



Plain Dealing

A policy and administrative bulletin for licensed dealers
from the WisDOT DMV Dealer and Agent Section



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Wholesale Dealers cannot hold Buyer's Licenses

During a recent audit of our buyer license credentialing process it was discovered Wisconsin law limits the issuance of a buyer's license to retail motor vehicle dealers only (see Wis. Stat. [§218.0101\(22m\)](#)). To adhere to the law, effective June 1, 2021, all buyer's licenses associated with wholesale dealers will be cancelled.

Buyers who wish to continue purchasing vehicles at Wisconsin wholesale auctions will need to purchase vehicles on behalf of licensed motor vehicle dealers only.

Wholesale dealer owners will continue to be able to purchase motor vehicles at Wisconsin wholesale auctions; the buyer's license is not required for owners.

Wholesale buyer's license holders are asked to return their cancelled credentials to the department:

Wisconsin Division of Motor Vehicles
Dealer & Agent Section
P.O. Box 7909
Madison, WI 53707-7909

Those with questions or concerns regarding buyer's licenses can contact the Dealer Licensing Unit at (608) 266-1425, or email dealerlicensingunit@dot.wi.gov.

Social Media Advertising

“Dealer advertising” is a broad term, and it includes any messages presented to the public promoting a product or a service. This means that messages posted to public social media accounts—Facebook, Twitter, YouTube, Instagram, and others—face the same scrutiny as print or website advertising.



Required disclosures

Social media focuses on using short messages to grab consumers' attention, but you still need to provide proper disclosures and avoid crafting your message in a way that is deceptive or misleading.

You can meet the requirements of the law in one of two ways:

1. List all required disclosures within the body of the message.
2. Include required disclosures “one click away” by providing a link to the disclosures within the body of the message. **If you use a link, you must direct consumers to the link to read the disclosures.** You cannot assume a customer will click on any links or visit any other page beyond the advertisement itself, unless you give them a reason to do so. For example, the advertisement could state, “Click here for important disclosures: [LINK].” The link could also be highlighted with a different color, font, or symbol to draw the viewer's interest.

If you choose to include a link one click away from the main advertisement, the disclosures in the link must be clear and conspicuous to the viewer. If the required disclosures are not immediately apparent upon opening the link, it is not considered “one click away.”

Social media posts by individual salespersons

When individual salespersons post advertisements for motor vehicles using their personal social media accounts, it must be clearly disclosed in the advertisement that the vehicle is sold by the dealership. For example, the advertisement could state: “Sold by [DEALER BUSINESS NAME].”

Wis. Admin Code ch. Trans 139.03(11) requires that the selling dealership be identified in any advertisement. Contact information, such as phone number or e-mail address, must also correspond to the number and address used by the dealership.

Individuals cannot list personal phone numbers or e-mail addresses in advertisements without also including contact information for the dealer.

If you have any questions regarding dealer advertising, please contact Tristan Kloss at tristan.kloss@dot.wi.gov.

Dealers prohibited from obtaining replacement titles on DOT public webpage

The screenshot shows a web form titled "Replacement Title Request" from the State of Wisconsin Department of Transportation. The form contains the following fields and controls:

- Do you have your Wisconsin Driver License / ID Number? * Yes No
- Wisconsin Driver License / ID Number: * [x999] - [9999] - [9999] - [99]
- Last 4 digits of SSN: * [9999]
- Date of Birth: * [mm] / [dd] / [yyyy] [calendar icon]
- VIN: * [1MBGDH9AAXK042788]
- I'm not a robot [CAPTCHA icon]
- * required field
- Buttons: Next, Clear, Exit

Dealers that use the department's public webpage to obtain replacement titles are committing multiple violations that are grounds for suspension or revocation of their license pursuant to Wis. Stats. [§218.0116\(1\)\(f\)](#).

- Only the titled owner on record with the Department can request a replacement title per Wis. Stat. [§342.06\(2\)](#)
- Using the customer's personal identifying information to obtain a replacement title and having it mailed to the dealership creates an unlawfully obtained title in violation of Wis. Stat. [§342.32\(1\)](#). Violation of Wis. Stat. §342.32(1) makes the dealer guilty of a Class H felony, per Wis. Stat. [§342.32\(3\)](#).

A recent review of department records has shown numerous dealers may have used customer's personally identifying information (PII) to obtain replacement titles through the department's public webpage, www.wisconsin.gov. Dealers identified as having obtained replacement titles in this manner were sent an educational/warning letter advising them to discontinue the practice. Continued violations may result in the department taking more serious enforcement actions.

We encourage all dealers to consider the following best practices when the need for a replacement title arises:

- If the customer did not bring the vehicle title with them, have the customer go home and return when they have the title in hand.
- Designate a computer or tablet that can be used by customers to go online and request the replacement title. Customer's paying with their own debit or credit card is imperative.
- **Always** have the titled owner on record with the department obtain the replacement title themselves.
- The same applies to missing or outdated driver licenses. Dealers should **NEVER** assist a customer with obtaining a replacement driver license.

If you have any questions, please contact Mirenda McArdle, Field Investigation Unit Supervisor, at 608-267-2033 or Mirenda.McArdle@dot.wi.gov.

Cybersecurity resource guide now available

The Department of Financial Institutions (DFI) recently contacted dealers to highlight the importance of strong cybersecurity programs. DFI considers cybersecurity threats to be a significant and increasing risk facing financial service providers of all sizes. To help dealers tackle cybersecurity issues, DFI is providing to all licensees a resource guide compiled by the Conference of State Bank Supervisors (CSBS): [Cybersecurity 101](#).

If your company hasn't already done so, please review the guide and consider what steps you can take to implement or enhance a comprehensive cybersecurity program appropriate to your business practices.

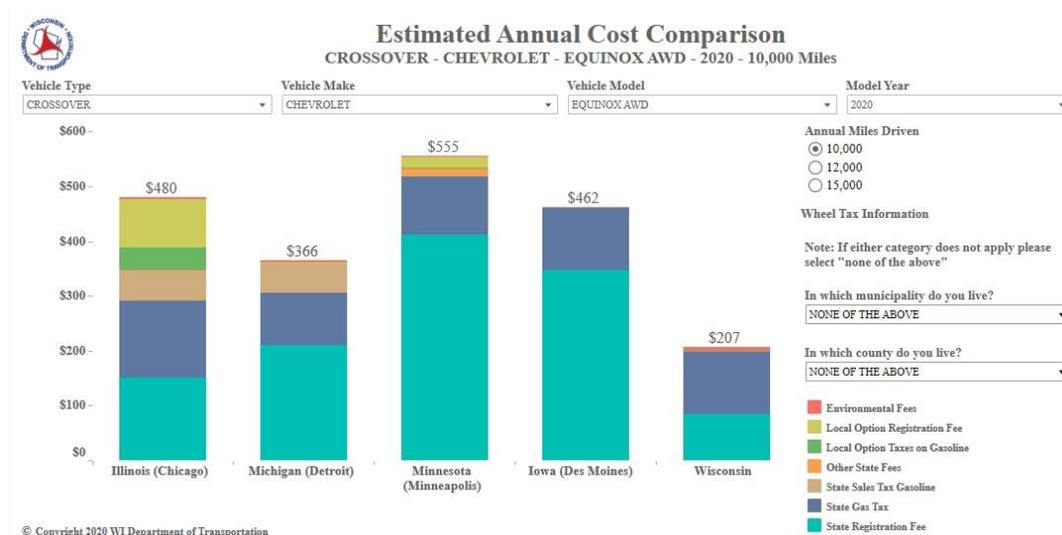
Two additional resources can assist in developing a cybersecurity program:

1. The [CSBS ransomware self-assessment tool](#) can help you assess your current cybersecurity efforts and identify opportunities for increasing security.
2. The [Federal Trade Commission has numerous online resources](#) to help businesses understand and navigate the many issues associated with cybersecurity.

DFI considers having a cybersecurity program essential and it is part of state law. A successful program ensures the public has confidence in businesses' financial responsibility and character. DFI intends to assess steps taken towards developing such a program in future supervisory activity.

Hopefully these resources will begin a better collaboration between financial service providers and regulators to guard against these growing cyber threats. Please send any questions or comments to DFI_LFS@wisconsin.gov or DFIMortgageBanking@wisconsin.gov.

New fee calculator allows drivers to estimate annual vehicle costs



The [Midwest Driver Fee Calculator](#) is now live on the department website.

This new tool, developed by the department, lets drivers calculate how much annual tax they pay to operate several popular vehicle models in Wisconsin. The calculator allows the user to customize their vehicle by make, model, year, where the vehicle is kept, and total miles driven. Cost estimates are derived from title and registration fees, fuel taxes, and other local and state fees. Users can also compare their costs to neighboring states.

Not all vehicle models are currently available, but additional models will be added on a regular basis.

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