

2013 DRAFTING REQUEST

Bill

Received: **9/28/2012** Received By: **emueller**
Wanted: **As time permits** Same as LRB: **-2825**
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 RV dealer and moped dealer penalties (NB 1315-15).

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 11/21/2012			_____			
/P1	emueller 12/10/2012	kfollett 11/27/2012	rschluet 11/27/2012	_____	srose 11/27/2012		
/P2	emueller 7/23/2013	kfollett 1/8/2013	phenry 1/8/2013	_____	sbasford 1/8/2013		
/1		evinz	rschluet	_____	srose	sbasford	

Vers. Drafted

Reviewed
7/23/2013

Typed
7/23/2013

Proofed

Submitted
7/23/2013

Jacketed
8/7/2013

Required

FE Sent For:

None

<END>

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/1		evinz	rschluet	_____	srose		

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		7/23/2013	7/23/2013	_____	7/23/2013		

FE Sent For:

<END>

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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:

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Topic:

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/P2	emueller	kfollett 1/8/2013	phenry 1/8/2013	_____	sbasford 1/8/2013		
11	EVM 7/23/13	1 eeV 7/23/13					

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **9/28/2012** Received By: **emueller**
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**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Unlicensed RV dealer and moped dealer penalties (NB 1315-15).

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 11/21/2012			_____			
/P1	emueller 12/10/2012	kfollett 11/27/2012	rschluet 11/27/2012	_____	srose 11/27/2012		
/P2		kfollett 1/8/2013	phenry 1/8/2013	_____	sbasford 1/8/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 9/28/2012 Received By: emueller
Wanted: As time permits Companion to 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
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Unlicensed RV dealer and moped dealer penalties (NB 1315-15).

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 11/21/2012						
/P1		kfollett 11/27/2012	11/27/2012				
/P2	EVM 12/10/12	1/2/gf 1/8	1/8 ph	ph	rose 11/27/2012		
FE Sent For:							

<END>

2013 DRAFTING REQUEST

Bill

Received: 9/28/2012 Received By: emueller
 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
 Carbon copy (CC) to:

Pre Topic:

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Topic:

Unlicensed RV dealer and moped dealer penalties (NB 1315-15).

Instructions:

See attached

Drafting History:

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1/?	emueller	1/11/12					
1/P1	EJM 11/21/12	11/27					
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
Penalties for RV Dealer and Moped Dealers

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 1315-15
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 Moped Dealers and RV Dealers is "a fine not less than \$25 nor more than \$100 for each offense.. There are situations where a forfeiture would be more applicable than a fine.

Description of Proposed Change
Amend 218.11(5m) & 218.43 to make first offense civil instead of criminal.

Justification for Change

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)



Note
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0178/P1
EVM:...

RME

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 11/21/12

911

1 AN ACT ...; relating to: penalties for violation of certain moped dealer and
2 recreational vehicle dealer requirements and providing a penalty.

Analysis by the Legislative Reference Bureau

* Under current law, no person may engage in the business of selling recreational vehicles or mopeds unless licensed to do so by the Department of Transportation. Any person who violates one of these provisions may be fined not less than \$25 nor more than \$100.

Under this bill, a person who violates one of these provisions may be required to forfeit not less than \$25 nor more than \$100 for a first offense and is subject to the existing penalty, a fine of not less than \$25 nor more than \$100, 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. 218.11 (5m) of the statutes is amended to read:

4 218.11 (5m) Any person who shall violate violates any provision of this section
5 may be required to forfeit not less than \$25 nor more than \$100 for the first offense

1 and shall be fined not less than \$25 nor more than \$100 for each ~~offense~~ a 2nd or
2 subsequent conviction.

History: 1971 c. 239; 1973 c. 116; Stats. 1973 s. 218.11; 1977 c. 29 ss. 1373, 1654 (7) (a), (e); 1981 c. 45; 1981 c. 347 s. 80 (2); 1983 a. 192; 1989 a. 31; 1991 a. 39, 269; 1993 a. 16; 1997 a. 191, 237; 1999 a. 9, 32, 185, 186; 2001 a. 38; 2007 a. 20; 2011 a. 32.

3 **SECTION 2.** 218.43 (intro.) of the statutes is amended to read:

4 **218.43 Penalty.** (intro.) Any person violating s. 218.41 or a lawful rule or order
5 issued thereunder shall, upon conviction, may be subject to a fine of required to
6 forfeit not less than \$25 nor more than \$100 for the first offense and may be fined not
7 less than \$25 and not nor more than \$100 for a 2nd or subsequent conviction.

History: 1977 c. 288.

8 **SECTION 3. Initial applicability.**

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

12 (END)

DNote

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

LRB-0178/P1dn

EVM: kjf

Date

ATTN: Anna Richter

X 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. 218.11 or 218.41, 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-0178/P1dn
EVM:kjfrs

November 27, 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. 218.11 or 218.41, stats., any time 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 9:29 AM
To: Mueller, Eric
Subject: FW: Draft review: LRB -0178/P1 Topic: Unlicensed RV dealer and moped dealer penalties (NB 1315-15).
Attachments: 13-0178/P1.pdf; DraftersNote1.pdf

Hi Eric,

Same comment with this draft.

Thanks!
Anna

From: McGinn, Reed - DOT
Sent: Wednesday, December 05, 2012 10:37 AM
To: Richter, Anna - DOT; LaSage, Stephanie A - DOT; Nilsen, Paul - DOT
Subject: FW: Draft review: LRB -0178/P1 Topic: Unlicensed RV dealer and moped dealer penalties (NB 1315-15).

We agree there should be a time period for counting second and subsequent violations, and suggest 3 years.

Reed McGinn

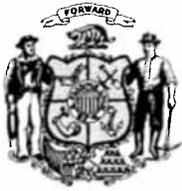
Legislative Liaison
Division of Motor Vehicles
Wisconsin Department of Transportation
608-266-7857

From: Richter, Anna - DOT
Sent: Wednesday, November 28, 2012 9:31 AM
To: McGinn, Reed - DOT
Cc: LaSage, Stephanie A - DOT; Nilsen, Paul - DOT
Subject: FW: Draft review: LRB -0178/P1 Topic: Unlicensed RV dealer and moped dealer penalties (NB 1315-15).

For your review!
Anna

From: LRB.Legal [<mailto:LRB-LegalServices@legis.wisconsin.gov>]
Sent: Tuesday, November 27, 2012 1:57 PM
To: Richter, Anna - DOT
Subject: Draft review: LRB -0178/P1 Topic: Unlicensed RV dealer and moped dealer penalties (NB 1315-15).

Following is the PDF version of draft LRB -0178/P1 and drafter's note.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

12/10/12

Regen

1 **AN ACT to amend** 218.11 (5m) and 218.43 (intro.) of the statutes; **relating to:**
2 penalties for violation of certain moped dealer and recreational vehicle dealer
3 requirements and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may engage in the business of selling recreational vehicles or mopeds unless licensed to do so by the Department of Transportation. Any person who violates one of these provisions may be fined not less than \$25 nor more than \$100.

Under this bill, a person who violates one of these provisions may be required to forfeit not less than \$25 nor more than \$100 for a first offense and is subject to the existing penalty, a fine of not less than \$25 nor more than \$100, for a second or subsequent violation. *within three years*

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

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5 218.11 (5m) Any person who shall ~~violate~~ violates any provision of this section
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move to p. 2
INS 1-1

move after INS 1-1
max

INS 1-1
from p. 1

1 and shall be fined not less than \$25 nor more than \$100 for each offense a 2nd or
2 subsequent conviction. within 3 years

3 SECTION 2. 218.43 (intro.) of the statutes is amended to read:

4 218.43 Penalty. (intro.) Any person violating s. 218.41 or a lawful rule or order
5 issued thereunder shall, upon conviction, may be subject to a fine of required to
6 forfeit not less than \$25 nor more than \$100 for the first offense and may be fined not
7 less than \$25 and not nor more than \$100 for a 2nd or subsequent conviction.

8 SECTION 3. Initial applicability.

within 3 years

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

12 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0178/P2
EVM:kjf:ph

stays

FMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

7/23/13

regen

soon

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8 3 years.

9 **SECTION 3. Initial applicability.**

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11 subsection, but does not preclude the counting of other violations as prior violations
12 for purposes of sentencing a person.

13 (END)

Basford, Sarah

From: Punches, Derek
Sent: Wednesday, August 07, 2013 9:14 AM
To: LRB.Legal
Subject: Draft Review: LRB -0178/1 Topic: Unlicensed RV dealer and moped dealer penalties (NB 1315-15).

Please Jacket LRB -0178/1 for the SENATE.