

**STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION**

PROPOSED ORDER AMENDING PERMANENT RULE

The Wisconsin Department of Transportation proposes an order to:

Amend ss. Trans 1.015 (4m) and (5), 1.02 (2) (b), (c), and (3), 1.03 (1), (2) (c), and (d), 1.035 (1) (a), 1.04, 1.05 (3), 2.10 (1) (a) 6. and (b) 6., 3.03 (2) (a), 4.02 (8), 6.02 (2), 57.03, 57.07, 58.06 (3) (g), 100.05 (3) (intro.), 100.15 (3) (a), 100.18 (2) (b), 101.07 (3) (Note), 102.15 (3) (a) 2., 15. (intro.), (c) (Note), (5) (d), (5m) (b) 1., 3g. h., and (6m) (e), 104.03 (5) (h), 104.09 (3m), 105.04 (3) (b), 105.04 (4), 105.07 (1) (c), 107.08 (1) (g), 112.155 (1), 115.05 (4), 130 (title), 130.03 (1) (h) and (i) 2., 131.02 (19), 134.05 (4), 137.03 (4) (b), 138.025 (2) (h), 138.03 (2), 138.03 (2), 138.09 (1) (a), (b), (c), (2) (b), (d) 2., (3) (b) 2., and (4) (b), 140.07 (1) (Note), 140.20 (7), 140.26 (5) (b), 144.03 (2) (b) (intro.) and 2. (Note), 149.02 (5), 149.04 (5) (g), 152.02 (22), 196.02 (6) (e), 200 (title), 200.01, 200.07 (title) and (1), 205.04 (1), 212.11 (3) (a), 231.02 (1), 254.13, 256.13, 262.11, 277.02 (6), 277.04 (2), 277.07 (2), 300.02 (1) and (8), 300.16 (2), (4), and (6) (c), 300.79, 301.05 (8), 301.09, 301.60 (1), 301.62 (11), 301.63 (2), 301.96 (3) (a) and (c), 309.01 (3) (a), 309.03 (4), 311.11 (2), 313.14 (1), 327.03 (2) (a) 2. and (b), 327.14 (3) (a) (intro.), (6) (a) 1., (7) (a), and (8) (a) 1., 330.04 (3), 403.05, 510.03 (1), 510.08 (1) (intro.), 512.02 (5) (i), and 512.06 (1), relating to inclusive language in administrative rules.

The Statement of Scope for this Permanent Rule, SS 018-22, was approved by the Governor on February 24, 2022, published in Register No. 795A1 on March 7, 2022, and approved by Secretary of the State of Wisconsin Department of Transportation (Department) Craig Thompson, as required by s. 227.135 (2), Stats, on January 14, 2022. The analysis below was prepared by the Department.

ANALYSIS

Statutes Interpreted: ss. 20.905, 84.01 (9) (b), 84.17 (3), 84.185 (6m), 85.107, 85.14 (1) (a), 85.17, 85.20, 85.21, 85.22, 85.23, 85.52, 85.63, 86.07 (2), 86.19, 86.191, 86.195, 86.196, 110.05, 110.063, 110.064, 110.08, 110.10, 110.20, 114.134 (3) to (5), 194.38, 194.43, 227.42, 227.51, 340.01, 341.08 (2) (a) and (am), 341.085, 341.14 (1), (1a), (1e), or (1q), and (6r) (fm), 341.255, 341.45, 341.51 (3), 342.06 (1) (a), 342.07, 342.08, 342.14 (7), 342.16 (2), 940.09, 940.25
Chs. 218 and 343 to 349

Statutory Authority: ss. 227.11 (2) and 227.14 (1), Stats., and 2019 Executive Order 15

Explanation of Agency Authority: Section 227.11 (2), Stats., provides statutory rulemaking authority as follows:

- (a) "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute..."

(b) "Each agency authorized to exercise discretion in deciding individual cases may formalize the general policies evolving from its decisions by promulgating the policies as rules ..."

Section 227.14 (1), Stats., requires rules to follow the form and style used by the Legislative Reference Bureau.

(1) "In preparing a proposed rule, an agency shall adhere substantially to the form and style used by the legislative reference bureau in the preparation of bill drafts and the form and style specified in the manual prepared by the legislative council staff and the legislative reference bureau under s. 227.15 (7). To the greatest extent possible, an agency shall prepare proposed rules in plain language which can be easily understood."

2019 Executive Order #15, signed on March 12, 2019, states:

"Now, therefore, I, Tony Evers, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the Laws of the State, hereby order the following:

1. Direct each State Agency to review its administrative rules and replace any derogatory or offensive terminology with current, inclusive terminology. This includes, but is not limited to replacing:
 - a. 'Mentally retarded' with 'intellectually disabled';
 - b. 'Mental retardation' with 'intellectual disability'; and
 - c. 'Handicapped' with 'disabled.'
2. Direct each State Agency to complete its review and submit a scope statement to make such changes no later than 90 days from the date of this order."

Related Statute or Rule: Not applicable.

Plain Language Analysis: 2019 Executive Order #15 provides for each state agency to review its administrative rules and replace any derogatory or offensive terminology with current inclusive terminology. This includes replacing "mentally retarded" with "intellectually disabled," "mental retardation" with "intellectual disability," and "handicapped" with "disabled."

The Legislative Reference Bureau Bill Drafting Manual directs agencies to avoid disfavored terminology such as "disabled person" and "person who suffers from a disability (or other condition)," unless to conform language to federal law. The Legislative Reference Bureau Bill Drafting Manual also directs agencies to consult The Chicago Manual of Style if a question of style, grammar, or usage is not answered in the drafting manual. The Chicago Manual of Style states that, in general, it is best to "emphasize the person, not a characteristic."

This proposed rule is intended to accomplish only terminology changes in existing rules to eliminate outdated language and replace language that is derogatory or offensive with current, inclusive terminology. This rulemaking is intended to leave the scope and subjects of existing rules unchanged, resulting in no substantive effect on any entity.

The below rule replaces “disabled persons” with “individuals with disabilities;” “elders” with “seniors;” and “Indian” or “Native American” with “American Indian.”

According to the Legislative Reference Bureau Bill Drafting Manual, the preferred terminology when referring to American Indian tribes, bands, or individuals is “American Indian.” Previously, the Trans code referred to American Indian tribes, bands, or individuals as “American Indian,” “Indian,” or “Native American,” interchangeably. This rule amends all references to “Indian” and “Native American” to “American Indian” for consistency and accuracy.

This rule also amends many references to gender-specific language, such as “his or her,” “he or she,” and “him or her” and replaces these pronouns to the corresponding nouns. The Legislative Reference Bureau Bill Drafting Manual directs each agency, when drafting new rules and revisiting existing rules, to eliminate all terminology that is not sex-neutral and avoid the repetitious use of phrases of “he or she” and “his or her.” The rule changes reflect every instance in which replacing the pronoun with the corresponding noun would not create undue confusion.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations: The Department is unaware of any existing or proposed federal language that would affect terminology used in this state’s administrative code.

Comparison with Rules in Adjacent States:

Illinois:

Illinois uses the terms, “handicap,” “handicapped,” and “elderly” sporadically. *See* 92 Ill. Adm. Code 445 App. A and App. B, 92 Ill. Adm. Code 534.210, 92 Ill. Adm. Code 651.103 and 651.301, 92 Ill. Adm. Code 1001.410 and 1001.420, and 92 Ill. Adm. Code 1040.20 and 1040.80.

Iowa:

Iowa uses the term, “elderly,” on a very limited basis. *See* Iowa Admin. Code 761-910.4 (324A) App. and Iowa Admin. Code 761-411.2 (321L).

Michigan:

Michigan uses the term, “elderly,” on a very limited basis. *See* Mich. Admin. Code R 247.4102, 247.4201, and 247.4202.

Minnesota:

Minnesota uses the term, “elderly,” throughout Minn. R. 8840.

Summary of the Factual Data and Analytical Methodologies: The Department has determined that the rule will not have a significant economic impact on a substantial number of small businesses, as the rule does not regulate small businesses.

Analysis Regarding Rule’s Effect on Small Businesses: Not applicable.

The agency contact person listed below is also the small business regulatory coordinator for this proposed rule. This proposed rule, fiscal estimate, and other related documents may be viewed at <https://docs.legis.wisconsin.gov/code>.

Agency Contact Person:

Alicia Augsburger
State of Wisconsin Department of Transportation
Office of General Counsel
4822 Madison Yards Way Room S924
Madison, Wisconsin 53705
(608) 266-3353
DOTAdminRules@dot.wi.gov

Place Where Comments Should Be Submitted and Deadline: A public hearing was held in-person on July 12, 2022, at 4822 Madison Yards Way, Room N134, Madison, WI 53705 at 9:00 a.m. Comments could be submitted at the hearing, by postal mail, or by email to DOTAdminRules@dot.wi.gov. The published deadline for submission of comments was 4:30 p.m. on July 12, 2022.

TEXT OF RULE

SECTION 1. Trans 1.015 (4m) and (5) are amended to read:

Trans 1.015 (4m) "Priority trips" means trips for ~~elderly and disabled persons~~ seniors or individuals with disabilities to medical, nutritional and work-related activities as required in s. 85.21 (4) (a), Stats.

(5) "Space available" means passenger carrying capacity which is in excess of the capacity necessary to meet the transportation needs of ~~elderly or disabled persons~~ seniors and individuals with disabilities.

SECTION 2. Trans 1.02 (2) (b), (c), and (3) are amended to read:

Trans 1.02 (2) (b) For the purposes of determining a county's proportionate share, the department shall include all ~~elderly and disabled persons~~ seniors and individuals with disabilities who reside within that county.

(c) ~~Disabled persons~~ Individuals with disabilities who are age 65 or older shall be counted only once for aid allocation purposes.

(3) Subject to adjustments that ensure that each county receives not less than 0.5% of the total annual appropriation for the program, the amount of aids allocated to each county shall equal the total amount available for allocation for the calendar year multiplied by the ratio of the number of ~~elderly and disabled persons~~ seniors and individuals with disabilities in the county to the total number of ~~elderly and disabled persons~~ seniors and individuals with disabilities in Wisconsin.

SECTION 3. Trans 1.03 (1), (2) (c), and (d) are amended to read:

Trans 1.03 (1) A county shall use its allocated aid to provide or assist transportation services designed for use by ~~elderly or disabled persons~~ seniors or persons with disabilities. A county may, at its discretion, make these services also available to any other person on a space available basis.

(2) (c) Directly subsidize ~~elderly or disabled~~ senior passengers or passengers with disabilities for their use of transportation service;

(d) Reimburse ~~elderly or disabled persons~~ seniors or individuals with disabilities for use of their personal means of transportation, when prior approval of such transportation has been given by the county based on qualification standards which the county establishes;

SECTION 4. Trans 1.035 (1) (a) is amended to read:

Trans 1.035 (1) (a) Counties may establish the transportation of ~~elderly and disabled persons~~ seniors and individuals with disabilities to medical, nutritional and work-related activities as the priority for the specialized transportation services receiving program aid, as allowed under s. 85.21 (4) (a), Stats. A county may limit the use of its allocated aid to subsidize only those trips which are made for one or more of the purposes specified under s. 85.21 (4) (a), Stats.

SECTION 5. Trans 1.04 is amended to read:

Trans 1.04 Accessibility. A county application for aids shall address the issue of the need for transportation services that are accessible to the ~~developmentally and physically disabled~~ population of individuals with developmental and physical disabilities of that county. A county shall describe its efforts to make accessible transportation available to all ~~elderly and disabled individuals~~ seniors and individuals with disabilities or prove that accessible transportation services are currently available.

SECTION 6. Trans 1.05 (3) is amended to read:

Trans 1.05 (3) All revenue received from passengers for transportation service shall be applied to approved ~~elderly senior~~ and disabled transportation projects. Counties may solicit revenue from passengers for non-transportation purposes if the solicitation indicates the intended use of the revenue.

SECTION 7. Trans 2.10 (1) (a) 6. and (b) 6. are amended to read:

Trans 2.10 (1) (a) 6. ~~Elderly Senior~~ and disabled citizen advocates;

(b) 6. Act on requests by local public bodies to be designated as coordinators of transportation services for ~~elderly and disabled persons~~ seniors and individuals with disabilities for the purpose of becoming eligible for assistance under the federal sec. 5310 program.

SECTION 8. Trans 3.03 (2) (a) is amended to read:

Trans 3.03 (2) (a) Since there are substantial differences among the various participating urban mass transit systems with respect to tariff schedules, ~~elderly senior~~ and disabled reduced fare programs, route service plans, subsystem arrangements, and operating procedures, no single method of calculating annual passenger trips is appropriate for every system. When reviewing a system's proposed election of the methods prescribed in sub. (1), the department shall determine whether its election will be appropriate for that system for the purpose of providing valid and reliable measure of that system's ridership and will allow that system's total to be comparable to the totals of all other participating systems.

SECTION 9. Trans 4.02 (8) is amended to read:

Trans 4.02 (8) "Subsystem" means that part of a transit system which provides special services to ~~elderly or disabled persons~~ seniors or individuals with disabilities.

SECTION 10. Trans 6.02 (2) is amended to read:

Trans 6.02 (2) “Eligible applicant” means a local public body or federally recognized American Indian tribal governing body.

SECTION 11. Trans 57.03 is amended to read:

Trans 57.03 Responsibility. The secretary, or ~~his or her~~ the secretary’s designee, may issue a certificate of airport site approval for a new airport upon determination that the location is compatible with existing and planned transportation facilities in the area.

SECTION 12. Trans 57.07 is amended to read:

Trans 57.07 Issuance of certificate. A certificate may be issued by the secretary, or ~~his or her~~ the secretary’s designee, if it is determined that the location of the proposed airport site is compatible with existing and planned transportation facilities in the area. A certificate does not waive or preempt compliance with any applicable ordinances, laws or regulations of any other governmental body or agency. The certificate is permanent.

SECTION 13 Trans 58.06 (3) (g) is amended to read:

Trans 58.06 (3) (g) Wisconsin American Indian Tribes.

SECTION 14. Trans 100.05 (3) (intro.) is amended to read:

Trans 100.05 (3) (intro.) Notwithstanding sub. (1), a law enforcement officer, emergency medical technician, first responder or fire fighter may request a reportable accident not be reported on a public abstract of ~~his or her~~ their driver record by submitting the approved form. The licensee must show that one or more of the following conditions existed at the time of the accident:

SECTION 15. Trans 100.15 (3) (a) is amended to read:

Trans 100.15 (3) (a) The person submits credible evidence to the department that ~~he or she~~ the person was not the driver or owner of the vehicle involved in the accident.

SECTION 16. Trans 100.18 (2) (b) is amended to read:

Trans 100.18 (2) (b) Tribal judgments. Upon receipt of a certified damage judgment naming a Wisconsin resident or licensed driver as judgment debtor from an American Indian tribal court in Wisconsin, the department shall provide notice of the receipt of the certification to the judgment debtor. The department shall suspend the operating privilege and motor vehicle registrations of the judgment debtor unless, within 30 days of the issuance of the notice by the department, the person satisfies one of the requirements of sub. (1) (a) to (i).

SECTION 17. Trans 101.07 (3) (Note) is amended to read:

Trans 101.07 (3) (Note) For example, if a driver who is suspended with 13 points completes a course, the driver's point reduction shall be applied to reduce his point total to 10 points and the case will be released. (Potentially making the driver eligible for reinstatement if ~~he/she~~ the driver is otherwise eligible for licensing). Similarly, a driver who has accumulated 10 points and attends traffic safety school would receive the 3-point reduction to seven points. If ~~he~~ the driver then received a 4-point assessment for a violation, ~~his~~ the driver’s point total will be 11 points and ~~he~~ the driver will not be subject to suspension. If a driver has 2 or fewer demerit points on ~~his~~ the driver’s record before attending driver school and accumulates an additional 12 demerit points after course completion, the Department will apply the demerit point reduction only to reduce the 2-point total

the driver had before attending the school. [See subs. (1) (intro.) and (5)] Thus, upon using the reduction, this driver's demerit point total would be 12 points and the driver would be subject to a demerit point suspension.

SECTION 18. Trans 102.15 (3) (a) 2., 15. (intro.), (c) (Note), (5) (d), (5m) (b) 1., 3g. h., and (6m) (e) are amended to read:

Trans 102.15 (3) (a) 2. For a person born in another jurisdiction, other than a province of the Dominion of Canada, a certified copy of ~~his or her~~ the person's birth certificate or the equivalent document from that other jurisdiction or a certificate of birth abroad issued by the U.S. department of state (federal form FS-545 or DS-1350);

15. (intro.) ~~A Native~~ An American Indian identification card meeting all of the following requirements:

(c) (Note) See, *State v. Hansford*, 219 Wis. 2d 226, 580 N.W.2d 171 (1998); 35 Wis. Op. Atty. Gen. 178, 179 (1946). This process may be used to overcome an error on a supporting document, such as a spelling error or incorrect name, to enable an applicant to receive an identification card in ~~his or her~~ the applicant's legally correct name.

(5) (d) Any person issued an identification card without charge for purposes of voting without a social security number as provided in par. (a) is required to provide ~~his or her~~ the person's social security number on any subsequent application for an instruction permit or operator's license, unless another exception applies to that application.

(5m) (b) 1. If a person applies for and requests an identification card without charge for the purposes of voting and the person's proof of name and date of birth under sub. (3) or of proof of U.S. citizenship under sub. (3m) is unavailable, the person may make a written petition to the administrator for an exception to the requirement for which proof is unavailable. The department shall provide appropriate translation for any person who is unable to read or understand the petition process instructions and related communications under this subsection or sub. (6m). The petition shall include the person's statement under oath or affirmation of all of the following: that the person is unable to provide documentation under sub. (3) or proof of U.S. citizenship under sub. (3m); that the documents are unavailable to the person; and of ~~his or her~~ the person's name, date of birth, place of birth, and such other birth record information requested by the department, or the person's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number.

3g. h. Other documentation deemed acceptable to the administrator, within ~~his or her~~ the administrator's reasonable discretion.

(6m) (e) Address changes. Whenever any person, after receiving an identification card receipt under this subsection, moves from the address named in the application or in the receipt issued to ~~him or her~~ the person or is notified by the local authorities or by the postal authorities that the address so named has been changed, the person shall, within 30 days, notify the department of ~~his or her~~ the person's change of address. Upon receiving a notice of change of address, the department shall promptly issue a new receipt under par. (a) showing the correct address and having the expiration date of the prior receipt.

SECTION 19. Trans 104.03 (5) (h) is amended to read:

Trans 104.03 (5) (h) The need for vehicle control in the proximity of ~~sight-impaired~~ pedestrians with vision impairments.

SECTION 20. Trans 104.09 (3m) is amended to read:

Trans 104.09 (3m) A person who fails a CDL skills test solely because ~~he or she~~ the person failed both the straight-line and curved-path backing tests shall wait a minimum of one week before retaking the CDL skills test.

SECTION 21. Trans 105.04 (3) (b) is amended to read:

Trans 105.04 (3) (b) If the driver school does not refund the fees for the training paid for but not provided, the customer or ~~his or her~~ the customer's parent or legal guardian may contact the entity that provided the bond requirements under s. Trans 105.10 for a refund of the fees.

SECTION 22. Trans 105.04 (4) is amended to read:

Trans 105.05 (4) To be approved, the agreement form required to be filed by s. 343.71 (1m) (b), Stats., shall be consecutively numbered, contain the date of application, name of school, type or types of lessons, lectures, tutoring or instruction to be given, fee to be charged or the word none if no charge, the statement, "This constitutes the entire agreement between the school and the customer and no verbal statement or promises will be recognized," signature of customer, signature of student's parent or guardian for customers under the age of 18, address of customer, and signature of owner of school or ~~his or her~~ owner's authorized representative.

SECTION 23. Trans 105.07 (1) (c) is amended to read:

Trans 105.07 (1) (c) A student who satisfactorily completes the approved course and satisfies all financial obligations required by ~~his or her~~ the student's contract with the school shall be given a certificate of completion on a form approved by the department.

SECTION 24. Trans 107.08 (1) (g) is amended to read:

Trans 107.08 (1) (g) When the findings of an assessment, information from a medical report, other information in the file, or a combination thereof, indicate that the person's chemical dependency may affect ~~his or her~~ the person's driving ability, the person's operating privilege shall be denied or canceled under s. 343.06 (1) (d), Stats., until the conditions in sub. (2) (b) or (c) have been met. For purposes of this paragraph, the types of information considered are those described in s. Trans 107.04.

SECTION 25. Trans 112.155 (1) is amended to read:

Trans 112.155 (1) The department shall require any person who applies for issuance or renewal of a school bus endorsement to certify whether ~~he or she~~ the person has been convicted of any offense listed under s. Trans 112.15 (1), (2) or (3). The person shall submit the certification on a form prescribed by the department. The department shall deny or cancel a school bus endorsement based on a certification that the person has been so convicted. This certification shall be submitted to either the employer, who shall maintain it as a portion of the driver's record, or to the department on form MV3740, "School Bus or Alternative Vehicles Transporting Students Driver License Information Request."

SECTION 26. Trans 115.05 (4) is amended to read:

Trans 115.05 (4) The department will evaluate the materials submitted by each third party examiner applicant including the applicant's driving record and may test ~~him or her~~ the applicant for knowledge and skill.

SECTION 27. Trans 130 (title) is amended to read:

Trans 130 (title) Special Identification Cards And Special Registration Plates For Physically Disabled Individuals with Physical Disabilities

SECTION 28. Trans 130.03 (1) (h) and (i) 2. are amended to read:

Trans 130.03 (1) (h) The relationship of the signer to the ~~disabled~~ person with the disability, if signed by someone other than the person.

(i) 2. A certification that the ~~person is disabled~~ individual has a disability within the meaning of s. 340.01 (43g), Stats.

SECTION 29. Trans 131.02 (19) is amended to read:

Trans 131.02 (19) "Government vehicle" means a motor vehicle both owned by this state or by any county, municipality, or federally-recognized American Indian tribe or band and registered under s. 341.26 (2m), Stats., or a vehicle owned or leased by the United States.

SECTION 30. Trans 134.05 (4) is amended to read:

Trans 134.05 (4) The department shall specify the design of special group plates for authorized special groups designated under this chapter after consulting with the chief executive officer of the group or organization or ~~his or her~~ the chief executive officer's representative regarding symbols and wording on the special group plate.

SECTION 31. Trans 137.03 (4) (b) is amended to read:

Trans 137.03 (4) (b) The term also includes the permanent installation of special equipment designed for ambulance or mortuary purposes or for transportation of ~~physically handicapped persons~~ individuals with physical disabilities confined to wheelchairs.

SECTION 32. Trans 138.025 (2) (h) is amended to read:

Trans 138.025 (2) (h) *Licensed salespersons.* A motor vehicle salesperson licensed in accordance with s. 218.0114 (1), Stats., and acting within the scope of ~~his or her~~ the salesperson's employment with a licensed dealer.

SECTION 33. Trans 138.03 (2) is amended to read:

Trans 138.03 (2) A residence, tent, or temporary stand is not a sufficiently permanent business facility within the meaning of this section. As used in this section and s. 218.0116 (3), Stats., "residence" means the domicile of a person who is an employee or owner of the dealership licensed, or applying for a license, under ss. 218.0101 to 218.0163, Stats. "Residence" does not include a building either formerly used as a residence or used as a residence by persons having no interest in an existing dealership. A motor vehicle dealer licensed by the department prior to July 1, 1991 despite having the required business office or indoor display or repair area in ~~his or her~~ the dealer's residence may continue to use those facilities so long as ownership of the business remains unchanged and ~~his or her~~ the dealer's dealer license is renewed continuously on or after July 1, 1991.

SECTION 34. Trans 138.09 (1) (a), (b), (c), (2) (b), (d) 2., (3) (b) 2., and (4) (b) are amended to read:

Trans 138.09 (1) (a) No motor vehicle dealer may sell, offer to sell, or buy vehicles while ~~his or her~~ the dealer's license is suspended.

(b) A motor vehicle dealer also engaged in business activities on the same premises which do not require a license issued by the department, such as the sale of motor vehicle accessories or repair of motor vehicles, may

continue to conduct this unlicensed business while ~~his or her~~ the dealer's license is suspended. However, if such activities are conducted within the indoor facilities the dealer ordinarily uses to display motor vehicles offered for sale or lease with an option of purchase, then during the suspension all motor vehicles offered for sale or lease shall either be removed from those facilities or moved to a location in those facilities not accessible to consumers.

(c) No licensed salesperson may be present at the dealership during the period of suspension, without the written permission of the department. The department may not grant permission unless the particular conditions of the salesperson's employment require ~~his or her~~ the salesperson's presence to perform duties unrelated to the activities regulated by the department under ch. 218, Stats.

(2) (b) If the applicant held a valid license in the previous license year, the applicant may continue to do business after ~~his or her~~ the applicant's application has been denied, as authorized under s. 227.51 (2), Stats., provided the applicant meets all of the following requirements:

(d) 2. The dealer's request is received by the department within 7 days of the date when the denial takes place and includes a list of all motor vehicles in ~~his or her~~ the dealer's possession, including the vehicle identification number of each vehicle.

(3) (b) 2. The dealer's request includes a list of all motor vehicles in ~~his or her~~ the dealer's possession including the vehicle identification number of each.

(4) (b) The dealer provides the department a list of all motor vehicles in ~~his or her~~ the dealer's possession, including their vehicle identification numbers, within 7 days of the date when the license is received by the department.

SECTION 35. Trans 140.07 (1) (Note) is amended to read:

Trans 140.07 (1) (Note) An example of a joint asset would be a home owned by the sole proprietor and ~~his or her~~ the sole proprietor's spouse.

SECTION 36. Trans 140.20 (7) is amended to read:

Trans 140.20 (7) "Private person" means a person not licensed under ch. 218, Stats., and not required to be so licensed, for the purpose of the transaction from which ~~his or her~~ the person's claim arises. A financial institution, or a motor vehicle manufacturer, factory branch, factory representative, distributor, distributor representative, or a motor vehicle, mobile home, moped, salvage, trailer or auction dealer or a salesperson employed by such dealer is not a private person.

SECTION 37. Trans 140.26 (5) (b) is amended to read:

Trans 140.26 (5) (b) *Deadline for objection.* Each claimant, the surety, if any, or the licensee shall have 30 days from the date the preliminary determination is mailed to ~~him or her~~ the claimant to object to the preliminary determination of the allowance, amount or priority class of any claim.

SECTION 38. Trans 144.03 (2) (b) (intro.) and 2. (Note) are amended to read:

Trans 144.03 (2) (b) (intro.) *Reissued licenses.* A person whose salesperson or representative license is invalidated by ceasing ~~his or her~~ the person's employment with a licensed dealer or other licensed business may, when hired by a different employer, apply to the department for a reissue of the salesperson or representative license. The department shall reissue the license without charge if both of the following conditions are true:

2. (Note) 1992, and the dealer's license in effect on that date was set to expire on November 30, 1992, the person may not apply for a reissue on or after December 1, 1992. After November 30, the person must apply for an initial salesperson license. Also, a person may not apply for a reissue of ~~his or her~~ the person's previous salesperson license for employment by a motor vehicle dealer if that license was held while working for a mobile home dealer, since the two employers hold licenses of different types.

SECTION 39. Trans 149.02 (5) is amended to read:

Trans 149.02 (5) "Law enforcement officer" means any person who by virtue of ~~his or her~~ the person's 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.

SECTION 40. Trans 149.04 (5) (g) is amended to read:

Trans 149.04 (5) (g) The department may issue a new identification card to an inspector when presented with evidence from ~~his or her~~ the inspector's employing agency that an inspector has a change of name or badge number, or when an inspector changes employment and the department is advised by the inspector's new employing law enforcement agency that the inspector has changed employing agencies and will continue to perform inspections.

SECTION 41. Trans 152.02 (22) is amended to read:

Trans 152.02 (22) "Reciprocity agreement" means an agreement that the department enters with another state under s. 341.41, Stats., or with an American Indian tribe or band under s. 341.409, Stats., under which the department may exempt vehicles from certain registration requirements.

SECTION 42. Trans 196.02 (6) (e) is amended to read:

Trans 196.02 (6) (e) Special identification card for ~~the physically disabled~~ individuals with physical disabilities.

SECTION 43. Trans 200 (title) is amended to read:

Trans 200 (title) **ERECTION OF SIGNS ON PUBLIC HIGHWAYS AND HANDICAPPED DISABLED PARKING SIGNS**

SECTION 44. Trans 200.01 is amended to read:

Trans 200.01 Purpose. The purpose of this chapter is to interpret and implement ss. 86.19, 86.191, 86.195, 86.196, 340.01 (73m), 346.41 and 346.503, Stats., relating to erection and maintenance of signs on public highways and signs related to reserved parking spaces for ~~handicapped persons~~ individuals with disabilities. This chapter does not apply to signs erected and maintained on property beyond the limits of a public highway, except signs related to reserved parking spaces for ~~handicapped persons~~ individuals with disabilities.

SECTION 45. Trans 200.07 (title) and (1) are amended to read:

Trans 200.07 (title) **Handicapped Disabled parking signs.**

(1) PURPOSE. The purpose of this section is to define and illustrate the design, size and installation requirements of the official traffic signs required under s. 346.503 (1m), Stats., related to reserved parking spaces for ~~handicapped persons~~ individuals with disabilities.

SECTION 46. Trans 205.04 (1) is amended to read:

Trans 205.04 (1) After a region director has decided whether to use either the design standards in s. Trans 205.03 or the alternative "3R" standards in s. Trans 205.035, ~~he or she~~ the regional director may expressly authorize, in writing, exceptions to either of these standards, if federal or state funds are not used for the improvement project.

SECTION 47. Trans 212.11 (3) (a) is amended to read:

Trans 212.11 (3) (a) Each county highway commissioner shall report the results of all non-state maintained bridge inspections in ~~his or her~~ the commissioner's county to the appropriate department official or officials.

SECTION 48. Trans 231.02 (1) is amended to read:

Trans 231.02 (1) That ~~he or she~~ the applicant represents all parties in interest, and that any driveway or approach constructed by the applicant is for the bona fide purpose of securing access to ~~his or her~~ the applicant's property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the highway right of way.

SECTION 49. Trans 254.13 is amended to read:

Trans 254.13 Power unit change. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the oversize load. Changes in the terms of the permit, other than the identification of the power unit, require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in ~~his or her~~ the driver's possession prior to the movement of the load.

SECTION 50. Trans 256.13 is amended to read:

Trans 256.13 Power unit change. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the oversize load. Changes in the terms of the permit, other than the identification of the power unit, require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in ~~his or her~~ the driver's possession prior to the movement of the load.

SECTION 51. Trans 262.11 is amended to read:

Trans 262.11 Power unit change. In the event of a breakdown or unavailability of the power unit listed on the application and permit, another power unit may be substituted, provided that the make and vehicle identification number, or license number and state, of the substitute power unit are written on the permit. The issuing authority shall be advised by telephone prior to operating the substitute power unit with the permitted load. Changes in the terms of the permit other than the identification of the power unit require a written request and a written amendment to the permit authorizing the change. The driver of a vehicle operating under a permit shall have the amended permit in ~~his or her~~ the driver's possession prior to the movement of the load.

SECTION 52. Trans 277.02 (6) is amended to read:

Trans 277.02 (6) "Highway salt" means bulk quantities of sodium chloride or calcium chloride intended for application to highways and includes mixtures of sand and sodium chloride or calcium chloride in any proportion. If any portion of a bulk quantity of sodium chloride, calcium chloride or chloride-and-sand mixture is intended for application to highways, then the entire bulk quantity is highway salt for the purposes of this chapter. Liquid calcium chloride is not included in this definition. "Bulk quantity" of a chloride means 1000 avoirdupois pounds or more of a chloride distributed in unpackaged form but does not include any chloride in a solid form, including granules, which is packaged in bags or other units which do not exceed 100 avoirdupois pounds (45 kg.) each. Any chloride which is distributed in the form of a solid block weighing at least 50 avoirdupois pounds is packaged, for purposes of this chapter, while in block form. "Bulk quantities of a chloride" includes all such chlorides, not expressly excepted, which are stored for the purpose of subsequent application upon highways, whether by the person storing the highway salt or by others, and includes bulk quantities of such chlorides which are suitable for application to highways, and stored by a person who distributes or manufactures highway salt, whether for ~~his or her~~ the person's own use or to distribute to others.

SECTION 53. Trans 277.04 (2) is amended to read:

Trans 277.04 (2) RESPONSIBILITY FOR COMPLIANCE. A person who stores highway salt shall construct, inspect and maintain each of ~~his or her~~ the person's storage facilities as necessary to assure compliance with this chapter. When more than one person stores highway salt, including when one person owns the highway salt stored at a storage facility owned or operated by another person, the department may require the compliance of, and issue compliance directives and special orders to, such person or persons as the department determines to be reasonable or necessary to obtain compliance with this chapter.

SECTION 54. Trans 277.07 (2) is amended to read:

Trans 277.07 (2) A property owner who stores highway salt on ~~his or her~~ the owner's property or permits others to do so has also consented to employees of the monitoring agency, as agents of the department, coming upon ~~his or her~~ the owner's property during normal business hours, obtaining and removing such water samples as are reasonably necessary for both monitoring required under ch. 160, Stats., and enforcement of this chapter by the department.

SECTION 55. Trans 300.02 (1) and (8) are amended to read:

Trans 300.02 (1) "Attended" means the driver is in the immediate area of the school bus service door or, in the case of a bus equipped with a power lift, the driver is assisting ~~a disabled person~~ an individual with disabilities to board or exit

(8) "Wheelchair" means any specially constructed wheeled device used exclusively for the movement of ~~physically disabled persons~~ individuals with physical disabilities.

SECTION 56. Trans 300.16 (2), (4), and (6) (c) are amended to read:

Trans 300.16 (2) Articles may not be transported within the bus body if there is or may be interference with the safe transportation of pupils or with the driver or if the articles obstruct the aisle, stepwell, or steps. No animal, firearm, or other weapon of any sort, or articles not associated with school activity shall be permitted on a bus without the express, written authorization of the appropriate school administrator. The bus driver shall refuse admittance to any student not presenting the required written authorization. The driver shall designate where all such articles shall be carried in the bus. The provisions of this subsection do not apply to animals

specially trained to aid ~~disabled persons~~ individuals with disabilities which may be permitted in accord with s. 106.52 (3) (am), Stats.

(4) A driver may not operate a school bus while under the influence of alcohol or a controlled substance or a combination of alcohol and a controlled substance or permit the use of alcohol or a controlled substance on any school bus. The driver may not operate a school bus if ~~he or she~~ the driver is under any medication, or combination of medication and alcohol, which may affect the safe operation of the bus.

(6) (c) A driver may not have in ~~his or her~~ the driver's possession any alcoholic beverage regardless of its alcoholic content while on duty or operating a school bus.

SECTION 57. Trans 300.79 is amended to read:

Trans 300.79 Communications. Every school bus used to transport students in special education or ~~disabled~~ students with disabilities shall comply with the communication requirements found in s. Trans 301.14.

SECTION 58. Trans 301.05 (8) is amended to read:

Trans 301.05 (8) Articles may not be transported within vehicle body if there is or may be interference with passengers or driver, or if aisle, well or steps are obstructed. Articles other than those associated with agency activity or in the personal possession of passengers may not be transported. At no time will animals, except for dogs permitted by s. 106.52 (3) (am), Stats., for ~~the sight or hearing impaired~~ persons with vision or hearing impairments or other animals assisting a person with a disability, or firearms or other weapons unless accompanied by written authorization from the agency administrator be permitted on an HSV. The driver shall refuse admittance to any person not presenting proper authorization. The driver may designate where items shall be carried on the vehicle.

SECTION 59. Trans 301.09 is amended to read:

Trans 301.09 Equipment standards. Any HSV with a passenger-carrying capacity of 16 or more persons, including the operator, shall comply with ch. Trans 330, motor bus equipment and inspection, except s. Trans 330.23, inspection fees. In addition, motor buses used to transport ~~disabled~~ persons with disabilities shall comply with s. Trans 301.14, communication requirements, and subch. III, special equipment requirements.

SECTION 60. Trans 301.60 (1) is amended to read:

Trans 301.60 (1) Vehicles used for transporting persons with a disability shall comply with current Wisconsin statutes and rules except for modifications necessary for the installation of special equipment. Such modifications or exceptions are set forth in this section through s. Trans 301.66. In addition, new, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport ~~disabled~~ persons with disabilities shall comply with all requirements in 36 CFR 1192, subparts A and B.

SECTION 61. Trans 301.62 (11) is amended to read:

Trans 301.62 (11) New, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport ~~physically disabled~~ persons with physical disabilities shall comply with the requirements found in 36 CFR 1192.21 and 1192.23.

SECTION 62. Trans 301.63 (2) is amended to read:

Trans 301.63 (2) New, used or remanufactured buses and vans placed in operation after February 25, 1992, and used to transport ~~the physically disabled~~ persons with physical disabilities shall comply with the requirements found in 36 CFR 1192.21 and 1192.23.

SECTION 63. Trans 301.96 (3) (a) and (c) are amended to read:

Trans 301.96 (3) (a) It is the responsibility of the owner or operator to have the HSV inspected annually. After notification by the owner or operator, or the authorized representative of any transportation assistance program for ~~elderly or disabled persons~~ seniors or individuals with disabilities, that vehicles are to be inspected, the department shall attempt to inspect the vehicles, contingent on other duties, at the earliest time available.

(c) The department may arrange to inform the authorized representative of any transportation assistance program for ~~elderly or disabled persons~~ seniors or individuals with disabilities when and if vehicles have been inspected and the results of any inspection.

SECTION 64. Trans 309.01 (3) (a) is amended to read:

Trans 309.01 (3) (a) This chapter shall be construed by the department to reasonably effectuate the legislative purpose of promoting safe, efficient emergency transportation for ~~the~~ individuals who are sick, injured and disabled.

SECTION 65. Trans 309.03 (4) is amended to read:

Trans 309.03 (4) If upon inspection a vehicle is found defective or deficient but, in the judgment of the inspector, may nevertheless be operated as an ambulance without seriously affecting the safe transportation of individuals who are sick, injured, or disabled ~~persons~~ or the general public, the inspector shall note the deficiency on the ambulance inspection report and shall specify the time, not to exceed 30 days, in which the ambulance service provider is required to correct the defect or deficiency. The inspector may require proof of correction of the defect or deficiency in writing. If the defect or deficiency is not corrected within the time allowed, the vehicle may not be used as an ambulance.

SECTION 66. Trans 311.11 (2) is amended to read:

Trans 311.11 (2) The holder of a valid permit may at any time be required by a technician or the department to demonstrate ~~his or her~~ the permit holder's ability to satisfactorily operate a qualitative or quantitative breath alcohol instrument. Failure to demonstrate satisfactory ability will result in the suspension of the permit.

SECTION 67. Trans 313.14 (1) is amended to read:

Trans 313.14 (1) No person other than a service provider may remove a device from a vehicle before the restriction period has elapsed, unless the customer surrenders to the department all operator and occupational licenses in ~~his or her~~ the customer's possession.

SECTION 68. Trans 327.03 (2) (a) 2. and (b) are amended to read:

Trans 327.03 (2) (a) 2. 391.41(b)(10), if a driver who does not meet the vision standards provides documentation from a licensed vision specialist that ~~he or she~~ the driver does not have progressive eye disease; that ~~his or her~~ the driver's vision in the best eye, corrected or uncorrected, is at least 20/40 (Snellen); and that ~~he or she~~ the driver has a minimum of 70-degree visual field from the center of at least one eye. The documentation shall be accompanied by a statement from the specialist indicating that the driver's vision is not likely to cause a loss of ability to control or operate a commercial motor vehicle. A driver may apply for an

exception or waiver to drive in intrastate commerce by submitting this information with ~~his or her~~ the driver's application.

(b) A driver is not eligible for an exception or waiver under par. (a) if ~~he or she~~ the driver has had any moving violations or any reportable at-fault accidents while driving any motor vehicle within the 3-year period prior to the date of the application. After a driver receives an exception or waiver, ~~his or her~~ the driver's noncompliance with any applicable reporting requirements may result in cancellation of the exception or waiver.

SECTION 69. Trans 327.14 (3) (a) (intro.), (6) (a) 1., (7) (a), and (8) (a) 1. are amended to read:

Trans 327.14 (3) (a) (intro.) A person applying for a CDL shall certify to the department the tier of operation in which ~~he or she~~ the person intends to engage. A person may change ~~his or~~ the person's certification at any time. The department shall deny as incomplete an application for any of the following that is submitted without a certification required under this subsection or a required medical certificate:

(6) (a) 1. A Tier 1 driver, upon the expiration of ~~his or her~~ the driver's medical certificate.

(7) (a) A person whose CDL is downgraded may reinstate his or her CDL at any time prior to the CDL expiration date by making the certification required under sub. (3), or, if required, providing a medical certification-, or both, or by changing ~~his or her~~ the person's certification to something other than a Tier 1 driver.

(8) (a) 1. The expiration date of ~~his or her~~ the person's medical certificate; that the person may not operate in interstate commerce after the medical certificate expires; and that the person's CDL will be downgraded if ~~he or she~~ the person does not maintain a medical certificate on file with the department. Whenever practicable, the department shall provide notice under this subdivision at least 55 days before the expiration of the medical certificate.

SECTION 70. Trans 330.04 (3) is amended to read:

Trans 330.04 (3) All required records shall be open for inspection and presented to the secretary or ~~his or her~~ the secretary's agent upon demand. The secretary may periodically authorize deletion or destruction of material contained in the maintenance record file.

SECTION 71. Trans 403.05 is amended to read:

Trans 403.05 Loan repayment incentive grants. The department may make loan repayment incentive grants to targeted group members within job classifications in which targeted group members are underutilized in the department as specified in s. 85.107 (3) (b), Stats. A loan repayment incentive grant shall be used only to repay the employee's education loans that are directly attributable to ~~his or her~~ the employee acquiring a bachelor's degree, associate degree, or vocational diploma and that are outstanding on the date a grant applicant begins full-time employment with the department. Only loans from recognized lending institutions, including major credit card companies, shall be eligible for loan repayment incentive grants. Grants may not exceed the amount of the employee's educational loans outstanding.

SECTION 72. Trans 510.03 (1) is amended to read:

Trans 510.03 (1) APPLICATION PACKET. Applicants shall contact the department secretary or ~~his or her~~ the secretary's designee for an application packet containing the application requirements and a description of the application screening, evaluation, and funding process.

(2) APPLICATION PROCESS. Completed applications shall be sent to the department secretary or ~~his or her~~ the secretary's designee. Applications shall be accepted throughout the year. The department shall expeditiously

screen and evaluate applications in the order of receipt. Applications may not be evaluated for eligibility unless all information required in the application packet is included upon submission. The results of the screening and evaluation shall be reported promptly to the applicant when completed.

SECTION 73. Trans 510.08 (1) (intro.) is amended to read:

Trans 510.08 (1) (intro.) The scheduling of an approved transportation facility improvement and the obligation of state funds shall occur only after the eligible applicant, the department, and any applicable third parties execute a formal project agreement, setting forth specific terms, conditions and responsibilities of the parties. The secretary or ~~his or her~~ the secretary's designee shall execute the agreement on behalf of the department. Responsibilities for scheduling and monitoring an approved transportation facility improvement shall be determined cooperatively by the department, the applicant and the governmental entity in which the transportation facility improvement is primarily located. The contract entered into by a grant or loan recipient is subject to the following requirements:

SECTION 74. Trans 512.02 (5) (i) is amended to read:

Trans 512.02 (5) (i) Increases mobility for ~~elderly and disabled persons~~ seniors and individuals with disabilities as defined in s. 85.22 (2), Stats.

SECTION 75. Trans 512.06 (1) is amended to read:

Trans 512.06 (1) Successful applicants shall be required to enter into a negotiated agreement with the department. The agreement shall be signed by the secretary or ~~his or her~~ the secretary's designee and an authorized representative of the eligible applicant. Loan repayments shall commence no later than 5 years after completion of the project. The duration of the loan may not exceed 30 years. The department shall charge interest at market rates, as determined by the department, to make the project that is the subject of the loan feasible, except when the applicant satisfies the secretary that interest would represent an undue hardship for the applicant.

(END OF RULE TEXT)

Signed this ____ day of _____ 2022.

Craig Thompson, Secretary
State of Wisconsin Department of Transportation