

State of Wisconsin



2007 Assembly Bill 425

Date of enactment: **November 16, 2007**

Date of publication*: **December 3, 2007**

2007 WISCONSIN ACT 32

AN ACT to repeal 218.0134 (3) (a); to amend 218.0134 (2) (c) and 218.0134 (3) (b); and to create 218.0134 (3) (am) of the statutes; relating to: motor vehicle manufacturers, importers, distributors, and dealers.

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

SECTION 1. 218.0134 (2) (c) of the statutes is amended to read:

218.0134 (2) (c) A dealer who is served with a written statement by an affected grantor under par. (b) may file with the department of transportation and the division of hearings and appeals and serve upon the affected grantor a complaint for the determination of whether there is good cause for not permitting the proposed action to be undertaken. The burden of proof for showing there is good cause for not permitting the proposed action shall be on the affected grantor. The division of hearings and appeals shall promptly schedule a hearing and decide the matter. The proposed action may not be undertaken pending the determination of the matter.

SECTION 2. 218.0134 (3) (a) of the statutes is repealed.

SECTION 3. 218.0134 (3) (am) of the statutes is created to read:

218.0134 (3) (am) The division of hearings and appeals may determine there is good cause for not permitting a proposed action to be undertaken only if the prospective benefits to the affected grantor, the dealer, the public, and other dealers if the proposed action is not undertaken outweigh the prospective harms to the dealer, the affected grantor, the public, and other dealers if the proposed action is not undertaken.

SECTION 4. 218.0134 (3) (b) of the statutes is amended to read:

218.0134 (3) (b) The decision of the division of hearings and appeals shall be in writing and shall contain findings of fact and a determination of whether there is good cause for not permitting the proposed action to be undertaken. The decision shall include an order that the dealer be allowed or is not allowed to undertake the proposed action, as the case may be. The order may require fulfillment of appropriate conditions before and after the proposed action is undertaken.

SECTION 5. Initial applicability.

(1) This act first applies to administrative proceedings commenced on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].