

as may be offered for transportation \* \* \* except \* \* \* such motor vehicles, *trailers or semitrailers* employed exclusively in transporting or delivering property or freight within any city or village in this state or between contiguous villages or cities \* \* \*

SECTION 3. This act shall take effect upon passage and publication.

Approved June 30, 1931.

No. 374, S.]

[Published July 3, 1931.]

### CHAPTER 422.

AN ACT to repeal and recreate subsections (1), (2), and (3), paragraphs (e) to (j) of subsection (4), subsections (5) and (6), paragraph (b) of subsection (8) and subsection (10) of section 85.01 and section 85.02; to create subsection (12) of section 85.01; and to amend subsection (7n) of section 20.49 of the statutes, relating to the registration of motor vehicles, the regulation of traffic, providing penalties, and making an appropriation.

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

SECTION 1. Subsections (1), (2), and (3), paragraphs (e) to (j) of subsection (4), subsections (5) and (6), paragraph (b) of subsection (8), and subsection (10) of section 85.01 and section 85.02 of the statutes are repealed.

SECTION 2. Seven new subsections are added to section 85.01, six new paragraphs are added to subsection (4) and one new paragraph is added to subsection (8) of said section 85.01, and a new section is added to the statutes to be numbered and to read: 85.01 AUTO REGISTRATION. (1) REQUIRED; MANNER OF ENFORCEMENT. No automobile, motor truck, motor delivery wagon, passenger automobile bus, motorcycle or other similar motor vehicle, or trailer or semitrailer used in connection therewith, shall be operated upon any highway unless the same shall have been registered in the office of the secretary of state, and the registration fee paid. After February first, any person who shall operate an automobile, passenger automobile, bus, or motorcycle, or any person who shall operate after July fifteenth, a motor truck, tractor truck, tractor, trailer or semitrailer, unless the

same shall have been registered, as hereinbefore provided, may be arrested by any sheriff, deputy sheriff, city or village marshal, constable, or any other police officer, and brought before any judge of a court of record, or justice of the peace. Such judge or justice shall impose the penalty provided by subsection (12) of this section, and in addition require such person to make application for registration and pay the fee therefor, and two dollars in addition thereto. Such judge or justice shall forthwith forward such application and the fee to the secretary of state, and pay the two dollars collected in addition to the registration fee, to the informant. The absence of number plates shall be prima facie evidence that the vehicle is not registered. The provisions of this subsection shall not apply to any motor vehicle while being operated by any dealer or distributor, in accordance with the provisions of section 85.02, nor to any motor vehicle while being operated by any private person within a period of ten days from the date of purchase of such vehicle by such private person, provided that application for registration has been made, or to any vehicle displaying official permit issued by the secretary of state.

(2) APPLICATION. Application for such registration shall be made by the owner to the secretary of state in the form prescribed by him and the registration fee shall be paid to him. Blank applications shall be supplied to the several county clerks by the secretary of state. In cities of the first and second classes the application shall also give the street address or rural delivery route of the applicant and no application shall be accepted which gives an address of general delivery. If the secretary of state has doubts about the facts stated in the application he may require such further evidence of ownership as he may consider necessary.

(3) CERTIFICATE OF TITLE AND CERTIFICATE OF REGISTRATION; WHERE KEPT. The secretary of state shall register the vehicle described in the application, giving it a distinguishing number, and shall thereupon issue to the applicant a certificate of registration and a certificate of title, which shall contain the name, place of residence and address of the owner, the registered number assigned, and a brief description of the vehicle registered, and furnish him registration number plates. The certificate of registration issued under the provisions of this section shall, in the case of motor trucks and passenger busses, be displayed in a prominent place in the driver's compartment of

such vehicle. The secretary of state may furnish containers which will receive, protect and so hold such certificates that when the certificate is removed from the holder the certificate will not be damaged, at a price not to exceed twenty-five cents per container, postpaid. The certificate of title shall show any mortgage, conditional sales contract, or other lien on the vehicle, and shall always be in the possession of the owner.

(4) (e) TRAILERS. For the registration of each trailer or semitrailer designed to be hauled or hauled by a motor vehicle, if said trailer or semitrailer shall have gross weight of more than one and one-half tons, a fee one-half of the fee specified in paragraph (c) of this subsection for a motor truck of the same gross weight. The gross weight in tons of the vehicles specified in this paragraph shall be in every case arrived at by adding together the weight in pounds of the vehicle when equipped ready to carry a load and the maximum load carried by the vehicle and then dividing the sum of the two by two thousand.

(f) TRACTORS. Tractors used exclusively in agricultural operations, including threshing, or used exclusively to provide power to drive other machinery, or to transport from job to job the machinery driven by such tractor, or tractors used exclusively for construction operations need not be registered.

(g) STATE AND MUNICIPAL. Automobiles, motor trucks, motor delivery wagons, trailers or semitrailers owned and operated exclusively in the public service by the state of Wisconsin, or by any county or municipality thereof, shall be registered by the secretary of state upon receipt of a properly filled out application blank accompanied by the payment of a registration fee of one dollar for each of said vehicles or trailers. The secretary of state shall furnish two number plates for each automobile, motor truck, motor delivery wagon, and one for each motorcycle, trailer or semitrailer, of a special series and color, and said number plates shall be renewed each year so long as it is used exclusively in the public service. Registration fees received under this paragraph shall be credited as from the town, village or city from which said fees are received. Automobiles owned by the state and used by conservation wardens may be registered in the same manner as privately owned automobiles.

(h) PART YEAR FEES. The registration fees named in this section shall be paid in full on all automobiles, motor trucks, motor

delivery wagons, passenger automobile busses, motorcycles or other similar motor vehicles, or trailers or semitrailers used in connection therewith, registered in the state in the previous year. For new vehicles and vehicles not previously registered in this state, the fees shall be computed on the basis of one-twelfth of the registration fee prescribed for such vehicles multiplied by the number of months of the year which have not fully expired on the date of application. The legal date of application shall in all cases be the date of receipt of the application at the office of the secretary of state.

(i) **IMPROPER USE OF PLATES.** No person shall operate or have in his possession any motor vehicle, trailer, or semitrailer, with any metal number plates or plates fashioned in imitation of, or altered in any manner so as to resemble the legal license number plates issued by the secretary of state for such registration year. No number plates shall be used except on the vehicle for which they were issued. The issuance or use of any windshield or other permit for the operation of a motor vehicle pending the receipt of registration number plates, excepting such permit as may be issued by the secretary of state, is hereby prohibited. Such permits shall be valid only for a period of fifteen days from date of issuance. Violations of this paragraph shall be punishable by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not less than six months nor more than two years.

(j) **FRAUDULENT REGISTRATION.** If any motor truck, truck tractor, tractor, delivery wagon, passenger automobile bus, or trailer or semitrailer used in connection therewith, shall be registered at a lower gross weight than that indicated thereon as required by section 85.50, or if the gross weight of the vehicle is greater than that at which such vehicle is registered, the owner thereof shall be required to re-register the same in conformity with the actual gross weight of the vehicle and there shall be no return of the registration fee and special privilege highway tax previously paid thereon, and in addition the penalties provided in subsection (12) of this section may also be imposed. Trucks, trailers and semitrailers may be registered in excess of the maximum gross weight according to the manufacturers' rating on payment of the proper fee for such weight but such registration shall

not exempt such vehicle from compliance with all weight restrictions imposed by chapter 85.

(5) EXPIRATION OF LICENSE. All motor vehicles, trailers and semitrailers shall be registered annually and automobile, motor bus and motorcycle registrations shall expire on the thirty-first day of December of the year for which registration is made. After June thirtieth, nineteen thirty, the annual registration of all motor trucks, tractor trucks, tractors, trailers and semitrailers shall expire on the succeeding thirtieth day of June. After October thirty-first, any application for registration of an automobile, motor bus, or motorcycle shall be given a registration number of the succeeding year, which shall serve as a registration for the balance of the current year. After May thirty-first any application for registration of a motor truck, tractor truck, tractor, trailer or semitrailer shall be given a registration number of the succeeding fiscal year which shall serve as a registration for the balance of the current fiscal year.

(6) NUMBER PLATES. (a) Secretary of state to devise plates. The secretary of state shall devise, secure, issue and deliver prepaid to each owner of any motor vehicle registered in accordance with the provisions of this section except motorcycles, two official number plates, and to the owner of any trailer or semitrailer registered in accordance with the provisions of this section, one official number plate. The name: "Wisconsin" or "Wis." and the registration year for which the license is issued shall be indicated thereon.

(b) PLATES, HOW LETTERED. The set of number plates for motor trucks, motor delivery wagons, and for trailers and semitrailers, shall bear distinguishing letters indicating the gross weight as follows: one and one-half tons, or less, the letter A; for more than one and one-half tons and less than two and one-quarter tons, the letter B; two and one-quarter tons or more and less than three tons, the letter C; three tons or more and less than four tons, the letter D; four tons or more and less than five tons, the letter E; five tons or more and less than six tons, the letter F; six tons or more and less than seven tons, the letter G; seven tons or more and less than eight tons, the letter H; eight tons or more and less than nine tons, the letter J; nine tons or more and less than ten tons, the letter K; ten tons or more and less than eleven tons, the letter L; eleven tons or more and less than twelve

tons, the letter M; twelve tons and over, the letter N. Number plates issued for motor busses and other passenger vehicles registered under paragraph (d) of subsection (1) of this section and for trailers and semitrailers shall bear similar distinguishing letters, and in addition insignia denoting the type of vehicle.

(c) PLATES, HOW AFFIXED. One of the said number plates shall be firmly and rigidly fastened and placed horizontally in a conspicuous place on the front of each motor vehicle, and the other of such number plates shall be firmly and rigidly fastened and placed horizontally in a conspicuous place on the rear of such vehicle, and the number plate issued for a trailer or semitrailer shall be firmly attached in a horizontal position to the rear of such vehicle. All such number plates shall be so displayed and kept reasonably clean at all times that the same can be readily and distinctly seen and read. Any peace officer may require the operator of any vehicle on which plates are not properly displayed to display such plates as required by this paragraph. Plates shall not be removed from any vehicle, until the plates for the succeeding year are attached.

(8) (b) NEW IDENTIFYING NUMBERS. If the identification number of a motor vehicle or other vehicle required to be registered has been removed, obliterated or altered, or if the original casting has been replaced and the number on the original cannot be ascertained, or if the vehicle has not been numbered by the manufacturer the application for certificate of title shall so state and the secretary of state shall assign a number to be stamped upon the engine if a motor vehicle, and on the frame and rear axle if a trailer or semitrailer. Such numbers shall begin with 101, run consecutively, and be followed by the letters: "WIS". Such numbers shall be stamped upon the engine or other part only under the supervision of a dealer, manufacturer or distributor registered under section 85.02, a sheriff, deputy sheriff or police officer, who shall report the same to the secretary of state. Upon the removal or replacement of the engine or the part thereof which bears the identification number, the number shall be defaced from the old block.

(10) DUPLICATES. (a) PLATES. Upon satisfactory proof of the loss or destruction of any number plate, except those issued as provided by section 85.02, the secretary of state shall issue a

duplicate thereof to the owner of the registered vehicle upon the payment of a sum not exceeding one dollar.

(b) **TITLES.** Upon satisfactory proof of the loss or destruction of a certificate of registration or certificate of ownership the secretary of state shall issue a duplicate thereof to the registered owner upon payment of the sum of twenty-five cents.

(12) **PENALTY.** Any person convicted of violating any provision of this section for which no penalty is otherwise prescribed shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars, or imprisonment in the county jail not to exceed ninety days, or to both such fine and imprisonment. The penalty provided by this subsection may be imposed by any judge or justice of the peace notwithstanding any statutes defining the jurisdiction of judges and justices in any county.

**85.02 REGISTRATION BY MANUFACTURERS, DISTRIBUTORS AND DEALERS.**

(1) **CERTIFICATE** (a) Every dealer, distributor and manufacturer of motor vehicles in this state shall file a duly acknowledged application for registration with the secretary of state, which shall contain the name under which such dealer, distributor or manufacturer is transacting business within this state, the names and addresses of the several persons constituting the firm or partnership and if a corporation the corporate name under which it is authorized to transact business, the names and addresses of its principal officers, resident general agent and attorney in fact and the place or places of business of such dealer, distributor or manufacturer, and whenever a new place of business is opened such place of business shall promptly be reported to the secretary of state. On receipt of such statement the secretary of state shall issue a certificate of registration to such dealer, distributor or manufacturer which shall be assigned a number.

(b) Any licensed manufacturer, distributor, or dealer of motor vehicles, shall, before changing the location of his place of business, or before opening any additional places of business within the same municipality in which he is licensed, apply to the secretary of state and obtain a supplemental certificate of registration for which no fee shall be charged. When a manufacturer, distributor or dealer has an established place of business in more than one Wisconsin municipality, different registration numbers must

be assigned to such manufacturer, distributor, or dealer for each municipality.

(2) **FORM, APPLICATION, APPOINTMENTS.** The secretary of state shall cause to be printed and distributed suitable forms for application for registration under this section, and also a form of motor vehicle dealers' and manufacturers' certificates of appointment, and every dealer and distributor of motor vehicles shall file his appointment with the secretary of state at the time application is made for registration under this section. Distributors' appointments shall be certified by the manufacturer of motor vehicles whom they represent. Appointments of dealers in motor vehicles shall be certified by the authorized distributor through whom such vehicles are received for the purpose of sale.

(3) **SERVICE VEHICLES TO BE REGISTERED.** Beginning July 1, 1931, as to motor trucks, tractor trucks, trailers and semitrailers, and January 1, 1932, as to other vehicles, every vehicle owned by any dealer, distributor or manufacturer of vehicles required to be registered by this chapter shall be registered in the same manner as other similar vehicles, except new vehicles displayed for retail sale or used for demonstration purposes by a dealer, distributor or manufacturer. When any such vehicle is displayed for retail sale or used for demonstration purposes, there shall be affixed to the inner side of the windshield of such vehicle, or in other conspicuous positions if there is no windshield, a "Displayed for Sale and Demonstration" sticker, bearing the words "Displayed for Sale and Demonstration," the name and registration number of the dealer, the make and style of the vehicle, the date received from the distributor or manufacturer and the license fee for the vehicle, plainly stamped or stenciled thereon.

(4) **STICKERS.** "Displayed for Sale and Demonstration" stickers shall be supplied by the secretary of state on application by the dealer, accompanied by the fee which shall be ten per cent of the full registration fee. Application for such sticker shall be made in the same manner as application for registration, and the stickers issued in the same manner as license plates. No new vehicle shall be displayed for sale or demonstrated on the highways unless a sticker is attached as provided in this section. No such vehicle shall be operated on the highways except by an authorized representative of the dealer, distributor or manufacturer, and for demonstration purposes exclusively. When the vehicle is



sold, the sticker shall remain on the vehicle until the number plates are attached and then be destroyed. Provided, that any buyer of such vehicle having made application for the registration thereof and having paid the fee therefor may operate such car on the highways.

(5) **USE OF STICKERS.** No person other than a dealer registered as provided in this section shall obtain or use such sticker, and no dealer shall use any such stickers except on one vehicle only, and only for the purposes stated in this section.

(6) **PLATES.** Number plates shall be furnished by the secretary of state at one dollar per set of two plates to manufacturers, distributors and dealers whose vehicles are registered in accordance with the provisions of this section. Such plates shall have upon them the registration number assigned to the registered manufacturer, distributor or dealer but with a different symbol upon each set of number plates as a special distinguishing mark and such plates shall be used only on those vehicles displaying "Displayed for Sale and Demonstration" stickers specified in subsection (4) of this section, or on vehicles while being tested by the manufacturer or in transit from the factory to a distributor or dealer and being driven by an authorized representative of the manufacturer, distributor or dealer.

(7) **LOANING PLATES.** No person, other than a bona fide manufacturer, distributor or dealer, shall obtain or use a registration certificate or the number plates issued to a manufacturer, distributor or dealer except for the purpose mentioned, and no person shall loan such registration certificate or number plates or allow it or them to be used for any other purpose.

(8) **USE OF PLATES.** No manufacturer, distributor or dealer or his employee shall cause or permit the display or other use of any number plate or certificate of registration which may have been furnished him except upon motor vehicles owned by the manufacturer, distributor or dealer, and no other person shall have in his possession any such number plates or certification of registration.

(9) **DEALERS' DISCONTINUANCES.** Whenever a dealer or distributor, or manufacturer discontinues or disposes of his business, he shall notify the secretary of state and return the plates.

(10) YEARLY RENEWAL. Certificates and number plates issued under this section shall be valid only during the calendar year for which issued.

(11) PENALTIES. Any person violating any provision of this section, shall, upon conviction be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment not to exceed ninety days, or both, and the secretary of state shall cancel the registration, and the number plates issued to the aforesaid dealer shall be surrendered to any police officer upon direction of the secretary of state without refund of the fees paid. Any registration so cancelled shall not be renewed during the current year.

SECTION 3. Subsection (7n) of section 20.49 of the statutes is amended to read: (20.49) (7n) ENFORCEMENT OF LAW OF ROAD. Annually, beginning July 1, 1927, \* \* \* *not more than twenty-five* thousand dollars to assist in the enforcement of the provisions of sections \* \* \* 85.45 to 85.54, *inclusive, and sections 85.56 to 85.59.*

SECTION 4. The provisions of this act are severable. It is hereby declared that if any section, subsection or paragraph of this act, or provisions of the statutes amended or created in this act, shall be held unconstitutional for any reason, the remaining portions of this act would have been enacted without any such sections, subsections, paragraphs or provisions held to be unconstitutional being included therein.

SECTION 5. The provisions of this act applying to fees and the issuance of number plates for vehicles other than motor trucks, motor delivery wagons, trailers and semitrailers shall apply to registrations for the calendar year 1932 and all subsequent years. The provisions relating to the issuance of number plates for motor trucks, motor delivery wagons, trailers and semitrailers shall become effective for the registration year beginning July 1, 1932, and subsequent years. The provisions of section 85.02 shall apply to the registration year beginning January 1, 1932, and all subsequent years.

SECTION 6. This act shall take effect upon passage and publication.

Approved June 30, 1931.