

1975 Assembly Bill 517

Date published: December 12, 1975

## CHAPTER 121, Laws of 1975

AN ACT to renumber 342.15 (1); to renumber and amend 347.50; to amend 218.01 (7a), 342.06 (1) (d), 342.30 (2) and 347.18 (2); to repeal and recreate 347.44; and to create 340.01 (23m), 342.15 (1) (b), 342.16 (1m), 347.415 and 347.50 (2) of the statutes, relating to odometer readings, mounting of clearance lamps and school bus colors and providing a penalty.

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

SECTION 1. 218.01 (7a) of the statutes is amended to read:

218.01 (7a) (title) MOTOR VEHICLES. (a) No ~~used~~ motor vehicle shall be offered for sale by any motor vehicle dealer or motor vehicle salesman unless the ~~speedometer~~ odometer reading thereon ~~shall be turned back to zero, except that speedometers need not be set back to zero if readings thereon are indicated~~ is disclosed in writing by owners when selling or trading their cars to dealers the prior owners and such disclosure is subsequently shown to purchasers the retail purchaser by the dealer or salesman prior to sale. Such disclosure requirement shall not apply to a motor vehicle with a gross weight rating of more than 16,000 pounds or a vehicle 25 or more years old, or a new vehicle obtained by such dealer directly from a manufacturer or distributor.

(b) It shall be unlawful for any motor vehicle dealer or motor vehicle salesman to ~~refuse to furnish~~ fail to provide, upon request of a prospective purchaser, the name and

address of the previous prior owner of any used car motor vehicle offered for sale.

SECTION 2. 340.01 (23m) of the statutes is created to read:

340.01 (23m) "Identification lamps" means lamps grouped in a horizontal row and mounted on the permanent structure of the vehicle at or near the vertical centerline.

SECTION 3. 342.06 (1) (d) of the statutes is amended to read:

342.06 (1) (d) If the vehicle is a new vehicle being registered for the first time, the signature of a dealer authorized to sell such new vehicle and, the manufacturer's document of origin. Such document of origin shall contain such information as is prescribed by the division.

SECTION 4. 342.15 (1) of the statutes is renumbered 342.15 (1) (a).

SECTION 5. 342.15 (1) (b) of the statutes is created to read:

342.15 (1) (b) No person shall transfer a motor vehicle without disclosing in writing to the transferee the odometer reading and either that such reading is known to be actual mileage, or that such reading is known to be inaccurate in which case actual mileage shall be disclosed if known, or that such reading is not known to be actual mileage. No transferor shall knowingly give a false statement to a transferee in making such disclosure. The division shall prescribe the manner in which such written disclosure shall be made and retained. The transferor of a motor vehicle with a gross weight rating of more than 16,000 pounds, or of a vehicle 25 or more years old, need not disclose odometer mileage as required by this subsection.

SECTION 6. 342.16 (1m) of the statutes is created to read:

342.16 (1m) No motor vehicle dealer or motor vehicle salesman shall transfer a motor vehicle without disclosing in writing to the transferee the odometer reading and either that such reading is known to be actual mileage or that such reading is known to be inaccurate in which case actual mileage shall be disclosed if known, or that such reading is not known to be actual mileage. No motor vehicle dealer or motor vehicle salesman shall knowingly give a false statement to a transferee in making such disclosure. The division shall prescribe the manner in which such written disclosure shall be made and retained. Such disclosure requirement shall not apply to a motor vehicle with a gross weight rating of more than 16,000 pounds, or a vehicle 25 or more years old.

SECTION 7. 342.30 (2) of the statutes is amended to read:

342.30 (2) An identification number assigned by the division to a mobile home, trailer or semitrailer shall be stamped upon the frame. ~~An identification number assigned to a 1954 or earlier model of a motor vehicle shall be stamped upon the engine in a readily visible location.~~ An identification number assigned to a 1955 or later model shall be stamped upon or welded to the body motor vehicle manufactured prior to January 1, 1969, shall be permanently affixed to the left front pillar. The vehicle identification number for motor vehicles manufactured after January 1, 1969, shall be permanently affixed upon either a part of the vehicle that is not designed to be removed except for repair, or a separate plate which is permanently affixed to such part. The vehicle identification number shall be located inside the passenger compartment and shall be readable, without moving any part of the vehicle, through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision (Snellen) whose eyepoint is located outside the vehicle adjacent to the left windshield pillar. Identification numbers assigned for cycles shall be stamped on the left side, near the top of the engine casting just below the cylinder barrel. Such stamping or ~~welding~~ affixing shall be done under the supervision of a dealer, distributor or manufacturer registered under s. 341.51 or under the supervision of a

peace officer. The person supervising the stamping or ~~welding~~ affixing shall make a report thereof to the division.

SECTION 8. 347.18 (2) of the statutes is amended to read:

347.18 (2) Whenever this chapter requires a vehicle to be equipped with clearance lamps, such lamps shall be mounted in such a manner as to indicate the extreme width of the vehicle and as near to the top thereof as practicable except that when rear identification lamps are mounted at the extreme height of the vehicle, rear clearance lamps may be mounted at optional heights.

SECTION 9. 347.415 of the statutes is created to read:

**347.415 Odometer tampering.** (1) No person shall, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any motor vehicle with the intent to change or affect the number of miles indicated thereon.

(2) No person may, with intent to defraud, operate a motor vehicle subject to registration under ch. 341 on any street or highway knowing that the odometer or alternate instrument for measuring vehicle mileage of the motor vehicle is removed, disconnected or nonfunctional.

(2m) No person may operate a motor vehicle subject to registration under ch. 341 on any street or highway knowing that the odometer or alternate instrument for measuring vehicle mileage of the motor vehicle is removed, disconnected or nonfunctional with intent to defraud another. An exemption will be provided if parts are on back order to correct a nonfunctional odometer or alternate instrument for measuring vehicle mileage.

(3) No person shall advertise for sale, sell, use, install, or have installed any device which causes an odometer to register any mileage other than the true mileage driven.

(4) No person shall conspire with any other person to violate sub. (1), (2) or (3).

(5) Nothing in this section shall prevent the service, repair or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair or replacement, the odometer shall be adjusted to read zero, and a written notice shall be attached, by the owner or his agent, to the left door frame of the vehicle, or other location as prescribed by the division, specifying the mileage prior to service, repair or replacement of the odometer and the date on which it was serviced, repaired or replaced. No person shall remove or alter such a notice so affixed.

SECTION 10. 347.44 of the statutes is repealed and recreated to read:

**347.44 Painting requirements for school busses; restrictions as to painting of other vehicles.** (1) All school busses as defined in s. 340.01 (56) shall be painted as follows:

(a) With the exception of trim, the body, including hood, fenders, cowl and roof shall be painted a uniform color, national school bus glossy yellow, according to national bureau of standards specifications;

(b) The body trim, if used, shall be black; and

(c) The words, "SCHOOL BUS", in black letters at least 8 inches high shall appear on both the front and rear of the body or on a sign attached thereto.

(2) School busses having a passenger carrying capacity of fewer than 10 persons, including the operator, as determined by dividing the total seating space measured in

inches by 20, in use prior to the effective date of this act (1975) may, but need not, comply with sub. (1).

(3) Motor busses which are used jointly as school busses and in regular urban service may, but need not comply with sub. (1).

(4) If a vehicle mentioned in sub. (2) or (3) is painted as provided in sub. (1), it must also be equipped with flashing red signals of the type specified in s. 347.25 (2).

(5) The administrator may by rule specify the size of lettering for those vehicles whose width limitations would make it difficult to comply with sub. (1) (c).

(6) No owner of any vehicle using the highways shall paint or in any way designate his vehicle in the manner described in this section, except as expressly authorized by this section.

SECTION 11. 347.50 of the statutes is renumbered 347.50 (1) and amended to read:

**347.50 (title) Penalties.** (1) Any person violating ss. 347.35 to 347.49, except s. 347.415 (1), (2) and (3) to (5), may be required to forfeit not less than \$10 nor more than \$200.

SECTION 12. 347.50 (2) of the statutes is created to read:

347.50 (2) Any person violating s. 347.415 (1), (2) and (3) to (5) may be required to forfeit not less than \$100 nor more than \$500.

SECTION 13. **Effective date and application.** This act shall take effect on the first day of the first month after publication, and shall apply to all school busses purchased for operation in this state after the effective date. Any school bus purchased for operation in the state prior to the effective date is exempt from the requirement established by this act.

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