

1981 Assembly Bill 561

Date published: March 30, 1982

CHAPTER 150 , Laws of 1981

AN ACT to renumber and amend 341.09 (2); to amend 341.09 (title), (1), (3) and (4), 341.15 (3) (a) and 342.16 (1); to repeal and recreate 341.09 (2m); and to create 341.09 (2) (b) to (f) and 342.05 (5) of the statutes, relating to issuance of temporary operation plates for motor vehicles.

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

SECTION 1. 341.09 (title) and (1) of the statutes are amended to read:

341.09 (title) Temporary operation permits and plates. (1) The department may issue a temporary operation permit or plate for an unregistered vehicle under any of the circumstances set forth in this section. Such permits or plates shall contain the date of expiration and sufficient information to identify the vehicle for which and the person to whom it is issued. The department may place the information identifying the vehicle and the person to whom the permit or plate is issued on a separate form.

SECTION 2. 341.09 (2) of the statutes is renumbered 341.09 (2) (a) and amended to read:

341.09 (2) (a) Upon request therefor by a person who has made a verifiable application for registration and paid the registration fee, the department shall issue ~~without charge~~ a temporary operation permit ~~or plate~~ if it appears that the person would otherwise be unable to lawfully operate the vehicle pending receipt of the registration plates.

SECTION 3. 341.09 (2) (b) to (f) of the statutes are created to read:

341.09 (2) (b) If the department is not able to verify that an application has been submitted, the department may issue a temporary operation permit or plate if it is satisfied as to the ownership of the vehicle and the applicant submits another application with all fees normally required to title and register the vehicle. The fee paid under this paragraph shall be refunded upon completion of processing of the original application.

(c) The department may issue a temporary operation permit or plate which is valid for a period of 60 days or until the applicant receives the regular registration plates, whichever occurs first.

(d) The department may issue temporary operation plates for use on any vehicle except busses, for-hire vehicles and vehicles which are subject to registration under the international registration plan. The department shall determine the size, color, design, form and specifications of the plate. The department shall charge a fee of \$3 for each temporary operation plate issued under this subsection.

(e) Sections 341.13 and 341.14 do not apply to plates issued under this subsection.

(f) Nothing in this subsection requires a person who has complied with s. 341.04 (1) to obtain a temporary operation plate under this subsection.

SECTION 4. 341.09 (2m) of the statutes is repealed and recreated to read:

341.09 (2m) (a) Upon request by a dealer licensed in this state, the department may issue any number of temporary operation plates to a dealer under sub. (2) at a fee of \$3 per plate. The dealer may issue the temporary operation plate at a fee of \$3 to any state resident who purchases from the dealer any type of vehicle except busses, for-hire vehicles and vehicles which are subject to registration under the international registration plan. The department shall prescribe the manner in which a dealer shall keep records of temporary operation plates issued by the dealer.

(b) A plate issued under this subsection is valid for a period of 60 days from its issuance to the person or until the person receives the regular registration plates, whichever occurs first.

(c) Nothing in this subsection requires a person who has received a receipt under s. 342.16 (1) to obtain a temporary operation plate.

(d) If the department determines that a dealer has misused plates issued under this subsection or sub. (4) or has failed to comply with the requirements of this section or rules issued under this section, the department may order the dealer to return all temporary operation plates in the dealer's possession. Within 30 days after the issuance of the order, the dealer may request a hearing before the transportation commission. The commission shall schedule a hearing with reasonable promptness. The dealer may not issue any temporary operation plates until after the transportation commission holds its scheduled hearing and issues its findings.

SECTION 5. 341.09 (3) and (4) of the statutes are amended to read:

341.09 (3) Upon application therefor to the department by a person engaged in the active military service of the United States or its allies and upon satisfactory proof of the active military status of the applicant and of being granted a furlough the department shall issue to the applicant without charge a temporary operation ~~permit~~ plate which authorizes the applicant to operate any vehicle owned or designated by the applicant with-

out registration of the vehicle. The ~~permit~~ plate is valid only while the applicant is on furlough and for a period not to exceed 30 days. The department shall determine the size, color, design, form and specifications of a plate issued under this subsection. The plate may be similar or identical to a plate issued under sub. (2).

(4) Upon receipt of an application and a fee of ~~\$5~~ \$3, the department shall register a vehicle purchased in this state by a nonresident for a period not to exceed 30 days. The department shall determine the size, color, design, form and specifications of a plate issued under this subsection. The plate may be similar or identical to a plate issued under sub. (2). The department may issue the plates to dealers at a fee of \$3 per plate in the manner and for the purpose provided in sub. (2m).

SECTION 6. 341.15 (3) (a) of the statutes is amended to read:

341.15 (3) (a) A person who operates a vehicle for which a current registration plate or insert tag has been issued without such plate or tag being attached to the vehicle, except when such vehicle is being operated pursuant to a temporary operation permit or plate;

SECTION 7. 342.05 (5) of the statutes is created to read:

342.05 (5) A nonresident who purchases a motor vehicle in this state and who intends to title and register the vehicle in another state is not required to apply for a certificate of title under this chapter unless the vehicle is subject to a security interest or except as provided in s. 342.16 (1). A nonresident who purchases a motor vehicle in this state may apply for a certificate of title under this chapter. A nonresident may purchase temporary operation plates under s. 341.09 (4), whether or not the nonresident applies for a certificate of title under this chapter.

SECTION 8. 342.16 (1) of the statutes is amended to read:

342.16 (1) If a dealer acquires a new or used vehicle and holds it for resale the dealer need not send the certificate of title or application for original certificate to the department. Upon transferring the vehicle to another person the dealer shall immediately give such person on a form prescribed by the department a receipt for all title, registration, security interest and sales tax moneys paid to the dealer for transmittal to the department when required. The dealer shall promptly execute the assignment and warranty of title, showing the name and address of the transferee and of any secured party holding a security interest created or reserved at the time of the resale, in the spaces provided therefor on the certificate or as the department prescribes, and shall within 4 business days following the sale or transfer mail or deliver the certificate or application for certificate to the department with the transferee's application for a new certificate. A nonresident who purchases a motor vehicle from a dealer in this state is not required to have a certificate of title issued for the vehicle in this state unless the dealer determines that a title is necessary to protect the interests of a secured party. The dealer is responsible for determining whether a title and perfection of security interest is required. The dealer is liable for any damages incurred by the department or any secured party for the dealer's failure to perfect a security interest which the dealer had knowledge of at the time of sale.

SECTION 9. **Program responsibilities.** In the list of program responsibilities for the transportation commission under section 15.46 (1) [15.461 (1)] of the statutes, reference to section "341.09 (2m) (d)" is inserted.

SECTION 10. **Initial applicability.** The treatment of section 342.16 (1) of the statutes by this act first applies to sales occurring on and after the effective date of this act.

SECTION 11. **Effective date.** This act takes effect on the first day of the 3rd month following publication.