

2013 DRAFTING REQUEST

Bill

Received: 3/13/2013 Received By: agary
Wanted: As time permits Same as LRB: -2209
For: Keith Ripp (608) 266-3404 By/Representing: Elisabeth DeBeck
May Contact: Drafter: agary
Subject: Administrative Law Addl. Drafters: gmalaise
Transportation - other
Extra Copies: EVM

Submit via email: YES
Requester's email: Rep.Ripp@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov
gordon.malaise@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Omnibus DOT rule changes; procedure for legislature to repeal or amend rules

Instructions:

See attached

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>
/P1	agary 4/12/2013	csicilia 4/5/2013	phenry 4/5/2013	_____	sbasford 4/5/2013		State
/P2	agary 4/18/2013	csicilia 4/17/2013	jmurphy 4/17/2013	_____	lparisi 4/17/2013		State
/1		csicilia	phenry	_____	sbasford	lparisi	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		4/19/2013	4/19/2013	_____	4/19/2013	7/2/2013	

FE Sent For:

@ intro.

<END>

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1 gjs 4/19 4/19
13

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/P1	agary 4/4/2013	csicilia 4/5/2013	phenry 4/5/2013	_____	sbasford 4/5/2013		State

FE Sent For:

/P2 cjs 4/16
13
Jm 4/16
<END>
Jm + PS 4/16

2013 DRAFTING REQUEST

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/P1	agary	/P1 gjs 3/20 13	J 5/20/13	PH 4/5 ph / B			State
FE Sent For:							

<END>

/P1 gjs 4/5
13

Gary, Aaron

From: DeBeck, Elisabeth
Sent: Thursday, February 21, 2013 4:39 PM
To: Gary, Aaron
Subject: RE: Bill drafting for a Transportation Omnibus

Hey Aaron,

Can we have the bill drafted as we requested? I was able to talk with a few people and we'd like to move forward with the drafting. Thanks!

From: Gary, Aaron
Sent: Monday, February 11, 2013 3:14 PM
To: DeBeck, Elisabeth
Cc: Mueller, Eric
Subject: RE: Bill drafting for a Transportation Omnibus

Liz,

Here's the follow up to my email below. The SBRRB may submit a report and recommendations to JCRAR. JCRAR may then refer the matter to a standing committee like the transportation committee or may act directly to suspend the rules at issue. It appears that, if JCRAR refers the matter to the transportation committee, the transportation committee undertakes the same type of review that it would for a proposed rule. At the end of the process, it then refers the matter back to JCRAR with a recommendation to suspend the rule. Ultimately, it would only be JCRAR that takes action to suspend the rule. The function of the transportation committee would be one of review and referral, in the same manner as for proposed rules. This is my understanding of how the process would work and the role of the standing (transportation) committee. (I am relying primarily on s. 227.30 and the provisions cross-referenced there.) I recommend that you speak with the Leg Council attorney that staffs the transportation committee, who may in turn want to confer with the Leg Council rules clearinghouse attorneys.

I also suggest speaking with Rep. LeMahieu's office, which I have read is coordinating efforts regarding rule review. I suspect the transportation committee will not be the only committee dealing with this issue. I think it would be important, if numerous committees are going to be taking action on agency rules this session, that there be consistency among committees as to the procedures for rule review.

Before I start drafting, I'll wait to hear back from you as to how the committee will be proceeding. I can draft a bill as you request, but ultimately I believe the bill draft will be used by JCRAR, not the transportation committee. Let me know if I can be of any further assistance for now.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Gary, Aaron
Sent: Monday, February 11, 2013 10:27 AM
To: DeBeck, Elisabeth
Subject: RE: Bill drafting for a Transportation Omnibus

Hi Liz,

2/27 f/c w/ Liz

- discussed difference between suspending a rule (statutory procedure exists) and amending/repealing a rule (no procedure set out in stats) → advised we can draft bill to suspend rule
- advised that LRB has never drafted a bill like this (amend/repeal rule) and procedure/computer system are not set up for it and past practice has been to find an alternative way to draft it → she still wants it (amend/up)
- advised that ^{LRB}management is reviewing issue

ARR

We can certainly draft a bill to support JCRAR's suspension of the rules. Is that what you had in mind?

As far as the role of the committee at this point, I think I have an answer to your question, but I want to talk to a couple of people in my office, including the attorney that drafted the recent rules changes. Ultimately, I believe the matter gets referred by the transportation committee back to JCRAR for suspension of the rules. Regarding what the committee should do next, I will confer with some other attorneys in my office and get back to you soon. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
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608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: DeBeck, Elisabeth
Sent: Friday, February 08, 2013 4:56 PM
To: Gary, Aaron
Subject: RE: Bill drafting for a Transportation Omnibus

Hey Gary, if we were to draft the bill, but it was heard in JCRAR, would that be a different case? In a manual I have on administrative rules, it says that JCRAR can suspend a rule by majority vote of a quorum present, and then the legislature must, within 30 days, introduce a bill in each house to repeal the suspended rule. Is JCRAR required to suspend part of a rule before repealing or modifying it?

In this same manual, it advises as to what should happen when the SBRRB reviews current rules and determines they place an unnecessary burden on small businesses. A report is submitted to JCRAR who then submits a report to the committee with that jurisdiction. What I don't understand is what the committee is supposed to do with it after that. That's where we are right now in the process. We've reviewed SBRRB's report, WisDOT has reviewed the report and given their analysis and suggested changes... so now what?

Thanks for clearing this up for me! I'm new to the WI legislature, and am not sure how this is supposed to work.

Thanks!

Liz

From: Gary, Aaron
Sent: Friday, February 08, 2013 3:52 PM
To: DeBeck, Elisabeth
Subject: RE: Bill drafting for a Transportation Omnibus

Sorry, somehow I accidently hit send on that last message In this one, the text is actually copied in. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Gary, Aaron
Sent: Friday, February 08, 2013 3:50 PM
To: DeBeck, Elisabeth
Subject: RE: Bill drafting for a Transportation Omnibus

As background, in drafting, we follow our Drafting Manual, which sets out longstanding policies and procedures that the LRB follows. I am copying below a relevant provision from our drafting manual.

7.15(6)

(6) Treatment of Rules by Legislative Action.

(a) You may be asked to draft a bill to amend or repeal an administrative rule. The legislature does not do this for three reasons:

1. The Wisconsin Administrative Code is a substructure of law deriving its authority from the statutes. Developing and administering this substructure are most efficiently left to the executive branch agencies established for that purpose.
2. An act of the legislature changing an administrative rule does not affect the agency's authority to promulgate the rule and it does not prevent promulgation of the same or a similar rule in the future.
3. There are effective procedures for invalidating an agency rule, as explained in par. (b).

(b) If a requester wishes to invalidate an agency rule, repeal or amend the statute section under which the rule is promulgated to remove the agency's authority to promulgate or enforce the rule. Draft the bill specifically enough to indicate to the agency the legislature's desired policy. Do not mention the rule in the statute. See 1985 Assembly Bill 792; 1987 Assembly Bill 679; 1989 Wisconsin Act 31, section 684z; and 1991 Wisconsin Act 241. You may also want to advise the requester that an allegedly invalid administrative rule may be challenged in a declaratory judgment proceeding under s. 227.40, stats.

(c) Under s. 227.26 (2) (d) and (f), stats., the Joint Committee for Review of Administrative Rules may temporarily suspend an administrative rule and introduce bills in both houses to support the suspension.

(d) Under s. 227.19 (5) (d) and (e), stats., the Joint Committee for Review of Administrative Rules may object to a proposed administrative rule, in whole or in part, and introduce bills in both houses to support the objection. If either bill is enacted, the agency may not promulgate the proposed rule.

(e) For the reason mentioned under par. (a) 2., you should draft a bill to support an objection to, or suspension of, a rule the same way you draft a bill invalidating a rule, as described in par. (b). See 1995 Wisconsin Act 285; 1995 Senate Bills 179, 341, and 342; 1997 Wisconsin Act 122; and 1997 Wisconsin Act 237, section 322e. See also secs. 1.02 (15), 4.02 (2) (bf), and 4.036 (3), Drafting Manual.

Aaron R. Gary
Attorney, Legislative Reference Bureau
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608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: DeBeck, Elisabeth
Sent: Friday, February 08, 2013 3:15 PM
To: Gary, Aaron
Subject: RE: Bill drafting for a Transportation Omnibus

Interesting, I was told differently. I will need to talk with a few people and get back to you about this.

From: Gary, Aaron
Sent: Friday, February 08, 2013 3:07 PM
To: DeBeck, Elisabeth
Cc: Mueller, Eric
Subject: RE: Bill drafting for a Transportation Omnibus

Hi Elisabeth,

Just to confirm, you don't want DOT to fix their rules by rule, you want a bill to override, by statute, DOT's rules? We can draft a bill to override DOT's rules, but we cannot directly make changes to DOT's chapters of the Administrative Code – that is DOT's responsibility.

Thanks. Aaron

From: DeBeck, Elisabeth
Sent: Friday, February 08, 2013 2:15 PM
To: Gary, Aaron; Mueller, Eric
Subject: Bill drafting for a Transportation Omnibus

Good Afternoon,

I'm not sure which of you would deal with this, so I am sending our drafting request to both of you. There are several minor changes we'd like to make to some of the Transportation chapters in the Administrative Code. The changes are attached here in the form of DOT analysis. If you have any questions, please feel free to contact me or talk with DOT. We'd like this to come in the form of an omnibus bill so we can address all of these changes at once.

Please let me know if you have any thoughts, and thanks for looking into this!

Elisabeth DeBeck
Clerk, Assembly Committee on Transportation
Office of Wisconsin State Representative Keith Ripp
42nd Assembly District

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 131, MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM (MVIP)

3. Date Rule Promulgated and/or Revised

Created 1993, last amended 2010

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

The rule implements Wisconsin's motor vehicle emission inspection and maintenance program required under the federal Clean Air Act. The rule requires testing technicians to provide the owner of a vehicle that failed an emissions test with a listing of 'registered' repair technicians capable of completing any repairs that might be needed to bring the vehicle into emission compliance:

Trans 131.03(15)(a) The operator of each vehicle inspected shall receive a vehicle inspection report, MV 2470, at the conclusion of the inspection. The vehicle inspection report data may also be reported electronically. The inspection report, or the vehicle inspection report data reported electronically, shall indicate:

(c) Each operator of a vehicle failing the initial inspection shall receive a list of *registered* automotive emission repair facilities by area which includes information required under s. Trans 131.15. This listing may include other consumer information useful in obtaining vehicle emission repair service.(emphasis added)

The emission inspection program does not 'register' repair facilities, but does define 'recognized' facilities and repairmen, which listing should be substituted for 'registered' facilities and given to vehicle owners upon a failed emission test.

Trans 131.02(38)

(38) "Recognized automotive emission repair technician" means a person who has received and has proof of formal training in both diagnosis and repair of automotive engines and related systems.

Trans 131.02(39)

(39) "Recognized repair facility" means a franchised new car dealer or other business with a Wisconsin sales tax number that performs emission repairs as a regular part of its business activities and employs at least one recognized automotive emission repair technician.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Any violation would be committed by the independent testing facility, and could result in additional training, contractual fine or ejection from the emission testing program.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Many Private Inspection Facilities are small businesses and this rule is not current with the existing definitions.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	10. Chapter 20, Stats. Appropriations Affected
11. Fiscal Effect of Repealing or Modifying the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost	
12. Summary of Costs and Benefits of Repealing or Modifying the Rule None	
13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form) <input type="checkbox"/> Yes x <input checked="" type="checkbox"/> No	
14. Long Range Implications of Repealing or Modifying the Rule Unknown	
15. Compare With Approaches Being Used by Federal Government Unknown	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Unknown	
17. Contact Name Reed McGinn	18. Contact Phone Number 266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 133 TELEPHONE AUTHORIZATION FOR QUARTERLY OR CONSECUTIVE MONTHLY REGISTRATIONS

3. Date Rule Promulgated and/or Revised

Created 1986, last amended 1996

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

This rule implements 341.19, stats., which requires the Department of Transportation (WisDOT) to establish a telephone call-in procedure to authorize the operation of vehicles (motor trucks) under the quarterly registration system in s. 341.30 or consecutive monthly registration system in s. 341.305.

The rule specifies a \$5 late fee per vehicle if telephone call-in procedure fees (\$10 per vehicle or actual system costs, whichever is less) remain unpaid 21 days after using the telephone call-in procedure.

Trans 133.06(3)ASSESSING LATE PAYMENT FEES. A late payment fee of \$5.00 per vehicle as described in s. 341.10 (1), Stats., shall be assessed when the applicant fails to submit to the department all telephone call-in procedure fees within 21 days from the date listed on the department's invoice to the applicant.

5. Describe the Rule's Enforcement Provisions and Mechanisms

The late fee is obsolete and not enforced. DMV no longer charges a late fee since the implementation of our modern title and registration system refuses registration using our new registration and titling system. Instead DMV has the ability to refuse future registration requests until the telephone call-in procedure fee is paid.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Eliminating the fee will reduce penalty costs for entities that fail to pay the system use fees.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

This late fee is not assessed, so there are no expected costs or benefit changes resulting from eliminating this obsolete provision.

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

Unknown.

15. Compare With Approaches Being Used by Federal Government

Unknown.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown.

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 140; MOTOR VEHICLE DEALER FINANCIAL ELIGIBILITY AND BOND CLAIM REQUIREMENTS

3. Date Rule Promulgated and/or Revised

Created 1985, last amended 1996 (LRB technical correction, 2012)

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

Under current rules, the Department of Transportation may require motor vehicle dealers to have a minimum net worth if questions arise regarding the dealer's financial condition. The minimum net worth must be sufficient to recompense any person who sustains a loss resulting from an act of the motor vehicle dealer that constitutes grounds for the suspension or revocation of the dealer's license. The minimum amount deemed sufficient can be satisfied by posting a bond or irrevocable letter of credit in the amount of \$25,000.

2003 Act 76 amended the statutes to increase the amount of this bond or letter of credit to \$50,000, making the existing rule obsolete or insufficient. Consistent with the statutes, the Department of Transportation requires existing dealers and new applicants to post \$50,000 bonds or letters of credit, notwithstanding the lesser amount shown in the rule.

The following amount in rule should be increased to \$50,000, consistent with statute:

Trans 140.022(2) MINIMUM SECURITY. A motor vehicle dealer or applicant for a motor vehicle dealer license shall provide and maintain in force a bond or letter of credit of not less than \$25,000, or if the dealer or applicant sells or proposes to sell motorcycles and not other types of motor vehicles, a bond or irrevocable letter of credit of not less than \$5,000.

Also, amend the table shown at Trans 140.09(2) to increase the amount of the bond or irrevocable letter of credit required of dealers selling New Auto or Truck and Used Auto or Truck, from \$25,000 to \$50,000.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Failing to post or maintain a bond or irrevocable letter of credit is a violation of law sufficient to justify denial, suspension or revocation of a motor vehicle dealer license.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

- | | |
|-------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> State's Economy | <input checked="" type="checkbox"/> Specific Businesses/Sectors |
| <input type="checkbox"/> Local Government Units | <input type="checkbox"/> Public Utility Rate Payers |
| | <input type="checkbox"/> Small Businesses |

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Many motor vehicle dealers are small businesses. This rule change will recognize that their business costs were increased by 2003 changes to the statutes. Conforming the rule to the statute may avoid confusion among motor vehicle dealers, including small businesses, about the required amount of the bond or letter of credit.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

10. Chapter 20, Stats. Appropriations Affected

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

GPR FED PRO PRS SEG SEG-S

11. Fiscal Effect of Repealing or Modifying the Rule

- No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None; the Department already implemented this change as required by 2003 Act 76

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes x No

14. Long Range Implications of Repealing or Modifying the Rule

Unknown

15. Compare With Approaches Being Used by Federal Government

Unknown

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 131, MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM (MVIP)

3. Date Rule Promulgated and/or Revised

Created 1993, last amended 2010

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

Trans 131 implements Wisconsin's motor vehicle emission inspection and maintenance program required under the federal Clean Air Act. Portions of the rule are superseded by changes in program delivery. Previously, the Department of Transportation (WisDOT) contracted with one provider for all testing services, with each test performed by an employee of the contractor. Presently, WisDOT contracts with one party for operation of a decentralized testing program, in which tests are not performed by employees of the contractor but instead are performed by subcontractors and their employees having no direct contractual relationship with WisDOT. The following appeal rights for contractor employees is superfluous and should be repealed:

Wisconsin Trans 131.11(3)(b) Contractor employees, removed from inspection duties through either suspension or revocation of their inspection license as a result of a department audit, may appeal the contractor's suspension or revocation to the department's hearing officer. In the case of immediate suspension due to a department audit, a hearing shall occur within 14 calendar days of receipt of a written request by the employee. Failure to hold a hearing within 14 days when requested shall cause the suspension or revocation to lapse.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Tests are no longer performed by the contractor. WisDOT may withdraw approval of an emissions testing subcontractor, or the subcontractor's employee, but any rights or remedies for the subcontractor or subcontractor's employee would come through the contract, not through administrative rule. Many Private Inspection Facilities are small businesses and this rule is obsolete with the new Inspection Maintenance contract.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

None.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule
None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
 Yes No

14. Long Range Implications of Repealing or Modifying the Rule
Unknown

15. Compare With Approaches Being Used by Federal Government
Unknown

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Unknown

17. Contact Name
Reed McGinn

18. Contact Phone Number
266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 133 TELEPHONE AUTHORIZATION FOR QUARTERLY OR CONSECUTIVE MONTHLY REGISTRATIONS

3. Date Rule Promulgated and/or Revised

Created 1986, last amended 1996

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

This rule implements 341.19, stats., which requires the Department of Transportation to establish a telephone call-in procedure to authorize the operation of vehicles (motor trucks) under the quarterly registration system in s. 341.30 or consecutive monthly registration system in s. 341.305. The rule requires WisDOT to issue, and, if WisDOT requires it, for applicants to use a 6-character authorization code. WisDOT does not require use of the authorization code. Repealing the references to it would simplify the rule.

Trans 133.02(2) "Authorization code" means the 6 letter or numeric configuration issued by the department to an applicant for purposes of identification and used by an applicant during the telephone call-in procedure.

Trans 133.04(2)(h) The authorization code, when one has been assigned to the applicant.

Trans 133.05 Authorization code.

Trans 133.05(1) GENERAL. The department may require that an applicant for a telephone authorization use an authorization code during the telephone call-in procedure.

Trans 133.05(2) WHEN AUTHORIZATION CODE ISSUED. The department shall issue an authorization code under the following conditions:

Trans 133.05(2)(a) Whenever the applicant requests a code;

Trans 133.05(2)(b) Whenever the applicant refuses to be held responsible for payment of fees for a telephone authorization issued by the department to the applicant; or

Trans 133.05(2)(c) Whenever the department may reasonably require that an applicant use an authorization code.

Trans 133.05(3) CONTENT. The authorization code shall consist of any combination of 6 letters or numerals, or both as determined by the department.

Trans 133.05(4) CHANGING AUTHORIZATION CODES. The applicant may request a change of the authorization code at any time by notifying the department in writing that the current authorization code should be cancelled and another code assigned under this section.

Trans 133.09(3) The authorization code requirements as specified in s. Trans 133.05;

5. Describe the Rule's Enforcement Provisions and Mechanisms

This provision of the rule is superfluous because it is not used.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

None.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	10. Chapter 20, Stats. Appropriations Affected
11. Fiscal Effect of Repealing or Modifying the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost	
12. Summary of Costs and Benefits of Repealing or Modifying the Rule None.	
13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form) <input type="checkbox"/> Yes x <input checked="" type="checkbox"/> No	
14. Long Range Implications of Repealing or Modifying the Rule Unknown	
15. Compare With Approaches Being Used by Federal Government Unknown	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Unknown	
17. Contact Name Reed McGinn	18. Contact Phone Number 266-7857

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 140; MOTOR VEHICLE DEALER FINANCIAL ELIGIBILITY AND BOND CLAIM REQUIREMENTS

3. Date Rule Promulgated and/or Revised

Created 1985

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 140 establish the department's administrative interpretation of statutes relating to the security requirements and financial qualifications for applicants for a license to be a motor vehicle wholesaler, dealer, and salesperson, mobile home dealer, recreational vehicle dealer, motor vehicle salvage dealer, or moped dealer.

TRANS 140.07(3)(b). Under former s. 180.41, Wis. Stat., a corporate president was not allowed to also hold the office of secretary or vice-president of the corporation. TRANS 140.07 addresses types of entities that could be motor vehicle dealerships. Trans 140.07(3)(b), addressing corporations, applies s. 180.41, Wis. Stat., by restating that a corporate president could not also hold the office of secretary or vice-president.

1989 Wis. Act 303 rewrote state corporate law. It repealed, renumbered and recreated ch. 180. s. 180.41, Wis. Stat. was repealed and a statute on officers was rewritten under s. 189.0840, Wis. Stat. Under this new statute, an individual may hold more than one office in a corporation. A corporate officer can now be president and secretary and/or vice-present.

Conclusion

TRANS 140.07(3)(b) could be repealed because it no longer conforms with corporate law. Repealing this section could benefit small business corporations since it makes filling corporate officer positions less stringent.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Currently, individuals who hold offices in combinations prohibited by rules are disqualified from holding the affected motor vehicle dealer licenses.

6. Repealing or Modifying the Rule Will Impact the Following

(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

None

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes x No

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Paul Nilsen

18. Contact Phone Number

266-8810

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 131, MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM (MVIP)

3. Date Rule Promulgated and/or Revised

Created 1993, last amended 2010

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
This chapter applies to all nonexempt vehicles customarily kept in those counties certified by the department of natural resources as failing to meet federal primary or secondary ambient air quality standards. Vehicles kept in counties that do not meet federal clean air act standards (generally, in southeast Wisconsin) must pass a vehicle emission inspection demonstrating that the vehicle does not excessively pollute the air. Vehicles that do not pass the inspection cannot be registered for on-road use. There are exceptions and waivers available for a small subset of vehicles. Previous test methods required vehicles to be tested in a dynamometer, which required the testing technician to operate the vehicles from the driver's seat. The rules require a technician to refuse to test a vehicle if the driver does not yield the driver's seat:

131.03(11)(L) INSPECTION PROHIBITED. The inspector shall refuse to perform any inspection required by this section for any vehicle if any of the following apply:

(L) The vehicle operator refuses to yield the driver's seat.

The vehicles are no longer driven by the inspectors as part of the Inspection Maintenance test. The current testing method does not require the driver to yield the driver's seat. Repeal 131.03(11)(L)

5. Describe the Rule's Enforcement Provisions and Mechanisms

Under the current rule, emissions inspectors are required to refuse to perform the test if the driver does not yield the driver's seat. If the test is not completed, the vehicle cannot be registered. Vehicles that are subject to testing must be tested every 2 years.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Requiring the driver to yield the driver's seat can create confusion and angry customers that do not feel comfortable having to yield the driver seat on their vehicle. Many Private Inspection Facilities are small businesses and want to avoid conflicts with their customers.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

9. Fund Sources Affected

10. Chapter 20, Stats. Appropriations Affected

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

GPR FED PRO PRS SEG SEG-S

11. Fiscal Effect of Repealing or Modifying the Rule

- No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

Benefits are simplifying the vehicle emission testing process.

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

Unknown

15. Compare With Approaches Being Used by Federal Government

Unknwon

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 133 TELEPHONE AUTHORIZATION FOR QUARTERLY OR CONSECUTIVE MONTHLY REGISTRATIONS

3. Date Rule Promulgated and/or Revised

Created 1986, last amended 1996

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

This rule implements 341.19, stats., which requires the Department of Transportation (WisDOT) to establish a telephone call-in procedure to authorize the operation of vehicles (motor trucks) under the quarterly registration system in s. 341.30 or consecutive monthly registration system in s. 341.305. WisDOT accepts telephone applications any day and at any time, but the telephone applications are processed by staff during working hours. The existing rule suggests that telephone requests may be made only during working hours.

Trans 133.04 Telephone application requirements.(1) DEPARTMENT SERVICE SCHEDULE. Requests for telephone authorizations will be accepted by the department between 7:30 a.m. and 4:00 p.m. Monday through Friday except on New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day, and New Year's Eve Day, and any other holiday when state offices are closed. When any of the named holidays falls on Sunday and is celebrated on the following Monday, applications will not be accepted on the day celebrated as the holiday.

Amend the rule to clarify that the automated system may be used any time, for example, by substituting "processed" for "accepted". Also, the list of holidays in the rule should be amended to match the list of Wisconsin legal holidays at s. 995.20, stats., or at any time during which state offices are officially closed since the applications cannot be processed during legal holidays.

995.20 Legal holidays. January 1, January 15, the 3rd Monday in February (which shall be the day of celebration for February 12 and 22), the last Monday in May (which shall be the day of celebration for May 30), June 19, which shall be the day of observation for Juneteenth Day, July 4, the 1st Monday in September which shall be known as Labor day, the 2nd Monday in October, November 11, the 4th Thursday in November (which shall be the day of celebration for Thanksgiving), December 25, the day of holding the partisan primary election, and the day of holding the general election in November are legal holidays. On Good Friday the period from 11 a.m. to 3 p.m. shall uniformly be observed for the purpose of worship. In every 1st class city the day of holding any municipal election is a legal holiday, and in every such city the afternoon of each day upon which a primary election is held for the nomination of candidates for city offices is a half holiday and in counties having a population of 500,000 or more the county board may by ordinance provide that all county employees shall have a half holiday on the day of such primary election and a holiday on the day of such municipal election, and that employees whose duties require that they work on such days be given equivalent time off on other days. Whenever any legal holiday falls on Sunday, the succeeding Monday shall be the legal holiday.

5. Describe the Rule's Enforcement Provisions and Mechanisms

This rule is not enforced, it merely informs small businesses when they may use the automated application system and of the days on which the process will not be completed. Because the information incorrect it may confuse or hinder small business operations. Requests for telephone Authorizations are accepted 24 hours a day, 7 days a week by leaving a recorded message. Requests will only be processed during these stated hours. Accepting Telephone Authorization requests 24 hours a day provides more convenient service to small businesses. Wisconsin legal holidays have also changed since this rule was created.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

Specific Businesses/Sectors
 Public Utility Rate Payers

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- State's Economy Small Businesses
 Local Government Units

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Provides accurate information, which may enable more efficient small business operations that rely on this service.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
 Less Stringent Schedules or Deadlines for Compliance or Reporting
 Consolidation or Simplification of Reporting Requirements
 Establishment of performance standards in lieu of Design or Operational Standards
 Exemption of Small Businesses from some or all requirements
 Other, describe:

9. Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

Unknown

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 142; RECREATIONAL VEHICLE DEALER TRADE PRACTICES, FACILITIES AND RECORDS

3. Date Rule Promulgated and/or Revised

Created 1984, last amended 2000

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Current law requires motor vehicle dealers, including dealers of recreational motor vehicles, to keep and maintain certain books and records. One such requirement is that dealers of recreational motor vehicles keep an original or copy of the paper form "MV1" Title and License Plate Application form as additional evidence of any sale. In addition to the paper MV1 form, the Department of Transportation now prescribes an electronic sales form, "MV11", which is acceptable as a substitute for the paper MV1 form. Amend the rule to recognize that dealers may retain an electronic copy of the MV11 License Plate and title Application form.

Additionally, eliminate the requirement that the dealer retain information regarding collection of sales tax, because the department of revenue administers the state sales tax law and this may be a duplicative requirement. A dealer that fails to retain information concerning collection of sales taxes should be punishable by the Department of Revenue, not for violation of a business license requirement.

Trans 142.07(5)(c) The original or a copy of all recreational vehicle purchase contracts, purchase orders and invoices. The records shall also include a copy of ~~MV1~~ Wisconsin title and registration application forms submitted to the Department as additional evidence of the sale as well as information regarding collection of ~~sales tax and~~ Wisconsin title and registration fees.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Failure to keep or submit records required by administrative rules can result in loss of dealer license.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

This may reduce costs or confusion by small businesses by eliminating the apparent requirement that motor vehicle dealers that submit electronic title and registration applications also retain a paper copy of that application. By eliminating the requirement that a recreational motor vehicle dealer retain records of sales tax collections, any failure by a dealer to retain such records would no longer be considered a violation of the dealer license (but would remain subject to the penalties, if any, imposed by the Department of Revenue).

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

- No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

Unknown

15. Compare With Approaches Being Used by Federal Government

Unknown

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 133 TELEPHONE AUTHORIZATION FOR QUARTERLY OR CONSECUTIVE MONTHLY REGISTRATIONS

3. Date Rule Promulgated and/or Revised

Created 1986, last amended 1996

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

This rule implements 341.19, stats., which requires the Department of Transportation (WisDOT) to establish a telephone call-in procedure to authorize the operation of vehicles (motor trucks) under the quarterly registration system in s. 341.30 or consecutive monthly registration system in s. 341.305.

The rule allows cancellation of registration requested by telephone only if the cancellation occurs before the registration period has commenced. Recent changes to the automated system make the registration period commence upon request, making it impossible to cancel a request. The rule should be amended to allow cancellation within 24 hours after making the request. The rule now reads:

Trans 133.08 Cancellation of telephone authorization. A telephone authorization may be cancelled providing the applicant requests the cancellation by telephone and the registration period for which the vehicle has been granted approval to operate has not commenced. Cancellation fees will be assessed as described in s. Trans 133.06 (4).

5. Describe the Rule's Enforcement Provisions and Mechanisms

The cancellation policy is obsolete and unnecessarily denies the opportunity to cancel. The registration period commences immediately upon the telephone authorization. Instead, DMV currently allows cancellation within 24 hours of the original request. This allows small businesses a longer period to cancel mistakes.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Extending the cancellation period may reduce registrations made, and fees paid, in error.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

Benefits include minimizing wasted registration fees. There are no costs associated with extending the cancellation

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

period.

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

Unknown.

15. Compare With Approaches Being Used by Federal Government

Unknown.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown.

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 138; DEALER FACILITIES, RECORDS, AND LICENSES

3. Date Rule Promulgated and/or Revised

Renumbered from ch. MVD 13 to ch. Trans 138 in 1981

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 138 relating to the activities defining a motor vehicle dealer, wholesale dealer, and motor vehicle auction dealer, and exceptions thereto; the records and facilities required of such dealers; and the business activities of motor vehicle dealers during or after suspensions, revocations, denials or voluntary surrenders of licenses. No motor vehicle dealer may sell, offer to sell, or buy vehicles while his or her license is suspended or revoked. The rule requires auction dealers to retain records that no longer serve any purpose:

Trans 138.05 Auction dealers. Motor vehicle wholesale auction dealers shall:

Trans 138.05(3) Retain a copy of a properly completed, signed wholesale auction dealer reassignment form for each vehicle sold with a nonconforming title as required under s. Trans 154.03 (3) (d) 3., and furnish 2 copies to the purchasing dealer and one copy to the selling dealer.

Amend 138.05(3) to state "Maintain a copy of signed titles for each vehicle sold." There are no longer any non-conforming titles that require a mileage statement and therefore auction dealer reassignment forms are not used.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Failure to comply with this obsolete rule could, theoretically, serve as sufficient grounds for suspending an auction dealer's license to engage in business. Modifying the rule to eliminate the creation and retention of irrelevant records will simplify business practices.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Many motor vehicle dealers are small businesses. This rule is outdated and this change will reflect current practice.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect

Increase Existing Revenues

Increase Costs

Indeterminate

Decrease Existing Revenues

Could Absorb Within Agency's Budget

Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

Modifying the rule to eliminate the creation and retention of irrelevant records will simplify business practices. There are no costs associated with this proposal.

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

Unknown

15. Compare With Approaches Being Used by Federal Government

Unknown

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 144; LICENSING PERIODS AND FEES FOR DEALERS, MANUFACTURERS AND SALESPERSONS

3. Date Rule Promulgated and/or Revised

1991

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

Repeal the transitional language that extended the duration of certain motor vehicle dealer licenses until 1991:

Trans 144.05 Transition period. The department may extend the expiration dates of licenses and plates issued during the calendar year 1990 to a date no later than June 30, 1991. The department may then issue licenses and registration plates between January 1, 1991 and June 30, 1991 which are valid for periods that differ from those described in other sections of this chapter but may not be longer than 3 years nor less than 6 months. The department may charge licensing and registration fees as described in the following formula: the transition fees will equal the current annual fees, multiplied by the number of months the licenses or registration plates are valid, and divided by 12. This section shall not be in effect after June 30, 1991

5. Describe the Rule's Enforcement Provisions and Mechanisms

This rule became obsolete in 1994.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Repealing this obsolete rule simplifies the administrative code.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

None

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

15. Compare With Approaches Being Used by Federal Government

Unknown

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 144; LICENSING PERIODS AND FEES FOR DEALERS, MANUFACTURERS AND SALESPERSONS

3. Date Rule Promulgated and/or Revised

Created 1991

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

Trans 144 describes the periods, expiration dates, and fees for licenses issued by the Department of Transportation under the authority found in ch. 218, Stats., to motor vehicle dealers and their salespersons; moped dealers; manufacturers, distributors, wholesalers, and their representatives; mobile home dealers and their salespersons; motor vehicle auction dealers; salvage dealers; and buyer identification card holders. It also establishes the periods, expiration dates, and fees for registration plates issued to dealers, distributors, and manufacturers.

The term, "mobile home" was replaced in statutes by the term "recreational vehicle"; the Department of Transportation regulates dealers of recreational vehicles, which are motor vehicles, but not dealers of mobile homes, which are dwelling units. Amend the word "Mobile Home Dealer" in the chart below to "Recreational Vehicle Dealer".

Trans 144.04 License and registration plate fees.

(1) The department shall collect the fees described in the following table from applicants before issuing their licenses or dealer registration plates.

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

Type of License:	Type of Fee:	Amount:
Motor vehicle or moped dealer	License	\$... 40
	Registration (includes 2 plates)	\$.. 150
	Additional plate	\$... 10
	Replacement plate	\$... 4
	Branch license	\$... 40
	Sublot license	\$ 2
Mobile home dealer	License	\$.. 100
	Registration (includes 2 plates)	\$.. 150
	Additional plate	\$... 10
	Replacement plate	\$... 4
	Branch license	\$.. 100
Motor vehicle manufacturer, distributor, or wholesaler	License	\$... 40
	Registration (includes 2 plates)	\$.. 150
	Additional plate	\$... 10
	Replacement plate	\$... 4
	Branch license	\$... 40
Motor vehicle auction dealer	License	\$.. 100
Motor vehicle salvage dealer	License	\$.. 150
Salesperson or representative	License	\$ 8
Buyer identifi- cation card	License	\$... 12

5. Describe the Rule's Enforcement Provisions and Mechanisms

A license is required to sell 'recreational vehicles' at retail.

6. Repealing or Modifying the Rule Will Impact the Following

(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Many motor vehicle dealers are small businesses. This rule is outdated and could cause confusion by failing to prescribe a fee for a recreational vehicle license, and by prescribing a fee for a non-existent mobile home dealer license. This change will reflect current practice.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes x No

14. Long Range Implications of Repealing or Modifying the Rule

Unknown

15. Compare With Approaches Being Used by Federal Government

Unknown

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknwon

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 156; AUTOMATED PROCESSING PARTNERSHIP SYSTEM PROGRAM

3. Date Rule Promulgated and/or Revised

Created 2001, last amended 2007 (LRB technical correction 2012)

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 156 establishes the Department of Transportation's administrative interpretation of s. 341.21, Stats., which authorizes the department to contract with any person for services relating to processing of renewal vehicle registrations or certificates of title. The Department calls it the Automated Processing Partnership System ("APPS") program. The rule requires the applicant to provide a surety bond or letter of credit along with the request for appointment in a form prescribed by the DMV. The bond amounts are established to cover losses arising from the agent's processing of any vehicle registration or title. The required amount of a bond or letter of credit is \$10,000 for an agent doing registration renewal transactions and \$25,000 for an agent doing title transactions and original registration. The application requires identification of the physical location at which registration and title work will be performed; a single owner having a number of physical locations may operate numerous locations under a single bond.

The current bond structure creates an unnecessary burden on any vendor that wants a bond to cover multiple agents having different owners, or creates an unnecessary collective burden on small businesses wishing to become APPS agents serving a single vendor. For example, the Department contracts with a single vendor to run the state's motor vehicle emission inspection and maintenance ("I/M") program. The I/M program is decentralized, meaning tests are performed by a number of independent subcontractor repair shops, each of which may wish to apply to become APPS agents. For any of the subcontractors to become an APPS agent it would have to provide a \$10,000 bond. The current bond structure would require the filing of bonds totaling \$2,000,000 to cover 200 agents performing emissions test under contract with the state's vendor, far in excess of any liability that might reasonably arise. The department has never yet made a claim against a bond for a registration renewal agent. The current I/M vendor contracts with approximately 200 small businesses in southeastern Wisconsin and this change, to allow the APPS applicants to perform under the vendor's bond, would benefit the small businesses by reducing the overall bond amount (and the amount spent by small businesses procuring bonds) without subjecting consumers to an unreasonable danger of financial loss.

Current rule:

156.04(c) The applicant shall provide a surety bond or letter of credit along with the request for appointment in a form prescribed by the DMV. The bond or letter of credit shall be \$10,000 for an agent doing renewal transactions and \$25,000 for an agent doing title transactions and original registration. The bond shall indemnify the department against claims arising from the acts or omissions of agents under the contract including, but not limited to, missing or stolen license plates, stickers, and temporary certificate of registration paper stock. The requirement for a bond does not apply to units of government or to financial institutions.

Proposed change: Amend 156.04(c) to allow vendors with more than 100 agents to provide a surety bond or letter of credit in the amount of \$2,000 per agent.

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

5. Describe the Rule's Enforcement Provisions and Mechanisms

Failure to post a performance bond in the amounts required results in denial of an application to become an APPS agent.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

- State's Economy
 Local Government Units

- Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Many APPS agents are small businesses. Lowering the cost of obtaining performance bonds benefits the filing business, without increasing the risk of uncompensated losses to motorists using the service or to the state.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
 Less Stringent Schedules or Deadlines for Compliance or Reporting
 Consolidation or Simplification of Reporting Requirements
 Establishment of performance standards in lieu of Design or Operational Standards
 Exemption of Small Businesses from some or all requirements
 Other, describe:

9. Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

- No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

This proposal would significantly reduce the bonding amount required for multiple agents, which should reduce the costs of obtaining and maintaining a sufficient bond.

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No

14. Long Range Implications of Repealing or Modifying the Rule

Unknown. Reducing the bonding amount affects a money shift, by reducing expenditures for small businesses by an amount equal to the business lost by bond issuers.

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 156; AUTOMATED PROCESSING PARTNERSHIP SYSTEM PROGRAM

3. Date Rule Promulgated and/or Revised

Created 2001, last amended 2007 (LRB technical correction 2012)

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 156 establishes the Department of Transportation's administrative interpretation of s. 341.21, Stats., which authorizes the department to contract with any person for services relating to processing of renewal vehicle registrations or certificates of title.

TRANS 156.06(3) exempted certain transactions from the \$5 fee for electronic title or registration transactions transmitted to the Department of Financial Institutions pursuant s. 341.255(4), Wis. Stat. 2009 Wis. Act 28 repealed s. 341.255(4), Wis. Stat. The fees under this subsection no longer exist:

Trans 156.06(3) The fee submitted to DMV pursuant to s. 341.255 (4), Stats., does not apply to transactions which add or release a lien with no change of ownership, title corrections with no change of ownership, or to registration renewal transaction

TRANS 156.06(3) should be repealed.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Repealing obsolete provisions shortens the code and reduces risk of unnecessary confusion.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect

Increase Existing Revenues

Increase Costs

Indeterminate

Decrease Existing Revenues

Could Absorb Within Agency's Budget

Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Paul Nilsen

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266-8810

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 175; RENTAL COMPANIES

3. Date Rule Promulgated and/or Revised

Created 1962, amended 1982 (LRB technical correction 2012)

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 175 regulates persons regularly engaged in the business of leasing motor vehicles without drivers or leasing trailers to be hauled or propelled by a motor vehicle.

TRANS 175.03 addresses rental company registration and allows the DOT to place necessary conditions on registrations to insure that anyone leasing vehicles to private motor carriers complied with s. 194.44, Wis. Stat.

Trans 175.03 Registration. Each rental company, before engaging in such business, shall file an application with the department of transportation on forms prescribed by it and secure an identifying registration number. Said registration number will be issued after such investigation as the department may deem necessary, either with or without hearing. The department, after giving applicant opportunity to be heard, may attach to such rental company registration such conditions as may be deemed necessary to accomplish the purpose of s. 194.44 (2), Stats.

1987 Wis. Act 369 repealed s. 194.44, stats., to "eliminate private motor carrier permits." Section 194.44 (2), stats., set standards for anyone leasing vehicles to private motor carriers

Since s. 194.44, Wis. Stat. no longer exists, DOT no longer sets conditions to rental company registrations that would enforce compliance with that statute. TRANS 175.03 should be modified under Executive Order 61 to delete conditions required to achieve compliance with the repealed statute.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None. Noncompliance with permit conditions can be grounds for revocation of the permit, but these conditions are no longer applied to these registrations.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

None. Conditions are no longer applied to these registrations.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

9. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		10. Chapter 20, Stats. Appropriations Affected
11. Fiscal Effect of Repealing or Modifying the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost		
12. Summary of Costs and Benefits of Repealing or Modifying the Rule None		
13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
14. Long Range Implications of Repealing or Modifying the Rule None		
15. Compare With Approaches Being Used by Federal Government None		
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Unknown		
17. Contact Name Paul Nilsen	18. Contact Phone Number 266-8810	

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 177; MOTOR CARRIERS

3. Date Rule Promulgated and/or Revised

Created 1997

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

Trans 177 establishes standards and procedures for regulating common motor carriers, contract motor carriers and private motor carriers in this state pursuant to ch. 194, Stats. Motor carriers transport passengers and property. In 1995, Congress established a unified system of vehicle registration and proof of insurance for interstate contract and common motor carrier fleets, the 'single-state registration'. In 2005, Congress replaced the single-state registration system with the Unified Carrier Registration, which serves a similar purpose of requiring payment of a single fee to a single state by motor carriers based on fleet size.

Current Rule:

Trans 177.10 Single-state insurance registration system. (1) All interstate carriers providing transportation shall register using the single-state registration system.

(2) Registration with another state's single-state registration system consistent with the standards in 49 USC s. 14504 shall satisfy the single-state registration requirements of this state.

(3) An interstate carrier exempt from federal regulation as an interstate carrier shall register with this state's single-state registration system.

(4) A carrier shall carry a single-state registration receipt in each of its commercial motor vehicles.

(5) Persons who own or operate commercial motor vehicles that are not in compliance with this section may be subject to the penalties imposed under s. 194.17, Stats.

Proposed Change: Eliminate 177.10 Single-state insurance registration system (SSRS). Amend cross-references to single-state insurance registration at Trans 152.15.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Trans 177.10 become obsolete when Congress required states to implement the Unified Carrier Registration system. Wisconsin responded by repealing s. 194.405, Stats., and substituting s. 194.407, Stats. Trans 178 implements s. 194.407, Stats.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

None. Motor carriers are currently operating under the Unified Carrier Registration system, which replaced the Single State Registration System in 2005.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

Federal government prohibits use of the single state registration system, in favor of the unified carrier registration system currently in effect.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

All states surrounding Wisconsin participate in the Unified Carrier Registration System.

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 196; COUNTER SERVICE AND SPECIAL HANDLING SERVICE FOR CERTIFICATES OF TITLE AND REGISTRATION

3. Date Rule Promulgated and/or Revised

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
The statutes require the Department of Transportation to charge a fee to be established by rule for processing applications for registration that have a special handling request for fast service. The fee must approximate the cost to the department for providing this special handling service to persons so requesting.

Trans 196 establishes the Department of Transportation's counter service and special handling service for certificates of title or registration. One provision specifies a fee for vehicle registration by telephone, and that registration renewal notices include information about the telephone fees. Telephone registration service was created as a pilot project in 1990, but the Department no longer offers it.

The provisions relating to fees for this obsolete service should be repealed.

Current rule:

196.04(3) The department shall charge a special handling service fee when an applicant does one of the following:

(d) Submits a transaction through a special department telephone registration service, except for the telephone authorization service established by s. 341.19, Stats.

196.04(5) The department shall include information about fees for the special department telephone registration service in the notice for renewal of registration that the department mails to vehicle owners.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None. These fee provisions are obsolete because DMV does not offer telephone registration service. This was a pilot project from 1990.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

None. Repealing obsolete language will simplify the rules and avoid any confusion about the service.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

Unknown

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 196; COUNTER SERVICE AND SPECIAL HANDLING SERVICE FOR CERTIFICATES OF TITLE AND REGISTRATION

3. Date Rule Promulgated and/or Revised

Created 1990, amended 2005 (LRB technical correction 2010)

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

Trans 196 establishes the Department of Transportation's counter service and special handling service for certificates of title or registration.

TRANS 196.04 describes the special handling services the department can provide and how much it can charge for those services. Trans 196.04(2)(b) allows a fee under subsection (1)(d) to be added to other special handling fees. Subsection (1)(d) was repealed. The following language is obsolete and should be repealed:

Trans 196.04(2)(b)

(b) The department may charge the special handling service fee under sub. (1) (d) in addition to a special handling fee under sub. (1) (a) to (c) if both fees apply to the service.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Repealing the obsolete language shortens the administrative code and reduces the possibility of confusion.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect

Increase Existing Revenues

Increase Costs

Indeterminate

Decrease Existing Revenues

Could Absorb Within Agency's Budget

Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Paul Nilsen

18. Contact Phone Number

266-8810

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 215; LOCAL HIGH-COST BRIDGE PROJECTS

3. Date Rule Promulgated and/or Revised

Created 1990

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 215 sets forth the methods used by the Department of Transportation for determining the eligibility of evaluating and administering local high-cost bridge construction projects.

1997 Wis. Act 252 was introduced by the Law Revision Committee to remove statutes that were anachronisms. Section 84.11, Wis. Stat. had a number of such anachronisms, including s. 84.11(5), Wis. Stat., apportionment of costs for local bridge construction up to June 30, 1993, and s. 84.11(7), Wis. Stat., execution and control of work on projects up to June 30, 1993.

1997 Wis. Act 252 repealed s. 84.11(5) and (7), Wis. Stat. The act also amended s. 84.11(5m) and (7m), Wis. Stat. removing mention of June 30, 1993, leaving those subsections as the only statutes addressing the apportionment of costs and execution and control of work on local bridge construction.

Since there are no ongoing bridge projects started before June 30, 1993, s. 84.11(5) and (7), Wis. Stat., were both considered anachronisms and repealed. The portions of rules referring to them are no longer needed:

Trans 215.07(2)(d) Projects funded by the legislature and the local units of government as set forth in s. 84.11 (5), Stats., to June 30, 1993, or s. 84.11 (5m), Stats., after June 30, 1993, will proceed to construction.

Trans 215.08(1) Costs shall be apportioned in accordance with the provisions of s. 84.11 (5), Stats., until June 30, 1993. Thereafter costs shall be apportioned in accordance with the provisions of s. 84.11 (5m), Stats.

Trans 215.08(2) An agreement executed by all participating agencies prior to July 1, 1993, shall establish the apportionment of cost for the life of any project created under this chapter.

Trans 215.10 Execution and control of work. Execution and control of work shall be in accordance with the provisions of s. 84.11 (7), Stats., until June 30, 1993. Thereafter execution and control shall be in accordance with the provisions of s. 84.11 (7m), Stats.

These provisions of Trans 215 should be amended to eliminate obsolete transition language. There is no evidence of small business implications.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None.

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

6. Repealing or Modifying the Rule Will Impact the Following (Check All That Apply)
- | | |
|-------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> State's Economy | <input checked="" type="checkbox"/> Specific Businesses/Sectors |
| <input type="checkbox"/> Local Government Units | <input checked="" type="checkbox"/> Public Utility Rate Payers |
| | <input checked="" type="checkbox"/> Small Businesses |

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?
- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule
- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule
None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
 Yes No

14. Long Range Implications of Repealing or Modifying the Rule
None

15. Compare With Approaches Being Used by Federal Government
None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Unknown

17. Contact Name
Paul Nilsen

18. Contact Phone Number
266-8810

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 215; LOCAL HIGH-COST BRIDGE PROJECTS

3. Date Rule Promulgated and/or Revised

Created 1990

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 215 sets forth the methods used by the Department of Transportation for determining the eligibility of evaluating and administering local high-cost bridge construction projects.

1997 Wis. Act 252 was introduced by the Law Revision Committee to remove statutes that were anachronisms. Section 84.11, Wis. Stat. had a number of such anachronisms, including s. 84.11(5), Wis. Stat., apportionment of costs for local bridge construction up to June 30, 1993, and s. 84.11(7), Wis. Stat., execution and control of work on projects up to June 30, 1993.

1997 Wis. Act 252 repealed s. 84.11(5) and (7), Wis. Stat. The act also amended s. 84.11(5m) and (7m), Wis. Stat. removing mention of June 30, 1993, leaving those subsections as the only statutes addressing the apportionment of costs and execution and control of work on local bridge construction.

Since there are no ongoing bridge projects started before June 30, 1993, s. 84.11(5) and (7), Wis. Stat., were both considered anachronisms and repealed. The portions of rules referring to them are no longer needed:

Trans 215.07(2)(d) Projects funded by the legislature and the local units of government as set forth in s. 84.11 (5), Stats., to June 30, 1993, or s. 84.11 (5m), Stats., after June 30, 1993, will proceed to construction.

Trans 215.08(1) Costs shall be apportioned in accordance with the provisions of s. 84.11 (5), Stats., until June 30, 1993. Thereafter costs shall be apportioned in accordance with the provisions of s. 84.11 (5m), Stats.

Trans 215.08(2) An agreement executed by all participating agencies prior to July 1, 1993, shall establish the apportionment of cost for the life of any project created under this chapter.

Trans 215.10 Execution and control of work. Execution and control of work shall be in accordance with the provisions of s. 84.11 (7), Stats., until June 30, 1993. Thereafter execution and control shall be in accordance with the provisions of s. 84.11 (7m), Stats.

These provisions of Trans 215 should be amended to eliminate obsolete transition language. There is no evidence of small business implications.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None.

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

6. Repealing or Modifying the Rule Will Impact the Following (Check All That Apply)
- | | |
|-------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> State's Economy | <input checked="" type="checkbox"/> Specific Businesses/Sectors |
| <input type="checkbox"/> Local Government Units | <input checked="" type="checkbox"/> Public Utility Rate Payers |
| | <input checked="" type="checkbox"/> Small Businesses |

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?
- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:

9. Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule
- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule
None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
 Yes No

14. Long Range Implications of Repealing or Modifying the Rule
None

15. Compare With Approaches Being Used by Federal Government
None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Unknown

17. Contact Name
Paul Nilsen

18. Contact Phone Number
266-8810

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 257; POLE AND PIPE TRANSPORTATION PERMITS

3. Date Rule Promulgated and/or Revised

Created 1990

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Chapter 348 of the statutes establishes the maximum length of vehicles that can travel on highways, and authorizes the Department of Transportation to issue permits to specified entities for transport of overlength loads on designated routes. Trans 257 establishes standards and procedures for the issuance of pole and pipe transportation permits, commodities that commonly run overlength. 2011 Wisconsin Act 53 eliminated the permit for vehicles carrying poles and pipes that are longer than generally authorized, and repealed the Department's authority to issue the permits. Current law now allows, without a permit, the operation, by specified operators, of a single vehicle with an overall length not exceeding 60 feet, or a two-vehicle combination with an overall length not exceeding 120 feet.

Chapter Trans 257 should be repealed because it is obsolete.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

None

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect

Increase Existing Revenues

Increase Costs

Indeterminate

Decrease Existing Revenues

Could Absorb Within Agency's Budget

Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Reed McGinn

18. Contact Phone Number

266-7857

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 303; EQUIPMENT STANDARDS FOR SPECIAL VEHICLES

3. Date Rule Promulgated and/or Revised

Created 1981

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

Trans 303 establishes minimum equipment safety standards for special vehicles operated on the highway. TRANS 303.03(4) defines "power driven cycle" to have the meaning given in s. 340.01(45), Wis. Stat., but the term is used nowhere else in the administrative code. 1983 Wis. Act 243 repealed s. 340.01(45), Wis. Stat., which defined "power driven cycles."

Trans 303.03(4) should be repealed:

Trans 303.03(4) "Power driven cycle" means a power driven cycle as defined in s. 340.01 (45), Stats., with a maximum speed of 35 miles per hour.

There is no evidence of small business implications.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Repealing an obsolete term in the statutes will avoid ambiguity and minimize confusion.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Paul Nilsen

18. Contact Phone Number

266-8810

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 303; EQUIPMENT STANDARDS FOR SPECIAL VEHICLES

3. Date Rule Promulgated and/or Revised

Created 1981

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 303 establishes minimum equipment safety standards for special vehicles operated on the highway. TRANS 303.03(4) defines "power driven cycle" to have the meaning given in s. 340.01(45), Wis. Stat., but the term is used nowhere else in the administrative code. 1983 Wis. Act 243 repealed s. 340.01(45), Wis. Stat., which defined "power driven cycles."

Trans 303.03(4) should be repealed:

Trans 303.03(4) "Power driven cycle" means a power driven cycle as defined in s. 340.01 (45), Stats., with a maximum speed of 35 miles per hour.
There is no evidence of small business implications.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Repealing an obsolete term in the statutes will avoid ambiguity and minimize confusion.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

- No Fiscal Effect
- Indeterminate
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs
- Could Absorb Within Agency's Budget
- Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Paul Nilsen

18. Contact Phone Number

266-8810

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 309; AMBULANCE INSPECTION

3. Date Rule Promulgated and/or Revised

Created 1986, last amended 1999 (technical correction by revisor 2010)

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

Trans 309 prescribes minimum vehicle and medical equipment specifications for ambulances establishes administrative procedures for implementing the ambulance inspection program under s. 341.085, Stats.

TRANS 309.02(1) defines "advanced skill" as defined under DHS 110.03(3), but the term is used nowhere else in the administrative code. DHS 110 was renumbered and parts of it were repealed. DHS 110.03(3) was DHS's definition of "advanced skill." The current DHS 110 sets definitions under HS 110.04.

Trans 309.02(1) should be repealed:

Trans 309.02(1) "Advanced skill" has the meaning given in s. DHS 110.03 (3).

There is no evidence of small business implications.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

Repealing an obsolete term in the statutes will avoid ambiguity and minimize confusion.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

- | | | |
|-------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input type="checkbox"/> Could Absorb Within Agency's Budget |
| | | <input type="checkbox"/> Decrease Cost |

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

None

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name

Paul Nilsen

18. Contact Phone Number

266-8810

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 312, Weigh Station Stopping Requirements

3. Date Rule Promulgated and/or Revised

April 1983

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation

The purpose for this rule is to specify which vehicle operators shall stop at open weigh stations for vehicle and load weighing, measuring and inspecting and to specify further which vehicle operators, although they may be required by a traffic officer to stop, shall not be required to stop for vehicle and load weighing, measuring and inspecting as a matter of regular course at open weigh stations. Given that federal law provides law enforcement discretion for vehicles weighing 10,000 lbs or less, small businesses utilizing trucks weighing 8,000 to 10,000 lbs are hindered adding expenses to their operations. The revision would amend the rule to apply to vehicles weighing greater than 10,000 lbs.

5. Describe the Rule's Enforcement Provisions and Mechanisms

The department has statutory authority and responsibility to enforce the size, weight and load requirements of ch. 348, Stats. The provisions of ss. 84.01 (21) and 110.07 (1) (a) 3., Stats., and of ch. 348, Stats., provide this authority. To implement its enforcement responsibilities, the department may require the operator of any vehicle being operated on a Wisconsin highway to stop at a weigh station and have the vehicle and its load weighed, measured or inspected.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

The revision would reduce costs through the elimination of lost time and possible fines to businesses operating vehicles that weigh 8,000 to 10,000 lbs that are currently required to report for load weighing, measuring and inspecting at an open weigh station.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect

Increase Existing Revenues

Increase Costs

Indeterminate

Decrease Existing Revenues

Could Absorb Within Agency's Budget

Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

Minor onetime costs to convert 15 roadside signs and a marginal loss of revenue due to fewer citations. However, the revision would provide consistency between neighboring states as well as federal and state law and would reduce the

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

regulatory burden for small businesses using our highway infrastructure. Modification will also ensure the weighing and inspection efforts at our weigh stations are focused on commercial vehicles.

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

Will eliminate restriction for businesses which should increase their productivity in the long run.

15. Compare With Approaches Being Used by Federal Government

Will create greater consistency between state and federal law. See #4.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

MN is at 10,000lbs or more, MI and IA are at more than 10,000lbs, IL is at more than 16,000lbs.

17. Contact Name

David Pabst

18. Contact Phone Number

608-267-3622

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal Modification

2. Administrative Rule Chapter, Title and Number

Trans 205; COUNTY TRUNK HIGHWAY STANDARDS

3. Date Rule Promulgated and/or Revised

Renumbered from Hy 34 on December 31, 1986; last amended 1992

4. Plain Language Analysis of the Rule including an Assessment of the Rule's Impact on Policy Problem that Justified its Creation
Trans 205 sets standards for constructing or reconstructing and relating to processes incidental to building, fabricating or bettering a county trunk highway, but not relating to maintenance of a county trunk highway. The chapter sets forth different standards depending upon the 'functional classification' of the highway, such as arterial or collector.

Trans 205.02(5) defines "functional classification" as it is set under Trans 76. Similarly, Trans 205.03(1) specifies that the functional classification of a rural county trunk is shown in DOT rural functional system maps prepared under Trans 76. Trans 76 was repealed in 1998. "Functional classification" is defined by TRANS 76 which only applied in 1996 and was repealed.

Recreate a definition of "functional classification" in Trans 205.

5. Describe the Rule's Enforcement Provisions and Mechanisms

None.

6. Repealing or Modifying the Rule Will Impact the Following
(Check All That Apply)

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers
 Small Businesses

7. Summary of the impacts, including compliance costs on small businesses, other businesses, business sectors, associations representing business, local governmental units, and individuals that justify the review.

None. Correcting terminology and providing accurate information will avoid ambiguity and minimize confusion.

8. Did the agency consider any of the following Rule Modifications to reduce the impact of the Rule on Small Businesses in lieu of Repeal?

Less Stringent Compliance or Reporting Requirements
 Less Stringent Schedules or Deadlines for Compliance or Reporting
 Consolidation or Simplification of Reporting Requirements
 Establishment of performance standards in lieu of Design or Operational Standards
 Exemption of Small Businesses from some or all requirements
 Other, describe:

9. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

10. Chapter 20, Stats. Appropriations Affected

11. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

12. Summary of Costs and Benefits of Repealing or Modifying the Rule

None

**EXISTING ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis**

13. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No

14. Long Range Implications of Repealing or Modifying the Rule

None

15. Compare With Approaches Being Used by Federal Government

None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Unknown

17. Contact Name	18. Contact Phone Number
Paul Nilsen	266-8810