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# WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

## 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 02-005

AN ORDER to amend Trans 102.15 (3) (a) 8., relating to the issuance of driver's licenses and identification cards.

Submitted by **DEPARTMENT OF TRANSPORTATION**

01-11-02 RECEIVED BY LEGISLATIVE COUNCIL.

02-04-02 REPORT SENT TO AGENCY.

RS: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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The Wisconsin Department of Transportation proposes an order to amend TRANS 102.15(3)(a)8., Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

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

NOTICE IS HEREBY GIVEN that pursuant to s. 343.14(2)(f), Stats., and interpreting s. 343.14(2)(f), Stats., the Department of Transportation will hold a public hearing in **Room 115-B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **15th day of February, 2002, at 10:00 AM**, to consider the amendment of ch. Trans 102, Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

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 February 15, 2002, 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 Phil Alioto, Department of Transportation, Division of Motor Vehicles, Room 255, Hill Farms State Transportation Building, Madison, WI 53707-7907.

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:** s. 343.14(2)(f), Stats.

**STATUTES INTERPRETED:** s. 343.14(2)(f), Stats.

**General Summary of Proposed Rule.** This rule amends s. Trans 102.15(3)(a)8. to require additional proof of identification documents from persons using a "parolee" or "refugee" version of the federal I-94 arrival departure record. The "parolee" or "refugee" version of the federal I-94 document is a standard I-94 document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure identification and can be easily forged.

Under the current regulation, such an I-94 document is accorded the same veracity as proof of identity as a passport or certified birth certificate. Refugees and parolees often leave their countries without passports or other identification documents, making it difficult for them to document their identities to the satisfaction of driver licensing agencies. The Department proposes to require persons having these types of I-94 documents as their sole source of identification to also provide the Department with a letter from their immigration sponsor and a copy of their Reception and Placement Program Assurance Form, which bears a photograph of the person. Applicants who are unable to provide a copy of this form may be issued an ID or driver license, but only after the U.S. Immigration and Naturalization Service verifies their identity, which can take up to 60 days.

These rules are proposed in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. The Department expects it will need to make significant revisions to existing s. Trans 102.15, which specifies what documents the Department will accept for identification purposes when issuing driver licenses or identification documents. This rule making is intended to immediately interrupt the possible use of forged federal I-94 documents as identification documents. The Department has no evidence of past improper use of these documents by terrorists.

Officials have confirmed that 15 of the 19 suspected hijackers involved in the September 11, 2001, incidents obtained US visas in Saudi Arabia. Saudi officials have insisted that the men who obtained the visas likely engaged in identity theft, and that there is no way of knowing if they really were Saudi citizens. These men would not have entered the U.S. as "parolees" or "refugees" and this rule making would not have any effect on terrorists attempting to obtain Wisconsin identification documents with Saudi passports or other official entry documents.

On November 21, 2001, the New York Times reported that to support their terrorism, terrorists have committed crimes including skimming money from a charity for Muslim orphans in Albania and robbing an Italian diplomat's home in Jordan. They acquired or forged seals from universities, border guards and the Saudi Arabian Interior Ministry. According to the Times, these extremists used the Muslim pilgrimages to Islamic holy sites in Saudi Arabia as a cover for recruiting new members or passing

cash from one member to another. They moved money around the globe to bail members out of jail in Algeria or Canada, **and to finance applications for political asylum and thus implant terrorist cells in Western Europe.** This rule change could interrupt the mechanism for terrorists who have applied for or received asylum in the United States to obtain Wisconsin identification documents.

Accordingly, this rule is proposed as a mechanism to avoid issuing identification documents to any terrorist who has applied for asylum in the United States.

**Fiscal Effect.** The Department estimates there will be no direct fiscal estimate from this rule.

**Initial Regulatory Flexibility Analysis.** The provisions of this emergency rule have no effect on small businesses.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Phil Alioto, Division of Motor Vehicles, Hill Farms State Transportation Building, Room 255, Madison, WI 53707, or by calling (608) 266-0978. 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 s. 343.14(2)(f), Stats., the department of transportation hereby proposes to amend a rule interpreting s. 343.14(2)(f), Stats., relating to the issuance of driver's licenses and identification cards.

**SECTION 1.** Section Trans 102.15(3)(a)8. is amended to read:

Trans 102.15(3)(a)8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin ID or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a license,

but only after their identification has been confirmed by the U.S. immigration and naturalization service;

**(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 10<sup>th</sup> day of January, 2002.

  
\_\_\_\_\_  
TERRY MULCAHY, P.E.  
Secretary  
Wisconsin Department of Transportation

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The Wisconsin Department of Transportation proposes an order to amend TRANS 102.15(3)(a)8., Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

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

---

NOTICE IS HEREBY GIVEN that pursuant to s. 343.14(2)(f), Stats., and interpreting s. 343.14(2)(f), Stats., the Department of Transportation will hold a public hearing in **Room 115-B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **15th** day of **February, 2002**, at **10:00 AM**, to consider the amendment of ch. Trans 102, Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

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 February 15, 2002, 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 Phil Alioto, Department of Transportation, Division of Motor Vehicles, Room 255, Hill Farms State Transportation Building, Madison, WI 53707-7907.

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:** s. 343.14(2)(f), Stats.

**STATUTES INTERPRETED:** s. 343.14(2)(f), Stats.

**General Summary of Proposed Rule.** This rule amends s. Trans 102.15(3)(a)8. to require additional proof of identification documents from persons using a "parolee" or "refugee" version of the federal I-94 arrival departure record. The "parolee" or "refugee" version of the federal I-94 document is a standard I-94 document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure identification and can be easily forged.

Under the current regulation, such an I-94 document is accorded the same veracity as proof of identity as a passport or certified birth certificate. Refugees and parolees often leave their countries without passports or other identification documents, making it difficult for them to document their identities to the satisfaction of driver licensing agencies. The Department proposes to require persons having these types of I-94 documents as their sole source of identification to also provide the Department with a letter from their immigration sponsor and a copy of their Reception and Placement Program Assurance Form, which bears a photograph of the person. Applicants who are unable to provide a copy of this form may be issued an ID or driver license, but only after the U.S. Immigration and Naturalization Service verifies their identity, which can take up to 60 days.

These rules are proposed in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. The Department expects it will need to make significant revisions to existing s. Trans 102.15, which specifies what documents the Department will accept for identification purposes when issuing driver licenses or identification documents. This rule making is intended to immediately interrupt the possible use of forged federal I-94 documents as identification documents. The Department has no evidence of past improper use of these documents by terrorists.

Officials have confirmed that 15 of the 19 suspected hijackers involved in the September 11, 2001, incidents obtained US visas in Saudi Arabia. Saudi officials have insisted that the men who obtained the visas likely engaged in identity theft, and that there is no way of knowing if they really were Saudi citizens. These men would not have entered the U.S. as "parolees" or "refugees" and this rule making would not have any effect on terrorists attempting to obtain Wisconsin identification documents with Saudi passports or other official entry documents.

On November 21, 2001, the New York Times reported that to support their terrorism, terrorists have committed crimes including skimming money from a charity for Muslim orphans in Albania and robbing an Italian diplomat's home in Jordan. They acquired or forged seals from universities, border guards and the Saudi Arabian Interior Ministry. According to the Times, these extremists used the Muslim pilgrimages to Islamic holy sites in Saudi Arabia as a cover for recruiting new members or passing

cash from one member to another. They moved money around the globe to bail members out of jail in Algeria or Canada, **and to finance applications for political asylum and thus implant terrorist cells in Western Europe.** This rule change could interrupt the mechanism for terrorists who have applied for or received asylum in the United States to obtain Wisconsin identification documents.

Accordingly, this rule is proposed as a mechanism to avoid issuing identification documents to any terrorist who has applied for asylum in the United States.

**Fiscal Effect.** The Department estimates there will be no direct fiscal estimate from this rule.

**Initial Regulatory Flexibility Analysis.** The provisions of this emergency rule have no effect on small businesses.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Phil Alioto, Division of Motor Vehicles, Hill Farms State Transportation Building, Room 255, Madison, WI 53707, or by calling (608) 266-0978. 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 s. 343.14(2)(f), Stats., the department of transportation hereby proposes to amend a rule interpreting s. 343.14(2)(f), Stats., relating to the issuance of driver's licenses and identification cards.

**SECTION 1.** Section Trans 102.15(3)(a)8. is amended to read:

Trans 102.15(3)(a)8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin ID or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a license,

but only after their identification has been confirmed by the U.S. immigration and naturalization service;

**(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 10<sup>th</sup> day of January, 2002.

  
\_\_\_\_\_  
TERRY MULCAHY, P.E.  
Secretary  
Wisconsin Department of Transportation

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FAX TRANSMISSION REPORT  
\*\*\*\*\*

DATE: 12-13-01 NUMBER OF PAGES INCLUDING THIS PAGE: 2

PLEASE DELIVER THIS TRANSMISSION TO:

NAME: DAVID

ORGANIZATION: SEN. JUDY ROBSON'S OFFICE

TELEPHONE NO.: 6-2253 FAX NO.: 7-5171

FROM:

NAME: Jewels Johnson, Admin Rules Coord.  
WISCONSIN DEPARTMENT OF TRANSPORTATION - OFFICE OF GENERAL COUNSEL  
P.O. BOX 7910, MADISON, WI 53707-7910  
PHONE: (608) 266-8810 FAX: (608) 267-6734

MESSAGE: \_\_\_\_\_

\_\_\_\_\_

**Wisconsin Department of Transportation**  
**Office of General Counsel**  
(608) 266-8810 [Phone]  
(608) 267-6734 [FAX]

James S. Thiel  
Joe Messian  
Barbara Bird  
Alynn Lepeska  
Mike Karmals  
Fred Warner  
John Sobotik  
Paul Nilsen  
Matt Schimmel

**MEMORANDUM**

Date: December 13, 2001

To: Senator Judy Robson/ATTN: David  
Representative Glenn Grothman/ATTN: Maggie

From: Jewels Johnson  
Administrative Rules Coordinator  
Office of General Counsel

Re: **AN ORDER ADOPTING EMERGENCY RULE AMENDING TRANS 102,  
Wisconsin Administrative Code**

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The JCRAR co-chairs have requested all rule making agencies provide advance notice to them before promulgating emergency rules. Accordingly, the Wisconsin Department of Transportation provides you with this advance notification of its intent to promulgate the attached **draft** emergency rule amending ch. Trans 102, relating to the **issuance of driver's licenses and identification cards**. This emergency rule is in response to the September 11, 2001, terrorist hijacking in the U.S. Under current regulations, the "parolee" or "refugee" I-94 document issued by the Federal Immigration and Naturalization Services (INS) is accorded the same veracity as proof of name and date of birth as a passport or birth certificate. The "parolee" or "refugee" version of the I-94 document is a standard I-94 arrival/departure document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure and can be easily forged. The Department intends to require additional supporting ID from persons attempting to use this form as a basis for obtaining a driver license. An emergency exists because of the urgency of current government efforts directed at taking steps to interrupt terrorist workings.

This emergency rule is anticipated to be published on Friday, December 21, 2001. If you have any questions about this emergency rule, please contact Phil Alioto, Division of Motor Vehicles, at 266-0978, or Attorney John Sobotik at 267-9320.

JJ/dim

cc: Phil Alioto

**DRAFT**

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

The Wisconsin Department of Transportation Adopts an Emergency Rule to amend TRANS 102.15(3)(a)8., Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

**ORDER ADOPTING  
EMERGENCY RULE**

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

**STATUTORY AUTHORITY:** s. 343.14(2)(f), Stats.

**STATUTE INTERPRETED:** s. 343.14(2)(f), Stats.

**General Summary of Emergency Rule.** This rule amends s. Trans 102.15(3)(a)8. to require additional proof of identification documents from persons using a "parolee" or "refugee" version of the federal I-94 arrival departure record. The "parolee" or "refugee" version of the federal I-94 document is a standard I-94 document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure identification and can be easily forged.

Under the current regulation, such an I-94 document is accorded the same veracity as proof of identity as a passport or certified birth certificate. Refugees and parolees often leave their countries without passports or other identification documents, making it difficult for them to document their identities to the satisfaction of driver licensing agencies. The Department proposes to require persons having these types of I-94 documents as their sole source of identification to also provide the Department with a letter from their immigration sponsor and a copy of their Reception and Placement Program Assurance Form, which bears a photograph of the person. Applicants who are unable to provide a copy of this form may be issued an ID or driver license, but only after the U.S. Immigration and Naturalization Service verifies their identity, which can take up to 60 days.

These rules are proposed in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. The Department expects it will need to make significant revisions to existing s. Trans 102.15, which specifies what documents the Department will accept for identification purposes when issuing driver licenses or identification documents. This rule making is intended to immediately interrupt the possible use of forged federal I-94 documents as identification documents. The Department has no evidence of past improper use of these documents by terrorists.

# DRAFT

Officials have confirmed that 15 of the 19 suspected hijackers involved in the September 11, 2001, incidents obtained US visas in Saudi Arabia. Saudi officials have insisted that the men who obtained the visas likely engaged in identity theft, and that there is no way of knowing if they really were Saudi citizens. These men would not have entered the U.S. as "parolees" or "refugees" and this rule making would not have any effect on terrorists attempting to obtain Wisconsin identification documents with Saudi passports or other official entry documents.

On November 21, 2001, the New York Times reported that to support their terrorism, terrorists have committed crimes including skimming money from a charity for Muslim orphans in Albania and robbing an Italian diplomat's home in Jordan. They acquired or forged seals from universities, border guards and the Saudi Arabian Interior Ministry. According to the Times, these extremists used the Muslim pilgrimages to Islamic holy sites in Saudi Arabia as a cover for recruiting new members or passing cash from one member to another. They moved money around the globe to bail members out of jail in Algeria or Canada, and to finance applications for political asylum and thus implant terrorist cells in Western Europe. This rule change could interrupt the mechanism for terrorists who have applied for or received asylum in the United States to obtain Wisconsin identification documents.

Accordingly, this rule is proposed as a mechanism to avoid issuing identification documents to any terrorist who has applied for asylum in the United States.

**Initial Fiscal Estimate.** The Department estimates there will be no direct fiscal estimate from this rule.

**Initial Regulatory Flexibility Analysis.** The provisions of this emergency rule have no effect on small businesses.

**Forms.** The emergency rule involves no forms.

**Copies of Emergency Rule and Contact Person.** Copies of this emergency rule are available without cost upon request by writing to Phillip Alioto, Division of Motor Vehicles, Wisconsin Department of Transportation, Room 255, Hill Farms State Office Building, Madison, WI 53707, or by calling (608) 266-0978. Alternate formats of the proposed rule will be provided to individuals at their request. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096.

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## **TEXT OF EMERGENCY RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.14(2)(f), Stats., the department of transportation hereby amends ch. Trans 102,

**DRAFT**

Wisconsin Administrative Code, interpreting s. 343.14(2)(f), Stats., relating to the issuance of driver's licenses and identification cards.

**SECTION 1.** Section Trans 102.15(3)(a)8. is amended to read:

Trans 102.15(3)(a)8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin ID or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a license, but only after their identification has been confirmed by the U.S. immigration and naturalization service;

**(END OF RULE TEXT)**

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**FINDING OF EMERGENCY**

This rule is adopted in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. On November 21, 2001, the New York Times reported that to support their terrorism, terrorists finance applications for political asylum and thus implant terrorist cells in Western Europe. This rule change could interrupt terrorists who have applied for or received asylum in the United States and who attempt to obtain Wisconsin identification documents.

Because of the urgency of current government efforts directed at taking steps to interrupt terrorist workings, this order adopting an emergency rule shall take effect as provided below.

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**DRAFT**

**Effective Date.** This rule shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

Signed at Madison, Wisconsin, this \_\_\_\_ day of  
December, 2001.

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TERRY MULCAHY, P.E.  
Secretary  
Wisconsin Department of Transportation

DEC 18 2001



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
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](mailto:ogc.exec@dot.state.wi.us)

December 13, 2001

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 102**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 102. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

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

Julie A. Johnson  
Paralegal

Enclosures

cc: David Schmiedicke/DOA State Budget Director  
Senator Judy Robson, Co-Chair/JCRAR  
Representative Glenn Grothman, Co-Chair/JCRAR  
Alice Morehouse  
Mike Goetzman  
Roger Cross  
Phil Alioto

## STATEMENT OF SCOPE

### DESCRIPTION OF THE OBJECTIVE OF THE RULE:

This rule making proposes to amend s. Trans 102.15(3)(a)8. to require additional proof of identification documents from persons using a "parolee" or "refugee" version of the federal I-94 arrival departure record. The "parolee" or "refugee" version of the federal I-94 document is a standard I-94 document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure identification and can be easily forged.

### 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:

Under the current regulation, such an I-94 document is accorded the same veracity as proof of identity as a passport or certified birth certificate. Refugees and parolees often leave their countries without passports or other identification documents, making it difficult for them to document their identities to the satisfaction of driver licensing agencies. The Department proposes to require persons having these types of I-94 documents as their sole source of identification to also provide the Department with a letter from their immigration sponsor and a copy of their Reception and Placement Program Assurance Form, which bears a photograph of the person. Applicants who are unable to provide a copy of this form may be issued an ID or driver license, but only after the U.S. Immigration and Naturalization Service verifies their identity, which can take up to 60 days.

These rules are proposed in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation.

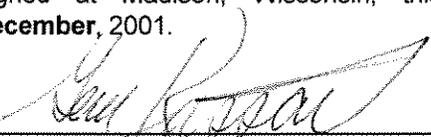
### STATUTORY AUTHORITY FOR THE RULE:

s. 343.14(2)(f), Stats.

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

50 hours.

Signed at Madison, Wisconsin, this 12<sup>th</sup> day of  
December, 2001.

  
TERRY MULCAHY, P.E.

Secretary

Wisconsin Department of Transportation



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
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](mailto:ogc.exec@dot.state.wi.us)

The Honorable Judy Robson  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

December 19, 2001

The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
15 North, State Capitol  
Madison, Wisconsin 53702

**RE: ORDER ADOPTING EMERGENCY RULE ON TRANS 102, relating to the issuance of driver's licenses and identification cards**

Gentlepersons:

Enclosed is a copy of the above-referenced emergency rule for your information. Pursuant to sec. 227.24(1)(c), Stats., the rule will take effect upon publication in the Wisconsin State Journal, scheduled for Friday, December 21, 2001.

Sincerely,

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

Julie A. Johnson  
Paralegal

Enclosure

cc: Mike Goetzman  
Alice Morehouse  
Roger Cross  
Phil Alioto

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The Wisconsin Department of Transportation Adopts an Emergency Rule to amend TRANS 102.15(3)(a)8., Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

**NOTICE OF EMERGENCY  
RULE HEARING**

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**NOTICE**

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NOTICE IS HEREBY GIVEN that pursuant to s. 343.14(2)(f), Stats., interpreting s. 343.14(2)(f), Stats., the Department of Transportation will hold a public hearing on **February 15, 2002** at the Hill Farms State Transportation Building, **Room 115-B**, 4802 Sheboygan Avenue, Madison, WI, at **10:00 AM**, to consider the amendment of chapter Trans 102, Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter by February 1, 2002.

Parking for persons with disabilities and an accessible entrance are available.

A copy of the emergency rule may be obtained upon request from Phillip Alioto, Division of Motor Vehicles, Wisconsin Department of Transportation, Room 201, Hill Farms State Office Building, Madison, WI 53707, telephone (608) 266-2538. Alternate formats of the proposed rule will be provided to individuals at their request. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096.

---

The Wisconsin Department of Transportation Adopts an Emergency Rule to amend TRANS 102.15(3)(a)8., Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

**ORDER ADOPTING  
EMERGENCY RULE**

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

**STATUTORY AUTHORITY:** s. 343.14(2)(f), Stats.

**STATUTE INTERPRETED:** s. 343.14(2)(f), Stats.

**General Summary of Emergency Rule.** This rule amends s. Trans 102.15(3)(a)8. to require additional proof of identification documents from persons using a "parolee" or "refugee" version of the federal I-94 arrival departure record. The "parolee" or "refugee" version of the federal I-94 document is a standard I-94 document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure identification and can be easily forged.

Under the current regulation, such an I-94 document is accorded the same veracity as proof of identity as a passport or certified birth certificate. Refugees and parolees often leave their countries without passports or other identification documents, making it difficult for them to document their identities to the satisfaction of driver licensing agencies. The Department proposes to require persons having these types of I-94 documents as their sole source of identification to also provide the Department with a letter from their immigration sponsor and a copy of their Reception and Placement Program Assurance Form, which bears a photograph of the person. Applicants who are unable to provide a copy of this form may be issued an ID or driver license, but only after the U.S. Immigration and Naturalization Service verifies their identity, which can take up to 60 days.

These rules are proposed in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. The Department expects it will need to make significant revisions to existing s. Trans 102.15, which specifies what documents the Department will accept for identification purposes when issuing driver licenses or identification documents. This rule making is intended to immediately interrupt the possible use of forged federal I-94 documents as identification documents. The Department has no evidence of past improper use of these documents by terrorists.

Officials have confirmed that 15 of the 19 suspected hijackers involved in the September 11, 2001, incidents obtained US visas in Saudi Arabia. Saudi officials have insisted that the men who obtained the visas likely engaged in identity theft, and that there is no way of knowing if they really were Saudi citizens. These men would not have entered the U.S. as "parolees" or "refugees" and this rule making would not have any effect on terrorists attempting to obtain Wisconsin identification documents with Saudi passports or other official entry documents.

On November 21, 2001, the New York Times reported that to support their terrorism, terrorists have committed crimes including skimming money from a charity for Muslim orphans in Albania and robbing an Italian diplomat's home in Jordan. They acquired or forged seals from universities, border guards and the Saudi Arabian Interior Ministry. According to the Times, these extremists used the Muslim pilgrimages to Islamic holy sites in Saudi Arabia as a cover for recruiting new members or passing cash from one member to another. They moved money around the globe to bail members out of jail in Algeria or Canada, **and to finance applications for political asylum and thus implant terrorist cells in Western Europe.** This rule change could interrupt the mechanism for terrorists who have applied for or received asylum in the United States to obtain Wisconsin identification documents.

Accordingly, this rule is proposed as a mechanism to avoid issuing identification documents to any terrorist who has applied for asylum in the United States.

**Initial Fiscal Estimate.** The Department estimates there will be no direct fiscal estimate from this rule.

**Initial Regulatory Flexibility Analysis.** The provisions of this emergency rule have no effect on small businesses.

**Forms.** The emergency rule involves no forms.

**Copies of Emergency Rule and Contact Person.** Copies of this emergency rule are available without cost upon request by writing to Phillip Alioto, Division of Motor Vehicles, Wisconsin Department of Transportation, Room 255, Hill Farms State Office Building, Madison, WI 53707, or by calling (608) 266-0978. Alternate formats of the proposed rule will be provided to individuals at their request. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096.

---

### **TEXT OF EMERGENCY RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.14(2)(f), Stats., the department of transportation hereby amends ch. Trans 102,

Wisconsin Administrative Code, interpreting s. 343.14(2)(f), Stats., relating to the issuance of driver's licenses and identification cards.

**SECTION 1.** Section Trans 102.15(3)(a)8. is amended to read:

Trans 102.15(3)(a)8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin ID or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a license, but only after their identification has been confirmed by the U.S. immigration and naturalization service;

**(END OF RULE TEXT)**

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**FINDING OF EMERGENCY**

This rule is adopted in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. On November 21, 2001, the New York Times reported that to support their terrorism, terrorists finance applications for political asylum and thus implant terrorist cells in Western Europe. This rule change could interrupt terrorists who have applied for or received asylum in the United States and who attempt to obtain Wisconsin identification documents.

Because of the urgency of current government efforts directed at taking steps to interrupt terrorist workings, this order adopting an emergency rule shall take effect as provided below.

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**Effective Date.** This rule shall take effect upon publication in the official state newspaper as provided in s. 227.24(1)(c), Stats.

Signed at Madison, Wisconsin, this 12<sup>th</sup> day of December, 2001.



TERRY MULCAHY, P.E.

Secretary

Wisconsin Department of Transportation



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
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](mailto:ogc.exec@dot.state.wi.us)

December 19, 2001

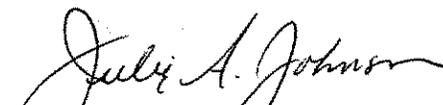
The Honorable Douglas LaFollette  
Secretary of State  
30 West Mifflin Street  
9th Floor  
Madison, Wisconsin 53703

RE: **ORDER ADOPTING EMERGENCY RULE ON TRANS 102**

Dear Mr. LaFollette:

Enclosed for filing, pursuant to §§ 227.20(1) and 227.24(3), Stats., is a certified copy of the above-referenced emergency administrative rule relating to the **issuance of driver's licenses and identification cards**. The rule will take effect upon publication in the Wisconsin State Journal (s. 227.24(1)(c)), scheduled for Friday, December 21, 2001.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosure

cc: All Members of the Legislature  
Donald J. Schneider, Senate Chief Clerk  
John A. Scocos, Assembly Chief Clerk  
Mike Goetzman  
Alice Morehouse  
Roger Cross  
Phil Alioto

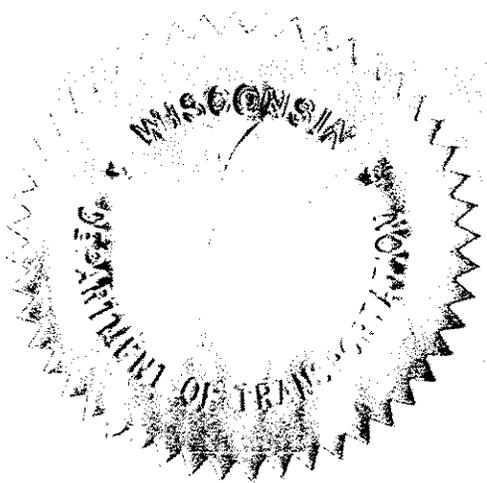
CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, TERRY MULCAHY, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the attached emergency rule relating to the **issuance of driver's licenses and identification cards**, was duly approved and adopted by this Department on the 12<sup>th</sup> day of December, 2001.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 12<sup>th</sup> day of December, 2001.

  
\_\_\_\_\_  
TERRY MULCAHY, P.E.  
Secretary



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
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](mailto:ogc.exec@dot.state.wi.us)

The Honorable Judy Robson  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

January 7, 2002

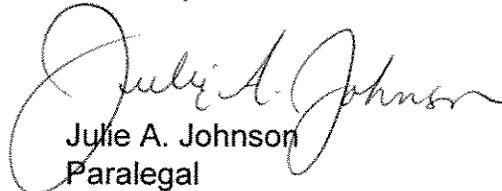
The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 15 North, State Capitol  
Madison, Wisconsin 53702

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text  
of Proposed Rule, relating to **motor carrier safety regulations**, Trans 325/326

Dear Senator Robson and Representative Grothman:

Enclosed for your information is a Notice of Intent to Adopt Rule Without Public Hearing and Text of Proposed Rule making relating to the above-entitled matter. This document has also been filed with the Legislative Council and with the Revisor of Statutes in accordance with the requirements of ss. 227.15(1) and 227.16(2)(b), Stats.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosure

cc: Alice Morehouse/Mike Goetzman/Doug Van Buren/Lt. Charles Teasdale

The Wisconsin Department of Transportation proposes an order to amend TRANS 325.02(intro.) and (8), and TRANS 326.01(intro.) and (8), Wisconsin Administrative Code, relating to motor carrier safety regulations.

**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. 110.075(6), 194.38(2), 194.43 and 346.45(4), Stats., interpreting ss. 110.07, 110.075, 194.38 and 194.43, 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 chs. Trans 325 and 326, relating to motor carrier safety regulations.

Questions about this rule may be addressed to Charles Teasdale, Division of State Patrol, Room 551, P. O. Box 7912, Madison, Wisconsin 53707-7912, telephone (608) 266-0305.

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

**STATUTORY AUTHORITY:** ss. 110.075(6), 194.38(2), 194.43 and 346.45(4), Stats.  
**STATUTES INTERPRETED:** ss. 110.07, 110.075, 194.38 and 194.43, Stats.

**General Summary of Proposed Rule.** This rule making will amend two existing chapters to bring them into compliance with changes to the federal regulations which go into effect on June 1, 2002. These changes are as follows:

**Chapter Trans 325** adopted motor carrier safety regulations of the United States Department of Transportation in effect on April 1, 2000. This amendment changes the date from April 1, 2000 to June 1, 2002. This change allows Wisconsin to enforce the most recent motor carrier safety regulations. All vehicles operating in interstate commerce are already subject, under federal law, to any changes that have been adopted between April 1, 2000 and June 1, 2002.

**Chapter Trans 326** adopted motor carrier safety requirements for transportation of hazardous materials of the United States Department of Transportation in effect on April 1, 2000. This amendment changes the date from April 1, 2000 to June 1, 2002.

This change allows Wisconsin to enforce the most recent version of the motor carrier safety requirements for transportation of hazardous materials. All vehicles operating in interstate and intrastate commerce are already subject under federal law to any changes that have been adopted between April 1, 2000 and June 1, 2002.

**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, or any federally-recognized tribes or bands.

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

**Copies of Rule.** Copies of this proposed rule can be obtained, without cost, by writing to Charles Teasdale, Division of State Patrol, 4802 Sheboygan Avenue, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 266-0305. Alternate formats of the proposed rule will be available to individuals upon request.

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#### **TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 110.075(6), 194.38(2), 194.43 and 346.45(4), Stats., the department of transportation hereby proposes to amend rules interpreting ss. 110.07, 110.075, 194.38 and 194.43, Stats., relating to motor carrier safety regulations.

**SECTION 1.** Trans 325.02(intro.) and (8) are amended to read:

**Trans 325.02 Federal rules adopted.** The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on ~~April 1, 2000~~ June 1, 2002, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these rules apply in the same manner as though the regulations were set out in full in this chapter:

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the 2000 2002 North American uniform out-of-service criteria.

**SECTION 2.** Trans 326.01(intro.) and (8) are amended to read:

**Trans 326.01 Federal rules adopted.** The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on ~~April 1, 2000~~ June 1, 2002, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this chapter:

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the ~~2000~~ 2002 North American uniform out-of-service criteria.

**(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 7<sup>th</sup> day of January, 2002.

  
\_\_\_\_\_  
Terry Mulcahy  
Secretary  
Wisconsin Department of Transportation



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
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

The Honorable Judy Robson  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

January 11, 2002

The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 15 North, State Capitol  
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to the **issuance of driver's licenses and identification cards, Trans 102**

Dear Senator Robson 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: Alice Morehouse  
Mike Goetzman  
Roger Cross  
Phil Alioto

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The Wisconsin Department of Transportation proposes an order to amend TRANS 102.15(3)(a)8., Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

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

NOTICE IS HEREBY GIVEN that pursuant to s. 343.14(2)(f), Stats., and interpreting s. 343.14(2)(f), Stats., the Department of Transportation will hold a public hearing in **Room 115-B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **15th** day of **February, 2002**, at **10:00 AM**, to consider the amendment of ch. Trans 102, Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

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 February 15, 2002, 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 Phil Alioto, Department of Transportation, Division of Motor Vehicles, Room 255, Hill Farms State Transportation Building, Madison, WI 53707-7907.

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:** s. 343.14(2)(f), Stats.

**STATUTES INTERPRETED:** s. 343.14(2)(f), Stats.

**General Summary of Proposed Rule.** This rule amends s. Trans 102.15(3)(a)8. to require additional proof of identification documents from persons using a "parolee" or "refugee" version of the federal I-94 arrival departure record. The "parolee" or "refugee" version of the federal I-94 document is a standard I-94 document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure identification and can be easily forged.

Under the current regulation, such an I-94 document is accorded the same veracity as proof of identity as a passport or certified birth certificate. Refugees and parolees often leave their countries without passports or other identification documents, making it difficult for them to document their identities to the satisfaction of driver licensing agencies. The Department proposes to require persons having these types of I-94 documents as their sole source of identification to also provide the Department with a letter from their immigration sponsor and a copy of their Reception and Placement Program Assurance Form, which bears a photograph of the person. Applicants who are unable to provide a copy of this form may be issued an ID or driver license, but only after the U.S. Immigration and Naturalization Service verifies their identity, which can take up to 60 days.

These rules are proposed in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. The Department expects it will need to make significant revisions to existing s. Trans 102.15, which specifies what documents the Department will accept for identification purposes when issuing driver licenses or identification documents. This rule making is intended to immediately interrupt the possible use of forged federal I-94 documents as identification documents. The Department has no evidence of past improper use of these documents by terrorists.

Officials have confirmed that 15 of the 19 suspected hijackers involved in the September 11, 2001, incidents obtained US visas in Saudi Arabia. Saudi officials have insisted that the men who obtained the visas likely engaged in identity theft, and that there is no way of knowing if they really were Saudi citizens. These men would not have entered the U.S. as "parolees" or "refugees" and this rule making would not have any effect on terrorists attempting to obtain Wisconsin identification documents with Saudi passports or other official entry documents.

On November 21, 2001, the New York Times reported that to support their terrorism, terrorists have committed crimes including skimming money from a charity for Muslim orphans in Albania and robbing an Italian diplomat's home in Jordan. They acquired or forged seals from universities, border guards and the Saudi Arabian Interior Ministry. According to the Times, these extremists used the Muslim pilgrimages to Islamic holy sites in Saudi Arabia as a cover for recruiting new members or passing

cash from one member to another. They moved money around the globe to bail members out of jail in Algeria or Canada, **and to finance applications for political asylum and thus implant terrorist cells in Western Europe.** This rule change could interrupt the mechanism for terrorists who have applied for or received asylum in the United States to obtain Wisconsin identification documents.

Accordingly, this rule is proposed as a mechanism to avoid issuing identification documents to any terrorist who has applied for asylum in the United States.

**Fiscal Effect.** The Department estimates there will be no direct fiscal estimate from this rule.

**Initial Regulatory Flexibility Analysis.** The provisions of this emergency rule have no effect on small businesses.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Phil Alioto, Division of Motor Vehicles, Hill Farms State Transportation Building, Room 255, Madison, WI 53707, or by calling (608) 266-0978. 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 s. 343.14(2)(f), Stats., the department of transportation hereby proposes to amend a rule interpreting s. 343.14(2)(f), Stats., relating to the issuance of driver's licenses and identification cards.

**SECTION 1.** Section Trans 102.15(3)(a)8. is amended to read:

Trans 102.15(3)(a)8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin ID or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a license,

but only after their identification has been confirmed by the U.S. immigration and naturalization service;

(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 10<sup>th</sup> day of January, 2002.

  
\_\_\_\_\_  
TERRY MULCAHY, P.E.  
Secretary  
Wisconsin Department of Transportation



## Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum  
Governor

Gene E. Kussart  
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

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

February 20, 2002

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

RE: Proposed Administrative Rule **TRANS 102**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 02-005**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **02-005**, relating to the **issuance of driver's licenses and identification cards**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

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

Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Judy Robson/Representative Glenn Grothman/  
Roger Cross/Phil Alioto

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**CR 02-005**

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The Wisconsin Department of Transportation proposes an order to amend TRANS 102.15(3)(a)8., Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

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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:

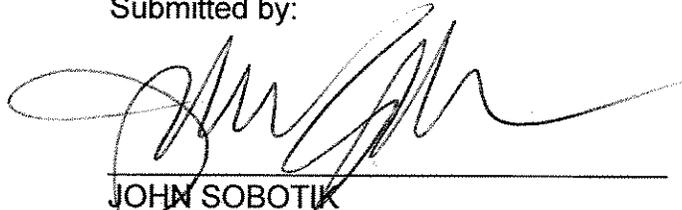
Part 1--Analysis prepared by the Department of Transportation.

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:



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**JOHN SOBOTIK**  
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) 267-9320

**PART 1**  
**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** s. 343.14(2)(f), Stats.

**STATUTES INTERPRETED:** s. 343.14(2)(f), Stats.

**General Summary of Proposed Rule.** This rule amends s. Trans 102.15(3)(a)8. to require additional proof of identification documents from persons using a "parolee" or "refugee" version of the federal I-94 arrival departure record. The "parolee" or "refugee" version of the federal I-94 document is a standard I-94 document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure identification and can be easily forged.

Under the current regulation, such an I-94 document is accorded the same veracity as proof of identity as a passport or certified birth certificate. Refugees and parolees often leave their countries without passports or other identification documents, making it difficult for them to document their identities to the satisfaction of driver licensing agencies. The Department proposes to require persons having these types of I-94 documents as their sole source of identification to also provide the Department with a letter from their immigration sponsor and a copy of their Reception and Placement Program Assurance Form, which bears a photograph of the person. Applicants who are unable to provide a copy of this form may be issued an ID or driver license, but only after the U.S. Immigration and Naturalization Service verifies their identity, which can take up to 60 days.

These rules are proposed in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. The Department expects it will need to make significant revisions to existing s. Trans 102.15, which specifies what documents the Department will accept for identification purposes when issuing driver licenses or identification documents. This rule making is intended to immediately interrupt the possible use of forged federal I-94 documents as identification documents. The Department has no evidence of past improper use of these documents by terrorists.

Officials have confirmed that 15 of the 19 suspected hijackers involved in the September 11, 2001, incidents obtained US visas in Saudi Arabia. Saudi officials have insisted that the men who obtained the visas likely engaged in identity theft, and that there is no way of knowing if they really were Saudi citizens. These men would not have entered the U.S. as "parolees" or "refugees" and this rule making would not have any effect on terrorists attempting to obtain Wisconsin identification documents with Saudi passports or other official entry documents.

On November 21, 2001, the New York Times reported that to support their terrorism, terrorists have committed crimes including skimming money from a charity for

Muslim orphans in Albania and robbing an Italian diplomat's home in Jordan. They acquired or forged seals from universities, border guards and the Saudi Arabian Interior Ministry. According to the Times, these extremists used the Muslim pilgrimages to Islamic holy sites in Saudi Arabia as a cover for recruiting new members or passing cash from one member to another. They moved money around the globe to bail members out of jail in Algeria or Canada, **and to finance applications for political asylum and thus implant terrorist cells in Western Europe.** This rule change could interrupt the mechanism for terrorists who have applied for or received asylum in the United States to obtain Wisconsin identification documents.

Accordingly, this rule is proposed as a mechanism to avoid issuing identification documents to any terrorist who has applied for asylum in the United States.

**Fiscal Effect.** The Department estimates there will be no direct fiscal estimate from this rule.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Phil Alioto, Division of Motor Vehicles, Hill Farms State Transportation Building, Room 255, Madison, WI 53707, or by calling (608) 266-0978. 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 s. 343.14(2)(f), Stats., the department of transportation hereby proposes to amend a rule interpreting s. 343.14(2)(f), Stats., relating to the issuance of driver's licenses and identification cards.

**SECTION 1.** Section Trans 102.15(3)(a)8. is amended to read:

Trans 102.15(3)(a)8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin

ID or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a license, but only after their identification has been confirmed by the U.S. immigration and naturalization service;

**(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 20<sup>th</sup> day of February, 2002.



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GENE E. KUSSART  
Secretary  
Wisconsin Department of Transportation

**PART 4**  
CR 02-005

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ANALYSIS OF FINAL DRAFT OF TRANS 102

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(a) **Need for Amended Rule.** This proposed rule amendment is in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. On November 21, 2001, the New York Times reported that to support their terrorism, terrorists finance applications for political asylum and thus implant terrorist cells in Western Europe. This rule change could interrupt terrorists who have applied for or received asylum in the United States and who attempt to obtain Wisconsin identification documents.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on February 15, 2002. No modifications were made 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/registered at the hearing.

(d) **Response to Legislative Council Recommendations.** The Legislative Council report had no recommendations.

(e) **Final Regulatory Flexibility Analysis.** The provisions of this emergency rule have no effect on small businesses.