

2013 DRAFTING REQUEST

Bill

Received: **9/28/2012** 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 - mot veh dealers** Addl. Drafters:
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

Topic:

Unlicensed salvage dealer penalties (NB 1315-7).

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 11/9/2012			_____			
/P1	emueller 12/10/2012	evinz 11/13/2012	jmurphy 11/13/2012	_____	lparisi 11/13/2012		
/P2	emueller 7/23/2013	evinz 12/12/2012	rschluet 12/12/2012	_____	lparisi 12/12/2012		
/1		evinz	rschluet	_____	lparisi	lparisi	

Vers. Drafted

Reviewed
7/23/2013

Typed
7/23/2013

Proofed

Submitted
7/23/2013

Jacketed
7/31/2013

Required

FE Sent For:

<END>

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11 EUM
7/23/13
11 eeV
7/23/13
42533

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For: **Transportation** By/Representing: **Anna Richter**

May Contact: Drafter: **emueller**

Subject: **Transportation - mot veh dealers** Addl. Drafters:

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:

Unlicensed salvage dealer penalties (NB 1315-7).

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Subject: **Transportation - mot veh dealers** Addl. Drafters:
Extra Copies: **ARG**

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Carbon copy (CC) to:

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/P1		evinz 11/13/2012	jmurphy 11/13/2012	_____	lparisi 11/13/2012		
/P2	4 JMM 12/10/12	p2 eev 12/12/12!					
FE Sent For:							

12/12/12
↑
<END>

2013 DRAFTING REQUEST

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Wanted: As time permits Same as LRB:
For: Transportation By/Representing: Anna Richter
May Contact: Drafter: emueller
Subject: Transportation - mot veh dealers Addl. Drafters:
Extra Copies: ARG

Submit via email: YES
Requester's email: Anna.Richter@dot.wi.gov
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/?	emueller	/pl eev 11/13/12	/pl eev 11/13/12	Jim + PH 11/13/12			
/PI	EVm 11/19/12						

FE Sent For:

<END>

LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL

Wisconsin Department of Transportation

2013-2015 BIENNIUM

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

Unlicensed Salvage Operator Penalties

Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned	"B" Number Assigned	"NB" Number Assigned 1315-7
Date Submitted 7/17/2012	Division(s) Motor Vehicles		
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		

Define Problem Precisely

Currently the only enforcement action the Dealer and Agent Section has at their disposal for unlicensed salvage operators is "a fine not less than \$500 nor more than \$5000 or imprisoned for not more than 60 days or both." While violations of this statute may justify the penalty as written, there are also situations where a forfeiture would be more appropriate. Furthermore, District Attorneys have been reluctant to prosecute these violations.

Description of Proposed Change

Amend 218.205(1) to make the first offense a forfeiture. Any person violating s. 218.205(1):

1. May be required to forfeit not less than \$500 nor more than \$5000 for the first offense.
2. May be fined not less than \$500 nor more than \$5000 or imprisoned for not more than 60 days or both for all subsequent offenses after one conviction.

Justification for Change

District Attorneys have been reluctant to prosecute these violations, and some first time violations do not warrant a criminal citation.

Describe any legislative history and related statutory language

N/A

X _____
(Division Administrator Signature) (Date)

X _____
(Division Administrator Signature) (Date)

X _____
(Division Administrator Signature) (Date)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

BWF
11/13/12

in 11/9/12

SAJ
xref

911

- 1 AN ACT ...; relating to: violation of motor vehicle salvage dealer licensing
- 2 requirements and providing a penalty.

Analysis by the Legislative Reference Bureau

provision

Under current law, no person may carry on the business of a motor vehicle salvage dealer unless licensed to do so by the Department of Transportation. Any person violating this ~~section~~ may be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than 60 days or both.

is subject to *

Under this bill, a person who violates the salvage dealer licensing provision is subject to a forfeiture of not less than \$500 nor more than \$5,000 for a first offense and the existing penalty, a fine of not less than \$500 nor more than \$5,000 or imprisonment for not more than 60 days or both, for a second or subsequent violation.

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

- 3 SECTION 1. 218.205^v (1) of the statutes is amended to read:
- 4 218.205 (1) No person may carry on or conduct the business of a motor vehicle
- 5 salvage dealer unless licensed to do so by the department. Any person violating this
- 6 section may be required to forfeit not less than \$500 nor more than \$5,000 for the first

1 offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned for
2 not more than 60 days or both for a second or subsequent conviction.

3 History: 1971 c. 40; 1975 c. 288; 1977 c. 29 s. 1654 (7) (a); 1977 c. 415; 1987 a. 351 s. 2; Stats. 1987 s. 218.205; 1997 a. 120; 1999 a. 31.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this
5 subsection, but does not preclude the counting of other violations as prior violations
6 for purposes of sentencing a person.

7 (END)

Note

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

LRB-0177/P1dn

EVM:...

eev

date

ATTN: Anna Richter

when a violation
will be counted as

This draft does not limit the time frame for a second or subsequent conviction. Thus, a second or subsequent violation of s. 218.205 (1), stats., anytime in the violator's life would presumably subject that person to the criminal sanction. Please let me know if you want to provide a time limit for counting convictions or if you want any other changes.

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-0177/P1dn
EVM:eev:jm

November 13, 2012

ATTN: Anna Richter

This draft does not limit the time frame for when a violation will be counted as a second or subsequent conviction. Thus, a second or subsequent violation of s. 218.205 (1), stats., anytime in the violator's life would presumably subject that person to the criminal sanction. Please let me know if you want to provide a time limit for counting convictions or if you want any other changes.

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

Mueller, Eric

From: Richter, Anna - DOT <Anna.Richter@dot.wi.gov>
Sent: Thursday, December 06, 2012 9:28 AM
To: Mueller, Eric
Subject: FW: Draft review: LRB -0177/P1 Topic: Unlicensed salvage dealer penalties (NB 1315-7).
Attachments: 13-0177/P1.pdf; DraftersNote1.pdf

Hi Eric,

We'd like to add a 3 year time period for counting second and subsequent violations.

Thanks!
Anna

From: McGinn, Reed - DOT
Sent: Wednesday, December 05, 2012 10:38 AM
To: Richter, Anna - DOT
Cc: LaSage, Stephanie A - DOT; Nilsen, Paul - DOT
Subject: FW: Draft review: LRB -0177/P1 Topic: Unlicensed salvage dealer penalties (NB 1315-7).

We agree there should be a time period for counting second and subsequent violations, and suggest 3 years to be consistent with the RV/Moped dealers.

Reed McGinn

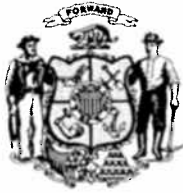
Legislative Liaison
Division of Motor Vehicles
Wisconsin Department of Transportation
608-266-7857

From: Richter, Anna - DOT
Sent: Tuesday, November 13, 2012 1:02 PM
To: McGinn, Reed - DOT
Cc: LaSage, Stephanie A - DOT; Nilsen, Paul - DOT
Subject: FW: Draft review: LRB -0177/P1 Topic: Unlicensed salvage dealer penalties (NB 1315-7).

LRB draft for your review!

From: LRB.Legal [<mailto:LRB-LegalServices@legis.wisconsin.gov>]
Sent: Tuesday, November 13, 2012 11:56 AM
To: Richter, Anna - DOT
Subject: Draft review: LRB -0177/P1 Topic: Unlicensed salvage dealer penalties (NB 1315-7).

Following is the PDF version of draft LRB -0177/P1 and drafter's note.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0177/P1 1P2
EVM:eev:jm

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

In 12/10/12

repen

1 AN ACT *to amend* 218.205 (1) of the statutes; **relating to:** violation of motor
2 vehicle salvage dealer licensing requirements and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may carry on the business of a motor vehicle salvage dealer unless licensed to do so by the Department of Transportation. Any person violating this provision may be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than 60 days or both.

Under this bill, a person who violates the salvage dealer licensing provision is subject to a forfeiture of not less than \$500 nor more than \$5,000 for a first offense and is subject to the existing penalty, a fine of not less than \$500 nor more than \$5,000 or imprisonment for not more than 60 days or both, for a second or subsequent violation.

within 3 years

SP

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

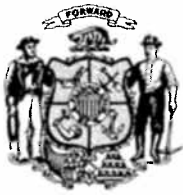
3 SECTION 1. 218.205 (1) of the statutes is amended to read:
4 218.205 (1) No person may carry on or conduct the business of a motor vehicle
5 salvage dealer unless licensed to do so by the department. Any person violating this
6 section may be required to forfeit not less than \$500 nor more than \$5,000 for the first

1 offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned for
2 not more than 60 days or both for a second or subsequent conviction. with a 3 years

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this
5 subsection, but does not preclude the counting of other violations as prior violations
6 for purposes of sentencing a person.

7 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0177/P2
EVM:eev:rs

Stays
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

7/23/13

regen

Soon

1 AN ACT *to amend* 218.205 (1) of the statutes; **relating to:** violation of motor
2 vehicle salvage dealer licensing requirements and providing a penalty.

Analysis by the Legislative Reference Bureau

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Under this bill, a person who violates the salvage dealer licensing provision is subject to a forfeiture of not less than \$500 nor more than \$5,000 for a first offense and is subject to the existing penalty, a fine of not less than \$500 nor more than \$5,000 or imprisonment for not more than 60 days or both, for a second or subsequent violation within three years.

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1 offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned for
2 not more than 60 days or both for a second or subsequent conviction within 3 years.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this
5 subsection, but does not preclude the counting of other violations as prior violations
6 for purposes of sentencing a person.

7 (END)

Parisi, Lori

From: Fiocchi, Tim
Sent: Wednesday, July 31, 2013 1:01 PM
To: LRB.Legal
Subject: Draft Review: LRB -0177/1 Topic: Unlicensed salvage dealer penalties (NB 1315-7).

Please Jacket LRB -0177/1 for the SENATE.