

Chapter Trans 149

INSPECTION OF A HOMEMADE, RECONSTRUCTED OR REPAIRED SALVAGE VEHICLE

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Trans 149.01 Purpose and scope. (1) As authorized by s. 342.07 (2), Stats., the purpose of this chapter is to establish the department's administrative interpretation of s. 342.07, Stats., relating to the inspection of a repaired salvage vehicle.

(2) This chapter applies to any person seeking to obtain a certificate of title on a homemade vehicle, reconstructed vehicle, repaired salvage vehicle or on a vehicle identified in another jurisdiction as a repaired salvage or salvage vehicle.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; CR 03-122: am. (2) Register May 2004 No. 581, eff. 6-1-04.

Trans 149.02 Definitions. Words and phrases shall have the same meanings as defined in s. 340.01, Stats., unless a different definition is specifically provided. In this chapter:

(1) "Applicant" means a person who owns a vehicle that is a repaired salvage vehicle, or that is currently titled with a certificate of title identifying the vehicle as a salvage vehicle, and who applies to the department to re-title or register a vehicle.

(2) "Bill of sale" means the document describing the sale of a vehicle or a part of a vehicle.

(3) "Identification" means a valid operator's license, identification card, or other personal identification document which reliably identifies the person to the satisfaction of the inspector.

(4) "Inspection fee" means the fee established by s. 342.07 (3), Stats.

(5) "Law enforcement officer" means any person who by virtue of his or her office or public employment is vested by law with the duty to maintain public order or to make arrests for crimes while acting within the scope of authority.

(6) "Major part of a vehicle" means any of the following:

- The engine.
- The transmission.
- Each door allowing entrance to or egress from the passenger compartment.
- The hood.
- The grille.
- Each bumper, or each clip, if a bumper is part of the clip.
- Each front fender.
- The deck lid, tailgate or hatchback.
- Each rear quarter panel.
- The trunk floor pan.
- The frame or, in the case of a unitized body, the supporting structure which serves as the frame.

(L) Any part not listed under this subsection which has a value exceeding \$500.

(m) Any motorcycle part not listed under this subsection which has a value exceeding \$150.

Note: See s. 943.23, Stats.

(7) "Part" means any component of a motor vehicle which may be separated from the vehicle or any replacement for such a component.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; CR 03-122: am. (6) (m) Register May 2004 No. 581, eff. 6-1-04.

Trans 149.03 Inspector certification and authority.

(1) INSPECTIONS TO BE PERFORMED BY CERTIFIED INSPECTORS. All inspections required under s. 342.07 (2), Stats., shall be performed by a person who has been certified to perform inspections by the department under this chapter.

(2) REQUIREMENTS FOR INSPECTOR CERTIFICATION. A person shall meet all of the following criteria in order to be qualified for certification:

(a) The person shall be a Wisconsin law enforcement officer or a full-time employee of the department of transportation division of state patrol.

(b) The person shall have successfully completed an initial training course in vehicle inspections meeting the requirements of sub. (4).

(c) The person shall successfully complete a biennial refresher course on inspections approved by the department within 2 years of initial training and every 2 years thereafter. For cause, the department may examine an inspector in lieu of requiring refresher course attendance.

(d) The person may not have had certification to conduct inspections rescinded by the department.

(e) The person shall have the approval of the person's employing agency.

(f) The person shall have completed at least 24 inspections during the preceding certification period if the person is applying for recertification.

(3) EXPIRATION OF CERTIFICATION. Inspector certifications shall expire on May 31 of each even-numbered year. In the event required training classes are scheduled during the 6 months following that expiration date, the department may extend the expiration date for persons attending that training through the last day of that training class.

(4) INITIAL TRAINING. (a) An inspector candidate shall receive training that includes the following:

1. Training in theft detection as provided by an agency or organization determined by the department to be expert in the field.

2. Training in the safety inspection of a vehicle for compliance with the requirements of ch. Trans 305 and ch. 347, Stats.

3. Training in the completion of forms and documents and the calculation of fees required to obtain title and registration as provided by the department.

(b) The department may waive some or all of the initial training required by par. (a), based on a person's successful completion of applicable sections of the department's examination for inspection.

tors and a showing that the person has successfully completed similar training that is acceptable to the department.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; am. (4) (a) 2., Register, February, 1996, No. 482, eff. 3-1-96.

Trans 149.04 Department certification of inspectors. (1) NUMBER AND DISTRIBUTION OF INSPECTORS. The department shall periodically determine the number and distribution of certified inspectors necessary to meet the needs of the state and may restrict attendance at inspector training courses in order to achieve the desired number or distribution.

(2) DEPARTMENT MAY RESCIND INSPECTOR CERTIFICATION. The department may at any time rescind the certification of an inspector to perform inspections under this chapter for the reasons specified in sub. (3).

(3) GROUNDS FOR RECISION. The department may rescind an inspector's certification to conduct inspections under this chapter under any of the following circumstances:

(a) The inspector's employing agency requests the inspector's certification be rescinded.

(b) The inspector passes a vehicle for inspection that contains stolen parts or parts of a stolen vehicle, or that does not meet the equipment safety requirements of ch. Trans 305 or ch. 347, Stats.

(c) The inspector acquires an interest in or is employed by a salvage yard, auto body shop, motor vehicle dealership, or other entity involved in the rebuilding of motor vehicles.

(d) The inspector fails to comply with any provision of this chapter or any rule or regulation of the department.

(e) The inspector engages in any conduct which calls into question his or her fitness for duty as an inspector.

(f) The inspector fails to meet the certification requirements of s. Trans 149.03 (2).

(4) ON-SITE EXAMINATIONS. The department may examine inspectors by requesting inspection of a motor vehicle and judging the inspector's performance.

(5) INSPECTOR IDENTIFICATION CARD. (a) The department shall issue an identification card to a certified inspector.

(b) The card shall display at least the following information:

1. The full name of the inspector.

2. If the inspector is a law enforcement officer, the officer's badge number.

3. The number of the agency employing the inspector, as assigned by the department.

4. The date on which the inspector's certification to perform inspections expires.

5. A space for the inspector's signature.

(c) An inspector identification card is not valid until the inspector signs the card in the space provided.

(d) An inspector shall retain the identification card and any evidence of extended certification issued under s. Trans 149.03 (3) in his or her immediate possession when performing inspections and shall display the card and evidence of extended certification to the applicant or agent of the applicant upon request.

(e) An inspector who no longer performs inspections, or whose authority to perform inspections under this chapter is rescinded by the department, or who leaves the employing agency shown on the identification card shall notify the department and surrender the identification card to the employing agency shown on the identification card.

(f) The employing agency shall notify the department in writing within 30 days after an inspector surrenders the identification card and shall destroy the card.

(g) The department may issue a new identification card to an inspector when presented with evidence from his or her employing agency that an inspector has a change of name or badge number, or when an inspector changes employment and the depart-

ment is advised by the inspector's new employing law enforcement agency that the inspector has changed employing agencies and will continue to perform inspections.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; am. (3) (b), Register, February, 1996, No. 482, eff. 3-1-96.

Trans 149.05 Inspections. (1) COMPLETE APPLICATION REQUIRED. No vehicle may be inspected or pass inspection unless it meets the requirements of sub. (2) and the applicant for inspection has submitted a complete application meeting the requirements of sub. (5) prior to inspection.

(2) VEHICLE CONDITION. Prior to submitting a vehicle for inspection, a person shall:

(a) Complete the rebuilding of the vehicle.

(b) Thoroughly clean the vehicle's exterior, engine and transmission areas.

(3) AGENT MAY PRESENT VEHICLE FOR INSPECTION. (a) An agent for the applicant may present a vehicle for inspection.

(b) An agent for an applicant shall submit to the inspector a written certification appointing the agent which will be retained by the inspector as part of the application. This certification and appointment shall include the following:

1. The date the certification was issued.

2. A statement expressly appointing the agent, by name, to act as the agent of the applicant for the inspection, as provided in this chapter, of the described vehicle.

3. A description of the vehicle which the agent is presenting for inspection.

4. The printed name of the agent.

5. The signature of the applicant.

(4) IDENTIFICATION. An applicant or agent shall present identification and any certification under sub. (3) to the inspector before the inspection begins.

(5) APPLICATION MATERIALS. (a) Before the inspection begins, the applicant or agent shall submit to the inspector all forms, documents and fees necessary for the titling and registration of the vehicle being inspected including:

1. An application for certificate of title and registration, form MV-1, in the name of the applicant.

2. The Wisconsin salvage certificate of title evidencing the applicant's ownership of the vehicle, which may be a salvage certificate of title in the name of the applicant, or a Wisconsin salvage certificate of title in the name of another person who has properly assigned the title to the applicant in the space provided on the certificate. This subdivision does not apply to homemade or reconstructed vehicles.

3. A salvage affidavit of major parts of the vehicle, on the department's form, identifying each major part of the vehicle that has been replaced on the vehicle or stating that no major part of the vehicle has been replaced.

Note: Form MV2673, Affidavit of Major Parts, may be obtained from DOT Document and Map Sales, 3617 Pierstorff St., P.O. Box 7713, Madison, WI 53704.

4. The original bill of sale received by the applicant for each major part of the vehicle that has been replaced containing a description of the transaction including:

a. The name of the major part.

b. The model year, make and identification number of the vehicle from which the major part was obtained.

c. The date of the transaction.

d. The signature of the person selling or disposing of the major part.

e. The name of the customer.

f. The amount paid for the major part.

g. If the vehicle from which a major part was obtained is not known or determinable by the seller, the bill of sale shall identify the seller and state that the source is unknown.

5. Four legible pictures of the vehicle taken prior to the commencement of any repair or restoration of the salvage vehicle clearly showing the damage to the vehicle. One picture shall show each side of the vehicle: front, back, driver and passenger sides.

6. Any agent certification submitted under sub. (3).

7. A properly-addressed envelope for mailing the application to the department to which sufficient first-class U.S. postage has been affixed. The address to use for mailing the application is: Department of Transportation, P. O. Box 7949, Madison, Wisconsin 53707-7949. If the applicant desires fast service for the application, as prescribed by ch. Trans 196, then the address to use for mailing the application is: Department of Transportation, Fast Service Handling, P.O. Box 7306, Madison, Wisconsin 53707-7306. Any additional fast service fee required under s. Trans 196.04 (1) (a) shall accompany the application.

Note: It is recommended that the applicant pay all fees by check. Checks should be made payable to "Registration Fee Trust." The forms identified in this section are MV-1, Application for Title/Registration and MV-2673, Repaired Salvage Vehicle Major Parts Statement. The forms may be obtained from the Department of Transportation, Document and Map Sales, 3617 Pierstorff Street, P.O. Box 7713, Madison, WI 53704.

(b) 1. A bill of sale issued prior to January 1, 1995 is not required to conform to par. (a) 4.

2. A copy of the original bill of sale shall be acceptable for purposes of par. (a) 4, if it evidences the sale of more than one major part of a vehicle and one or more major parts identified in the bill of sale were not used in the rebuilding or restoration of the vehicle being inspected. In that event, the original bill of sale shall be retained by the applicant for 5 years following the inspection and shall be made available to the department or any law enforcement officer upon request.

3. An application is not required to include the pictures described in par. (a) 5, if:

a. The vehicle was purchased by the applicant prior to January 1, 1995; or

b. Neither the applicant nor the person who rebuilt or restored the vehicle has had a vehicle inspected after January 1, 1995.

4. A person seeking to use the subd. 3. b. exception shall certify that:

a. Neither the applicant nor the person who rebuilt the vehicle has had a vehicle inspected after January 1, 1995.

b. No pictures of damage to the vehicle are available from any insurance company that may have insured the vehicle.

Note: The penalty for making a false statement in a certification that is part of an application for a certificate of title is a fine of up to \$5000 or imprisonment for up to 5 years under s. 342.06 (2), Stats., or both. The penalty for false swearing is a fine of up to \$10,000 or up to 5 years imprisonment, or both, s. 946.32, Stats.

(c) The inspector shall promptly submit the application for certificate of title, the certificate of inspection, the major parts statement, the salvage certificate of title, all bills of sale and all fees to the department by delivering or mailing them to the address specified in par. (a) 6.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; CR 03-122; am. (5) (a) 2. Register May 2004 No. 581, eff. 6-1-04.

Trans 149.06 Place and procedure for inspection.

(1) **INSPECTION SITES.** The site and times of inspections shall be determined by the law enforcement agency employing the inspector. The agency may require an applicant to provide a site that is equipped with a hoist or pit for conducting an inspection.

(2) **ACCESS TO INSPECTION AREA RESTRICTED.** Only the certified inspector, a person designated by the department or a person assisting the inspector at the inspector's request may be present in the inspection area during an inspection. Nothing in this subsection shall prohibit a law enforcement agency from conducting inspections at a site, such as a municipal garage, where other law enforcement officers or other employees of the law enforcement agency may be present in the routine course of their duties and outside the immediate area of the inspection. An applicant or agent may not enter the inspection area or view the inspection except to

remove parts of the vehicle at the direction of the inspector or, at the inspector's request, to be advised of the reasons a vehicle will not pass inspection.

(3) **REMOVAL OF PARTS.** During the inspection, such vehicle parts as the inspector deems necessary shall be removed in order to allow examination of safety equipment or identifying numbers on the vehicle and its major parts. Parts may be removed by the inspector or by the applicant or agent at the inspector's direction. Identifying numbers include, but are not limited to:

(a) The vehicle identification number.

(b) The engine number.

(c) The transmission number.

(d) The frame number.

(4) **GROUND'S FOR FAILING INSPECTION.** The vehicle shall fail the inspection if:

(a) The vehicle is not in compliance with the equipment provisions of ch. 347, Stats., ch. Trans 305, or federal motor vehicle safety standards established under the national traffic and motor vehicle safety act, 15 USC 1381, et seq., or the regulations promulgated thereunder in 49 CFR part 571. Noncompliance includes, but is not limited to, any device or element of a vehicle required by the above regulations being rendered inoperative or defective, or being removed from the vehicle;

(b) The vehicle or any part of the vehicle is stolen or if the applicant's ownership of any major part of the vehicle cannot be verified; or

(c) The vehicle contains any major parts which were not part of the vehicle described in the certificate of title and for which the applicant does not have a bill of sale meeting the requirements of s. Trans 149.05 (5).

(d) The vehicle or any part of the vehicle contains a vehicle identification number that has been altered, removed or obliterated.

(5) **DUTIES OF INSPECTOR.** (a) *Complete inspection.* The inspector shall make a complete inspection of the vehicle, even if a reason for failing the vehicle is discovered. The inspector shall provide the applicant with a brief description of each reason the vehicle is not acceptable. Failure of the inspector to note any defect in the vehicle shall not prevent the use of that defect as a reason for failing the vehicle in any subsequent inspection.

(b) *Discovery of stolen vehicle.* Notwithstanding par. (a), if the inspector identifies a vehicle or a part of the vehicle as stolen, the inspection need not proceed further.

(c) *Impoundment.* If the vehicle or a part of the vehicle is determined to be stolen, or any vehicle identification number has been altered, removed or obliterated, the inspector may seize the vehicle or part of the vehicle in accordance with ss. 968.10 and 968.11 (4), or 342.30 (4) (a), Stats.

(6) **CERTIFICATE OF INSPECTION.** A certificate of inspection shall be completed for each vehicle inspection and shall include all of the following:

(a) The applicant's full name.

(b) The applicant's complete address.

(c) The signature of the applicant if the applicant is present at the inspection site, or the signature of the agent representing the applicant at the inspection site.

(d) The inspector's name.

(e) The inspector's badge number, or if the inspector is not a law enforcement officer, the department-assigned inspector identifying number.

(f) The number of the inspector's employing agency.

(g) A description of the vehicle being inspected, including the vehicle year, make and model.

(h) The public vehicle identification number, any secondary vehicle identification numbers inspected, the engine and transmission vehicle identification numbers, if inspected, and the iden-

tification numbers of each major part of the vehicle that is inspected or that has been replaced.

Note: This does not require the inspector to reveal the location of a secondary vehicle identification number.

(i) An indication that the inspector has checked available stolen auto and auto parts databases for the vehicle and major parts being inspected and concluded that neither the parts nor the vehicle are stolen.

(j) The date of the inspection.

(k) A statement as to whether the vehicle passed inspection and, if the vehicle did not pass inspection, a short statement of each reason the vehicle did not pass inspection.

Note: The forms identified in this section are MV 4060, Certificate of Inspection, MV-1, Application for Title/Registration; Certificate of Inspection; and MV-2673, Repaired Salvage Vehicle Major Parts Statement. The forms may be obtained from the Department of Transportation, Document and Map Sales, 3617 Pierstorff Street, P.O. Box 7713, Madison, WI 53704.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; am. (4) (a), Register, February, 1996, No. 482, eff. 3-1-96.

Trans 149.07 Application procedure following inspection. (1) VEHICLES PASSING INSPECTION. (a) *Submission of application materials.* The inspector shall promptly submit the following to the department following an inspection:

1. The applicant's application for certificate of title or registration.

2. The applicant's current salvage certificate of title. This subdivision does not apply to homemade or reconstructed vehicles.

3. The salvage affidavit of major parts of the vehicle.

4. The original bill of sale received by the applicant for each major part of the vehicle that has been changed.

5. The written certification appointing any agent who appeared on behalf of the applicant submitted under s. Trans 149.05 (3) (b).

6. The completed certificate of inspection.

7. The inspection fee and any fees for registering and issuance of a title certificate for the vehicle in accordance with the application.

Note: The forms identified in this section are MV-1, Application for Title/Registration; MV-4060, Certificate of Inspection; and MV-2673, Repaired Salvage Vehicle Major Parts Statement. The forms may be obtained from the Department of Transportation, Document and Map Sales, 3617 Pierstorff Street, P.O. Box 7713, Madison, WI 53704.

(b) *Overpayment or underpayment of fees.* The department shall refund to the applicant any excess fees received. In the case of insufficient payment being received, the department shall advise the applicant of the shortfall and may not issue a title or register the vehicle until full payment is received.

(c) *Records retained by inspector.* The inspector shall retain the photos of the vehicle and one copy of the certificate of inspection for 3 years following the inspection.

(2) VEHICLES FAILING INSPECTION. (a) *Stolen vehicle or parts.* If at any time the inspector discovers that a vehicle is stolen, contains stolen parts, or has altered, removed or obliterated vehicle identification numbers, the inspector may seize the vehicle or part of the vehicle in accordance with ss. 968.10 and 968.11, or 342.30 (4) (a), Stats. An inspector who is not a law enforcement officer shall notify a law enforcement officer regarding any discovery that a vehicle is stolen or that it contains stolen parts, or has altered, removed or obliterated vehicle identification numbers. The vehicle shall fail the inspection. The other provisions of this section may not apply to the vehicle.

(b) *15-day reinspection.* The applicant may request an opportunity to correct safety or equipment defects and to return the vehicle for reinspection. The inspector may schedule the reinspection for any date up to 15 calendar days from the date of inspection, but may not require that the reinspection be performed less than 3 calendar days from the date of initial inspection. No additional fees may be charged for reinspections under this paragraph and rein-

spections shall be conducted in the same manner as initial inspections under this chapter. If reinspection is requested under this subsection, the inspector shall retain all application materials pending the reinspection. If the vehicle passes reinspection, the inspector shall proceed under sub. (1). If the vehicle does not pass reinspection, the applicant shall proceed under either par. (c), (d) or (e). If the vehicle is not reinspected as scheduled or within 15 days after the initial inspection, the inspector shall forward the application to the department.

(c) *Vehicle not titled in owner's name.* If the vehicle fails inspection or reinspection, the vehicle is not titled in the name of the applicant, and the applicant does not elect to junk the vehicle under par. (f), the inspector shall submit the application for certificate of title, the certificate of inspection, the inspection fee and other titling fees and sales taxes to the department. Remaining registration fees and a copy of the certificate of inspection shall be returned to the applicant.

(d) *Vehicle titled in owner's name.* If the vehicle fails inspection or reinspection, the vehicle is titled in the name of the applicant, and the applicant does not elect to junk the vehicle under par. (f), the inspector shall submit the certificate of inspection and the inspection fee to the department. The remaining application materials and a copy of the certificate of inspection shall be returned to the applicant.

(e) *Department actions following failed inspection.* Upon receipt of materials for a vehicle that has not passed inspection, the department shall issue or re-issue a salvage certificate of title to the applicant and shall return all bills of sale, and the major parts statement.

(f) *Junking a vehicle.* An applicant may elect to junk a vehicle at any time. If the applicant elects to junk the vehicle, the applicant or inspector shall write "JUNKED" on the certificate of title or mark the certificate of title in some other manner to clearly indicate that the vehicle is junked. The inspector shall submit the certificate of title, the certificate of inspection and the inspection fee to the department. The inspector shall return any remaining application materials and a copy of the certificate of inspection to the applicant. The department shall note in its records that the vehicle has been junked and may not issue another certificate of title for the vehicle.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; CR 03-122: am. (1) (a) 2. Register May 2004 No. 581, eff. 6-1-04.

Trans 149.08 Payment and distribution of inspection fee. (1) The applicant shall pay an inspection fee for each inspection performed, except that there is no additional fee for the reinspection described in s. Trans 149.07 (2) (b). There is no fee for the inspection of a homemade or reconstructed vehicle.

(2) The department shall distribute to the inspecting agency its share of an inspection fee collected for inspections performed by its certified employees within 60 days after the fees are submitted to the department or as soon thereafter as possible. Fees collected by the state patrol shall be deposited in the transportation fund.

(3) The inspection fee, except those collected by the state patrol, shall be distributed as follows:

(a) 75% to the agency employing the inspector at the time the inspection was performed.

(b) 25% to the transportation fund.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95; CR 03-122: am. (1) Register May 2004 No. 581, eff. 6-1-04.

Trans 149.09 Application for certificate of title and registration for vehicles previously junked in department records. (1) The department may not issue a certificate of title for a vehicle that was noted as junked in the records of the department on or after May 1, 1989.

Note: Section 342.34 (3), Stats.

(2) A salvage certificate of title may be issued, upon proper application, for a vehicle noted as junked prior to May 1, 1989, in department records.

(3) The department may not issue a certificate of title for a vehicle if the certificate of title for the vehicle was inscribed by a person other than a state with the word "JUNKED" or any other notation clearly indicating that the vehicle was junked unless the owner provides an affidavit stating that the inscription on the title was entered in error, explaining how the information was entered in error and the vehicle passes an inspection under s. Trans 149.05. The department may refuse to issue a title for such a vehicle if it concludes that the vehicle was intended to be junked at the time the title was noted as junked.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95.

Trans 149.10 Application for certificate of title or registration for a repaired, junk or salvage vehicle from

another jurisdiction. (1) The Wisconsin certificate of title issued for a vehicle previously titled in another jurisdiction as a repaired salvage vehicle, or a substantially similar term as used in that jurisdiction, shall contain a notation identifying the vehicle as a repaired salvage vehicle or repeat the notation from the other jurisdiction and indicate the jurisdiction where the vehicle was previously titled.

(2) A vehicle titled in another jurisdiction as salvage, or a substantially similar term as used in that jurisdiction, may be titled and registered under the provisions of this chapter. The Wisconsin certificate of title shall contain a notation describing the vehicle as previously titled as salvage or repeat the notation from the other jurisdiction and indicate the jurisdiction issuing that title.

(3) A vehicle previously titled in another jurisdiction as junked, or a substantially similar term as used in that jurisdiction, may not be titled or registered in Wisconsin.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95.