



2023 ASSEMBLY BILL 122

March 24, 2023 - Introduced by Representatives SNYDER, O'CONNOR, SPIROS and SUBECK, cosponsored by Senators COWLES, PFAFF, BALLWEG, CABRAL-GUEVARA, CARPENTER, SPREITZER, TAYLOR and WANGGAARD. Referred to Committee on Transportation.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 341.09 (2m) (a) 2. and 341.09 (2m) (d); and *to create* 341.09
2 (2m) (a) 1m. and 341.09 (10) of the statutes; **relating to:** issuance of temporary
3 motor vehicle operation plates and permits to dealers and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, a vehicle subject to registration by the Department of Transportation may not be operated upon a highway in this state unless the vehicle is registered or an application for vehicle registration has been mailed or delivered to DOT or delivered to a motor vehicle dealer and, except for a vehicle being operated within two business days of its sale or transfer, the vehicle displays a temporary operation plate.

Also under current law, DOT must issue certain temporary operation plates, and may issue other temporary operation plates and permits, for unregistered vehicles. Temporary operation plates are generally valid for a period of 90 days or until the person receives regular registration plates, whichever occurs first. Currently, DOT must issue a sufficient number of temporary operation plates and permits to each motor vehicle dealer licensed in this state for issuance to state residents who purchase or lease certain types of motor vehicles, including automobiles and light trucks.

This bill eliminates the requirement that DOT provide physical temporary operation plates and permits to motor vehicle dealers and requires DOT to issue these temporary operation plates and permits to motor vehicle dealers solely in an electronic format.

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Current law provides that, if DOT determines that a motor vehicle dealer has misused temporary operation plates or permits or has violated requirements related to the issuance of these plates or permits, DOT may require the dealer to return any unused temporary operation plates or permits. The bill eliminates this consequence and, instead, allows DOT to issue an order prohibiting an erring dealer from issuing temporary operation plates or permits. The bill also provides that a dealer who has misused temporary operation plates or permits or who has violated requirements related to the issuance of these plates or permits may be required to forfeit not less than \$500 nor more than \$5,000.

For further information see the state 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.** 341.09 (2m) (a) 1m. of the statutes is created to read:

2 341.09 **(2m)** (a) 1m. The department shall issue temporary operation plates
3 and temporary permits to a dealer under this subsection solely in an electronic
4 format.

5 **SECTION 2.** 341.09 (2m) (a) 2. of the statutes is amended to read:

6 341.09 **(2m)** (a) 2. ~~Notwithstanding subd. 1., the department shall issue a~~
7 ~~sufficient number of temporary operation plates and temporary permits without~~
8 ~~charge to each dealer licensed in this state for issuance under this subdivision. Each~~
9 dealer shall issue a temporary operation plate or a temporary permit without charge
10 to any state resident who purchases or leases from the dealer an automobile or motor
11 truck having a registered weight of 8,000 pounds or less, for use on such vehicle if
12 the state resident submits to the dealer a complete application for registration of the
13 vehicle, including evidence of inspection under s. 110.20 when required, and for a
14 new certificate of title for a purchased vehicle, together with a check or money order
15 made payable to the department for all applicable title, registration, security
16 interest, and sales tax moneys, for transmittal to the department by the dealer.

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1 **SECTION 3.** 341.09 (2m) (d) of the statutes is amended to read:

2 341.09 (2m) (d) If the department determines that a dealer has misused
3 temporary operation plates or permits issued under this subsection or sub. (4) or has
4 failed to comply with the requirements of this section or rules issued under this
5 section, the department may issue an order ~~the dealer to return all temporary~~
6 ~~operation plates and permits in the dealer's possession~~ prohibiting the dealer from
7 issuing temporary operation plates or permits. Within 30 days after the issuance of
8 the order, the dealer may request a hearing before the division of hearings and
9 appeals. The division of hearings and appeals shall schedule a hearing with
10 reasonable promptness. The dealer may not issue any temporary operation plates
11 or permits until after the division of hearings and appeals holds its scheduled
12 hearing and issues its findings.

13 **SECTION 4.** 341.09 (10) of the statutes is created to read:

14 341.09 (10) A dealer that violates sub. (2m) (a) or any rule promulgated under
15 this section or that misuses temporary operation plates or permits issued under sub.
16 (2m) (a) may be required to forfeit not less than \$500 nor more than \$5,000.

17 **(END)**