

2009 DRAFTING REQUEST

Bill

Received: **01/21/2009**

Received By: **emueller**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 266-1039**

By/Representing: **Byrnes**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Add. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG**

Submit via email: **NO**

Pre Topic:

DOA:.....Byrnes, BB0503 -

Topic:

Electronic payment mechanisms for DMV fees.

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	emueller 01/22/2009	nnatzke 01/22/2009	rschluet 01/22/2009	_____	sbasford 01/22/2009		

FE Sent For:

<END>

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1/2	emueller	1/1 nwn 1/22					
1/1	Emu 1/22/09						

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Online duplicate ID's and driver licenses
- Tracking Code: *BB0503*
- SBO team: Tax, Transportation and Budget Development Team
- SBO analyst: Tyler Byrnes
 - Phone: 266-1039
 - Email: tyler.byrnes@wisconsin.gov
- Agency acronym: DOT
- Agency number: 395
- Priority (Low, Medium, High): High

Intent: Please prepare a draft allowing the Division of Motor vehicles the ability to issue online duplicate ID cards and Driver licenses. Authority is required to allow DMV to add this new business application to the limited list of business applications that allow for the imposition of a convenience fee for accepting a debit/credit card. DMV has an approved 2009 non-budget draft ready for legislative sponsorship that broadens the use of the convenience fee to recover merchant and processing costs when accepting credit/debit cards as the method of payment -- required for ANY internet or electronic application for non-business customers. The pertinent convenience fee would be established by Rule and reviewed annually. The convenience fee and related expenditure from any new application would be run through the General Fund PR appropriation 525. See attached draft for details.

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 20.395 (9) (gg), 25.40 (1) (a) 6. and 341.255 (3); and *to amend*
2 20.395 (5) (cg), 25.40 (1) (a) 7., 85.14 (1) and 348.25 (8) (e) of the statutes;
3 **relating to:** use of credit cards, debit cards, and any other electronic payment
4 mechanisms for payment of certain Department of Transportation fees and
5 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) may accept payment by credit card of certain fees, particularly those relating to motor vehicle ownership and operation.

This bill allows DOT to accept payment by credit card, debit card, or any other electronic payment mechanism for these fees. This bill also allows DOT to charge a convenience fee for each payment made by credit card, debit card, or any other electronic payment mechanism. DOT must establish by rule the amount of the convenience fee and this fee must approximate the cost to DOT for providing the service.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.395 (5) (cg) of the statutes is amended to read:

2 20.395 (5) (cg) ~~Internet and telephone transactions~~ Convenience fees, state
3 funds. From the general fund, all moneys received from ~~Internet and telephone~~
4 ~~credit card transaction fees that are~~ convenience fees authorized under s. 85.14 (1)
5 (a) and all moneys received from convenience fees for the purpose of paying vendor
6 and ~~Internet~~ charges assessed against the department under s. 84.14 (1) (b) and
7 charges associated with the acceptance of payment by credit card, debit card, and
8 other electronic payment mechanism.

9 SECTION 2. 20.395 (9) (gg) of the statutes is repealed.

10 SECTION 3. 25.40 (1) (a) 6. of the statutes is repealed.

11 SECTION 4. 25.40 (1) (a) 7. of the statutes is amended to read:

12 25.40 (1) (a) 7. Fees collected under s. ~~341.255 (3)~~ 85.14 (1) (a) that are
13 deposited in the general fund and credited to the appropriation under s. 20.395 (5)
14 (cg).

15 SECTION 5. 85.14 (1) of the statutes is amended to read:

16 **85.14 Payments of fees and deposits by credit card, debit card, or other**
17 **electronic payment mechanism.** (1) (a) The department may accept payment by
18 credit card, debit card, or any other electronic payment mechanism of a fee that is
19 required to be paid to the department under ch. 194, 218, 341, 342, 343 or 348. The
20 department shall determine which fees may be paid by credit card, debit card, or any
21 other electronic payment mechanism and the manner in which the payments may
22 be made. If the department permits the payment of a fee by credit card, debit card,
23 or any other electronic payment mechanism, the department may charge a
24 convenience fee for each transaction in an amount to be established by rule. The
25 convenience fee shall approximate the cost to the department for providing this

1 service to persons who request it. If the department permits the payment of a fee by
2 credit card, debit card, or any other electronic payment mechanism, the department
3 may charge a service fee of \$2.50 for each transaction until a rule is promulgated
4 under this paragraph.

5 (b) ~~Except for charges associated with a contract under par. (c), the~~ If the
6 secretary of administration assesses any charges against the department relating to
7 the payment of fees by credit cards, debit cards, or other electronic payment
8 mechanisms, the department shall pay, from the appropriation under s. 20.395 (5)
9 (cg), to the secretary of administration or to any person designated by the secretary
10 of administration the amount of these assessed charges associated with the use of
11 credit cards under par. (a) that are assessed to the department.

12 (c) The department may contract for services relating to the payment of fees
13 by credit cards, debit cards, or other electronic payment mechanisms under this
14 subsection. Any charges associated with a contract under this paragraph shall be
15 paid from the appropriations under s. 20.395 (5) (cg) and (cq).

16 **SECTION 6.** 341.255 (3) of the statutes is repealed.

17 **SECTION 7.** 348.25 (8) (e) of the statutes is amended to read:

18 348.25 (8) (e) The officer or agency authorized to issue a permit under s. 348.26
19 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the
20 cost of any special investigation undertaken to determine whether a permit should
21 be approved or denied ~~and to pay an additional fee established by the department by~~
22 ~~rule per permit if a department telephone call-in procedure or Internet procedure~~
23 ~~is used. The fee shall approximate the cost to the department for providing this~~
24 ~~service to persons so requesting.~~

25 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

11
LRB-1692/?
EVM:.....
nwn

D Note

DOA:.....Byrnes, BB0503 - Electronic payment mechanisms for DMV fees.
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1/22

RMR

This draft is nearly identical to LRB-0209/P2

SAV
x-ref

1 AN ACT ^{don't gen.} relating to: the budget.

Analysis by the Legislative Reference Bureau
TRANSPORTATION
OTHER TRANSPORTATION

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2 (a) ~~and all moneys received from convenience fees for the purpose of paying vendor~~
3 ~~and Internet charges assessed against the department under s. ~~84.14~~^{85.14} (1) (b) and~~
4 ~~charges associated with the acceptance of payment by credit card, debit card, and~~
5 ~~other electronic payment mechanism.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.✓

6 SECTION 2. ~~20.395~~^{x ^} (9) (gg) of the statutes is repealed.

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11 (cg).✓

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13 **85.14 Payments of fees and deposits by credit card, debit card, or other**
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16 required to be paid to the department under ch. 194, 218, 341, 342, 343 or 348. The
17 department shall determine which fees may be paid by credit card, debit card, or any
18 other electronic payment mechanism and the manner in which the payments may
19 be made. If the department permits the payment of a fee by credit card, debit card,
20 or any other electronic payment mechanism, the department may charge a
21 convenience fee for each transaction in an amount to be established by rule.✓ The
22 convenience fee shall approximate the cost to the department for providing this

1 service to persons who request it. If the department permits the payment of a fee by
2 credit card, debit card, or any other electronic payment mechanism, the department
3 may charge a service fee of \$2.50 for each transaction until a rule is promulgated
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14 subsection.✓ Any charges associated with a contract under this paragraph shall be
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18 348.25 (8) (e) The officer or agency authorized to issue a permit under s. 348.26
19 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the
20 cost of any special investigation undertaken to determine whether a permit should
21 be approved or denied and to pay an additional fee established by the department by
22 rule per permit if a department telephone call-in procedure or Internet procedure
23 is used. ~~The fee shall approximate the cost to the department for providing this~~
24 ~~service to persons so requesting.~~✓

25 (END)

5 Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

Date

LRB-1692/0dn

EVM:1:....

nwn

ATTN: Tyler Byrnes

I interpreted the instructions to request a draft identical to LRB-0209/P2[✓], but in budget form. Please let me know if this was not your intent.[✓]

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1692/1dn
EVM:nwn:rs

January 22, 2009

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Legislative Attorney
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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1692/1

EVM:nwn:rs

DOA:.....Byrnes, BB0503 - Electronic payment mechanisms for DMV fees.

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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