



2013 SENATE BILL 659

March 10, 2014 – Introduced by Senator PETROWSKI, cosponsored by Representative RIPP. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT to renumber and amend** 110.20 (15) and 341.60; **to amend** 341.10 (10)
2 (intro.) and (a); and **to create** 110.20 (11) (c), 110.20 (15) (b), 341.10 (10) (c),
3 341.60 (1), 341.60 (2) and 341.60 (3) of the statutes; **relating to:** fraudulent
4 motor vehicle emission inspection reports and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Transportation (DOT) to operate a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections.

This bill prohibits a person from knowingly doing any of the following: 1) altering data from an emission inspection, 2) submitting a false report of data from a required emission inspection, and 3) attributing data from an emission inspection to a vehicle other than the vehicle tested. A person who violates any of these provisions is generally subject to a forfeiture of not more than \$500. However, if the violator is the person performing the emission inspection, that person is guilty of a class H felony and may be fined not more than \$10,000 or imprisoned not more than 6 years, or both.

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Also under this bill, DOT must refuse to register a motor vehicle for which the most recent emission inspection involved a violation of one of the above prohibitions related to emission inspections.

Under current law, a person may not, in an application for license or registration, provide a false name, misrepresent where a vehicle is customarily kept, or apply in the name of a person other than the true owner of the vehicle. A person who violates these prohibitions may be fined not more than \$200 or imprisoned not more than 6 months or both.

This bill prohibits a person from submitting an application for registration of a motor vehicle if the application includes evidence from an emission inspection that the person knows involved a violation of one of the above prohibitions related to emissions inspections. A person who violates this provision may be fined not more than \$200 or imprisoned not more than 6 months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 110.20 (11) (c) of the statutes is created to read:

2 110.20 (11) (c) No person may knowingly do any of the following:

3 1. Alter data from an inspection test under sub. (6).

4 2. Submit a false report of data from an inspection test required under sub. (6).

5 3. Attribute data from an inspection test under sub. (6) to a vehicle other than
6 the vehicle tested.

7 **SECTION 2.** 110.20 (15) of the statutes is renumbered 110.20 (15) (a) and
8 amended to read:

9 110.20 (15) (a) PENALTY. Any Except as provided in par. (b), any person who
10 violates this section or rules promulgated under this section may be required to
11 forfeit not more than \$500.

12 **SECTION 3.** 110.20 (15) (b) of the statutes is created to read:

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1 110.20 (15) (b) 1. An individual who performs a test under sub. (11) (a) and
2 violates sub. (11) (c) is guilty of a Class H felony.

3 2. The employer of an individual who performs a test under sub. (11) (a) and
4 who violates sub. (11) (c) may be required to forfeit not more than \$500.

5 **SECTION 4.** 341.10 (10) (intro.) and (a) of the statutes are amended to read:

6 341.10 (10) (intro.) The vehicle requires inspection under s. 110.20 (6) and any
7 of the following applies:

8 (a) The vehicle has not been inspected; ~~or,~~

9 **SECTION 5.** 341.10 (10) (c) of the statutes is created to read:

10 341.10 (10) (c) The most recent inspection of the vehicle under s. 110.20 (6)
11 involved a violation of s. 110.20 (11) (c).

12 **SECTION 6.** 341.60 of the statutes is renumbered 341.60 (intro.) and amended
13 to read:

14 **341.60 Fraudulent application for registration or license.** (intro.) Any
15 person who ~~gives a false or fictitious name, address or location where a vehicle is~~
16 ~~customarily kept in an application for license or registration or who makes~~
17 ~~application for license or registration in the name of a person other than the true~~
18 ~~owner, or true owner and lessee, does any of the following may be fined not more than~~
19 ~~\$200 or imprisoned not more than 6 months or both.;~~

20 **SECTION 7.** 341.60 (1) of the statutes is created to read:

21 341.60 (1) Provides a false or fictitious name, address, or location where a
22 vehicle is customarily kept in an application for license or registration.

23 **SECTION 8.** 341.60 (2) of the statutes is created to read:

24 341.60 (2) Applies for a license or registration in the name of a person other
25 than the true owner, or true owner and lessee.

