



JOE SANFELIPPO

STATE REPRESENTATIVE • 15th ASSEMBLY DISTRICT

(608) 266-0620
FAX: (608) 282-3615
Toll-Free: (888) 534-0015
Rep.Sanfelippo@legis.wi.gov

P.O. Box 8953
Madison, WI 53708-8953

September 24, 2013

Chairman Ripp and fellow members of the Committee on Transportation thank you for holding this hearing today on AB339 and allowing me to speak.

In order to operate legally as a motor vehicle salvage dealer in the state of Wisconsin a person or entity must be licensed by the Department of Transportation. Violations of this provision are investigated by the DOT and referred to local District Attorneys to be prosecuted as crimes under criminal law.

Often times, local DAs view these offenses as low priority crimes compared to others they are charged with enforcing and simply do not prosecute them. Such inaction not only lets offenders off without paying for their crimes it also fails to provide the incentive to follow the rule of law that proper enforcement might compel.

AB339 would change the first offense of operating a salvage yard without a license to a civil rather than a criminal offense as in current law. This gives DOT more authority to enforce the law and ensure that first time offenders will suffer a penalty without adding to the already high criminal case loads of Local District Attorneys. Any subsequent offenses that may occur would remain subject to criminal prosecution consistent with existing law.

I appreciate the committee's consideration of this bill and would be happy to answer any questions members may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Sanfelippo".

Joe Sanfelippo



TO: Assembly Committee on Transportation
FROM: Greg Hubbard and Jason Bauknecht on behalf of the Concerned Auto Recyclers of Wisconsin

DATE: September 24th, 2013

RE: AB 339

The Concerned Auto Recyclers of Wisconsin (CARS) would like to thank Representative Sanfellipo for authoring AB 339 and Chairman Ripp and committee members for taking the time to hold a public hearing on this bill.

Under current law, if a business is guilty of operating as a salvage dealer without a license the penalty is not less than \$500 nor more than \$5000 fine or imprisonment for not more than 60 days or both. AB 339 would amend the current penalty for illegally operating as a salvage dealer, for first offense, to a forfeiture of not less than \$500 nor more than \$5000.

By removing the criminal aspect of the offense for first time offenders it takes the case out of the hands of the district attorney in the county where the offense took place and provides authorities the ability to simply fine the offender. Although we believe the current criminal penalties for illegally dismantling junked vehicles and selling parts or violating the strict environmental laws that licensed salvage dealers are required to comply with is appropriate, we realize that county criminal case loads are high and that salvage dealer licensure violations may not be a top priority, especially for a first offense.

For that reason we support making first offense a simple forfeiture in the hopes that if a business gets caught once and is given a significant fine, they will be unlikely to offend again.

We understand an amendment will be introduced that will change the language on page 2, line 2 of the bill from “within 3 years” to “within 5 years”. The amendment would reset an offender’s status after 5 years of his/her first offense to once again being considered first offense. Although we had expressed concerns to DOT and the authors of the bill about including a time frame that would reset an offender’s status, we understand that this is commonly done for other offenses and we were pleased that the amendment increases the time frame to 5 years.

CARS of Wisconsin would again like to thank the committee for holding a hearing on AB 339. We would be happy to answer any questions you might have.