

2015 DRAFTING REQUEST

Bill

Received: **9/3/2015** Received By: **emueller**
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Pre Topic:

No specific pre topic given

Topic:

Various Department of Transportation administrative rules

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 9/18/2015	wjackson 9/23/2015	_____			
/P1	emueller 10/8/2015		_____	sbasford 9/23/2015		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	emueller 10/15/2015	wjackson 10/9/2015	_____	srose 10/9/2015		State
/P3	emueller 10/20/2015	csicilia 10/19/2015	_____	mbarman 10/19/2015		State
/P4	emueller 10/20/2015	wjackson 10/20/2015	_____	mbarman 10/20/2015		State
/1		wjackson 10/20/2015	_____	mbarman 10/20/2015	lparisi 10/22/2015	State

FE Sent For:

*at
intro*

<END>

Mueller, Eric

From: Portz, Elisabeth
Sent: Tuesday, September 01, 2015 10:12 AM
To: Gary, Aaron; Mueller, Eric
Subject: Red Tape Review Drafting Request
Attachments: DOT Red Tape Review Packet.pdf

Good morning Aaron and Eric,

We have the following request for a draft that would amend 23 separate TRANS administrative rules. I have attached a document with all of the documents you will need to draft the /p1, and we will have more for you before we plan to introduce. Please let me know if you have any questions! It's a big document.

Thanks and have a great Tuesday,

Liz

Elisabeth Portz
Clerk, Assembly Committee on Transportation
Office of Wisconsin State Representative Keith Ripp
42nd Assembly District
(608) 266-3404

DOT Red Tape Review Administrative Code Changes

TRANS 28- Harbor Assistance Program

TRANS 31- Rail Passenger Excursions on State-Owned Rail Lines

TRANS 55- Conditions of State Aid for Airport Improvement

TRANS 56- Erection of High Structures

TRANS 57- Standards for Airport Siting

TRANS 100- Accident Reporting and Safety Responsibility

TRANS 106- Certification of Traffic Safety Programs and Instructors

TRANS 113- Administrative Suspension of Operating Privilege for Operating a Motor Vehicle with a Prohibited Alcohol Concentration

TRANS 118- Employer Notification Program

TRANS 130- Special Identification Cards and Special Registration Plates for Physically Disabled

TRANS 131- Motor Vehicle Inspection and Maintenance Program (MVIP)

TRANS 142- Recreational Vehicle Dealer Trade Practices, Facilities, and Records

TRANS 146- Vehicle Registration and Fuel Trip Permits

TRANS 157- Titling of Vehicles Held by Trusts

TRANS 175- Rental Companies

TRANS 178- Unified Carrier Registration System

TRANS 200- Erection of Signs on Public Highways and Handicapped Parking Signs

TRANS 206- Local Roads Improvement Program

TRANS 252- Escort Vehicles

TRANS 310- Child Restraint Standards and Exemptions

TRANS 315- Safety Belt Usage: Physical or Medical Exemption

TRANS 400- Wisconsin Environmental Policy Act Procedures for Department Actions

TRANS 510- Transportation Facilities Assistance and Development (TEA) Program

"Red Tape Review" – DOT Administrative Code
Division of Transportation Investment Management (DTIM)

TRANS 28
"Harbor Assistance Program"

Proposed Changes:

1) Recommendation: Capitalize U.S. Army Corps of Engineers:

RATIONALE: The U.S. Army Corps of Engineers is a proper noun but is not capitalized in this chapter.

Trans 28.04(2)

(2) LOCATION. Eligible projects shall be located only in Great Lakes or Mississippi River system harbors where vessels take on or discharge a combined total of more than 1,000 tons of commercial cargo per year; where commercial, naval or recreational vessels are built; where passenger or vehicle-carrying ferry service connects the Wisconsin communities along the Great Lakes and Mississippi River, or connects the Wisconsin mainland with other states, Canadian provinces or populated islands in Wisconsin or where commercial fishing vessels unload fish. The U.S. ~~army corps of engineers'~~ Army Corps of Engineers' annual tonnage figures shall be the basis for the tonnage determination; where tonnage figures are not available, the eligible applicant shall provide tonnage figures based on auditable records.

Trans 28.07(2)

(2) For projects funded in part by the U.S. ~~army corps of engineers~~ Army Corps of Engineers, the state share may not exceed 50% of the non-federal share of the project costs.

Trans 28.07(3)

(3) For projects with federal funding, other than those projects funded in part by the U.S. ~~army corps of engineers~~ Army Corps of Engineers as described in sub. (2), the state share may not exceed 80% of the non-federal share of project costs; furthermore, the minimum eligible applicant share shall be no less than 10% of project costs.

2) Recommendation: allow electronic mail to be used for certain notices:

RATIONALE: The addition of electronic mail to Trans 28.06(1) will allow for cheaper and more modern means of notification.

Trans 28.06(1)

(1) The department shall annually establish deadlines for filing harbor assistance project applications and shall give appropriate notice of the deadlines. Notice shall be by regular or electronic mail, sent to every eligible applicant that has met

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TRANS 28
"Harbor Assistance Program"

the planning requirements under s. Trans 28.10. The department shall issue notice of the grant awards within 180 days after an application deadline. No grant funds may be committed to an eligible applicant until a grant agreement is negotiated and signed by the department and the eligible applicant.

- 3) **Recommendation:** extend annual application deadline from February 1 to August 1:

RATIONALE: Under TRANS 28.09(4), a possible change would be to eliminate either the February 1 or the August 1 grant cycle and divide available funds evenly between the two years of the biennial budget. It is more efficient to have one grant cycle per year instead of two for administration purposes. Further, demand exceeds available funds almost every grant cycle for the last four years and applicants sometimes apply in two or three cycles for the same project. Emergency projects already can apply outside the normal grant cycle, and would not be harmed by this change.

Trans 28.09(4)

(4) The eligible applicant shall submit an application to the department by August 1 in order to receive primary consideration for funding during the following calendar year. If funds are available, applications may be submitted by March 15, 1985, and by ~~February 1~~ August 1 of each year thereafter, for funding in the same calendar year. The department may waive the requirements in this subsection for emergency repair projects.

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Division of Transportation Investment Management (DTIM)

TRANS 31

"Rail Passenger Excursions on State-Owned Rail Lines"

Proposed Changes:

- 1) **Recommendation:** Update the term for the administrative unit with WisDOT responsible for administering this chapter from the 'Bureau of Rails and Harbors' to the 'Rails and Harbors Section'.

RATIONALE: This changes reflects the accurate description of the section (from being a bureau years ago) within the department and will also require changing the BH&R to RHS in following code sections: Trans 31.03(1) Note, 31.03(5)(a)- (d), 31.03(6)(a)- (c), 31.03(8), 31.04(1)(h)(2).

Re-number Trans 31.02(2) to Trans 31.02(15m) and amend to read:

(2m) "~~BH&R~~ RHS" means the ~~bureau of railroads and harbors~~ section within the department.

Trans 31.03(1) Note:

Note: Applications may be submitted to ~~BR&H~~ RHS, 4802 Sheboygan Avenue, P. O. Box 7914, Madison, Wisconsin 53707-7914.

Trans 31.03(5)(a)

Trans 31.03(5)(a) ~~BR&H~~ RHS shall review an application and notify the applicant of approval or denial of the application within 21 days following receipt of a complete application.

Trans 31.03(5)(c)

(c) ~~BR&H~~ RHS may require additional information from an applicant to complete its review of an application. If an application is received at least 45 days prior to the date of the first planned operation, ~~BR&H~~ RHS shall have 21 days from the receipt of the additional information to render its decision about the application.

Trans 31.03(5)(d)

(d) ~~BR&H~~ RHS shall notify an applicant in writing of all deficiencies in an application, and the reasons for a denial.

Trans 31.03(6)(a)

- (a) An application which has been denied by ~~BR&H~~ RHS in accordance with sub. (5)
- (b) 1. may be resubmitted in compliance with this section.

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TRANS 31
“Rail Passenger Excursions on State-Owned Rail Lines”

Trans 31.03(6)(b)

(b) An application which has been denied by BR&H RHS in accordance with sub. (5) (b) 2. or 3. may be resubmitted with the additional information identified in BR&H's RHS's letter denying the original application.

Trans 31.03(6)(c)

(c) An application which has been denied by BR&H RHS in accordance with sub. (5) (b) 4. or 5. may not be resubmitted until after the sanctions imposed by s. Trans 31.07 (3) have expired.

Trans 31.03(8)

(8) **DURATION.** Any permit issued by the department shall expire on the date specified by BR&H RHS. In no event shall a permit expire later than December 31 of the year in which the application proposes operation to commence.

Trans 31.04(1)(h)2.

2. All active grade-crossing warning devices are functional and can be operated by the equipment proposed to be used unless BR&H RHS waives this requirement in writing on the permit.

2) Recommendation: repeal and recreate Trans 31.04(k)1., 2. and 3. and recreate Trans 31.04(k)1. and 2. as follows:

Trans 31.04(k)1. Maintaining an established escrow account approved by the Department with a Wisconsin financial institution for the deposit of all amounts received from buyers in advance ticket sales.

2. A financial instrument from a Wisconsin financial institution in an amount sufficient to refund the expected advance payments for service and Department administrative costs of processing refunds in the event that the excursion is not operated for any reason, including a bond, a certificate of deposit, or an irrevocable letter of credit. The commitment described in this subdivision shall be established in favor of or made payable to the state, for the benefit of any buyer who does not receive a refund if performance of the event for which such ticket has been purchased has been cancelled or rescheduled. Applicant shall file with the department any agreement, instrument or other document necessary to enforce the commitment against Sponsor or any relevant 3rd party, or both.

RATIONALE: Current regulations at TRANS 31.04(1)(k) require rail passenger carriers to provide evidence that they can refund advance ticket sales by: 1) maintaining a qualified escrow fund for all advanced ticket sales; 2) maintaining a

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TRANS 31

"Rail Passenger Excursions on State-Owned Rail Lines"

qualified financial instrument sufficient to refund the expected advance payments for service in the event the excursion is not operated; or 3) municipal acceptance of the obligation to make any required refunds. This section should be updated to reduce the requirement for a sizeable escrow account. Excursion sponsors are no longer using advanced payments of cash that can easily be escrowed to protect buyers against cancelation of trips. Today these excursions are nearly exclusively booked by placing credit card holds as a reservation then charges are posted the day of the trip. If trips are canceled the seller can easily release credit card holds. Trip purchasers have additional protection in that they can refuse charges that were made if a cancelation refund is not offered by the seller for trips that do not occur.

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Division of Transportation Investment Management (DTIM)

TRANS 55
“Conditions of State Aid for Airport Improvement”

Proposed Changes:

1) Recommendation: Create Trans 55.02(2m):

55.02(2m) “Approach” means areas beyond the runway end intended to provide safe navigable airspace for aircraft arrivals and departures to and from a landing facility.

RATIONALE: Runway approaches are a key component of airport infrastructure. The rule is proposed to be updated to add a definition to the code for runway “approaches”. Current regulations require an airport owner to adequately clear and protect the aerial approaches to the airport by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards. This proposal clarifies that duty by defining the ‘approach’ area.

2) Recommendation: Amend Trans 55.06(3)(a)

55.06(3)(a) An airport owner shall maintain clear and safe runway protection zones as described in FAA advisory circular 150/5300-13, Airport Design, as amended, except for runway lighting fixtures, markers and metrological instruments whose locations are fixed by their functional purposes or a structure approved by the FAA. The owner shall establish positive control of the runway protection zones through the acquisition of fee title or avigation easement. The owner shall prevent the erection or creation of a structure or place of public assembly in the runway protection zone.

RATIONALE: In addition, the rule is updated to more generally describe a variety of easements in 55.06(3)(a).

3) Recommendation: Amend Trans 55.06(4)(a):

55.06(4) (a) A public airport owner shall adopt the following ordinances within 6 months after ~~receipt of a sample ordinance~~ receiving notice from the secretary:

RATIONALE: Current regulations require the Secretary of Transportation to provide a sample ordinance as condition of an airport owner’s duty to enact an ordinance. This proposal requires instead that the Secretary simply notify the airport owner than an ordinance is required.

4) Recommendation: Amend Trans 55.06(8)(c):

55.06(8)(c) The airport layout plan and each amendment, revision or modification to the plan shall be subject to the approval of the secretary, ~~which approval shall be evidenced by the signature of a duly authorized representative of the secretary on the face of the~~

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TRANS 55
“Conditions of State Aid for Airport Improvement”

airport plan. The airport owner may not make or permit a change or alteration in the airport or in any of its facilities other than in conformity with the airport layout plan as approved by the secretary if the changes or alterations might adversely affect the safety, utility or efficiency of the airport.

RATIONALE: Trans 55.06(8)(c) specifies that the Airport Layout Plan approval must be shown by signature on the face of the document. In the relatively near future, these may be done electronically. Thus, there will be no “face of the document”. So we recommend rewording the language to address approval but not be specific about the method and location of the approval. Delete the requirement that approval of a plan, revision or modification be done on the face of the plan.

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Division of Transportation Investment Management (DTIM)

TRANS 56
"Erection of High Structures"

Proposed Changes:

1) Recommendation: Repeal Trans 56.04(3)(b)4. and recreate to read:

4. Provide latitude and longitude coordinates of the proposed structure.

RATIONALE: Trans 56.04(3)(b)4. lists the necessary components of the permit application, and one of those items is the need to depict the location on a quad map or 1/4 map. There are other means today that will suffice or be even more accurate in order for us to clearly identify the location. We wish to make the specific method listed in the code more generic.

The current language reads:

Trans 56.04(3)(b)4. Location of the proposed structure depicted on a United States coast and geodetic survey 7.5 or 15 quadrangle map, or acceptable copy, and by the quarter quarter section of the United States survey.

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TRANS 57
"Standards for Airport Siting"

Proposed Changes:

1) Recommendation: Amend Trans 57.04(1)(b)

RATIONALE: Trans 57.04(1)(b) lists FAA document references. These references have changed. We recommend updating the language to be more generic and refer to the current FAA standard for marking and lighting of runways.

Trans 57.04(1)(b) A displaced threshold shall be marked similar to attached diagram B for runways with other than paved surfaces. Runways with paved surfaces shall be marked in accordance with the latest FAA advisory circular 150/5340-1G, "Standards for Airport Markings," September 27, 1993 marking standards. In addition, if the runway is lighted, ~~the displaced threshold~~ it shall be lighted in accordance with the latest FAA advisory circular 150/5340-24, "Runway and Taxiway Edge Lighting System," September 3, 1975. ~~It applies to low intensity runway lighting systems and medium intensity systems.~~

2) Recommendation: Correct a typographical error to properly identify the instrument flight rules.

RATIONALE: In Trans 57.05(f), there is a typo. The letter "I" is missing in IFR.

Trans 57.05(2)(f) ~~FR~~ IFR and VFR traffic considerations. A certificate of site approval may be denied if the proposed site underlies the airspace in the primary approach area for an instrument approach, and the traffic pattern altitude conflicts with published altitudes for the approach.

“Red Tape Review” – DOT Administrative Code
Division of Motor Vehicles (DMV)

TRANS 100
“Accident Reporting and Safety Responsibility”

This rule provides interpretation and procedures for the SR-22 program, Damage Judgments, and accident reporting.

In the past, upon receiving notice of a crash that may have involved an uninsured party, DMV would send evaluation documents to each individual. Those documents could be used if an individual wanted to pursue action against an involved uninsured party.

The Wisconsin driver record reflects involvement in an accident, the specific date, the severity, and the county of occurrence; it does not show the varying degrees of fault for those involved. Because of this, and incomplete or incorrect data from crash reports, unnecessary documents were being sent to individuals who did not need or want them.

These mailings were sent without any official actions having been taken by insurance companies or law enforcement, and should not be confused with the mailings used in conjunction with cases where official action has been taken (such as Safety Responsibility hearings or Damage Judgment claims).

These evaluation documents are available on the DMV web site, and the changes listed still allow DMV to provide the forms to individuals who request them by other means.

Proposed Changes:

- 1) Amend Trans 100.01(2)(Note) to clarify the vehicles subject to accident reporting:

Trans 100.01 Note: For purposes of accident reporting, at least one car, truck, bus, or motorcycle must be in transport for the department to consider the accident reportable. For information on occupational licenses, see s. Trans 117.03 (2) (k). Forms used in this chapter are MV 3038 resolution authorizing power of attorney under ch. 344, Stats., MV 3039 minors release, MV 3041 release of liability, MV 3044 evaluation of property damage, MV 3045 evaluation of personal injuries, MV 3046 evaluation of motor vehicle damage, MV 3069 application for self-insurance, MV 3070 safety responsibility self-insurance certificate, MV 3100 notice of incomplete report, MV 3128 installment agreement to pay damages, MV 3343 compliance notification, MV 3347 emergency vehicle involvement, MV 3384 safety responsibility information, MV 3385 informational letter to injured party, and MV 3387 reinstatement instructions, MV 4000 Wisconsin motor vehicle accident report. Forms may be obtained, free of charge, from Wisconsin Department of Transportation, Traffic Accident Section, P.O. Box 7919, Madison, WI 53707-7919.

- 2) Amend Trans 100.03(3) to correct a typographical error pertaining to the existing cross reference to s. 343.12, Stats. At the end of the first sentence of sub. (3), delete “343.12” and substitute “344.12”.
- 3) 100.07(1) has a note that should be deleted. It contains outdated information regarding acquisition of paper forms.
- 4) 100.07(2)(a) will be changed as DMV no longer mails out evaluations for every uninsured accident, but reserves the right to do so. “If the department determines that one or more people involved in an accident were uninsured, the department may mail evaluation reports to all other persons involved in the accident. ~~The date on which the department first mails evaluation reports to any person shall be~~

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Division of Motor Vehicles (DMV)

TRANS 100
“Accident Reporting and Safety Responsibility”

~~considered the “mailing date” under this subsection. The department shall mail the evaluation reports to the address provided in the accident report.”~~

- 5) 100.07(2)(b)1. should be repealed.
- 6) 100.07(2)(b)2. Should be amended to read “The department may shall consider an evaluation report filed with the department ~~more than 21 days after the mailing date~~ if it meets all of the following requirements:” This will match the rule up with current processes.
- 7) 100.07(5) needs to have the “90 days of receiving an accident report” and “or at such later date” struck and replaced with “one year of the accident date.”
- 8) 100.07(6)(b)2. should be repealed.
- 9) 100.07(6)(b)5. would need to be created to say “5. The uninsured has complied with neither Trans 100.12 nor 100.13.”
- 10) 100.08(7)(b) should read as “More than one year after the date of deposit or date of suspension, whichever is later earlier, has passed..” to keep in line with 344.20(3)(b).
- 11) 100.10(7) Due to a drop in volume, and to improve customer convenience, DMV now should be able to perform these hearings by phone. (7) should be changed to allow for additional routes of communication as follows: “Hearings shall be informal. Hearsay and documentary evidence may be received by the hearing examiner and relied upon as the basis for a decision. ~~Telephone testimony~~ of persons involved in the accident may be permitted by telephone, electronic submission of documents and other remote communication methods may not be permitted.”
- 12) 100.18(1)(e) needs the “20 years” changed to “5 years” to match statute changes.

"Red Tape Review" – DOT Administrative Code
Division of Motor Vehicles (DMV)

TRANS 106

"Certification of Traffic Safety Programs and Instructors"

- Provides DMV with rules and procedures on how to implement Traffic safety program, certify instructors, and process of recertification of instructors after denial, cancellation or expiration.

Proposed Changes:

1) Current Rule: Trans 106.02 Definitions.

(4) "Designated traffic safety school coordinator" means an individual appointed by the Wisconsin technical college district or assessment agency, for the Sauk and Dodge county programs, to oversee the traffic safety school program.

Proposed Change: Delete sub. (4).

BACKGROUND

DMV does not have this type of traffic safety school coordinators any longer.

- 2) Current Rule:** Trans 106.02(11) defines "Satisfactory driving record" as "not contain[ing] a conviction for OWI or any OWI-related charge." Later in 106.06(1)(b)1., under "certification standards" it states "An applicant may not be certified...until one year from the date of an OWI conviction." This implies that a satisfactory driving record can contain an OWI violation as long as it is older than one year.

Proposed Change: Change sub. (11) to end with "...or any OWI-related charge within one year."

BACKGROUND

This change will allow individuals who have had an OWI more than one year ago to qualify as instructors, while still forcing an instructor who has been convicted of OWI to not teach for one year. Some who have been convicted of OWI in the past are motivated to teach these courses specifically because of their prior experiences, and DMV would not want to prevent them from applying.

- 3) Current Rule:** Trans 106.02(12) defines "School" but refers to programs incorrectly.

Proposed Change: Subs. (4), (5), (6), and (7)" should be changed to "(5), (6), and (8)" to correctly reference the programs.

BACKGROUND

This inaccuracy seems to have happened in 1996.

- 4) Current Rule:** Trans 106.03(3) A group dynamics traffic safety program shall meet the following conditions:

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Division of Motor Vehicles (DMV)

TRANS 106
"Certification of Traffic Safety Programs and Instructors"

(a) Only one group dynamics traffic safety school program may be certified in each WTC district unless the department determines that there is a need for additional programs in a district.

Proposed Change: Trans 106.03(3)(a) should read: "Only one group dynamics traffic safety school program may be certified in each WTC district unless the department determines that there is a need for additional programs in a district or unless it is an accredited institution of higher education operated by a federally recognized American Indian tribe or band in this state."

BACKGROUND

This change brings par. (a) in line with the treatment of s. 345.60(1) by 2013 Wisconsin Act 246.

5) **Current Rule:** Trans 106.03(4) A multiple offender traffic safety program shall meet the following conditions:

(a) Only one multiple offender traffic safety school program may be certified in each WTC district unless the department determines that there is a need for additional programs in a district.

Proposed Change: Trans 106.03(4)(a) should read: "Only one multiple offender traffic safety school program may be certified in each WTC district unless the department determines that there is a need for additional programs in a district or unless it is an accredited institution of higher education operated by a federally recognized American Indian tribe or band in this state."

BACKGROUND

This change brings par. (a) in line with the treatment of s. 345.60(1) by 2013 Wisconsin Act 246.

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Division of Motor Vehicles (DMV)

TRANS 113

“Administrative Suspension of Operating Privilege for Operating a Motor Vehicle with a Prohibited Alcohol Concentration”

These changes are intended to conform Trans 113 to 2003 Wisconsin Act 97. This request includes ‘detectable presence of a restricted controlled substance’ in the treatment of the administrative suspension process under ch. Trans 113.

Proposed Changes:

- 1) Amend the chapter title to read:
(title) Administrative Suspension of Operating Privilege for Operating a Motor Vehicle with a Prohibited Alcohol Concentration or a Detectable Amount of a Restricted Controlled Substance

- 2) Trans 113.01 should read as follows:
Purpose and scope. As authorized by s. 85.16 (1), Stats., the purpose of this chapter is to establish the department’s administrative interpretation of s. 343.305 (7) and (8), Stats., relating to arrest for operating with a prohibited alcohol concentration or a detectable amount of a restricted controlled substance, administrative suspension of operating privilege and reviews therefor. Section 343.305(7)(a), stats., authorizes DMV to administratively suspend the driver’s license of an individual whose test results indicate the presence of a detectable amount of a restricted controlled substance in the person’s blood or a prohibited alcohol concentration.

- 3) Trans 113.03 should read as follows: “If a person is tested for alcohol concentration or a detectable amount of a restricted controlled substance in accordance with...”

- 4) Trans 113.03(1) should be removed as, per 2009 Act 103, law enforcement is not to confiscate licenses any longer.

- 5) Trans 113.04(3)(c) should be amended as follows:

113.04(3) (c) Whether the person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance at the time the offense allegedly occurred.

- 6) Trans 113.04(3)(e) should be amended as follows:

113.04(3) (e) If one or more tests were administered in accordance with s. 343.305, Stats., whether each of the test results for those tests indicate the person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance.

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TRANS 113

"Administrative Suspension of Operating Privilege for Operating a Motor Vehicle with a Prohibited Alcohol Concentration"

7) Trans 113.04(8) should be amended as follows:

113.04 (8) If at any time the person submits written evidence from a facility certified by the state laboratory of hygiene and meeting the requirements of s. 885.235 (1), Stats., indicating the person did not have a prohibited alcohol concentration or a detectable amount of a restricted controlled substance, the suspension will be vacated.

8) Trans 113.04(9) should be amended as follows:

113.04 (9) If the examiner finds to a reasonable certainty by evidence that is clear, satisfactory and convincing that the criteria in s. 343.305 (8) (b), Stats., for administrative suspension have not been satisfied, or that the person did not have a prohibited alcohol concentration or a detectable amount of a restricted controlled substance at the time the offense allegedly occurred:

9) Trans 113.04(10) should be amended as follows:

113.04 (10) If the examiner finds to a reasonable certainty by evidence that is clear, satisfactory and convincing that the criteria for administrative suspension have been satisfied and that the person had a prohibited alcohol concentration or a detectable amount of a restricted controlled substance at the time the offense allegedly occurred:

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Division of Motor Vehicles (DMV)

TRANS 118
"Employer Notification Program"

Chapter Trans 118 has been effectively unchanged since the 1990s and needs to be updated to match what the Employer Notification program has become. The title of the program has been changed, the fees have been greatly reduced, and the use of physical paper has been all but eliminated (short of the original application for the program).

Proposed Changes:

- 1) In addition to the changes listed below, all instances of the word "employee" should be corrected to read "employeee."
- 2) Trans 118.01 The note needs to be truncated from "Forms used in this chapter..." though "WI 53707." These forms are no longer in use.
Trans 118.01 Note
Note: Authority for this chapter can be found at s. 343.247 (2), Stats. ~~Forms used in this chapter are MV3555 Employer Notification Customer Agreement and MV3556 Employee Enrollment Request. These forms are available from the Wisconsin Department of Transportation, Bureau of Driver Services, P.O. Box 7917, Madison, WI 53707.~~
- 3) Trans 118.03 should be changed as follows:
Employer Notification application requirements. Employer notification is obtained through the system used to access the public abstract of the driver's driving record maintained under s. 343.23, stats. An application for the public abstract request system employer notification program shall be made to the department upon forms prescribed by the department, ~~shall be accompanied by the required fees as set forth in s. Trans 118.08~~ and shall include such information as the department reasonably requires. The Department may assign these duties to a third party designee.
- 4) Trans 118.04 should be changed as follows:
Trans 118.04 ~~Employer account codes~~ Customer Account Numbers.
(1) ISSUANCE. The department shall issue a ~~employer account code~~ customer account number upon receipt of a properly completed ~~employer notification customer agreement form~~ data access agreement form and other information as the department reasonably requires.
(2) USAGE. The department may require that the employer use the ~~employer account code~~ customer account number for purposes of identification and payment procedures.
History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.
- 5) Trans 118.05 should be changed as follows:
Trans 118.05 ~~Employer notification customer agreement form~~ Electronic DMV Records Service Data Access Agreement The employer shall submit an ~~employer notification~~

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TRANS 118
"Employer Notification Program"

~~customer agreement form~~ a data access agreement and other information as the department reasonably requires under any of the following situations:

- (1) When the employer is submitting an original application for enrollment in the ~~employer notification program~~ public abstract request system.
- (2) ~~When the employer is requesting that an additional account code be issued to the same employer name or to another account under the same employer name.~~
- (3) When the employer changes its agency name ~~or address, or both.~~
- (4) When the employer requests a renewal of registration for the ~~employer notification procedure~~ public abstract request system.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

- 6) Trans 118.06 should be changed as follows:

Trans 118.06 Employee enrollment.

- (1) EMPLOYEE ENROLLMENT. An employer may enroll an ~~employee~~ employee in the employer notification program by entering ~~submitting a written request to the department~~ the employee online through the public abstract request system.
- (2) ~~CONTENT. The written request shall contain the following information:~~
 - (a) ~~The employer's name and address.~~
 - (b) ~~The employer's account code.~~
 - (c) ~~The employee's driver license number.~~
 - (d) ~~The employee's name as it appears on the employee's driver license.~~
 - (e) ~~The employee's date of birth.~~
 - (f) ~~The employee's social security number.~~
 - (g) ~~Such other information as the department may require.~~

Note: The department will make Employee Enrollment Request Forms (MV3556) available to the public for the purpose of enrolling employees in this program. For information on obtaining forms, see s. Trans. 118.01 note.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

- 7) Trans 118.07 Should be changed as follows:

Trans 118.07 Withdrawal of employees and employers.

- (1) EMPLOYEE WITHDRAWAL. An employer may withdraw an ~~employee, and shall withdraw a former employee,~~ from the employer notification program ~~submitting a written request to the department. The written request shall contain the information set forth in s. Trans 118.06 (2) (a) to (f) by~~ removing the employee from their public abstract request system online roster.

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(2) EMPLOYER WITHDRAWAL. An employer may withdraw from the employer notification program by submitting a written request to the department. The request shall include the employer's name, account code, and any other information the department reasonably requires.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

8) Trans 118.08 should be changed as follows:

Trans 118.08 Procedure and fees.

(1) EMPLOYER INITIAL ENROLLMENT. The department shall register an employer in the employer notification program upon receipt of a properly completed ~~employer notification customer data access~~ agreement form ~~together with the proper fee~~. The registration of an employer in the public abstract request system employer notification program shall be issued for the calendar year and is valid only during the calendar year for which issued. For each account code issued to an employer, the fee shall be \$20 for an application submitted before July 1 of a year and \$10 for an application submitted on or after July 1 remain in effect for a period of four years unless terminated early by the Department or the employer.

(2) RENEWAL. At least ~~30~~ 60 days prior to the expiration of an employer notification customer ~~a data access~~ agreement form, the department shall mail to the last known address of notify the employer a notice of the date upon which the employer's registration fee must be paid and the new employer notification customer agreement form data access agreement must be returned. An employer who does not return the renewal form and fee by the date provided in the notice may be removed from the program. ~~The renewal fee for the employer notification program is \$20 per account code assigned to the employer.~~

~~(3) EMPLOYEE REGISTRATION. An application to register an employe in the employer notification program shall be made to the department in writing and shall be accompanied by the required fee of \$2.00 per employe enrolled.~~

~~(4) EMPLOYEE WITHDRAWAL. An application to withdraw an employe from the employer notification program shall be made to the department in writing.~~

Note: ~~The fee for notification documents shall be \$3.00 as established by s. 343.247 (2) (b), Stats.~~

~~(5) ANNUAL REVIEWS. Annual reviews of the fees established under this section will commence on April 1, 1993, and if the fees need to be raised so as to make the employer notification program self supporting, the fees shall be changed effective 90 days after the annual review date.~~

~~(6) FEES. The department shall establish the rate of payment for the employer notification program based on all of the following factors:~~

~~(a) The estimated annual volume of employer applications.~~

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- ~~(b) The estimated annual volume of employer-generated registrations of employees.~~
- ~~(c) The estimated annual volume of employer-generated withdrawal orders of employees.~~
- ~~(d) The estimated costs of operation, including employee salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, forms and other necessary expenses.~~
- ~~(e) Such other matters which the department determines have a fiscal impact on the program.~~

~~**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.~~

- 9) Trans 118.09 should be changed as follows:

Trans 118.09 Invoices Payment.

~~(1) SCHEDULE. The department shall mail an invoice to any employer that owes employer notification fees assessed under this chapter at least once per calendar year. Employers shall make payments at the time of requesting information, through means determined by the Department~~

~~(2) BILLING PERIOD. Invoices will bill an employer for each notification document produced between the date of the previous invoice and the date of the current invoice.~~

~~(3) CONTENT OF INVOICE. Each invoice shall include:~~

~~(a) The name and address of the employer.~~

~~(b) The department invoice date.~~

~~(c) The quantity of notification documents mailed to the employer for which fees are owed.~~

~~(d) The employer account code.~~

~~(e) The total amount payable to the department.~~

~~**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) and (2), Register, June, 1993, No. 450, eff. 7-1-93.~~

Trans 118.10 Failure to comply with terms of program. The department may ~~not~~ provide employer notification documents to an employer suspend or terminate access to employer notification if the employer has failed to comply with any of the provisions of this chapter including, but not limited to, ~~paying any invoice or a fee when due.~~

~~**History:** Cr. Register, December, 1990, No. 420, eff. 1-1-91.~~

- 10) Trans 118.11 should be repealed.

- 11) Trans 118.12 should be changed as follows:

Trans 118.12 The employer notification document.

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(1) ~~CONTENT.~~ The employer notification document will contain all of the following information: be provided with an electronic copy of the employee's current driving record.

~~(a) The employee's driver license number.~~

~~(b) The employee's driver license type and expiration date.~~

~~(c) The employee's date of birth.~~

~~(d) The employer's name and account code.~~

~~(e) The employee's name and address.~~

~~(f) The employee's driver record information, excluding confidential data, maintained on the department's computer.~~

(2) ~~SOURCE.~~ The source of the information supplied to the employer on the notification document shall be limited to the data retained and available in the department's computer database for holders of Wisconsin driver's licenses or identification cards.

(3) ~~WHEN ISSUED~~NOTIFIED. Employer Electronic notification documents will be issued provided when there is any change activity, according to Trans 118.01, in the driver record maintained by the department for an enrolled driver employee.

Note: No notification will be provided upon initial enrollment. Employers may obtain driver abstracts when hiring employes under ch. Trans 195.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

12) Trans 118.14 should be changed as follows:

Trans 118.14 Construction of this rule. Nothing in this chapter shall be construed to relieve the applicant for an ~~employer notification document~~ a driver record from submitting a complete application with the fees, and payment of appropriate fees, described in this chapter. In the event of a conflict between the provisions of ch. Trans 195 and the provisions of this chapter, the provisions of this chapter shall control.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

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TRANS 130

“Special Identification Cards and Special Registration Plates for Physically Disabled”

- *Relating to the issuance and use of special identification cards and special registration plates for persons with a physical disability and for persons and any organizations that regularly transport persons with a physical disability.*

Proposed Changes:

1) Current Rule: Trans 130.03 Application form. (1) APPLICATION BY A PERSON FOR AN INDIVIDUAL CARD AND APPLICATION FOR SPECIAL REGISTRATION PLATES.

Each application by a person for a permanent individual or temporary individual card and each application for special registration plates shall be on a form provided by the department or in a letter, except as allowed in s. Trans 130.10, and shall contain the following information:

- (g) The signature of the person or, if applicable, the signature of anyone authorized to sign for the applicant.

Proposed Change: Amend 130.03(g) to require either the signature or electronic signature as defined in s. 137.11(8), Stats. Furthermore specify that the health care specialist would be considered an authorized individual to sign on behalf of the applicant.

How it relates to efficiency: We would like the ability to accept an electronic version of signatures and allow health care specialists to be considered an authorized individual to sign on behalf of the applicant to allow the processing of these disabled permits through an online system. This would streamline the procedure for customers and bypass manual processing through the DMV.

BACKGROUND

This proposal will allow physicians to apply for Disabled Identification cards on behalf of their patients using DMV's online system. This change will result in administrative efficiencies for DMV and faster turnaround time for customers.

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TRANS 131

"Motor Vehicle Inspection and Maintenance Program (MVIP)"

- *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.*

BACKGROUND

These proposed changes are mainly the result of 2009 Wisconsin Act 228 that made substantial changes to the Wisconsin Vehicle Inspection Program, moving from a centralized inspection program with 9 locations to a decentralized program with 200 private inspection facilities (PIFs) throughout the seven county vehicle emissions program area.

Proposed Changes:

1) Current Rule: Trans 131.01(2) Note:

Note: Forms used in this chapter are MV 2016, substitute renewal notice; MV2470, vehicle inspection report; MV 2472, application for letter of temporary exemption from emission test requirements; MV 2588, exchanged engine certificate; MV 2594, quality assurance inspection report. Copies can be obtained from the Wisconsin Department of Transportation, Dealer and Agent Section, P. O. Box 7909, Madison, WI 53707-7909.

Proposed Change: Form MV2470, vehicle inspection report (VIR), is no longer an authorized WisDOT form. The VIR is printed at the Private Inspection Facility at the time of the emission inspection. Form MV2588, exchanged engine certificate, is no longer an authorized WisDOT form and is no longer used. Form MV2594, quality assurance inspection report, is no longer used. References to these forms should be removed from the Note.

How it relates to efficiency: These forms are obsolete for this Transportation Rule.

2) Current Rule: Trans 131.02(15) Note:

(15) "Federal rule" means 40 CFR part 51, subpart S, inspection/maintenance program requirements; final rule.

Note: All references made to the Federal Rule in this document are to 40 CFR Part 51, Subpart S Inspection/Maintenance Program Requirements; Final Rule dated November 5, 1992, as amended through January 1, 2001.

Proposed Change: The Final Rule has been amended through April 7, 2006. The date should either be updated or removed.

[57 FR 52987, Nov. 5, 1992, as amended at 58 FR 59367, Nov. 9, 1993; 61 FR 39037, July 25, 1996; 61 FR 40946, Aug. 6, 1996; 63 FR 24433, May 4, 1998; 66 FR 18178, Apr. 5, 2001; 71 FR 17711, Apr. 7, 2006]

3) Current Rule: Trans 131.02(24)

"Inspection station" means an inspection facility operated by a party under contract with the department for the purpose of conducting vehicle emission inspections required by s. 110.20, Stats.

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Proposed Change: Per Wis. Stat. S. 110.20(8) the inspection may be performed by a contractor or subcontractor.

How it relates to efficiency: This statute has been updated as a result of 2009 Wisconsin Act 228.

4) Current Rule: Trans 131.02 (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 emissions systems.

Proposed Change: Add language that the technician must be in good standing with the MVIP, and in compliance with Ch 110 and 131.

How it relates to efficiency: Providing recognition for a technician who is not in compliance with statutes, codes, and program requirements creates potential harm to the motorist that provides no benefit to the goals of the emission inspection program.

BACKGROUND

In order for a shop to be recognized, they must have a technician with appropriate certifications on staff and register with the program. Once the business is registered it is listed on the program website and included on a list of recognized facilities provided to a customer when they receive a failed inspection report. Customers are required to use recognized shops from this list for repairs if they wish to qualify for a cost waiver (customer needs to spend a minimum of \$855 on repairs related to the failing test to receive a waiver).

Currently, there are several shops that are both emission inspection facilities and also a recognized repair facility. If there is an issue arises with a specific technician, such as fraudulent repairs or testing, we can remove their employee’s ability to operate as an emission inspection facility. However, in those situations we do not have a clean way to remove their recognized repair status. It is a loophole and creates a situation where the business is removed for violating emission testing laws but the State will still recommend them on websites and in print for repairs even though they violated codes and statutes.

5) Current Rule: Trans 131.02 (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.

Proposed Change: Add language that the facility must be in good standing with the MVIP, and in compliance with Ch 110 and 131.

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How it relates to efficiency: Providing recognition and advertising a facility that is not in compliance with statutes, codes, and program requirements creates potential harm to the motorist that provides no benefit to the goals of the emission inspection program.

BACKGROUND
(SEE ABOVE)

6) Current Rule: Trans 131.02(45)

"Technical assistance center" means either a separate contractor facility or a portion of an inspection station which, under the direction of a master automotive technician, is equipped to perform both emission inspections and complete diagnostic evaluations of nonexempt vehicles.

Proposed Change: Per Wis. Stat. S. 110.20(8) the inspection may be performed by a contractor or subcontractor.

How it relates to efficiency: This statute has been updated as a result of 2009 Wisconsin Act 228.

7) Current Rule: Trans 131.02(54)

"Vehicle inspection report" means a serially numbered document issued at an inspection station or authorized inspection facility or technical assistance center or by an inspector designated by the department to perform the functions of a technical assistance center at the time of vehicle inspection, indicating that the vehicle has been inspected in accordance with the provisions of this chapter, and may include data reported electronically.

Proposed Change: The Vehicle Inspection Report is no longer centrally printed and serially numbered; it is printed at the time of inspection by the Private Inspection Facility. Remove reference to "serially numbered".

How it relates to efficiency: Obsolete.

BACKGROUND

The reports used to be batch jobs printed at a central location and numbered sequentially. They are now printed at the time of inspection at the Private Inspection Facility.

8) Current Rule: Trans 131.03(6)(d)(5)

If the inspection computer system is not able to download the vehicle OBD II records, the OBD inspection shall be aborted, and the vehicle shall be re-inspected with an OBD II inspection in a separate inspection facility inspection lane.

Proposed Change: Private Inspection Facilities have only one inspection lane. They may perform another inspection after performing a protocol check on the analyzer. Remove reference to inspecting on a separate inspection facility inspection lane.

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How it relates to efficiency: Obsolete. This is a result of 2009 Wisconsin Act 228 allowing Private Inspection Facilities to perform inspection maintenance tests as subcontractors.

BACKGROUND

Private Inspection Facilities do not have multiple lanes like the old centralized facilities.

9) Current Rule: Trans 131.03(10)(a)(1) REINSPECTIONS

The re-inspection shall take place within 30 days of the initial inspection or the owner or lessee shall present satisfactory evidence that the repairs and adjustments which were performed on the vehicle could not have been made within 30 days of the initial inspection. Additionally, the vehicle shall have been repaired or adjusted according to s. 110.20, Stats., and this chapter.

Proposed Change: Eliminate the requirement that the re-inspection must take place within 30 days.

How it relates to efficiency: This creates an unnecessary burden on the motorist that provides no benefit to the goals of the emission inspection program.

BACKGROUND

There is no benefit to make the motorist prove that repairs took longer than 30-days to repair. This is an unnecessary burden to the customer and the vehicle can be tested again by the Private Inspection Facility at any time.

10) Current Rule: Trans 131.03(10)(a)(2) REINSPECTIONS

The vehicle shall be accompanied by its previous vehicle inspection reports. Repair information, as completed by the person performing the repairs, shall be indicated in the space provided on the reports, unless it is reported electronically, upon performance of the repair. The completed repair section on the vehicle inspection report, or the data reported electronically, shall indicate all of the following:

Proposed Change: Add language to the first sentence stating that the motorist shall not be denied an inspection if they fail to produce previous inspection reports or repair data is not completed in the vehicle inspection report.

How it relates to efficiency: This creates an unnecessary burden on the motorist. Motorists frequently forget to bring their paperwork to the Private Inspection Facility and a re-inspection can still be satisfactorily performed.

BACKGROUND

Previously issued vehicle inspection reports are retained electronically for a minimum of two test cycles. We do want to keep the paper copies if repair information is entered, but the customer can still get a test. Shops also have the ability to enter repair data electronically.

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11) Current Rule: Trans 131.03(10) (c)

If the vehicle passes the re-inspection, the contractor shall retain all previously-issued vehicle inspection reports and issue a vehicle inspection report indicating compliance. If the vehicle does not pass the re-inspection, the contractor shall issue a vehicle inspection report indicating non-compliance. If the owner or lessee requests a waiver of compliance from emission limitations, the waiver investigator shall review the request and shall either approve or deny the request in accord with s. Trans 131.04. If approved, the waiver investigator shall retain all previously-issued vehicle inspection reports, except the latest on which the waiver is indicated as granted.

Proposed Change: Remove language stating that contractor shall retain **all** previously-issued vehicle inspection reports at time of re-inspection.

How it relates to efficiency: This creates an unnecessary burden on the contractor. Motorists frequently forget to bring their paperwork to the Private Inspection Facility and a re-inspection can still be satisfactorily performed. Previously issued vehicle inspection reports are retained electronically for a minimum of two test cycles. There is no need to keep paper copies.

12) Current Rule: Trans 131.03(10)(d)

The following limitations on the total number of inspections performed at no additional charge shall apply for each vehicle requiring compliance with this chapter:

1. A vehicle may receive no more than 2 re-inspections. The re-inspections shall occur within 30 days of initial inspection.

Proposed Change: Remove requirement the re-inspections shall occur within 30-days. Clarify that a minimum of 2 re-inspections may be provided at no charge.

How it relates to efficiency: This requirement is subject to the contract agreements. Including this requirement in the administrative code provides no benefit to the goals of the emission inspection program. The contractor is currently not charging for more than 2 re-inspections. Requiring the re-inspection to occur within 30-days places an unnecessary burden on the motorist.

13) Current Rule: Trans 131.03(11) (j) Inspection prohibited.

The vehicle is subject to a manufacturer's recall for emission problems and the recall repair has not been performed. Vehicles for which emission-related recall notices have been issued shall have the recall repairs completed prior to submitting the vehicle for inspection. The owners or lessees of these vehicles shall present proof of compliance with the recall notice at time of inspection, unless the emission-related recall notice has been issued within 45 days prior to submitting the vehicle for inspection. This paragraph applies to vehicles for which emission-related recall notices have been issued after January 1, 1995.

Proposed Change: Remove this language.

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How it relates to efficiency: Denying an inspection because of an open recall creates an unnecessary burden on the motorist. Language is included on the fail and reject vehicle inspection report advising motorists where they can find recall information.

14) Current Rule: Trans 131.03(11) (m) Inspection prohibited.

Upon a re-inspection, the vehicle operator fails to provide a properly completed repair form to the inspector, unless the repair information is reported electronically, upon performance of the repair.

Proposed Change: Remove this language.

How it relates to efficiency: This creates an unnecessary burden on the motorist. Motorists frequently forget to bring their paperwork to the Private Inspection Facility and a re-inspection can still be satisfactorily performed.

15) Current Rule: Trans 131.03(12) RECONSTRUCTED AND HOMEMADE VEHICLES.

Any nonexempt vehicle registered as reconstructed or homemade under s. 341.268, Stats., shall be inspected for compliance with requirements applicable to the model year of the vehicle as indicated on the vehicle's registration documents, unless the owner both requests that the vehicle be inspected by engine year and provides a completed MV2588, exchanged engine certification form, to the waiver investigator. In addition, the vehicle owner shall locate the engine number on the engine for purposes of engine year verification by the waiver investigator.

Proposed Change: Remove reference to form MV2588, exchanged engine certificate is no longer an authorized WisDOT form and is no longer used.

How it relates to efficiency: This form is obsolete for this Transportation Rule.

16) Current Rule: Trans 131.03(15)(a) VEHICLE INSPECTION REPORT

The operator of each vehicle inspected shall receive a vehicle inspection report, MV2470, 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:

Proposed Change: Form MV2470, vehicle inspection report (VIR), is no longer an authorized WisDOT form. The VIR is printed at the Private Inspection Facility at the time of the emission inspection.

How it relates to efficiency: This form is obsolete for this Transportation Rule.

17) Current Rule: Trans 131.03(15)(b) VEHICLE INSPECTION REPORT

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Each operator of a vehicle failing the inspection shall receive an inspection report supplement containing repair, re-inspection and waiver application instructions, as well as information on the possible causes of failure found during the inspection.

Proposed Change: Include language for reject inspection results:

Each operator of a vehicle failing or rejecting the inspection shall receive an inspection report supplement containing repair, re-inspection and waiver application instructions, as applicable, as well as information on the possible causes of failure or rejection found during the inspection.

How it relates to efficiency: Vehicles with reject inspection results may need repairs. It is more efficient for the motorists to receive the instructions so they know what the options are.

BACKGROUND

A reject inspection result may occur due to the following:

- **System Not Ready:** A recently disconnected or replaced battery, or recent servicing or clearing codes with a scan tool are the most likely reasons for a vehicle's Onboard Diagnostic (OBD) system being not ready.
- **Non-Communications:** A vehicle would be rejected from testing due to non-communication if the vehicle's onboard computer did not send a signal to the emission testing equipment. This condition needs to be corrected before the vehicle can be tested.

18) Current Rule: Trans 131.03(15)(c) VEHICLE INSPECTION REPORT

Each operator of a vehicle failing the initial inspection shall receive a list of recognized automotive emission repair technicians and recognized 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.

Proposed Change: Include language for reject inspection results.

Each operator of a vehicle failing or rejecting the initial inspection shall receive a list of recognized automotive emission repair technicians and recognized 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.

How it relates to efficiency: Vehicles with reject inspection results also may need repairs. It is more efficient for the motorists to receive the instructions so they know what the options are. Motorists receive a list of recognized repair facilities. Receipts for waivers are only accepted from recognized repair facilities.

19) Current Rule: Trans 131.07(1)(c) Voluntary inspections.

The operator presents payment to the contractor of a monetary fee as determined by contract.

Proposed Change: The contractor is not currently charging for voluntary inspections. Change "as determined" to "if required."

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How it relates to efficiency: The fee is not being collected and is not part of the current contract. The fee may be required in subsequent contracts.

BACKGROUND

Some people bring vehicles in for testing that they are considering purchasing. A voluntary inspection fee is not currently being charged by the Private Inspection Facilities.

- 20) Current Rule:** Transportation Rule 131.08 stipulates how a motor vehicle owner subject to emission inspection requirements may request a temporary exemption if the vehicle is inoperative or the owner is absent or incapacitated. The Department provides the owner application form MVD2472 on which the owner provides their name, address, phone number and the reason for requesting the temporary exemption.

Proposed Change: Allow the application for exemption to be submitted in written format on form MVD2472, verbally via the telephone or electronically via the Internet. This could be expressed as “in a manner prescribed by the department”.

How it relates to efficiency: This change will allow the Department to immediately grant qualified customers exemptions over the phone or online instead of requiring a written request.

BACKGROUND

When motorists are out-of-state during renewal time (snowbirds), they may request a temporary exemption until they return. We want to allow them to make this request electronically or over the phone instead of having to mail in a completed form.

- 21) Current Rule:** Trans 131.11(1)(a) Audits of inspection facilities.

All contractor inspection functions, including those occurring at the inspection stations, other authorized inspection facilities, technical assistance centers or other facility by an inspector designated by the department to perform the functions of a technical assistance center, and vehicles used to conduct remote sensing, shall be audited on an unscheduled basis, at a minimum, according to the frequency established in the federal rule.

Proposed Change: Include subcontractor. Per Wis. Stat. S. 110.20(8) the inspection may be performed by a contractor or subcontractor.

How it relates to efficiency: This statute has been updated as a result of 2009 Wisconsin Act 228.

BACKGROUND

Audits are performed by both the contractor (Opus) and by DOT staff.

- 22) Current Rule:** Trans 131.15(2) Data collection.

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Whenever a nonexempt vehicle receives a re-inspection, the contractor shall collect the following emission repair information from the vehicle inspection report as required by s. Trans 131.03 (11).

Proposed Change: Add "shall *attempt to*". Remove reference to s. Trans 131.03 (11).

How it relates to efficiency: This creates an unnecessary burden on the motorist. Motorists frequently forget to bring their paperwork to the Private Inspection Facility and a re-inspection can still be satisfactorily performed. S. Trans 131.03 (11) is being removed as part of this for the same reason.

23) Current Rule: Trans 131.15(3) (b) Reporting.

Beginning in the third month of the vehicle emission inspection program, the contractor shall produce a summary report of the performance of local repair facilities that have repaired vehicles for re-inspection. The report shall be provided to the motorist at the time of initial vehicle emission inspection failure. The report shall be updated on a quarterly basis.

Proposed Change: The report is available on the contractor's website, and updated regularly. Add language stating that the report shall be provided to the motorist, *or available on the contractor's website*. Remove reference to updating quarterly.

How it relates to efficiency: Obsolete.

24) Current Rule: Trans 131.15(3) (c) Reporting.

(c) Repair facilities shall receive summary reports at least quarterly. Reports to the repair facility shall include all information made available to the public and may include reports on individual technicians if so requested by the employing repair facility.

Proposed Change: The report is available on the contractor's website, and updated regularly. Remove language.

How it relates to efficiency: Obsolete.

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TRANS 142

“Recreational Vehicle Dealer Trade Practices, Facilities and Records”

- This chapter applies to any person applying for or holding a Wisconsin recreational vehicle dealer or salesperson license. Relates to advertising and sales representations, purchase contracts, consignment agreements, condition disclosure, and dealer facilities and records.

Proposed Changes:

- 1) **Current rule:** Transportation rule 138.08(5)(a) requires motor vehicle dealers to maintain a permanent facility in the state. 138.08(5)(b) exempts motor home dealers if the dealer is selling motor homes at a rally or show sponsored by an established state, national, or international motor home or camping association with a minimum membership of 100 members. An exemption may not be issued more than once in any 4-year period. The event may not exceed 10 days in duration.

Proposed change: The exemption for Motor Homes in Transportation Rule 138.08(5)(b) should also be applied to Transportation Rule 142 to exempt Recreational Vehicles. Motor Home and Camping Associations represent Motor Home manufacturers and dealers as well as Recreational Vehicle manufacturers and dealers. Currently, Transportation Rule 142 does not provide the same facilities exemption for Recreational Vehicle dealers, which would prevent Motor Home and Recreational Vehicle associations from holding shows or rallies in Wisconsin without meeting a prohibitively onerous regulatory burden. Mirroring the exemption from 138.08(5)(b) and creating a 142.07(4)(b) to contain the exemption would allow these rallies to take place. Section 218.11(3), stats., requires RV dealers to maintain a permanent office and place of business.

How it relates to efficiency: Removes a regulatory burden for Recreational Vehicle dealers that Motor Home dealers are exempted from.

BACKGROUND

The Family Motor Coach Association conducts a weeklong exhibition in Wisconsin approximately every four years. The name of this year's is the "Family Motor Coach Association Family Reunion and Motorhome Showcase." The exhibition is expected to bring approximately \$20 million in spending to the state throughout the week in terms of attendance and sales revenue. The current exemption only applies to motor homes and not recreational vehicles, and in order to ensure this convention occurs as smoothly as possible and with a minimum of red tape, the exemption should be mirrored into Trans 142 as well.

Reference for more background (the FAQ page of FMCA):

<http://www.fmca.com/conventions-64/madison-2015/faqs-fmca-pomona-2015.html>.

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TRANS 146
"Vehicle Registration and Fuel Trip Permits"

- *Provides department guidelines which apply to fuel trip permits and vehicle registration trip permits not in conflict with the International Registration Plan (IRP) or the International Fuel Tax Agreement (IFTA).*

Proposed Changes:

- 1) Current Rule:** Trans 146.04 Exceptions—vehicle registration trip permit. Notwithstanding s. Trans 146.03, the requirement to obtain a vehicle registration permit does not apply to the following vehicles:
(4) Charter buses.

Proposed Change: Eliminate Trans 146.05(4) effective January 1, 2016.

How it relates to efficiency: This is requested as a result to an upcoming change on that date to the IRP, of which Wisconsin is a member jurisdiction.

"Red Tape Review" – DOT Administrative Code
Division of Motor Vehicles (DMV)

TRANS 157
"Titling of Vehicles Held by Trusts"

➤ *Defines the procedures for recording transfers of motor vehicles involving trusts.*

Proposed Changes:

- 1) **Current Rule:** Trans 157.05 stipulates the requirements of an application for certificate of title for a trust.

Proposed Change: The Note describes the forms required and how the forms can be obtained from DOT Materials Management. Form MV2493 is obsolete and should be replaced with form MV2488 Vehicle Transfer and Odometer Mileage Statement or substitute language "on a form prescribed by the Department".

How it relates to efficiency: Form MV2493 is obsolete and has been replaced with form MV2488.

