

No. 68, A.]

[Published September 23, 1929.]

CHAPTER 524.

AN ACT to repeal paragraph (e) of subsection (6), subsection (12) of section 85.04 and subsection (2) of section 85.15; to renumber subsections (1) and (2) of section 85.08 to be subsections (2) and (3) of section 85.07; to amend subsections (2) and (3) and paragraphs (a), (c), (d), (e), (g) and (h) of subsection (4) and subsection (8) of section 85.04, subsections (3) and (4) of section 85.05, section 85.07, paragraph (c) of subsection (5) of section 85.10 and subsection (1) of section 85.15; and to create paragraph (i) of subsection (4), paragraphs (b), (c), (d) and (e) of subsection (8) of section 85.04, and subsection (9) of section 85.05 of the statutes, relating to automobile registration and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Paragraph (e) of subsection (6), subsection (12) of section 85.04 and subsection (2) of section 85.15 of the statutes are repealed.

SECTION 2. Subsections (1) and (2) of section 85.08 of the statutes are renumbered to be subsections (2) and (3) of section 85.07 of the statutes.

SECTION 3. Subsections (2), (3) and paragraphs (a), (c), (d), (e), (g) and (h) of subsection (4) and subsection (8) of section 85.04, subsections (3) and (4) of section 85.05, section 85.07, paragraph (c) of subsection (5) of section 85.10 and subsection (1) of section 85.15 of the statutes are amended to read: (85.04) (2) Application for such registration shall be made by the owner to the secretary of state in the form prescribed by him; and the registration fee shall be paid to him. Blank applications shall be supplied to the several county clerks by the secretary of state. The application shall include a statement that the motor vehicle is owned by the applicant, and shall state the name, place of residence and address of the owner, the name or make of the vehicle, and the city, village or town and county in which it is customarily kept, the style or type, the engine number and the serial number, if any, the net weight equipped ready for service, and the load * * * carried. *In cities of the first and second classes the application shall also give the street address or rural delivery route of the applicant and no application shall be ac-*

cepted which gives an address of general delivery. If the secretary of state has doubts about the facts stated in the application he may require such further evidence of ownership as he may consider necessary.

(3) The secretary of state shall register the vehicle described in the application, giving it a distinguishing number, and shall thereupon issue to the applicant a certificate of registration and a *certificate of title*, which shall contain the name, place of residence and address of the owner, the registered number assigned, the date of registration, and a brief description of the vehicle registered, and furnish him registration number plates. Said *certificate of title* shall * * * *show* * * * *any mortgage* * * *, conditional sales contract * * *, or other lien * * * on *the* * * * *vehicle* * * *, and shall always be in the possession of the * * * *owner* * * *.

(4) (a) There shall be paid annually to the secretary of state for the registration of each automobile, a fee of ten dollars if said automobile shall weigh sixteen hundred pounds or less; a fee of eleven dollars if said automobile shall weigh more than sixteen hundred pounds and less than eighteen hundred pounds; a fee of twelve dollars, if said automobile shall weigh eighteen hundred pounds or more and less than two thousand pounds; a fee of thirteen dollars if said automobile shall weigh two thousand pounds or more and less than twenty-four hundred pounds; a fee of fourteen dollars if said automobile shall weigh twenty-four hundred pounds or more and less than twenty-eight hundred pounds; a fee of sixteen dollars if said automobile shall weigh twenty-eight hundred pounds or more and less than thirty-two hundred pounds; a fee of eighteen dollars if said automobile shall weigh thirty-two hundred pounds or more and less than thirty-six hundred pounds; a fee of twenty dollars if said automobile shall weigh thirty-six hundred pounds or more and less than four thousand pounds; a fee of twenty-two dollars, if said automobile shall weigh four thousand pounds or more and less than forty-five hundred pounds; a fee of twenty-four dollars if said automobile shall weigh forty-five hundred pounds or more and less than five thousand pounds; a fee of twenty-six dollars if said automobile shall weigh five thousand pounds or more. If the * * * *car is five or more years old*, the secretary of state shall register said automobile upon payment of seventy-five per centum of the fee specified for a car of like weight, which has not been so operated.

Provided, that no automobile shall be registered before July first for a fee of less than ten dollars.

(c) For the registration of each motor truck or motor delivery wagon having a gross weight of one and one-half tons or less, a fee of ten dollars; having a gross weight of more than one and one-half tons and less than two and one-quarter tons, a fee of fifteen dollars; having a gross weight of two and one-quarter tons, or more, and less than three tons, a fee of twenty dollars; having a gross weight of three tons or more and less than four tons, a fee of thirty dollars; having a gross weight of four tons or more and less than five tons, a fee of forty-five dollars; if the gross weight is five tons, or more, a fee of forty-five dollars, plus a fee of five dollars for each quarter ton or fraction thereof in excess of five tons. The gross weight in tons shall be in every case arrived at by adding together the weight in pounds of the motor truck or motor delivery wagon when equipped ready to carry a load and the * * * maximum load * * * *carried by the vehicle* in pounds, and then dividing the sum of the two by two thousand. * * * *For the registration of a six-wheel, three-axle vehicle the fee shall be seventy-five per cent of the fee prescribed in this paragraph.* This section, however, shall not be construed to mean that any such vehicle may be licensed to operate in violation of any other provision of this chapter.

(d) For the registration of each passenger carrying automobile, motor bus or other motor vehicle, having a passenger carrying capacity of more than * * * *seven* persons, customarily engaged in carrying passengers for hire, a fee equal to three times the fee specified in paragraph (c) of this subsection for a motor truck of the same gross weight. The gross weight in tons of the passenger carrying motor vehicles specified in this paragraph shall be in every case determined by adding together the weight of pounds of the vehicle when equipped ready to carry passengers and the total passenger weight capacity in pounds divided by two thousand. The total passenger weight capacity in pounds shall be determined by dividing the total length of seating space therein or thereon, including the driver's seat, by twenty inches and multiplying this result by one hundred and fifty.

(e) For the registration of each trailer or semitrailer designed to be hauled or hauled by a motor vehicle, if said trailer or semitrailer shall have a gross weight of more than three thousand pounds, a fee equal to one-half of the fee specified in paragraph

(c) of this subsection for a motor truck of the same gross weight. The gross weight in tons of the vehicles specified in this paragraph shall be in every case arrived at by adding together the weight in pounds of the vehicle when equipped ready to carry a load and the * * * maximum load * * * *carried by* the vehicle and then dividing the sum of the two by two thousand.

(g) Automobiles, motor trucks, motor delivery wagons, trailers or semitrailers owned and operated exclusively in the public service by the state of Wisconsin, except those used by prohibition deputies and conservation wardens, or by any county or municipality thereof, shall be registered by the secretary of state upon receipt of a properly filled out application blank accompanied by the payment of a registration fee of one dollar for each of said vehicles or trailers. The secretary of state shall furnish two number plates for each automobile, motor truck, motor delivery wagon, trailer or semitrailer of a special series and color, and said number plates shall be * * * *renewed each year so long* as it is used exclusively in the public service. Registration fees received under this paragraph shall be credited as from the town, village or city from which said fees are received. Automobiles owned by the state and used by prohibition deputies or conservation wardens may be registered in the same manner as privately owned automobiles.

(h) The registration fees named in this section shall be paid in full on all motor vehicles, trailers, or semitrailers registered on or before June thirtieth in any calendar year. If the application for registration is made between July first and August thirty-first, inclusive, twenty-five per cent may be deducted from the amount of the annual registration fee therein specified. If the application for registration is made between September first and December thirty-first, inclusive, fifty per cent may be deducted from the annual registration fee therein specified. The legal date of application for registration shall, in all cases, be the date of receipt of the application at the office of the secretary of state. * * * *Motor trucks, tractor trucks, trailers and semitrailers shall be registered for the first six months of the calendar year, 1930, at one-half of the fees prescribed in this paragraph, for a registration period expiring on June 30, 1930. Thereafter, all such vehicles shall be registered annually at the rates herein prescribed and the registration period shall expire on the succeeding thirtieth day of June.*

(8) (a) The rights conferred by the certificate of * * * *title* specified in subsection (3) of this section shall be transferable with the sale of the vehicle covered thereby, and the number plates issued for any calendar year shall be valid for use on the identical vehicle for which they were issued during said calendar year, notwithstanding the sale or sales of such vehicle. Provided, that no such transfer shall be valid nor shall the use of such plates after sale be valid unless the secretary of state shall have been notified in writing of such sale or transfer, such notice to be accompanied by the certificate of * * * *title properly signed by* the new owner. Upon receipt of said certificate of *title*, accompanied by the payment of a fee of one dollar, to cover the cost thereof, the secretary of state shall issue and mail to said new owner a new certificate of * * * *title*. *If ownership of the vehicle be transferred, the owner shall assign the certificate of title in writing. When ownership shall pass by judicial decree or sale, or by operation of law, the new owner shall be entitled to a certificate of title upon filing appropriate evidence thereof. Within five days thereafter, the transferee shall present such certificate or evidence to the secretary of state. License plates issued for the vehicle being transferred, must remain on the same notwithstanding such transfer or transfers.*

(85.05) (3) No manufacturer, distributor or dealer shall be required to carry his certificate of registration upon the motor vehicles registered under this section. Every dealer and distributor shall at the time of making his application, in case he represents any manufacturer, file with the secretary of state a certificate of his appointment. * * * *Whenever a dealer or distributor, or a used car dealer, discontinues or disposes of his business, he shall notify the secretary of state and return the plates.*

(4) No manufacturer, distributor or dealer shall use any vehicle registered under this section for any purpose other than the trial test or adjustment of such vehicle, or for demonstration or exhibition or for some purpose necessarily incidental to his said business * * * and in no case shall the vehicle so registered be rented or let for hire.

85.07 (1) It shall be the duty of oil inspectors and dairy and food inspectors to make such reasonable investigations as may be requested by the secretary of state to discover violations of the statutes relative to the registration of motor vehicles, and when

any such inspector shall discover any violation or alleged violation thereof he shall report the same to the secretary of state. The secretary of state shall appoint at least two and not more than five additional inspectors to carry on this work, and such inspectors shall be charged with the duty of assisting police officers in detecting and punishing violations of said statutes. Each inspector so appointed shall receive a compensation to be fixed by the secretary of state, * * * *in accordance with the civil service law of the state*, to be paid out of the moneys received for motor vehicle registration. Such inspectors shall have full authority to enter any garage, factory or other place where motor vehicles are stored or parked at any reasonable time to examine motor vehicles and license plates, and in the discharge of their duties shall have the powers of sheriffs.

(85.10) (5) (c) In case of any motor truck, truck tractor, tractor, delivery wagon, passenger automobile bus, or trailer or semitrailer used in connection therewith, shall be registered with the secretary of state at a lower * * * *gross weight* than that indicated thereon as required in this subsection, *or if the gross weight of the vehicle is greater than that at which such vehicle is registered*, the owner thereof shall be required to re-register the same in conformity with the actual * * * *gross weight of the vehicle* * * * and there shall be no return of the registration fee and special privilege highway tax previously paid thereon, and in addition the penalties provided in subsection (10) of this section may also be imposed. *Trucks, trailers and semitrailers may be registered in excess of the maximum gross weight permissible upon certification from the state and county highway commissions through which they desire to operate for a fee computed in accordance with subsection (4) of section 85.04 of the statutes.*

(85.15) (1) Any motor vehicle, *trailer or semitrailer* * * * registered in any state of the United States, the District of Columbia, or any foreign state or province which carries the number plates indicating such registration, may be operated over the highways of Wisconsin without registration in this state, during the year of such registration; provided, that such state, district or province allows motor vehicles, *trailers or semitrailers* registered in this state to be operated tax free upon its streets and highways under conditions substantially as favorable to residents of Wisconsin as granted herein to nonresidents; and provided,

further, that the owner of the motor vehicle has not moved to Wisconsin, in which case the vehicle must be registered for the remainder of the calendar year.

SECTION 4. A new paragraph is added to subsection (4) and four new paragraphs are added to subsection (8) of section 85.04 and a new subsection is added to section 85.05 of the statutes to read: (85.04) (4) (i) No person shall operate or have in his possession any motor vehicle, trailer, or semitrailer, with any metal number plates or plates fashioned in imitation of, or altered in any manner so as to resemble the legal license number plates issued by the secretary of state for such calendar year. Violations of this provision shall be punishable by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not less than six months nor more than two years.

(8) (b) If the identification number of a motor vehicle has been removed, obliterated or altered, or if the original casting has been replaced and the number on the original cannot be ascertained, the application for certificate of title shall so state and the secretary of state shall assign a number to be stamped upon the engine. Such numbers shall begin with 101, run consecutively and be followed by the letters WIS. Such numbers shall be stamped upon the engine only under the supervision of a dealer, manufacturer or distributor registered under section 85.05, a sheriff, deputy sheriff or police officer, who shall report the same to the secretary of state. Upon the removal or replacement of the engine or the part thereof which bears the identification number, the number shall be defaced from the old block.

(c) Dealers, manufacturers or distributors, registered under section 85.05, need not apply for certificates of title for vehicles in stock, or acquired for stock purposes but upon transfer of the same, shall give the transferee evidence of title, which in case the vehicle has a certificate shall be a reassignment of the same.

(d) Any person owning or possessing a motor vehicle shall notify the secretary of state within ten days after the destruction or junking of the same. The certificate of title must be returned to the secretary of state for cancellation along with the license plates. Each sheriff and police department in the state shall make immediate report of each motor vehicle reported stolen or recovered, to the secretary of state, who shall keep a file and index of such reports, together with similar reports received by him from other states. The secretary of state shall prepare once a month a

list of such reports during the preceding month and forward a copy to each sheriff and police department in this state, to each motor vehicle organization in Wisconsin applying therefor, and to the motor vehicle registration official in each state of the United States. Before issuing a certificate of registration and title the secretary of state shall check the application with his records. Records more than five years old may be destroyed.

(e) Any person who shall knowingly make a false statement in any application or other document required by this subsection to be filed with the secretary of state, or forge any such application or other document or any certificate of title or assignment thereof, or attempt to do any of said acts, shall be guilty of a felony and shall be punished by fine not exceeding five thousand dollars or imprisonment not exceeding five years or both. Any person who shall operate a motor vehicle for which a certificate of title is required without such certificate having been issued or applied for, or shall sell, buy or otherwise transfer such a vehicle without assignment of the certificate of title, or shall violate any other provision of this subsection for which no penalty is herein specifically provided, shall be guilty of a misdemeanor and shall be punished by fine not exceeding five hundred dollars or imprisonment not exceeding six months or both.

(85.05) (9) Any person violating any provision of this section shall, upon conviction, be subject to a fine of not less than twenty-five dollars nor more than fifty dollars or cancellation of his dealer's license or both.

SECTION 5. This act shall take effect upon passage and publication.

Approved September 19, 1929.

No. 112, A.]

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CHAPTER 525.

AN ACT to repeal section 241.10; to amend subsection (6) of section 59.57, subsection (10) of section 60.45, section 60.47, subsection (7) of section 61.25, sections 122.06, 122.07, 122.10 to 122.15, 122.19 and 241.11, subsection (1) of section 241.14, subsection (2) of section 241.15 and section 241.17 of the statutes; and to create subsection (10a) of section 59.51 and section