
The Wisconsin Department of Transportation adopts an order to renumber TRANS 114.02(2) and (3); renumber and amend TRANS 114.02(1); amend TRANS 114.02(intro.), 114.03, 114.05 and 114.07(1); repeal and recreate TRANS 114.04 and 114.07(2); and create TRANS 114.02(1), 114.06(1) and (2) and 114.08, relating to uniform traffic citation

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: s. 345.11(4), Stats.

STATUTES INTERPRETED: s. 345.11, Stats.

General Summary of Rule. Chapter Trans 114 promulgates the recommendations of the Council on Uniformity of Traffic Citations and Complaints, including:

1. The form or automated format of the uniform traffic citation; and
2. Other rules necessary for the implementation and operation of s. 345.11, Stats.

With the advice of the Council on Uniformity of Traffic Citations and Complaints, the Department proposes amending ch. Trans 114 to:

- Promulgate a revised uniform traffic citation form (the new version is shown in figures 1 to 5 of the rule).
- Promulgate an automated format for the uniform traffic citation (the layout of a printed citation provided to a defendant under the automated system is shown in figure 6 of the rule).
- Clarify that chs. 340 and 343, Stats., definitions apply in the chapter.
- Update document security provisions.
- Update references to previous versions of the form and authorize the use of existing stocks of uniform traffic citation forms.

Changes to the format of the existing traffic citation form are largely made to speed transcription of the data included on the form when forms are submitted to DMV by courts. In addition, some of the information on the front of the form is substantially simplified. For example, the language, "You Are Notified To Appear, Is this a mandatory Court Appearance YES NO (Read the reverse side of this citation for court information)," is reduced to "Appearance Required No Yes See back for court/point information." The language simplification allows the message to be carried in larger size print and more accurately describes the disclosures on the back of the citation.

In addition this rule making proposes to eliminate the requirement that a court clerk submit a signed, dated letter with each group of adjudicated citations indicating the dispositions entered on the citations are true and correct. The Department has concluded this requirement is unnecessarily burdensome and that it provides no real assurance of authenticity. More useful safeguard mechanisms that DOT and law enforcement use are documented in the rule making such as:

(1) Requiring control numbers appear on preprinted and automated citations.

(2) Issuing blocks of control numbers to designated law enforcement agencies, law enforcement officers, or specific computers, to be printed on automated citations.

(3) Auditing the use of citation forms and automated citation systems.

Finally, the Council on Uniformity of Traffic Citations and Complaints authorizes the Department to make simple changes to the form, such as changing the layout or order of fields on the form, in order to speed up data processing, or to make the citation reflect changes in law. Any changes made under this provision are to be promptly reported to the Council.

Final Regulatory Flexibility Analysis. This rule will have no adverse impact on small businesses.

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

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Anna Biermeier, Bureau of Driver Services, Revocations and Suspensions Section, P. O. Box 7917, Madison, WI 53707-7917, or by calling (608) 266-9901. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 345.11(4), Stats., the department of transportation hereby amends a rule interpreting s. 345.11, Stats., relating to uniform traffic citation.

SECTION 1. Trans 114.02(intro.) is amended to read:

Trans 114.02 Definitions. (intro.) The words and phrases defined in ss. 340.01 and 343.01, Stats., and ch. 345, Stats., have the same meaning in this chapter unless a different meaning is expressly provided or the context clearly indicates a different meaning. In this chapter:

SECTION 2. Trans 114.02(1) is renumbered Trans 114.02(2) and amended to read:

Trans 114.02(2) "Field test" means to utilize a prototype traffic citation form among a representative number of law enforcement jurisdictions ~~who~~ that volunteer to field test it.

SECTION 3. Trans 114.02(1) is created to read:

Trans 114.02(1) "Automated citation" means an automated uniform traffic citation described in s. 345.11(2), Stats., created on a computer and printed on paper in the format prescribed by this chapter, rather than on a preprinted citation form.

SECTION 4. Trans 114.02(2) and (3) are renumbered Trans 114.02(3) and (4).

SECTION 5. Trans 114.03 is amended to read:

Trans 114.03 Uniform traffic citation form use. A prototype uniform traffic citation form, ~~prepared by the council on uniformity of traffic citations and complaints,~~

may be used in field tests for the purpose of evaluating the changes authorized under s. 345.11, Stats., and to allow for input by affected parties toward the final design of the uniform traffic citation form. The prototype uniform traffic citation form will be used in lieu of the current traffic citation form in the field test jurisdictions during the field test. However, use of the prototype uniform traffic citation form ~~shall~~ does not invalidate the use of the current uniform traffic citation in the field test jurisdictions or in any other jurisdiction during the field ~~testing~~ test period.

SECTION 6. Trans 114.04 is repealed and recreated to read:

Trans 114.04 Safeguards. To ensure the authenticity of documents and prevent fraud, the department may implement procedures designed to prevent duplication or fraudulent alteration of documents, including:

- (1) Requiring control numbers appear on preprinted and automated citations.
- (2) Issuing blocks of control numbers to designated law enforcement agencies, law enforcement officers, or specific computers, to be printed on automated citations.
- (3) Auditing the use of citation forms and automated citation systems.

SECTION 7. Trans 114.05 is amended to read:

Trans 114.05 Field test findings. The department of ~~transportation~~ shall analyze the uniform traffic citation form field test findings and make recommendations for improvements to the council on uniformity of traffic citations and complaints.

SECTION 8. Trans 114.06(1) and (2) are created to read:

Trans 114.06(1) PREPRINTED UNIFORM TRAFFIC CITATIONS. The preprinted uniform traffic citation forms shall be a 4-page preprinted form distributed by the department, the pages of which shall conform to the following requirements:

(a) Each printed copy of the form shall contain a unique control number, determined by the department.

(b) The front side of each page of the uniform traffic citation shall be identical and shall be in the format set forth in figure 1.

(c) The reverse sides of each page shall differ according to use as follows:

1. Page one of the form is intended for use and filing by the court in which the citation is used. The reverse side of page one shall contain information needed by the court in the format set forth in figure 2.

2. Page 2 of the form is intended for eventual submission to the department. The reverse side of page 2 shall contain a report of court disposition in the format set forth in figure 3. The report shall be sent to the department within 5 days of the resolution of the case.

NOTE: s. 345.37(5).

3. Page 3 of the form is intended for distribution to the person who is issued the citation. The reverse side of that page shall contain information for the person who was issued the citation in the format set forth in figure 4.

4. Page 4 of the form is intended for retention by the issuing agency. The reverse side of that page shall contain space for the issuing officer or agency to enter notes or other information, and shall be in the format set forth in figure 5.

(2) AUTOMATED UNIFORM TRAFFIC CITATION SYSTEMS. (a) A person who is issued an automated citation shall be served with a printed citation in the format set forth in figure 6. The citation shall include a unique control number assigned to the issuing agency, officer or computer by the department.

(b) The issuing agency shall supply data included on an automated citation to the clerk of court for the court before whom the person is required to appear. Data shall be provided in the format and within the timeframe required by that court.

(c) Within 5 days of the resolution of the case, the clerk of courts shall transmit the data included on the automatic citation, together with information regarding the resolution of the case to the department in the format required by the department.

NOTE: s. 345.37(5), Stats.

(d) An agency or court using an automated citation system shall maintain the data necessary to recreate a copy of the originally issued citation according to the agencies' or courts' records disposition policies.

(e) If a court is unable to transmit data related to electronic citations to the department through the use of automated systems, the court may send the information necessary to enter the citation and court disposition in the department's records to the department by other means, provided the information is submitted in the format required by the department.

NOTE: The Council on Uniformity of Traffic Citations and Complaints is adopting these rules to encourage the use of electronic citations because they find the electronic exchange of data to be efficient and cost effective.

SECTION 9. Trans 114.07(1) is amended to read:

~~Trans 114.07(1) Law enforcement agencies have the option of using, through August 31, 1991, may use any of the uniform traffic citation forms promulgated under ch. MVD 21 [1989], those promulgated under ch. Trans 114, effective January 1, 1990, and those promulgated under ch. Trans 114, effective November 1, 1990 that have been printed and are in use or storage, until stores of printed forms are consumed.~~

SECTION 10. Trans 114.07(2) is repealed and recreated to read:

Trans 114.07(2) All uniform traffic citation forms printed after the effective date of this subsection...[revisor insert date] shall conform to the form requirements of s. Trans 114.06.

NOTE: At the time the Uniform Traffic Citation was initially created, different jurisdictions printed and used different forms. Use of those forms was prohibited and remains prohibited. Subsequent changes to the uniform traffic citation, however, are largely cosmetic and have been made for convenience of law enforcement, the courts and the Department. All uniform traffic citation forms provide the essential information needed by a defendant, the courts and DOT. Therefore, this chapter permits old stores of forms to be used as a cost-saving measure for law enforcement agencies. Using up old stores of forms also helps to prevent misuse of discarded forms.

SECTION 11. Trans 114.08 is created to read:

Trans 114.08 Changes to the uniform traffic citation. (1) The secretary may change the citation content and format in this chapter without rule making in order to:

- (a) Change the order of fields for data processing purposes.
- (b) Make any change needed to conform the form to changes in state law.
- (c) Make any content or format change on the reverse side of page one of the form

requested by the director of state courts.

Note: The reverse side of page one of the form is shown in Figure 2 to this rule.

(d) Make any content or format change on the reverse side of page 4 of the form requested by law enforcement agencies.

Note: The reverse side of page one of the form is shown in Figure 5 to this rule.

(2) Any change made under this section shall be promptly reported to the council on uniformity of traffic citations and complaints.

NOTE: The Department adopts this provision as necessary to the implementation and operation of s. 345.11(4), Stats., at the recommendation of the Council on Uniformity of Traffic Citations and Complaints.

Conforming the traffic citation to changes in state law without rule making or to changing the form or content of the citation may be accomplished without rule making. s. 227.01(13)(j) and (q), Stats. The provisions of sub. (1)(c) and (d) should not be used by the Department to make substantive changes relating to the use of the Uniform Traffic Citation. Clearinghouse Rules 02-153 Comments, Wisconsin Legislative Council Rules Clearinghouse.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this ____ day of May, 2003.

FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation