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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 02-153

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]**

#### 1. Statutory Authority

Section Trans 114.08 (1) provides that the secretary of the department may change the traffic citation format, without rule-making, in order to make changes needed to conform the form to changes in state law, make changes requested by the Director of State Courts, and make changes requested by law enforcement agencies. Conforming the traffic citation to changes made in state law without rule-making is supported by s. 227.01 (13) (q), Stats., which provides that a rule does not include agency action that creates a form the content or substantive requirements of which are prescribed by a rule or statute. Similarly, s. 227.01 (13) (j), Stats., provides that rule-making is not necessary when an agency action relates to the form and content of reports, records, or accounts a state, county, or municipal officer, institution, or agency. Thus, format requests made by the Director of State Courts or law enforcement agencies may be made without rule promulgation. However, the language of s. 345.11 (4), Stats., and s. Trans 114.08 (1) (c) and (d) should not be used by the department to make substantive changes relating to the use of the uniform traffic citation. These changes should be accomplished by formal rule promulgation.

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

a. Section Trans 114.06 (1) and (2) are created in the rule. Subsection (1) does not have a title, while sub. (2) does. Either a title should be created for sub. (1) or the title for sub. (2) should be deleted.

b. In s. Trans 114.06 (2) (a), the first sentence should be rewritten to read: “A person who is issued an automated citation shall . . . .” The term “automated citation” should be used because it is a defined term in s. Trans 114.02 (1). Also, pars. (b) and (c) should be written in the active voice to indicate who has the responsibility of including data, providing data, or transmitting data.

c. In s. Trans 114.07 (1), the phrase “have the option of using” should be stricken and the phrase “may use” should be inserted before the word “any.”

d. In s. Trans 114.07 (2), the word “rule” should be replaced by the word “subsection.”

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the first paragraph of the analysis, the phrase “and Complaints” should be inserted after the word “citations.”

b. In the first two bullet comments in the analysis, the phrase “contained in” should be inserted after the word “is.”