



“Nothing astonishes men so much as common sense and plain dealing.”

R.W. Emerson



Surcharge is coming!

The law requiring dealers to process titles electronically becomes fully effective June 30, 2007. If a dealership sold 48 or fewer vehicles in 2006, it may be exempt from the electronic processing requirement. If it is exempt and chooses not to electronically process its sales, there will be a \$15 fee per application. Some transactions cannot be processed through the electronic processing system and are exempt from the \$15.00 fee. Exempt dealers should not include this fee with these application types. Those transactions include, but are not limited to applications involving:

- ◆ Issuance of new personalized plates,
- ◆ Trailers and motor homes,
- ◆ Heavy vehicle registration,
- ◆ VINs with less than 17 digits,
- ◆ More than two owners or lessees,
- ◆ Re-registrations.

If a dealership sold more than 48 vehicles in 2006 it is non-exempt from the electronic processing requirement. If a non-exempt dealership submits an application that could have been processed electronically, the dealership will be charged a \$65 surcharge, in which \$50 of that surcharge may not be passed on to the customer for payment. The dealership may be subject to disciplinary action.

If the electronic processing system prevents a dealership from processing the application, the \$65 surcharge will not be charged and the dealership will include a notification with the application as to why the application could not be completed. In addition to the list above, other system edits that may prevent processing include:

- ◆ Transactions with incidents (TVRP, Act 277, Safety Responsibility, etc.),
- ◆ Wisconsin titles with no record on database,
- ◆ Title transactions involving a child support lien.

Do not include the \$65 surcharge with these applications, but do include documentation explaining why the application cannot be processed electronically such as the “mail to DOT form” or a copy of the error message.



Surcharges:

Exempt dealers - \$15 per application

***Non-Exempt dealers - \$65 per application**

*\$50 may not be passed on to the customer and the dealership may be subject to disciplinary action.

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 email: dealers.dmv@dot.state.wi.us

Last Paper Copy of Plain Dealing

The Summer 2007 issue is the last paper copy of *Plain Dealing*. It is time to sign up for Dealer and Agent Section's e-mail distribution list (Dealer Listserv) and keep your dealership up-to-date regarding *Plain Dealing* newsletters, law changes, and other important dealer license information. Register with the DOT e-mail Listserv at:

<http://www.dot.wisconsin.gov/business/dealers/listserv.htm>

Dealers who are already signed up through the Listserv do not need to sign up again. If your dealership wants individuals to receive e-mail notifications, each user must sign up using its unique e-mail address. If you do not have a computer or access to a computer, please contact James Chaja at 608-261-2552 for further information on obtaining this newsletter.

Electronic Processing Options

We are pleased to offer the following additional choices for electronic titling:



- ◆ **Division of Motor Vehicle's (DMV) Automated Processing Partnership (APPS)** program started in 1996 and has been growing steadily. Contact Pat Sands with CVR at 1-800-668-2332 (ext 1333) or Kim Winskell with tri VIN at 1-800-876-2312 (ext 4242).
- ◆ **e-MV11 program** is a free Internet service developed by DMV. Currently, over 800 dealers participate in this program. Please visit our Web site at: <http://www.dot.wisconsin.gov/business/dealers/emv11>
For processing and sign-on procedures, call Dealer and Agent Section Customer Service Unit at 608-266-1425.

Are you struggling with title processing or don't have the time or a computer to process electronically? The following services are willing to electronically process the title applications for you:

- ◆ **Wisconsin Automobile & Truck Dealers Association's T—Reg** offers title and registration processing service for Wisconsin registrations using CVR. Dealers interested in learning more can contact Sue Miller or Donna Michaelis at 608-251-5577, watda—info@watda.org.
- ◆ **Redirected Express Dealer Initiated Registration (Redi-Reg Wisconsin)** offers title and registration processing for Wisconsin registrations through e-MV11 or CVR related registrations. Dealers interested in learning more about this program can contact Ruben B. Cotton at 414-788-9001, rbcottonac@aol.com.

NEWS

New Rock County sales tax. April 1, 2007: Rock County started collecting a one-half percent (0.5%) county sales and use tax on vehicles customarily kept in Rock County, to include vehicles purchased on or after April 1, 2007. For a full listing of Wisconsin county sales and use tax rates, visit the Department of Revenue Web site at: <http://www.revenue.wi.gov/ise/sales/07-1.pdf>

Wholesale auto auctions will see increased Dealer and Agent Section visits.

The Dealer and Agent Section's Field Investigation Unit will increase its presence at wholesale auto auctions this summer. This presence protects consumers and dealers by helping to ensure that only licensed dealers are making sales to retail customers. WisDOT appreciates the commitment of auctions ensuring that only licensed buyers have access to their auctions and encourages dealers to keep their lists of authorized buyers up-to-date with the department, so that unauthorized personnel are not inadvertently admitted to wholesale auto auctions. For more information, please contact our dealer and agent hotline at 608-266-1425.



Dealer Ed_101

- e-MV 11 tips
- Reminders
- Lien Look-up
- Registration Tips

e-MV11 Update

Transaction types that can be processed through e-MV11 are:

- ◆ Automobile,
- ◆ Light truck,
- ◆ Motorcycle,
- ◆ Mopeds – transactions with either a Manufacturer Certificate of Origin (MCO) or an out of state title, plate issuance only,
- ◆ Heavy vehicle – title only – will be available soon (information will be sent at that time through Listserv).

Charges passed on to customer for electronic processing:

- ◆ Dealers may only include costs of participating in the e-MV11 program in the dealership service fee currently allowed by law to cover dealer costs for regulatory compliance.

Odometer disclosures must be made on secured paper using the MV11, Wisconsin title or MCO. When processing through e-MV11 you must sign the title as the seller, show the odometer reading and the buyer must sign as the purchaser. The dealer is required to make the disclosure per *Wis. Stats 342.155(1) (a)*.

Suggestions for e-MV11 users:

- ◆ Step-by-step enrollment instructions can be found at <http://www.dot.wisconsin.gov/business/dealers/e-mv11/access.htm>
- ◆ Bookmark the WAMS (Web Access Management System) Web site at <https://on.wisconsin.gov/WAMS/home>. Not only will you use it to create your logon id and password, but you will also need to go to WAMS if you want to change your password or to reset your account if you are locked out.
- ◆ Print a few extra copies of the e-MV11 role access form. You will use this form to initially enroll in e-MV11, but you will also need to fax in this form to add or delete users and/or roles.

- ◆ The e-MV11 user manual can be found online at <http://www.dot.wisconsin.gov/business/dealers/e-mv11/manual.htm>
- ◆ Your logon id and password is case sensitive. Sharing your password is a violation of your User Acceptance Agreement.
- ◆ Have a check handy when you enter your bank account information. Standard U.S. routing numbers are nine digits long and will be the first set of numbers at the bottom of your check.
- ◆ You will need Adobe Acrobat 6.0 or newer. To update Adobe reader, go to <http://www.adobe.com>.
- ◆ You need to print your receipts on a laser printer so our imaging equipment can properly scan the receipt.
- ◆ Help is only a phone call away. For setup help, call 608-266-1425. For questions regarding title processing, call 608-267-3349.

Coming Soon

LIEN LOOK-UP



The Wisconsin Department of Transportation (WisDOT) is developing a new Web application that will allow lienholders to look up records to determine if the vehicle has a lien on it (or to verify their own is listed). The lienholder would provide a VIN (Vehicle Identification Number) and receive a response either indicating that there is no lien or displaying the name, address, phone, and lien list date of liens currently listed. The vehicle description (vehicle year and make) will also be displayed on the record. There will be more information in upcoming issues of *Plain Dealing*.

▲▲REGISTRATION TIPS▲▲

Real ID Proof of legal presence is only required for issuance of a Driver License OR an Identification Card.

Registration tip Legal names are required on all purchase contracts, MV-11s and on the back of titles. The DBA (doing business as) is optional.

Dealer and Agent Section Personnel Visits Off-Premise Sales

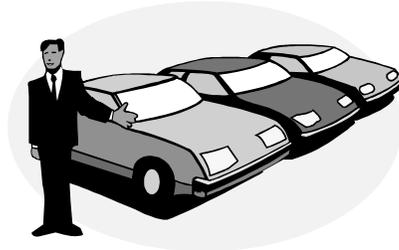
Personnel from the Dealer and Agent Section will be visiting off-premise sales this spring and summer to assist dealerships in doing business correctly. A properly planned and well executed off-premise sale will result in fewer consumer complaints and happier retail buyers. Dealers may participate in up to six off-premise sales per year. Off-premise sales are sales held away from the dealership's licensed location. The following rules apply to off-premise sales:

- ◆ You must notify WisDOT, Dealer and Agent Section in writing at least ten days before the start of the sale. This notice must also include when and where the sale will take place. You can fax this notification to 608-267-0323 or e-mail: dealers.dmv@dot.state.wi.us.

- ◆ A sale may not be longer than ten days, or it counts as more than one sale. (For example, if you want to have a sale that is 15 days long, you would use up two of your six allowed sales for the year.)

- ◆ You must give purchasers written notice of their three-day right to cancel a purchase or lease unless the purchase contract was completed at the dealership.

- ◆ You may not hold an off-premise sale on a Sunday. You may only display vehicles on Sunday. In order for the event to be considered a display, not a sale, no sales people may be present.



Greeters, security people, and the owner may be present at the display.

- ◆ You must license sales personnel. All persons who are involved in the negotiation of the sale must have a Wisconsin sales person license. This license requires taking a sales person

exam. The individual is legal to sell vehicles once he or she has passed the written examination. For more information please visit:

<http://www.dot.wisconsin.gov/business/dealers/licenses/salesperson.htm> or call the Dealer and Agent hotline at 608-266-1425.

WELCOME

New Field Investigator Unit Supervisor

A heartfelt welcome was given to Steve Krieser who accepted the position of Dealer and Agent Section's Field Unit Supervisor. Steve's office is located in Rm. 201 at Hill Farms and he can be reached at 608-267-2033.

Remember—Last paper copy of *Plain Dealing*, sign up for Listserv:

<http://www.dot.wisconsin.gov/business/dealers/listserv.htm>



Good-bye to Long-Time Investigator Rastall

Investigator Tom Rastall retired, with his last day being April 12, 2007. Tom worked with the Dealer and Agent Section for eighteen years in Onalaska. Congratulations and thank yous were extended to Tom at an informal gathering at the Hill Farms State Office building. Tom's dedication and loyalty to WisDOT will be missed.

Tom's territories are temporarily divided and are listed below:

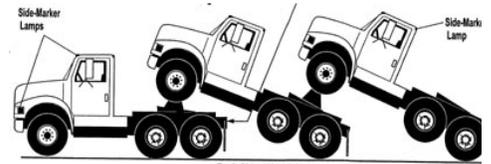
- Cathy Fallos – 715-241-8996 will handle Buffalo, Burnett, Douglas, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, St. Croix, Trempealeau, and Washburn counties.
- Kim McCluskey 608-267-7807 and Mike Falk 608-267-3528 will handle Crawford, Grant, La Crosse, Monroe, and Vernon Counties.



Tom Rastall and Chuck Supple

Saddle-mount?

(Everything you ever wanted to know about transporters but were afraid to ask...)



Saddle-mount is a means of connecting a truck or truck/tractor to the vehicle in front of it. The maximum allowable configuration is a towing vehicle and three saddle-mounted towed vehicles. One full-mount may also be included. Full-mount means a smaller vehicle completely on the frame of the first or last vehicle in a saddle-mount.

Transporter plate usage



WisStats 341.47(3)

The distinction between transporter plates and dealer plates is ownership of the vehicle. A vehicle displaying a dealer plate must be owned and offered for sale by the dealer, distributor or manufacturer. Basically, a transporter is defined as someone engaged in the business of transporting and delivering motor vehicles, trailers, semi-trailers or mobile homes in tow on their own wheels or under their own power between manufacturers, distributors and dealers.

A transporter can also be a final stage manufacturer or someone who modifies or converts complete motor vehicles, but doesn't own the vehicles, if transporting the vehicles between the person's place of business and manufacturers, distributors, dealers or purchasers is incidental to manufacturing operations.

In other words, if a business performs some kind of manufacturing or conversion on vehicles it doesn't own, it may use transporter plates to move the vehicles between its place of business and manufacturers, distributors, dealers or purchasers of the vehicles.

A transporter plate may not be used to carry transport drivers to the vehicles they'll deliver, unless the vehicle they're riding in is itself being delivered to a manufacturer, distributor, dealer or purchaser after completion of a manufacturing or conversion process. A van owned by the business, or regularly used to carry drivers to the vehicles it will be delivering, should be privately titled. The 'piggybacking' of transporter plates may be used on truck, truck/tractor and semi-trailers in full-mount or saddle-mount combinations.

Transporter Plates Quick Tips

- Transporter plates are used by transporters to move motor vehicles, trailers, and semi-trailers between dealers, distributors and manufacturers.
- All transporter plates expire on December 31st
- The registration fee for the first two plates is \$75.00 and \$5.00 for each additional plate.
- Use your own staff to transport vehicles.
- A van used to carry vehicle drivers to transporting vehicles needs to be privately registered unless the vehicle itself is being delivered.
- Ask the dealer to return the plate if work is being done for several days.
- Avoid releasing a plate overnight or over a weekend.
- Transporter plates are multiple use plates and should not be used once and disposed.
- Manufacturers must use their manufacturer plate or hire a transporter plate company to transport vehicles on their own behalf.
- Replacement plate fee is \$2.00.
- If renewing and replacing plates, you will pay the registration fee and the \$2.00 replacement fee per plate.
- Contact the Dealer and Agent Section at (608) 266-1425 for further details.

Dealer Plate Usage



Q. What is the proper use of a dealer plate?

A. In a nutshell, dealer license plates may be used for personal or business purposes provided the vehicle is actually owned and offered for sale by the dealer.

According to Wisconsin Law, Wis Stats 341.47(1) vehicles of dealers, distributors, manufacturers and transporters are exempt from general registration requirements only when the vehicle:

- (a) Is actually offered for sale by a dealer, distributor or manufacturer,
- (b) Is in transit from the factory to a distributor or dealer or from the dealer to the purchaser,
- (c) Is being used by a manufacturer primarily for a trial test,
- (d) Is being repossessed, being reconditioned for resale, or being foreclosed or resold.

Here are some simple Do's and Don'ts regarding dealer plate use:

- **Do** display a Wisconsin Buyer's Guide or Monroney sticker on any vehicle using a dealer plate as proof that the vehicle is owned and offered for sale by the dealership. (Not required for wholesale transactions).
- **Do** make sure that all vehicles used by employees for personal use are available for display at the dealership during business hours.
- **Do** use dealer plates on consignment vehicles.
- **Do** use dealer plates on loaner vehicles if the vehicle is actually offered for sale. Service customers are potential sales customers.
- Celebrity use of dealer plates at events such as the annual air show in Oshkosh or professional golf tournaments is permitted. Be sure a Monroney sticker or Wisconsin Buyer's Guide is displayed on each vehicle.
- Remember, if you allow your spouse or children residing in your household to use dealer plates, **do** be certain that the vehicle is actually offered for sale and displays a Monroney sticker or Wisconsin Buyer's Guide. While this use **is** technically permitted, there can be some adverse public reaction.
- **Don't** use dealer plates on a vehicle carrying a load. (see demonstrator plates).
- **Don't** use dealer plates on a tow truck (see gross weight plate).

Replacing a Dealer Plate

If you need to replace a dealer plate, please send a written request including:

- Dealer name, number, address and phone number,
- Plate numbers of lost or stolen plates,
- Quantity of plates needed,
- Fee of \$2.00 per plate. Make check payable to Registration Fee Trust.

Call us

If you have any questions about dealer plates, please call the Customer Service Unit at (608) 266-1425.

Moped season is upon us! If you are currently licensed as a moped dealer, you can legally sell only mopeds. You cannot sell motorcycles. A moped has an engine size of 50cc or less. Once you start selling bikes with engines larger than 50cc, you will need to update your dealer license to a motorcycle dealer license. In addition, you will need a franchise appointment from the distributor in order to sell new motorcycles. Franchise appointments are not required for mopeds.

DOT Citations

Bartus, Sam – Wausau (former owner Sam's Auto Sales, Wausau): Found guilty by trial of 74 citations for failing to apply for title. Assessed \$11,899.20 in forfeitures.

Bay Port Motors – Green Bay: Pled no contest to one citation for failing to submit an application for title to the Department within seven business days. Assessed a \$186 forfeiture.

Cameron Car Corner – Cameron: Pled no contest to three citations for failing to submit an application for title to the Department within seven business days. Assessed \$558 in forfeitures.

Chapman, Kevin – Maple Grove, MN: Pled no contest to one citation for acting as a motor vehicle dealer without a license and one citation for failing to apply for title. Assessed \$899.50 in forfeitures.

Crosby, Melissa – Trego: Pled no contest to one citation for failing to submit a junk title to the Department and was assessed a \$156.20 forfeiture. Crosby was also named as a co-debtor in a \$12,000 forfeiture that was assessed for hazardous waste management violations.

Cycle City – Green Bay: Pled no contest to one citation for failing to submit an application for title to the Department within seven business days. Assessed a \$123 forfeiture.

Lyte, Thomas – New Franken: Pled no contest to one citation for failing to apply for title. Assessed a \$160.80 forfeiture.

Mortensen, James – Trego: Pled no contest to one citation for failing to submit a junk title to the Department and was assessed a \$156.20 forfeiture. Mortensen was also named as a co-debtor in a \$12,000 forfeiture that was assessed for hazardous waste management violations.

My Car Auto Sales – Menomonie: Pled no contest to two citations for failing to submit an application for title to the Department within seven business days. Assessed \$372 in forfeitures.

Nungaray, Jaime – Milwaukee: Pled guilty to two citations for acting as a motor vehicle dealer without a license and two citations for failing to apply for title. Assessed \$1,328.60 in forfeitures.

Renner Automotive – Wauwatosa: Default judgment of guilty entered for one citation for failing to submit an application for title to the Department within seven business days. Assessed a \$189.50 forfeiture.

Seven Rivers Auto Sales – Onalaska: Default judgments of no contest entered for one citation for failing to submit an application for title to the Department within seven business days and one citation for a log book violation. Assessed \$372 in forfeitures.

Steve's Auto World – Platteville: Default judgment of guilty entered for one citation for failing to submit an application for title to the Department within seven business days. Assessed a \$186 forfeiture.

Terwelp, James – Greenfield: Pled guilty to one citation for acting as a motor vehicle dealer without a license and one citation for displaying false registration. Assessed \$727.30 in forfeitures.

Verhota, Steve – LaCrosse: Pled Guilty to one citation for acting as a motor vehicle dealer without a license. Assessed a \$375 forfeiture.

Wilde Toyota – West Allis: Pled no contest to ten citations for failing to submit an application for title to the Department within seven business days. Assessed \$1895 in forfeitures.

Zahn's Budget Auto – Wausau: Pled no contest to three citations for failing to submit an application for title to the Department within seven business days. Assessed \$558 in forfeitures.

Vehicles without a Federal Certification Label cannot be legally operated on the public roadways. Please be aware that it is the responsibility of the dealer to verify that a vehicle you have sold displays a Federal Certification Label. Also the Federal Cert Label check box must be checked on the reverse side of the MV11 for all motorcycles and mopeds. If you are a motorcycle manufacturer, you can find complete information on the Federal Certification Label on the National Highway Traffic Safety Administration's (NHTSA) web site at <http://www.nhtsa.dot.gov>.

DOT Enforcement Actions

Capitol Cars – Milwaukee: Issued a Special Order for employing unlicensed salespersons, failing to properly inspect vehicles prior to sale, and violations related to off-premise sales.

Ford Man's Mustang – Wisconsin Dells: Retail license revoked for multiple record keeping violations and for failing to maintain a dealer bond.

Hooper Sales – Holmen: Issued a Special Order and 30-day suspension for violating a conditional license which prohibited vehicle sales by an unlicensed party and sales of improperly inspected vehicles.

Kautnen, Melissa – Casco: Access to DMV through third party partners was revoked for misuse of the system and its information.

Marquis Motors – Kenosha: Retail license revoked for multiple violations related to the submission of falsified applications to the Department.

Psyche Werks – LaCrosse: Retail license revoked for misuse of the electronic processing (e-MV11) system in order to sell encumbered property.

Toby's Auto Sales – Madison: Issued a Special Order and five day suspension for illegal removal of a vehicle identification number.

DOT Criminal Actions

Farber, Dmitry – Illinois: Charged in Walworth County Court with seven counts of possessing a counterfeit title and seven counts of identity theft. Pled guilty to three counts of possessing a counterfeit title and three counts of identity theft. Sentenced to pay \$4,632 in fines and court costs. All other charges were dismissed but read into the record.

Gilbertson, Terry – Holmen: Charged in LaCrosse County with submitting a false application to the state, acting as a motor vehicle dealer without a license, two counts of odometer tampering and bail jumping. Pled guilty to acting as an unlicensed dealer and to both counts of odometer tampering. Sentenced to 30 days jail, 2 one-year periods of probation (run concurrently), and \$1,559 in fines and court costs. All other charges were dismissed but read into the record.

Jendusa, Michael – Madison: Charged in Dane County with six counts of failure to obey state regulations, two counts of issuance of bad checks, one count of transfer of encumbered property, two counts of forgery, three counts of theft, and three counts of bail jumping. Pled no contest to four counts of failing to obey state regulation, one count of transferring encumbered property, three counts of theft and one count of bail jumping. Sentenced to 21 years imprisonment to be run

consecutive to his Jefferson County sentence. All other charges were dismissed but read into the record.

Kosmatka, John – Milwaukee: Charged in Milwaukee County with two counts of theft, 11 counts of acting as a dealer without a license, forgery, and failure to transfer title. Pled guilty to theft, failing to transfer title, and to two counts of acting as a dealer without a license. Sentenced to two years imprisonment (stayed sentence) followed by four years probation, \$4420.15 in restitution, and \$2,250 in forfeitures. All other charges were dismissed but read into the record.

Peters, Alan – West Allis: Charged in Milwaukee County with two counts of odometer misrepresentation and two counts of forgery. Pled guilty to both counts of odometer misrepresentation and was sentenced to 10 months jail (stayed sentence) and 30 months probation for each charge to run concurrently; and was required to pay \$6,700 in restitution. Also serving 10 months jail for illegally selling a motor vehicle in violation of his probation.

Wilkowski, Kenneth – Hartford: Charged in Waukesha County with odometer representation, forgery, and failure to transfer title. Pled guilty to all three charges and was assessed \$1,579 in fines and forfeitures.

**Wis. Dept. of Transportation
Dealer and Agent Section
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