2013 Assembly Bill 559 (LRB -3509)

An Act to repeal 110.20 (8) (am) 5., 342.20 (4) and 343.05 (1) (b); to amend 59.07 (2), 194.23 (1), 194.34 (1), 194.41 (1), 341.14 (6r) (b) 9. b., 341.14 (6r) (fm) 7. and 342.20 (3); to repeal and recreate 341.14 (6r) (f) 15m.; and to create 341.14 (6r) (f) 15n., 341.14 (6r) (f) 15o., 341.14 (6r) (f) 15p. and 341.14 (6r) (f) 15q. of the statutes; relating to: special group plates for women veterans, vehicle title information provided to county registers of deeds, the issuance of more than one motor vehicles operator's license to a person, location of emissions inspection stations, and insurance registration for motor carriers operating in multiple jurisdictions (suggested as remedial legislation by the Department of Transportation). (FE)

2013

12-12.	A.	Introduced by **Law Revision Committee**.	497
12-12.	A.	Read first time and referred to Committee on Judiciary	497
12-19.	A.	Public hearing held	
12-19.	A.	Executive action taken	
12-23.	A.	Fiscal estimate received	

2014

01-07.	A.	Report passage recommended by Committee on Judiciary, Ayes 8, Noes 0	513
01-07.	A.	Referred to Committee on Rules	513
01-08.	A.	Placed on calendar 1-14-2014 by Committee on Rules	
01-14.	A.	Read a second time	526
01-14.	A.	Ordered to a third reading	526
01-14.	A.	Rules suspended	526
01-14.	A.	Read a third time and **passed**	526
01-14.	A.	Ordered immediately messaged	526
01-15.	S.	Received from Assembly	574
01-15.	S.	Read first time and referred to committee on Transportation, Public Safety, and Veterans and Military Affairs	575
02-04.	S.	Withdrawn from committee on Transportation, Public Safety, and Veterans and Military Affairs and rereferred to committee on Senate Organization pursuant to Senate Rule 46(2)(c)	628
02-04.	S.	Available for scheduling	
02-06.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0	639
02-06.	S.	Placed on calendar 2-11-2014 pursuant to Senate Rule 18(1)	639
02-11.	S.	Read a second time	652
02-11.	S.	Ordered to a third reading	652
02-11.	S.	Rules suspended	652
02-11.	S.	Read a third time and **concurred in**	652
02-11.	S.	Ordered immediately messaged	653
02-11.	A.	Received from Senate concurred in	602

gmB

2013
ENROLLED BILL

13en A B-559

ADOPTED DOCUMENTS:

☒ **Orig** ☐ **Engr** ___ **SubAmdt** ___ **13-3509/1**

Amendments to above (if none, write "NONE"): None

Corrections – show date (if none, write "NONE"): None

Topic special group plates, vehicle title information, issuance of more than one motor vehicles operator's license to a person, location of emissions inspection stations, and insurance registration for motor carriers operating in multiple jurisdictions

2-13-14
Date

S R Miller
Enrolling Drafter

State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-3509/1
EVM:jld/eev/wlj:rs

2013 ASSEMBLY BILL 559

December 12, 2013 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary.

1 AN ACT ***to repeal*** 110.20 (8) (am) 5., 342.20 (4) and 343.05 (1) (b); ***to amend*** 59.07
2 (2), 194.23 (1), 194.34 (1), 194.41 (1), 341.14 (6r) (b) 9. b., 341.14 (6r) (fm) 7. and
3 342.20 (3); ***to repeal and recreate*** 341.14 (6r) (f) 15m.; and ***to create*** 341.14
4 (6r) (f) 15n., 341.14 (6r) (f) 15o., 341.14 (6r) (f) 15p. and 341.14 (6r) (f) 15q. of the
5 statutes; **relating to:** special group plates for women veterans, vehicle title
6 information provided to county registers of deeds, the issuance of more than one
7 motor vehicles operator's license to a person, location of emissions inspection
8 stations, and insurance registration for motor carriers operating in multiple
9 jurisdictions (suggested as remedial legislation by the Department of
10 Transportation).

Analysis by the Legislative Reference Bureau

Under current law, a group or organization that meets certain criteria may apply to the Department of Transportation (DOT) for designation as an authorized special group. If the application is approved, members of the authorized special group may obtain special registration plates for certain vehicles, including automobiles and motor homes, that are owned or leased by special group members. 2009 Wisconsin Act 230 established an authorized special group for women veterans.

This bill repeals the authorization of a general special group for women veterans and establishes more specific authorized special groups for any woman veteran of each branch of the armed services.

Under current law, a vehicle owner who creates a security interest in the vehicle must deliver (or have the person in possession deliver) to the secured party the vehicle's certificate of title and execute the certificate of title or other specified documentation identifying the name and address of the secured party, unless the secured party's name and address is already identified on the certificate of title. The secured party must then provide the certificate of title and any such documentation to DOT, except that, if the secured party is an entity rather than an individual and is not exempted by DOT rule, the secured party must destroy the certificate of title and electronically file a security interest statement with DOT. Upon receipt of the certificate of title from an individual secured party or a security interest statement from a secured party that is an entity, DOT must issue to the vehicle owner a new certificate of title containing the name and address of the secured party. DOT may issue and maintain the official certificate of title in an electronic or digital form. DOT must also deliver to the secured party, unless the secured party is an entity, and to the county register of deeds, memoranda evidencing the notation of the security interest on the certificate of title. Registers of deeds may record and maintain files of these memoranda received from DOT.

This bill eliminates the requirement that DOT provide to registers of deeds the memoranda evidencing the notation of a security interest on a vehicle certificate of title. The bill eliminates the specific authority for registers of deeds to record and maintain files of these memoranda received from DOT.

Under current law, DOT may not knowingly issue more than one motor vehicle operator's license to a person and, with limited exceptions, a person may not have more than one operator's license, including having licenses from more than one state, having licenses under more than one name, and having different licenses for the operation of different types of vehicles. However, a person may hold more than one operator's license for ten days from the date on which a license is issued.

This bill eliminates the exception allowing, for a ten–day period after issuance of an operator's license, a person to hold more than one license.

Current law requires 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. DOT may contract with third parties to operate inspection stations at which emission inspections may be performed. Under current law, no inspection station may be established within 0.5 miles of an air monitoring station that reported a violation during the period from 1976 to 1979 of the carbon monoxide primary national ambient air quality standard. This bill eliminates that limitation on inspection station siting.

Prior to the enactment of 2007 Wisconsin Act 20, DOT was authorized to administer a single–state insurance registration system for motor carriers with

interstate operations to register in, and pay applicable fees to, a single state with regard to proof of motor carrier insurance. Under current law, as created in 2007 Wisconsin Act 20, DOT may participate in the unified carrier registration system, which is a replacement for the single–state insurance registration system. 2011 Wisconsin Act 262 eliminated DOT's authority to participate in the single–state insurance registration system.

This bill eliminates remaining statutory references to the single–state insurance registration system.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 59.07 (2) of the statutes is amended to read:

2 59.07 **(2)** No action may be brought or maintained against a county, for
3 disclosure of information that is received under ~~s. 342.20 (3) and maintained under~~
4 ~~s. 342.20 (4) or that is received under~~ s. 30.572 (4) and maintained under s. 30.572
5 (5).

NOTE: Deletes cross–references to reflect the changes made by SECTIONS 13 and 14.

6 **SECTION 2.** 110.20 (8) (am) 5. of the statutes is repealed.

NOTE: SECTION 2 eliminates the provision under which emissions inspection stations may not be established within 0.5 miles of an air monitoring station that reported a violation during the period from 1976 to 1979 of the carbon monoxide primary national ambient air quality standard.

7 **SECTION 3.** 194.23 (1) of the statutes is amended to read:

8 194.23 **(1)** No person may operate any motor vehicle as a common motor carrier
9 unless the person first obtains a certificate and, if required under this chapter, a
10 permit issued by the department, or unless the person is registered by another state

under ~~a single–state or~~ the unified carrier registration system consistent with the standards under~~, respectively, 49 USC 14504 or~~ 49 USC 13908 and 14504a, for the operation of the vehicle, except that no permit is required for the operation of a semitrailer. The department may issue or refuse to issue any certificate. The department may attach to the exercise of the privilege granted by a certificate any terms or conditions which are permitted under this chapter.

SECTION 4. 194.34 (1) of the statutes is amended to read:

194.34 **(1)** No person may operate any motor vehicle as a contract motor carrier unless the person first obtains a license and, if required under this chapter, a permit issued by the department, or unless the person is registered by another state under ~~a single–state or~~ the unified carrier registration system consistent with the standards under~~, respectively, 49 USC 14504 or~~ 49 USC 13908 and 14504a, for the operation of the motor vehicle, except that no permit is required for the operation of a semitrailer. The department may refuse to issue any license or may attach to the exercise of the privilege granted by a license any terms or conditions which are permitted under this chapter.

SECTION 5. 194.41 (1) of the statutes is amended to read:

194.41 **(1)** No permit or vehicle registration may be issued to a common motor carrier of property, contract motor carrier, or rental company, no permit or vehicle registration may remain in force to operate any motor vehicle under the authority of this chapter, and no vehicle registration may be issued or remain in force for a semitrailer unless the carrier or rental company has on file with the department and in effect an approved certificate for a policy of insurance or other written contract in such form and containing such terms and conditions as may be approved by the department issued by an insurer authorized to do a surety or automobile liability

business in this state under which the insurer assumes the liability prescribed by this section with respect to the operation of such motor vehicles. The certificate or other contract is subject to the approval of the department and shall provide that the insurer shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of any such motor vehicles by reason of the negligent operation thereof in such amount as the department may require. Liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require, and with respect to a carrier transporting a building, as defined in s. 348.27 (12m) (a) 1., shall require, a certificate or other contract protecting the owner of the property transported by carriers from loss or damage in the amount and under the conditions as the department may require. No permit or vehicle registration may be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle registration may remain in force to operate any motor vehicle unless it has on file with the department a like certificate or other contract in the form and containing the terms and conditions as may be approved by the department for the payment of damages for injuries to property and injuries to or for the death of persons, including passengers, in the amounts as the department may require. This subsection does not apply to a motor carrier that is registered by another state under ~~a single–state or~~ the unified carrier registration system consistent with the standards under~~, respectively, 49 USC 14504 or~~ 49 USC 13908 and 14504a.

NOTE: SECTIONS 3 to 5 eliminate obsolete references to the single–state insurance registration system for motor carriers with interstate operations.

1 **SECTION 6.** 341.14 (6r) (b) 9. b. of the statutes is amended to read:

2 341.14 **(6r)** (b) 9. b. A fee of $15 shall be charged for the issuance or reissuance
3 of a plate for ~~the~~ a special group specified under par. (f) 15m. to 15q. All moneys
4 received under this subd. 9. b. in excess of the initial costs of production of the special
5 group plate under par. (f) 15m., 2011 stats., or $23,700, whichever is less, shall be
6 deposited in the veterans trust fund.

7 **SECTION 7.** 341.14 (6r) (f) 15m. of the statutes is repealed and recreated to read:

8 341.14 **(6r)** (f) 15m. Woman veteran air force.

9 **SECTION 8.** 341.14 (6r) (f) 15n. of the statutes is created to read:

10 341.14 **(6r)** (f) 15n. Woman veteran army.

11 **SECTION 9.** 341.14 (6r) (f) 15o. of the statutes is created to read:

12 341.14 **(6r)** (f) 15o. Woman veteran coast guard.

13 **SECTION 10.** 341.14 (6r) (f) 15p. of the statutes is created to read:

14 341.14 **(6r)** (f) 15p. Woman veteran marine corps.

15 **SECTION 11.** 341.14 (6r) (f) 15q. of the statutes is created to read:

16 341.14 **(6r)** (f) 15q. Woman veteran navy.

17 **SECTION 12.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

18 341.14 **(6r)** (fm) 7. After October 1, 1998, additional authorized special groups
19 may only be special groups designated by the department under this paragraph. The
20 authorized special groups enumerated in par. (f) shall be limited solely to those
21 special groups specified under par. (f) on October 1, 1998. This subdivision does not
22 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,

1 15m., 15n., 15o., 15p., 15q., 19m., 33m., 48m., 49d., 49h., 49s., 54., 55., 55m., 56., 57.,
2 58., 59., 60., 61., 61m., and 61r.

NOTE: SECTIONS 6 to 12 repeal the authorization for a general special group registration plate for women veterans and authorize the establishment of specific special group registration plates for women veterans of each branch of the armed services.

3 **SECTION 13.** 342.20 (3) of the statutes is amended to read:

4 342.20 **(3)** Upon receipt of the certificate of title, application, and the required
5 fee, or upon receipt of the security interest statement and required fee if the secured
6 party has utilized the process specified in s. 342.245 (1), the department shall issue
7 to the owner a new certificate containing the name and address of the new secured
8 party. The department shall deliver to such new secured party, unless the secured
9 party utilized the process specified in s. 342.245 (1), ~~and to the register of deeds of~~
10 ~~the county of the owner's residence,~~ memoranda, in such form as the department
11 prescribes, evidencing the notation of the security interest upon the certificate; and
12 thereafter, upon any assignment, termination or release of the security interest,
13 additional memoranda evidencing such action.

NOTE: Removes the requirement that the Department of Transportation deliver memoranda evidencing a notation of a security interest upon a vehicle's certificate of title to the register of deeds in the county of the owner's residence.

14 **SECTION 14.** 342.20 (4) of the statutes is repealed.

NOTE: Eliminates the authority for registers of deeds to record and maintain files of memoranda evidencing a notation of a security interest upon a vehicle's certificate of title.

15 **SECTION 15.** 343.05 (1) (b) of the statutes is repealed.

NOTE: Eliminates the exception allowing a person to hold more than one operator's license for a ten–day period after issuance of an operator's license.

16 **(END)**