



WISCONSIN DEPARTMENT OF TRANSPORTATION



PLAIN DEALING

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

August 2016

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In This Issue

- [Warranty Reimbursement](#)
- [Customer "Opt-Out"](#)
- [Complete the Back of the MV11](#)
- [2015 - 2016 Plate Inventory is Complete](#)
- [BVS has a new Director](#)
- [Rebate Advertising](#)
- [Emissions Repair Cost Limit for Waiver Increased to \\$872; Effective July 1, 2016](#)
- [Dealer Transfers and Buyouts](#)
- [Wheel Tax Updates 2016](#)
- [DAS Quarterly Report Numbers](#)
- [WisDOT Criminal Actions](#)
- [DOT Citations](#)
- [DOT Enforcement Actions](#)

Warranty Reimbursement

Laws and rules of all types continue to be enacted, repealed and amended every year. It is not unheard of for the same law or rule to be amended several times. When this happens it occasionally creates a contradiction between the revised law and a Trans rule which used to support the law. This leaves businesses and consumers with a conundrum; which one applies?

This very situation happened when Wisconsin State Statute 218.0125 was revised and modified, subsequently conflicting with Section Trans 139.06(8), Wisconsin Administrative Code. This created a discrepancy on how to calculate the non-warranty labor reimbursement rate for repair work. When this happens Wis. Stat. § 227.10(2) settles the dispute by clearly stating "No agency may promulgate a rule which conflicts with state law." This means the definition and guidance on warranty labor reimbursement as written in § 218.0125 supersedes the interpretation in Trans 139.06(8).



To help clarify the DMV is providing the following guidance:

The non-warranty labor rate should be calculated in accordance with § 218.0125(3m)(c)1 which states: "The effective non-warranty labor rate is determined, . . . , by dividing the total customer labor charges for qualifying non-warranty repairs in the repair orders by the total number of hours that would be allowed for the repairs if the repairs were made under the manufacturer's, importer's, or distributor's time allowances used in compensating the dealer for warranty work."

Customer "Opt-Out"

Connect with us

In addition to the

The DMV has fielded several inquiries regarding the sale of DMV records lately. The dissemination of DMV's data through bulk record sales is required by state law and DMV has complied with this legal requirement for many years. Recently a variety of warranty and financing companies have solicited customers within days of purchasing a vehicle. Questions arose whether these solicitations originated with DMV records and we are confident they did not. DMV records are made available on a scheduled basis and are not immediately accessible after a purchase or application for title. Because of the limited frequency in which DMV records are released, it is almost impossible to obtain customer information within days of purchase through a bulk record request.

The same state law that requires the DMV to provide records also allows an individual to withhold their name and address from any request of 10 or more records. If your customer wishes to do this, please advise them to complete DMV form [MV3592](#).

For more information on how to "Opt-Out," visit the DMV's website [HERE](#).

Complete the Back of the MV11

Complete the back of the MV11 or processing may be delayed.

When completing the Wisconsin Title & License Plate Application form (MV11), making sure the form is filled out accurately and completely is of the utmost importance. Additionally, using the most current version of the MV11 is just as important. In previous *Plain Dealings*, we explained the importance of using the most current version of the MV11 (dated 5/2015) and how it accommodates DMV's new workflow technology.

While dealers have done a great job at using the revised form and completing it correctly, the **[second page has become often overlooked](#)**. For clarity the second page is the back of the front page. Specifically "Section H - License Plate Types" is being overlooked and this causes processing of the form to be delayed because it much be manually entered if the box isn't checked. To ensure your customer receives their title as quickly as possible please be sure to complete all applicable pages of the MV11.

2015 - 2016 Plate Inventory is Complete

Thank you for another successful plate inventory! We appreciate your prompt and accurate responses. Our commitment to Wisconsin dealers and agents is to keep you in business, doing business right, and the annual inventory allows us to forecast the statewide license plate need for the upcoming fiscal year.

This helps you provide exemplary customer service to the Wisconsin consumers.



To give you a feel for what you accomplished by responding to our inventory request, we counted:

- 108,356 - Auto Plates
- 93,808 - Light Truck Plates
- 17,566 - Motorcycle Plates
- 4,985 - Moped Plates

expanding services on our website, WisDOT connects with customers on Facebook and Twitter @WisconsinDOT. Follow us for breaking news.

We're at [.gov](#)

Note: Only the website with [.gov](#) is the official state DMV website. Other DMV sites with [.org](#) and [.com](#) are not official and may have extra charges for forms or list information that is dated or incorrect.

What's new at D

[DMV upgrades interactive Driver License Guide to streamline paperwork and shorten DMV wait times!](#)

[Sign up to receive Plain Dealing by email!](#)

Published by the Wisconsin Department of Transportation, Division of Motor Vehicles, Bureau of Vehicle Services, Dealer and Agent Section.

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Dealer & Agent Section
dealers.dmv@dot.wi.gov

Our License Plate & Postal Service (LPPS) Unit is here to work with you to manage your metal and temporary plate inventory. They can be contacted at:

Phone: (608)266-1473

E-mail: DOTDMVBVSLPPSTemps@dot.wi.gov (Temporary Plates)

E-mail: dotdmvbvslppsapps@dot.wi.gov (Metal Plates and All other questions)

BVS has a new Director

From the desk of DMV Administrator, Kristina Boardman:

It is my pleasure to announce Rhonda Alley as the new DMV Director of the Bureau of Vehicle Services.

Rhonda has been working as a DOT Officer in the Administrator's Office since 2011. In this position, Rhonda has had general oversight for DMV IT projects and provided oversight for the delivery and support of telecom and internet services. Additionally, Rhonda has served as the primary contact for Wisconsin Interactive Network (WIN) regarding DMV portal services.

With more than 30 years of DMV experience as both a Supervisor and a Chief, and a demonstrated passion for innovation and program improvements, Rhonda will be a great leader for the Bureau of Vehicle Services.

Rhonda began this new role on July 11th.

Rebate Advertising

In the last issue of *Plain Dealing*, the DMV published guidance on the appropriate use of rebates in advertisements. Since that time, we've continued to work closely with the dealer community to provide clarifications and interpretations that will help your dealership stay successful, while simultaneously complying with the spirit of the law.

One of those interpretations is the ability to bundle rebates everyone qualifies for. Bundling these types of rebates is allowed as long as the following conditions are met:

- In print ads, (including billboards, dealership windows, hang tags, etc.), the rebates to all must be itemized. If not adjacent to the price or payment, the rebates must be listed in the end disclaimer
- In radio, the rebates to all must be itemized. If not spoken adjacent to the price or payment, the rebates must be listed in the trailer.
- On TV, the rebates to all must be itemized. If not adjacent to the price or payment, the rebates must be listed on the same screen as the price or payment in a readable disclaimer.
- On the Internet, the rebates to all must be itemized. If not written adjacent to the price or payment, one could do one of the following:
 - a) Scroll over the price or payment to see the rebates
 - b) See the listed rebates "one-click away"
 - c) View the listed rebates in the comments section of the VDP (vehicle description page)
 - d) List the rebates at the bottom of the webpage near the "savings" or "final price or payment" as long as the webpage

clearly refers the customer to the bottom of the page

For the complete interpretation on qualified to include the original guidance and any subsequent updates please visit our [website](#).

Emissions Repair Cost Limit for Waiver Increased to \$872; Effective July 1, 2016

The repair cost limit for all model year vehicles subject to emissions testing increased from \$868 to \$872, **effective July 1, 2016**. This figure is adjusted annually by the DNR per NR 485.045.



Vehicles subject to emissions testing that continue to fail may be eligible for a cost waiver if actual costs of emissions related repairs exceed the repair cost limit. **Only repairs that are related to the vehicle's cause of failure can be used to apply for a cost waiver.** Costs covered by any warranty or costs to repair/replace emission control equipment that has been removed, modified or disconnected are excluded.

The owner must have emissions related repairs performed on the vehicle at a recognized repair facility to qualify for waiver consideration. Here is a [list of recognized repair facilities](#).

The application form to apply for Recognized Repair Shop status may also be found at the above link. TRANS 131.02(39) includes franchised NEW car dealerships as recognized repair facilities.

Dealer Transfers and Buyouts

As a dealer you see staff come and go, but what happens when you decide it is time for you to retire or change your business plan? Most dealers look for the perfect someone to buy their business and carry on where they are leaving off. The Wisconsin Department of Transportation - Dealer and Agent Section is your partner in this transition from one owner to the next.



First, let's ease your mind, your business plans are confidential and we respect that. Only a handful of people are involved with the licensing of a new dealership. Each person involved is here to ensure the transition from one dealer to the next be an outstanding experience.

We understand you have set a target date for the new dealership to open. In order for us to help you successfully begin business on your target date, we need at least two weeks from the time we receive your application to

complete the licensing process. During those two weeks, the Dealer Licensing Unit will review your application for completeness and accuracy. Once the Dealer Licensing Unit confirms the application is complete, your Field Investigator will conduct the facilities inspection and inventory the plates of the closing dealer.

Our [Application Instructions](#) website outlines the process perfectly and has links to all the forms you will need to make the transition seamless.

When this type of change occurs, we will need the following additional information:

1. Is the new dealer planning on keeping the existing dealer number?
2. What is happening with the current metal and temp plate inventory?
 - a. Is the new dealer keeping them?
 - b. Are they being transferred to a different dealer within an existing dealer group?
 - c. Are they being returned to the DMV?
3. Are the salespeople staying on with the new dealer, or are they being reassigned within a dealer group?

We are here to help you do business right. Please contact our Dealer Licensing Unit if you have any questions about the licensing process, 608-266-1425, or email DealerLicensingUnit@dot.wi.gov.

Wheel Tax Updates 2016

The following jurisdictions are enacting or changing wheel taxes in 2016. These fees will be collected along with the license plate registration fee - for new plates issued and license plate renewals - for most vehicles that are kept in those jurisdictions. To reduce costly corrections, **it is important to correctly record the county and municipality where a vehicle is customarily kept.**

- The village of Prairie du Sac \$20 wheel tax began January 2016.
- The city of Janesville changed their wheel tax from \$10 to \$20 as of January 2016.
- The city of Sheboygan \$20 wheel tax began February 2016.
- The city of Fort Atkinson \$20 wheel tax began March 2016.
- The city of Lodi \$20 wheel tax began May 2016.
- The village of Tigerton \$10 wheel tax will begin September 2016 (dealer delivery date or date of operation September 1, 2016).

For complete information on wheel taxes, visit the WisDOT [Municipal or county vehicle registration fee](#) webpage.

DAS Quarterly Report Numbers

The following numbers have been generated from the Dealer and Agent Section (DAS) Quarterly Report. This data is from the **fourth** (April - June 2016) quarter.

Field Investigation Unit (FIU)

The following statistics represent the Field Investigation Unit's compliance efforts, community outreach and enforcement actions.

Activity

Fourth Quarter

FIU Complaints Closed	322
FIU Inspections (Dealers)	152
FIU Educational Presentations	2

APU/DLU

The Agent Partnership Unit (APU) answers phone calls from dealers, government agencies, financial institutions, gas stations, grocery stores and various other types of agents throughout the state. These agents process either title and registration, or renewal registration applications electronically on behalf of the DMV.

The Dealer Licensing Unit (DLU) issues and renews multiple business license types. Individual licenses are issued to individuals who are selling or purchasing vehicles on behalf of dealerships. DLU answers dealer licensing questions as well as providing information about consumer harm and how to file a dealer complaint to the general public.

Activity	Fourth Quarter
APU Phone Calls	12,979
DLU Phone Calls	5,645
Business Licenses Issued	591
Individual Licenses Issued	4,060

Lemon Law

The Lemon Law complaint inquiries reflect telephone and email questions primarily from consumers (and some dealers and lawyers) seeking answers and information about the specifics of the Lemon Law and to a greater degree, assistance in pursuing a claim.

Activity	Fourth Quarter
Lemon Law Complaint Inquiries	187

Electronic Title and Registration Processing

Dealers and agents processing titles and/or registration electronically:

Activity	Fourth Quarter
Renewal Agents	939
Title Agents (includes dealerships)	4,395
Total	5,334

These systems are available for electronic processing:

- eMV11 - for dealers only

- eMV Agent - for lenders only
- Computerized Vehicle Registration (CVR)
- Dealertrack Registration and Title, formerly known as TriVIN
- National Financial Corporation (NFC) - registration only
- Opus Inspection Inc., formerly known as Systech International LLC - registration only

Wisconsin motor vehicle dealers are required to electronically process all title/registration applications for their customers. For more information regarding electronic processing options, visit the DMV [eMV11 Electronic Processing webpage](#).

Electronic Title Delivery

Lenders receiving electronic title records:

Activity	Fourth Quarter
Lenders	671

These service providers deliver and manage electronic titles:

- Assurant Specialty Property
- Dealertrack Collateral Management Services
- Decision Dynamics, Inc.
- PDP Group, Inc.
- VINtek

The electronic lien and title (also known as ELT or e-Title) program is an optional program for lien holders that prefer receiving electronic title records instead of paper titles. This program has been available since July 30, 2012. For more information regarding ELT options, visit the DMV [Title to Lien Holder webpage](#).

WisDOT Criminal Actions

Houle, Joseph - *Crandon* - Charged with one count each of odometer tampering, failure to disclose odometer reading with intent to defraud, false odometer statement with intent to defraud, and resisting or obstructing an officer. Final stipulation signed by DA and Defense Attorney Kennedy amending charge. Final stipulation approved. Mr. Houle found guilty of theft. Mr. Houle owes the court \$1,464.50 and \$4,000 restitution.

WisDOT Citations

Auto Tech - *Algoma* - Two citations issued for failure to process titles within seven business days.

Best Price Auto - *Green Bay* - Two citations issued for failure to process titles within seven business days.

Cochoros Auto Sales - *Green Bay* - Three citations issued for failure to process titles within seven business days.

East Side Auto Sales - *Green Bay* - 16 citations issued for failure to process titles within seven business days

MSD Global - *Appleton* - Six citations issued for failure to process titles within seven business days.

Suamico Investment Group - *Suamico* - 15 citations issued for failure to process titles within seven business days.

Wegner, Eric - *Waupun* - Two citations issued for failure to process titles

within seven business days. Default judgement for \$401.50.

Yindra Auto Sales - *Manitowoc* - One citation issued for failure to process applications within seven business days.

WisDOT Enforcement Actions

Alvarez, Victor - *Milwaukee* - Application for Buyers License under Golden Auto Sales Inc. (116 W 3rd Ave, Moses Lake, WA) was denied.

Gutierrez, Jose' - *Cicero, IL* - Application for Buyers License under 4 Wheels Auto Sales and Service Inc. (8521 W Kaul Ave, Milwaukee, WI 53225) was denied.

Pacheco Hernandez, Cesar - *Chicago, IL* - Application for Buyers License under Golden Auto Sales Inc. (116 W 3rd Ave, Moses Lake, WA) was denied.

Perez, Juan - *Chicago, IL* - Buyer's license under Smart Cars Inc. was cancelled per the request of the owner, Efren Mendoza.

Rocha, Miguel - *Milwaukee* - Application for Buyers License under Golden Auto Sales Inc. (116 W 3rd Ave, Moses Lake, WA) was denied.

Villasenor, Luis - *Chicago, IL* - Application for Buyers License under Golden Auto Sales Inc. (116 W 3rd Ave, Moses Lake, WA) was denied.

Zepeda, Max - *Milwaukee* - Application for Buyers License under Golden Auto Sales Inc. (116 W 3rd Ave, Moses Lake, WA) was denied.

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