

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-4919/1 EVM:jld&amn

2017 BILL

AN ACT to amend 342.155 (4) (b) of the statutes; relating to: penalties for violations of motor vehicle mileage disclosure requirements and providing a criminal penalty (suggested as remedial legislation by the Department of Transportation).

Analysis by the Legislative Reference Bureau

This bill eliminates inconsistent language in a penalty provision for certain violations of motor vehicle mileage reporting requirements.

Current law imposes certain requirements related to reporting a motor vehicle's mileage upon transfer of the vehicle. Specifically, 1) a transferor may not transfer ownership of a motor vehicle without disclosing the vehicle's mileage in writing to the transferee; 2) a transferor may not knowingly make a false statement in disclosing the vehicle's mileage to a transferee; and 3) no person may alter, erase, or obliterate any information contained on a mileage disclosure statement. Current law provides two inconsistent penalties for a person who violates one of these provisions with intent to defraud. Specifically, the current provision provides that a person who violates one of the above provisions with intent to defraud 1) may be fined not more than \$5,000 or imprisoned for not more than seven years and six months or both; and 2) is guilty of a Class H felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years or both.

This bill eliminates the reference to a fine of not more than \$5,000 or imprisonment for not more than seven years and six months or both. Under this bill,

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any person who violates one of the above provisions with intent to defraud is guilty of Class H felony.

For further information, see the Notes provided by the Law Revision Committee of the Joint Legislative Council.

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

Law Revision Committee Prefatory Note: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

- **SECTION 1.** 342.155 (4) (b) of the statutes is amended to read:
- 2 342.155 (4) (b) Any person who violates this section with intent to defraud may
- 3 be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months
- 4 or both is guilty of Class H felony.

Note: Section 1 eliminates language that provides a person may be fined not more than \$5,000 or imprisoned for not more than 7 years and 6 months or both for certain violations of motor vehicle mileage disclosure requirements. The draft retains current language that the penalty for such violations is a Class H Felony.

Section 2. Initial applicability.

(1) This act first applies to offenses committed on the effective date of this subsection.

8 (END)