

**1997-98 SESSION  
COMMITTEE HEARING  
RECORDS**

Committee Name:

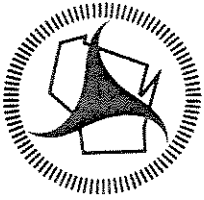
*Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
- 
- Clearinghouse Rules ... CRule
- 97hr\_JCR-AR\_CRule\_98-082
- Committee Hearings ... CH
- 
- Committee Reports ... CR
- 
- Executive Sessions ... ES
- 
- Hearing Records ... HR
- 
- Miscellaneous ... Misc
- 
- Record of Comm. Proceedings ... RCP
-

28-082 TRANS 132-TEMP. LICENCE  
PLATES / PERMITS



## Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

July 21, 1998

The Honorable Fred Risser  
President, Wisconsin State Senate  
Room 422  
119 MLK Jr. Blvd.  
Madison, Wisconsin 53707


The Honorable Scott Jensen  
Speaker, Wisconsin State Assembly  
Room 315 North, State Capitol  
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 132**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 98-082**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-082**, relating to **temporary license plate and permits**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

  
Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)/Senator Robert Welch/  
Representative Glenn Grothman/Gene Kussart/Roger Cross/Bev Schwartz  
Carson Frazier

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**CR 98-82**

The Wisconsin Department of Transportation proposes an order to repeal TRANS 132.05(2) and (3), and 132.09; renumber TRANS 132.06(5); renumber and amend TRANS 132.05(4), 132.06(2) and (4), and 132.11; amend TRANS 132.03(intro.) and (3), 132.04(1)(c) and (3)(a), 132.05(1), 132.06(1), 132.07(1) and (2) and 132.08(2); repeal and recreate TRANS 132.06(3) and 132.10; and create TRANS 132.02(7m), 132.03(5) and 132.06(2) and (5), relating to temporary license plate and permits.

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**REPORT OF THE DEPARTMENT OF TRANSPORTATION  
ON THE FINAL RULE DRAFT**


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This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

- Part 1--Analysis prepared by the Department of Transportation.
- Part 2--Rule text in final draft form.
- Part 3--Recommendations of the Legislative Council.
- Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD  
Assistant General Counsel  
Office of General Counsel  
Department of Transportation  
Room 115-B, Hill Farms State  
Transportation Building  
P. O. Box 7910  
Madison, WI 53707-7910  
(608) 266-8807

## PART 1

### Analysis Prepared by the Wisconsin Department of Transportation

**STATUTORY AUTHORITY:** ss. 85.16(1), 227.11 and 341.09, Stats.

**STATUTES INTERPRETED:** s. 341.09, Stats.

**General Summary of Proposed Rule.** The proposed amendments to ch. Trans 132 are necessary to implement statutory changes adopted in 1997 Wis. Act 27. Section 3961p of the Act amended s. 341.04, Stats., to require that purchasers of automobiles, station wagons or motor trucks weighing 8,000 pounds or less obtain and display temporary operation license plates within two business days after purchase. Other changes were made by the Act to s. 341.09, Stats., to provide for issuance of the required temporary operation plates by the Department and by motor vehicle dealers.

Section 1 of the proposed rule amends the definition of "purchase" to include a lease. This reflects the fact that s. 341.09, Stats., was amended to permit dealers to issue temporary plates to persons leasing as well as purchasing vehicles from the dealer.

Sections 2 and 3 of the proposed rule eliminate obsolete language and provide for the addition of a portion of the vehicle identification number on temporary plates as a further element of identification.

Sections 5, 6 and 7 of the proposed rule amend s. Trans 132.05 to provide for issuance of temporary plates to motor vehicle dealers without prepayment of fees and to repeal limitations on the number of plates which can be obtained at one time. These changes in procedure reflect the fact that statutory changes have increased the number of plates which motor vehicle dealers will need to satisfy their customers' needs and the fact that no fee may be charged for issuance of temporary plates to purchasers from the dealer of automobiles, station wagons or motor trucks with a registered weight of 8,000 pounds or less.

Sections 8, 9, 10 and 11 make changes to s. Trans 132.06 to reflect that dealers must now issue temporary plates at no charge to persons purchasing or leasing automobiles, station wagons or light trucks from the dealer; may collect a fee from non-residents; and may collect a fee from any resident who has purchased a vehicle from a source other than the issuing dealer. In the latter case, the dealer may also collect a separate fee for special assistance to the purchaser.

Section 14 of the proposed rule adds a new provision to s. Trans 132.06 to provide that the plate number be written on the application form and a copy of the form provided to the purchaser. This reflects the fact that the Department has decided to eliminate a separate form which had acted as a receipt for the purchaser.

Section 15 amends s. Trans 132.07 relating to record keeping to reflect the elimination of the separate receipt form and to permit electronic as well as manual record

keeping systems. The information which had been contained on the receipt form MVD 2467 will still have to be kept as part of the records of plate issuance by the dealer.

Section 17 repeals s. Trans 132.09 due to the fact that the Department will no longer charge a prepayment fee for providing temporary plates to dealers.

Section 18 repeals and recreates s. Trans 132.10 to provide that if the Department contracts with persons under s. 341.09, Stats., to issue temporary plates, the provisions of Chapter Trans 132 applicable to dealers will also be applicable to contractors.

**Fiscal Effect.** Ch. Trans 132 implements statutes enacted in 1997 Wis. Act 27, the 1997-99 biennial budget. Ch. Trans 132 has no fiscal impact other than the fiscal impact resulting from the statute. The following fiscal impact is estimated for these statutory provisions:

Annual Cost to DOT

Total Cost:	7.3 FTE	\$505,400
Funded in Budget:	4.0 FTE	\$389,900
Remains Unfunded:	3.3 FTE	\$115,500

Annual Revenue to the Transportation Fund: +\$562,500

One-time Cost to DOT:

Total cost:	\$13,000 plus DP cost
Funded in Budget:	None
Remains Unfunded:	\$13,000 (the program will not be automated because data processing work was not funded)

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district, sewerage district, or any federally-recognized American Indian tribes or bands.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Bev Schwartz, Division of Motor Vehicles, Bureau of Vehicle Services, Room 301, P. O. Box 7909, Madison, Wisconsin 53707-7909, or by calling (608) 267-5253. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

**PART 2**  
**TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11 and 341.09, Stats., the department of transportation hereby proposes an order to amend a rule interpreting s. 341.09, Stats., relating to temporary license plate and permits.

**SECTION 1.** Trans 132.02(7m) is created to read:

Trans 132.02(7m) "Purchase" includes lease.

**SECTION 2.** Trans 132.03(intro.) and (3) are amended to read:

**Trans 132.03 PLATE.** (intro.) ~~The~~ A temporary plate ~~is~~ issued under s. ~~341.09(2)(d)~~ 341.09, Stats., shall be approximately 6" x 12" and shall contain:

(3) The words word "temporary operation plate" or "in-transit plate".

**SECTION 3.** Trans 132.03(5) is created to read:

Trans 132.03(5) A portion of the vehicle identification number as determined by the department.

**SECTION 4.** Trans 132.04(1)(c) and (3)(a) are amended to read:

Trans 132.04(1)(c) No person shall may display upon any vehicle a plate not issued for that vehicle.

(3)(a) No person shall may duplicate, reproduce or copy any plate.

**SECTION 5.** Trans 132.05(1) is amended to read:

Trans 132.05(1) A dealer may ~~purchase~~ obtain plates ~~for resale from the~~ department for issuance to either a resident or non-resident vehicle purchaser.

**SECTION 6.** Trans 132.05(2) and (3) are repealed.

**SECTION 7.** Trans 132.05(4) is renumbered 132.05(2) and amended to read:

Trans 132.05(2) A dealer may order plates by a written request that includes the dealer license number, phone number and dealership name and address. ~~The order shall be accompanied by the license fee established by s. 341.09(2m)(a), Stats.~~

**SECTION 8.** Trans 132.06(1) is amended to read:

Trans 132.06(1) A dealer may ~~resell~~ issue a plate at the fee established by s. ~~341.09(2m)(a)~~ 341.09(2m)(a)1.(intro.), Stats., to any resident or non-resident who purchases from the dealer any type of vehicle except buses, for-hire vehicles, and IRP vehicles, except as provided in sub. (2).

**SECTION 9.** Trans 132.06(2) is renumbered 132.06(4) and amended to read:

Trans 132.06(4) ~~Purchase of a plate by a resident or non-resident vehicle purchaser is optional, except that a A dealer may not issue a plate to a resident purchaser unless the dealer has collected~~ receives from the purchaser a complete application for registration and title for the vehicle together with all required fees, including regular registration fees and sales tax.

~~NOTE: This provision does not allow a vehicle to be operated without proper registration under s. 341.04 or 341.40, Stats. If a non-resident purchaser has not purchased a plate from the selling dealer or does not have a valid plate to transfer, the vehicle cannot be legally operated.~~

**SECTION 10.** Trans 132.06(2) is created to read:

Trans 132.06(2) A dealer shall issue a plate at no charge to any resident who purchases from the dealer an automobile, station wagon or motor truck with a registered weight of 8,000 pounds or less if the dealer has received all information and money required under sub. (4).

**SECTION 11.** Trans 132.06(3) is repealed and recreated to read:



Trans 132.06(3) A dealer may issue a plate at the fee established by s. 341.09(2m)(a)1.(intro.), Stats., to any resident who purchases an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less from a person other than the dealer if the dealer has received all information and money required under sub. (4). The dealer may collect a special handling fee of not more than \$5 as provided in s. 341.09(1)(c), Stats., if the dealer provides special assistance to the purchaser.

**SECTION 12.** Trans 132.06(4) is renumbered 132.06(6) and amended to read:

Trans 132.06(6) For each plate issued, the dealer shall validate and affix the plate to the vehicle purchased in the manner specified by s. Trans 132.04(1). The plate is validated by legibly writing the expiration date, which shall be plainly visible, in the specified area on the plate and securing with transparent tape, by removing backing, over the stated expiration date, which, under s. ~~341.09(4) and (2m)~~ 341.09(1)(a) and (4), Stats., is 30 days from delivery date for non-residents and ~~60~~ 90 days from delivery date for residents.

**SECTION 13.** Trans 132.06(5) is renumbered 132.06(7).

**SECTION 14.** Trans 132.06(5) is created to read:

Trans 132.06(5) The dealer shall write the temporary plate number on the application for title and registration. The dealer shall give a copy of the application form to the purchaser.

**SECTION 15.** Trans 132.07(1) and (2) are amended to read:

Trans 132.07(1) The dealer shall maintain for 5 years complete and accurate plate ~~and receipt~~ records of all temporary plates issued by the dealer, which shall be open for inspection by the department or any law enforcement official, as provided by s. 342.16 (2), Stats., ~~including a copy of each receipt issued to a vehicle purchaser~~, in numerical

order by plate number. The record keeping system may be manual or electronic. The records shall contain at a minimum the plate number, date of issuance, expiration date, purchaser's name and address, fees paid, description of the vehicle, the vehicle identification number and the name of the person issuing the temporary plate.

~~NOTE: Form MVD 2467 is the receipt for temporary plate fees.~~

(2) The dealer shall be responsible for security and accountability of plates purchased obtained from the department, but not yet issued to vehicle purchasers.

**SECTION 16.** Trans 132.08(2) is amended to read:

Trans 132.08(2) Within 30 days after denial or issuance of an order, the dealer may request a hearing before the ~~transportation commission~~ division of hearings and appeals under s. 341.09(2m)(d), Stats. The dealer ~~shall~~ may not issue any plates until the ~~transportation commission~~ division of hearings and appeals has held its hearing and not unless the finding is in the dealer's favor.

**SECTION 17.** Trans 132.09 is repealed.

**SECTION 18.** Trans 132.10 is repealed and recreated to read:

Trans 132.10 PLATE ISSUANCE BY CONTRACTORS. Any person contracting with the department under s. 341.21, Stats., to issue temporary plates under s. 341.09, Stats., shall comply with all provisions of this chapter applicable to dealers issuing temporary plates.

**SECTION 19.** Trans 132.11 is renumbered 132.09 and amended to read:

Trans 132.09 TEMPORARY PLATE FOR MILITARY PERSONNEL. Under s. 341.09(3), Stats., military personnel may obtain a temporary operation plate from the department, which shall be the plate described in s. Trans 132.03 (1), upon presenting

to the department military leave or furlough papers. No fee shall may be charged for issuance of this plate.

(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 20 day of July, 1998.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation

***RULES CLEARINGHOUSE***

Ronald Sklansky  
Director  
(608) 266-1946

Richard Sweet  
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David J. Stute, Director  
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One E. Main St., Ste. 401  
P.O. Box 2536  
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FAX: (608) 266-3830

PART 3

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-082**

AN ORDER to repeal Trans 132.05 (2) and (3) and 132.09; to renumber Trans 132.06 (5); to renumber and amend Trans 132.05 (4), 132.06 (2) and (4) and 132.11; to amend Trans 132.03 (intro.), 132.04 (1) (c) and (3) (a), 132.05 (1), 132.06 (1), 132.07 (1) and (2) and 132.08 (2); to repeal and recreate Trans 132.06 (3) and 132.10; and to create Trans 132.02 (7m), 132.03 (5) and 132.06 (2) and (5), relating to temporary license plate and permits.

Submitted by **DEPARTMENT OF TRANSPORTATION**

06-04-98 RECEIVED BY LEGISLATIVE COUNCIL.

07-02-98 REPORT SENT TO AGENCY.

RNS:WF:kjf:jt

## LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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Richard Sweet  
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## CLEARINGHOUSE RULE 98-082

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### 2. Form, Style and Placement in Administrative Code

In s. Trans 132.06 (5), the second sentence should be written in the active voice--"The dealer shall give . . . ."

#### 4. Adequacy of References to Related Statutes, Rules and Forms

In s. Trans 132.06 (1), should the reference to sub. (2) be to sub. (4) instead? In the alternative, should it be to subs. (2) and (4)?

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

It is suggested that the phrase "if the dealer has received all information and money required under sub. (4)" be placed after the word "less" in s. 132.06 (2) and after the word "dealer" at the end of the first sentence in s. 132.06 (3).

**PART 4**  
**CR 98-82**

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**ANALYSIS OF FINAL DRAFT OF TRANS 132**

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(a) **Need for Amended Rule.** The proposed amendments to ch. Trans 132 are necessary to implement statutory changes adopted in 1997 Wis. Act 27. Section 3961p of the Act amended s. 341.04, Stats., to require that purchasers of automobiles, station wagons or motor trucks weighing 8,000 pounds or less obtain and display temporary operation license plates within two business days after purchase. Other changes were made by the Act to s. 341.09, Stats., to provide for issuance of the required temporary operation plates by the Department and by motor vehicle dealers.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on July 14, 1998. There were no modifications to the proposed rule as a result of testimony at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** No one appeared or registered at the hearing.

(d) **Response to Legislative Council Recommendations.** All of the Legislative Council comments have been incorporated into the proposed rule, with the exception of the second comment made regarding the adequacy of references to related statutes, rules and forms. The Department is keeping the reference to sub. (2) as written as it pertains to situation in which a fee may or may not be charged.

The Department is also making an additional germane amendment to s. Trans 132.03(3) to reflect the current language contained on a temporary plate.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

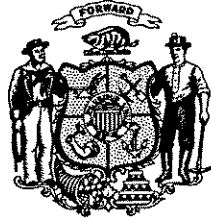
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

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07-02-98 REPORT SENT TO AGENCY.

RNS:WF:kjf;jt



**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

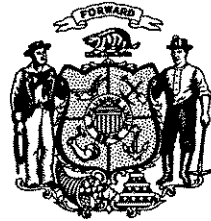
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-082

### Comments

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#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

It is suggested that the phrase "if the dealer has received all information and money required under sub. (4)" be placed after the word "less" in s. 132.06 (2) and after the word "dealer" at the end of the first sentence in s. 132.06 (3).

The Wisconsin Department of Transportation proposes an order to repeal TRANS 132.05(2) and (3), and 132.09; renumber TRANS 132.06(5); renumber and amend TRANS 132.05(4), 132.06(2) and (4), and 132.11; amend TRANS 132.03(intro.), 132.04(1)(c) and (3)(a), 132.05(1), 132.06(1), 132.07(1) and (2) and 132.08(2); repeal and recreate TRANS 132.06(3) and 132.10; and create TRANS 132.02(7m), 132.03(5) and 132.06(2) and (5), relating to temporary license plate and permits.

**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1), 227.11 and 341.09, Stats., and interpreting s. 341.09, Stats., the Department of Transportation will hold a public hearing in **Room 421** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **14th day of July, 1998, at 10:00 AM**, to consider the amendment of chapter Trans 132, Wisconsin Administrative Code, relating to temporary license plates and permits.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on July 16, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Bev Schwartz, Department of

Transportation, Bureau of Vehicle Services, Room 301, P. O. Box 7909, Madison, WI 53707-7909.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1), 227.11 and 341.09, Stats.

**STATUTES INTERPRETED:** s. 341.09, Stats.

**General Summary of Proposed Rule.** The proposed amendments to ch. Trans 132 are necessary to implement statutory changes adopted in 1997 Wis. Act 27. Section 3961p of the Act amended s. 341.04, Stats., to require that purchasers of automobiles, station wagons or motor trucks weighing 8,000 pounds or less obtain and display temporary operation license plates within two business days after purchase. Other changes were made by the Act to s. 341.09, Stats., to provide for issuance of the required temporary operation plates by the Department and by motor vehicle dealers.

Section 1 of the proposed rule amends the definition of "purchase" to include a lease. This reflects the fact that s. 341.09, Stats., was amended to permit dealers to issue temporary plates to persons leasing as well as purchasing vehicles from the dealer.

Section 2 and 3 of the proposed rule provides for the addition of a portion of the vehicle identification number on temporary plates as a further element of identification.

Sections 5, 6 and 7 of the proposed rule amend s. Trans 132.05 to provide for issuance of temporary plates to motor vehicle dealers without prepayment of fees and to repeal limitations on the number of plates which can be obtained at one time. These changes in procedure reflect the fact that statutory changes have increased the number of plates which motor vehicle dealers will need to satisfy their customers' needs and the fact that no fee may be charged for issuance of temporary plates to purchasers from the dealer of automobiles, station wagons or motor trucks with a registered weight of 8,000 pounds or less.

Sections 8, 9, 10 and 11 make changes to s. Trans 132.06 to reflect that dealers must now issue temporary plates at no charge to persons purchasing or leasing automobiles, station wagons or light trucks from the dealer; may collect a fee from non-residents; and may collect a fee from any resident who has purchased a vehicle from a

source other than the issuing dealer. In the latter case, the dealer may also collect a separate fee for special assistance to the purchaser.

Section 14 of the proposed rule adds a new provision to s. Trans 132.06 to provide that the plate number be written on the application form and a copy of the form provided to the purchaser. This reflects the fact that the Department has decided to eliminate a separate form which had acted as a receipt for the purchaser.

Section 15 amends s. Trans 132.07 relating to record keeping to reflect the elimination of the separate receipt form and to permit electronic as well as manual record keeping systems. The information which had been contained on the receipt form MVD 2467 will still have to be kept as part of the records of plate issuance by the dealer.

Section 17 repeals s. Trans 132.09 due to the fact that the Department will no longer charge a prepayment fee for providing temporary plates to dealers.

Section 18 repeals and recreates s. Trans 132.10 to provide that if the Department contracts with persons under s. 341.09, Stats., to issue temporary plates, the provisions of Chapter Trans 132 applicable to dealers will also be applicable to contractors.

**Fiscal Effect.** Ch. Trans 132 implements statutes enacted in 1997 Wis. Act 27, the 1997-99 biennial budget. Ch. Trans 132 has no fiscal impact other than the fiscal impact resulting from the statute. The following fiscal impact is estimated for these statutory provisions:

Annual Cost to DOT

Total Cost:	7.3 FTE	\$505,400
Funded in Budget:	4.0 FTE	\$389,900
Remains Unfunded:	3.3 FTE	\$115,500

Annual Revenue to the Transportation Fund: +\$562,500

One-time Cost to DOT:

Total cost:	\$13,000 plus DP cost
Funded in Budget:	None
Remains Unfunded:	\$13,000 (the program will not be automated because data processing work was not funded)

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district, sewerage district, or any federally-recognized American Indian tribes or bands.

**Initial Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Bev Schwartz, Division of Motor Vehicles, Bureau of Vehicle Services, Room 301, P. O. Box 7909, Madison, Wisconsin 53707-7909, or by calling (608) 267-5253. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

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**TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11 and 341.09, Stats., the department of transportation hereby proposes an order to amend a rule interpreting s. 341.09, Stats., relating to temporary license plate and permits.

**SECTION 1.** Trans 132.02(7m) is created to read:


Trans 132.02(7m) "Purchase" includes lease.

*Handwritten signature and date: 3/2/05*

**SECTION 2.** Trans 132.03(intro.) is amended to read:

**Trans 132.03 PLATE.** (intro.) The A temporary plate ~~is~~ issued under s. 341.09(2)(d) 341.09, Stats., shall be approximately 6" x 12" and shall contain:

**SECTION 3.** Trans 132.03(5) is created to read:

Trans 132.03(5) A portion of the vehicle identification number as determined by  the department.

**SECTION 4.** Trans 132.04(1)(c) and (3)(a) are amended to read:

Trans 132.04(1)(c) No person shall may display upon any vehicle a plate not issued for that vehicle.

(3)(a) No person shall may duplicate, reproduce or copy any plate.

**SECTION 5.** Trans 132.05(1) is amended to read:

Trans 132.05(1) A dealer may ~~purchase~~ obtain plates ~~for resale from the~~ department for issuance to either a resident or non-resident vehicle purchaser.

**SECTION 6.** Trans 132.05(2) and (3) are repealed.

**SECTION 7.** Trans 132.05(4) is renumbered 132.05(2) and amended to read:

Trans 132.05(2) A dealer may order plates by a written request that includes the dealer license number, phone number and dealership name and address. ~~The order shall be accompanied by the license fee established by s. 341.09(2m)(a), Stats.~~

**SECTION 8.** Trans 132.06(1) is amended to read:

Trans 132.06(1) A dealer may ~~resell~~ issue a plate at the fee established by s. ~~341.09(2m)(a)~~ 341.09(2m)(a)1.(intro.), Stats., to any resident or non-resident who purchases from the dealer any type of vehicle except buses, for-hire vehicles, and IRP vehicles, except as provided in sub. (2). (4) (4)

**SECTION 9.** Trans 132.06(2) is renumbered 132.06(4) and amended to read:

Trans 132.06(4) ~~Purchase of a plate by a resident or non-resident vehicle purchaser is optional, except that a~~ A dealer may not issue a plate to a resident purchaser unless the dealer has ~~collected~~ receives from the purchaser a complete application for registration and title for the vehicle together with all required fees, including regular registration fees and sales tax.

**NOTE:** ~~This provision does not allow a vehicle to be operated without proper registration under s. 341.04 or 341.40, Stats. If a non-resident purchaser has not purchased a plate from the selling dealer or does not have a valid plate to transfer, the vehicle cannot be legally operated.~~

**SECTION 10.** Trans 132.06(2) is created to read:

Trans 132.06(2) A dealer shall issue a plate at no charge to any resident who <sup>(5)</sup> purchases from the dealer an automobile, station wagon or motor truck with a registered weight of 8,000 pounds or less.

**SECTION 11.** Trans 132.06(3) is repealed and recreated to read:

Trans 132.06(3) A dealer may issue a plate at the fee established by s. 341.09(2m)(a)1.(intro.), Stats., to any resident who purchases an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less from a person other than the dealer. The dealer may collect a special handling fee of not more than \$5 as provided in s. 341.09(1)(c), Stats., if the dealer provides special assistance to the purchaser.

**SECTION 12.** Trans 132.06(4) is renumbered 132.06(6) and amended to read:

Trans 132.06(6) For each plate issued, the dealer shall validate and affix the plate to the vehicle purchased in the manner specified by s. Trans 132.04(1). The plate is validated by legibly writing the expiration date, which shall be plainly visible, in the specified area on the plate and securing with transparent tape, by removing backing, over the stated expiration date, which, under s. ~~341.09(4) and (2m)~~ 341.09(1)(a) and (4), Stats., is 30 days from delivery date for non-residents and ~~60~~ 90 days from delivery date for residents.

**SECTION 13.** Trans 132.06(5) is renumbered 132.06(7).

**SECTION 14.** Trans 132.06(5) is created to read:



Trans 132.06(5) The dealer shall write the temporary plate number on the application for title and registration. A copy of the application form shall be given to the purchaser.

↑  
Passive

**SECTION 15.** Trans 132.07(1) and (2) are amended to read:

Trans 132.07(1) The dealer shall maintain for 5 years complete and accurate plate and receipt records of all temporary plates issued by the dealer, which shall be open for inspection by the department or any law enforcement official, as provided by s. 342.16 (2), Stats., ~~including a copy of each receipt issued to a vehicle purchaser,~~ in numerical order by plate number. The record keeping system may be manual or electronic. The records shall contain at a minimum the plate number, date of issuance, expiration date, purchaser's name and address, fees paid, description of the vehicle, the vehicle identification number and the name of the person issuing the temporary plate.

~~NOTE: Form MVD 2467 is the receipt for temporary plate fees.~~

(2) The dealer shall be responsible for security and accountability of plates purchased obtained from the department, but not yet issued to vehicle purchasers.

**SECTION 16.** Trans 132.08(2) is amended to read:

Trans 132.08(2) Within 30 days after denial or issuance of an order, the dealer may request a hearing before the ~~transportation commission~~ division of hearings and appeals under s. 341.09(2m)(d), Stats. The dealer shall may not issue any plates until the ~~transportation commission~~ division of hearings and appeals has held its hearing and not unless the finding is in the dealer's favor.

**SECTION 17.** Trans 132.09 is repealed.

**SECTION 18.** Trans 132.10 is repealed and recreated to read:

**Trans 132.10 PLATE ISSUANCE BY CONTRACTORS.** Any person contracting with the department under s. 341.21, Stats., to issue temporary plates under s. 341.09, Stats., shall comply with all provisions of this chapter applicable to dealers issuing temporary plates.

**SECTION 19.** Trans 132.11 is renumbered 132.09 and amended to read:

**Trans 132.09 TEMPORARY PLATE FOR MILITARY PERSONNEL.** Under s. 341.09(3), Stats., military personnel may obtain a temporary operation plate from the department, which shall be the plate described in s. Trans 132.03 (1), upon presenting to the department military leave or furlough papers. No fee shall may be charged for issuance of this plate.

(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

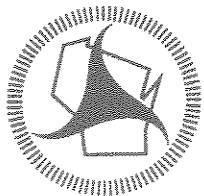
Signed at Madison, Wisconsin, this 3 day of June, 1998.



CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation



## Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

The Honorable Robert Welch  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
One East Main, Suite 201  
Madison, Wisconsin 53707

June 4, 1998

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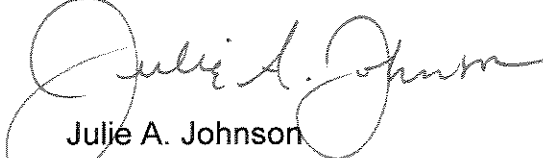
The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 125, State Capitol  
Madison, Wisconsin 53707

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **temporary license plate and permits**, Trans 132

Dear Senator Welch and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosure

cc: Gene Kussart  
Sandy Beaupre  
Mike Goetzman  
Roger Cross  
Bev Schwartz  
Carson Frazier

The Wisconsin Department of Transportation proposes an order to repeal TRANS 132.05(2) and (3), and 132.09; renumber TRANS 132.06(5); renumber and amend TRANS 132.05(4), 132.06(2) and (4), and 132.11; amend TRANS 132.03(intro.), 132.04(1)(c) and (3)(a), 132.05(1), 132.06(1), 132.07(1) and (2) and 132.08(2); repeal and recreate TRANS 132.06(3) and 132.10; and create TRANS 132.02(7m), 132.03(5) and 132.06(2) and (5), relating to temporary license plate and permits.

**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.16(1), 227.11 and 341.09, Stats., and interpreting s. 341.09, Stats., the Department of Transportation will hold a public hearing in **Room 421** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **14th** day of **July**, 1998, at **10:00 AM**, to consider the amendment of chapter Trans 132, Wisconsin Administrative Code, relating to temporary license plates and permits.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on July 16, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Bev Schwartz, Department of

Transportation, Bureau of Vehicle Services, Room 301, P. O. Box 7909, Madison, WI 53707-7909.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1), 227.11 and 341.09, Stats.  
**STATUTES INTERPRETED:** s. 341.09, Stats.

**General Summary of Proposed Rule.** The proposed amendments to ch. Trans 132 are necessary to implement statutory changes adopted in 1997 Wis. Act 27. Section 3961p of the Act amended s. 341.04, Stats., to require that purchasers of automobiles, station wagons or motor trucks weighing 8,000 pounds or less obtain and display temporary operation license plates within two business days after purchase. Other changes were made by the Act to s. 341.09, Stats., to provide for issuance of the required temporary operation plates by the Department and by motor vehicle dealers.

Section 1 of the proposed rule amends the definition of "purchase" to include a lease. This reflects the fact that s. 341.09, Stats., was amended to permit dealers to issue temporary plates to persons leasing as well as purchasing vehicles from the dealer.

Section 2 and 3 of the proposed rule provides for the addition of a portion of the vehicle identification number on temporary plates as a further element of identification.

Sections 5, 6 and 7 of the proposed rule amend s. Trans 132.05 to provide for issuance of temporary plates to motor vehicle dealers without prepayment of fees and to repeal limitations on the number of plates which can be obtained at one time. These changes in procedure reflect the fact that statutory changes have increased the number of plates which motor vehicle dealers will need to satisfy their customers' needs and the fact that no fee may be charged for issuance of temporary plates to purchasers from the dealer of automobiles, station wagons or motor trucks with a registered weight of 8,000 pounds or less.

Sections 8, 9, 10 and 11 make changes to s. Trans 132.06 to reflect that dealers must now issue temporary plates at no charge to persons purchasing or leasing automobiles, station wagons or light trucks from the dealer; may collect a fee from non-residents; and may collect a fee from any resident who has purchased a vehicle from a

source other than the issuing dealer. In the latter case, the dealer may also collect a separate fee for special assistance to the purchaser.

Section 14 of the proposed rule adds a new provision to s. Trans 132.06 to provide that the plate number be written on the application form and a copy of the form provided to the purchaser. This reflects the fact that the Department has decided to eliminate a separate form which had acted as a receipt for the purchaser.

Section 15 amends s. Trans 132.07 relating to record keeping to reflect the elimination of the separate receipt form and to permit electronic as well as manual record keeping systems. The information which had been contained on the receipt form MVD 2467 will still have to be kept as part of the records of plate issuance by the dealer.

Section 17 repeals s. Trans 132.09 due to the fact that the Department will no longer charge a prepayment fee for providing temporary plates to dealers.

Section 18 repeals and recreates s. Trans 132.10 to provide that if the Department contracts with persons under s. 341.09, Stats., to issue temporary plates, the provisions of Chapter Trans 132 applicable to dealers will also be applicable to contractors.

**Fiscal Effect.** Ch. Trans 132 implements statutes enacted in 1997 Wis. Act 27, the 1997-99 biennial budget. Ch. Trans 132 has no fiscal impact other than the fiscal impact resulting from the statute. The following fiscal impact is estimated for these statutory provisions:

Annual Cost to DOT

Total Cost:	7.3 FTE	\$505,400
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Total cost:	\$13,000 plus DP cost
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**Initial Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Bev Schwartz, Division of Motor Vehicles, Bureau of Vehicle Services, Room 301, P. O. Box 7909, Madison, Wisconsin 53707-7909, or by calling (608) 267-5253. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

---

### **TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11 and 341.09, Stats., the department of transportation hereby proposes an order to amend a rule interpreting s. 341.09, Stats., relating to temporary license plate and permits.

**SECTION 1.** Trans 132.02(7m) is created to read:

Trans 132.02(7m) "Purchase" includes lease.

**SECTION 2.** Trans 132.03(intro.) is amended to read:

**Trans 132.03 PLATE.** (intro.) ~~The~~ A temporary plate ~~is~~ issued under s. ~~341.09(2)(d)~~ 341.09, Stats., shall be approximately 6" x 12" and shall contain:

**SECTION 3.** Trans 132.03(5) is created to read:

Trans 132.03(5) A portion of the vehicle identification number as determined by the department.

**SECTION 4.** Trans 132.04(1)(c) and (3)(a) are amended to read:

Trans 132.04(1)(c) No person shall may display upon any vehicle a plate not issued for that vehicle.

(3)(a) No person shall may duplicate, reproduce or copy any plate.

**SECTION 5.** Trans 132.05(1) is amended to read:

Trans 132.05(1) A dealer may ~~purchase~~ obtain plates ~~for resale from the department for issuance~~ to either a resident or non-resident vehicle purchaser.

**SECTION 6.** Trans 132.05(2) and (3) are repealed.

**SECTION 7.** Trans 132.05(4) is renumbered 132.05(2) and amended to read:

Trans 132.05(2) A dealer may order plates by a written request that includes the dealer license number, phone number and dealership name and address. ~~The order shall be accompanied by the license fee established by s. 341.09(2m)(a), Stats.~~

**SECTION 8.** Trans 132.06(1) is amended to read:

Trans 132.06(1) A dealer may ~~resell~~ issue a plate at the fee established by s. ~~341.09(2m)(a)~~ 341.09(2m)(a)1.(intro.), Stats., to any resident or non-resident who purchases from the dealer any type of vehicle except buses, for-hire vehicles, and IRP vehicles, except as provided in sub. (2).

**SECTION 9.** Trans 132.06(2) is renumbered 132.06(4) and amended to read:

Trans 132.06(4) ~~Purchase of a plate by a resident or non-resident vehicle purchaser is optional, except that a~~ A dealer may not issue a plate to a resident purchaser unless the dealer has ~~collected~~ receives from the purchaser a complete application for registration and title for the vehicle together with all required fees, including regular registration fees and sales tax.

~~NOTE: This provision does not allow a vehicle to be operated without proper registration under s. 341.04 or 341.40, Stats. If a non-resident purchaser has not purchased a plate from the selling dealer or does not have a valid plate to transfer, the vehicle cannot be legally operated.~~

**SECTION 10.** Trans 132.06(2) is created to read:



Trans 132.06(2) A dealer shall issue a plate at no charge to any resident who purchases from the dealer an automobile, station wagon or motor truck with a registered weight of 8,000 pounds or less.

**SECTION 11.** Trans 132.06(3) is repealed and recreated to read:

Trans 132.06(3) A dealer may issue a plate at the fee established by s. 341.09(2m)(a)1.(intro.), Stats., to any resident who purchases an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less from a person other than the dealer. The dealer may collect a special handling fee of not more than \$5 as provided in s. 341.09(1)(c), Stats., if the dealer provides special assistance to the purchaser.

**SECTION 12.** Trans 132.06(4) is renumbered 132.06(6) and amended to read:

Trans 132.06(6) For each plate issued, the dealer shall validate and affix the plate to the vehicle purchased in the manner specified by s. Trans 132.04(1). The plate is validated by legibly writing the expiration date, which shall be plainly visible, in the specified area on the plate and securing with transparent tape, by removing backing, over the stated expiration date, which, under s. ~~341.09(4) and (2m)~~ 341.09(1)(a) and (4), Stats., is 30 days from delivery date for non-residents and ~~60~~ 90 days from delivery date for residents.

**SECTION 13.** Trans 132.06(5) is renumbered 132.06(7).

**SECTION 14.** Trans 132.06(5) is created to read:

Trans 132.06(5) The dealer shall write the temporary plate number on the application for title and registration. A copy of the application form shall be given to the purchaser.

**SECTION 15.** Trans 132.07(1) and (2) are amended to read:

Trans 132.07(1) The dealer shall maintain for 5 years complete and accurate plate and receipt records of all temporary plates issued by the dealer, which shall be open for inspection by the department or any law enforcement official, as provided by s. 342.16 (2), Stats., ~~including a copy of each receipt issued to a vehicle purchaser~~, in numerical order by plate number. The record keeping system may be manual or electronic. The records shall contain at a minimum the plate number, date of issuance, expiration date, purchaser's name and address, fees paid, description of the vehicle, the vehicle identification number and the name of the person issuing the temporary plate.

**NOTE:** ~~Form MVD 2467 is the receipt for temporary plate fees.~~

(2) The dealer shall be responsible for security and accountability of plates purchased obtained from the department, but not yet issued to vehicle purchasers.

**SECTION 16.** Trans 132.08(2) is amended to read:

Trans 132.08(2) Within 30 days after denial or issuance of an order, the dealer may request a hearing before the ~~transportation commission~~ division of hearings and appeals under s. 341.09(2m)(d), Stats. The dealer shall may not issue any plates until the ~~transportation commission~~ division of hearings and appeals has held its hearing and not unless the finding is in the dealer's favor.

**SECTION 17.** Trans 132.09 is repealed.

**SECTION 18.** Trans 132.10 is repealed and recreated to read:

**Trans 132.10 PLATE ISSUANCE BY CONTRACTORS.** Any person contracting with the department under s. 341.21, Stats., to issue temporary plates under s. 341.09, Stats., shall comply with all provisions of this chapter applicable to dealers issuing temporary plates.

**SECTION 19.** Trans 132.11 is renumbered 132.09 and amended to read:

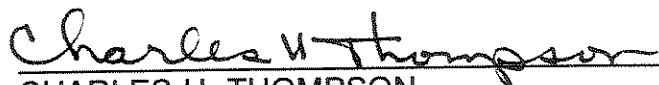
**Trans 132.09 TEMPORARY PLATE FOR MILITARY PERSONNEL.** Under s. 341.09(3), Stats., military personnel may obtain a temporary operation plate from the department, which shall be the plate described in s. Trans 132.03 (1), upon presenting to the department military leave or furlough papers. No fee shall may be charged for issuance of this plate.

(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 3 day of June, 1998.

  
CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation