

1975 Senate Bill 521

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## CHAPTER 361, Laws of 1975

AN ACT to amend 218.01 (1) (c) and (n), (2) (d) 1 and 4, (2a) (c), (3) (a) 4, 15, 16 and 18 and (bf) 1 and (8) (intro.) and (c); and to create 218.01 (3) (a) 26, 27, 28, 29 and 30 of the statutes, relating to miscellaneous changes in the laws pertaining to motor vehicle dealers, salesmen and sales finance companies.

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

SECTION 1. 218.01 (1) (c) and (n), (2) (d) 1 and 4, (2a) (c) and (3) (a) 4, 15, 16 and 18 of the statutes are amended to read;

218.01 (1) (c) "Motor vehicle salesman" means ~~any person who is employed as a salesman sales representative, sales manager, general manager or other person who is employed~~ by a motor vehicle dealer to sell motor vehicles for the purpose of selling or approving retail sales of motor vehicles. Any motor vehicle salesman licensed hereunder shall be licensed to sell only for one dealer at a time.

(n) "Manufacturer" means any person, resident or nonresident who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis, special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration and which

completed unit is owned by such manufacturer.

(2) (d) 1. For motor vehicle dealers, \$10 for each office or branch ~~or agent~~ thereof, plus \$1 for a supplemental license for each used ~~car~~ motor vehicle lot within the same municipality, but not immediately adjacent to the office or to a branch.

4. Any person licensed under ~~subdivision subd.~~ 2 or 3 next preceding, may also operate as a motor vehicle dealer, without any additional fee ~~or license~~.

(2a) (c) Whenever a licensed dealer, distributor or manufacturer discontinues or disposes of his business, he shall promptly report such fact to the division and return the license and registration plates issued to him. Whenever a licensed dealer, distributor or manufacturer discontinues business due to license suspension or revocation, he shall surrender the licenses and registration plates to the division for such suspension or revocation period.

(3) (a) 4. Wilful failure to comply with any provision of this section or any rule or regulation promulgated by the ~~commissioner~~ licensor under this section.

15. Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has induced or coerced or attempted to induce or coerce any ~~automobile~~ motor vehicle dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities which shall not have been ordered by said dealer.

16. Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has attempted to induce or coerce, or has induced or coerced, any ~~automobile~~ motor vehicle dealer to enter into any agreement with such manufacturer, factory branch or representative thereof, or to do any other act unfair to said dealer, by threatening to cancel any franchise existing between such manufacturer, factory branch or representative thereof and said dealer.

18. Having accepted an order of purchase or a contract from a buyer ~~which offer of purchase or contract is subject to subsequent acceptance by the licensee~~, if such arrangement results in the practice of bushing. For the purpose of this section, ~~bushing is defined as~~ "bushing" means the practice of increasing the selling price of a ~~car~~ motor vehicle above that originally quoted the purchaser ~~after the purchaser has made an initial payment, either with money or trade in, and signed as evidenced by a purchase order or contract which is subject to subsequent acceptance by the licensee has been signed by both the purchaser and dealer licensee.~~

SECTION 2. 218.01 (3) (a) 26, 27, 28, 29 and 30 of the statutes are created to read:

218.01 (3) (a) 26. The selling of new motor vehicles for which the dealer is not franchised.

27. Wilful failure to provide and maintain facilities and business records as required by this section or by any rule promulgated by the licensor pertaining to facility and business records.

28. Being an inactive business, as evidenced by 3 or less motor vehicle purchases and sales during the prior year licensing period.

29. Failure to obtain proper business zoning or failure to obtain and maintain any required additional state or local license or permit.

30. Having violated an order issued under par. (h).

SECTION 3. 218.01 (3) (bf) 1 and (8) (intro.) and (c) of the statutes are amended to read:

218.01 (3) (bf) 1. The division shall not license as a dealer an applicant for the sale of motor vehicles at retail unless such applicant owns or leases a vehicle display lot and a permanent building wherein there are facilities to display automobiles and motorcycles and facilities to repair functional and nonfunctional parts of ~~automobiles~~ motor vehicles and where replacement parts, repair tools and equipment to service ~~automobiles~~ motor vehicles are kept, and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business. A residence, tent or temporary stand is not a sufficiently permanent place of business within the meaning of this paragraph.

(8) PENALTIES. (intro.) Any person violating any of the provisions of this section except sub. (3) (a) 1, 4, 6, 7, 11, 13 ~~and, 20, 28 and 29~~, shall be punished as follows:

(c) Any person violating any provisions of this section, except sub. (3) (a) 1, 4, 6, 7, 11, 13 ~~and, 20 or a lawful order issued thereunder, 28 and 29~~, for which there is no other specific penalty herein may be fined not less than \$25 and not more than \$100, and imprisoned not to exceed 90 days, or both. In the alternative of the division's prerogative of instituting charges under sub. (3), the division may await a conviction under this subsection and the licensor may cancel the license of the offending licensee without a hearing upon receipt of a certificate of the conviction. The license and registration of such licensee shall be surrendered to any police officer upon the direction of the division without any refund of fees paid. Any license so canceled shall not be renewed during the current year.

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