

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-SB246)

Received: 09/25/2003

Received By: btradewe

Wanted: Today

Identical to LRB:

For: James Kreuser (608) 266-5504

By/Representing: Aaron

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: State Govt - miscellaneous

Extra Copies:

Submit via email: YES

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Pre Topic:

No specific pre topic given

Topic:

Eliminate automatic approval, add fines against agencies

Instructions:

Like 03s0187

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 09/25/2003	kfollett 09/25/2003		_____			
/1			pgreensl 09/25/2003	_____	mbarman 09/25/2003	mbarman 09/25/2003	

FE Sent For:

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1/?	btradewe	11 KJ 9/25	9 JG PS	9 /28 SRL			

FE Sent For:

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Now

ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2003 ^{senate} ASSEMBLY BILL 486-246

no changes

Regen

1 **AN ACT to amend** 84.063 (5), 84.30 (14), 86.196 (2) (c), 218.0114 (13) (b), 218.11
2 (2) (b) 1., 218.12 (2) (b) 2., 218.22 (2) (b) 1., 218.32 (2) (b) 1., 218.41 (2m) (a) 1.,
3 218.51 (3) (b) 1., 341.19 (4), 343.02 (1) and 343.305 (11); **to repeal and recreate**
4 299.05; and **to create** 29.026, 73.303, 85.16 (3), 93.125, 101.022, 125.04 (3m),
5 145.025, 168.165 and 224.50 of the statutes; **relating to:** periods in which state
6 agencies will act on certain applications, refunds of fees, granting rule-making
7 authority, and providing penalties.

Analysis by the Legislative Reference Bureau

This substitute amendment requires state agencies to promulgate rules establishing periods within which the agencies intend to approve or disapprove applications for specified licenses, permits, and other approvals that the agencies issue. The following state agencies are required to promulgate rules: the Department of Natural Resources (DNR); the Department of Agriculture, Trade and Consumer Protection (DATCP); the Department of Commerce; the Department of Financial Institutions (DFI); the Department of Transportation (DOT); and the Department of Revenue (DOR).

An agency and an applicant may agree to extend the period for the specified approvals.

Under this substitute amendment, if an agency fails to act within the period established by rule plus any extension, the agency must refund fees paid by an applicant for an approval. In addition, the agency may be required to pay a forfeiture for failing to act by the deadline.

Approvals covered by this substitute amendment include: air pollution permits, well driller registrations, bait dealer licenses, commercial fishing licenses, high-capacity well approvals, water pollution permits, solid or hazardous waste facility operating licenses, and permits and other determinations related to structures and deposits in navigable waters issued by DNR; milk producer, buttermaker, cheesemaker, nursery dealer, pesticide manufacturer, commercial feed manufacturer, food processing plant, and grain dealer licenses and farm-raised deer registrations issued by DATCP; electrician certifications, plumber licenses, building plan approvals, approvals of construction site erosion control plans, approvals of exemptions from requirements related to the retention and disclosure of information about toxic substances, and approvals of agencies that inspect manufactured homes issued by the Department of Commerce; mortgage banker and investment advisor licenses, approvals of plans for mergers by certain business entities, and approvals relating to the operations of state banks, savings banks and savings and loans, and credit unions issued by DFI; outdoor advertising permits, motor vehicle dealer licenses, oversize and overweight vehicle permits, approvals relating to maintenance of highway vegetation, and certain types of business and vehicle registrations issued by DOT; and permits related to the sale of cigarettes, tobacco products, and alcohol beverages issued by DOR.

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

1 **SECTION 1.** 29.026 of the statutes is created to read:

2 **29.026 Deadlines for action on certain approval applications. (1)**

3 **DEADLINES.** The department, by rule, shall establish periods within which the
4 department intends to approve or disapprove an application for any of the approvals
5 specified in s. 29.024 (2r) 1. to 16.

6 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (4), the department shall
7 refund fees paid by the applicant for an approval subject to sub. (1) if the department
8 fails to provide the applicant with written notice that the department has approved

1 or disapproved the application for the approval, including the specific facts upon
2 which any disapproval is based, before the expiration of the period established under
3 sub. (1) for the approval.

4 (b) If the department fails to approve or disapprove an application within the
5 period established under sub. (1) for the application, plus any extension agreed to
6 under sub. (4), the department may be required to forfeit, for each day after the
7 deadline, \$1,000 each day for the first to the 10th day, \$5,000 each day for the 11th
8 to the 20th day, and \$10,000 for each day after the 20th day to the day on which the
9 department acts on the application.

10 (4) PERMITTED EXTENSION OF DEADLINE. During the period established under
11 sub. (1), the department and the applicant may jointly agree to a different period for
12 acting on an application for an approval than that specified under sub. (1).

13 **SECTION 2.** 73.303 of the statutes is created to read:

14 **73.303 Deadlines for action on permit applications.** (1) In this section,
15 “department” means the department of revenue.

16 (2) The department, by rule, shall establish periods within which the
17 department intends to approve or disapprove an application for any of the following:

18 (a) A permit under s. 139.34.

19 (b) A cigarette salesperson permit under s. 139.37.

20 (c) A tobacco product salesperson permit under s. 139.81.

21 (3) Subject to sub. (5), the department shall refund fees paid by the applicant
22 for a permit specified in sub. (2) if the department fails to provide the applicant with
23 written notice that the department has approved or disapproved the application for
24 the permit, including the specific facts upon which any disapproval is based, before
25 the expiration of the period established under sub. (2) for the permit.

1 (4) If the department fails to approve or disapprove an application within the
2 period established under sub. (2) for the application, plus any extension agreed to
3 under sub. (5), the department may be required to forfeit, for each day after the
4 deadline, \$1,000 each day for the first to the 10th day, \$5,000 each day for the 11th
5 to the 20th day, and \$10,000 for each day after the 20th day to the day on which the
6 department acts on the application.

7 (5) During the period established under sub. (2), the department and the
8 applicant may jointly agree to a different period for acting on an application for a
9 permit than that specified under sub. (2).

10 **SECTION 3.** 84.063 (5) of the statutes is amended to read:

11 84.063 (5) RULES. The department shall promulgate rules, including any rule
12 required under s. 85.16 (3), to implement and administer this section.

13 **SECTION 4.** 84.30 (14) of the statutes is amended to read:

14 84.30 (14) DEPARTMENT RULES. The department may promulgate rules deemed
15 necessary to implement and enforce this section. The department shall promulgate
16 rules to restrict the erection and maintenance of signs as to their lighting, size,
17 number and spacing when such signs are visible from the highway but outside the
18 adjacent area. The department shall by rule establish a priority system for the
19 removal or relocation of all signs not specified in sub. (5) (d) which fail to conform to
20 the requirements of sub. (5). The department's rules shall include any rule required
21 under s. 85.16 (3).

22 **SECTION 5.** 85.16 (3) of the statutes is created to read:

23 85.16 (3) (a) The department, by rule, shall establish periods within which the
24 department intends to approve or disapprove an application for any of the following:

25 1. An approval related to a utility facilities work plan under s. 84.063 (3) (c).

- 1 2. An approval or permit related to a controlled-access highway under s. 84.25
- 2 (4) or (7).
- 3 3. An approval of a franchise or permit granted by a municipality as specified
- 4 in s. 84.08.
- 5 4. An outdoor advertising business license under s. 84.30 (10).
- 6 5. An outdoor advertising sign permit under s. 84.30 (10m).
- 7 6. An approval related to highway vegetation under s. 86.03 (3).
- 8 7. A permit related to excavating, filling, altering, or disturbing a highway or
- 9 bridge under s. 86.07 (2).
- 10 8. A permit for the erection and maintenance of a specific information sign
- 11 under s. 86.195 (2) (a) or a business sign under s. 86.195 (2) (b).
- 12 9. A permit for the erection and maintenance of a tourist-oriented directional
- 13 sign under s. 86.196 (2).
- 14 10. An unairworthy aircraft certificate under s. 114.20 (5).
- 15 11. A recreational vehicle dealer's license under s. 218.11.
- 16 12. A recreational vehicle salesperson's license under s. 218.12.
- 17 13. A motor vehicle salvage dealer's license under s. 218.22.
- 18 14. A motor vehicle auction dealer's license under s. 218.32.
- 19 15. A moped dealer's license under s. 218.41.
- 20 16. A buyer identification card under s. 218.51.
- 21 17. An approval related to quarterly or consecutive monthly registration under
- 22 s. 341.185 or 341.19.
- 23 18. A registration of a dealer, distributor, manufacturer, or transporter under
- 24 s. 341.51.

1 19. A registration of a finance company or a financial institution under s.
2 341.57.

3 20. A certificate of title under s. 342.18.

4 21. A permit to perform chemical analysis of the breath under s. 343.305 (6).

5 22. A license to conduct a driver school under s. 343.61.

6 23. A license to act as a driving instructor under s. 343.62.

7 24. A permit related to oversize and overweight vehicles and loads under ss.
8 348.26 or 348.27.

9 (b) Subject to par. (i), the department shall refund any applicable fee paid by
10 the applicant for any license, permit, or other approval specified in par. (a) if the
11 department fails to provide the applicant with written notice that the department
12 has approved or disapproved the application for the license, permit, or other
13 approval, including the specific facts upon which any disapproval is based, before the
14 expiration of the period established under par. (a) for the license, permit, or other
15 approval.

16 (c) If the department fails to approve or disapprove an application within the
17 period established under par. (a) for the application, plus any extension agreed to
18 under par. (i), the department may be required to forfeit, for each day after the
19 deadline, \$1,000 each day for the first to the 10th day, \$5,000 each day for the 11th
20 to the 20th day, and \$10,000 for each day after the 20th day to the day on which the
21 department acts on the application.

22 (i) During the period established under par. (a) for a license, permit, or other
23 approval specified in par. (a), the department and the applicant may jointly agree to
24 a different period for acting on an application for a license, permit, or other approval
25 than that specified under par. (a).

1 **SECTION 6.** 86.196 (2) (c) of the statutes is amended to read:

2 86.196 (2) (c) Provisions for fees to cover costs of sign manufacture, erection and
3 maintenance to be collected through a permit system and deadlines for acting on
4 permit applications as required under s. 85.16 (3).

5 **SECTION 7.** 93.125 of the statutes is created to read:

6 **93.125 Deadlines for action on certain applications.** (1) DEADLINES. The
7 department, by rule, shall establish periods within which the department intends to
8 approve or disapprove an application for any of the following:

9 (a) A food inspector license under s. 93.11.

10 (ad) A professional weather modification license under s. 93.35 (4).

11 (ah) A weather modification permit under s. 93.35 (6).

12 (am) A nursery dealer license under s. 94.10 (2).

13 (b) A nursery grower license under s. 94.10 (3).

14 (c) A Christmas tree grower license under s. 94.10 (3g).

15 (cm) A seed labeler's license under s. 94.43.

16 (d) A ginseng grower or dealer registration under s. 94.50 (2).

17 (e) A fertilizer manufacturer or distributor license under s. 94.64 (3).

18 (em) A nonagricultural or special-use fertilizer permit under s. 94.64 (3m).

19 (f) A soil or plant additive manufacturer or distributor license under s. 94.65

20 (2).

21 (g) A soil or plant additive permit under s. 94.65 (3).

22 (gm) A license for the sale or distribution of liming material under s. 94.66 (2).

23 (h) A pesticide manufacturer or labeler license under s. 94.68 (1).

24 (i) A restricted-use pesticide dealer or distributor license under s. 94.685.

25 (im) A veterinary clinic pesticide use and repackaging permit under s. 94.702.

- 1 (j) A commercial pesticide application business license under s. 94.703.
- 2 (jg) An individual commercial pesticide applicator license under s. 94.704.
- 3 (jr) A pesticide applicator certification under s. 94.705.
- 4 (k) A commercial feed manufacturer or distributor license under s. 94.72 (5).
- 5 (km) A farm-raised deer registration under s. 95.55.
- 6 (L) A fish farm registration under s. 95.60 (3m).
- 7 (m) An animal market license under s. 95.68 (2).
- 8 (mm) An animal dealer license under s. 95.69 (2).
- 9 (n) An animal trucker license under s. 95.71 (2).
- 10 (p) A license for collecting or processing dead animals under s. 95.72 (2).
- 11 (pm) A license for transporting dead animals under s. 95.72 (7).
- 12 (pr) A buttermaker or cheesemaker license under s. 97.17.
- 13 (pw) A butter grader or cheese grader license under s. 97.175.
- 14 (q) A dairy plant license under s. 97.20 (2).
- 15 (r) A bulk milk tanker license under s. 97.21 (2).
- 16 (rm) A milk distributor license under s. 97.21 (3).
- 17 (rr) A milk producer license under s. 97.22 (2).
- 18 (rw) A grade A dairy farm permit under s. 97.22 (3).
- 19 (s) A food warehouse license under s. 97.27 (2).
- 20 (t) A food processing plant license under s. 97.29 (2).
- 21 (tm) A retail food establishment license under s. 97.30 (2).
- 22 (u) A meat or poultry commercial slaughtering or processing license or a meat
23 or poultry custom slaughtering or processing registration certificate under s. 97.42
24 (2).
- 25 (ur) A milk and cream tester license under s. 98.145.

- 1 (uw) A milk weigher and sampler license under s. 98.146.
- 2 (v) A vehicle scale license under s. 98.16.
- 3 (vm) A weights and measures servicing license under s. 98.18 (1) (a).
- 4 (w) A liquid petroleum gas meter registration under s. 98.245 (7).
- 5 (wm) A public warehouse keeper license under s. 99.02 (1).
- 6 (x) A mobile air conditioner servicing registration certificate under s. 100.45
- 7 (5) (c).
- 8 (xm) A grain dealer license under s. 126.11.
- 9 (y) A grain warehouse keeper license under s. 126.26.
- 10 (ym) A milk contractor license under s. 126.41.
- 11 (z) A vegetable contractor license under s. 126.56.
- 12 (2) FAILURE TO MEET DEADLINE. (a) Subject to sub. (4), the department shall
- 13 refund fees paid by the applicant for a license, permit, or other approval specified in
- 14 sub. (1) if the department fails to provide the applicant with written notice that the
- 15 department has approved or disapproved the application for the license, permit, or
- 16 other approval, including the specific facts upon which any disapproval is based,
- 17 before the expiration of the period established under sub. (1) for the license, permit,
- 18 or other approval.
- 19 (b) If the department fails to approve or disapprove an application within the
- 20 period established under sub. (1) for the application, plus any extension agreed to
- 21 under sub. (4), the department may be required to forfeit, for each day after the
- 22 deadline, \$1,000 each day for the first to the 10th day, \$5,000 each day for the 11th
- 23 to the 20th day, and \$10,000 for each day after the 20th day to the day on which the
- 24 department acts on the application.

1 (4) PERMITTED EXTENSION OF DEADLINE. During the period established under
2 sub. (1), the department and the applicant may jointly agree to a different period for
3 acting on an application for a license, permit, or other approval than that specified
4 under sub. (1).

5 **SECTION 8.** 101.022 of the statutes is created to read:

6 **101.022 Deadlines for action on certain applications.** (1) DEFINITION. In
7 this section, “application” means any form or other writing that is submitted to the
8 department under this chapter, ch. 145 or 168, or s 167.10 (6m) for the purpose of
9 obtaining any approval of the department that is required by law as a prerequisite
10 to the applicant taking certain actions.

11 (2) DEADLINES. The department, by rule, shall establish periods within which
12 the department intends to approve or disapprove any application. Any period
13 established under this subsection shall be consistent with any applicable period
14 specified by statute.

15 (3) FAILURE TO MEET DEADLINE. (a) Subject to sub. (5), the department shall
16 refund fees paid by a person submitting an application if the department fails to
17 provide the person with written notice that the department has approved or
18 disapproved the application, including the specific facts upon which any disapproval
19 is based, before the expiration of the period established under sub. (2) for the
20 application.

21 (b) If the department fails to approve or disapprove an application within the
22 period established under sub. (2) for the application, plus any extension agreed to
23 under sub. (5), the department may be required to forfeit, for each day after the
24 deadline, \$1,000 each day for the first to the 10th day, \$5,000 each day for the 11th

1 to the 20th day, and \$10,000 for each day after the 20th day to the day on which the
2 department acts on the application.

3 (5) PERMITTED EXTENSION OF DEADLINE. During the period established under
4 sub. (2), the department and the applicant may jointly agree to a different period for
5 acting on an application than that specified under sub. (2).

6 SECTION 9. 125.04 (3m) of the statutes is created to read:

7 125.04 (3m) DEADLINES FOR ACTION ON PERMIT APPLICATIONS. (a) The
8 department, by rule, shall establish periods within which the department intends to
9 approve or disapprove an application for any permit issued by the department under
10 this chapter.

11 (b) Subject to par. (f), the department shall refund any fee paid by the applicant
12 for any permit under this chapter if the department fails to provide the applicant
13 with written notice that the department has approved or disapproved the application
14 for the permit, including the specific facts upon which any disapproval is based,
15 before the expiration of the period established under par. (a) for the permit.

16 (c) If the department fails to approve or disapprove an application within the
17 period established under par. (a) for the application, plus any extension agreed to
18 under par. (f), the department may be required to forfeit, for each day after the
19 deadline, \$1,000 each day for the first to the 10th day, \$5,000 each day for the 11th
20 to the 20th day, and \$10,000 for each day after the 20th day to the day on which the
21 department acts on the application.

22 (f) During the period established under par. (a), the department and the
23 applicant may jointly agree to a different period for acting on an application for a
24 permit than that specified under par. (a).

25 SECTION 10. 145.025 of the statutes is created to read:

1 **145.025 Deadlines for action on applications.** Any form or other writing
2 that is submitted to the department under this chapter for the purpose of obtaining
3 any approval of the department that is required by law as a prerequisite to the
4 applicant taking certain actions is subject to s. 101.022.

5 **SECTION 11.** 168.165 of the statutes is created to read:

6 **168.165 Deadlines for action on applications.** Any form or other writing
7 that is submitted to the department under this chapter for the purpose of obtaining
8 any approval of the department that is required by law as a prerequisite to the
9 applicant taking certain actions is subject to s. 101.022.

10 **SECTION 12.** 218.0114 (13) (b) of the statutes is amended to read:

11 218.0114 (13) (b) The department of transportation shall promulgate rules
12 establishing the license period for each type of license described in sub. (14) (a) to (f)
13 and shall promulgate any rule required under s. 85.16 (3).

14 **SECTION 13.** 218.11 (2) (b) 1. of the statutes is amended to read:

15 218.11 (2) (b) 1. The department shall promulgate rules establishing the
16 license period under this section and shall promulgate any rule required under s.
17 85.16 (3).

18 **SECTION 14.** 218.12 (2) (b) 2. of the statutes is amended to read:

19 218.12 (2) (b) 2. The department may promulgate rules establishing a uniform
20 expiration date for all licenses issued under this section and shall promulgate any
21 rule required under s. 85.16 (3).

22 **SECTION 15.** 218.22 (2) (b) 1. of the statutes is amended to read:

23 218.22 (2) (b) 1. The department shall promulgate rules establishing a license
24 period and shall promulgate any rule required under s. 85.16 (3).

25 **SECTION 16.** 218.32 (2) (b) 1. of the statutes is amended to read:

1 218.32 (2) (b) 1. The department shall promulgate rules establishing a license
2 period and shall promulgate any rule required under s. 85.16 (3).

3 **SECTION 17.** 218.41 (2m) (a) 1. of the statutes is amended to read:

4 218.41 (2m) (a) 1. The department shall promulgate rules establishing a
5 license period and shall promulgate any rule required under s. 85.16 (3).

6 **SECTION 18.** 218.51 (3) (b) 1. of the statutes is amended to read:

7 218.51 (3) (b) 1. The department shall promulgate rules establishing the buyer
8 identification card period and shall promulgate any rule required under s. 85.16 (3).

9 **SECTION 19.** 224.50 of the statutes is created to read:

10 **224.50 Deadlines for action on certain applications.** (1) DEFINITIONS. In
11 this section:

12 (a) “Application” means any form or other writing that is submitted to the
13 department for the purpose of obtaining any approval of the department that is
14 required by law as a prerequisite to the applicant taking certain actions.

15 (b) “Department” means the department of financial institutions and any
16 subunit of the department of financial institutions.

17 (2) DEADLINES. (a) The department, by rule, shall establish periods within
18 which the department intends to approve or disapprove an application.

19 (b) Any period established under par. (a) shall be consistent with any applicable
20 period specified by statute.

21 (3) FAILURE TO MEET DEADLINE. (a) Subject to sub. (5), the department shall
22 refund fees paid by an applicant if the department fails to provide the applicant with
23 written notice that the department has approved or disapproved the application,
24 including the specific facts upon which any disapproval is based, before the
25 expiration of the period established under sub. (2) for the application.

1 (b) If the department fails to approve or disapprove an application within the
2 period established under sub. (2) for the application, plus any extension agreed to
3 under sub. (5), the department may be required to forfeit, for each day after the
4 deadline, \$1,000 each day for the first to the 10th day, \$5,000 each day for the 11th
5 to the 20th day, and \$10,000 for each day after the 20th day to the day on which the
6 department acts on the application.

7 (5) PERMITTED EXTENSION OF DEADLINE. During the period established under
8 sub. (2), the department and the applicant may jointly agree to a different period for
9 acting on an application than that specified under sub. (2).

10 **SECTION 20.** 299.05 of the statutes is repealed and recreated to read:

11 **299.05 Deadlines for action on certain applications. (1) DEADLINES.** The
12 department, by rule, shall establish periods within which the department intends to
13 approve or disapprove an application for any of the following:

14 (a) Permits and other determinations related to navigable waters under ss.
15 30.10, 30.12, 30.123, 30.18, 30.19, and 30.20.

16 (ag) A well driller or pump installer registration under s. 280.15.

17 (ar) A high-capacity well approval under s. 281.17 (1).

18 (b) A water system, wastewater treatment plant, or septage servicing vehicle
19 operator certification under s. 281.17 (3).

20 (c) A license for servicing septic tanks and similar facilities under s. 281.48 (3).

21 (cm) A water pollution discharge permit under s. 283.31 or 283.33.

22 (d) A solid waste incinerator operator certification under s. 285.51 (2).

23 (e) An ozone-depleting refrigerant removal approval under s. 285.59.

24 (em) An air pollution control permit under s. 285.60.

25 (er) A solid waste facility determination of feasibility under s. 289.29.

- 1 (ew) A solid waste facility operating license under s. 289.31.
- 2 (f) A solid waste disposal facility operator certification under s. 289.42 (1).
- 3 (g) A hazardous waste transportation service license under s. 291.23.
- 4 (gm) A hazardous waste facility operating license under s. 291.25.
- 5 (h) A metallic mining exploration license under s. 293.21.
- 6 (i) An oil or gas exploration license under s. 295.33 (1).
- 7 (ig) A prospecting permit under s. 293.45.
- 8 (ir) An oil or gas production license under s. 295.33 (2).
- 9 (j) A laboratory certification or registration under s. 299.11.
- 10 (k) A medical waste transportation license under s. 299.51 (3) (c).
- 11 (2) FAILURE TO MEET DEADLINE. (a) Subject to sub. (4), the department shall
- 12 refund fees paid by the applicant for a license, permit, or other approval specified in
- 13 sub. (1) if the department fails to provide the applicant with written notice that the
- 14 department has approved or disapproved the application for the license, permit, or
- 15 other approval, including the specific facts upon which any disapproval is based,
- 16 before the expiration of the period established under sub. (1) for the license, permit,
- 17 or other approval.
- 18 (b) If the department fails to approve or disapprove an application within the
- 19 period established under sub. (1) for the application, plus any extension agreed to
- 20 under sub. (4), the department may be required to forfeit, for each day after the
- 21 deadline, \$1,000 each day for the first to the 10th day, \$5,000 each day for the 11th
- 22 to the 20th day, and \$10,000 for each day after the 20th day to the day on which the
- 23 department acts on the application.
- 24 (4) PERMITTED EXTENSION OF DEADLINE. During the period established under
- 25 sub. (1), the department and the applicant may jointly agree to a different period for

1 acting on an application for a license, permit, or other approval than that specified
2 under sub. (1).

3 **SECTION 21.** 341.19 (4) of the statutes is amended to read:

4 341.19 (4) The department shall promulgate rules to implement this section
5 and shall promulgate any rule required under s. 85.16 (3).

6 **SECTION 22.** 343.02 (1) of the statutes is amended to read:

7 343.02 (1) The department shall administer and enforce this chapter and may
8 promulgate for that purpose such rules as the secretary considers necessary and
9 shall promulgate any rule required under s. 85.16 (3). Rules promulgated under this
10 chapter may not conflict with and shall be at least as stringent as standards set by
11 the federal commercial motor vehicle safety act, 49 USC 31301 to 31317 and the
12 regulations adopted under that act.

13 **SECTION 23.** 343.305 (11) of the statutes is amended to read:

14 343.305 (11) RULES. The department shall promulgate rules under ch. 227
15 necessary to administer this section and shall promulgate any rule required under
16 s. 85.16 (3). The rules shall include provisions relating to the expeditious exchange
17 of information under this section between the department and law enforcement
18 agencies, circuit courts and district attorneys. The rules may not affect any
19 provisions relating to court procedure.

20 **SECTION 24. Initial applicability.**

21 (1) This act first applies to applications that are received on the effective date
22 of this subsection.

23 **SECTION 25. Effective date.**

