. Alter data from an inspection test under par. (a).<sup>✓</sup>
- 6 2. Submit a false report of inspection test data.

1 3. Attribute data from an inspection test under par. (a) to a vehicle other than  
2 the vehicle tested.

3 SECTION 2. 110.20 (15) of the statutes is renumbered 110.20 (15) (a) and  
4 amended to read:

5 110.20 (15) (a) PENALTY. Any Except as provided in par. (b), any person who  
6 violates this section or rules promulgated under this section may be required to  
7 forfeit not more than \$500.

History: 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 s. 27, 218; 1989 a. 56; 1991 a. 39, 302; 1993 a. 16, 288, 491; 1995 a. 227; 1997 a. 46; 2001 a. 16; 2003 a. 220; 2005 a. 49; 2007 a. 20; 2009 a. 228.

8 SECTION 3. 110.20 (15) (b) of the statutes is created to read:

9 110.20 (15) (b) 1. An individual who performs a test under sub. (11) (a) and  
10 violates sub. (11) (c) is guilty of a Class H felony.

11 2. The employer of an individual who performs a test under sub. (11) (a) and  
12 who violates sub. (11) (c) may be required to forfeit not more than \$500.

13 SECTION 4. 341.10 (10) <sup>(intro.) and (a) leave</sup> of the statutes <sup>is</sup> amended to read:

14 341.10 (10) <sup>(intro.)</sup> The vehicle requires inspection under s. 110.20 (6) and any of the  
15 following applies:

16 (a) The vehicle has not been inspected; ~~or~~.

17 (b) The most recent inspection of the vehicle under s. 110.20 (6) indicates  
18 noncompliance unless the department has issued a temporary operating permit  
19 under s. 110.20 (10) (b) or a waiver of compliance under s. 110.20 (13).

History: 1973 c. 131; 1975 c. 32; 1977 c. 29 s. 1654 (7) (a); 1979 c. 34; 1979 c. 274; 1981 c. 165; 1983 a. 27, 78, 103, 169, 330; 1987 a. 235; 1989 a. 56, 284; 1991 a. 39, 316; 1993 a. 159, 288; 1995 a. 227; 1997 a. 27, 237; 1999 a. 85; 2003 a. 201, 297; 2009 a. 135; 2011 a. 32, 235.

20 SECTION 5. 341.10 (10) (c) of the statutes is created to read:

21 341.10 (10) (c) The most recent inspection of the vehicle under s. 110.20 (6)  
22 involved a violation of s. 110.20 (11) (c) and the owner of the vehicle was aware of the



1 violation at the time the owner provided evidence of the inspection in an application  
2 for registration.

Fix component → 3

SECTION 6. 341.60 of the statutes is <sup>renumbered 341.60 (intro.) and</sup> amended to read:

3 **341.60 Fraudulent application for registration or license.** <sup>(intro.)</sup> Any person  
4 who ~~gives a false or fictitious name, address or location where a vehicle is customarily~~  
5 ~~kept in an application for license or registration or who makes application for license~~  
6 ~~or registration in the name of a person other than the true owner, or true owner and~~  
7 ~~lessee, does any of the following~~ may be fined not more than \$200 or imprisoned not  
8 more than 6 months or both.  
9

History: 1983 a.180.

10 SECTION 7. 341.60 (1) of the statutes is created to read:

11 341.60 (1) Provides a false or fictitious name, address, or location where a  
12 vehicle is customarily kept in an application for license or registration.

13 SECTION 8. 341.60 (2) of the statutes is created to read:

14 341.60 (2) Applies for a license or registration in the name of a person other  
15 than the true owner, or true owner and lessee.

16 SECTION 9. 341.60 (3) of the statutes is created to read:

17 341.60 (3) Submits in an application for registration evidence of inspection  
18 under s. 110.20 (6) from an inspection that involved a violation of s. 110.20 (11) (c)  
19 if the person was aware of the violation at the time the person submitted evidence  
20 of the inspection in an application for registration.

21 (END)

D Note

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

LRB-2812/P1dn

EVM:f:....

*sw*

- date -

ATTN: Anna Richter ✓

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. Please review the prohibitions in s. 110.20 (11) (c), as created in this draft. Please note, in particular, I added "knowingly" to the prohibition. Do the prohibitions meet your intent? Are all of these specific prohibitions necessary or can they all be encompassed in a single statement, e.g. "No person shall make a false record or report of the results of a test under par. (a)?" Please note, listing specific prohibited actions may have the effect of narrowing the scope of fraudulent activities prohibited by this bill.

2. I applied the penalty for a violation of s. 946.32 (1), i.e. a class H felony, to a violation of s. 110.20 (11) (c) by an individual. Does this meet your intent? ✓

3. Do ss. 341.10 (10) (c) and 341.60 (3) meet your intent, particularly in regards to describing the registrant's conduct? ✓

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.

Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: eric.mueller@legis.wisconsin.gov

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

LRB-2812/P1dn  
EVM:sac:jf

December 2, 2013

ATTN: Anna Richter

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. Please review the prohibitions in s. 110.20 (11) (c), as created in this draft. Please note, in particular, I added “knowingly” to the prohibition. Do the prohibitions meet your intent? Are all of these specific prohibitions necessary or can they all be encompassed in a single statement, e.g. “No person shall make a false record or report of the results of a test under par. (a)?” Please note, listing specific prohibited actions may have the effect of narrowing the scope of fraudulent activities prohibited by this bill.
2. I applied the penalty for a violation of s. 946.32 (1), i.e. a class H felony, to a violation of s. 110.20 (11) (c) by an individual. Does this meet your intent?
3. Do ss. 341.10 (10) (c) and 341.60 (3) meet your intent, particularly in regards to describing the registrant's conduct?

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.

Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: [eric.mueller@legis.wisconsin.gov](mailto:eric.mueller@legis.wisconsin.gov)

## Mueller, Eric

---

**From:** Yahn, Nate - DOT <Nate.Yahn@dot.wi.gov>  
**Sent:** Monday, January 13, 2014 6:34 PM  
**To:** Mueller, Eric  
**Cc:** Richter, Anna - DOT  
**Subject:** RE: Draft review: LRB -2812/P1 Topic: Fraudulent motor vehicle emissions inspections (NB 1315-31)  
**Attachments:** 13-2812/P1.pdf; DraftersNote1.pdf

Eric,

See below for our comments (in red) in response to your drafting notes, as well as a few minor edits to LRB-2812/P1 (see below). For reference, attached is the P1 and your drafter's notes.

*Responses to your drafter's notes:*

1. "Please review the prohibitions in s. 110.20 (11) (c), as created in this draft. Please note, in particular, I added "knowingly" to the prohibition. Do the prohibitions meet your intent?" **Yes.**  
  
"Are all of these specific prohibitions necessary or can they all be encompassed in a single statement, e.g. "No person shall make a false record or report of the results of a test under par. (a)?" Please note, listing specific prohibited actions may have the effect of narrowing the scope of fraudulent activities prohibited by this bill." **Leave as it is currently drafted. Since this is a criminal penalty, we wanted the prohibitions specific.**
2. "I applied the penalty for a violation of s. 946.32 (1), i.e. a class H felony, to a violation of s. 110.20 (11) (c) by an individual. Does this meet your intent?" **Yes.**
3. "Do ss. 341.10 (10) (c) and 341.60 (3) meet your intent, particularly in regards to describing the registrant's conduct?" **In 341.10(10)(c), drop the owner's knowledge requirement. This is not necessary for the Department to deny registration. The treatment of 341.60(3) meets our intent.**

In addition – On page 2, lines 1-3, each provision should reference the inspection test as required under s. 110.20(6), *not par. (a)*. This will be consistent with section 3 and section 9.

*Page 2, lines 1-3:*

1. Alter data from an inspection test under ~~par. (a)~~ s. 110.20(6).
2. Submit a false report of inspection test data as required under s. 110.20(6).
3. Attribute data from an inspection test under ~~par. (a)~~ s. 110.20(6) to a vehicle other than the vehicle tested.

Thank you for incorporating these suggested changes to the attached LRB-2812/P1. Please let me know if you have any questions or comments.

Nate

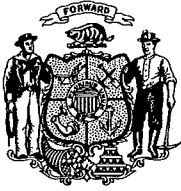
-  
**Nate Yahn**

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

---

**From:** LRB.Legal [<mailto:lrblegal@legis.wisconsin.gov>]  
**Sent:** Monday, December 02, 2013 12:46 PM  
**To:** Richter, Anna - DOT  
**Subject:** Draft review: LRB -2812/P1 Topic: Fraudulent motor vehicle emissions inspections (NB 1315-31)

**Following is the PDF version of draft LRB -2812/P1 and drafter's note.**



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2812/P1 /P2  
EVM:sac:ff

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

INSERT

1/30/14

- gen cat

1 **AN ACT** to *renumber and amend* 110.20 (15) and 341.60; *to amend* 341.10 (10)  
2 (intro.) and (a); and *to create* 110.20 (11) (c), 110.20 (15) (b), 341.10 (10) (c),  
3 341.60 (1), 341.60 (2) and 341.60 (3) of the statutes; **relating to:** fraudulent  
4 motor vehicle emission inspection reports and providing a penalty.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** 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:***

5 **SECTION 1.** 110.20 (11) (c) of the statutes is created to read:  
6 110.20 (11) (c) No person may knowingly do any of the following:

INSERT - Analysis

1

1. Alter data from an inspection test under par. (a).

Sub. (6)

2

2. Submit a false report of inspection test data.

From an inspection test required under sub. (6)

3

3. Attribute data from an inspection test under par. (a) to a vehicle other than

Sub. (6)

4

the vehicle tested.

5

SECTION 2. 110.20 (15) of the statutes is renumbered 110.20 (15) (a) and

6

amended to read:

7

110.20 (15) (a) PENALTY. Any Except as provided in par. (b), any person who

8

violates this section or rules promulgated under this section may be required to

9

forfeit not more than \$500.

10

SECTION 3. 110.20 (15) (b) of the statutes is created to read:

11

110.20 (15) (b) 1. An individual who performs a test under sub. (11) (a) and

12

violates sub. (11) (c) is guilty of a Class H felony.

13

2. The employer of an individual who performs a test under sub. (11) (a) and

14

who violates sub. (11) (c) may be required to forfeit not more than \$500.

15

SECTION 4. 341.10 (10) (intro.) and (a) of the statutes are amended to read:

16

341.10 (10) (intro.) The vehicle requires inspection under s. 110.20 (6) and any

17

of the following applies:

18

(a) The vehicle has not been inspected; or,

19

SECTION 5. 341.10 (10) (c) of the statutes is created to read:

20

341.10 (10) (c) The most recent inspection of the vehicle under s. 110.20 (6)

21

involved a violation of s. 110.20 (11) (c) and the owner of the vehicle was aware of the

22

violation at the time the owner provided evidence of the inspection in an application

23

for registration.

24

SECTION 6. 341.60 of the statutes is renumbered 341.60 (intro.) and amended

25

to read:





**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2812/P2ins  
EVM:sac:jf

**INSERT-ANALYSIS**

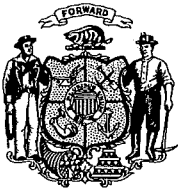
Current law requires the Department of Transportation (DOT) to operate a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections.

This bill prohibits a person from knowingly doing any of the following: 1) altering data from an emission inspection, 2) submitting a false report of data from a required emission inspection, and 3) attributing data from an emission inspection to a vehicle other than the vehicle tested. A person who violates any of these provisions is generally subject to a forfeiture of not more than \$500. However, when the violation is attributing data from an emission inspection to a vehicle other than the vehicle tested, if the violator is the person performing the emission inspection, that person is guilty of a class H felony and may be <sup>a</sup> fined not more than \$10,000 or imprisoned not more than 6 years, or both.

Also under this bill, DOT must refuse to register a motor vehicle for which the most recent emission inspection involved a violation of one of the above prohibitions related to emission inspections.

Under current law, a person may not, in an application for license or registration, provide a false name, misrepresent where a vehicle is customarily kept, or apply in the name of a person other than the true owner of the vehicle. A person who violates these prohibitions may be fined not more than \$200 or imprisoned not more than 6 months or both.

This bill prohibits a person from submitting an application for registration of a motor vehicle if the application includes evidence from an emission inspection that the person knows involved a violation of one of the above prohibitions related to emissions inspections. A person who violates this provision may be fined not more than \$200 or imprisoned not more than 6 months or both.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2812/P2

EVM:sac:ts

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2/20/14

RMP

gen cat

Sova

1 AN ACT to renumber and amend 110.20 (15) and 341.60; to amend 341.10 (10)  
2 (intro.) and (a); and to create 110.20 (11) (c), 110.20 (15) (b), 341.10 (10) (c),  
3 341.60 (1), 341.60 (2) and 341.60 (3) of the statutes; relating to: fraudulent  
4 motor vehicle emission inspection reports and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Current law requires the Department of Transportation (DOT) to operate a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections.

This bill prohibits a person from knowingly doing any of the following: 1) altering data from an emission inspection, 2) submitting a false report of data from a required emission inspection, and 3) attributing data from an emission inspection to a vehicle other than the vehicle tested. A person who violates any of these provisions is generally subject to a forfeiture of not more than \$500. However, when the violation is attributing data from an emission inspection to a vehicle other than the vehicle tested, if the violator is the person performing the emission inspection, that person is guilty of a class H felony and may be fined not more than \$10,000 or imprisoned not more than 6 years, or both.

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This bill prohibits a person from submitting an application for registration of a motor vehicle if the application includes evidence from an emission inspection that the person knows involved a violation of one of the above prohibitions related to emissions inspections. A person who violates this provision may be fined not more than \$200 or imprisoned not more than 6 months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* 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. 110.20<sup>✓</sup> (11) (c) of the statutes is created to read:

2           110.20 (11) (c) No person may knowingly do any of the following:

3           1. Alter data from an inspection test under sub. (6).

4           2. Submit a false report of data from an inspection test required under sub. (6).

5           3. Attribute data from an inspection test under sub. (6) to a vehicle other than  
6 the vehicle tested.

7           SECTION 2. 110.20<sup>✓</sup> (15) of the statutes is renumbered 110.20 (15) (a) and  
8 amended to read:

9           110.20 (15) (a) PENALTY. Any Except as provided in par. (b), any person who  
10 violates this section or rules promulgated under this section may be required to  
11 forfeit not more than \$500.

12           SECTION 3. 110.20<sup>↓</sup> (15) (b) of the statutes is created to read:

1           110.20 (15) (b) 1. An individual who performs a test under sub. (11) (a) and  
2 violates sub. (11) (c) is guilty of a Class H felony.

3           2. The employer of an individual who performs a test under sub. (11) (a) and  
4 who violates sub. (11) (c) may be required to forfeit not more than \$500.

5           **SECTION 4.** 341.10 (10) (intro.) and (a) of the statutes are amended to read:

6           341.10 (10) (intro.) The vehicle requires inspection under s. 110.20 (6) and any  
7 of the following applies:

8           (a) The vehicle has not been inspected; ~~or,~~

9           **SECTION 5.** 341.10 (10) (c) of the statutes is created to read:

10          341.10 (10) (c) The most recent inspection of the vehicle under s. 110.20 (6)  
11 involved a violation of s. 110.20 (11) (c).

12          **SECTION 6.** 341.60 of the statutes is renumbered 341.60 (intro.) and amended  
13 to read:

14          **341.60 Fraudulent application for registration or license.** (intro.) Any  
15 person who ~~gives a false or fictitious name, address or location where a vehicle is~~  
16 ~~customarily kept in an application for license or registration or who makes~~  
17 ~~application for license or registration in the name of a person other than the true~~  
18 ~~owner, or true owner and lessee, does any of the following may be fined not more than~~  
19 \$200 or imprisoned not more than 6 months or both;:

20          **SECTION 7.** 341.60 (1) of the statutes is created to read:

21          341.60 (1) Provides a false or fictitious name, address, or location where a  
22 vehicle is customarily kept in an application for license or registration.

23          **SECTION 8.** 341.60 (2) of the statutes is created to read:

24          341.60 (2) Applies for a license or registration in the name of a person other  
25 than the true owner, or true owner and lessee.



**Rose, Stefanie**

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**From:** Punches, Derek  
**Sent:** Tuesday, March 04, 2014 10:26 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2812/1 Topic: Fraudulent motor vehicle emissions inspections (NB 1315-31)

Please Jacket LRB -2812/1 for the SENATE.