

2019 Senate Bill 304 (LRB -3351)

An Act to amend 218.0163 (1) (a); and to create 218.0116 (1) (z) of the statutes; relating to: prohibited practices of motor vehicle manufacturers, importers, and distributors and providing a penalty. (FE)

2019

06-21.	S.	Introduced by Senators Marklein, Ringhand, Cowles, Darling, Erpenbach, Feyen, Hansen, Miller, Nass, Olsen, L. Taylor, Testin and Wanggaard ; cosponsored by Representatives Ballweg, Fields, Bowen, Brandtjen, Considine, Crowley, Gundrum, Knodl, Kolste, Kuglitsch, McGuire, B. Meyers, Milroy, Murphy, Mursau, Novak, Petryk, Ramthun, Rohrkaste, Sinicki, Skowronski, Steffen, Thiesfeldt, Tusler, VanderMeer, Vruwink and Zimmerman .	270
06-21.	S.	Read first time and referred to Committee on Transportation, Veterans and Military Affairs	270
07-11.	S.	Fiscal estimate received	
09-25.	S.	Public hearing held	
10-02.	S.	Executive action taken	
10-03.	S.	Report passage recommended by Committee on Transportation, Veterans and Military Affairs, Ayes 5, Noes 0	415
10-03.	S.	Available for scheduling	
10-04.	S.	Placed on calendar 10-8-2019 pursuant to Senate Rule 18(1)	419
10-07.	S.	Senate Substitute Amendment 1 offered by Senators Bernier and Fitzgerald (LRB s0099)	420
10-08.	S.	Senate Amendment 1 to Senate Substitute Amendment 1 offered by Senators Kapenga, Kooyenga, Craig, Bernier and Darling (LRB a0608)	421
10-08.	S.	Read a second time	429
10-08.	S.	Senate Amendment 1 to Senate Substitute Amendment 1 withdrawn and returned to author	429
10-08.	S.	Senate Substitute Amendment 1 laid on table, Ayes 24, Noes 9	429
10-08.	S.	Ordered to a third reading	429
10-08.	S.	Rules suspended	429
10-08.	S.	Read a third time and passed , Ayes 27, Noes 6	429
10-08.	S.	Ordered immediately messaged	430
10-08.	A.	Received from Senate	311
11-06.	A.	Read first time and referred to committee on Rules	363
11-07.	A.	Representative Shankland added as a cosponsor	370
11-07.	A.	Placed on calendar 11-12-2019 by Committee on Rules	
11-12.	A.	Read a second time	
11-12.	A.	Ordered to a third reading	
11-12.	A.	Rules suspended	
11-12.	A.	Read a third time and concurred in	
11-12.	A.	Ordered immediately messaged	
11-12.	S.	Received from Assembly concurred in	

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ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

19 3351, 1

Amendments: None or Listed below.

Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

11/13/19

Cote

Date

Enrolling Drafter



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3351/1
EVM:amn

2019 SENATE BILL 304

June 21, 2019 - Introduced by Senators MARKLEIN, RINGHAND, COWLES, DARLING, ERPENBACH, FEYEN, HANSEN, MILLER, NASS, OLSEN, L. TAYLOR, TESTIN and WANGGAARD, cosponsored by Representatives BALLWEG, FIELDS, BOWEN, BRANDTJEN, CONSIDINE, CROWLEY, GUNDRUM, KNODL, KOLSTE, KUGLITSCH, MCGUIRE, B. MEYERS, MILROY, MURPHY, MURSAU, NOVAK, PETRYK, RAMTHUN, ROHRKASTE, SINICKI, SKOWRONSKI, STEFFEN, THIESFELDT, TUSLER, VANDERMEER, VRUWINK and ZIMMERMAN. Referred to Committee on Transportation, Veterans and Military Affairs.

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.

Analysis by the Legislative Reference Bureau

Under current law, a manufacturer, importer, or distributor (manufacturer) of motor vehicles that wishes to sell motor vehicles in this state must be licensed by the Department of Transportation. Also under current law, a manufacturer may have its license revoked, and may be liable for pecuniary losses and attorney fees, if the manufacturer commits any of a number of violations enumerated in the statutes.

This bill enumerates an additional violation. Specifically, a manufacturer commits a violation, as described above, if it directly or indirectly takes or threatens to take an adverse action against a dealer of its motor vehicles 1) for the purpose of recovering costs of compensating the dealer for certain service work performed for the manufacturer, or 2) in retaliation for a dealer's exercising a right or seeking a remedy under Wisconsin's motor vehicle dealer law.

For further information see the *state* 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:

SENATE BILL 304**SECTION 1**

1 **SECTION 1.** 218.0116 (1) (z) of the statutes is created to read:

2 218.0116 (1) (z) 1. In this paragraph, “adverse action” includes all of the
3 following:

4 a. Increasing a price charged for services or goods.

5 b. Assessing a penalty, fee, or surcharge.

6 c. Withholding, reducing, or delaying an incentive or other payment.

7 d. Transferring or shifting costs.

8 e. Limiting allocations of vehicles or parts.

9 f. Failing to act in good faith.

10 g. Failing to make timely payment of compensation.

11 h. Establishing or applying a discriminatory standard.

12 i. Conducting or threatening to conduct a nonroutine or nonrandom audit.

13 2. Being a manufacturer, importer, or distributor who directly or indirectly
14 takes or threatens to take an adverse action against a dealer for any of the following
15 reasons:

16 a. For the purpose of recovering costs of compensating dealers under s.
17 218.0125.

18 b. In retaliation for a dealer’s exercising a right or seeking a remedy under ss.
19 218.0101 to 218.0163 or under rules promulgated by the department of
20 transportation under ss. 218.0101 to 218.0163.

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

22 218.0163 (1) (a) A violation by any other licensee of s. 218.0116 (1) (bm), (f), (h),
23 (hm), (i), (km), (L), (Lm), (mm), (pm), (q), (qm), (r), (rm), (s), (sm), (t), (u), (um), (v),
24 (vm), (w), (wm), (x), (xm), (y), (ym), ~~or~~ (ys), or (z).

25 **SECTION 3. Initial applicability.**

