

# State of Wisconsin



2019 Senate Bill 304

Date of enactment: **November 25, 2019**

Date of publication\*: **November 26, 2019**

## 2019 WISCONSIN ACT 67

AN ACT *to amend* 218.0163 (1) (a); and *to create* 218.0116 (1) (z) of the statutes; **relating to:** prohibited practices of motor vehicle manufacturers, importers, and distributors and providing a penalty.

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

**SECTION 1.** 218.0116 (1) (z) of the statutes is created to read:

218.0116 (1) (z) 1. In this paragraph, "adverse action" includes all of the following:

- a. Increasing a price charged for services or goods.
- b. Assessing a penalty, fee, or surcharge.
- c. Withholding, reducing, or delaying an incentive or other payment.
- d. Transferring or shifting costs.
- e. Limiting allocations of vehicles or parts.
- f. Failing to act in good faith.
- g. Failing to make timely payment of compensation.
- h. Establishing or applying a discriminatory standard.
- i. Conducting or threatening to conduct a nonroutine or nonrandom audit.

2. Being a manufacturer, importer, or distributor who directly or indirectly takes or threatens to take an adverse action against a dealer for any of the following reasons:

- a. For the purpose of recovering costs of compensating dealers under s. 218.0125.
- b. In retaliation for a dealer's exercising a right or seeking a remedy under ss. 218.0101 to 218.0163 or under rules promulgated by the department of transportation under ss. 218.0101 to 218.0163.

**SECTION 2.** 218.0163 (1) (a) of the statutes is amended to read:

218.0163 (1) (a) A violation by any other licensee of s. 218.0116 (1) (bm), (f), (h), (hm), (i), (km), (L), (Lm), (mm), (pm), (q), (qm), (r), (rm), (s), (sm), (t), (u), (um), (v), (vm), (w), (wm), (x), (xm), (y), (ym), ~~or (ys)~~, or (z).

**SECTION 3. Initial applicability.**

(1) This act first applies to an adverse action taken or continued on the effective date of this subsection.

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\* Section 991.11, WISCONSIN STATUTES: 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."