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Dealer add-ons in advertising: the ad price is the selling price

The department continues to receive complaints regarding “hidden” charges related to market adjustments, dealer add-ons, and/or dealer-installed options on new and used vehicles. As a reminder, dealers **must** disclose the existence of these charges in advertising.

Advertised pricing

Wis. Admin. Code ch. Trans. 139.03(3)(a) states that any advertised price must include all charges a consumer will pay to purchase the vehicle, less tax, title, registration, and optional service fee. This means the following types of charges must be included in the vehicle’s price:

- Any delivery, set-up, inspection, or preparation fee that is not expressly covered by the service fee.
- For new vehicles, market adjustments above Manufacturer Suggested Retail Price (MSRP).
- Dealer add-on services or dealer-installed options that meet the following criteria:
 - The service or option was added to the vehicle prior to or at the time the vehicle is offered for sale.
 - The service or option was added without the customer’s consent.
 - The customer is charged the cost of the service or option at the time of purchase.



Even if the dealer is willing to negotiate the cost(s) with the customer, or the dealer and customer ultimately negotiate the cost(s) of the market adjustment, service, and/or option to \$0, the advertised price must reflect these costs if they meet the above criteria.

Supplemental disclosure forms

Dealer add-on services and dealer-installed options applied to new vehicles must be disclosed on a supplemental price label, per Wis. Admin. Code ch. Trans 139.04(3)(b). The supplemental price label should itemize each service and/or option by price and include the final dealer asking price of the vehicle. The dealer asking price of the vehicle and the advertised price must match.

Used vehicles do not require supplemental price labels. The price listed on the Wisconsin Buyer’s Guide should reflect any adjustments, services, and/or options applied to the vehicle. The advertised price of a used vehicle cannot exceed the listed price on the Buyer’s Guide.

Prize notice mailer advertisements: what you need to know

Prize notice advertisements are a marketing tool used by Wisconsin auto dealerships to inform current and potential customers of sale promotions events and discounts. However, these prize notice mailers are required to be in compliance with Wisconsin Administrative Rules and Statutes which come under the authority of the Wisconsin Department of Transportation (DOT) and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).

DATCP has specific authority over prize notice mailers under Wis. Stat. 100.171 (Prize Notices) and Wisconsin Administrative Code ATCP 127 (Direct Marketing). Detailed fact sheets explaining DATCP Direct Marketing rules and the Prize Notices statute can be located on the DATCP website at ConsumerFacts.wi.gov.

In short, if a dealership offers a prize within a prize notice mailer advertisement, it may be required to format information in a required manner per Wis. Stat. s. 100.171 and Wisconsin Administrative Code ATCP 127. The following are DATCP's compliance requirements most commonly found absent from prize notice mailers:

Prize Odds. These statements must be:

- Included in notices
- Disclosed in the proper format
- Disclosed in immediate proximity to all prize listings within notices
- Listed in notices in the same font size, boldness and type as the prize listing
- Included in all areas where a prize is listed in a notice



Verifiable Retail Value. These statements must be:

- Included in notices
- Disclosed in the proper format
- Disclosed in immediate proximity to all prize listings within notices
- Listed in notices in the same font size, boldness and type as the prize listing
- Included in all areas where a prize is listed in a notice

Pull Tab Promotions Cards

Pull tab promotion cards are a marketing tool dealerships use in prize notice mailer advertisements. These cards generally have nine areas, or “boxes”, where a tab can be physically pulled and raised revealing picture icons underneath each tab area. One card often reveals three of the same icons under the tabs indicating the receiver of the notice is a winner. Consumers match these three matching icons to a high value prize that has the same three icons next to, or in close proximity to, the prize. Some consumers have reported to DATCP that they believed they won the high value prize and traveled to the dealership to collect a prize which they were never awarded. DATCP considers this to be a violation of Wisconsin Administrative Code ATCP 127.44(15).

Violations of the Direct Marketing Administrative Code or Prize Notice Statute are subject to civil forfeitures ranging from \$100 to \$10,000 per violation occurrence.

To help dealerships understand the law and gain compliance, DATCP will review draft prize notice mailers before they are sent. Dealerships can submit exemplar copies of prize notice advertisements directly to DATCP and after reviewing DATCP will provide an assessment of any areas of concern under DATCP's authority. Any submission for review can be sent to Bureau of Consumer Protection Director Michael Domke at michael.domke1@wisconsin.gov.

PARTNER processor certification requirements



One requirement for allowing users to process transactions electronically includes the completion of the required certification test based on their organization's business type/processing type. Certifications expire three years after the most recent date of a successful passed result. The certification test helps ensure that processors have a basic understanding of vehicle processing allowances. Questions are taken directly from the [Training Resource](#) located on the [eMV PARTNER page](#) at wisconsin.gov.

Do I need to take the test?

To review your certification status, log into eMV PARTNER and select the “Lookup Certification” link under the User Management action block and enter your WAMS ID. As an Organization Administrator, if you do not enter anything into the WAMS ID field, selecting Search will return all users and their certification statuses for the organization you are signed in under.

How do I take the test?

After logging into eMV PARTNER and selecting the Test Certification link under the User Management action block, you will be taken to a page that lists all the certification tests available. Please ensure the certification with “Yes” in the Required column is taken/passed. To take a particular test, click the Certify button under the Actions column for the required certification.

Quarterly Report

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

Field Investigation Unit (FIU)

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

Activity	First Quarter
Complaints closed	413
Dealer inspections	219
Educational presentations	1

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	First Quarter
APU phone calls	9,741
DLU phone calls	4,084
Business licenses issued	4,664
Individual licenses issued	995

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	First Quarter
Lemon Law inquiries	77

FIU Enforcement Actions

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