



## 2019 SENATE BILL 304

1     **AN ACT** *to amend* 218.0163 (1) (a); and *to create* 218.0116 (1) (z) of the statutes;  
2             **relating to:** prohibited practices of motor vehicle manufacturers, importers,  
3             and distributors and providing a penalty.

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*Analysis by the Legislative Reference Bureau*

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

4             **SECTION 1.** 218.0116 (1) (z) of the statutes is created to read:  
5             218.0116 (1) (z) 1. In this paragraph, “adverse action” includes all of the  
6             following:  
7             a. Increasing a price charged for services or goods.  
8             b. Assessing a penalty, fee, or surcharge.  
9             c. Withholding, reducing, or delaying an incentive or other payment.  
10            d. Transferring or shifting costs.

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- 1 e. Limiting allocations of vehicles or parts.
- 2 f. Failing to act in good faith.
- 3 g. Failing to make timely payment of compensation.
- 4 h. Establishing or applying a discriminatory standard.
- 5 i. Conducting or threatening to conduct a nonroutine or nonrandom audit.
- 6 2. Being a manufacturer, importer, or distributor who directly or indirectly
- 7 takes or threatens to take an adverse action against a dealer for any of the following
- 8 reasons:
- 9 a. For the purpose of recovering costs of compensating dealers under s.
- 10 218.0125.
- 11 b. In retaliation for a dealer's exercising a right or seeking a remedy under ss.
- 12 218.0101 to 218.0163 or under rules promulgated by the department of
- 13 transportation under ss. 218.0101 to 218.0163.

14 **SECTION 2.** 218.0163 (1) (a) of the statutes is amended to read:

15 218.0163 (1) (a) A violation by any other licensee of s. 218.0116 (1) (bm), (f), (h),

16 (hm), (i), (km), (L), (Lm), (mm), (pm), (q), (qm), (r), (rm), (s), (sm), (t), (u), (um), (v),

17 (vm), (w), (wm), (x), (xm), (y), (ym), ~~or (ys)~~, or (z).

18 **SECTION 3. Initial applicability.**

19 (1) This act first applies to an adverse action taken or continued on the effective

20 date of this subsection.

21 (END)