

## Gary, Aaron

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**From:** McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>  
**Sent:** Thursday, April 04, 2013 8:19 AM  
**To:** Gary, Aaron  
**Cc:** Krieser, Steven - DOT; Judd, Lynne - DOT  
**Subject:** RE: Bill drafting for a Transportation Omnibus

Hi Aaron. I apologize for the delay, I had to check in with the program area. The answer is #1. We would still have a contract with Agents but the Vendor would have bond.

*Reed McGinn*

**Legislative Liaison**  
**Division of Motor Vehicles**  
**Wisconsin Department of Transportation**  
**608-266-7857**

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**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Thursday, March 28, 2013 11:02 AM  
**To:** McGinn, Reed - DOT; Krieser, Steven - DOT  
**Cc:** Judd, Lynne - DOT; DeBeck, Elisabeth - LEGIS  
**Subject:** RE: Bill drafting for a Transportation Omnibus

Hi Reed,

Thanks for your response. I'm still not sure which of the following DOT has in mind here:

1. Subcontractors of the I/M program vendor *would contract* directly with DOT to participate in the APPS program (so they would be "agents" as defined in Trans 156.02(1)). These agents would be subject to all existing requirements except with respect to the bond, in which case the I/M program vendor could post one bond that would cover all of its subcontractors/agents as to their APPS program activities.  
OR
2. Subcontractors of the I/M program vendor could perform functions under the APPS program *without a direct contract* with DOT. Only the I/M vendor would contract directly with DOT as to the APPS program; the I/M program subcontractors would essentially be "sub-agents" under the APPS program, with the I/M vendor providing the bond for all of its "sub-agents."

Can you please tell me which of these approaches DOT wants? How involved the drafting will be depends on which approach is desired.

Thanks. Aaron

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

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**From:** McGinn, Reed - DOT [mailto:Reed.McGinn@dot.wi.gov]  
**Sent:** Tuesday, March 26, 2013 11:30 AM

**To:** Krieser, Steven - DOT; Gary, Aaron  
**Cc:** Judd, Lynne - DOT  
**Subject:** RE: Bill drafting for a Transportation Omnibus

Hi Aaron,

The purpose of the proposed change is to allow the Inspection Maintenance (I/M) program vendor to post a bond, required for registration renewal, on behalf of the agents performing the emission inspections. As you stated, under current Trans code only the agents of the APPS program hold the bond, not the vendor. Last year we decentralized the I/M program making the facilities that perform the emissions testing independent agents. These agents are often small shops that would not, under normal circumstances, be performing registration renewals as a 3<sup>rd</sup> party for DMV. One of the reasons for this is lack of bonding capacity. However, they have a contract with the I/M vendor to perform emissions tests and as a customer service (per our contract with the I/M vendor) they also offer registration renewal. Because of the lack of bonding capacity and the stringent contracts they have with the I/M program vendor, we agree that in this situation only it makes sense for the vendor to hold the bond on behalf of the agents. We do not want to open it up for other vendors to post the bond on behalf of their agents, as they would not have the same contractual requirements. We would only allow this for the vendor of the I/M program and the facilities who are also doing emissions inspections.

One point of clarification from your email, under the APPS program, the agent has a contract with DOT **and** a contract with the vendor. The vendor contract allows the agent to utilize the vendors software but also holds them accountable for proper use of the software. In the event of fraud, the agent must then comply with DOT requirements as well as the vendor contract.

We believe this is a Trans Code change; however we are wondering if we should make a change to s. 341.21, Stats. or perhaps both.

Thanks,

*Reed McGinn*

**Legislative Liaison  
Division of Motor Vehicles  
Wisconsin Department of Transportation  
608-266-7857**

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**From:** Krieser, Steven - DOT  
**Sent:** Wednesday, March 20, 2013 8:05 PM  
**To:** McGinn, Reed - DOT  
**Cc:** Judd, Lynne - DOT  
**Subject:** FW: Bill drafting for a Transportation Omnibus

Can you review and provide an answer to me on Aaron Gary's question on Trans 156? Ignore the other stuff on functional classification. Thanks!

**Steve Krieser**  
Executive Assistant  
Wisconsin Department of Transportation  
Phone: 608-266-1114

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**From:** Gary, Aaron [Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Friday, March 15, 2013 3:29 PM  
**To:** Krieser, Steven - DOT  
**Cc:** DeBeck, Elisabeth - LEGIS  
**Subject:** FW: Bill drafting for a Transportation Omnibus

Hi Steve,

I have a couple of questions about DOT's suggestions for changes to DOT's rules (please see below). For your convenience, I have attached the relevant DOT write-ups.

I would appreciate DOT's assistance with the questions below. Liz gave me permission to contact you directly, but please keep her in the loop.

Thanks. Aaron

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**From:** Gary, Aaron  
**Sent:** Thursday, March 14, 2013 7:37 PM  
**To:** DeBeck, Elisabeth  
**Subject:** RE: Bill drafting for a Transportation Omnibus

Sorry, one more question. This one relates to the attachment identified as "Trans 205; County trunk highway standards."

When I pulled up the old Trans 76, I discovered that "functional classification" in the repealed rule was not actually a definition; it was more of a description. (See 2<sup>nd</sup> and 3<sup>rd</sup> page of the attachment, Trans 76.05.) Can DOT provide more specificity on how they would like to see this definition worded in Trans 205.02 (5)? (I don't believe that copying the entire description works as a definition.)

Thanks again.  
Aaron

Aaron R. Gary  
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**From:** Gary, Aaron  
**Sent:** Thursday, March 14, 2013 1:28 PM  
**To:** DeBeck, Elisabeth  
**Subject:** RE: Bill drafting for a Transportation Omnibus

Hi Liz,

I'm stymied on one of these rule changes and will need further guidance.

The request "Trans 156; automated processing partnership system program," proposes amending s. 156.04 of Trans 156, DOT's APPS program. In Trans 156, an "agent" contracts with DOT to process vehicle records via an approved

computer system. The "agent" may be an individual or a business with an owner(s) and employees. A "vendor" contracts with DOT to provide the computer system that the agents use to process registration and title transactions. Agents and vendors have different functions and each *must* contract directly with DOT under Trans 156. Only the agent must post a bond with DOT, not its employees (even if the agent has 100 employees). The rule is silent as to whether the agent can assign its processing duties to someone else (a subcontractor), but if it could, there is nothing in the rule requiring the subcontractor to also post a bond.

With this background, I cannot make sense of DOT's proposed change "to allow vendors with more than 100 agents to provide a surety bond ... in the amount of \$2,000 per agent." First, agents have a direct contract with DOT; they are not agents of the vendor (which has a wholly different function). Second, agents must post their own bond; they cannot rely on or act under a vendor's bond.

I would appreciate assistance in figuring out what DOT wants here. Also, if DOT actually wants major changes to Trans 156, that would go beyond just amending or repealing this rule but would probably require rewriting the whole rule and creating new rule provisions.

Thanks! Aaron

## Gary, Aaron

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**From:** DeBeck, Elisabeth  
**Sent:** Thursday, March 28, 2013 11:19 AM  
**To:** Gary, Aaron  
**Subject:** RE: Bill drafting for a Transportation Omnibus

Aaron,

Thanks for following up. I think we'd be fine with taking Trans 205 out of the omnibus because creating a definition for functional classification takes it out of the "technical change" column in my mind. I would rather leave Trans 156 in. I appreciate you working on this and understand this may take longer! No worries.

Thanks again,

Liz

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**From:** Gary, Aaron  
**Sent:** Thursday, March 28, 2013 11:11 AM  
**To:** DeBeck, Elisabeth  
**Subject:** RE: Bill drafting for a Transportation Omnibus

Hi Liz,

I'm trying to get this draft wrapped up. Basically I have these last two pieces - the Trans 205 and Trans 156 changes.

It looks like DOT would like to see the Trans 205 piece removed from the draft. Is that OK with you?

Regarding the Trans 156 piece, as you can see (from my other email this morning), I'm still trying to flesh out what DOT wants. It could be simple or complicated, depending on DOT's response. You mentioned that you have more changes to add in a redraft when the "/P1" version is finished. If you want me to omit the Trans 156 piece now to expedite the "/P1", and add that piece into the redraft later, let me know.

Thanks. Aaron

Aaron R. Gary  
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[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**Sent:** Wednesday, March 20, 2013 8:00 PM  
**To:** Gary, Aaron  
**Cc:** DeBeck, Elisabeth  
**Subject:** RE: Bill drafting for a Transportation Omnibus

Hello,

I'm working on the APPS agent question and should have an answer for you next week on that.

With regard to the Trans 205 / Trans 76 issue, I haven't had a chance to talk to Liz about this yet, but once I reviewed this further, I think the Department should promulgate a definition of functional classification in the rules. Right now, it lives in Dept guidance documents. I will seek the Committee's dispensation to allow us to advance that rulemaking through the usual process (repeal the reference in 205 to 76, and then insert a definition of functional classification in the appropriate place), rather than including it in the omnibus.

Liz -- please let me know if you think your boss would be open to this. Thanks!

**Steve Krieser**

Executive Assistant

Wisconsin Department of Transportation

Phone: 608-266-1114

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Thanks again.  
Aaron

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With this background, I cannot make sense of DOT's proposed change "to allow vendors with more than 100 agents to provide a surety bond ... in the amount of \$2,000 per agent." First, agents have a direct contract with DOT; they are not agents of the vendor (which has a wholly different function). Second, agents must post their own bond; they cannot rely on or act under a vendor's bond.

I would appreciate assistance in figuring out what DOT wants here. Also, if DOT actually wants major changes to Trans 156, that would go beyond just amending or repealing this rule but would probably require rewriting the whole rule and creating new rule provisions.

Thanks! Aaron



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3/13



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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*gjs*

*(D-Note)*

*SA ✓  
1st/2nd ✓  
10pt NCS ✓*

*Gen Cat*

- 1 **AN ACT**...; relating to: motor vehicle registration, rulemaking procedures, and
- 2 modifying and repealing various rules promulgated by the Department of
- 3 Transportation.

***Analysis by the Legislative Reference Bureau***

**STATUTORY TREATMENTS**

***Rulemaking procedures***

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***Vehicle registration***

Under current law, certain types of vehicles (mostly motor trucks and vehicles weighing more than 8,000 pounds) may be registered for a quarterly period or a period of consecutive months instead of for an annual or biennial registration period. The Department of Transportation (DOT) must establish a telephone call-in procedure for authorizing the operation of vehicles under DOT's quarterly or consecutive monthly registration system. In addition to the regular registration fee, a fee must be paid to DOT for using of the telephone call-in system. This fee is the lesser of \$10 per vehicle or the actual cost of the telephone authorization per vehicle as determined by DOT. A \$10 late fee must also be paid to DOT if DOT receives fees arising from use of the telephone call-in system after the payment deadline established by DOT. When the telephone call-in system is used, telephone



authorization to operate a vehicle may be canceled before the beginning of a registration period but not after. If the telephone authorization is canceled, the applicant is not required to pay the registration fee but must pay the telephone authorization use fee and any cancellation fee established by DOT. ✓

This bill eliminates the \$10 late fee. The bill also allows a telephone authorization to be canceled within 24 hours after making the request for telephone authorization. ✓

**TREATMENTS OF ADMINISTRATIVE RULES**

This bill modifies and repeals various rules promulgated by DOT, as described below. ✓

***Vehicle weigh station inspections***

Under DOT's current rules, the operator of a truck weighing more than 8,000 pounds who approaches an open DOT weigh station must stop at the weigh station and, if requested, permit the truck and its load to be weighed, measured, or inspected. The operator of a truck weighing 8,000 pounds or less is not required to stop at open DOT weigh stations as a matter of course, but must obey the request of any traffic officer to stop the truck for weighing, measuring, or inspecting. ✓

This bill amends DOT's rules so that only operators of trucks weighing more than 10,000 pounds are required to stop at open DOT weigh stations to, upon request, permit the truck and its load to be weighed, measured, or inspected. ✓

***Motor vehicle dealers***

Under current statutes, a motor vehicle dealer, other than a motorcycle dealer, must provide to DOT and maintain in force a bond or irrevocable letter of credit in a minimum amount of \$50,000. The bond or letter of credit must be executed in the name of DOT for the benefit of any person who sustains a loss because of certain acts of the motor vehicle dealer. ✓

This bill amends DOT's rules to specify that the motor vehicle dealer's bond or irrevocable letter of credit must be in a minimum amount of \$50,000, rather than \$25,000, and to specify that a bond or letter of credit in this amount is also applicable in determining an acceptable level of net worth for the dealer. ✓

Under DOT's current rules, if a motor vehicle dealer is organized as a corporation, an individual cannot hold the office of corporate president and also either corporate secretary or vice president, as was formerly specified by a since-repealed statute. This bill repeals this rule. ✓

DOT's current rules require recreational vehicle dealers to maintain certain books and records at their licensed business premises, including recreational vehicle purchase contracts, purchase orders, and invoices; copies of MV1 Wisconsin title and registration application forms (a printed form) as additional evidence of sales; and information regarding collection of sales tax and Wisconsin title and registration fees. ✓

This bill amends DOT's rules so that a recreational vehicle dealer is required to maintain copies of Wisconsin title and registration application forms submitted ✓

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to DOT, which may be the printed form MV1 or the electronic form MV11, and is not required (by DOT rule) to maintain information regarding collection of sales tax. ✓

Under DOT's current rules, when a motor vehicle dealer or wholesaler reassigns ownership of a previously titled motor vehicle and the certificate of title does not include available spaces for the reassignment of ownership (nonconforming title), the reassignment of ownership and required odometer disclosure must be completed by the dealer or wholesaler on a form approved by DOT.

DOT's current rules also require a motor vehicle wholesale auction dealer to retain a copy of a properly completed, signed wholesale auction dealer reassignment form for each vehicle sold with a nonconforming title and to furnish copies of it to the purchasing and selling dealers. This bill amends DOT's rules to eliminate this requirement and instead require the motor vehicle wholesale auction dealer to maintain a copy of the signed title for each vehicle sold. ✓

The bill also amends various rules to replace the term "mobile home dealer" with the term "recreational vehicle dealer." ✓

### ***Motor vehicle emission and inspection program***

Current statutes require DOT to conduct the motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards (nonattainment counties). Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. DOT may contract with third parties to perform vehicle emission inspections under the I/M program.

Under DOT's rules relating to the I/M program, DOT must conduct audits of its contractor inspection functions and inspection equipment and procedures. Also under DOT's rules, all contractor employees and all employees of any authorized inspection facility subcontractor who perform any official inspection functions must have an inspector license issued by the contractor and DOT must conduct audits with respect to inspectors. This bill repeals provisions of DOT's rules that allow a contractor's or subcontractor's employee to appeal and request a hearing before a DOT hearing officer if, as a result of a DOT audit, the employee's inspection license is suspended or revoked and the employee is therefore removed from inspection duties. ✓

The bill also repeals a DOT rule that requires an inspector to refuse to perform an inspection of a vehicle if the vehicle operator refuses to yield the driver's seat.

With respect to a requirement that the operator of a vehicle that fails an inspection must receive a list of "registered automotive emission repair facilities," the bill changes this term to "recognized automotive emission repair technicians and recognized repair facilities," which are terms defined by rule. ✓

### ***Telephone call-in registration***

With respect to DOT's current rules applicable to DOT's telephone call-in procedure for authorizing the operation of vehicles under the quarterly or

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consecutive monthly registration system, the bill repeals DOT's rule imposing a late fee of \$5.00 per vehicle if the applicant fails to pay to DOT all fees owing within 21 days after the date of DOT's invoice. ✓

Under DOT's current rules, DOT may require that an applicant for telephone authorization use an authorization code during the telephone call-in procedure. The "authorization code" is a combination of six letters or numbers issued to an applicant by DOT for purposes of identification. This bill repeals all rules related to DOT's issuance of, or an applicant's use of, an authorization code in connection with the telephone call-in procedure. ✓

The bill also specifies in DOT's rules that requests for telephone authorizations will be accepted by DOT at any time but will be processed only during DOT's regular business hours. ✓

**Technical corrections**

The bill makes other minor and technical changes to DOT's rules, including eliminating obsolete phase-in or transition dates; eliminating fees for services that DOT no longer provides and fees repealed from the statutes; correcting references to defunct programs or to repealed or defunct provisions of the administrative code or statutes; and updating or repealing provisions that are inconsistent with current statutes or that were promulgated based on statutes that have since been amended or repealed.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill. ✓

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

INSERT A ✓

**SECTION 1.** 25.40 (1) (a) 3. of the statutes is amended to read:

25.40 (1) (a) 3. Revenues collected under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2), (2e), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30

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1 (3), 341.305 (3), 341.307 (4) (a), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and  
2 342.14 that are pledged to any fund created under s. 84.59 (2).

**History:** 1971 c. 125, 211; 1973 c. 90, 333; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 199; 1977 c. 29, 274, 418, 447; 1979 c. 34; 1979 c. 361 s. 113; 1981 c. 20; 1981 c. 347 s. 80 (2), (4); 1983 a. 27, 538; 1985 a. 16 s. 15; 1985 a. 29 ss. 638p, 3202 (51); 1985 a. 120 ss. 66, 3202 (56); 1985 a. 332; 1987 a. 3, 27, 110, 399, 403; 1989 a. 31, 102, 105, 359; 1991 a. 39, 104, 189, 269, 309, 315; 1993 a. 16, 123, 205, 253, 415, 437, 491; 1995 a. 27, 113, 201, 269, 280, 445; 1997 a. 27, 35, 41, 135, 237, 255; 1999 a. 9, 32, 92, 167; 2001 a. 16; 2003 a. 33, 139; 2005 a. 25, 45, 85, 179, 199, 260, 319; 2007 a. 42, 97, 107; 2009 a. 28, 100, 135, 224, 226; 2011 a. 32, 208; 2011 a. 260 s. 80.

3

4 INSERT B

5 SECTION 2. 84.59 (2) (b) of the statutes is amended to read:

6 84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and  
7 distinct special fund outside the state treasury, in an account maintained by a  
8 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),  
9 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),  
10 (2e), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), and  
11 (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265  
12 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30 (3), 341.305  
13 (3), 341.307 (4) (a), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14 and from  
14 any payments received with respect to agreements or ancillary arrangements  
15 entered into under s. 18.55 (6) with respect to revenue obligations issued under this  
16 section. The revenues deposited are the trustee's revenues in accordance with the  
17 agreement between this state and the trustee or in accordance with the resolution  
18 pledging the revenues to the repayment of revenue obligations issued under this  
19 section. Revenue obligations issued for the purposes specified in sub. (1) and for the  
20 repayment of which revenues are deposited under this paragraph are special fund  
21 obligations, as defined in s. 18.52 (7), issued for special fund programs, as defined in  
22 s. 18.52 (8).

**History:** 1983 a. 27, 212; 1985 a. 29; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 113; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28, 135; 2011 a. 32.

23

1           INSERT C

2

X 3           **SECTION 3.** 341.19 (1) (intro.) and (a) of the statutes are consolidated,  
4           renumbered 341.19 (1) and amended to read:

5           341.19 (1) The department shall establish a telephone call-in procedure to  
6           authorize the operation of vehicles under the quarterly registration system in s.  
7           341.30 or consecutive monthly registration system in s. 341.305. In addition to the  
8           registration fee required under s. 341.30 or 341.305, ~~the following fees shall be paid~~  
9           ~~to the department~~ for authorizing the operation of a vehicle under this section: ~~(a)~~  
10          The, a fee shall be paid to the department of the lesser of \$10 per vehicle or the actual  
11          cost of the telephone authorization per vehicle as determined by the department.

History: 1983 a. 469; 1999 a. 9.

12          **SECTION 4.** 341.19 (1) (b) of the statutes is repealed.

X 13          **SECTION 5.** 341.19 (2) (b) of the statutes is repealed.

14          **SECTION 6.** 341.19 (2) (c) of the statutes is amended to read:

15          341.19 (2) (c) Telephone authorization to operate a vehicle ~~granted before the~~  
16          ~~beginning of the registration period~~ may be canceled by the applicant ~~before the~~  
17          ~~beginning of the registration period~~ within 24 hours after making the request for  
18          telephone authorization, and the applicant shall not be required to pay the  
19          registration fee. The applicant shall pay to the department the authorization fee  
20          under sub. (1) ~~(a)~~ and may be charged a cancellation fee established by the  
21          department.

History: 1983 a. 469; 1999 a. 9.

X 22          **SECTION 7.** Trans 131.03 (11) (L) of the administrative code is repealed.

X 23          **SECTION 8.** Trans 131.03 (15) (c) of the administrative code is amended to read:

x 1 Trans 131.03 (15) (c) Each operator of a vehicle failing the initial inspection  
2 shall receive a list of ~~registered~~ recognized automotive emission repair technicians  
3 and recognized repair facilities by area which includes information required under  
4 s. Trans 131.15. This listing may include other consumer information useful in  
5 obtaining vehicle emission repair service.

X 6 **SECTION 9.** Trans 131.11 (3) (a) of the administrative code is renumbered Trans  
7 131.11 (3).

X 8 **SECTION 10.** Trans 131.11 (3) (b) of the administrative code is repealed.

X 9 **SECTION 11.** Trans 131.13 (5) (a) of the administrative code is renumbered  
10 Trans 131.13 (5).

x 11 **SECTION 12.** Trans 131.13 (5) (b) of the administrative code is repealed.

X 12 **SECTION 13.** Trans 133.02 (2) of the administrative code is repealed.

X 13 **SECTION 14.** Trans 133.04 (1) of the administrative code is amended to read:

14 Trans 133.04 (1) DEPARTMENT SERVICE SCHEDULE. Requests for telephone  
15 authorizations will be accepted by the department ~~between 7:30 a.m. and 4:00 p.m.~~  
16 ~~Monday through Friday except on New Year's Day, Good Friday, Memorial Day,~~  
17 ~~Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day,~~  
18 ~~and New Year's Eve Day, and any other holiday when state offices are closed. When~~  
19 ~~any of the named holidays falls on Sunday and is celebrated on the following Monday,~~  
20 ~~applications will not be accepted on the day celebrated as the holiday at any time but~~  
21 will be processed by the department only during the department's regular business  
22 hours.

X 23 **SECTION 15.** Trans 133.04 (2) (h) of the administrative code is repealed.

X 24 **SECTION 16.** Trans 133.05 of the administrative code is repealed.

X 25 **SECTION 17.** Trans 133.06 (3) of the administrative code is repealed.

## SECTION 18

1           **SECTION 18.** Trans 133.07 (1) of the administrative code is amended to read: ✓

2           Trans 133.07 (1) SCHEDULE. The department shall mail a monthly invoice to any  
3 applicant that owes telephone authorization fees, ~~late payment~~ fees or cancellation  
4 fees as described in s. Trans 133.06.

5           **SECTION 19.** Trans 133.08 of the administrative code is amended to read: ✓

6           **Trans 133.08 Cancellation of telephone authorization.** A telephone  
7 authorization may be cancelled ~~providing~~ if the applicant requests the cancellation  
8 by telephone ~~and the registration period for which the vehicle has been granted~~  
9 ~~approval to operate has not commenced~~ within 24 hours after making the request for  
10 telephone authorization. Cancellation fees will be assessed as described in s. Trans  
11 133.06 (4). ✓

12           **SECTION 20.** Trans 133.09 (3) of the administrative code is repealed. ✓

13           **SECTION 21.** <sup>Trans</sup> 138.05 (3) of the administrative code is amended to read: ✓

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

18           **SECTION 22.** Trans 140.022 (2) of the administrative code is amended to read: ✓

19           Trans 140.022 (2) MINIMUM SECURITY. A motor vehicle dealer or applicant for  
20 a motor vehicle dealer license shall provide and maintain in force a bond or letter of  
21 credit of not less than ~~\$25,000~~ \$50,000, or if the dealer or applicant sells or proposes  
22 to sell motorcycles and not other types of motor vehicles, a bond or irrevocable letter  
23 of credit of not less than \$5,000.

24           **SECTION 23.** Trans 140.07 (3) (a) of the administrative code is renumbered ✓

25           Trans 140.07 (3). ✓

*LPS: if you're not sure how to do this, I can show you. CJS*

- 1     ~~α~~   **SECTION 24.** Trans 140.07 (3) (b) of the administrative code is repealed.
- 2           **SECTION 25.** Trans 140.09 (2) (a) of the administrative code is amended to read:
- 3     ~~χ~~     Trans 140.09 (2) **ACCEPTABLE NET WORTH** (a) The following guidelines are used
- 4           in determining the acceptable level of net worth of an applicant:

Dealer Type	
New Auto or Truck	\$25,000 <del>\$50,000</del> bond or letter of credit required
Used Auto or Truck	\$25,000 <del>\$50,000</del> bond or letter of credit required
Motorcycle and not other motor vehicles	\$5,000 bond or letter of credit required
Motorcycle and other motor vehicles	\$25,000 <del>\$50,000</del> bond or letter of credit required
Recreational Vehicle	Minimum required ratio of total assets to total liabilities of 1.4
Moped	Minimum required ratio of total assets to total liabilities of 1.4
Motor Vehicle Wholesaler	Minimum required ratio of total assets to total liabilities of 1.4
Motor Vehicle	Minimum net worth of \$5,000
Salvage	

*change text in table cells to 12pt New Century Schbk*

5     ~~o~~     *delete empty text: treat comment*

- ~~α~~ 6           **SECTION 26.** Trans 142.07 (5) (c) of the administrative code is amended to read:
- 7           Trans 142.07 (5) (c) The original or a copy of all recreational vehicle purchase
- 8           contracts, purchase orders and invoices. The records shall also include a copy of MV1
- 9           Wisconsin title and registration application forms submitted to ~~teh~~ department as
- 10          additional evidence of the sale as well as information regarding collection of sales tax
- 11          and Wisconsin title and registration fees.

12          **SECTION 27.** <sup>Trans</sup> 144.01 of the administrative code is amended to read:

13          **Trans 144.01 Purpose.** This chapter describes the periods, expiration dates,

14          and fees for licenses issued by the department under the authority found in ch. 218,

15          Stats., to motor vehicle dealers and their salespersons; moped dealers;

16          manufacturers, distributors, wholesalers, and their representatives; ~~mobile home~~

17          recreational vehicle dealers and their salespersons; motor vehicle auction dealers;

18          salvage dealers; and buyer identification card holders. It also establishes the periods,

19          expiration dates, and fees for registration plates issued to dealers, distributors, and

20          manufacturers.



**SECTION 28**

*Trans*

1 **SECTION 28.** 144.02 (1) of the administrative code is amended to read:

2 **Trans 144.02 (1)** "Business license" means a license issued by the department  
3 under ch. 218, Stats., to a motor vehicle dealer, moped dealer, ~~mobile home~~  
4 recreational vehicle dealer, motor vehicle auction dealer, motor vehicle  
5 manufacturer, distributor, wholesaler, or salvage dealer.

6 **SECTION 29.** Trans 144.04 (1) of the administrative code is amended to read:

7 **Trans 144.04 (1)** The department shall collect the fees described in the  
8 following table from applicants before issuing their licenses or registration plates.

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
<del>Mobile home</del> <u>Recreational vehicle</u> 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 identification card	License .....	\$ ... 12

*change text in table cells to 12pt NewCentury Schbk. Also check to make sure that the dollar amounts line up against the same words as before the change*

⑨ *delete empty text: trent coupon*

X 10 **SECTION 30.** Trans 144.05 of the administrative code is repealed.

11 **SECTION 31.** Trans 152.15 of the administrative code is amended to read:

12 **Trans 152.15 Revocation.** If an assessed tax or fee has not been paid when  
13 due and the person has not filed a written appeal within 30 days of the notification  
14 of action or audit finding, that tax or fee becomes delinquent. A notice of delinquency  
15 and revocation shall be sent to the last known address of the licensee or registrant

*LPS: if you're not sure what this means, please ask.*

1 advising of the immediate revocation of fuel tax licensing, IRP registration  
2 privileges, or hire operating authority ~~and single-state insurance registration~~. A  
3 license may also be revoked if the licensee fails to comply with the provisions of this  
4 chapter or the provisions of the IFTA or IRP. An appealable notice of revocation shall  
5 be mailed to the licensee's or registrant's mailing address of record. If the appeal is  
6 not filed within 30 days, the revocation shall be final and conclusive. A license or  
7 registrant's licensing privileges shall remain revoked until the reason for the  
8 revocation has been removed. In addition, the department may revoke, suspend or  
9 refuse any registration, certificate or permit issued under the authority of the  
10 department upon revocation of a person's fuel tax or IRP licensing privileges.

X 11 **SECTION 32.** Trans 156.06 (3) of the administrative code is repealed. —

X 12 **SECTION 33.** Trans 175.03 of the administrative code is amended to read: —

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

X 21 **SECTION 34.** Trans 177.10 of the administrative code is repealed. —

X 22 **SECTION 35.** Trans 196.02 (7) of the administrative code is amended to read: —

23 Trans 196.02 (7) "Special handling" means a request by an applicant for  
24 accelerated service, fast handling, or priority service in the issuance of certificate of

LPS  
use  
action:  
\*CODE:  
repeal

1 title or registration, including the use of a special department telephone registration  
2 service for the payment of renewal fees.

*Section #. Trans 196.02 (8) of the administrative code is repealed.*

X 3 SECTION 36. Trans 196.04 (2) (b) of the administrative code is repealed. -

X 4 SECTION 37. Trans 196.04 (3) (d) of the administrative code is repealed. -

X 5 SECTION 38. Trans 196.04 (5) of the administrative code is repealed. -

6 SECTION 39. Trans 215.07 (2) (d) of the administrative code is amended to read: -

X 7 Trans 215.07 (2) (d) Projects funded by the legislature and the local units of  
8 government as set forth in s. 84.11 (5), Stats., to June 30, 1993, or s. 84.11 (5m), Stats.,  
9 after June 30, 1993, will proceed to construction.

X 10 SECTION 40. Trans 215.08 (1) of the administrative code is renumbered Trans  
11 215.08 and amended to read: -

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

X 15 SECTION 41. Trans 215.08 (2) of the administrative code is repealed. -

X 16 SECTION 42. Trans 215.10 of the administrative code is amended to read: -

17 Trans 215.10 Execution and control of work. Execution and control of  
18 work shall be in accordance with the provisions of s. 84.11 (7), Stats., until June 30,  
19 1993. Thereafter execution and control shall be in accordance with the provisions  
20 of s. 84.11 (7m), Stats.

21 SECTION 43. Trans 230.01 (3) (c) 1. of the administrative code is amended to  
22 read: -

23 Trans 230.01 (3) (c) 1. Except for general permits (s. Trans 230.06), industrial  
24 interplant permits (s. Trans 230.08), pole and pipe transportation permits (ch. Trans  
25 257), vehicle transportation permits, double bottom milk truck permits and double

1 bottom permits, permits shall not be issued nor valid for the transporting of loads or  
 2 articles which could reasonably be divided in such a manner as to allow transporting  
 3 of the loads or articles in 2 or more loads which would not exceed statutory size and  
 4 weight limits, nor shall permits be issued or valid for the transporting of more than  
 5 one article if the vehicle and load exceed statutory weight limits. (This does not  
 6 prohibit the transporting of necessary blocking for a load, nor the transporting of  
 7 such necessary blocking on the otherwise empty vehicle to and from the origin or  
 8 destination of the load, but it does prohibit, among other things, the addition of an  
 9 extra bucket, boom section, and so forth to a load being transported under a permit  
 10 issued for an overweight vehicle and load.)

*Chapter*

X 11 **SECTION 44.** ch. Trans 257 of the administrative code is repealed. —

X 12 **SECTION 45.** Trans 303.03 (4) of the administrative code is repealed. —

X 13 **SECTION 46.** Trans 303.04 of the administrative code is amended to read: —

X 14 **Trans 303.04 Registration options.** Any vehicle defined in s. Trans 303.03  
 15 (2) ~~to (4)~~ or (3) may, due to individual use, be registered as a special vehicle.

X 16 **SECTION 47.** Trans 309.02 (1) of the administrative code is repealed. —

X 17 **SECTION 48.** Trans 312.03 (2) of the administrative code is amended to read: —

18 Trans 312.03 (2) **ENFORCEMENT DISCRETION.** Because of time, personnel and  
 19 resource limitations, the department cannot weigh, measure or inspect all vehicles  
 20 at weigh stations as a matter of regular course. Department experience shows that  
 21 trucks having a gross weight of ~~8,000~~ 10,000 pounds or less often are used for  
 22 personal transportation and not for property transportation. For this reason, the  
 23 department chooses not to require operators of trucks having a gross weight of 8,000  
 24 10,000 pounds or less to stop at open weigh stations unless directed to do so by a  
 25 traffic officer.

**SECTION 49**

1 ✱ **SECTION 49.** Trans 312.04 (1) of the administrative code is amended to read:

2 Trans 312.04 (1) TRUCKS OVER ~~8,000~~ 10,000 POUNDS. Whenever the operator of a  
3 truck having a gross weight in excess of ~~8,000~~ 10,000 pounds approaches an open  
4 weigh station, the operator shall stop the truck at the open weigh station and shall  
5 permit the truck and its load to be weighed, measured or inspected.

6 ✱ **SECTION 50.** Trans 312.04 (2) of the administrative code is amended to read:

7 Trans 312.04 (2) TRUCKS OF ~~8,000~~ 10,000 POUNDS OR LESS. The department may not  
8 require the operator of a truck having a gross weight of ~~8,000~~ 10,000 pounds or less  
9 to stop at open weigh stations as a matter of regular course. A truck having a gross  
10 weight of ~~8,000~~ 10,000 pounds or less shall be subject, however, to all the applicable  
11 size, weight and load limitations of ch. 348, Stats.; and the operator of a truck having  
12 a gross weight of ~~8,000~~ 10,000 pounds or less shall obey all requests of any traffic  
13 officer requesting the operator to stop and to submit the truck or the truck load to  
14 weighing, measuring or inspecting.

15

(END)



D-Note

### **ANAL INSERT**

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.

2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff (LCS) for review.

3. Subject to certain exceptions, a public hearing is held on the proposed rule.

4. The final draft of the proposed rule is submitted to the governor for approval.

5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules (JCRAR).

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

### **INSERT A**

**SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:

13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s. 227.265 affect the same unit of the Wisconsin administrative code without taking cognizance of the effect thereon of the other rules and if the legislative reference bureau finds that there is no mutual inconsistency in the changes made by each such

rule, the legislative reference bureau shall incorporate the changes made by each rule into the text of the unit and document the incorporation in a note to the unit. For each such incorporation, the legislative reference bureau shall include in a correction bill a provision formally validating the incorporation. Section 227.27 (2) is not affected by printing decisions made by the legislative reference bureau under this paragraph.

**SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin administrative code a note explaining any change made under par. (b) or (bm).

**SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not apply to any change made by the legislative reference bureau under par. (b) or (bm).

**SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a record of each change made under par. (b) or (bm).

**SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

13.92 (4) (f) The legislative reference bureau shall notify the agency involved of each change made under par. (b) or (bm).

### **INSERT B**

**SECTION 6.** 35.93 (3) of the statutes is amended to read:

35.93 (3) The legislative reference bureau shall compile and deliver to the department for printing copy for a register which shall contain all the rules filed under s. 227.20 or modified under s. 227.265 since the compilation of rules for the preceding issue of the register was made and those executive orders which are to be

in effect for more than 90 days or an informative summary thereof. The complete register shall be compiled and published before the first day of each month and a notice section of the register shall be compiled and published before the 15th day of each month. Each issue of the register shall contain a title page with the name "Wisconsin administrative register", the number and date of the register, and a table of contents. Each page of the register shall also contain the date and number of the register of which it is a part in addition to the other necessary code titles and page numbers. The legislative reference bureau may include in the register such instructions or information as in the bureau's judgment will help the user to correctly make insertions and deletions in the code and to keep the code current.

**INSERT C**

**SECTION 7.** 227.01 (13) (intro.) of the statutes is amended to read:

227.01 (13) (intro.) "Rule" means a regulation, standard, statement of policy, or general order of general application which has the effect of law and which is issued by an agency to implement, interpret, or make specific legislation enforced or administered by the agency or to govern the organization or procedure of the agency. "Rule" includes a modification of a rule under s. 227.265. "Rule" does not include, and s. 227.10 does not apply to, any action or inaction of an agency, whether it would otherwise meet the definition under this subsection, which:

**SECTION 8.** 227.11 (2) (intro.) of the statutes is amended to read:

227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency as follows:

**SECTION 9.** 227.265 of the statutes is created to read:



**227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply. Instead, the legislative reference bureau shall publish the repeal or modification in the Wisconsin administrative code and register as required under s. 35.93, and the repeal or modification shall take effect as provided in s. 227.22.

**SECTION 10.** 227.27 (2) of the statutes is amended to read:

227.27 (2) The code shall be prima facie evidence in all courts and proceedings as provided by s. 889.01, but this does not preclude reference to or, in case of a discrepancy, control over a rule filed with the legislative reference bureau ~~or the secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy of a rule shall also and in the same degree be prima facie evidence in all courts and proceedings.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1896/P1

ARG&GMM:cjs:rs

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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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This draft  
treats  
rules as well  
as  
statutes

NO  
SOCT

1 **AN ACT** to repeal 341.19 (1) (b) and 341.19 (2) (b); to consolidate, renumber  
2 **and amend** 341.19 (1) (intro.) and (a); to amend 13.92 (4) (c), 13.92 (4) (d),  
3 13.92 (4) (e), 13.92 (4) (f), 25.40 (1) (a) 3., 35.93 (3), 84.59 (2) (b), 227.01 (13)  
4 (intro.), 227.11 (2) (intro.), 227.27 (2) and 341.19 (2) (c); and to create 13.92 (4)  
5 (bm) and 227.265 of the statutes; relating to: motor vehicle registration,  
6 rulemaking procedures, and modifying and repealing various rules  
7 promulgated by the Department of Transportation.

**Analysis by the Legislative Reference Bureau**

**STATUTORY TREATMENTS**

**Rulemaking procedures**

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.

2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff (LCS) for review.

3. Subject to certain exceptions, a public hearing is held on the proposed rule.
4. The final draft of the proposed rule is submitted to the governor for approval.
5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules (JCRAR).
6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

### ***Vehicle registration***

Under current law, certain types of vehicles (mostly motor trucks and vehicles weighing more than 8,000 pounds) may be registered for a quarterly period or a period of consecutive months instead of for an annual or biennial registration period. The Department of Transportation (DOT) must establish a telephone call-in procedure for authorizing the operation of vehicles under DOT's quarterly or consecutive monthly registration system. In addition to the regular registration fee, a fee must be paid to DOT for using of the telephone call-in system. This fee is the lesser of \$10 per vehicle or the actual cost of the telephone authorization per vehicle as determined by DOT. A \$10 late fee must also be paid to DOT if DOT receives fees arising from use of the telephone call-in system after the payment deadline established by DOT. When the telephone call-in system is used, telephone authorization to operate a vehicle may be canceled before the beginning of a registration period but not after. If the telephone authorization is canceled, the applicant is not required to pay the registration fee but must pay the telephone authorization use fee and any cancellation fee established by DOT.

This bill eliminates the \$10 late fee. The bill also allows a telephone authorization to be canceled within 24 hours after making the request for telephone authorization.

### **TREATMENTS OF ADMINISTRATIVE RULES**

This bill modifies and repeals various rules promulgated by DOT, as described below.

### ***Vehicle weigh station inspections***

Under DOT's current rules, the operator of a truck weighing more than 8,000 pounds who approaches an open DOT weigh station must stop at the weigh station and, if requested, permit the truck and its load to be weighed, measured, or inspected. The operator of a truck weighing 8,000 pounds or less is not required to stop at open DOT weigh stations as a matter of course, but must obey the request of any traffic officer to stop the truck for weighing, measuring, or inspecting.

This bill amends DOT's rules so that only operators of trucks weighing more than 10,000 pounds are required to stop at open DOT weigh stations to, upon request, permit the truck and its load to be weighed, measured, or inspected.

***Motor vehicle dealers***

Under current statutes, a motor vehicle dealer, other than a motorcycle dealer, must provide to DOT and maintain in force a bond or irrevocable letter of credit in a minimum amount of \$50,000. The bond or letter of credit must be executed in the name of DOT for the benefit of any person who sustains a loss because of certain acts of the motor vehicle dealer.

This bill amends DOT's rules to specify that the motor vehicle dealer's bond or irrevocable letter of credit must be in a minimum amount of \$50,000, rather than \$25,000, and to specify that a bond or letter of credit in this amount is also applicable in determining an acceptable level of net worth for the dealer.

Under DOT's current rules, if a motor vehicle dealer is organized as a corporation, an individual cannot hold the office of corporate president and also either corporate secretary or vice president, as was formerly specified by a since-repealed statute. This bill repeals this rule.

DOT's current rules require recreational vehicle dealers to maintain certain books and records at their licensed business premises, including recreational vehicle purchase contracts, purchase orders, and invoices; copies of MV1 Wisconsin title and registration application forms (a printed form) as additional evidence of sales; and information regarding collection of sales tax and Wisconsin title and registration fees.

This bill amends DOT's rules so that a recreational vehicle dealer is required to maintain copies of Wisconsin title and registration application forms submitted to DOT, which may be the printed form MV1 or the electronic form MV11, and is not required (by DOT rule) to maintain information regarding collection of sales tax.

Under DOT's current rules, when a motor vehicle dealer or wholesaler reassigns ownership of a previously titled motor vehicle and the certificate of title does not include available spaces for the reassignment of ownership (nonconforming title), the reassignment of ownership and required odometer disclosure must be completed by the dealer or wholesaler on a form approved by DOT.

DOT's current rules also require a motor vehicle wholesale auction dealer to retain a copy of a properly completed, signed wholesale auction dealer reassignment form for each vehicle sold with a nonconforming title and to furnish copies of it to the purchasing and selling dealers. This bill amends DOT's rules to eliminate this requirement and instead require the motor vehicle wholesale auction dealer to maintain a copy of the signed title for each vehicle sold.

The bill also amends various rules to replace the term "mobile home dealer" with the term "recreational vehicle dealer."

***Motor vehicle emission and inspection program***

Current statutes require DOT to conduct the motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards (nonattainment counties). Under the I/M program, most motor vehicles that are subject to emission limitations established by

the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. DOT may contract with third parties to perform vehicle emission inspections under the I/M program.

Under DOT's rules relating to the I/M program, DOT must conduct audits of its contractor inspection functions and inspection equipment and procedures. Also under DOT's rules, all contractor employees and all employees of any authorized inspection facility subcontractor who perform any official inspection functions must have an inspector license issued by the contractor and DOT must conduct audits with respect to inspectors. This bill repeals provisions of DOT's rules that allow a contractor's or subcontractor's employee to appeal and request a hearing before a DOT hearing officer if, as a result of a DOT audit, the employee's inspection license is suspended or revoked and the employee is therefore removed from inspection duties.

The bill also repeals a DOT rule that requires an inspector to refuse to perform an inspection of a vehicle if the vehicle operator refuses to yield the driver's seat.

With respect to a requirement that the operator of a vehicle that fails an inspection must receive a list of "registered automotive emission repair facilities," the bill changes this term to "recognized automotive emission repair technicians and recognized repair facilities," which are terms defined by rule.

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ANAL* →  
**Telephone call-in registration**

With respect to DOT's current rules applicable to DOT's telephone call-in procedure for authorizing the operation of vehicles under the quarterly or consecutive monthly registration system, the bill repeals DOT's rule imposing a late fee of \$5 per vehicle if the applicant fails to pay to DOT all fees owing within 21 days after the date of DOT's invoice.

Under DOT's current rules, DOT may require that an applicant for telephone authorization use an authorization code during the telephone call-in procedure. The "authorization code" is a combination of six letters or numbers issued to an applicant by DOT for purposes of identification. This bill repeals all rules related to DOT's issuance of, or an applicant's use of, an authorization code in connection with the telephone call-in procedure.

The bill also specifies in DOT's rules that requests for telephone authorizations will be accepted by DOT at any time but will be processed only during DOT's regular business hours.

**Technical corrections**

The bill makes other minor and technical changes to DOT's rules, including eliminating obsolete phase-in or transition dates; eliminating fees for services that DOT no longer provides and fees repealed from the statutes; correcting references to defunct programs or to repealed or defunct provisions of the administrative code or statutes; and updating or repealing provisions that are inconsistent with current statutes or that were promulgated based on statutes that have since been amended or repealed.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:

2           13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.  
3           227.265 affect the same unit of the Wisconsin administrative code without taking  
4           cognizance of the effect thereon of the other rules and if the legislative reference  
5           bureau finds that there is no mutual inconsistency in the changes made by each such  
6           rule, the legislative reference bureau shall incorporate the changes made by each  
7           rule into the text of the unit and document the incorporation in a note to the unit.  
8           For each such incorporation, the legislative reference bureau shall include in a  
9           correction bill a provision formally validating the incorporation. Section 227.27 (2)  
10          is not affected by printing decisions made by the legislative reference bureau under  
11          this paragraph.

12          **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13          13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin  
14          administrative code a note explaining any change made under par. (b) or (bm).

15          **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

16          13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not  
17          apply to any change made by the legislative reference bureau under par. (b) or (bm).

18          **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

19          13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a  
20          record of each change made under par. (b) or (bm).

21          **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

1           13.92 (4) (f) The legislative reference bureau shall notify the agency involved  
2 of each change made under par. (b) or (bm).

3           **SECTION 6.** 25.40 (1) (a) 3. of the statutes is amended to read:

4           25.40 (1) (a) 3. Revenues collected under ss. 341.09 (2) (d), (2m) (a) 1., (4), and  
5 (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1)  
6 (a) and (b), (2), (2e), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a),  
7 (b), and (c), and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264  
8 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30  
9 (3), 341.305 (3), 341.307 (4) (a), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and  
10 342.14 that are pledged to any fund created under s. 84.59 (2).

11           **SECTION 7.** 35.93 (3) of the statutes is amended to read:

12           35.93 (3) The legislative reference bureau shall compile and deliver to the  
13 department for printing copy for a register which shall contain all the rules filed  
14 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the  
15 preceding issue of the register was made and those executive orders which are to be  
16 in effect for more than 90 days or an informative summary thereof. The complete  
17 register shall be compiled and published before the first day of each month and a  
18 notice section of the register shall be compiled and published before the 15th day of  
19 each month. Each issue of the register shall contain a title page with the name  
20 "Wisconsin administrative register", the number and date of the register, and a table  
21 of contents. Each page of the register shall also contain the date and number of the  
22 register of which it is a part in addition to the other necessary code titles and page  
23 numbers. The legislative reference bureau may include in the register such  
24 instructions or information as in the bureau's judgment will help the user to correctly  
25 make insertions and deletions in the code and to keep the code current.

1           **SECTION 8.** 84.59 (2) (b) of the statutes is amended to read:

2           84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and  
3 distinct special fund outside the state treasury, in an account maintained by a  
4 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),  
5 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),  
6 (2e), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), and  
7 (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265  
8 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30 (3), 341.305  
9 (3), 341.307 (4) (a), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14 and from  
10 any payments received with respect to agreements or ancillary arrangements  
11 entered into under s. 18.55 (6) with respect to revenue obligations issued under this  
12 section. The revenues deposited are the trustee's revenues in accordance with the  
13 agreement between this state and the trustee or in accordance with the resolution  
14 pledging the revenues to the repayment of revenue obligations issued under this  
15 section. Revenue obligations issued for the purposes specified in sub. (1) and for the  
16 repayment of which revenues are deposited under this paragraph are special fund  
17 obligations, as defined in s. 18.52 (7), issued for special fund programs, as defined in  
18 s. 18.52 (8).

19           **SECTION 9.** 227.01 (13) (intro.) of the statutes is amended to read:

20           227.01 (13) (intro.) "Rule" means a regulation, standard, statement of policy,  
21 or general order of general application which has the effect of law and which is issued  
22 by an agency to implement, interpret, or make specific legislation enforced or  
23 administered by the agency or to govern the organization or procedure of the agency.  
24           "Rule" includes a modification of a rule under s. 227.265. "Rule" does not include, and



1 s. 227.10 does not apply to, any action or inaction of an agency, whether it would  
2 otherwise meet the definition under this subsection, which:

3 **SECTION 10.** 227.11 (2) (intro.) of the statutes is amended to read:

4 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency  
5 as follows:

6 **SECTION 11.** 227.265 of the statutes is created to read:

7 **227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule  
8 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.  
9 Instead, the legislative reference bureau shall publish the repeal or modification in  
10 the Wisconsin administrative code and register as required under s. 35.93, and the  
11 repeal or modification shall take effect as provided in s. 227.22.

12 **SECTION 12.** 227.27 (2) of the statutes is amended to read:

13 227.27 (2) The code shall be prima facie evidence in all courts and proceedings  
14 as provided by s. 889.01, but this does not preclude reference to or, in case of a  
15 discrepancy, control over a rule filed with the legislative reference bureau ~~or the~~  
16 ~~secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy  
17 of a rule shall also and in the same degree be prima facie evidence in all courts and  
18 proceedings.

19 **SECTION 13.** 341.19 (1) (intro.) and (a) of the statutes are consolidated,  
20 renumbered 341.19 (1) and amended to read:

21 341.19 (1) The department shall establish a telephone call-in procedure to  
22 authorize the operation of vehicles under the quarterly registration system in s.  
23 341.30 or consecutive monthly registration system in s. 341.305. In addition to the  
24 registration fee required under s. 341.30 or 341.305, ~~the following fees shall be paid~~  
25 ~~to the department~~ for authorizing the operation of a vehicle under this section: ~~(a)~~

1 ~~The, a fee shall be paid to the department of the lesser of \$10 per vehicle or the actual~~  
2 ~~cost of the telephone authorization per vehicle as determined by the department.~~

3 **SECTION 14.** 341.19 (1) (b) of the statutes is repealed.

4 **SECTION 15.** 341.19 (2) (b) of the statutes is repealed.

5 **SECTION 16.** 341.19 (2) (c) of the statutes is amended to read:

6 341.19 (2) (c) Telephone authorization to operate a vehicle ~~granted before the~~  
7 ~~beginning of the registration period~~ may be canceled by the applicant ~~before the~~  
8 ~~beginning of the registration period~~ within 24 hours after making the request for  
9 telephone authorization, and the applicant shall not be required to pay the  
10 registration fee. The applicant shall pay to the department the authorization fee  
11 under sub. (1) (a) and may be charged a cancellation fee established by the  
12 department.

13 **SECTION 17.** Trans 131.03 (11) (L) of the administrative code is repealed.

14 **SECTION 18.** Trans 131.03 (15) (c) of the administrative code is amended to read:

15 Trans 131.03 (15) (c) Each operator of a vehicle failing the initial inspection  
16 shall receive a list of ~~registered~~ recognized automotive emission repair technicians  
17 and recognized repair facilities by area which includes information required under  
18 s. Trans 131.15. This listing may include other consumer information useful in  
19 obtaining vehicle emission repair service.

20 **SECTION 19.** Trans 131.11 (3) (a) of the administrative code is renumbered  
21 Trans 131.11 (3).

22 **SECTION 20.** Trans 131.11 (3) (b) of the administrative code is repealed.

23 **SECTION 21.** Trans 131.13 (5) (a) of the administrative code is renumbered  
24 Trans 131.13 (5).

25 **SECTION 22.** Trans 131.13 (5) (b) of the administrative code is repealed.

1           **SECTION 23.** Trans 133.02 (2) of the administrative code is repealed.

2           **SECTION 24.** Trans 133.04 (1) of the administrative code is amended to read:

3           Trans 133.04 (1) DEPARTMENT SERVICE SCHEDULE. Requests for telephone  
4 authorizations will be accepted by the department ~~between 7:30 a.m. and 4:00 p.m.~~  
5 ~~Monday through Friday except on New Year's Day, Good Friday, Memorial Day,~~  
6 ~~Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day,~~  
7 ~~and New Year's Eve Day, and any other holiday when state offices are closed. When~~  
8 ~~any of the named holidays falls on Sunday and is celebrated on the following Monday,~~  
9 ~~applications will not be accepted on the day celebrated as the holiday at any time but~~  
10 will be processed by the department only during the department's regular business  
11 hours.

12           **SECTION 25.** Trans 133.04 (2) (h) of the administrative code is repealed.

13           **SECTION 26.** Trans 133.05 of the administrative code is repealed.

14           **SECTION 27.** Trans 133.06 (3) of the administrative code is repealed.

15           **SECTION 28.** Trans 133.07 (1) of the administrative code is amended to read:

16           Trans 133.07 (1) SCHEDULE. The department shall mail a monthly invoice to  
17 any applicant that owes telephone authorization fees, ~~late payment fees~~ or  
18 cancellation fees as described in s. Trans 133.06.

19           **SECTION 29.** Trans 133.08 of the administrative code is amended to read:

20           **Trans 133.08 Cancellation of telephone authorization.** A telephone  
21 authorization may be cancelled ~~providing if~~ if the applicant requests the cancellation  
22 by telephone ~~and the registration period for which the vehicle has been granted~~  
23 ~~approval to operate has not commenced~~ within 24 hours after making the request for  
24 telephone authorization. Cancellation fees will be assessed as described in s. Trans  
25 133.06 (4).

1           **SECTION 30.** Trans 133.09 (3) of the administrative code is repealed.

2           **SECTION 31.** Trans 138.05 (3) of the administrative code is amended to read:

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

7           **SECTION 32.** Trans 140.022 (2) of the administrative code is amended to read:

8           Trans 140.022 (2) **MINIMUM SECURITY.** A motor vehicle dealer or applicant for  
 9 a motor vehicle dealer license shall provide and maintain in force a bond or letter of  
 10 credit of not less than ~~\$25,000~~ \$50,000, or if the dealer or applicant sells or proposes  
 11 to sell motorcycles and not other types of motor vehicles, a bond or irrevocable letter  
 12 of credit of not less than \$5,000.

13           **SECTION 33.** Trans 140.07 (3) (a) of the administrative code is renumbered  
 14 Trans 140.07 (3).

15           **SECTION 34.** Trans 140.07 (3) (b) of the administrative code is repealed.

16           **SECTION 35.** Trans 140.09 (2) (a) of the administrative code is amended to read:

17           Trans 140.09 (2) (a) The following guidelines are used in determining the  
 18 acceptable level of net worth of an applicant:

<b>Dealer Type</b>	
New Auto or Truck	<del>\$25,000</del> <u>\$50,000</u> bond or letter of credit required
Used Auto or Truck	<del>\$25,000</del> <u>\$50,000</u> bond or letter of credit required
Motorcycle and not other motor vehicles	\$5,000 bond or letter of credit required
Motorcycle and other motor vehicles	<del>\$25,000</del> <u>\$50,000</u> bond or letter of credit required
Recreational Vehicle	Minimum required ratio of total assets to total liabilities of 1.4
Moped	Minimum required ratio of total assets to total liabilities of 1.4

Motor Vehicle Wholesaler	Minimum required ratio of total assets to total liabilities of 1.4
Motor Vehicle Salvage	Minimum net worth of \$5,000

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1           **SECTION 36.** Trans 142.07 (5) (c) of the administrative code is amended to read:

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

7           **SECTION 37.** Trans 144.01 of the administrative code is amended to read:

8           **Trans 144.01 Purpose.** This chapter describes the periods, expiration dates,  
9 and fees for licenses issued by the department under the authority found in ch. 218,  
10 Stats., to motor vehicle dealers and their salespersons; moped dealers;  
11 manufacturers, distributors, wholesalers, and their representatives; ~~mobile home~~  
12 recreational vehicle dealers and their salespersons; motor vehicle auction dealers;  
13 salvage dealers; and buyer identification card holders. It also establishes the periods,  
14 expiration dates, and fees for registration plates issued to dealers, distributors, and  
15 manufacturers.

16           **SECTION 38.** Trans 144.02 (1) of the administrative code is amended to read:

17           Trans 144.02 (1) "Business license" means a license issued by the department  
18 under ch. 218, Stats., to a motor vehicle dealer, moped dealer, ~~mobile home~~  
19 recreational vehicle dealer, motor vehicle auction dealer, motor vehicle  
20 manufacturer, distributor, wholesaler, or salvage dealer.

21           **SECTION 39.** Trans 144.04 (1) of the administrative code is amended to read:

1 Trans 144.04 (1) The department shall collect the fees described in the  
2 following table from applicants before issuing their licenses or registration plates.

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
<del>Mobile home</del> <u>Recreational vehicle dealer</u>	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 identification card	License .....	\$ ... 12

3 **SECTION 40.** Trans 144.05 of the administrative code is repealed.

4 **SECTION 41.** Trans 152.15 of the administrative code is amended to read:

5 **Trans 152.15 Revocation.** If an assessed tax or fee has not been paid when  
6 due and the person has not filed a written appeal within 30 days of the notification  
7 of action or audit finding, that tax or fee becomes delinquent. A notice of delinquency  
8 and revocation shall be sent to the last known address of the licensee or registrant  
9 advising of the immediate revocation of fuel tax licensing, IRP registration  
10 privileges, or hire operating authority and ~~single-state insurance registration.~~ A

**SECTION 41**

1 license may also be revoked if the licensee fails to comply with the provisions of this  
2 chapter or the provisions of the IFTA or IRP. An appealable notice of revocation shall  
3 be mailed to the licensee's or registrant's mailing address of record. If the appeal is  
4 not filed within 30 days, the revocation shall be final and conclusive. A license or  
5 registrant's licensing privileges shall remain revoked until the reason for the  
6 revocation has been removed. In addition, the department may revoke, suspend or  
7 refuse any registration, certificate or permit issued under the authority of the  
8 department upon revocation of a person's fuel tax or IRP licensing privileges.

9 **SECTION 42.** Trans 156.06 (3) of the administrative code is repealed.

10 **SECTION 43.** Trans 175.03 of the administrative code is amended to read:

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

19 **SECTION 44.** Trans 177.10 of the administrative code is repealed.

20 **SECTION 45.** Trans 196.02 (7) of the administrative code is amended to read:

21 Trans 196.02 (7) "Special handling" means a request by an applicant for  
22 accelerated service, fast handling, or priority service in the issuance of certificate of  
23 title or registration, ~~including the use of a special department telephone registration~~  
24 ~~service for the payment of renewal fees.~~

25 **SECTION 46.** Trans 196.02 (8) of the administrative code is repealed.

insert  
14-8

1           **SECTION 47.** Trans 196.04 (2) (b) of the administrative code is repealed.

2           **SECTION 48.** Trans 196.04 (3) (d) of the administrative code is repealed.

3           **SECTION 49.** Trans 196.04 (5) of the administrative code is repealed.

4           **SECTION 50.** Trans 215.07 (2) (d) of the administrative code is amended to read:

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

8           **SECTION 51.** Trans 215.08 (1) of the administrative code is renumbered Trans  
9 215.08 and amended to read:

10           **Trans 215.08 Apportionment of cost.** Costs shall be apportioned in  
11 accordance with the provisions of ~~s. 84.11 (5), Stats., until June 30, 1993.~~ Thereafter  
12 costs shall be apportioned in accordance with the provisions of s. 84.11 (5m), Stats.

13           **SECTION 52.** Trans 215.08 (2) of the administrative code is repealed.

14           **SECTION 53.** Trans 215.10 of the administrative code is amended to read:

15           **Trans 215.10 Execution and control of work.** Execution and control of  
16 work shall be in accordance with the provisions of ~~s. 84.11 (7), Stats., until June 30,~~  
17 ~~1993.~~ Thereafter execution and control shall be in accordance with the provisions  
18 of s. 84.11 (7m), Stats.

19           **SECTION 54.** Trans 230.01 (3) (c) 1. of the administrative code is amended to  
20 read:

21           Trans 230.01 (3) (c) 1. Except for general permits (s. Trans 230.06), industrial  
22 interplant permits (s. Trans 230.08), ~~pole and pipe transportation permits (ch. Trans~~  
23 ~~257),~~ vehicle transportation permits, double bottom milk truck permits and double  
24 bottom permits, permits shall not be issued nor valid for the transporting of loads or  
25 articles which could reasonably be divided in such a manner as to allow transporting



1 of the loads or articles in 2 or more loads which would not exceed statutory size and  
2 weight limits, nor shall permits be issued or valid for the transporting of more than  
3 one article if the vehicle and load exceed statutory weight limits. (This does not  
4 prohibit the transporting of necessary blocking for a load, nor the transporting of  
5 such necessary blocking on the otherwise empty vehicle to and from the origin or  
6 destination of the load, but it does prohibit, among other things, the addition of an  
7 extra bucket, boom section, and so forth to a load being transported under a permit  
8 issued for an overweight vehicle and load.)

9 **SECTION 55.** Chapter Trans 257 of the administrative code is repealed.

10 **SECTION 56.** Trans 303.03 (4) of the administrative code is repealed.

11 **SECTION 57.** Trans 303.04 of the administrative code is amended to read:

12 **Trans 303.04 Registration options.** Any vehicle defined in s. Trans 303.03  
13 (2) ~~to (4)~~ or (3) may, due to individual use, be registered as a special vehicle.

14 **SECTION 58.** Trans 309.02 (1) of the administrative code is repealed.

15 **SECTION 59.** Trans 312.03 (2) of the administrative code is amended to read:

16 Trans 312.03 (2) **ENFORCEMENT DISCRETION.** Because of time, personnel and  
17 resource limitations, the department cannot weigh, measure or inspect all vehicles  
18 at weigh stations as a matter of regular course. Department experience shows that  
19 trucks having a gross weight of 8,000 10,000 pounds or less often are used for  
20 personal transportation and not for property transportation. For this reason, the  
21 department chooses not to require operators of trucks having a gross weight of 8,000  
22 10,000 pounds or less to stop at open weigh stations unless directed to do so by a  
23 traffic officer.

24 **SECTION 60.** Trans 312.04 (1) of the administrative code is amended to read:



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2

**INSERT ANAL:**

Under current statutes, DOT may contract with any person for title and registration processing services and this program is known in DOT's current rules as the "automated processing partnership system" (APPS) program. Under these rules, an "agent" contracts with DOT to access and update vehicle records through a computer system. A person applying to DOT to become an agent must provide a surety bond or letter of credit in the amount of \$10,000 if the person is applying to do registration renewal transactions or \$25,000 if the person is applying to do title and original registration transactions. This bill modifies DOT's rules so that, if the applicant is also a subcontractor of DOT's I/M program contractor and the I/M program contractor has more than 100 subcontractors applying as agents, the I/M program contractor may provide the surety bond or letter of credit on behalf of these agents and the amount of the surety bond or letter of credit is \$2,000 for each agent.

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Applicants

Applicant X

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**INSERT 14-8:**

**SECTION 1.** Trans 156.04 (1) (c) of the administrative code is renumbered Trans 156.04 (1) (c) 1. and amended to read:

Trans 156.04 (1) (c) 1. The Except as provided in subd. 2., 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 Except as provided in subd. 2., 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.

✓

✓

X

1 SECTION 2. Trans 156.04 (1) (c) 2. of the administrative code is created to read:

2 Trans 156.04 (1) (c) 2. A contractor with the department under s. 110.20 (8)

3 ✓ (am) 1., Stats., having more than 100 subcontractors, as described in s. 110.20 (8)

4 ✓ (am) 7., Stats., that are <sup>of applicants</sup> ~~agents~~ under this <sup>section</sup> ~~chapter~~ may provide the surety bond or

5 letter of credit on behalf of these <sup>of applicants</sup> ~~agents~~. The bond or letter of credit shall be \$2,000

6 for each <sup>of applicant</sup> ~~agent~~ on whose behalf the bond or letter of credit is provided.

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1896/P1dn

ARG:cjs:rs

March 20, 2013

today's  
date

ATTN: Elisabeth DeBeck

Please review the attached draft carefully to ensure that it is consistent with your intent.

As we discussed, I am not aware of any bill that has been drafted for the Wisconsin Legislature that directly amends or repeals provisions of the administrative code in a manner unrelated to the statutory procedure for rule suspension under ch. 227. Accordingly, this bill includes novel provisions. We have also included statutory treatments that we believe are necessary to make these rule treatments workable and consistent with the statutes. For example, a "rule" is defined in s. 227.01 (13) as "a regulation, standard, ... *issued by an agency* ...", but these rule modifications are not issued by DOT; they result from legislative enactment.

As requested, this bill repeals the definition of "advanced skill" in Trans 309.02 (1). The instructions state that this term is not used elsewhere in the administrative code. However, in Trans 309.18 (2), the term "advance skills" is used. This draft does not treat Trans 309.18 (2).

As discussed, this draft does not include any treatment of Trans 205 corresponding to the instruction document "Trans 205; County trunk highway standards" because DOT recommended that this item be withdrawn from the request. The attached draft contains the other 24 rules changes identified in the drafting instructions.

I have not conducted any significant research on whether a bill enacted by the legislature and signed by the governor that modifies the details of executive branch rules might be subject to challenge under constitutional principles of separation of powers.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1896/P1dn  
ARG:cjs:ph

April 5, 2013

ATTN: Elisabeth DeBeck

Please review the attached draft carefully to ensure that it is consistent with your intent.

As we discussed, I am not aware of any bill that has been drafted for the Wisconsin Legislature that directly amends or repeals provisions of the administrative code in a manner unrelated to the statutory procedure for rule suspension under ch. 227. Accordingly, this bill includes novel provisions. We have also included statutory treatments that we believe are necessary to make these rule treatments workable and consistent with the statutes. For example, a "rule" is defined in s. 227.01 (13) as "a regulation, standard, ... *issued by an agency* ...", but these rule modifications are not issued by DOT; they result from legislative enactment.

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Please let me know if you would like any changes made to the attached draft or if you have any questions.

Aaron R. Gary  
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