

Plain Dealing

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



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New FIU Supervisor announced

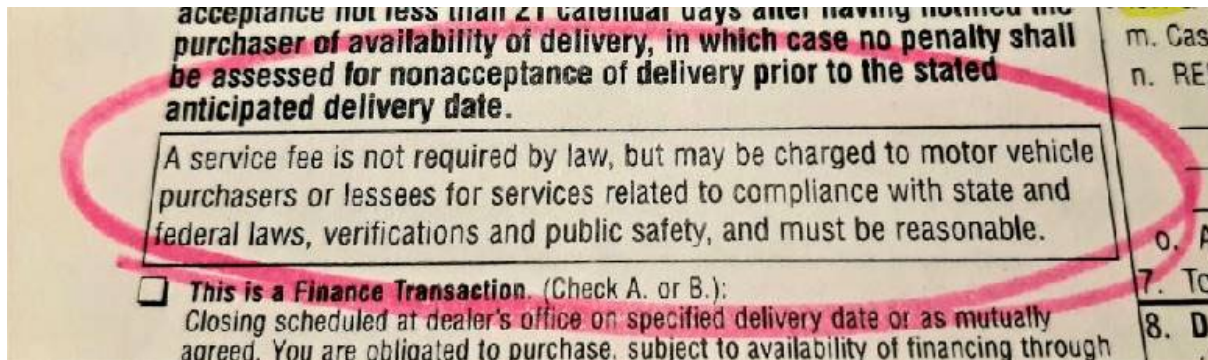


On June 20, 2022, WisDOT welcomed Maura Schifalacqua as the new Supervisor for the Field Investigation Unit (FIU).

If you are in the Milwaukee area you already know Maura, as she has served as a field investigator in Milwaukee for the past four-and-a-half years. Her time in the field, combined with legal experience gained working as an attorney for the City of Chicago Law Department, will help ensure the department's mission will continue: *"Keeping dealers in business, doing business right."*

Please help us welcome Maura to her new position!

Service fee disclosure required on purchase contracts



The department recommends that dealers double-check their purchase contracts to ensure proper disclosures are being made about service fees.

Both motor vehicle and recreational vehicle (RV) dealers can charge an optional service fee to customers. If a service fee is charged, the following disclosure must be included on the purchase or lease contract:

"A service fee is not required by law, but may be charged to [motor vehicle/recreational vehicle] purchasers or lessees for services related to compliance with state and federal laws, verifications and public safety, and must be reasonable."

Dealers who charge a service fee but fail to provide this disclosure on the purchase contract are in violation of Wis. Admin. Code ch. Trans 139.05(8)(a) [motor vehicle dealer] or Stat. §218.14(1) [RV dealer] and may be liable for refunding service fees.

If you find your purchase contract does not include the disclosure, you may hand-write, type, stamp or include the disclosure in some other form on the document before having it signed by the consumer to make it compliant. Current purchase contracts available from third-party form vendors such as WATDA and ADAMM (motor vehicle) and Jenkins (RV) are compliant with the law. If you are unsure if the purchase contract you intend to use is compliant, you may submit it to the Department for review.

Requests for Manual Processing (MV2132)

The department requires the [MV2132 Request for Manual Processing](#) form to be included when a dealership representative walks in an application to a DMV Customer Service Center or mails in an application for the Department to process.

Without submitting this form, it is unclear if your dealership is unable to process the application electronically. For

mailed-in applications, the dealership may be liable for the \$15 processing fee as well as the \$50 surcharge fee (Trans 141). For applications that are walked into a DMV, your dealership representative will be turned away if a MV2132 form is not included with the paperwork. This includes the scenario of a title only issuance in your dealerships name.

Dealers can receive a title-only in their name in limited circumstances. Please refer to Trans 154.13 for a list of eligibility requirements for a title-only issuance in your dealerships name. Remember, if the retail sale is to a Wisconsin customer, the MV11 Title and Registration application can be used for the last reassignment when all reassignments are full on the title.

When submitting title and registration applications that you cannot process or when walking them into a customer service center, you must include the following:

- MV11 Title and Registration Application
- Title
- MV2132
- Any other supporting documents
- Fees

Please be sure the MV2132 form is filled out completely in both scenarios. If the reason that the application cannot be processed is not listed on the form, you must check the “other” box and include a detailed description and/or a screen print of the error message you received when attempting to process the application on your electronic processing system.

New state law combats catalytic converter thefts

Thefts of catalytic converters can affect anyone in Wisconsin, including motor vehicle dealers. Now a recent law change looks to combat these types of thefts and make catalytic converter sales easier to track.

In March 2022, Governor Tony Evers signed 2021 Wisconsin Act 189. The act added catalytic converters to the definition of a “proprietary article” in §134.405(1)(f)9. As a proprietary article, scrap dealers who accept catalytic converters must collect additional information from sellers and provide records to law enforcement upon request.

Sellers must be at least 18 years of age, provide government-issued ID, and submit documentation that establishes the seller lawfully possessed the catalytic converter.

Scrap dealers must keep records of catalytic converter purchases for no less than 2 years and make records available to law enforcement upon request.

Those who knowingly violate this law face fines up to \$10,000, imprisonment up to 9 months, or both. Certain violations may also be classified as a Class I felony.

Quarterly Report

The following numbers have been generated from the Dealer and Agent Section (DAS) Quarterly Report. This data is from the **fourth quarter** for the fiscal year beginning June 2021 (April through June 2022).

Field Investigation Unit (FIU)

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

Activity	Fourth Quarter
Complaints closed	364
Dealer inspections	317

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 electronically process either title and registration, or renewal registration applications 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 provides information about consumer harm and how to file a dealer complaint to the general public.

Activity	Fourth Quarter
APU phone calls	9,958
DLU phone calls	3,803

Business licenses issued	700
Individual licenses issued	4,093

Lemon Law

DMV receives telephone and email inquiries from consumers, dealers, lawyers, manufacturers, and law makers. The inquiries range from questions about the specifics of the Lemon Law, to assisting all facets of pursuing a claim.

Activity	Fourth Third Quarter
Lemon Law inquiries	66

FIU Enforcement Actions

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