

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

Joint Committee for
Review of
Administrative Rules
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-185
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

IRANS 101 - OPERATION AFTER
REVOCATION 98-185

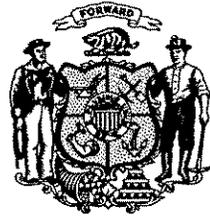
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-185

AN ORDER to renumber Trans 101.02 (1) (c), relating to demerit point assessment for operating after suspension and revocation offenses.

Submitted by **DEPARTMENT OF TRANSPORTATION**

11-13-98 RECEIVED BY LEGISLATIVE COUNCIL.

12-10-98 REPORT SENT TO AGENCY.

RS:RJC:jal;kjf

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

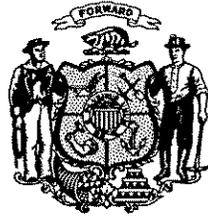
Comment Attached YES NO

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CLEARINGHOUSE RULE 98-185

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

3. Conflict With or Duplication of Existing Rules

SECTION 58 of 1997 Wisconsin Act 84 lowers the demerit points for convictions relating to operating a motor vehicle while revoked, suspended or disqualified from six points to three. SECTION 1 of the rule effectively lowers the demerit points from six to three for convictions for operating while revoked or suspended by renumbering s. Trans 101.02 (1) (c). However, it appears that current s. Trans 101.02 (1) (d), which assesses six demerit points for operating a commercial motor vehicle while disqualified, may also need to be renumbered so as to effect the apparent legislative intent expressed in SECTION 58 of Act 84 of having those violations subjected to three demerit points. Section Trans 101.02 (1) (d) should be reviewed to determine whether its current placement complies with the intent of Act 84.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In the relating clause of the rule, the term "ss." before the second reference to "343.32, Stats." should be changed to "s."

The Wisconsin Department of Transportation proposes an order to renumber TRANS 101.02(1)(c), relating to demerit point assessment for operating after suspension and revocation offenses.

**NOTICE OF INTENT TO ADOPT RULE
WITHOUT PUBLIC HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to the authority of s. 343.32(2)(bg), Stats., as amended by 1997 Wisconsin Act 84, and according to the procedure set forth in s. 227.16(2)(b), Stats., the Wisconsin Department of Transportation will adopt the following rule amending ch. Trans 101 without public hearing.

Questions about this rule may be addressed to John Alley, Department of Transportation, Division of Motor Vehicles, Bureau of Driver Services, Room 351, P. O. Box 7917, Madison, Wisconsin 53707-7917, telephone (608) 266-0614.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 343.32(2)(bg), Stats., as amended by 1997 Wisconsin Act 84, and made effective pursuant to s. 85.515, Stats., as created by 1997 Wisconsin Act 84 by publication of a notice in the Wisconsin Administrative Register on July 1, 1998.

STATUTES INTERPRETED: s. 343.32(2)(bg), Stats., as amended by 1997 Wisconsin Act 84.

General Summary of Proposed Rule. Section 58 of 1997 Wisconsin Act 84 requires the department to assess three rather than six demerit points to drivers who are convicted of operating after suspension or revocation. This rule making simply amends ch. Trans 101 to conform to this statutory requirement.

Fiscal Effect. There is no fiscal effect from this regulatory change.

Initial Regulatory Flexibility Analysis. This regulatory change has no impact on small business.

Preparation and Copies of Rule. Copies of the proposed rule can be obtained upon request, without cost, from the Division of Motor Vehicles, Bureau of Driver Services, P. O. Box 7917, Madison, WI 53707-7919. For further information contact John Alley at (608) 266-0614.

TEXT OF PROPOSED RULE

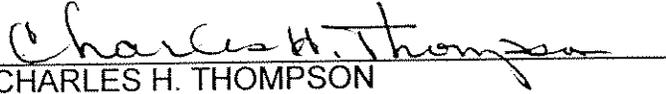
Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.32, Stats., as amended by 1997 Wis. Act 84, the department of transportation hereby proposes an order interpreting ~~ss.~~ 343.32, Stats., relating to the assessment of demerit points for the traffic offenses of operating after revocation or suspension. X

SECTION 1. Trans 101.02(1)(c) is renumbered Trans 101.02(3)(q).

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats. X

Signed at Madison, Wisconsin, this 11 day of November, 1998.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

June 15, 1998

Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

JUN 17 1998

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 101 and
PUBLIC NOTICE**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 101. Also enclosed is a Public Notice for publication. Please publish both the Scope Statement, in accordance with § 227.135(3), Stats., and the Public Notice, in accordance with s. 85.515, Stats., as created by Section 1g of 1997 Wisconsin Act 84, in the Administrative Register.

Sincerely,

Julie A. Johnson
Paralegal

Enclosures

cc: Richard G. Chandler/DOA State Budget Director
Senator Robert Welch, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Gene Kussart
Sandy Beaupre
Mike Goetzman
Roger Cross
Anna Biermeier
Christine Smith

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

Amend ch. Trans 101 to provide that Operating After Revocation and Operating After Suspension offenses be counted as three point offenses effective August 1, 1998.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Section 58 of 1997 Wisconsin Act 84 amends s. 343.32(2)(bg), Stats., and provides that the Department shall assess three demerit points for operating a motor vehicle while disqualified, revoked, suspended or out-of-service, rather than six demerit points.

Section 85.15, Stats., as created by 1997 Wis. Act 84, permits the Department to implement the provisions of Act 84 as the Department's computer systems are able to put the provisions of the law into effect. By a notice in the administrative register dated July 1, 1998, the Secretary made Section 58 of the Act effective August 1, 1998. This rule making brings ch. Trans 101 into conformity with s. 343.32(2)(bg), Stats., as amended by 1997 Wis. Act 84.

STATUTORY AUTHORITY FOR THE RULE:

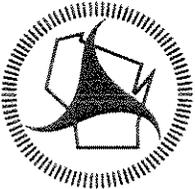
343.32(2)(a), Stats.

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

5 hours.

Signed at Madison, Wisconsin, this 15 day of
June, 1998.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

November 12, 1998

The Honorable Robert Welch
Senate Chairman
Joint Committee for Review
of Administrative Rules
One East Main, Suite 201
Madison, Wisconsin 53707

The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 125, State Capitol
Madison, Wisconsin 53707

NOV 12 1998

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text
of Proposed Rule, relating to **demerit point assessment for operating after
suspension and revocation offenses**, Trans 101

Dear Senator Welch and Representative Grothman:

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

Sincerely,

Julie A. Johnson
Julie A. Johnson
Paralegal

Enclosure

cc: Gene Kussart
Sandy Beaupre
Mike Goetzman
Roger Cross
Anna Biermeier
John Alley

The Wisconsin Department of Transportation proposes an order to renumber TRANS 101.02(1)(c), relating to demerit point assessment for operating after suspension and revocation offenses.

**NOTICE OF INTENT TO ADOPT RULE
WITHOUT PUBLIC HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to the authority of s. 343.32(2)(bg), Stats., as amended by 1997 Wisconsin Act 84, and according to the procedure set forth in s. 227.16(2)(b), Stats., the Wisconsin Department of Transportation will adopt the following rule amending ch. Trans 101 without public hearing.

Questions about this rule may be addressed to John Alley, Department of Transportation, Division of Motor Vehicles, Bureau of Driver Services, Room 351, P. O. Box 7917, Madison, Wisconsin 53707-7917, telephone (608) 266-0614.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 343.32(2)(bg), Stats., as amended by 1997 Wisconsin Act 84, and made effective pursuant to s. 85.515, Stats., as created by 1997 Wisconsin Act 84 by publication of a notice in the Wisconsin Administrative Register on July 1, 1998.

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TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.32, Stats., as amended by 1997 Wis. Act 84, the department of transportation hereby proposes an order interpreting ss. 343.32, Stats., relating to the assessment of demerit points for the traffic offenses of operating after revocation or suspension.

SECTION 1. Trans 101.02(1)(c) is renumbered Trans 101.02(3)(q).

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 11 day of November, 1998.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation