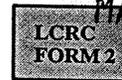


WISCONSIN LEGISLATIVE COUNCIL STAFF



MAY 15 2000

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946



Terry C. Anderson, Director
Legislative Council Staff
(608) 266-1304

Richard Sweet
Assistant Director
(608) 266-2982

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[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 00-085

AN ORDER to repeal Trans 142.02 (4) Note; and to amend Trans 142.01, 142.02 (7) (a) and 142.07 Note, relating to recreational vehicle dealer trade practices, facilities and records.

Submitted by **DEPARTMENT OF TRANSPORTATION**

05-01-00 RECEIVED BY LEGISLATIVE COUNCIL.

05-10-00 REPORT SENT TO AGENCY.

RS:RW:rv;tlu

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

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CLEARINGHOUSE RULE 00-085

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 September 1998.]

2. Form, Style and Placement in Administrative Code

In s. Trans 142.01 (1), the reference "(n), ~~218.11~~ (7) (c)" should be replaced by the reference "(n), ~~218.11~~ and (7) (c)."

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

a. The analysis prepared by the department should be revised to more accurately and completely describe the changes included in Wisconsin Act 9 that relate to mobile home regulation and regulation of recreational vehicle dealers.

b. The department may wish to include an "initial applicability" section to clarify how pending licensing matters will be handled.

c. The department may wish to indicate that certain aspects of mobile home dealer practices will be regulated by the Department of Commerce rather than the Department of Administration. This provision could be included in the agency analysis or in a section note in ch. Trans 142.



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Terrence D. Mulcahy, P.E.
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-Mail: ogc.exec@dot.state.wi.us

May 1, 2000

Ronald Sklansky, Director
Rules Clearinghouse
Wisconsin Legislative Council
One East Main Street, P. O. Box 2536
Suite 401
Madison, Wisconsin 53701-2536

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text
of Proposed Rule, relating to **recreational vehicle dealer trade practices,
facilities and records**, Trans 142

Dear Mr. Sklansky:

In accordance with sec. 227.15(1), Stats., I submit the enclosed document for
Legislative Council staff review. This document has also been filed with the Revisor of
Statutes.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosure

cc: Alice Morehouse
Mike Goetzman
Roger D. Cross
Carson Frazier
Carol Sobek

The Wisconsin Department of Transportation proposes an order to repeal TRANS 142.02(4)(note); and amend TRANS 142.01, 142.02(7)(a) and 142.07(note), Wisconsin Administrative Code, relating to recreational vehicle dealer trade practices, facilities and records.

**NOTICE OF INTENT TO ADOPT RULE
WITHOUT PUBLIC HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to the authority of ss. 218.12(6) and 227.11, Stats., and according to the procedure set forth in s. 227.16(2)(b), Stats., the Wisconsin Department of Transportation will adopt the following rule amending ch. Trans 142 without public hearing.

Questions about this rule and any petition for public hearing may be addressed to Carol Sobek, Division of Motor Vehicles, Program Development, Room 253, P. O. Box 7911, Madison, Wisconsin 53707-7911, telephone (608) 266-2199.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 218.12(6) and 227.11, Stats.

STATUTES INTERPRETED: ss. 218.10(1g), Stats.

General Summary of Proposed Rule. Chapter Trans 142 defines trade practices, facilities and record requirements for Wisconsin recreational vehicle dealers. 1999 Wis. Act 9 changed the definition of "mobile homes" to "recreational vehicle" in Chapter 218, Stats. These changes also removed reference to the regulation of mobile home dealers, which are regulated by the Department of Administration, from Chapter 218. The purpose of the proposed rule amendment is to bring the rule wording into compliance with the statutory definitions. There are no new policies in the proposed rule amendment.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

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

Copies of Rule. Copies of the proposed rule may be obtained upon request, without charge, by writing to Carol Sobek, Division of Motor Vehicles, Program Development, Room 253, P. O. Box 7911, Madison, Wisconsin 53707-7911, or by calling (608) 266-2199. Alternative 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 of ss. 218.12(6) and 227.11, Stats., the department of transportation hereby proposes to amend a rule interpreting ss. 218.10(1g), Stats., relating to recreational vehicle dealer trade practices, facilities and records.

SECTION 1. Trans 142.01 is amended to read:

Trans 142.01 Purpose and scope. (1) STATUTORY AUTHORITY. As authorized by ss. ~~440.06(1)~~ 218.12(6) and 227.11, Stats., the purpose of this chapter is to establish the department's administrative interpretation of ss. ~~218.10(3)~~ 218.10(1g), 218.11(3), ~~218.11~~ (6)(e), (h), (i), (k) and (h), ~~218.11~~ (7)(c), 218.12(5) and 342.16(2), Stats., relating to recreational vehicle dealer trade practices, facilities and records.

✓ **SECTION 2.** Trans 142.02(4)(note) is repealed.

SECTION 3. Trans 142.02(7)(a) is amended to read:

Trans 142.02 (7)(a) A ~~mobile home~~ dealer as set forth in s. ~~218.10(3)~~
218.10(1g), Stats., but does not include:

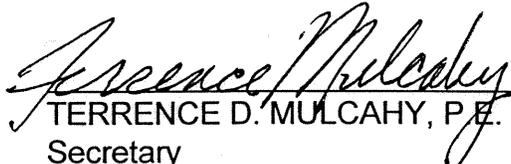
SECTION 4. Trans 142.07(note) is amended to read:

Trans 142.07(note) Dealer financial responsibility requirements ~~will be~~ are
specified in ~~another rule promulgated by the department~~ ch. Trans 140.

(END OF RULE TEXT)

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 24
day of April, 2000.


TERRENCE D. MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation

APR 05 2000



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-Mail: ogc.exec@dot.state.wi.us

April 3, 2000

Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 142**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 142. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson
Paralegal

Enclosures

cc: Richard G. Chandler/DOA State Budget Director
Senator Judy Robson, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Alice Morehouse
Mike Goetzman
Roger Cross
Carol Sobek
Carson Frazier

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTION OF THE RULE:

The objective of Chapter Trans 142 is to establish the Department's administrative interpretation of Chapter 218, Stats., related to the trade practices, facilities, and record requirements of licensed Wisconsin recreational vehicle dealers.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Existing policies within this rule relate to advertising and sales representations, the required purchase contract, the required pre-sale disclosures, and the dealer facilities and record requirements.

1999 Wis. Act 9 changed the definition of "mobile homes" to "recreational vehicle" in Chapter 218, Stats. These changes also removed reference to the regulation of mobile home dealers, which are regulated by the Department of Administration, from Chapter 218. There are no new policies in the proposed rule amendment.

The purpose of the proposed rule amendment is to bring the rule wording into compliance with the statutory definitions.

STATUTORY AUTHORITY FOR THE RULE:

ss. 218.12(6) and 227.11, Stats.

ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

The time spent by state employees will be minimal due to the non-controversial nature of the changes. No other resources will be necessary.

Signed at Madison, Wisconsin this 3 day of
April, 2000.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



MAY 22 2000

Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Terrence D. Mulcahy, P.E.
Secretary

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E-Mail: ogc.exec@dot.state.wi.us

The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

May 19, 2000

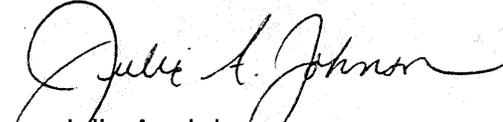
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 142**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 00-085

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **00-085**, relating to **recreational vehicle dealer trade practices, facilities and records**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Judy Robson/Representative Glenn Grothman/
Roger D. Cross/Carson Frazier/Carol Sobek

CR 00-085

The Wisconsin Department of Transportation proposes an order to repeal TRANS 142.02(4)(note); and amend TRANS 142.01, 142.02(7)(a), (a)1. and 142.07(note), Wisconsin Administrative Code, relating to recreational vehicle dealer trade practices, facilities and records.

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

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:



ALLYN LEPEska

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) 266-0253

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 218.12(6) and 227.11, Stats.

STATUTES INTERPRETED: ss. 218.10(1g), Stats.

General Summary of Proposed Rule. Chapter Trans 142 defines trade practices, facilities and record requirements for Wisconsin recreational vehicle dealers. 1999 Wis. Act 9 changed the definition of "mobile homes" and created a new definition for "recreational vehicle" in Chapter 218, Stats., effective July 1, 2000. These changes also remove the reference to the regulation of mobile home dealers, which were regulated by the Department of Administration, from Chapter 218. Section 340.01(48r), Stats., creates a definition of "recreational vehicle" to mean a mobile home that does not exceed 45 feet in length. The definition of a mobile home in s. 340.01(29), Stats., is simplified by deleting reference to length. Mobile home dealers will be regulated by the Department of Commerce. Recreational vehicle dealers continue to be regulated by ch. Trans 142. The purpose of the proposed rule amendment is to bring the rule wording into compliance with the statutory definitions. There are no new policies in the proposed rule amendment.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Copies of Rule. Copies of the proposed rule may be obtained upon request, without charge, by writing to Carol Sobek, Division of Motor Vehicles, Program Development, Room 253, P. O. Box 7911, Madison, Wisconsin 53707-7911, or by calling (608) 266-2199. Alternative 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 of ss. 218.12(6) and 227.11, Stats., the department of transportation hereby proposes to amend a rule interpreting s. 218.10(1g), Stats., relating to recreational vehicle dealer trade practices, facilities and records.

SECTION 1. Trans 142.01 is amended to read:

Trans 142.01 Purpose and scope. (1) STATUTORY AUTHORITY. As authorized by ss. ~~440.06(1)~~, 218.12(6) and 227.11, Stats., the purpose of this chapter is to establish the department's administrative interpretation of ss. ~~218.10(3)~~ 218.10(1g), 218.11(3), ~~218.11~~ (6)(e), (h), (i), (k) and (n), ~~218.11~~ and (7)(c), 218.12(5) and 342.16(2), Stats., relating to recreational vehicle dealer trade practices, facilities and records.

NOTE: The Department of Commerce regulates the trade practices, facilities and records of manufactured home dealers.

SECTION 2. Trans 142.02(4)(note) is repealed.

SECTION 3. Trans 142.02(7)(a) and (a)1. are amended to read:

Trans 142.02 (7)(a) A ~~mobile home~~ dealer as set forth in s. ~~218.10(3)~~ 218.10(1g), Stats., but does not include:

1. A manufactured home retailer as defined in s. ~~Trans 141.02(7)~~ Adm 67.02(7).

SECTION 4. Trans 142.07(note) is amended to read:

Trans 142.07(note) Dealer financial responsibility requirements ~~will be~~ are specified in ~~another rule promulgated by the department~~ ch. Trans 140.

(END OF RULE TEXT)

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 18th
day of May, 2000.



So TERRENCE D. MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation

PART 4
CR 00-085

ANALYSIS OF FINAL DRAFT OF TRANS 142

(a) **Need for Amended Rule.** Chapter Trans 142 defines trade practices, facilities and record requirements for Wisconsin recreational vehicle dealers. 1999 Wis. Act 9 changed the definition of "mobile homes" and created a new definition for "recreational vehicle" in Chapter 218, Stats., effective July 1, 2000. These changes also remove the reference to the regulation of mobile home dealers, which were regulated by the Department of Administration, from Chapter 218. Section 340.01(48r), Stats., creates a definition of "recreational vehicle" to mean a mobile home that does not exceed 45 feet in length. The definition of a mobile home in s. 340.01(29), Stats., is simplified by deleting reference to length. Mobile home dealers will be regulated by the Department of Commerce. Recreational vehicle dealers continue to be regulated by ch. Trans 142. The purpose of the proposed rule amendment is to bring the rule wording into compliance with the statutory definitions. There are no new policies in the proposed rule amendment.

(b) **Modifications as a Result of Testimony at Public Hearing.** Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(b), Stats. No hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations.** All of the Legislative Council's recommendations have been incorporated into the proposed rule.

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