

1975 Senate Bill 423

Date published: June 2, 1976

CHAPTER 288, Laws of 1975
(Vetoed in Part)

AN ACT to renumber and amend 218.20; to amend 218.22 (2) and (3) (m) and (o) and 218.23 (1); to repeal and recreate 218.21 and 218.22 (1); and to create 20.395 (1) (w), 218.20 (2) and 218.24 to 218.26 of the statutes, relating to solid waste disposal and motor vehicle salvage dealers, imposing fees, granting rule-making authority, providing penalties and making an appropriation.

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

SECTION 1. 20.395 (1) (w) of the statutes is created to read:

20.395 (1) (w) *Aids to localities, salvage dealer fee.* Twenty-five dollars of each fee under s. 218.22 (1) and (2) to be allotted to the city, village or town in which the motor vehicle salvage dealer is located.

SECTION 2. 218.20 of the statutes is renumbered 218.20 (1) and amended to read:

218.20 (1) No person may purchase and resell motor vehicles for wrecking, processing, scrapping, recycling, or dismantling purposes and no person shall may carry on or conduct the business of wrecking, processing, scrapping, recycling, or dismantling any motor vehicle or selling parts thereof unless licensed to do so by the division of motor vehicles. Any person violating this section may be fined not less than \$25 nor more than \$200 or imprisoned not more than 60 days or both. This section shall not apply to motor vehicle dealers licensed under s. 218.01 (2) who remove, but do not sell, as such, parts of motor vehicles prior to sale of such vehicles to motor vehicle salvage dealers.

SECTION 3. 218.20 (2) of the statutes is created to read:

218.20 (2) This section shall not apply to:

(a) Motor vehicle dealers licensed under s. 218.01 (2) who remove, but do not sell, as such, parts of motor vehicles prior to sale of such vehicles to motor vehicle salvage dealers or scrap metal processors.

(b) Scrap metal processors and portable scrap metal crushers who accept motor vehicles for salvage from only:

1. Licensed motor vehicle dealers;
2. Licensed motor vehicle salvage dealers; or
3. Municipalities, all of whom shall submit titles and reports to the division of motor vehicles and retain records.

(c) Any person who acquires a motor vehicle for salvage purposes for his or her own use and then sells the remainder to a motor vehicle salvage dealer or to another person who will further use that motor vehicle for salvage purposes for his or her own use before selling it to a motor vehicle salvage dealer.

(d) Collectors of special interest vehicles who purchase or sell parts cars in compliance with s. 341.266.

SECTION 4. 218.21 of the statutes is repealed and recreated to read:

218.21 Application for salvage dealer's license. (1) Application for license shall be made to the division of motor vehicles, at such time, in such form and contain such information as the division requires and shall be accompanied by the required fee. The division may require in the application, or otherwise, information relating to the applicant's solvency, financial standing or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business, all of which may be considered by the division in determining the fitness of the applicant to engage in business as set forth in this section.

(2) Application for a motor vehicle salvage dealer's license shall be made upon the form prescribed by the division and shall contain:

- (a) The name under which the applicant is transacting business within the state.
- (b) The place or places where the business is to be conducted, which must be an established place of business.
- (c) If the applicant is a sole-proprietorship, the personal name and address of the applicant.
- (d) If the applicant is a partnership, the name and address of each partner.
- (e) If the applicant is a corporation, the names and addresses of its principal officers.

(f) Such other pertinent information as may be required by the division for the purpose of determining the eligibility of the applicant to be licensed.

(3) Every application shall be executed by the applicant, if an individual, or in the event the applicant is a partnership or corporation, by a partner or officer thereof. Every such application shall be accompanied by the fee required by law.

(4) Every application shall be accompanied by a current financial statement to determine the applicant's solvency as required under sub. (1).

(5) When a motor vehicle salvage dealer has an established place of business in more than one municipality in this state, he or she shall make separate application and submit a separate license fee remittance for each such municipality. A motor vehicle salvage dealer who fails to apply for each such separate license may be required to forfeit not more than \$200.

(6) A bond may be required under conditions as provided by s. 218.01 (2) (h).

(7) Any person who knowingly makes a false statement in an application for a motor vehicle salvage dealer license may be fined not more than \$5,000 or imprisoned not more than 5 years or both.

SECTION 5. 218.22 (1) of the statutes is repealed and recreated to read:

218.22 (1) The division of motor vehicles shall issue a license to the applicant for a motor vehicle salvage dealer's license upon the receipt of a properly completed application form accompanied by a fee of \$75, upon being satisfied that the applicant is financially solvent and of good character and:

(a) If the application is for renewal of an existing license, upon being satisfied that the applicant has complied with and will comply with this subchapter;

(b) If the application is for an original license, upon being satisfied that:

1. The applicant will comply with this subchapter; and

2. The proposed site or operation will comply with all laws, the rules promulgated by the division and the locally applicable zoning or permit requirements, before beginning operations, including all laws, rules and local requirements already enacted as promulgated as of the date of application and scheduled to take effect at a later date.

SECTION 6. 218.22 (2) and (3) (m) and (o) of the statutes are amended to read:

218.22 (2) A motor vehicle salvage dealer's license entitles the licensee to carry on and conduct the business of a motor vehicle salvage dealer during the calendar year in which the license is issued. Such license expires on December 31 of the calendar year for which it was issued and may be renewed upon application therefor and upon payment of the annual license fee of ~~\$25~~ \$75.

(3) (m) Having sold a retail instalment contract to a sales finance company not licensed ~~hereunder~~ under s. 218.01.

(o) Failure to comply with ~~ss. 218.20 to 218.23~~ this subchapter.

SECTION 7. 218.23 (1) of the statutes is amended to read:

218.23 (1) Whenever a licensed motor vehicle salvage dealer acquires a motor vehicle for the purpose of wrecking it, ~~he~~ the dealer shall mail or deliver the certificate of title ~~or if the transfer to the salvage dealer was by a bill of sale, the bill of sale,~~ for such vehicle to the division within ~~40~~ 30 days after the vehicle is delivered to the salvage yard unless the previous owner already has done so. ~~In the event~~ If he or she subsequently wishes to transfer such vehicle to another person, he ~~or she~~ shall make such transfer only by bill of sale. In such bill of sale, he ~~or she~~ shall describe the vehicle and shall state that the certificate of title for the vehicle has been mailed or delivered to the division ~~on the ground that~~ of motor vehicles because the vehicle was to have been junked.

SECTION 8. 218.24 to 218.26 of the statutes are created to read:

218.24 Salvage dealer license number displayed on trucks and truck-tractors. (1) Each motor vehicle salvage dealer licensed under this subchapter shall prominently display his or her salvage dealer license number on both sides of each truck or truck-tractor owned by such dealer and operated for hauling, towing or pushing salvage vehicles.

(2) The letters "DMV SAL" shall be placed directly ahead of the assigned license certificate number.

(3) The markings required by this section shall be not less than 2 inches in height and not less than one-fourth inch brush stroke, and in sharp color contrast to the background on which it is applied. Such identification shall be maintained in such manner as to remain legible while the vehicle is in operation.

(4) Any person violating this section may be fined not less than \$25 nor more than \$200 or imprisoned not more than 60 days or both.

218.25 Rules. The division of motor vehicles shall make rules under ch. 227 and establish the standards necessary to carry out the purposes of this subchapter and to provide for the orderly operation of motor vehicle salvage sites. ~~No newly established rule or standard under this section shall take effect until it has been submitted to and approved by the senate commerce committee and the assembly environmental quality committee.~~

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in Part

218.26 Transition provision. The division shall not deny, suspend or revoke the license of a motor vehicle salvage dealer for violation of any rule promulgated by the division which requires the fencing of existing salvage dealers' operations or requires the upgrading of or higher standards for salvage dealers' operations prior to January 1, 1979, if, as of July 1, 1975, such salvage dealer was the holder of a valid license issued under this subchapter.
