

2013 DRAFTING REQUEST

Bill

Received: 2/24/2014 Received By: emueller
Wanted: As time permits Same as LRB: -2812
For: Keith Ripp (608) 266-3404 By/Representing: Elisabeth Portz
May Contact: Drafter: emueller
Subject: Transportation - motor vehicles Addl. Drafters:
Transportation - other Extra Copies: ARG

Submit via email: YES
Requester's email: Rep.Ripp@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>
/1	emueller 2/24/2014	scalvin 2/24/2014	jfrantze 2/24/2014	_____	mbarman 2/24/2014	rose 2/24/2014	State S&L Crime

FE Sent For:

@
INTRO.

<END>

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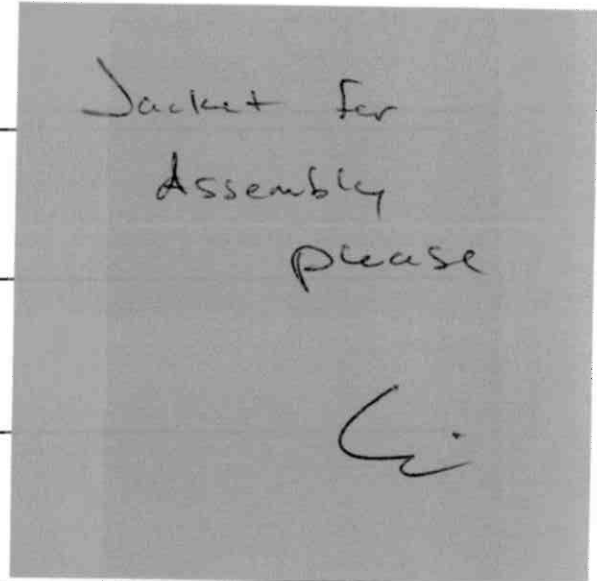
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/1	emueller						State
/1	EVM	1 SAC	1 SAC				S&L
	2/24/12	02/24/2014	02/24/2014				Crime

FE Sent For:

<END>

Mueller, Eric

From: Gary, Aaron
Sent: Monday, February 24, 2014 9:18 AM
To: Mueller, Eric
Subject: FW: Jacketing Request: LRB-2812

Hi Eric,

Rep. Ripp needs a companion, sent out jacketed. (LRB-2812 is yours.)

Aaron

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

From: Portz, Elisabeth
Sent: Friday, February 21, 2014 11:02 AM
To: Gary, Aaron
Cc: Fiocchi, Tim
Subject: FW: Jacketing Request: LRB-2812

Can you jacket this same bill for us in the Assembly? Thanks.

From: Yahn, Nate - DOT [<mailto:Nate.Yahn@dot.wi.gov>]
Sent: Thursday, February 20, 2014 10:01 AM
To: Portz, Elisabeth; Fiocchi, Tim
Subject: RE: Jacketing Request: LRB-2812

Just being jacketed for senate. I'll follow your lead on what you want to do.

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

From: Portz, Elisabeth [<mailto:Elisabeth.Portz@legis.wisconsin.gov>]
Sent: Thursday, February 20, 2014 9:59 AM
To: Yahn, Nate - DOT; Fiocchi, Tim - LEGIS
Subject: RE: Jacketing Request: LRB-2812

Nate, hold off until we talk.

From: Yahn, Nate - DOT [<mailto:Nate.Yahn@dot.wi.gov>]
Sent: Thursday, February 20, 2014 9:57 AM
To: Fiocchi, Tim; Portz, Elisabeth
Subject: FW: Jacketing Request: LRB-2812
Importance: High

Thanks, all. Certainly appreciate your efforts.

-
Nate Yahn

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

From: Yahn, Nate - DOT
Sent: Thursday, February 20, 2014 9:55 AM
To: Gary, Aaron - LEGIS
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.

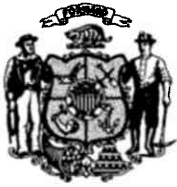
Thanks.

Nate

-

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

www.dot.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2812/1 4324/1
EVM:sac: [signature]
[signature]

2013 BILL

[signature]

2124/12

no changes

[signature]

Today

1 ^{- Gen cat} 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, 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.

BILL

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.

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 (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 (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 (15) (b) of the statutes is created to read:

BILL

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.

Barman, Mike

From: LRB.Legal
To: Rep.Ripp@legis.wisconsin.gov
Subject: Draft review: LRB -4324/1 Topic: Fraudulent motor vehicle emissions inspections (NB 1315-31)
Attachments: 13-4324/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Eric V. Mueller, Legislative Attorney, at (608) 261-7032, at eric.mueller@legis.wisconsin.gov, or at One East Main Street, Suite 200.

Per instructions from the drafting attorney ... we will jacket this draft for the Assembly and send it (by page) to your office this afternoon.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.