

CHAPTER 518

AN ACT to repeal 85.05 (1) to (5) and 85.055; and to create 341.40 to 341.42 and 347.05 of the statutes, relating to operation of foreign-owned vehicles in this state and reciprocity agreements pertaining thereto, and providing penalties.

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

SECTION 1. 85.05 (1) to (5) of the statutes are repealed.

SECTION 2. 85.055 of the statutes is repealed.

SECTION 3. 341.40 to 341.42 of the statutes are created to read:

341.40 EXEMPTION OF NONRESIDENTS AND FOREIGN-REGISTERED VEHICLES. (1) Except as to foreign-owned vehicles required by s. 341.07 to be registered in this state, any vehicle having a gross weight of 8,000 pounds or less which is registered in another jurisdiction is exempt from the laws of this state providing for the registration of such vehicles if:

(a) The vehicle carries a registration plate indicating the registration in such other jurisdiction; and

(b) The vehicle is owned by a nonresident; and

(c) The jurisdiction in which the vehicle is registered allows such vehicles when registered in Wisconsin to be operated tax free upon its highways under conditions substantially as favorable to residents of Wisconsin as to its own residents.

(2) If the owner of any such vehicle moves to Wisconsin or if the vehicle is purchased by a Wisconsin resident, the vehicle immediately becomes subject to the laws of this state providing for the registration of vehicles.

341.41 RECIPROCITY AGREEMENTS AUTHORIZED. (1) The commissioner with the approval of the governor is authorized to enter into reciprocal agreements with the responsible officers of other jurisdictions as to licenses, permit fees, mileage and flat taxes under which motor vehicles, trailers, or semitrailers properly licensed or registered in other jurisdictions may be operated in interstate commerce in this state without a Wisconsin registration or the payment of permit fees or mileage or flat taxes, provided like privileges are accorded to vehicles owned by Wisconsin residents when operated in such other jurisdictions. Such agreement may include such restrictions, conditions and privileges, including any proportional registration, taxes or fees, as are deemed advisable. Such agreement shall provide that a resident of this state when using the highways of such other jurisdiction shall receive exemptions of a similar kind to a like degree.

(2) A nonresident operating a vehicle in this state is not exempt by virtue of any reciprocity agreement entered into pursuant to sub. (1) unless:

(a) The vehicle is properly registered in the jurisdiction of the residence of its owner, its domicile, or the principal place of business of its owner or is registered on a proportional registration basis pursuant to an interstate compact; and

(b) The vehicle has conspicuously displayed upon it a valid registration plate; and

(c) The operator of the vehicle has in his possession a valid registration certificate or other evidence that the vehicle is properly registered; and

(d) If the vehicle is subject to s. 341.42, the vehicle has displayed upon it an identification plate or decal indicating that a reciprocity permit has been issued.

(3) If the laws of another jurisdiction impose upon the vehicles of residents of this state any taxes, fees, charges, penalties, obligations, restrictions, prohibitions or limitations of any kind additional to those imposed by this state upon the vehicles of residents of such other jurisdiction the commissioner with the approval of the governor is authorized to impose and collect fees or charges in like amount and to provide for similar obligations, prohibitions or limitations upon the owner or operator of a vehicle registered in such other jurisdiction so long as the laws of such other jurisdiction requiring such imposition remain in effect.

(4) Trailers and semitrailers owned by residents of a jurisdiction with which a reciprocal agreement is in effect pursuant to this section may be operated in commerce by a Wisconsin resident in Wisconsin without the payment of fees or ton mile or flat taxes when such trailers or semitrailers are operated in exchange for trailers or semitrailers or are operated in accordance with rules adopted by the commissioner respecting the interchange of equipment.

(5) In this section, "proportional registration, taxes or fees" means the registration of a portion of the vehicles or the payment of a portion of the taxes or fees in Wisconsin and a portion in the reciprocating jurisdiction in a general ratio or proportion based on the total number of miles traveled by the owner or operator in the reciprocating jurisdictions.

341.42 RECIPROCITY PERMITS REQUIRED FOR CERTAIN VEHICLES. (1) An operator or owner of a motor truck having a gross weight of more than 8,000 pounds or a truck tractor which is operated in conjunction with a semitrailer as a unit having an aggregate combined gross weight of more than 8,000 pounds is not eligible to receive reciprocity privileges under an agreement entered into pursuant to s. 341.41 unless he has made application for and been issued a nonresident reciprocity permit pursuant to this section.

(2) Application shall be made to the department upon a form prescribed by it and shall be subscribed by the applicant and duly acknowledged before a notary public or other officer with like authority. The application shall contain the name and address of the owner and such other information as the department requires to enable it to determine whether the applicant is entitled to a permit.

(3) Upon receipt of a properly completed application form and upon being satisfied that the applicant is entitled to reciprocity privileges, the department shall issue to the applicant a permit for each vehicle for which application is made. The permit shall be in the form of a certificate of registration. The department also shall issue an identification plate or decal for each vehicle for which a permit is issued. If reciprocity between this state and the other jurisdiction ceases to exist, the department shall forthwith cancel all permits issued to residents of that jurisdiction.

(4) Upon being issued a reciprocity permit and identification plate or decal, the permittee shall display such permit in the cab of his motor truck or truck tractor and shall attach the identification plate or decal to the front of the vehicle for which issued in such a manner that the plate or decal is readily visible. If a decal was issued, it shall be displayed on the inside of the windshield in the lower right-hand corner.

If the laws of the permittee's home jurisdiction prohibit the placing of decals or stickers on the windshield, the decal may be placed in a transparent or plastic envelope or similar container and temporarily affixed to the windshield only during such times as the vehicle is being operated on Wisconsin highways. Any person who operates on a highway in this state, and any owner who consents to the operation of, a vehicle for which a reciprocity permit and identification plate or decal has been issued without displaying such permit, plate or decal as required by this subsection may be fined not more than \$200 or imprisoned not more than 6 months or both.

(5) The owner and operator of a vehicle for which a reciprocity permit has been issued is entitled to any reciprocity privileges which may be granted under a reciprocity agreement as long as the permit remains in effect. A permit expires upon transfer of the vehicle for which it is issued. Any person who operates or any owner who consents to the operation in this state of a vehicle for which a reciprocity permit is required when such permit has not been obtained for the vehicle or when such permit has been canceled or for any other reason is void is subject to the penalty for operating an unregistered vehicle and, in addition, the court shall order the offender to immediately register such vehicle as a Wisconsin resident vehicle.

(6) If the operator or owner of a vehicle for which a reciprocity permit has been issued is convicted a second or subsequent time of violating the weight limitations imposed by ss. 348.15 or 348.16, the department shall cancel the permit of such owner or operator and order him to pay the same taxes and fees for a period of one year as is required under chs. 194 and 341 for like vehicles owned by residents of this state.

SECTION 4. 347.05 of the statutes is created to read:

347.05 RECIPROCITY AGREEMENTS AS TO EQUIPMENT. (1) The motor vehicle commissioner, with the approval of the governor, is authorized to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions exempting the residents of those jurisdictions from details of vehicle equipment requirements of this state which are particularly burdensome to residents of such other jurisdictions operating vehicles in this state, provided the law of such other jurisdiction requires vehicles to be equipped in a manner rendering them substantially as safe as those equipped in the manner required by the laws of this state. The agreements shall provide substantially like exemptions for residents of this state when operating vehicles in such other jurisdiction.

(2) This section does not authorize reciprocity agreements as to laws governing the size and weight of vehicles.

SECTION 5. If this bill and Bill No. 99, S., 1957 session, both are enacted, it is the intent that the statutory sections created by this bill shall supersede ss. 341.40 to 341.42 and 347.05, created by Bill No. 99, S. If this bill is enacted but Bill No. 99, S., is not enacted, the revisor of statutes is directed to substitute "85.01 (2a)" for "341.07" in s. 341.40 (1), created by this bill; to substitute "85.47 or 85.48" for "348.15 or 348.16"; and "85" for "341" in s. 341.42 (6), created by this bill and then to give all the sections created by this bill appropriate section numbers in ch. 85 and make corresponding corrections in the cross-references in ss. 341.41 (2) (d) and 341.42 (1), created by this bill.

SECTION 6. This act shall take effect upon July 1, 1957.

Approved August 5, 1957.