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**CR 03-122**

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The Wisconsin Department of Transportation proposes an order to amend ch. TRANS 149(title), 149.01(2), 149.02(6)(m), 149.05(5)(a)2., 149.07(1)(a)2., 149.08(1) and TRANS 305.065(1) and (2)(b), Wisconsin Administrative Code, relating to titling and registration of homemade, reconstructed or repaired salvage vehicles.

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**REPORT OF THE DEPARTMENT OF TRANSPORTATION  
ON THE FINAL RULE DRAFT**

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This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

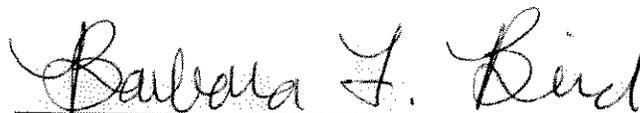
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



**BARBARA F. BIRD**  
Assistant General Counsel  
Office of General Counsel  
Department of Transportation  
Room 115-B, Hill Farms State  
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P. O. Box 7910  
Madison, WI 53707-7910  
(608) 266-8807

## PART 1

### Analysis Prepared by the Wisconsin Department of Transportation

**STATUTORY AUTHORITY:** ss. 85.16(1), 342.07(2) and 227.11(2)(b), Stats.

**STATUTES INTERPRETED:** ss. 341.268, as amended by 2001 Wis. Act 109, and 342.07, Stats.

**General Summary of Proposed Rule.** Prior to passage of 2001 Wis. Act 109, motorcycles built by non-licensed manufacturers were titled as "replica" vehicles. 2001 Wisconsin Act 109 amended s. 341.268, Wis. Stats., to exclude motorcycles from the definition of replica vehicle. After October 1, 2002, the definition of homemade vehicle is expanded to include motorcycles that reproduce a vehicle originally made by another manufacturer.

Current policies of the Department of Transportation require that all homemade and reconstructed vehicles be inspected before a title and registration plates may be issued. This policy is expressed in s. Trans 305.065, Wis. Admin. Code. The proposed rule will amend chs. Trans 149 and 305 to clarify that inspections of homemade vehicles, including motorcycles, are to be conducted in the same manner as inspections of repaired salvage vehicles. The proposed rule further amends ch. Trans 149 to provide that the requirement for receipts for motorcycle parts be raised from the current \$50 to \$150 in order to capture information on major part purchases and to eliminate receipts for minor, non-essential motorcycle parts. The inspections for homemade and reconstructed vehicles do not require a fee since there is no statutory provision for charging a fee. The proposed rule will amend ch. Trans 149 to clarify that the fee provisions of that rule apply only to inspections of repaired salvage vehicles.

**Fiscal Effect.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

**Copies of Proposed Rule.** Copies of the rule may be obtained upon request, without cost, by writing to Patricia Hansen, Division of State Patrol, P. O. Box 7912, Room 551, Madison, WI 53707-7912, or by calling (608) 267-0325. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. Alternate formats of the proposed rule will be provided to individuals at their request.

## PART 2

### TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11(2)(b) and 342.07(2), Stats., the department of transportation

hereby proposes to amend rules interpreting ss. 341.268 and 342.07, Stats., relating to titling and registration of homemade, reconstructed or repaired salvage vehicles.

**SECTION 1.** Ch. Trans 149(title) is amended to read:

**INSPECTION OF A HOMEMADE, RECONSTRUCTED OR  
REPAIRED SALVAGE VEHICLE**

**SECTION 2.** Trans 149.01(2) is amended to read:

Trans 149.01(2) This chapter applies to any person seeking to obtain a certificate of title on a homemade vehicle, reconstructed vehicle, repaired salvage vehicle or on a vehicle identified in another jurisdiction as a repaired salvage or salvage vehicle.

**SECTION 3.** Trans 149.02(6)(m) is amended to read:

Trans 149.02(6)(m) Any motorcycle part not listed under this subsection which has a value exceeding ~~\$50~~ \$150.

**SECTION 4.** Trans 149.05(5)(a)2. is amended to read:

Trans 149.05(5)(a)2. The Wisconsin salvage certificate of title evidencing the applicant's ownership of the vehicle, which may be a salvage certificate of title in the name of the applicant, or a Wisconsin salvage certificate of title in the name of another person who has properly assigned the title to the applicant in the space provided on the certificate. This subdivision does not apply to homemade or reconstructed vehicles.

**SECTION 5.** Trans 149.07(1)(a)2. is amended to read:

Trans 149.07(1)(a)2. The applicant's current salvage certificate of title. This subdivision does not apply to homemade or reconstructed vehicles.

**SECTION 6.** Trans 149.08(1) is amended to read:

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

**SECTION 7.** Trans 305.065(1) and (2)(b) are amended to read:

Trans 305.065(1) INSPECTION. Upon completion of assembly or reconstruction, every homemade or reconstructed vehicle shall be inspected prior to being registered or titled for compliance with this chapter, ch. Trans 149 and ch. 347, Stats. The inspection shall be performed by an inspector authorized by the department to perform inspections of salvage vehicles under s. 342.07, Stats. This subsection does not apply to trailers or semitrailers.

(2)(b) *Replica and street modified vehicles.* The department shall issue a title indicating that a vehicle, except a motorcycle, is a replica or street modified vehicle and the make and model year shown on the title shall be the original make and model year of the street modified vehicle or the make and model year of the vehicle being replicated. The installation of reproduction body parts on a previously manufactured and titled vehicle body and frame is not considered by the department to constitute a replica vehicle for purposes of identifying the vehicle on its title. A vehicle shall be considered a replica or a street modified vehicle if it has been certified by the owner to be a replica or a street modified vehicle for purposes of registration under s. 341.268, Stats. A vehicle shall also be considered a street modified vehicle if the vehicle's engine has been replaced with one which required adaptation beyond ordinary replacement.

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**(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)(intro.), Stats.

Signed at Madison, Wisconsin, this 5<sup>th</sup> day of February, 2004.

*Frank J. Busalacchi*

FRANK J. BUSALACCHI

Secretary

Wisconsin Department of Transportation



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**WISCONSIN LEGISLATIVE COUNCIL  
RULES CLEARINGHOUSE**

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

**PART 3  
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 03-122**

AN ORDER to amend chapter Trans 149 (title), 149.01 (2), 149.02 (6) (m), 149.05 (5) 9a) 2., 149.07 (1) (a) 2., 149.08 (1) and 305.065 (1) and (2) (b), relating to titling and registration of homemade, reconstructed, or repaired salvage vehicles.

Submitted by **DEPARTMENT OF TRANSPORTATION**

12-12-2003 RECEIVED BY LEGISLATIVE COUNCIL.

01-13-2004 REPORT SENT TO AGENCY.

RNS:DLS

**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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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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*Clearinghouse Director*

Richard Sweet  
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*Legislative Council Director*

Laura D. Rose  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 03-122

#### 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 October 2002.]

#### 2. Form, Style and Placement in Administrative Code

In the sentences created in SECTIONS 4 and 5, “paragraph” should be “subdivision.”

**PART 4**  
CR 03-122

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ANALYSIS OF FINAL DRAFT OF TRANS 149/305

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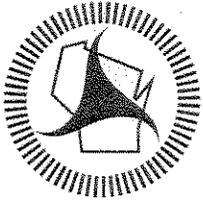
(a) **Need for Amended Rule**. The proposed rule will amend chs. Trans 149 and 305 to clarify that inspections of homemade vehicles, including motorcycles, are to be conducted in the same manner as inspections of repaired salvage vehicles. The proposed rule further amends ch. Trans 149 to provide that the requirement for receipts for motorcycle parts be raised from the current \$50 to \$150 in order to capture information on major part purchases and to eliminate receipts for minor, non-essential motorcycle parts. The inspections for homemade and reconstructed vehicles do not require a fee since there is no statutory provision for charging a fee. The proposed rule will amend ch. Trans 149 to clarify that the fee provisions of that rule apply only to inspections of repaired salvage vehicles.

(b) **Modifications as a Result of Testimony at Public Hearing**. Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(e), Stats. No one petitioned for a public hearing and no public hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing**. Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations**. The Legislative Council report contained only one recommendation which was incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis**. The amendments of these rules have no direct affect on small businesses.



## Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle  
Governor

Frank J. Busalacchi  
Secretary

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The Honorable Alan Lasee  
President, Wisconsin State Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53707

February 6, 2004

The Honorable John Gard  
Speaker, Wisconsin State Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 149/305**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 03-122**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **03-122**, relating to **titling and registration of homemade, reconstructed or repaired salvage vehicles**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

  
Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Joseph Leibham/Representative Glenn Grothman/  
Supt. David Collins/Patricia Hansen/Loralee Brumund