

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Jan2020PlainDealing

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on Jan2020PlainDealing, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://trust.dot.state.wi.us/act369/?id=DMV995&uri=file:Jan2020PlainDealing&division=DMV&tags=DAS>

2. Mailing written comments to:

Division of Motor Vehicles
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7336
Madison, WI 53707-7336

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV



PLAIN DEALING

A policy and administrative bulletin for licensed dealers
from the WisDOT DMV Dealer and Agent Section

wisconsindmv.gov

**January 2020 Volume 31
Issue 1**

Avoid license plate suspensions

DMV's Traffic Violation & Registration Program (TVRP) became completely automated in May 2019. This system suspends license plates for unpaid parking citations and now includes dealer plates.



If any of your dealer plates are issued a parking citation, all your dealer plates are subject to suspension if the ticket is not paid. As required by [Wis. Stat. §345.28\(5\)](#), the issuing law enforcement agency must issue two notices within 28 days of the parking violation to the dealer before the department may suspend your dealer plates. Once the plates are suspended you will receive a notice of suspension from the DMV.

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You will not be able to order any new dealer plates until the citations are paid and the plates are reinstated.

If you have questions about the status of your dealer plates, please contact the Dealer Licensing Unit at (608) 266-1425.

New RV Buyers Guide

A reminder from Dealer and Agent Section:

Wis. Admin. Code ch. Trans 142.06(3)(a) requires a Recreation Vehicle (RV) dealer to disclose the general condition of the RV in writing before executing a purchase contract. Recently the Department revised the Recreation Vehicle (RV) Buyer's Guide to reflect current vehicle features and options. The new guide shall be displayed on all used RV's effective February 1, 2020. Because of the number of changes, use of the previous version will be prohibited after February 1, 2020.

As a reminder, Trans 142.06(3)(a) requires the following:

"Licensees shall inform prospective retail purchasers of used recreational vehicles in writing before execution of the purchase contract in the manner and on the form prescribed by the department, of all significant structural or mechanical defects and damage. Disclosure of information shall include that which the licensee discovers as a result of a careful visual inspection, which shall consist of but is not limited to a walk-around and interior inspection, under vehicle inspection, roof inspection and an inspection of the appliances. Licensees shall not be required to dismantle any part of the recreational

No WITI

A Wisconsin title record is required when issuing WI registration for any vehicle. In some cases, the ownership document may not be available for titling. In these cases, the State of WI issues what is known as a "No WITI." No WITI stands for **No Wisconsin Title Issued (Registration Only)**.

Wisconsin DMV will issue a "No WITI - registration only" to vehicles last titled and/or registered in another jurisdiction when the out-of-state title is held by a lien holder or is otherwise unavailable and there is no change of ownership.

The customer will receive license plates and a certificate of registration but does not receive a Wisconsin title until the outstanding title is submitted.

A product notation is printed on the Wisconsin certificate of registration that states:
REGISTRATION ONLY NO WI TITLE ISSUED



vehicle during the inspection process."

The image shows a detailed form titled "WISCONSIN BUYER'S GUIDE" with various sections for vehicle information, title brands, used or general condition, equipment requirements, warranty and service contract information, manufacturer warranty information, limited-quantity warranty/service contract, and material history. The form includes checkboxes and input fields for various details.

If you have any questions about the form, please contact your [local Field Investigator](#).

New Mandatory Processing for Heavy Truck sales

WisDOT completed eMV PARTNER implementation and one of the improvements is the ability for an organization to process heavy motor vehicles. To comply with Wisconsin law, the electronic processing of heavy truck sales will become mandatory beginning on March 1, 2020. The exception to this requirement are vehicles that are for hire or have a registered weight over 54,000 lbs. Applications submitted for manual processing (via mail to WisDOT or taken to a field station) after March 1, 2020, may be subject to the \$65 dealer processing surcharge. This new functionality has been requested by the industry for many years and will provide new opportunities for dealerships throughout the state.

Are your customers REAL ID ready? Beginning October 1, 2020, the regular Wisconsin driver license or ID will no longer be accepted identification for domestic air travel or to enter a federal building or military base.

Wisconsin's REAL ID-compliant driver licenses and IDs are marked with a star:



Non-compliant cards don't have the star or are marked "NOT FOR FEDERAL PURPOSES."
wisconsin.gov/realid

Listen to DMV Administrator Kristina Boardman discuss the process for obtaining a REAL ID in WisDOT's October "Transportation Connects Us" [podcast](#) or hear all our episodes wisdot.libsyn.com.



Account activity alerts added to DMV's eNotify online service

eNotify is the easiest way to get plate renewal and driver license/ID reminders through email or text.

Subscribers to eNotify also receive alerts when certain transactions occur, such as when an application for a duplicate driver license or ID card is made, or when their address is changed in DMV's systems.

wisconsin.gov/enotify

NHTSA odometer rule changes postponed

The October 2019 *Plain Dealing* provided highlights of the National Highway Traffic Safety Administration's (NHTSA) new odometer rule changes. Those changes had an effective date of January 1, 2020. Shortly after the rule was published, the American Association of Motor Vehicle Administrators (AAMVA) petitioned NHTSA to postpone implementation of the new rules until 2021. AAMVA stated several states would not be able to complete the necessary database changes before the 2020 deadline. NHTSA approved AAMVA's request and **the new odometer rules will become effective January 1, 2021**. This means the current 10-year rule for odometer exemptions will remain in place throughout 2020.

If you have any questions on proper odometer disclosures, please contact our Agent Partnership Unit at 608-266-3566 or AgentPartnershipUnit@dot.wi.gov.

Temporary Plate reminder

A reminder that all temporary plates should be issued electronically in the PARTNER system and you should no longer possess any cardboard temporary license plates. If you still have cardboard plates, they should be mailed to the following address:

Wisconsin Division of Motor Vehicles
ATTN: LPPS
4822 Madison Yards Way
Madison, WI 53705

Law enforcement agencies have been

Advertising Guidelines

Here's the link to the complete, updated advertising guidelines:

[DOT Advertising Guidelines Update](#)



Agent training videos are here!

The Dealer and Agent Section created a series of short training videos for eMV Agent and eMV11 processing systems.

These video



tutorials, designed with simplicity and convenience in mind, cover a wide range of topics and functions which are available on both of these processing systems.

Learn how to troubleshoot, process and become familiar with the eMV systems and capabilities. The

notified that vehicles cannot be legally operated with a cardboard temporary license plate after March 1, 2020.

Service Fee

Service Fee: What is it? What's included? Is there a max? How to disclose it.

A service fee is an optional fee assessed by a dealer against a retail buyer that reflects the dealer's cost for complying with mandated state and federal laws. A service fee is NOT a government fee or a processing fee, nor is it required by law.



Wisconsin Administrative Code Trans 139.05(8) allows dealers to assess a reasonable service fee. Even though current law does not mandate a maximum amount for what may be charged, it must be reasonable in relation to services associated with compliance of state and federal laws, verifications and public safety.

To properly disclose the service fee to a retail buyer, the fee must be listed on the Wisconsin Buyer's Guide for used vehicles or on a supplemental label for new vehicles. When advertising a vehicle for sale online, you do not need to print the service fee amount if the advertisement clearly and conspicuously discloses that the advertised price does not include the optional fee.

tutorials are specifically designed to aid in processing. New videos are added regularly.

These videos are available on the WisDOT [eMV Agent Informational Video](#) webpage and the [eMV11 Informational Video](#) webpage.

We're at .gov

Note: Only the website with .gov is the official state DMV website. Other DMV sites with .org and .com are not official and may have extra charges for forms or list information that is outdated or incorrect.

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If a dealer does charge a service fee, the following disclosure must be on the purchase or lease contract: "A service fee is not required by law but may be charged to motor vehicle purchasers or lessees for services related to compliance with state and federal laws, verifications and public safety, and must be reasonable."

Finally, if a retail buyer or the Department requests information about what services are included in the service fee, the selling dealer must provide a written disclosure of the services included in the fee.

The Department hopes this clarification will assist dealers in properly charging and disclosing service fees. If you have further questions about service fees, please contact your field investigator.

Rescinded Sale

To further protect consumers and maintain accurate vehicle and customer records, the Dealer and Agent Section has updated its Rescinded Sale policy. When considering a rescinded sale, Dealers should be aware of the following changes to the Rescinded Sale form and policy.

- Applications for rescinding a sale must be submitted to the DMV within 45 days of the sale being rescinded.
- The buyer must return the vehicle within seven business days of taking legal ownership. Previously, it was seven calendar days.
 - For the purposes of titling, ownership is

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considered the date of signing the Title application (the signing date is day 1).

- The signing of the application by an agent of the dealership and the customer must be witnessed. An additional signature line has been added. No notarization is necessary.
- Any new plates issued must be recovered and returned with the rescinded sale form unless a replacement vehicle has been provided. No refund of registration fees will be given for plates not returned.

For new vehicles

- A copy of the original purchase contract must be submitted with the Rescinded Sale application.
- One of the following must be submitted:
 - Title signed and dated, with odometer disclosure, from the customer to the dealership
 - If title is held by lender, an MV2488 signed and dated, with odometer disclosure, from the customer to the dealership. This must accompany the title when received from the lender.
- The DMV will return the MCO to the dealership upon completion of the rescinded sale request. Dealerships should not offer the vehicle for sale until the sale has been rescinded and the MCO has been returned to them by the DMV.

Dealerships should be aware this process may be used when initial financing falls through, but the dealership cannot demand the vehicle be returned for this purpose. The dealer must find alternate financing if the customer chooses to keep the vehicle.

Changes to the Rescinded Sale Policy and the accompanying form, [MV2340](#) - Dealer / Agent Rescinded Sale Statement of Fact, are effective March 1, 2020.

All tax related questions should be directed to the [Department of Revenue](#) at 608-266-2776.

Non-hybrid Electric Vehicle & Hybrid Electric Vehicle Annual Surcharge

Non-hybrid Electric Vehicle Annual Surcharge

Effective January 1st, 2018, an additional charge of \$100 for electric vehicles was added to law, intended to help fund needed road projects. A non-hybrid electric vehicle is propelled solely by electrical energy and is not capable of using gasoline, diesel fuel, or alternative fuel to propel the vehicle. The surcharge applies to electric vehicles with any plate type registered as automobile (AUT) or as light truck (LTK) up to 8,000 lbs. gross weight, including dual purpose vehicles (DPV). This surcharge will be collected whenever the regular annual registration fee is paid for plate issuance and registration renewal.



Hybrid Electric Vehicle Annual Surcharge

Hybrid electric vehicles are assessed a \$75 annual surcharge, which is required to be collected by DMV whenever annual registration fees are paid, effective October 1st, 2019. A hybrid electric vehicle is a vehicle that is capable of using both electricity and gasoline, diesel fuel, or alternative fuel to propel the vehicle.

To be clear, both of the above vehicle surcharges are collected in these tasks:

- * New plate issue
- * Plate transfer with renewal at the same time
- * Stand-alone renewal

DAS Quarterly Report numbers

The following numbers have been generated from the Dealer and Agent Section (DAS) Quarterly Report. This data is from the **fourth quarter** of 2019 (October through December).

Field Investigation Unit (FIU)

The following statistics represent the Field Investigation Unit's compliance efforts, community outreach and enforcement actions.

Activity

**Fourth
Quarter**

FIU Complaints Closed	416
FIU Inspections (Dealers)	411
FIU Educational Presentations	3

APU/DLU

The Agent Partnership Unit (APU) answers phone calls from dealers, government agencies, financial institutions, gas stations, grocery stores and various other types of agents throughout the state. These agents electronically process either title and registration, or renewal registration applications on behalf of the DMV.

The Dealer Licensing Unit (DLU) issues and renews multiple business license types. Individual licenses are issued to individuals who are selling or purchasing vehicles on behalf of dealerships. DLU answers dealer licensing questions as well as provides information about consumer harm and how to file a dealer complaint to the general public.

Activity	Fourth Quarter
APU Phone Calls	13,199
DLU Phone Calls	4,416
Business Licenses Issued	637
Individual Licenses Issued	3,919

Lemon Law

DMV receives telephone and email inquiries from consumers, dealers, lawyers, manufacturers, and law makers. The inquiries range from questions about the specifics of the

Lemon Law, to assisting all facets of pursuing a claim.

Activity	Fourth Quarter
Lemon Law Inquiries	177

Electronic Title and Registration Processing

Dealers and agents processing titles and/or registration electronically:

Activity	Fourth Quarter
Renewal Agents	1,034
Title Agents (includes dealerships)	4,538
Total	5,572

Wisconsin motor vehicle dealers are required to electronically process all title/registration applications for their customers. For more information regarding electronic processing options, visit the DMV [eMV11 Electronic Processing webpage](#).

These systems are available for electronic processing:

- eMV11 - for dealers only
- eMV Agent - for lenders only
- Computerized Vehicle Registration (CVR)
- Dealertrack Registration and Title, formerly known as TriVIN
- National Financial Corporation (NFC) - registration only
- Opus Inspection Inc., formerly known as Systech International LLC - registration only

Electronic Title Delivery

Lenders receiving electronic title records:

Activity	Fourth Quarter
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Lenders	976
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These service providers deliver and manage electronic titles:

- Secure Title Administration, Inc.
- Dealertrack Collateral Management Services
- Decision Dynamics, Inc.
- PDP Group, Inc.
- VINtek

The electronic lien and title (also known as ELT or e-Title) program is an optional program for lien holders who prefer receiving electronic title records instead of paper titles. This program has been available since July 30, 2012. For more information regarding ELT options, visit the DMV [Title to Lien Holder webpage](#).

WisDOT Enforcement Actions

[See the complete Enforcement Actions list](#)



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