

State of Wisconsin



2019 Senate Bill 3

Date of enactment: **May 1, 2019**
Date of publication*: **May 2, 2019**

2019 WISCONSIN ACT 4

AN ACT *to amend* 218.0116 (2), 218.0116 (4) (a) and 218.0116 (4) (c); and *to create* 218.0116 (4) (am) of the statutes; **relating to:** denial, suspension, and revocation of certain licenses related to motor vehicle dealers.

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

SECTION 1. 218.0116 (2) of the statutes is amended to read:

218.0116 (2) The licensor may without prior notice deny the application for a license within 60 days after receipt of the application by written notice to the applicant, stating the grounds for the denial. Within 30 days after receiving the notice, the applicant, for a denial by the division of banking, may petition the division of hearings and appeals or, for a denial by the department of transportation, may petition the department of transportation to conduct a hearing to review the denial, ~~and, for review of a denial by the division of banking, a hearing shall be scheduled with reasonable promptness and, for review of a denial by the department of transportation, a hearing shall be held within 45 days. Within 30 days after receiving an adverse decision reviewing a denial of the department of transportation under this subsection, an applicant may appeal the decision to the division of hearings and appeals. The division of hearings and appeals shall hold an appeal hearing under this subsection and issue its decision within 30 days of receiving the appeal.~~

SECTION 2. 218.0116 (4) (a) of the statutes is amended to read:

218.0116 (4) (a) ~~No~~ Except as provided in par. (am), ~~no~~ license may be suspended or revoked except after a

hearing on the possible suspension or revocation. Except as provided in par. (b), the licensor shall give the licensee at least 5 days' notice of the time and place of the hearing. ~~The~~ Except as provided in par. (am), the order suspending or revoking the license shall not be effective until after 10 days' written notice of the order to the licensee, after the hearing under this paragraph has been held.

SECTION 3. 218.0116 (4) (am) of the statutes is created to read:

218.0116 (4) (am) A license suspension or revocation takes effect immediately if the department of transportation determines that immediate suspension or revocation is appropriate and alleges any of the following:

1. A violation of ss. 218.0101 to 218.0163 in the course of a consignment sale.
2. A sale of a motor vehicle without a license under s. 218.0114 (1).
3. Intentionally fraudulent conduct related to certificates of title, mileage disclosure, or use of personal identifying information, as defined in s. 943.201 (1) (b).

SECTION 4. 218.0116 (4) (c) of the statutes is amended to read:

218.0116 (4) (c) Matters involving suspensions or revocations brought before the department of transportation shall be heard and decided upon by the ~~division of hearings and appeals. If the department of transportation requests the division of hearings and appeals to hear a~~

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

~~matter brought before the department of transportation under par. (b), the division of hearings and appeals shall hear and decide the matter within 30 days after the date of the department of transportation's request. Within 30 days after receiving a decision of suspension or revocation under this paragraph, an applicant may appeal the decision to the division of hearings and appeals. The division of hearings and appeals shall hold an appeal~~

hearing under this paragraph and issue its decision within 30 days of receiving the appeal.

SECTION 5. Initial applicability.

(1) This act first applies to a license denial occurring on the effective date of this subsection and a license suspension or revocation proceeding commenced on the effective date of this subsection.

