

FISCAL ESTIMATE
DOA-2048 N(R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
SB 139 (-1754/1)
Amendment No. if Applicable

Subject
Relating to enacting traffic regulation ordinances that conform with rules of the Department of Transportation

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Current law permits local authorities to enact and enforce ordinances that strictly conform to state traffic laws that are punishable by a forfeiture. SB 139 would permit any local authority to enact and enforce ordinances that strictly conform to any rules of the Department of Transportation (DOT) establishing child restraint standards (TRANS 310), motor vehicle equipment standards (TRANS 305), human service vehicles standards (TRANS 301), school bus standards (TRANS 300) and motor bus standards (TRANS 330). Rules pertaining to federal motor carrier safety standards would be exempt from local ordinance authority. The development of SB 139 was encouraged by issues identified in the Town of East Troy v. A-1 Service Co., Inc., 196 Wis. 2d.120 (1995), in which application of DOT rules by a local authority was contested.

The State Patrol currently has the authority, as identified in ss.110.07(1)(a), to enforce all traffic laws, orders, and rules, including child restraint in vehicles, vehicle equipment and standards, and size, weight and load limit regulations. Thus, enactment of SB 139 would not have a fiscal impact on the State Patrol's duties and enforcement related to traffic laws, vehicle equipment and standards laws, or child restraint laws.

With the enactment of SB 139, local law enforcement agencies would be able to stop and cite for human service vehicle, school bus, motor bus, and motor vehicle size, weight and load limit violations, as well as child restraint violations, in compliance with state statute and DOT rules, under the authority of local ordinances. Since most local law enforcement agencies have already incorporated most motor vehicle regulations/standards and child restraint use in their training curriculum, there should be minimal fiscal impact on the local agencies for additional training. Local law enforcement agencies would be given new authority to cite violations they observe during the completion of routine law enforcement duties. For those local law enforcement agencies that may not have adequately trained all sworn personnel in the area of bus and/or human service vehicle standards, or motor vehicle size, weight and load limit regulations, there may be some additional training costs. Thus, the State Patrol Academy, as the major instructional institution on bus and/or human service vehicle standards and motor vehicle size, weight and load limit regulations, may experience a limited increase in class enrollment by local law enforcement agency personnel. The extent of the increase, if any, is impossible to determine. The State Patrol has routinely provided motor vehicle regulation instruction to local law enforcement agencies, free of cost, when significant changes have been mandated. It is possible that this practice would continue as determined necessary and feasible by the State Patrol.

If SB 139 were enacted, there may be some increase in municipal court revenues awarded due to the forfeitures received from local law enforcement citation of violations of local ordinances related to bus and/or human service vehicle standards, motor vehicle size, weight and load limit regulations and child restraint use, though it is impossible to determine the extent of any increase. Under current statute, circuit courts are authorized to collect the violation's base deposit plus a court support services fee, a court cost fee, a penalty assessment surcharge, a jail assessment surcharge, and a justice information system fee, for each traffic violation (jail assessment fee is exempted from seat belt violations). Municipal courts are authorized to collect the violation's base deposit, plus a penalty assessment surcharge, a jail assessment surcharge, and a court cost fee, for each traffic violation (jail assessment fee is exempted from seat belt violations).

Long-Range Fiscal Implications

Unknown

Agency/Prepared by: (Name & Phone No.)
Loralee Brumund / DOT State Patrol / 267-3622

Authorized Signature/Telephone No.
Daniel McGuire / 267-7305

Date
4/10/97

Daniel McGuire

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
SB 139

Amendment No.

Subject
Relating to enacting traffic regulation ordinances that conform with rules of the Department of Transportation.

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:

		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations - Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 0	\$ - 0
B. State Costs by Source of Funds			
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$ 0	\$ - 0

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$ None \$ Unknown
NET CHANGE IN REVENUES \$ None \$ Unknown

Agency/Prepared by: (Name & Phone No.)
Lorelee Brumund / DOT State Patrol - 267-3622

Authorized Signature/Telephone No.
Daniel McGuire / 267-7305

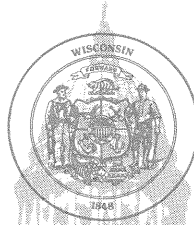
Date
4/10/97

[Handwritten Signature]

Wisconsin State Senate

PLEASE REPLY TO:
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-5670

E-MAIL
Sen.Drzewiecki@legis.state.wi.us
TOLL-FREE LEGISLATIVE HOTLINE
1-800-362-9472



GARY DRZEWIECKI
Senator

Representing Brown, Marinette and Oconto Counties

FEB 19 1998

talk to me

February 18, 1997

Representative David Brandemuehl
Chair; Assembly Committee on
Highways and Transportation
317 North; State Capitol

Dear Representative Brandemuehl:

David!

I want to thank you for holding a public hearing and committee vote on Assembly Bill 635 so quickly. Your attention to this matter was truly appreciated.

As you may know, the Senate companion bill, Senate Bill 139 was approved last week on a voice vote on the Senate floor. It is my hope that, due to executive action already taken on Assembly Bill 635 in your committee, you can expedite the process for Senate Bill 139.

I do, however, want to bring to your attention a small change which was made on the Senate floor. I introduced an amendment at the request of the Department of Transportation which, on p. 2, line 12 of the bill, deletes 110.075 and substitutes for it ch. 110. The Department felt this was necessary because although the administrative rules are referred to in 110.075, other provisions of ch. 110 are referred to in 110.075 as well.

Although the Department believes that all provisions referred to in 110.075 should be covered under the original bill, they believe it is safer to simply amend the bill to specifically include all of ch. 110. The amendment does not expand the scope of the legislation, it simply assures us that all our bases are covered so that we do not have to revisit this issue due to another silly court decision.

Thank you again for all of your assistance. If you have any questions or concerns regarding the legislation, please do not hesitate to contact me.

Sincerely,

Gary
GARY F. DRZEWIECKI
State Senator
30th Senate District

Wisconsin State Representative
David Brandemuehl
Chair: Highways and Transportation Committee

March 3, 1998

Rep. Steven Foti, Chair
Assembly Committee on Rules
215 West, State Capitol
Madison, WI 53708

Dear Rep. Foti: *Steve*

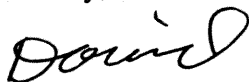
I would like to bring your attention to a bill that has been referred to the Rules Committee, Senate Bill 139, relating to enacting traffic regulation ordinances that conform with rules of the Department of Transportation.

Senate Bill 139 provides that local governments may enact and enforce ordinances that strictly conform to the administrative rules of the Department of Transportation. This bill has the support of the Wisconsin State Patrol, the Wisconsin Police Chiefs Association, the League of Wisconsin Municipalities, the City of Milwaukee, the Wisconsin Alliance of Cities and the Wisconsin Towns Association. During the Highways and Transportation Committee's hearing on the companion bill, AB 635, there were no registrations or appearances against the bill.

Senate Bill 139 was unanimously concurred by the Assembly Highways and Transportation Committee members on February 26, 1998. I am respectfully requesting that it be scheduled for the upcoming floor session. If you have questions regarding this bill, please let me know.

Thank you for your consideration of this request.

Sincerely,



David A. Brandemuehl
State Representative
49th Assembly District

DAB:slk



202 State Street, Suite 300
Madison, Wisconsin 53703-2215

608/267-2380

800/991-5502

Fax: 608/267-0645

E Mail: League@lwm-info.org

President
Michael Miller
Mayor, West Bend

1st Vice President
Ted Pamparin
Village President
Ashwaubenon

2nd Vice President
Joseph F. Laux
Mayor, Menasha

Past President
Virginia O. Smith
Mayor, Chippewa Falls

APR 06 1998

April 3, 1998

The Honorable Tommy G. Thompson
Governor of the State of Wisconsin
Room 113 East, State Capitol
PO Box 7863
Madison, WI 53707-7863

Re: Senate Bill 139 — Traffic Ordinances

Dear Governor Thompson:

The League of Wisconsin Municipalities supports Senate Bill 139, relating to enacting traffic regulation ordinances that conform with Department of Transportation rules. The bill was approved by the Legislature.

The League supports this bill because it allows municipalities to incorporate Department of Transportation regulations into their ordinances. A recent court decision overturned an ordinance conviction because the municipality referenced DOT regulations in its ordinance. The court concluded that municipalities lack the authority to adopt DOT regulations. This bill would make it easier for municipalities to include state traffic regulations in their ordinances.

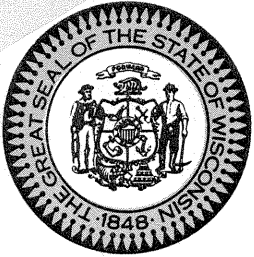
For this reason, we urge you to sign Senate Bill 139 into law. Thank you for your consideration.

Sincerely,

Dan Thompson

Dan Thompson,
Executive Director

Cc: Senator Gary Drzewiecki
Representative David Brandemuehl



DAVID BRANDEMUEHL

State Representative
49th Assembly District

*Local ordinance
grant authority
violator law
could be challenged.*

SENATE BILL 139 TESTIMONY - SENATE TRANSPORTATION COMMITTEE HEARING DECEMBER 9, 1997

Thank you Senator Plache and Committee Members.

I just want to make a few, brief comments on Senate Bill 139 before I turn it over to the state and local law enforcement officials who have come to Madison today to voice their support for the bill. They will be able to better answer any questions you may have as to why this bill necessary for daily operations of law enforcement.

The bill is very simple. It allows local governments to incorporate D.O.T. administrative rules into their local ordinances.

This bill is not attempting to expand the scope of local law enforcement. Local governments have been enforcing such things as equipment violations for many years. Unfortunately, the 1995 Court of Appeals decision, *Town of East Troy v. A-1 Service Co.*, ruled that local governments do not have authority to incorporate DOT rules into their local ordinances because express legislative authority was never given. Express authority was only given for local governments to incorporate state statutes into their local ordinances. This bill will provide the express authority needed.

Local law enforcement needs to be able to enforce these rules in order for our roads to be safe. It is impossible to expect the state patrol to be able to effectively handle this additional workload. Furthermore, municipal courts are no longer able to adjudicate these matters, thus all of these violations must go through circuit court, which are already overburdened.

For these reasons we respectfully urge passage of Senate Bill 139.

Just a few other quick notes before I take questions.

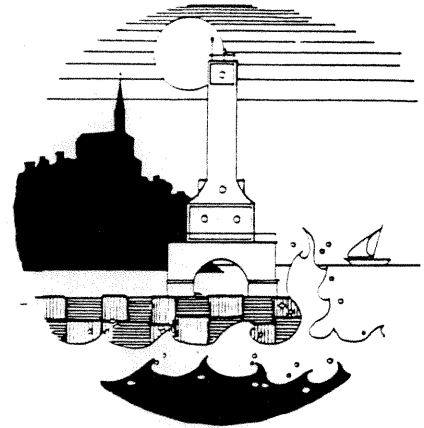
The bill excepts rules pertaining to federal motor carrier safety standards. After meeting with the DOT during drafting of the bill, it was determined that these provisions should be enforced strictly by the state.

Another significant problem is that many local authorities are not aware of this decision. They therefore are continuing to operate in violation of the law. It is important that this matter is soon rectified to assure that all local governmental bodies are complying with state law.

city of
Port Washington

Office of City Attorney
Christopher L. O'Byrne, City Attorney
Christopher R. Behrens, Asst. City Attorney
Phone 414-284-4455
Facsimile 414-284-3723

114 E. Main St.
P.O. Box 147
Port Washington, WI 53074



November 25, 1997

Senator Gary Drzewiecki
P.O. Box 7882
Madison, WI 53707

In Re: Senate Bill 139

Dear Senator Drzewiecki:

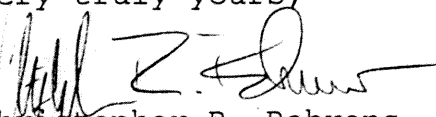
I am pleased to learn that Senate Bill 139 has been scheduled for a public hearing.

Approximately two years ago the City of Port Washington and Village of Grafton joined the Mid-Moraine Municipal Court. One of the reasons for joining the Municipal Court was to ease the burden on the Circuit Court. However, this purpose was frustrated when the Court of Appeals held that vehicle standards set forth in Wisconsin Administrative Code Chapter TRANS 305 are enforceable only as State traffic forfeitures prosecuted by the District Attorney in Circuit Court.

Accordingly, our office supports Senate Bill 139 as it will allow the City of Port Washington officers to enforce the vehicle standards set forth in TRANS 305 without having to return to Circuit Court to prosecute the same.

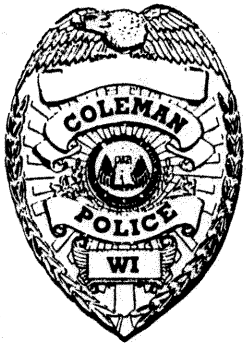
Thank you for your efforts.

Very truly yours,


Christopher R. Behrens
Assistant City Attorney

CRB/kas

cc: Edward Rudolph, Chief of Police
Michael Herbrand, Asst. Village Attorney-Village of Grafton
Thomas Frederick, Asst. City Attorney-City of West Bend



Village of Coleman

Police Department

PHONE: (920) 897-4400 • COLEMAN, WISCONSIN 54112



November 25, 1997

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State Capitol
P.O. Box 7882
Madison Wi 53707-7882

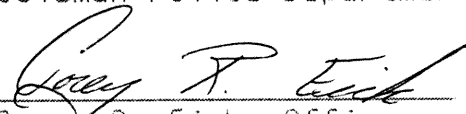
Dear Senator Drzewiecki:

We are writing to you to let you know that we support the Senate Bill 139 allowing local government bodies to incorporate the Department of Transportation administrative rules into our local ordinances.

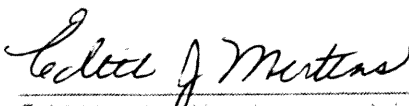
We feel that this is important legislation in light of the decision by the Wisconsin Court of Appeals on the Town of East Troy.

Thank you so much for keeping us informed as to the important legislation coming up that involves us as a Police Department about which we might otherwise be uninformed.

Sincerely,
Coleman Police Department


Corey R. Eick, Officer


Ida B. Soletske, Officer


Edith J. Mertens, Administrative Officer

City Of Peshtigo
MUNICIPAL COURT
331 French Street • Peshtigo, WI 54157 • 715-582-3041

December 10, 1997

Gary Drzewiecki
Senator, Thirtieth District
State Capitol, P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Drzewiecki:

Thank you for your informative letter regarding Senate Bill 139.
I am in favor of this Bill and will support it.

Please pass this letter on to Senator Plache with my request for
a public hearing on the above in the near future.

Sincerely,



James S. Schreder
Municipal Judge

JSS: jm

SHERIFF'S DEPARTMENT

Brown County

300 EAST WALNUT
P.O. BOX 22003
GREEN BAY, WISCONSIN 54305-2003
PHONE (414) 448-4200 FAX (414) 448-4206



THOMAS J. HINZ
SHERIFF

11/22/97

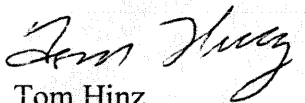
Senator Plache
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Plache:

I have been recently contacted by Senator Gary Drzewiecki who asked me to look over 1997 Senate Bill 139. This bill would allow local government bodies to incorporate Department of Transportation administrative rules into our local ordinances. It's my understanding because of the *Town of East Troy v. A-1 Service Company, Inc.* Wisconsin Supreme Court decision, we need this bill passed.

After reviewing Senate Bill 139 I am in favor of its passage and encourage you to hold a public hearing on the legislation in the very near future. I thank you for your assistance in this matter. Please feel free to contact me at 920/448-4222.

Sincerely,


Tom Hinz
Brown County Sheriff

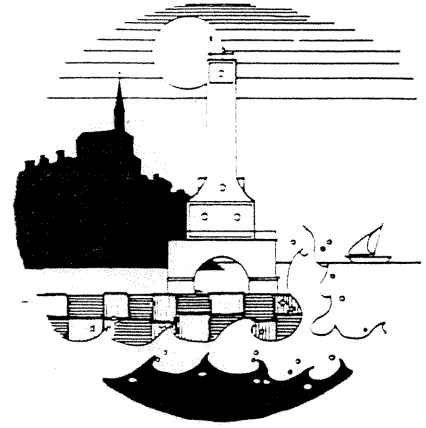
cc: Senator Gary Drzewiecki

city of

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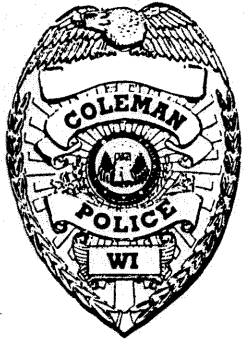
Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Behrens", is written over a horizontal line.

Christopher R. Behrens
Assistant City Attorney

CRB/kas

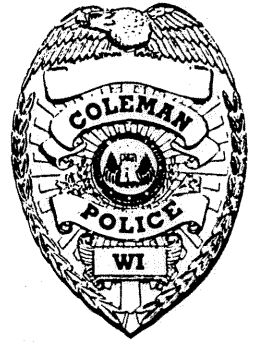
cc: Edward Rudolph, Chief of Police
Michael Herbrand, Asst. Village Attorney-Village of Grafton
Thomas Frederick, Asst. City Attorney-City of West Bend



Village of Coleman

Police Department

PHONE: (920) 897-4400 • COLEMAN, WISCONSIN 54112



November 25, 1997

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P.O. Box 7882
Madison Wi 53707-7882

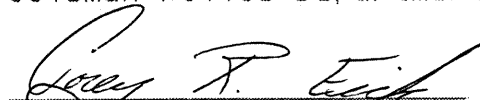
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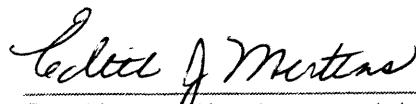
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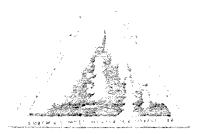
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December 10, 1997

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State Capitol, P.O. Box 7882
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Sincerely,

A handwritten signature in cursive script that reads "James S. Schreder".

James S. Schreder
Municipal Judge

JSS: jm