

## **AB-157, SB-110 Hearing Testimony**

May 21, 2013

My name is Tom Zat. I own a motor vehicle dealership that specializes in government surplus vehicles and a salvage yard. I also have a car museum with over 200 collector cars. I have been the CEO of a specialty car manufacturer. I have shown cars at national events as well as Wisconsin events and have been a Wisconsin licensed collector for over three decades.

My involvement with this problem of registering an old car started in 1990 with a car that was individually imported years prior to my purchase of it. It was imported on a customs bond, brought into compliance, then titled and registered by three owners in Florida. After I brought it home, I attempted to register the car in Wisconsin. The DMV asked for the customs HS7 form. That document was surrendered years ago to obtain the original title. I called Florida DMV and was told that they only kept that record for 7 years. I called U.S. customs and they said they only keep that record for 3 years. Being unable to satisfy DMV, the car has been sitting in my garage for years.

My next encounter happened when I purchased a 1987 ex-military Chevrolet pickup. That truck had previously been the snow plow for this property. I applied for title as usual but this time I received nothing, no title, no letter, no contact of any form. I emailed DMV for about 3 months and no one ever said there was a problem. Eventually, I contacted my senator. A couple of days later my title appeared in the mail, with no explanation whatsoever.

Shortly after that, I applied for title on 4 other ex-military Chevrolet pickups. The titles were issued branded, -NOT FOR HIGHWAY USE-. DMV did not contact me or request any information at all. This happened before the enactment of the Historic Military Vehicle law in 2009 that banned military vehicles from the road.

I had purchased a Chevrolet Blazer from the government, applied for and received a clear title from DMV. I repaired and repainted the vehicle and sold it to a Wisconsin resident. She licensed and titled the Blazer with no issues. At a later date, she decided to put collector plates on it. DMV refused her application, requesting a photo of the manufacturer's certification label. Since the door had been replaced, that label no longer existed on this vehicle. Not only

did DMV take her plates away, they branded the title –Not for Highway Use– and told her to sue me. She did not sue me because when I sold her the Blazer it had a clear title and the state registered it.

Up to this point, I had been denied registration on six vehicles and I was very unhappy, but was willing to accept the loss, as I knew of no way to fix the problem. When the state told Ms Kassberger to sue me, that was the last straw. I knew that Blazer was built "road legal." I also knew that Mr. Underwood had gone to court against the state over his vehicle. I contacted him and the two of us assisted Ms Kassberger with her appeal. It was unbelievable the extent to which DOT's lawyer would go to keep that Blazer off the road. Regardless of what we brought forward as proof, none were acceptable. He said "The law is the law." The vehicle must have a certification label or a manufacturer's letter stating that it originally had a cert label."

I knew the vice president of GM at that time, so I contacted him. His legal counsel said that as the records no longer exist, GM will not verify compliance. By sheer luck, another individual pursuing his own registration problem, found a U.S. Government document proving the Blazer was manufactured as road legal. The judge ruled in favor of Ms Kassberger. It took over 19 months in court at substantial cost of time and money. Paul and I helped another lady with her case against the DMV. She owned a 1951 civilian jeep that was denied collector registration because it did not have a certification label. It was built 20 years before the label requirement but "the law is the law."

The government document proved that military vehicles are produced to FMVSS compliance. The proposed legislation before you, reflects that fact. Wis. Statute 341.10(6) requires that DMV refuse registration on any vehicle that does not have a certification label. The label did not exist before 1970, so by that statute, NO vehicle built before 1970 can be registered. There is also no allowance for any exception whatsoever.

The federal law that this statute quotes was codified decades ago, including re-numbering, creating so much confusion that even the DOT's lawyer misquoted it in court. That same federal law specifically exempts all motor vehicles from the label requirement once they are 25 years old. The proposed amendment to the

Wisconsin statute clarifies the language, and specifically exempts pre-1970s cars, collector cars and military vehicles from the cert. label requirement while retaining DMV's ability to reject non-complying newer vehicles. The DMV has very good software and database for vehicles manufactured from the 1990s and newer. It is just the old cars that are problematic in their system. This change allows registration of old vehicles without a certification label. It has no negative impact as to newer vehicles since the DMV database is a nationwide verification system that covers all certified models. If a label is missing, the database has proof of compliance and certification label or not, every vehicle must still meet Wis. Safety and equipment requirements as a condition of operation.

The change to the collector car originality requirement from "must be original and unaltered as manufactured" to "the body must be unaltered" is to solve multiple issues. The reality of old cars is it is very hard if not impossible to meet the requirement. All old cars have something not original on them. The statute does not allow for manufacturer recalls, safety upgrades, aftermarket parts, even radios. The statute was written in the 1970s. The world was different. Auto parts stores are now chain stores selling parts for new cars. Almost all of the parts cars have been crushed due to the high value of scrap. Reproduction parts are only available for certain cars. If you are registering a '57 Chevy, there is a good support network, but if your love is a 1952 Packard, good luck!

The current statute does not reflect what the mass majority of collector cars are, but it did not cause problems until the DMV began requiring photos to verify originality a few years ago. It is not possible to be an authority on all cars but that is what DMV has attempted. One man was denied registration because the engine in his 1969 GTO had chrome valve covers. He had to find historic documents to prove it came that way from the factory. I know a man that has spent over 130 thousand dollars to restore a 1957 Buick. It is his money and his right. A couple of miles away, is a young man saving his grandfather's 1959 Ford. He is doing his first paint job, it has the wrong hubcaps and seat covers. The Buick will win car shows, the Ford won't. That is what car show judges should decide, not DMV. If we strictly impose the statute, the future of car collecting will be only for the rich. The law does not address car specific issues. 1937 and older cars do not have safety glass, pre

1968 does not have dual brake circuits. Some cars have 14 ¾" rims for which no tires exist. Most cars built before 1970 won't run on unleaded fuel unless the engine is modified. The list is endless. By amending the statute to "the body must be unaltered" the DMV can easily verify the unaltered body by historical photos and the owner can do what is necessary to drive the car.

Currently all modified vehicles must be registered as hobbyist. By adopting this legislation, stock appearing cars can be registered as collector. To tell someone that their car is not a collector because of a radio or tires or paint color is ridiculous. Only one other state has an originality requirement for collector cars. That requirement is the "unaltered body" that we are adopting. All other states have only age and use restrictions. This legislation preserves old cars by allowing registration without a certification label as collector and acknowledges modifications necessary to continue to drive these cars in today's world.

The section about H.M.V. was included at the DOT's request. It allows owners of historic military vehicles expanded but still restricted use and storage of parts vehicles, the same as collector. After all, an Army Jeep is just another form of collector car.

The prohibition against registering KEI vehicles currently exists because of the certification label requirement. DOT was concerned that by allowing vehicles to be registered without a label, these could then be registered.

The other statutory changes are items necessary to keep the laws consistent. They have been included by LRB as part of drafting.

Paul and I have spent several years of our lives studying the registration problems from all aspects. We have done the due diligence. This legislation is the result of input from 86 car clubs, 150 individuals, WisDOT, NHTSA, automobile and auto parts manufacturers and an insurance company. This legislation will correct problems for the citizens and the Department alike. The most important thing to remember is that this legislation allows expanded usage by easing restrictions. It takes nothing away from anybody.

I urge you to support the people's love of their old cars and trucks by recommending passage of this legislation.