

1969 Senate Bill 436

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**CHAPTER 159, LAWS OF 1969**

AN ACT to amend 218.01 (2) (bd) 2; and to create 218.01 (3) (a) 22 and (9) of the statutes, relating to remedies of automobile dealers for violations of licensing laws and distribution of products liability for new automobiles.

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

SECTION 1. 218.01 (2) (bd) 2 of the statutes is amended to read:

218.01 (2) (bd) 2. Any dealer or distributor discontinued or canceled may within such 60-day notice period, file with the department a verified complaint in triplicate for a determination of unfair discontinuation or cancellation under sub. (3) (a) 17. *Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such complaint. If the complainant prevails he shall have a cause of action against the defendant for reasonable expenses and attorney's fees incurred by him in such matter.*

SECTION 2. 218.01 (3) (a) 22 and (9) of the statutes are created to read:

218.01 (3) (a) 22. Being a manufacturer who for the protection of the buying public fails to specify the delivery and preparation obligations of his dealers prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its dealers shall be filed with the division of motor vehicles by every licensed motor vehicle manufacturer and shall constitute the dealer's only responsibility for product liability as between the dealer and the manufacturer. Any mechanical, body or parts defects arising from any express or implied warranties of the manufacturer shall constitute the manufacturer's product or warranty liability. The manufacturer shall reasonably compensate any authorized dealer who performs work to rectify the manufacturer's product or warranty defects or delivery and preparation obligations.

(9) CIVIL DAMAGES. Any licensee suffering pecuniary loss because of a violation by any other licensee of sub. (3) (a) 4, 11, 15, 16 or 17 or because of any unfair practice found by the licensor under sub. (5) (a), may recover damages therefor in any court of competent jurisdiction in an amount equal to 3 times the pecuniary loss together with costs including a reasonable attorney's fee.

Vetoed August 29, 1969.

Passed over veto October 7, 1969.

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