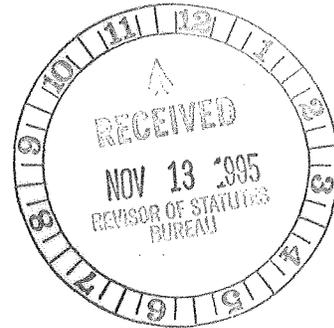


CR 95-086

CERTIFICATE



STATE OF WISCONSIN)
DEPARTMENT OF TRANSPORTATION) ss.

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **vehicle odometers, odometer disclosure, record keeping and titling by dealers and nonresidents**, was duly approved and adopted by this Department on November 10, 1995.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 10 day of **November**, 1995.

Charles H. Thompson
CHARLES H. THOMPSON
Secretary

The Wisconsin Department of Transportation adopts an order to renumber and amend TRANS 136.03(1), 138.04(1)(f) and 142.07(5)(d); to amend TRANS 136.03(2), 138.04(1)(b)3, (d), (g) and (2), 138.05(3), 138.09(2)(c) and (d)5, 139.04(6)(a)(intro.) and (a)2, 141.07(5)(e) and 142.07(5)(e), to repeal and recreate TRANS 138.05(4), 139.04(7); and to create TRANS 136.03(1)(a), (c) and (d) and (2)(a) to (d), 138.04(1)(f)1 and 3 and (h), 138.05(6), 142.07(5)(d)1 and 3, and ch. TRANS 154, relating to vehicle odometers, odometer disclosure, record keeping and titling by dealers and nonresidents.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 85.16(1), 218.01(5)(c) and (7a), 342.155(1)(c), 342.156(5), 342.157 and 342.16(1)(c), Stats.

STATUTES INTERPRETED: ss. 218.01(7a), 218.33, 218.52, 341.10, 342.01, 342.05, 342.06, 342.10, 342.11, 342.14, 342.15, 342.155, 342.156, 342.157, 342.16, 342.18, 342.23, 342.25, 342.255, 342.32 and 347.415, Stats.

General Summary of Rule. The federal odometer law was repealed and recreated as 49 U.S.C. sections 32701 to 32711 in July 1994. Wisconsin enacted 1993 Wis. Act 159, effective April 1, 1994, which includes a number of relevant rulemaking mandates and further codifies odometer policies and practices which were adopted in response to Wisconsin odometer laws.

These rules relate to implementing the provisions of the federal odometer law and Chapters 218, 341, 342 and 347, Stats., as they affect regulation of vehicle odometers, odometer mileage disclosure, odometer record keeping requirements and titling by dealers and nonresidents. Amendments are to Trans 136, 138, 139, 141 and 142 to bring those rules into conformity with odometer requirements included in the federal odometer law and the Wisconsin statutes, including 1993 Wis. Act 159.

The rule provisions establish and prescribe policies and procedures for administering the state program for the above-named areas having to do with odometers and titling. These provisions include:

- Requirements for Assigning or Reassigning Ownership and Disclosing Mileage of New or Used Motor Vehicles

These requirements help assure that Wisconsin's procedures and forms conform to federal requirements and are reasonably consistent with mileage disclosure and transfer of ownership requirements in other states. The Department will have the authority to refuse to register a vehicle if the application for title transfer is not completed on the form and in the manner prescribed. Old titles could still be used but only when the odometer disclosure is on a separate conforming disclosure form. This section also prescribes the type of document, or combination of documents, and process that must be used when assigning or reassigning ownership and disclosing odometer mileage.

- Odometer Disclosure Requirements for Transferors and Transferees of Motor Vehicles

Sets forth the specific odometer disclosure requirements for the seller and buyer when ownership of a motor vehicle is transferred. The significant changes include use of a uniform secure document for reporting mileage disclosure, buyer and seller must both sign and print names on the disclosure, and prohibits a person from signing as both buyer and seller in the same transaction.

- Exemptions from Odometer Disclosure Requirements

Identifies those vehicles which are exempt from the odometer disclosure requirements in state and federal laws and regulations.

- Requirements Relating to the Sale of Motor Vehicles through Auction and Salvage Pool

In order to reduce the incidence of odometer fraud, certain data in a specified format are required to be entered on "transfer of ownership documents" by wholesale auctions and "salvage pools" which arrange for the sale of damaged vehicles on behalf of dealers or insurance companies.

- Odometer Disclosure for Leased Motor Vehicles

Prescribes the special requirements that are applicable to odometer disclosures for lessors and lessees of motor vehicles.

- Odometer Disclosure for Consignment Vehicles

Prescribes the special requirements that are applicable to odometer disclosures for consignors and dealer consignees, responsibility to show

odometer disclosure statements to prospective purchasers and responsibilities upon the sale of the vehicle.

- Odometer Disclosure when Odometer Repaired or Replaced

Establishes alternative odometer disclosure requirements for exceptional situations. Examples include odometer registering kilometers replaced by one registering miles, and a vehicle continuing to operate with a malfunctioning or non-registering odometer before it is repaired or replaced.

- Odometer Disclosure for Transfers of Ownership by Involuntary Divestiture

Specifies who is authorized to complete an odometer disclosure when ownership of a vehicle is transferred involuntarily and the owner is deceased or otherwise does not or cannot complete the odometer disclosure. The manner in which the odometer reading shall be qualified with the "actual," "not actual" or "mileage in excess of the odometer mechanical design limits" notation is also specified.

- Requirements and Conditions Relating to the Use of a Power of Attorney for Completing Odometer Disclosure Statements

Prescribes the conditions under which the transferor of a motor vehicle may designate their transferee as agent, via power of attorney, for the purpose of completing an odometer disclosure statement in their behalf, the specifications for such power of attorney and the manner by which it shall be completed and handled. The rule conforms to federal requirements by restricting use of the power of attorney form to those situations where the owners title is held by a secured party at the time the vehicle is sold or traded to a dealer.

- Odometer Records and Retention Requirements for Dealers, Wholesalers, Lessors, Auctions, Salvage Pools and Salvage Dealers

Specifies the odometer disclosure related record and record keeping requirements for the businesses involved in the purchase, sale and leasing of motor vehicles. With the exception of leasing companies and salvage pools, the federal records requirements for the aforementioned businesses have been in effect since April 1, 1989; therefore, this section of the rule should not result in any changes in the record keeping practices of such businesses.

- Eligibility to Apply for Title by Dealers and Nonresidents

Limits the circumstances and conditions under which Wisconsin titles would be issued to dealers and nonresidents.

- Odometer Disclosure Statements to Accompany Application for Title

Requires the odometer disclosure of the titled owner and all dealers who reassign ownership prior to and including the retail sale to accompany the application for title. The exception provides that if the state where the reassigning dealer is licensed does not require odometer disclosures from reassigning dealers to accompany the title, the affected disclosure need not accompany the application for Wisconsin title. Also with certain exceptions, the odometer disclosure for new vehicles must accompany the application for certificate of title.

- Odometer Reading and Notations Required on the Certificate of Title

Requires that the "date" of the odometer reading be printed on the title by the Department along with the odometer reading. Such date is to remain constant with subsequently issued titles to the same owner and will be updated only when a transfer of ownership is involved and a new odometer disclosure is provided to the transferee. A "not actual-tampering verified" notation will also be printed on the title when the Department determines that odometer tampering on the vehicle has occurred.

- Amends Trans 136 to Refer to New Records to be Retained and Provides for Electronic Record Keeping

Requires that records of odometer and odometer chip sales and exchanges be kept by salvage dealers by making reference to specific requirements in the odometer rule. Modifies the record keeping requirement to include provisions for electronic record keeping of this information.

- Amends Trans 138 to Conform with Federal Odometer Requirements for Dealer Facilities and Records and Provides for Electronic Record Keeping

Extends the time period for which records must be retained from 4 to 5 years, adds new odometer documents to the records which must be kept, amends the records that auctions establish and maintain. Modifies the record keeping requirement to include provisions for electronic record keeping of this information.

- Amends Trans 139 Concerning Requirements for Retention of Records, Vehicle Disclosure Label Language and Mileage Disclosure

Extends the time period for which the signed "Used Motor Vehicle Label" must be retained by the dealer from 4 to 5 years, changes the odometer disclosure language which must be displayed on the "Used Motor Vehicle Label" by removing any reference to replaced or repaired odometers. Repeals and recreates Trans 139.04(7) for the purpose of including general odometer disclosure requirements and making reference to specific

odometer disclosure statements to prospective purchasers and responsibilities upon the sale of the vehicle.

- Odometer Disclosure when Odometer Repaired or Replaced

Establishes alternative odometer disclosure requirements for exceptional situations. Examples include odometer registering kilometers replaced by one registering miles, and a vehicle continuing to operate with a malfunctioning or non-registering odometer before it is repaired or replaced.

- Odometer Disclosure for Transfers of Ownership by Involuntary Divestiture

Specifies who is authorized to complete an odometer disclosure when ownership of a vehicle is transferred involuntarily and the owner is deceased or otherwise does not or cannot complete the odometer disclosure. The manner in which the odometer reading shall be qualified with the "actual," "not actual" or "mileage in excess of the odometer mechanical design limits" notation is also specified.

- Requirements and Conditions Relating to the Use of a Power of Attorney for Completing Odometer Disclosure Statements

Prescribes the conditions under which the transferor of a motor vehicle may designate their transferee as agent, via power of attorney, for the purpose of completing an odometer disclosure statement in their behalf, the specifications for such power of attorney and the manner by which it shall be completed and handled. The rule conforms to federal requirements by restricting use of the power of attorney form to those situations where the owners title is held by a secured party at the time the vehicle is sold or traded to a dealer.

- Odometer Records and Retention Requirements for Dealers, Wholesalers, Lessors, Auctions, Salvage Pools and Salvage Dealers

Specifies the odometer disclosure related record and record keeping requirements for the businesses involved in the purchase, sale and leasing of motor vehicles. With the exception of leasing companies and salvage pools, the federal records requirements for the aforementioned businesses have been in effect since April 1, 1989; therefore, this section of the rule should not result in any changes in the record keeping practices of such businesses.

- Eligibility to Apply for Title by Dealers and Nonresidents

Limits the circumstances and conditions under which Wisconsin titles would be issued to dealers and nonresidents.

- Odometer Disclosure Statements to Accompany Application for Title

Requires the odometer disclosure of the titled owner and all dealers who reassign ownership prior to and including the retail sale to accompany the application for title. The exception provides that if the state where the reassigning dealer is licensed does not require odometer disclosures from reassigning dealers to accompany the title, the affected disclosure need not accompany the application for Wisconsin title. Also with certain exceptions, the odometer disclosure for new vehicles must accompany the application for certificate of title.

- Odometer Reading and Notations Required on the Certificate of Title

Requires that the "date" of the odometer reading be printed on the title by the Department along with the odometer reading. Such date is to remain constant with subsequently issued titles to the same owner and will be updated only when a transfer of ownership is involved and a new odometer disclosure is provided to the transferee. A "not actual-tampering verified" notation will also be printed on the title when the Department determines that odometer tampering on the vehicle has occurred.

- Amends Trans 136 to Refer to New Records to be Retained and Provides for Electronic Record Keeping

Requires that records of odometer and odometer chip sales and exchanges be kept by salvage dealers by making reference to specific requirements in the odometer rule. Modifies the record keeping requirement to include provisions for electronic record keeping of this information.

- Amends Trans 138 to Conform with Federal Odometer Requirements for Dealer Facilities and Records and Provides for Electronic Record Keeping

Extends the time period for which records must be retained from 4 to 5 years, adds new odometer documents to the records which must be kept, amends the records that auctions establish and maintain. Modifies the record keeping requirement to include provisions for electronic record keeping of this information.

- Amends Trans 139 Concerning Requirements for Retention of Records, Vehicle Disclosure Label Language and Mileage Disclosure

Extends the time period for which the signed "Used Motor Vehicle Label" must be retained by the dealer from 4 to 5 years, changes the odometer disclosure language which must be displayed on the "Used Motor Vehicle Label" by removing any reference to replaced or repaired odometers. Repeals and recreates Trans 139.04(7) for the purpose of including general odometer disclosure requirements and making reference to specific

requirements in the odometer rule. This will help simplify future changes to odometer disclosure requirements.

- Amends Trans 141 and 142 Concerning Record Retention Requirements and Adds New Records to be Retained and Provides for Electronic Record Keeping

Extends the time period for which dealers of manufactured homes and recreational vehicles must retain records from 4 to 5 years. New additional records that must be retained for dealers of manufactured homes include MV11 title and registration applications. For the occasional motor vehicle taken in trade, regular and conforming power of attorney and odometer disclosure statements must also be retained. Modifies the record keeping requirement in ch. Trans 142 to include provisions for electronic record keeping of required records.

Fiscal Estimate. Administering the provisions of this rule is not expected to have a fiscal impact because these provisions have been in effect by Department policy since 1990.

Final Regulatory Flexibility Analysis. This rule will have no adverse effect on small businesses beyond any effect imposed by the statutes. Less stringent requirements on small businesses were considered and found not appropriate.

Contact Persons and Copies of Rule. For questions regarding this rule, contact Joan Loden, Dealer Section, Wisconsin Department of Transportation, P. O. Box 7909, Room 806, 4802 Sheboygan Avenue, Madison, Wisconsin 53707-7909; or by phone at (608) 267-0404. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 218.01(5)(c) and (7a), 342.155(1)(c), 342.156(5), 342.157 and 342.16(1)(c), Stats., the department of transportation hereby adopts an order to amend chapters Trans 136, 138, 139, 141 and 142 and to create of ch. Trans 154, interpreting ss. 218.01(7a), 218.33, 218.52, 341.10, 342.01, 342.05, 342.06, 342.10, 342.11, 342.14, 342.15, 342.155, 342.156, 342.157, 342.16, 342.18, 342.23, 342.25, 342.255, 342.32

and 347.415, Stats., relating to vehicle odometers, odometer disclosure, record keeping and titling by dealers and nonresidents.

SECTION 1. Trans 136.03(1) is renumbered Trans 136.03(1)(b) and amended to read:

Trans 136.03(1)(b) ~~TYPE OF RECORDS REQUIRED. Records of vehicles purchased or acquired for salvage purposes shall be kept~~ Persons requiring a license who do not maintain their records in an electronic data processing record keeping system shall maintain the information required in sub. (1)(a) in a permanently bound book of not less than 8 1/2" x 11" in size, containing consecutively prenumbered pages with horizontal line ruling. Initial purchase entries shall be made immediately as each vehicle is acquired. When the title or bill of sale is forwarded to the department, the date shall be entered on the same line. All entries shall be consecutively entered in ink and be legible. No blank horizontal lines will be allowed. Vertical dividing lines shall be provided, and may be manually drawn, to divide the following information as shown:

Date Acquired	Acquired from (Name and Address)	Year-Make-Ident. No. VIN	Date title or bill of sale to DOT
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SECTION 2. Trans 136.03(1)(a), (c) and (d) are created to read:

Trans 136.03(1)(a) The following information shall be kept on motor vehicles acquired for salvage purposes:

1. Date of acquisition of the vehicle.
2. Name and address of the person from whom the vehicle was acquired.
3. The year, make and vehicle identification number, or VIN, of the vehicle.
4. The date the title or bill of sale is forwarded to the department.

(c) Persons requiring a license who maintain their records in an electronic data processing record keeping system shall maintain the information required in par. (a) in compliance with the following requirements:

1. One record shall contain all of the information specified in par. (a).
2. Initial purchase entries shall be made immediately as each vehicle is acquired.
3. The information shall be accessible for inspection and shall be retrievable electronically by the date acquired and VIN.
4. All records shall be retrievable during the inspection and a printer shall be kept on site to provide hard copy if requested. Hard copy shall include all information in the same format specified in par. (b). Horizontal and vertical lines are not required.
5. There is an employe of the person requiring a license available to retrieve the records during the hours of operation of the business.

(d) Records of odometer and odometer chip sales and exchanges shall be kept as required by s. Trans 154.12(4).

SECTION 3. Trans 136.03(2) is amended to read:

Trans 136.03(2) RETENTION AND AVAILABILITY FOR INSPECTION. The ~~record book or books~~ information specified in sub. (1)(a) shall be maintained for 5 years, shall be kept in the place of business during business hours and shall be open to inspection by any authorized representative of the department. Persons requiring a license who maintain their used vehicle records as specified in sub. (1)(c) in an electronic data processing record keeping system can keep a hard copy of their records when memory limitations of the electronic system prohibit electronic storage for the specified period. Hard copy shall meet the following requirements:

SECTION 4. Trans 136.03(2)(a) to (d) are created to read:

Trans 136.03(2)(a) Hard copy shall include only those records of vehicles that have been disposed of. Incomplete records of vehicles acquired and still in inventory must be maintained on the electronic system until disposed of and the record is completed.

(b) Hard copy shall include all information in the same format as specified in sub. (1)(b). Horizontal and vertical line ruling shall not be required.

(c) Hard copy shall be printed in the order of the date acquired and each report shall contain at least 12 consecutive months of vehicle acquisitions.

(d) Hard copy shall contain system generated page numbers and the current date on every page.

SECTION 5. Trans 138.04(1)(b)3 and (d) are amended to read:

Trans 138.04(1)(b)3. Description of vehicle including year, make, and identification number, a description of the prior use of the vehicle and a an odometer disclosure statement as specified in s. Trans 154.08(1) of the odometer reading at the time of consignment indicating whether the reading is actual mileage, mileage in excess of the mechanical limits of the odometer, or not the actual mileage. The odometer disclosure statement may shall be separate from the rest of the consignment agreement;

(d) Odometer disclosure statement from prior owner and odometer disclosure statement to subsequent purchaser, as required by s. Trans 139.04(7).

SECTION 6. Trans 138.04(1)(f) is renumbered Trans 138.04(1)(f)2 and amended to read:

Trans 138.04(1)(f)2. ~~Records of every used vehicle (including executive and demonstrator vehicles) bought, sold, exchanged, or consigned shall be kept in~~ Persons requiring a license who do not maintain their records in an electronic data processing

record keeping system shall maintain the information required in subd. 1 in a permanently bound (~~case or perfect bound~~) book containing consecutively pre-numbered pages with horizontal line ruling. Initial purchase entries shall be made immediately as each vehicle is acquired and sales information entered on the same line at subsequent time of sale. All entries shall be consecutively entered in ink and be legible. No blank horizontal lines shall be allowed. Vertical dividing lines shall be provided, and may be manually drawn, to divide the following information as shown:

Date Acquired	Acquired From Name and Address	Year-Make- ID VIN	Date Sold or Disposed of	Disposed of or Sold to Name & Address
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SECTION 7. Trans 138.04(1)(f)1 and 3 are created to read:

Trans 138.04(1)(f)1. The following information shall be kept on every used vehicle, including executive and demonstrator vehicles, bought, sold, exchanged or consigned:

- a. Date of acquisition of the vehicle.
- b. Name and address of the person from whom the vehicle was acquired.
- c. The year, make and vehicle identification number, or VIN, of the vehicle.
- d. The date of the disposition of the vehicle.
- e. The name and address of the person to whom any vehicle was disposed.

3. Persons requiring a license who maintain their records in an electronic data processing record keeping system shall maintain the information required in subd. 1 in compliance with the following requirements:

- a. One record shall contain all of the information specified in subd. 1.

b. Initial purchase entries shall be made immediately as acquired, and sales information shall be completed on the same record at the time of sale.

c. The information shall be accessible for inspection and shall be retrievable electronically by the date acquired, name of person from whom the vehicle was acquired, VIN, date sold, and name of person to whom the vehicle was disposed.

d. All records shall be retrievable during the inspection and a printer shall be kept on site to provide hard copy if requested. Hard copy shall include all information in the same format as specified in par. (f)2. Horizontal and vertical lines are not required.

e. There is an employe of the person requiring a license available to retrieve the records during the hours of operation of the business.

SECTION 8. Trans 138.04(1)(g) is amended to read:

Trans 138.04(1)(g) The used vehicle ~~record book~~ information as specified in par. (f) shall be maintained for a period of 5 years, as required by s. 342.16, Stats., and all other required records shall be maintained for a period of 4 5 years from the date of sale, including facsimile copies of factory invoices, dealer reassignment forms, consignment agreements, purchase contracts, MV1 or MV11 Wisconsin title and registration applications, used motor vehicle ~~general condition disclosure statements~~ labels, regular and conforming power of attorney forms, prior owner odometer disclosure statements, and dealer's subsequent odometer disclosure statements, lessor's notices to lessees relating to odometer disclosure required at end of lease, and lessee's odometer disclosure statement completed at end of lease. Such The records shall be kept in the place of business during business hours and shall be open to inspection and copying by a representative of the department during reasonable business hours.

SECTION 9. Trans 138.04(1)(h) is created to read:

Trans 138.04(1)(h) Persons requiring a license who maintain their used vehicle records as specified in par. (f) in an electronic data processing record keeping system can satisfy the record retention requirement in par. (g) with hard copy of their records when memory limitations of the electronic system prohibit electronic storage for the specified period. Hard copy shall meet the following requirements:

1. Hard copy shall include only those records of vehicles that have been disposed of. Incomplete records of vehicles acquired and still in inventory must be maintained on the electronic system until disposed of and the record is completed.

2. Hard copy shall include all information in the same format as specified in par. (f)2. Horizontal and vertical line ruling shall not be required.

3. Hard copy shall be printed in the order of the date acquired and each report shall contain at least 12 consecutive months of vehicle acquisitions.

4. Hard copy shall contain system generated page numbers and the current date on every page.

SECTION 10. Trans 138.04(2) is amended to read:

Trans 138.04(2) Motor vehicle wholesalers (used vehicles), items included in sub. (1)(a), (d), (f) and (g) as limited to used vehicle record book, invoices, dealer reassignment forms, regular and conforming power of attorney forms, prior owner odometer disclosure statements and wholesaler's subsequent odometer disclosure statements.

SECTION 11. Trans 138.05(3) is amended to read:

Trans 138.05(3) Retain a copy of a properly completed, signed wholesale auction dealer reassignment form for each vehicle sold with a nonconforming title as required under s. Trans 154.03(d)3, and furnish 2 copies to the purchasing dealer and 4 one copy to the selling dealer.

SECTION 12. Trans 138.05(4) is repealed and recreated to read:

Trans 138.05(4) For each motor vehicle sold at an auction sale, establish and maintain for 5 years those records as required under s. Trans 154.12(3) as authorized under s. 342.157, Stats.

SECTION 13. Trans 138.05(6) is created to read:

Trans 138.05(6) Required records shall be kept in the place of business during business hours and shall be open to inspection and copying by a representative of the department during reasonable business hours.

SECTION 14. Trans 138.09(2)(c) and (d)5 are amended to read:

Trans 138.09(2)(c) The department shall provide an applicant to whom par. (b) applies with dealer registration plates, salesperson licenses and a license for the dealership. The validity of all such licenses is conditional, pending the outcome of the review of the license denial. In the event the review by the ~~commissioner of transportation~~ division of hearings and appeals affirms the license denial, the dealer shall collect and surrender to the department all registration plates, salesperson licenses and the dealer license issued under this paragraph. Salesperson licenses shall be surrendered immediately. Registration plates and the dealer license shall be surrendered within 30 days.

(d)5. The 30-day period begins on the date of the department's letter denying the license. However, if par. (b) applies, the 30-day period begins on the date of the order of the ~~office of the commissioner of transportation~~ division of hearings and appeals affirming the department's denial of the license.

SECTION 15. Trans 139.04(6)(a)(intro.) and (6)(a)2 are amended to read:

Trans 138.04(1)(h) Persons requiring a license who maintain their used vehicle records as specified in par. (f) in an electronic data processing record keeping system can satisfy the record retention requirement in par. (g) with hard copy of their records when memory limitations of the electronic system prohibit electronic storage for the specified period. Hard copy shall meet the following requirements:

1. Hard copy shall include only those records of vehicles that have been disposed of. Incomplete records of vehicles acquired and still in inventory must be maintained on the electronic system until disposed of and the record is completed.

2. Hard copy shall include all information in the same format as specified in par. (f)2. Horizontal and vertical line ruling shall not be required.

3. Hard copy shall be printed in the order of the date acquired and each report shall contain at least 12 consecutive months of vehicle acquisitions.

4. Hard copy shall contain system generated page numbers and the current date on every page.

SECTION 10. Trans 138.04(2) is amended to read:

Trans 138.04(2) Motor vehicle wholesalers (used vehicles), items included in sub. (1)(a), (d), (f) and (g) as limited to used vehicle record book, invoices, dealer reassignment forms, regular and conforming power of attorney forms, prior owner odometer disclosure statements and wholesaler's subsequent odometer disclosure statements.

SECTION 11. Trans 138.05(3) is amended to read:

Trans 138.05(3) Retain a copy of a properly completed, signed wholesale auction dealer reassignment form for each vehicle sold with a nonconforming title as required under s. Trans 154.03(d)3, and furnish 2 copies to the purchasing dealer and 4 one copy to the selling dealer.

SECTION 12. Trans 138.05(4) is repealed and recreated to read:

Trans 138.05(4) For each motor vehicle sold at an auction sale, establish and maintain for 5 years those records as required under s. Trans 154.12(3) as authorized under s. 342.157, Stats.

SECTION 13. Trans 138.05(6) is created to read:

Trans 138.05(6) Required records shall be kept in the place of business during business hours and shall be open to inspection and copying by a representative of the department during reasonable business hours.

SECTION 14. Trans 138.09(2)(c) and (d)5 are amended to read:

Trans 138.09(2)(c) The department shall provide an applicant to whom par. (b) applies with dealer registration plates, salesperson licenses and a license for the dealership. The validity of all such licenses is conditional, pending the outcome of the review of the license denial. In the event the review by the ~~commissioner of transportation~~ division of hearings and appeals affirms the license denial, the dealer shall collect and surrender to the department all registration plates, salesperson licenses and the dealer license issued under this paragraph. Salesperson licenses shall be surrendered immediately. Registration plates and the dealer license shall be surrendered within 30 days.

(d)5. The 30-day period begins on the date of the department's letter denying the license. However, if par. (b) applies, the 30-day period begins on the date of the order of the ~~office of the commissioner of transportation~~ division of hearings and appeals affirming the department's denial of the license.

SECTION 15. Trans 139.04(6)(a)(intro.) and (6)(a)2 are amended to read:

Trans 139.04(6) USED MOTOR VEHICLE DISCLOSURE LABEL. (a) Except as provided in par. (c), each used motor vehicle displayed or offered for sale by a dealer licensee shall display a label as prescribed by the department. The label shall be completed in duplicate. The original shall be displayed within the vehicle and shall be readable from the outside, or attached to motor driven cycles, and it shall become the possession of the purchaser upon delivery. The copy shall be signed by the purchaser prior to delivery of the motor vehicle and shall be retained by the dealer licensee for 4 5 years. The label shall clearly state in simple and concise language:

(a)2 ~~As required by s. 342.16(1m), Stats., the~~ The odometer reading at the time the vehicle was obtained by the dealer licensee and a disclosure that either the reading is known to be actual miles/kilometers miles, or the reading is not the actual miles/kilometers miles, ~~or the reading is in excess of 99,999 miles/kilometers, or the odometer was repaired or replaced and calibrated to a reading identical to the odometer before service, or the odometer was repaired or replaced and was reset or installed at zero and the original miles/kilometers were _____,~~ or the reading reflects the amount of mileage in excess of the designed mechanical odometer limit, as corroborated by the prior owner's ~~mileage~~ odometer disclosure statement available and subsequently shown to the purchaser, in accordance with sub. (7). The window sticker or disclosure ~~card~~ label shall further disclose that the name and address of the vehicle's prior owner are available upon request.

SECTION 16. Trans 139.04(7) is repealed and recreated to read:

Trans 139.04(7) MILEAGE DISCLOSURE. Unless exempted from the odometer disclosure statement requirements under s. Trans 154.05, for every motor vehicle offered for sale by a dealer licensee, the dealer licensee shall:

(a) Establish and maintain for 5 years those mileage and odometer disclosure records specified in s. Trans 154.12. The records shall be maintained and made available in a manner prescribed under s. Trans 154.12.

(b) Show to each prospective purchaser, prior to sale, all odometer disclosure records relating to a vehicle, including the prior owner's odometer disclosure statement contained on the conforming title or, if the title is nonconforming, on a separate conforming mileage statement.

NOTE: A dealer may show a prospective buyer a copy of both sides of a title document instead of the original if the prospective buyer is shown the original document when requested prior to execution of a purchase contract.

(c) Upon transfer of motor vehicle, disclose the odometer reading to the purchaser in a manner and form as prescribed under s. Trans 154.04.

SECTION 17. Trans 141.07(5)(e) is amended to read:

Trans 141.07(5)(e) The record book described in par. (d) shall be maintained for 5 years, as required by s. 342.16, Stats., and all other required records shall be maintained for a period of 4 5 years from the date of the sale, including copies of factory invoices, dealer reassignment forms, selling agreements, purchase contracts, MV1 and MV11 Wisconsin title and registration applications, regular and conforming power of attorney forms, and for motor vehicles taken in trade, prior owner odometer disclosure statements for trade-in motor vehicles and dealer's subsequent odometer disclosure statements. The records shall be kept in the place of business during business hours and shall be open to inspection and copying by the department during reasonable business hours.

SECTION 18. Trans 142.07(5)(d) is renumbered 142.07(5)(d)2 and amended to read:

Trans 139.04(6) USED MOTOR VEHICLE DISCLOSURE LABEL. (a) Except as provided in par. (c), each used motor vehicle displayed or offered for sale by a dealer licensee shall display a label as prescribed by the department. The label shall be completed in duplicate. The original shall be displayed within the vehicle and shall be readable from the outside, or attached to motor driven cycles, and it shall become the possession of the purchaser upon delivery. The copy shall be signed by the purchaser prior to delivery of the motor vehicle and shall be retained by the dealer licensee for 4 5 years. The label shall clearly state in simple and concise language:

(a)2 ~~As required by s. 342.16(1m), Stats., the~~ The odometer reading at the time the vehicle was obtained by the dealer licensee and a disclosure that either the reading is known to be actual miles/kilometers miles, or the reading is not the actual miles/kilometers miles, ~~or the reading is in excess of 99,999 miles/kilometers, or the odometer was repaired or replaced and calibrated to a reading identical to the odometer before service, or the odometer was repaired or replaced and was reset or installed at zero and the original miles/kilometers were _____,~~ or the reading reflects the amount of mileage in excess of the designed mechanical odometer limit, as corroborated by the prior owner's ~~mileage~~ odometer disclosure statement available and subsequently shown to the purchaser, in accordance with sub. (7). The window sticker or disclosure ~~card~~ label shall further disclose that the name and address of the vehicle's prior owner are available upon request.

SECTION 16. Trans 139.04(7) is repealed and recreated to read:

Trans 139.04(7) MILEAGE DISCLOSURE. Unless exempted from the odometer disclosure statement requirements under s. Trans 154.05, for every motor vehicle offered for sale by a dealer licensee, the dealer licensee shall:

(a) Establish and maintain for 5 years those mileage and odometer disclosure records specified in s. Trans 154.12. The records shall be maintained and made available in a manner prescribed under s. Trans 154.12.

(b) Show to each prospective purchaser, prior to sale, all odometer disclosure records relating to a vehicle, including the prior owner's odometer disclosure statement contained on the conforming title or, if the title is nonconforming, on a separate conforming mileage statement.

NOTE: A dealer may show a prospective buyer a copy of both sides of a title document instead of the original if the prospective buyer is shown the original document when requested prior to execution of a purchase contract.

(c) Upon transfer of motor vehicle, disclose the odometer reading to the purchaser in a manner and form as prescribed under s. Trans 154.04.

SECTION 17. Trans 141.07(5)(e) is amended to read:

Trans 141.07(5)(e) The record book described in par. (d) shall be maintained for 5 years, as required by s. 342.16, Stats., and all other required records shall be maintained for a period of 4 5 years from the date of the sale, including copies of factory invoices, dealer reassignment forms, selling agreements, purchase contracts, MV1 and MV11 Wisconsin title and registration applications, regular and conforming power of attorney forms, and for motor vehicles taken in trade, prior owner odometer disclosure statements for trade-in motor vehicles and dealer's subsequent odometer disclosure statements. The records shall be kept in the place of business during business hours and shall be open to inspection and copying by the department during reasonable business hours.

SECTION 18. Trans 142.07(5)(d) is renumbered 142.07(5)(d)2 and amended to read:

Trans 142.07(5)(d)2. ~~A record of every recreational vehicle bought, sold, exchanged, or consigned, which shall be kept~~ Persons requiring a license who do not maintain their records in an electronic data processing record keeping system shall maintain the information required in subd. 1 in a permanently bound book containing consecutively pre-numbered pages with horizontal line ruling. Initial entries shall be made immediately when each recreational vehicle is acquired. Sales information shall be entered on the same line at the time of the sale. All entries shall be consecutively entered in ink and be legible. Blank horizontal lines shall not be allowed. The information should be maintained in the following format:

Date Acquired	Acquired From Name & Address	New or Used	Year-Make-ID <u>VIN</u>	Date Sold or Disposed of	Disposed of or Sold to Name & Address
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SECTION 19. Trans 142.07(5)(d)1 and 3 are created to read:

Trans 142.07(5)(d)1. The following information shall be kept on every recreational vehicle bought, sold, exchanged or consigned:

- a. Date of acquisition of the vehicle.
- b. Name and address of the person from whom the vehicle was acquired.
- c. Whether the vehicle was new or used.
- d. The year, make and vehicle identification number, or VIN, of the vehicle.
- e. The date of the disposition of the vehicle.
- f. The name and address of the person to whom any vehicle was disposed.

(d)3. Persons requiring a license who maintain their records in an electronic data record keeping system shall maintain the information required in subd. 1 in compliance with the following requirements:

- a. One record shall contain all of the information specified in subd. 1.
- b. Initial entries shall be made immediately when each recreational vehicle is acquired.
- c. The information shall be accessible for inspection and shall be retrievable electronically by the date acquired, name of person from whom the vehicle was acquired, VIN, date sold, and name of person to whom the vehicle was disposed.
- d. All records shall be retrievable during the inspection and a printer shall be kept on site to provide hard copy if requested. Hard copy shall include all information in the same format as specified in par. (d)2. Horizontal and vertical lines are not required.
- e. An employe of the person requiring a license shall be available to retrieve the records during the hours of operation of the business.

SECTION 20. Trans 142.07(5)(e) is amended to read:

Trans 142.07(5)(e) ~~The record book described~~ information as specified in par. (d) shall be maintained for 5 years, as required by s. 342.16, Stats., and all other required records shall be maintained for a period of 4 5 years from the date of the sale, including facsimile copies of factory invoices, dealer reassignment forms, consignment agreements, purchase contracts, MV1 and MV11 Wisconsin title and registration applications, used recreational vehicle disclosure labels, regular and conforming power of attorney forms, and for motor vehicles taken in trade, prior owner odometer disclosure statements for trade-in motor vehicles and dealer's subsequent odometer disclosure statements.

Trans 142.07(5)(d)2. ~~A record of every recreational vehicle bought, sold, exchanged, or consigned, which shall be kept~~ Persons requiring a license who do not maintain their records in an electronic data processing record keeping system shall maintain the information required in subd. 1 in a permanently bound book containing consecutively pre-numbered pages with horizontal line ruling. Initial entries shall be made immediately when each recreational vehicle is acquired. Sales information shall be entered on the same line at the time of the sale. All entries shall be consecutively entered in ink and be legible. Blank horizontal lines shall not be allowed. The information should be maintained in the following format:

Date Acquired	Acquired From Name & Address	New or Used	Year-Make-ID <u>VIN</u>	Date Sold or Disposed of	Disposed of or Sold to Name & Address
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- a. Date of acquisition of the vehicle.
- b. Name and address of the person from whom the vehicle was acquired.
- c. Whether the vehicle was new or used.
- d. The year, make and vehicle identification number, or VIN, of the vehicle.
- e. The date of the disposition of the vehicle.
- f. The name and address of the person to whom any vehicle was disposed.

(d)3. Persons requiring a license who maintain their records in an electronic data record keeping system shall maintain the information required in subd. 1 in compliance with the following requirements:

a. One record shall contain all of the information specified in subd. 1.

b. Initial entries shall be made immediately when each recreational vehicle is acquired.

c. The information shall be accessible for inspection and shall be retrievable electronically by the date acquired, name of person from whom the vehicle was acquired, VIN, date sold, and name of person to whom the vehicle was disposed.

d. All records shall be retrievable during the inspection and a printer shall be kept on site to provide hard copy if requested. Hard copy shall include all information in the same format as specified in par. (d)2. Horizontal and vertical lines are not required.

e. An employe of the person requiring a license shall be available to retrieve the records during the hours of operation of the business.

SECTION 20. Trans 142.07(5)(e) is amended to read:

Trans 142.07(5)(e) ~~The record book described~~ information as specified in par. (d) shall be maintained for 5 years, as required by s. 342.16, Stats., and all other required records shall be maintained for a period of 4 5 years from the date of ~~the~~ sale, including facsimile copies of factory invoices, dealer reassignment forms, consignment agreements, purchase contracts, MV1 and MV11 Wisconsin title and registration applications, used recreational vehicle disclosure labels, regular and conforming power of attorney forms, and for motor vehicles taken in trade, prior owner odometer disclosure statements for trade in motor vehicles and dealer's subsequent odometer disclosure statements.

Trans 142.07(5)(d)2. ~~A record of every recreational vehicle bought, sold, exchanged, or consigned, which shall be kept~~ Persons requiring a license who do not maintain their records in an electronic data processing record keeping system shall maintain the information required in subd. 1 in a permanently bound book containing consecutively pre-numbered pages with horizontal line ruling. Initial entries shall be made immediately when each recreational vehicle is acquired. Sales information shall be entered on the same line at the time of the sale. All entries shall be consecutively entered in ink and be legible. Blank horizontal lines shall not be allowed. The information should be maintained in the following format:

Date Acquired	Acquired From Name & Address	New or Used	Year-Make-ID <u>VIN</u>	Date Sold or Disposed of	Disposed of or Sold to Name & Address
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SECTION 19. Trans 142.07(5)(d)1 and 3 are created to read:

Trans 142.07(5)(d)1. The following information shall be kept on every recreational vehicle bought, sold, exchanged or consigned:

- a. Date of acquisition of the vehicle.
- b. Name and address of the person from whom the vehicle was acquired.
- c. Whether the vehicle was new or used.
- d. The year, make and vehicle identification number, or VIN, of the vehicle.
- e. The date of the disposition of the vehicle.
- f. The name and address of the person to whom any vehicle was disposed.

(d)3. Persons requiring a license who maintain their records in an electronic data record keeping system shall maintain the information required in subd. 1 in compliance with the following requirements:

- a. One record shall contain all of the information specified in subd. 1.
- b. Initial entries shall be made immediately when each recreational vehicle is acquired.
- c. The information shall be accessible for inspection and shall be retrievable electronically by the date acquired, name of person from whom the vehicle was acquired, VIN, date sold, and name of person to whom the vehicle was disposed.
- d. All records shall be retrievable during the inspection and a printer shall be kept on site to provide hard copy if requested. Hard copy shall include all information in the same format as specified in par. (d)2. Horizontal and vertical lines are not required.
- e. An employe of the person requiring a license shall be available to retrieve the records during the hours of operation of the business.

SECTION 20. Trans 142.07(5)(e) is amended to read:

Trans 142.07(5)(e) ~~The record book described~~ information as specified in par. (d) shall be maintained for 5 years, as required by s. 342.16, Stats., and all other required records shall be maintained for a period of 4 5 years from the date of ~~the~~ sale, including facsimile copies of factory invoices, dealer reassignment forms, consignment agreements, purchase contracts, MV1 and MV11 Wisconsin title and registration applications, used recreational vehicle disclosure labels, regular and conforming power of attorney forms, and for motor vehicles taken in trade, prior owner odometer disclosure statements for trade-in motor vehicles and dealer's subsequent odometer disclosure statements.

The records shall be kept in the place of business during business hours and shall be open to inspection and copying by the department during reasonable business hours.

SECTION 21. Trans 142.07(5)(f) is created to read:

Trans 142.07(5)(f) Persons requiring a license who maintain their used vehicle records as specified in par. (d) in an electronic data processing record keeping system can satisfy the record retention requirement in par. (e) with hard copy of their records when memory limitations of the electronic system prohibit electronic storage for the specified period. Hard copy shall meet the following requirements:

1. Hard copy shall include only those records of vehicles that have been disposed of. Incomplete records of vehicles acquired and still in inventory must be maintained on the electronic system until disposed of and the record is completed.

2. Hard copy shall include all information in the same format as specified in par. (d)2. Horizontal and vertical line ruling shall not be required.

3. Hard copy shall be printed in the order of the date acquired and each report shall contain at least 12 consecutive months of vehicle acquisitions.

4. Hard copy shall contain system generated page numbers and the current date on every page.

SECTION 22. Trans 154 is created to read:

CHAPTER TRANS 154

VEHICLE ODOMETER DISCLOSURE REQUIREMENTS

Trans 154.01 PURPOSE AND SCOPE. The purpose of this chapter is to establish the department's administrative interpretation of ss. 218.01(7a), 218.33, 218.52, 341.10, 342.01, 342.05, 342.06, 342.10, 342.11, 342.14, 342.15, 342.155, 342.156,

342.157, 342.16, 342.18, 342.23, 342.25, 342.255, 342.32 and 347.415, Stats., relating to the implementation of the provisions of the federal odometer law, 49 U.S.C. ss. 32701 to 32711, as they affect regulation of vehicle odometers, odometer mileage disclosure, odometer record keeping requirements, and titling by distributors, wholesalers, manufacturers, motor vehicle dealers, mobile home dealers, motor vehicle salvage dealers, motor vehicle auction dealers, moped dealers, motor vehicle salvage pools, and nonresidents.

Trans 154.02 DEFINITIONS. The words and phrases defined in ch. 340, Stats., and ss. 342.01(2), 218.01(1), 218.10, 218.20, 218.30, 218.40 and 218.50, Stats., have the same meaning in this chapter unless a different definition is specifically provided.

In this chapter:

(1) "Assign ownership" or "assigning ownership" means the act or process of transferring ownership of a motor vehicle by the owner named on the certificate of title.

(2) "Conforming" means a certificate of title or vehicle ownership document, a supplemental transfer of ownership document or a power of attorney form is printed using a secure printing process or other secure process and contains the odometer disclosure statement language required by federal and Wisconsin law.

(3) "Consignor" means the owner of a privately titled motor vehicle who has contracted with a licensed retail dealer to sell the motor vehicle on the owner's behalf.

(4) "Dealer consignee" means a licensed retail dealer with whom the owner of a privately titled motor vehicle has contracted for the sale of the motor vehicle to a third party purchaser.

(5) "Department" means the department of transportation.

(6) "IRP" means the international registration plan.

(7) "Nonconforming" means a certificate of title or any supplemental transfer of ownership document does not contain the odometer disclosure statement language required by federal and Wisconsin law and is not set forth by means of a secure printing process or other secure process.

(8) "Reassign ownership" or "reassigning ownership" means the act or process of transferring ownership of a motor vehicle by a licensed dealer or wholesaler if the vehicle was acquired for the purpose of resale and for which the dealer or wholesaler has not applied for or obtained title in the dealer's or wholesaler's own name.

(9) "Secure printing process or other secure process" means any process which deters and detects counterfeiting or unauthorized reproduction, or both, and allows alterations to be visible to the naked eye.

(10) "Separate conforming odometer disclosure statement" means a statement which is separate from the certificate of title or any other document which is used to assign or reassign ownership and which includes odometer disclosure language required by federal and Wisconsin law.

(11) "Title," "certificate" and "certificate of title" means a document issued by a jurisdiction to evidence ownership of a vehicle.

(12) "Wisconsin dealer" means a dealer licensed in Wisconsin.

Trans 154.03 ASSIGNING AND REASSIGNING OWNERSHIP. (1) RESPONSIBILITIES OF OWNER OR AGENT OF OWNER. When transferring ownership of a previously titled motor vehicle, the owner named on the certificate of title or the agent of the owner shall complete the assignment of ownership and odometer disclosure in the following manner:

(a) Assignment of ownership and odometer disclosure when using a nonconforming title. If the motor vehicle being transferred is titled with a nonconforming title, the assignment of ownership shall be made in the designated spaces on the certificate of title. The odometer disclosure statement shall be made on a separate conforming odometer disclosure statement which has been issued or approved by the department.

(b) Assignment of ownership and odometer disclosure when using a conforming title. If the motor vehicle being transferred is titled with a conforming title, the assignment of ownership and odometer disclosure shall be made in the designated spaces on the certificate of title.

(2) RESPONSIBILITIES OF DEALER WHEN REASSIGNING OWNERSHIP OF A MOTOR VEHICLE WHICH HAS NOT BEEN PREVIOUSLY TITLED OR REGISTERED. When reassigning ownership of a motor vehicle which has not been previously titled or registered, a dealer shall complete the reassignment of ownership and odometer disclosure in the following manner:

(a) Reassignments by Wisconsin dealer on a manufacturer's document of origin. To reassign ownership, a dealer shall complete the reassignment of ownership and odometer disclosure in the designated spaces on the manufacturer's document of origin.

1. If the document of origin does not include a conforming odometer disclosure statement, the odometer disclosure statement shall be completed on a separate conforming odometer disclosure statement which has been issued or approved by the department. The reassignment of ownership shall be completed on the manufacturer's document of origin.

2. If the manufacturer's document of origin does not include available spaces for the reassignment of ownership, both the reassignment and odometer disclosure shall be

completed on a conforming supplemental reassignment and odometer disclosure statement which has been issued or approved by the department.

(b) Reassignment by out-of-state dealer on a manufacturer's document of origin.

If the reassigning dealer is licensed in another jurisdiction, the reassignment of ownership and the required odometer disclosure shall be completed as required in sub. (1) or, if the laws of the jurisdiction in which the reassigning dealer is licensed do not require reassigning dealers to provide dealer assignees with an odometer disclosure statement for the vehicles, a Wisconsin dealer assignee is not responsible for obtaining an odometer disclosure statement from the reassigning dealer.

(c) Reassignment and odometer disclosure by Wisconsin dealer on conforming application for title and registration form. Notwithstanding the requirements of par. (a), if the motor vehicle is reassigned by a Wisconsin dealer to a person who is required to apply for a Wisconsin title, the required reassignment of ownership and odometer disclosure may be made on a conforming application for title and registration form or a conforming supplemental reassignment and odometer disclosure statement which has been issued or approved by the department.

(3) RESPONSIBILITIES OF DEALER OR WHOLESALER WHEN REASSIGNING OWNERSHIP AND DISCLOSING ODOMETER READING OF A PREVIOUSLY TITLED MOTOR VEHICLE. When reassigning ownership of a previously titled motor vehicle, the reassignment and odometer disclosure shall be completed in the following manner:

(a) Reassignment by dealer or wholesaler when using a conforming Wisconsin title. 1. If the transferor is a dealer or wholesaler licensed in Wisconsin or in another state and the vehicle is titled with a conforming Wisconsin title, the reassignment of

ownership and odometer disclosure shall be made in the designated spaces on the certificate of title.

2. If the reassignment is made by a Wisconsin dealer to a person who is required to make an application for a Wisconsin certificate of title, the reassignment of ownership and odometer disclosure may be made on a conforming application for title and registration form which has been issued or approved by the department.

3. If the transferor is a dealer licensed in another state and the laws or regulations of the state so permit, the reassignment and odometer disclosure may be made on a conforming supplemental reassignment and odometer disclosure statement issued by the state.

(b) Reassignment of ownership by Wisconsin dealer or wholesaler when using a conforming title issued by another jurisdiction. If the transferor is a Wisconsin dealer or wholesaler and the vehicle is titled with a conforming title issued by another jurisdiction, the reassignment and odometer disclosure shall be made in the designated spaces on the certificate of title.

1. If no available spaces exist on the certificate of title for the reassignment and odometer disclosure, the dealer or wholesaler shall make application for a certificate of title which names the dealer or wholesaler as owner.

2. If no available spaces exist on the certificate of title for reassignment and odometer disclosure and the dealer reassigns ownership to a retail purchaser who is required to apply for a Wisconsin title, the reassigning dealer may complete the reassignment of ownership and odometer disclosure on a conforming application for title and registration which has been issued or approved by the department.

(c) Reassignment by a dealer or wholesaler licensed in another state when using a conforming title issued by another jurisdiction. 1. If the transferor is a dealer or wholesaler licensed in another state and the vehicle is titled with a conforming title issued by another jurisdiction, the reassignment of ownership and odometer disclosure shall be completed in the designated spaces on the certificate of title.

2. If the laws of the jurisdiction which issued the conforming title or the laws of the jurisdiction in which the reassigning dealer or wholesaler is licensed so permit, the reassignment and odometer disclosure may be completed on a conforming reassignment and odometer disclosure statement which was issued or approved by the jurisdiction.

(d) Reassignment by dealer or wholesaler when using a nonconforming title. 1. If the transferor of a motor vehicle is a dealer or wholesaler licensed in Wisconsin or another state and the motor vehicle is titled with a nonconforming certificate of title which includes a conforming odometer disclosure statement and spaces for the reassignment of ownership by a dealer, the reassignment of ownership and odometer disclosure shall be completed on the certificate of title.

2. If the nonconforming title does not include a conforming odometer disclosure statement, the reassignment of ownership may be completed in the designated spaces on the certificate of title, if available, and the odometer disclosure statement shall be completed on a separate conforming odometer disclosure statement.

3. If the nonconforming title does not include available spaces for the reassignment of ownership, the reassignment of ownership and odometer disclosure shall be completed on a conforming statement which has been issued or approved by the department.

4. If the reassignment of ownership is made by a Wisconsin dealer to a person who is required to make application for a Wisconsin title, the reassignment and odometer disclosure may be made on a conforming application for title and registration which has been issued or approved by the department.

5. Notwithstanding the requirements of this section, if the reassignment is made by a dealer licensed in another state and the laws of the state so permit, the reassignment and odometer disclosure may be made on a conforming statement which has been issued or approved by the state.

Trans 154.04 ODOMETER DISCLOSURE FOR TRANSFERORS AND TRANSFEREES. (1) TRANSFEROR TO DISCLOSE MILEAGE TO TRANSFeree.

When transferring ownership of a motor vehicle, each transferor shall disclose the vehicle's mileage to the transferee in writing in the designated spaces on a conforming title, on a separate conforming odometer disclosure statement which has been issued or approved by the department as prescribed in s. Trans 154.03, or on the conforming power of attorney form as prescribed in s. Trans 154.11. The completed odometer disclosure shall be delivered by the transferor to the transferee at the time ownership of the motor vehicle is transferred.

(2) REQUIRED ODOMETER DISCLOSURE INFORMATION. The written odometer disclosure shall include all of the following:

(a) The odometer reading at the time of transfer, not including tenths of miles.

The transferor shall certify the odometer reading as one of the following:

1. If, to the best of the transferor's knowledge, the odometer reading reflects the actual mileage, the transferor shall include a certification to that effect.

2. If the transferor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, the transferor shall include a certification to that effect.

3. If the transferor knows that the odometer reading differs from the vehicle's mileage and that the difference is greater than that caused by odometer calibration error, the transferor shall include a certification that the odometer reading is not actual mileage. This statement shall alert the transferee that a discrepancy exists between the odometer reading and the actual mileage.

4. If, due to an accident, fire or other random occurrence, the odometer reading of the motor vehicle being transferred cannot be read, the transferor shall indicate in the spaces designated for the odometer reading on a conforming odometer statement a reading of 0 (zero) or a recent reading that can be documented, such as on an odometer statement, emission inspection report or repair invoice, and shall certify that the odometer reading is not actual mileage. This statement shall alert the transferee that a discrepancy exists between the odometer reading and the actual mileage.

(b) The date of the transfer.

(c) The transferor's name and current address.

(d) The transferee's name and current address.

(e) The description of the vehicle, including its make, model, year, body type and its vehicle identification number.

(3) REFERENCE TO FEDERAL AND STATE REQUIREMENTS AND PENALTIES.

The disclosure statement shall state that the disclosure is required by federal and state law and that failure to complete the disclosure statement or providing false information

may result in fines or imprisonment, or both, and may make the transferor liable for damages to the transferee.

(4) TRANSFEROR'S SIGNATURE AND PRINTED NAME REQUIRED. The disclosure statement shall be signed by the transferor and include the transferor's printed name. If the person signing the statement is signing as an authorized agent or employee of any firm or corporation, the printed name of the firm or corporation and the printed name of the person signing shall be included.

(5) TRANSFEREE'S SIGNATURE AND PRINTED NAME REQUIRED. The disclosure statement shall be signed by the transferee and include the transferee's printed name. If the person signing the statement is signing as an authorized agent or employee of any firm or corporation, the printed name of the firm or corporation and the printed name of the person signing shall be included.

(6) PROHIBITION AGAINST SAME PERSON SIGNING AS TRANSFEROR AND TRANSFEREE. Except as provided in ss. Trans 154.10 and 154.11, no person may sign an odometer disclosure statement as both the transferor and transferee in the same transaction.

Trans 154.05 EXEMPTIONS FROM ODOMETER DISCLOSURE REQUIREMENTS. The transferor of any of the following motor vehicles is not required to disclose the vehicle's odometer mileage:

- (1) A vehicle that is not self-propelled.
- (2) A moped.
- (3) A vehicle that is 10 years old or older.

NOTE: For purposes of sub. (3), "years old" refers to model years as designated by the manufacturer. Use the following formula to determine if the vehicle is 10 or more model years old:

Current calendar year minus 10 equals the most recent exempt model year. For example: Current calendar year of 1995 - 10 = 1985 model year; thus, 1985 and older vehicles are exempt.

(4) A vehicle with a gross vehicle weight rating of more than 16,000 pounds. This means a motor vehicle which is or has in the past been registered in Wisconsin or any other state at a gross weight exceeding 16,000 pounds.

(5) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

(6) A new motor vehicle acquired by a dealer directly from a manufacturer.

(7) A new motor vehicle acquired by a Wisconsin dealer from a dealer licensed in another state which does not require dealers licensed in that state to disclose odometer mileage when reassigning ownership of a new motor vehicle to another dealer.

Trans 154.06 ODOMETER DISCLOSURE FOR AUCTION DEALERS AND SALVAGE POOLS. (1) When a motor vehicle, including a salvage vehicle, is sold through an auction dealer or salvage pool, the transferor and transferee shall comply with the requirements relating to assignment or reassignment of ownership and odometer disclosure as specified in s. Trans 154.03.

(2) The auction dealer or salvage pool through which a motor vehicle is sold shall print its business name, auction or wholesaler license number as assigned by the department and the date the motor vehicle was sold in the designated spaces on the certificate of title or conforming supplemental reassignment statement. If the certificate of title or the document used to assign or reassign ownership of the motor vehicle does not include spaces designated for the auction or salvage pool notation, the auction dealer or salvage pool shall, in a manner so as not to obscure or obliterate information already included thereon, clearly and conspicuously print or stamp its business name,

license number and date of sale in the left margin of the certificate of title or document in a location immediately adjacent to the assignment or reassignment of ownership which was completed by the transferor. If the left margin does not include sufficient space for the printing or stamp, the required information shall be printed or stamped in a clear space on the face of the certificate of title.

Trans 154.07 ODOMETER DISCLOSURE FOR LEASED MOTOR VEHICLES.

(1) LESSOR'S NOTICE TO LESSEE. Prior to transferring ownership of any motor vehicle, the lessor of a leased motor vehicle shall notify the lessee in writing that the lessee is required to provide a written odometer disclosure to the lessor. This notice shall state that the disclosure is required by federal and state law and that failure to complete the disclosure statement or providing false information may result in fines or imprisonment, or both, and may make the lessee liable for damages to the lessor.

(2) REQUIREMENTS RELATING TO LESSEE'S ODOMETER DISCLOSURE TO LESSOR. In connection with the transfer of ownership of a leased motor vehicle, the lessee shall furnish to the lessor a written statement regarding the mileage of the vehicle. This statement shall be signed by the lessee and, in addition to the information required by sub. (1), shall contain all of the following information:

(a) The printed name of the person making the disclosure.

(b) The current odometer reading, not including tenths of miles. The lessee shall certify the odometer reading as one of the following:

1. If, to the best of the lessee's knowledge, the odometer reading reflects the actual mileage, the lessee shall include a certification to that effect.

2. If the lessee knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, the lessee shall include a certification to that effect.

3. If the lessee knows that the odometer reading differs from the vehicle's mileage and that the difference is greater than that caused by odometer calibration error, the lessee shall include a certification that the odometer reading is not actual mileage. This statement shall alert the lessor that a discrepancy exists between the odometer reading and the actual mileage.

4. If, due to an accident, fire or other random occurrence, the odometer reading of the motor vehicle being transferred cannot be read, the lessee shall indicate in the spaces designated for the odometer reading on a conforming odometer statement a reading of 0 (zero) or a recent reading that can be documented, such as on an odometer statement, emission inspection report or repair invoice, and shall certify that the odometer reading is not actual mileage. This statement shall alert the lessor that a discrepancy exists between the odometer reading and the actual mileage.

(c) The date of the statement.

(d) The lessee's name and current address.

(e) The lessor's name and current address.

(f) The identity of the vehicle, including its make, model, year, body type and vehicle identification number.

(g) The date that the lessor notified the lessee of the disclosure requirements.

(h) The date that the completed disclosure statement was received by the lessor.

(i) If the lessor transfers the leased vehicle without obtaining possession of it, the lessor may indicate on the certificate of title the vehicle's mileage disclosed by the

lessee under this section, unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle.

(j) The lessee's signature.

NOTE: Transfer of ownership to lessee or some other person occurs after the termination of the lease.

Trans 154.08 ODOMETER DISCLOSURE FOR CONSIGNMENT SALES.

(1) REQUIRED ODOMETER DISCLOSURE FROM CONSIGNOR TO DEALER CONSIGNEE. When a motor vehicle is offered for sale under a consignment agreement, as specified under s. Trans 138.04(l)(b), the consignor shall complete and deliver to the dealer consignee a separate conforming odometer disclosure statement which has been issued or approved by the department. The written odometer disclosure shall include all of the following:

(a) The odometer reading at the time the consignment agreement is completed, not including tenths of miles. The consignor shall certify the odometer reading as one of the following:

1. If, to the best of the consignor's knowledge, the odometer reading reflects the actual mileage, the consignor shall include a certification to that effect.

2. If the consignor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, the consignor shall include a certification to that effect.

3. If the consignor knows that the odometer reading differs from the vehicle's mileage and that the difference is greater than that caused by odometer calibration error, the consignor shall include a certification that the odometer reading is not actual mileage.

This statement shall alert the dealer consignee that a discrepancy exists between the odometer reading and the actual mileage.

4. If, due to an accident, fire or other random occurrence, the odometer reading of the motor vehicle being transferred cannot be read, the consignor shall indicate in the spaces designated for the odometer reading on a conforming odometer statement a reading of 0 (zero) or a recent reading that can be documented, such as on an odometer statement, emission inspection report or repair invoice, and shall certify that the odometer reading is not actual mileage. This statement shall alert the dealer consignee that a discrepancy exists between the odometer reading and the actual mileage.

(b) The date the consignment agreement is completed.

(c) The consignor's name and current address.

(d) The dealer consignee's name and current address.

(e) The description of the vehicle, including make, model, year, body type and vehicle identification number.

(2) REFERENCE TO FEDERAL AND STATE REQUIREMENTS AND PENALTIES.

The disclosure statement shall state that the disclosure is required by federal and state law and that failure to complete the disclosure statement or providing false information may result in fines or imprisonment, or both, and may make the consignor liable for damages to the dealer consignee.

(3) CONSIGNOR'S SIGNATURE AND PRINTED NAME REQUIRED. The disclosure statement shall be signed by the consignor and include the consignor's printed name. If the person signing the statement is signing as an authorized agent or employe of any firm or corporation, the printed name of the firm or corporation and the printed name of the person signing shall be included.

(4) DEALER CONSIGNEE'S SIGNATURE AND PRINTED NAME REQUIRED.

The disclosure statement shall be signed by the dealer consignee and include the transferee's printed name. If the person signing the statement is signing as an authorized agent or employe of any firm or corporation, the printed name of the firm or corporation and the printed name of the person signing shall be included.

(5) SHOWING CONSIGNOR'S ODOMETER DISCLOSURE TO PROSPECTIVE PURCHASER. Prior to the sale of a motor vehicle, the dealer consignee shall show each prospective retail purchaser the odometer disclosure statement which was completed by the consignor.

(6) CONSIGNOR'S AND DEALER CONSIGNEE'S RESPONSIBILITY UPON SALE OF THE CONSIGNED MOTOR VEHICLE. Upon sale of a consigned motor vehicle, the consignor shall complete the odometer disclosure statement and the assignment of ownership to the dealer consignee on the conforming certificate of title for the vehicle. If a consigned motor vehicle is titled with a nonconforming title, the consignor shall complete the assignment of ownership to the dealer consignee on the certificate of title and the vehicle's odometer disclosure statement on a separate conforming odometer disclosure statement. The dealer consignee shall complete the dealer reassignment, including the odometer disclosure statement, to the purchaser and shall, as required in s. 342.16(1)(a), Stats., submit the purchaser's application for certificate of title to the department. If the purchaser is not a resident of this state, or is not required to register the motor vehicle in this state, the dealer consignee shall, in lieu of submitting the purchaser's application for title to the department, deliver the documents to the purchaser.

TRANS 154.09 ODOMETER DISCLOSURE FOR REPAIRED OR REPLACED

ODOMETERS. (1) REQUIREMENTS AND DISCLOSURE WHEN ODOMETER REPAIRED OR REPLACED. An odometer may be serviced, repaired or replaced, provided the vehicle's mileage indicated thereon remains the same as before the service, repair or replacement. The transferor may disclose that the odometer reading reflects the actual mileage at the time of sale. If the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to zero. A written notice shall be attached, by the owner or an agent, to the left door frame of the motor vehicle, or other location prescribed by the department. The notice shall specify the vehicle's mileage prior to the service, repair or replacement of the odometer and the date on which it was serviced, repaired or replaced. No person may remove the notice. The transferor shall disclose that the odometer reading does not reflect the actual mileage.

(2) REPLACEMENT OF ODOMETER WHICH REGISTERS KILOMETERS WITH ODOMETER WHICH REGISTERS MILES. If the vehicle being transferred was originally equipped with an odometer which registered the distance traveled in kilometers and the odometer is replaced with one that registers the distance traveled in miles, the transferor may disclose that the odometer reading reflects the actual mileage, providing that the replacement odometer was calibrated to reflect the equivalent accumulated miles as was reflected in kilometers on the odometer being replaced. The equivalency in miles shall be determined by multiplying the odometer reading in kilometers by .62. If, under these circumstances, the odometer is not calibrated as described in this subsection, the vehicle's mileage shall be disclosed as not being the actual mileage.

(3) ODOMETER DISCLOSURE OF VEHICLE OPERATED WITH MALFUNCTIONING OR INOPERATIVE ODOMETER. If a motor vehicle continues to be operated between the time its odometer malfunctions and the time the odometer is repaired or replaced, the transferor may disclose that the odometer reading reflects the actual mileage only if all of the following conditions are satisfied:

(a) The malfunctioning odometer is repaired or replaced within 30 days after the date the odometer began to malfunction.

(b) A good faith estimate can be made of the miles traveled by the motor vehicle between the time the odometer malfunctioned and the time the odometer was repaired or replaced.

(c) The repaired or replaced odometer is calibrated to reflect the vehicle's mileage reading which was on the odometer at the time it malfunctioned, plus the number of miles which the motor vehicle was operated between the time of the odometer's malfunctioning and the time of its repair or replacement. If, under these circumstances, the odometer is not calibrated as described in this paragraph, the odometer reading shall be disclosed by the transferor as not being the actual mileage.

Trans 154.10 ODOMETER DISCLOSURE FOR TRANSFERS OF OWNERSHIP BY INVOLUNTARY DIVESTITURE BY TRANSFEREE. When ownership of a motor vehicle is transferred by an involuntary divestiture, the odometer disclosure statement may be completed by the owner or legally-designated representative of the owner who has knowledge of the vehicle's mileage of the vehicle at the time of transfer. If the owner, or representative of the owner, does not complete the odometer disclosure statement, it shall be completed by the person who assumes ownership by involuntary divestiture. The odometer reading which is disclosed on the odometer disclosure

statement shall be the reading on the odometer at the time of transfer and, unless the person assuming ownership has reason to believe that the odometer reading is not the actual mileage or the mileage is in excess of the odometer's designed mechanical limits, the mileage may be certified on the odometer disclosure statement as the actual mileage. Otherwise, the mileage must be certified as not actual or in excess of mechanical limits, as appropriate.

Trans 154.11 REQUIREMENTS AND CONDITIONS FOR USING CONFORMING POWER OF ATTORNEY FORMS TO COMPLETE ODOMETER DISCLOSURE STATEMENTS. (1) WHEN POWER OF ATTORNEY MAY BE USED FOR ODOMETER DISCLOSURE. Upon transfer of ownership of a motor vehicle, the transferor may grant the transferee power of attorney for the purpose of completing the required odometer disclosure statement and transfer of ownership only if the transferor's title is physically held by a secured party at the time ownership of the motor vehicle is transferred.

(2) SPECIFICATIONS FOR POWER OF ATTORNEY FORM. Any power of attorney form used under the circumstances described in this section shall be subject to the following conditions and requirements:

(a) The power of attorney form shall be issued by the department only to the transferee and shall be printed by a secure printing process which complies with the requirements of 49 U.S.C. s. 32705(b)(2)(A).

(b) The power of attorney form shall include the descriptive language and spaces needed for the disclosure of the information required under this subsection and sub. (3).

(c) The power of attorney form shall include language appointing the transferee as attorney-in-fact for the purpose of completing the required odometer disclosure statement.

(d) The power of attorney form shall include language that states that federal and state odometer law requires the person granted power of attorney to state the vehicle's mileage in connection with the transfer of ownership and further states that failure on the part of the person granted power of attorney to complete the statement, providing false information, or failure to submit the original copy of the power of attorney to the department may result in civil forfeitures, fines or imprisonment.

(e) The power of attorney form shall include language certifying that the transferee who is exercising a power of attorney has disclosed on the certificate of title or any supplemental reassignment documents the vehicle's mileage as it was provided to the person exercising power of attorney on the power of attorney form and, in addition, a statement to the effect that the person exercising the power of attorney has examined the certificate of title and any reassignment documents and that the odometer disclosure statement made on the certificate of title pursuant to the power of attorney is at least as great as that previously stated on the certificate of title and any reassignment documents. The certification shall also include spaces for each of the following:

1. The signature, printed name and address of the person exercising the power of attorney.

2. The date of the certification.

(3) RESPONSIBILITIES OF TRANSFEROR. In connection with the transfer of ownership of a motor vehicle, a transferor whose certificate of title is physically held by a secured party and who elects to give the transferee power of attorney for the purpose of mileage disclosure and transfer of ownership shall appoint the transferee as the attorney-in-fact for such purpose and disclose the vehicle's mileage on a conforming power of attorney form issued by the department. The written odometer disclosure shall

be signed by the transferor, and include the transferor's printed name in the spaces provided on the statement. In addition, the transferor shall complete the following information in the designated spaces provided on the power of attorney form and deliver it to the transferee:

(a) The odometer reading at the time of transfer, not including tenths of miles.

The transferor shall certify the odometer reading as one of the following:

1. If, to the best of the transferor's knowledge, the odometer reading reflects the actual mileage, the transferor shall include a certification to that effect.

2. If the transferor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, the transferor shall include a certification to that effect.

3. If the transferor knows that the odometer reading differs from the vehicle's mileage and that difference is greater than that caused by odometer calibration error, the transferor shall include a certification that the odometer reading does not reflect the actual mileage and should not be relied upon. This statement shall alert the transferee that a discrepancy exists between the odometer reading and the actual mileage.

(b) The date of transfer.

(c) The transferor's name and current address.

(d) The transferee's name and current address.

(e) The identity of the vehicle, including the make, model, year, body type and vehicle identification number.

(f) The transferee's signature.

(4) RESPONSIBILITIES OF TRANSFEEE. The transferee, upon receipt of the power of attorney form from the transferor, shall, in the designated spaces, sign the

power of attorney, include the transferee's printed name and return a copy of the power of attorney to the transferor. Upon receipt of the transferor's title from the secured party, the transferee shall complete the transfer of ownership and perform each of the following:

(a) Complete the space for odometer disclosure on the certificate of title exactly the same as the vehicle's mileage which was disclosed by the transferor on the power of attorney form. If the certificate of title does not include a conforming odometer disclosure statement, the odometer disclosure statement shall be completed on a separate conforming odometer disclosure statement.

(b) Complete a certification disclosing on the certificate of title the vehicle's mileage as it was provided on the power of attorney form, and that upon examination of the certificate of title and any reassignment documents, the odometer disclosure statement made on the certificate of title pursuant to the power of attorney is at least as great as that previously stated on the certificate of title and reassignment documents. The certification shall be completed in the designated space on the same form as that on which the power of attorney was executed and shall include each of the following:

1. The signature, printed name and address of the person exercising the power of attorney.

2. The date of the certification.

(5) DISPOSITION OF COMPLETED POWER OF ATTORNEY. (a) If the transferee is a dealer and is named as the transferor's agent by a conforming power of attorney and the dealer transfers ownership to a retail purchaser who is required to apply for a Wisconsin title, or if the dealer chooses to apply for a Wisconsin title pursuant to

s. Trans 154.13 in the dealer's own name, the dealer shall include with the application for title the original copy of the completed conforming power of attorney form.

(b) If the transferor is a dealer and is named as the transferor's agent by a conforming power of attorney and reassigns ownership in a wholesale transaction to another dealer prior to having obtained a certificate of title naming the transferor as owner, the transferor shall submit the original copy of the completed power of attorney and a photocopy of the front and back of the certificate of title and any supporting documents to the department within 7 business days of the date of the reassignment. The transferor shall furnish the transferee with a copy of the completed conforming power of attorney form along with all other documents which are necessary to complete the transaction.

(6) SHOWING POWER OF ATTORNEY TO PROSPECTIVE PURCHASER. Prior to the sale of a motor vehicle, a transferor who was granted a power of attorney by the previous owner and who holds title to the motor vehicle in the transferor's own name shall show to a prospective purchaser the copy of the previous owner's certificate of title and power of attorney form. If the transferor continues to hold the previous owner's certificate of title, the transferor shall show the certificate of title to a prospective purchaser, including the odometer disclosure statement which was completed on the certificate of title by the transferor as power of attorney for the previous owner, and the completed power of attorney form.

(7) POWER OF ATTORNEY VOID WHEN MILEAGE INCONSISTENT. If the vehicle's mileage indicated by the transferor on the power of attorney is inconsistent with that previously stated on the certificate of title and any reassignment documents, the power of attorney shall be void.

Trans 154.12 ODOMETER RECORDS AND RETENTION REQUIREMENTS FOR DEALERS, WHOLESALERS, LESSORS, AUCTIONS, SALVAGE POOLS AND SALVAGE DEALERS. (1) REQUIREMENTS FOR DEALERS AND WHOLESALERS.

Dealers and wholesalers who are required to execute an odometer disclosure statement upon transferring ownership of a motor vehicle shall retain for 5 years a photostat, carbon or other facsimile copy of each odometer disclosure statement which they issue and receive. They shall retain all odometer disclosure statements at their primary place of business in a manner that is appropriate to business requirements and that permits systematic and prompt retrieval, and the records shall be made available for inspection and copying by the department during reasonable business hours.

(2) REQUIREMENTS FOR LESSORS OF MOTOR VEHICLES. Lessors shall retain for 5 years following the day they transfer ownership of the leased motor vehicle each odometer disclosure statement which they receive from a lessee. They shall retain all odometer disclosure statements at their primary place of business in a manner that is appropriate to business requirements and that permits systematic and prompt retrieval and the records shall be made available for inspection and copying by the department during reasonable business hours.

(3) ODOMETER RECORD RETENTION FOR AUCTION COMPANIES AND SALVAGE POOLS. Each auction company or salvage pool shall, in an order and manner which is appropriate to business requirements and which permits systematic and prompt retrieval, establish and retain for 5 years following the date of sale of each motor vehicle all of the following records:

(a) The name and address of the most recent owner and of the dealer, wholesaler or insurance company who assigned or reassigned ownership at the auction or salvage pool.

(b) The name and address of the buyer or the name and address of the dealer, wholesaler or buyer identification card holder, or both, who purchased the motor vehicle through the auction or salvage pool sale.

(c) A description of the motor vehicle, including its make, year, model and vehicle identification number.

(d) The date on which the motor vehicle was sold through the auction or salvage pool.

(e) The odometer reading on the date the auction acquired the vehicle, including the qualifying notation which indicates whether the odometer reading reflects the actual mileage, or that the odometer reading does not reflect the actual mileage, or that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit.

(4) REQUIREMENTS FOR SALVAGE DEALERS. (a) The following information shall be kept on odometers and electronic odometer chips sold or exchanged:

1. Year, make and vehicle identification number of the vehicle from which the odometer or odometer chip was removed.

2. Date of sale or exchange of odometer or odometer chip.

3. Name and address of purchaser of the odometer or odometer chip.

(b) Salvage dealers who sell, exchange or provide used odometers and electronic odometer chips shall maintain the information required in sub. (4)(a) at their primary place of business in an order and manner that is appropriate to business requirements

and that permits systematic and prompt retrieval. The records shall be made available for inspection and copying by the department during reasonable business hours.

(c) Required information on odometers and electronic odometer chips must be recorded at the time of sale or exchange and retained for 5 years following the date of sale or exchange. These records are required only when the part is removed from a vehicle less than 10 years old and sold or exchanged as a separate part.

Trans 154.13 ELIGIBILITY TO APPLY FOR TITLE BY WISCONSIN DEALERS AND NONRESIDENTS. (1) ELIGIBILITY OF WISCONSIN DEALER TO APPLY FOR TITLE IN OWN NAME. A dealer or wholesaler licensed under ch. 218, Stats., may not apply for a Wisconsin certificate of title which names the dealer or wholesaler as owner of a vehicle unless any of the following occur:

(a) The title which has been assigned or reassigned to the dealer by the prior owner is a conforming title and all of the reassignment spaces on the title have been completed.

(b) The title which has been assigned or reassigned to the dealer by the prior owner is a nonconforming title.

(c) The motor vehicle has a gross vehicle weight rating of more than 16,000 pounds, or was previously registered in any state at a gross weight of more than 16,000 pounds.

(d) The issuance of a new title is necessary to correct information which had been written or printed on the title which was assigned or reassigned to the dealer, providing that the application for a corrected title by the dealer is supported by documentation as required by the department.

(e) The motor vehicle is a salvage vehicle and the dealer is required to apply for a salvage vehicle certificate of title pursuant to s. 342.15(2), Stats.

(f) The motor vehicle is also being registered under ss. 341.267 or 341.47(2), Stats. Any registration previously issued for a vehicle in the name of the dealer may not be transferred or reassigned to the vehicle unless at least 30 days have elapsed since the registration was assigned, reassigned or transferred to a vehicle currently registered in the dealer's name.

(g) The vehicle is being transferred to another dealer and the current title is one which had been held by the registered owner's secured party and on which the dealer applicant had completed an odometer disclosure statement via a conforming power of attorney form completed by the registered owner. This exception also applies if the registered owner's title is nonconforming and the dealer applicant, using the completed conforming power of attorney form, completes the registered owner's odometer disclosure statement on a separate conforming odometer disclosure statement.

(2) ELIGIBILITY OF NONRESIDENT TO APPLY FOR A WISCONSIN CERTIFICATE OF TITLE IN OWN NAME. (a) A nonresident may not apply for a Wisconsin title which names the nonresident as owner of a vehicle unless any of the following occur:

1. The vehicle owned by the nonresident is subject to a security interest and the issuance of a Wisconsin title is necessary to protect the interests of the secured party.

2. The vehicle owned or operated by the nonresident is registered or qualified for operation in Wisconsin pursuant to ss. 341.09, 341.40, 341.405, 341.41, Stats.

3. The nonresident is a leasing or rental company which rents or leases vehicles to persons who operate the vehicles in Wisconsin when the type or nature of the operation requires the vehicles to be registered and titled in Wisconsin.

4. The nonresident is a seasonal resident of Wisconsin who owns and makes application to register a vehicle which is domiciled and operated primarily in Wisconsin.

5. The nonresident owns a vehicle which is, because of the type or nature of its operation in Wisconsin, subject to registration in Wisconsin and the application for a Wisconsin title is made in conjunction with an application for registration.

6. The nonresident purchases a vehicle in Wisconsin and, prior to removing the vehicle from Wisconsin, operates the vehicle in a manner which requires the nonresident to register and title the vehicle in Wisconsin.

7. The nonresident is an insurance company that acquires ownership of a vehicle titled in Wisconsin through payment of a total loss claim and the insurance company makes application for a salvage vehicle certificate of title for the vehicle.

(b) A nonresident dealer may apply for Wisconsin title only in accordance with par.

(a)1.

(3) ELIGIBILITY FOR REPLACEMENT TITLE. Nothing in this section shall preclude a Wisconsin dealer or nonresident, including a nonresident dealer, from applying for a replacement Wisconsin certificate of title for a vehicle which is currently titled in the name of the Wisconsin dealer or nonresident.

(4) TEMPORARY PLATES OR PERMITS. For purposes of this section, temporary plates or permits are not considered as registration.

Trans 154.14 ODOMETER DISCLOSURE STATEMENTS TO ACCOMPANY APPLICATION FOR TITLE. (1) Except as provided in sub. (2), for each previously titled motor vehicle, each application for certificate of title shall be accompanied by the odometer disclosure statement which the transferor of a motor vehicle is required to provide to the transferee. If ownership of the vehicle was transferred to a dealer prior

to its sale to a retail purchaser, the application for title shall include the titled owner's odometer disclosure statement to the dealer and all odometer disclosure statements which have been provided by dealers or wholesalers who have reassigned ownership of the vehicle prior to its sale to a retail purchaser.

(2) An application for title need not be accompanied by the odometer disclosure statement from an intermediate reassigning dealer if the odometer disclosure statement is one affected by the laws or regulations of another state which does not require a dealer transferring a vehicle to another dealer with the odometer disclosure statement of prior dealer transferors.

(3) Each application for title for a new motor vehicle shall be accompanied by the odometer disclosure statements which the dealer transferor is required to provide to the retail purchaser who is named as owner in the application for title.

Trans 154.15 ODOMETER READING AND NOTATIONS REQUIRED ON TITLE.

(1) TITLE TO INCLUDE ODOMETER READING. Each certificate of title issued to a transferee by the department shall include a printed odometer reading to reflect the odometer reading which was disclosed by the transferor in conjunction with the transferor's assignment or reassignment of ownership and odometer disclosure to the transferee. If there is no transfer of ownership involved and the department is issuing the certificate of title to the same owner as named on the previous title, the odometer reading and the associated date which is printed on the certificate of title shall be the same as that printed on the previous title, unless the odometer information is being corrected by the department.

(2) TITLE TO INCLUDE NOTATION WHICH CLARIFIES ODOMETER READING. Each certificate of title issued by the department shall include, in conjunction with the

printed odometer reading, a notation which clarifies the odometer reading. The notation shall be based on the transferor's odometer disclosure to the transferee, the notation printed on a certificate of title issued by another jurisdiction or from information gained as the result of an investigation of the vehicle's odometer history and shall be limited to the following:

(a) Actual mileage. A notation to indicate that the vehicle's mileage is actual shall be printed on the certificate of title when the department receives certification on the odometer disclosure statement that the odometer reading reflects the actual mileage or the department determines that the odometer reading reflects the actual mileage.

(b) Not actual mileage. A notation to indicate that the vehicle's mileage is not the actual mileage shall be printed on the certificate of title when the department receives certification on the odometer disclosure statement that the odometer reading does not reflect the actual mileage or the department determines that the odometer reading differs from the actual mileage and that the difference is greater than that caused by odometer calibration error.

(c) Mileage exceeds the mechanical limits. A notation indicating that the vehicle's mileage exceeds the mechanical limits of the odometer shall be printed on the certificate of title when the department receives certification on the odometer disclosure statement or the department determines that the odometer reading reflects the amount of mileage in excess of the odometer's mechanical design limit.

(d) Not actual mileage and odometer tampering verified. A notation indicating that the odometer had been tampered with shall be printed on the certificate of title in conjunction with the notation which indicates that the vehicle's mileage is not the actual mileage when the department has, as a result of a thorough investigation of the facts,

reasonable grounds to believe that the odometer has been disconnected, reset, tampered with, altered or replaced with the intent to change the number of miles which otherwise would be indicated.

(e) Mileage is unverified. A notation indicating that the mileage is not actual mileage and the mileage is unverified shall be printed on a subsequent certificate of title issued to a vehicle if the certificate of title previously issued for that vehicle includes a notation indicating that the mileage is unverified.

(f) Exempt from odometer disclosure. This notation applies to all vehicles that are 10 model years old or older. It also applies to truck-tractors, trailers and mopeds, and to vehicles that are registered or have a gross vehicle weight rating of more than 16,000 pounds. Once a vehicle becomes exempt due to age, the last odometer record information including the odometer reading, the date of the odometer reading and the notation clarifying the odometer reading will be carried forward for the life of the vehicle. Once a vehicle becomes exempt for any reason, it remains exempt. Vehicles registered with the IRP are exempt.

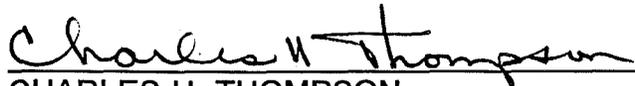
(3) TITLE TO INCLUDE DATE ASSOCIATED WITH ODOMETER READING. Each certificate of title issued by the department shall include the date of the odometer reading which is printed on the transferee's title. The date on the title shall correspond with the "date of statement" included on the transferor's odometer disclosure statement or may be the date of issue of the transferee's title, providing that the date of issue is not more than 60 days after the 'date of statement.' If the vehicle which is the subject of an application for title was last titled in another jurisdiction in the name of the applicant, the same odometer reading and associated date as printed on the out-of-state title shall be printed on the Wisconsin title issued by the department to the applicant.

If the out-of-state title does not have the date associated with the odometer reading printed on it, or it is not possible to readily determine the date of issue of the certificate of title, the department shall, in place of the date, print on the Wisconsin title the notation "none" along with the odometer reading.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

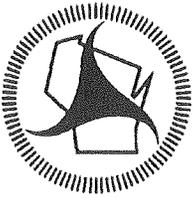
Signed at Madison, Wisconsin, this 10 day of November, 1995.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

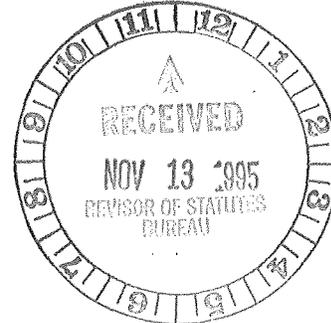
Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

November 13, 1995

Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703



RE: **CLEARINGHOUSE RULE 95-086**

In the Matter of the Adoption of **TRANS 154**, Wisconsin Administrative Code, relating to **vehicle odometers, odometer disclosure, record keeping and titling by dealers and nonresidents.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 95-086**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: Ann Agnew
Dorothy Kapke
Jim McDonnell
Roger Cross
Joan Loden



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

The Honorable Senator Alan J. Lasee
Chairman, Senate Transportation Committee
Room 6 South, State Capitol
Madison, Wisconsin 53702

October 20, 1995

The Honorable Representative David Brandemuehl
Chairman, Assembly Committee on Highways & Transportation
Room 317 North, State Capitol
Madison, Wisconsin 53702

**RE: Proposed Administrative Rule
Chapter Trans 154, Wisconsin Administrative Code
Clearinghouse Rule No. 95-086**

Gentlemen:

The Wisconsin Department of Transportation submitted a germane amendment to the above-captioned rule on October 12, 1995 at the request of a constituent, Mr. David Staber, representing Concerned Auto Recyclers of Wisconsin, extending the review period for both committees to November 3, 1995. During a followup meeting with Department staff and Representative Brandemuehl, it was requested that the Department confirm with Mr. Staber that he is satisfied with the amendment.

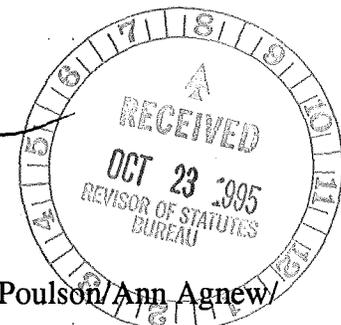
Mr. Staber contacted Chuck Supple of WisDOT's Dealer Section about the amendment. He is satisfied with it, but also requested an additional minor change. Accordingly, pursuant to §227.19(4)(b)3, Stats., the Department hereby submits the enclosed germane amendment to s. Trans 154.12(4)(c). The shaded portion indicates language that has been added.

This second germane amendment will not extend the committees' review period.

Thank you for your consideration of this proposal.

Sincerely,


Julie A. Johnson
Paralegal



cc: Senator Timothy Weeden/Representative Glenn Grothman/Gary Poulson/Ann Agnew/
Joan Loden

(4) REQUIREMENTS FOR SALVAGE DEALERS. (a) The following information shall be kept on odometers and electronic odometer chips sold or exchanged:

1. Year, make and vehicle identification number of the vehicle from which the odometer or odometer chip was removed.
2. Date of sale or exchange of odometer or odometer chip.
3. Name and address of purchaser of the odometer or odometer chip.

(b) Salvage dealers who sell, exchange or provide used odometers and electronic odometer chips shall maintain the information required in sub. (4)(a) at their primary place of business in an order and manner that is appropriate to business requirements and that permits systematic and prompt retrieval. The records shall be made available for inspection and copying by the department during reasonable business hours.

(c) Required information on odometers and electronic odometer chips must be recorded at the time of sale or exchange and retained for 5 years following the date of sale or exchange. These records are required only when the part is removed from a vehicle ~~less than 10 years old~~ and sold or exchanged as a separate part.

Trans 154.13 ELIGIBILITY TO APPLY FOR TITLE BY WISCONSIN DEALERS AND NONRESIDENTS. (1) ELIGIBILITY OF WISCONSIN DEALER TO APPLY FOR TITLE IN OWN NAME. A dealer or wholesaler licensed under ch. 218, Stats., may not apply for a Wisconsin certificate of title which names the dealer or wholesaler as owner of a vehicle unless any of the following occur:

(a) The title which has been assigned or reassigned to the dealer by the prior owner is a conforming title and all of the reassignment spaces on the title have been completed.