

# Clearinghouse Rule 96-069

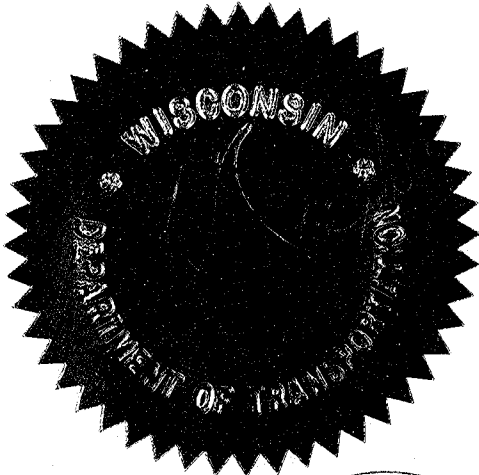
## CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )


TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

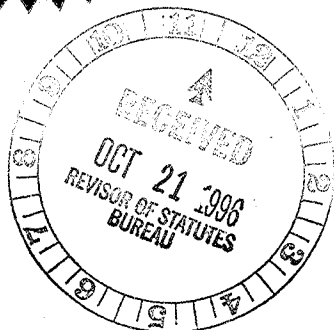
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to a **traffic violation and registration program**, was duly approved and adopted by this Department on October 21, 1996.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 21 day of **October**, 1996.

  
CHARLES H. THOMPSON  
Secretary



1-1-97

The Wisconsin Department of Transportation adopts an order to repeal TRANS 128.02(12) and 128.12(3), (4)(a)2 and 4, (b)1 and 2; renumber TRANS 128.02(8) to (11) and 128.12(4)(a)(intro.) and (5); amend TRANS 128.01(1), 128.02(2), 128.03(2)(intro.) and (a) to (f), 128.04(1)(title), (a)(intro.), (a)1 to 7c, (b)(intro.), (b)1 to 3 and (4), 128.05(1)(title), (a)(intro.), (a)1 to 9b and (4), 128.06(2)(b), 128.07(3), 128.08(1)(intro.), (b) and (c), (5)(c)(intro.) and (c)1 and 2, 128.09(1)(intro.), (a), (b), (c)(intro.), (c)1 to 9 and (2)(b), 128.10(1)(b)(intro.), (b)1 to 6, (c)(intro.), (c)1 to 6 and (3)(intro.), (a) to (c), 128.11(1)(b)(intro.), (b)1 to 3, (2) and (3), and 128.12(2)(b); renumber and amend TRANS 128.12(4)(a)1 and 3, (b)(intro.), (6) and (7); and create TRANS 128.02(8), 128.08(5)(d) and 128.12(4)(d), relating to a traffic violation and registration program.

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

**STATUTORY AUTHORITY:** ss. 85.13, 345.28 and 345.47(1)(d), Stats.

**STATUTES INTERPRETED:** ss. 85.13, 341.08(4m), 341.10(7) and (7m), 341.63, 341.64, 345.17, 345.28 and 345.47(1)(d), and ch. 342, Stats.

**General Summary of Rule.** The amendments to this rule making are outlined below. Other revisions which include numerous additions, corrections and deletions were also made to this chapter in the interests of both grammatical accuracy and proper format. An explanation of these amendments are as follows:

**Trans 128.02** - The definition of person was added because companies and other legal entities that can own a vehicle are affected by the program. The definition of "working capital" was dropped because it is no longer valid or used (See changes to Trans 128.12).

**Trans 128.04 and 128.05** - The wording on the form size was deleted. Since the DOT controls the printing and production of the forms, there is no reason to write requirements for them into the rule. Also, if there are any changes needed for the form,

or, if program enhancements allow for the use of computer generated forms, the flexibility afforded by removing this text will be available without rewriting the rule each time a forms change is done. The wording for case purge criteria was changed. The older wording implied that cases are removed from the system 6 years after the date they were put on. This is not true. The purge program is run approximately every six months with all cases older than 6 years being purged at that time. The old wording implied that we would run the purge program every day. Doing so would be prohibitively expensive and extremely difficult. There is no statutory requirement for us to release cases after six years.

**Trans 128.08(3)** - Allows for electronic storage of suspension orders.

**Trans 128.07(5)** - Clarifies that WisDOT uses its internal customer information records to identify vehicles subject to registration action.

**Trans 128.12(2) and deleting old 128.12(3)** - Development cost amortization and working capital accumulation were necessary originally to adjust the costs of the program. Because the TV&RP program funds are no longer segregated from the DOT general funding, these provisions are incorrect and are amended to reflect the current funding mechanism.

**Trans 128.12(3)b.** - Changes to the wording that formerly required the analysis of the segregated fund and recalibration of the fees charged. Now fees can be adjusted if costs of the program warrant review. This enables the current fees to remain in place and allows for easier planning and consistency on the part of the municipalities in the program.

**Trans 128.12(4)d** - If the department adds ACH (electronic bank debiting) capabilities to its financial system, this will allow the use of that system as a cost and time savings option for municipality customers.

**Fiscal Effect.** Small savings may occur if storage of suspension orders is accomplished electronically.

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

**Preparation and Copies of Rule.** Preparation of this rule was done by John Sobotik, Assistant General Counsel, Office of General Counsel. Copies of the rule may be obtained upon request, without cost, by writing to the Division of Motor Vehicles Traffic Violation & Registration Program Unit, or by calling (608) 267-9791. Hearing-impaired individuals may contact the Department using TDD (608) 266-0396. Also, alternative 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 ss. 85.13, 345.28 and 345.47(1)(d), Stats., the department of transportation hereby amends a rule interpreting ss. 85.13, 341.08(4m), 341.10(7) and (7m), 341.63, 341.64, 345.17, 345.28 and 345.47(1)(d), and ch. 342, Stats., relating to a traffic violation and registration program.

**SECTION 1.** Trans 128.01(1) is amended to read:

Trans 128.01(1) STATUTORY AUTHORITY. As authorized by ss. 85.13, 227.11, 345.28, and 345.47(1)(d), Stats., the purpose of this chapter is to establish the ~~department of transportation's~~ department's administrative interpretation of ss. 85.13, 341.08(4m), 341.10(7) and (7m), 341.63, 341.64, 345.17, 345.28, and 345.47(1)(d), and ch. 342, Stats., relating to a traffic violation and registration program to refuse vehicle registration as a result of unpaid judgments and to suspend or refuse vehicle registration as a result of unpaid parking tickets.

**SECTION 2.** Trans 128.02(2) is amended to read:

Trans 128.02(2) "Authority" has the same meaning as in s. 345.28(1)(a), Stats., and includes state agency as defined in sub. ~~(9)~~ (10).

**SECTION 3.** Trans 128.02(8) to (11) are renumbered Trans 128.02(9) to (12).

**SECTION 4.** Trans 128.02(8) is created to read:

Trans 128.02(8) "Person" has the meaning set out in s. 990.01(26), Stats.

**SECTION 5.** Trans 128.02(12) is repealed.

**SECTION 6.** Trans 128.03(2)(intro.) and (a) to (f) are amended to read:

Trans 128.03(2) CONTENTS OF NOTIFICATION. The notification from the local unit of government or other authority shall include all of the following:

- (a) The effective date of participation;
- (b) Method of payment as described in s. Trans ~~128.12(5)~~; 128.12(4).
- (c) Estimated annual volume of cases that will be sent to the department;
- (d) Whether there is a municipal court, and, if so, the name, address, and phone number of the court and the address where court payments should be made;
- (e) The name, address, and phone number of the authority or delegated agency and the address where citation payments should be made;
- (f) A statement describing the approval of participation action taken by the authority; and

**SECTION 7.** Trans 128.04(1)(title), (a)(intro.) and (a)1 to 7c., (b)(intro.) and 1. to 3., and (4) are amended to read:

Trans 128.04(1)(title) CONTENT. (a) ~~The notice of unpaid judgment shall be 8½" x 5½" and, in~~ In addition to the information required by s. 345.47(1)(d), Stats., the notice of unpaid judgment shall contain, and the court shall provide all of the following:

1. The name and address of the court;
2. The name of the local unit of government or other authority ~~that the action is on behalf of;~~ taking action.
3. The signature or facsimile signature of the judge or the representative authorized by the court;
4. The date the notice is signed;
5. The title of the person signing;

6. The 13 position judgment case number generated as prescribed by the department to include a unique number assigned to each court, the date, and a serial number; ~~and~~

7. A section for notice of satisfaction containing:

a. The signature or facsimile signature of the judge or representative authorized by the court;

b. The date the judgment was satisfied;

c. The date the satisfaction is signed;

(b) The notice also shall allow for reporting of the following information at the discretion of the court:

1. The court case number assigned by the court;

2. The state of issue and year of expiration of the license number of the vehicle involved;

3. The state of issue and driver's license number of the person named on the notice; ~~and~~

(4)(title) RECORD DISPOSAL. An unpaid judgment case which has not been satisfied as described in sub. (3), ~~shall may be purged~~ removed from the department's records 6 years ~~from the date the case was entered on~~ after initial entry in the department's records.

**SECTION 8.** Trans 128.05(1)(title), (a)(intro.), (a)1 to 9.b., and (4) are amended to read:

Trans 128.05(1)(title) CONTENT. (a) ~~The notice of unpaid citation shall be 8½" x 5½" and, in~~ In addition to the information required by s. 345.28(4), Stats., ~~shall contain,~~

and the authority or delegated agency shall provide the following information in the format prescribed by the department:

1. The name and address of the authority or delegated agency;
2. The signature or facsimile signature of the authorized representative;
3. The title of the person signing;
4. The date the notice is signed;
5. The 13 position citation case number generated as prescribed by the department to include a unique number assigned to each authority, or delegated agency, the date, and a serial number;
6. The type of license plate as prescribed by the department for the license number of the vehicle involved;
7. The year of expiration of the Wisconsin license number of the vehicle involved;
8. The amount of payment due from the person against whom the citation was issued; and
9. A section for notice of satisfaction containing:
  - a. The signature or facsimile signature of the authorized representative;
  - b. The date the citation was satisfied; and

(4)(title) RECORD DISPOSAL. An unpaid citation case which has not been satisfied as described in sub. (3), ~~shall~~ may be purged removed from the department's records 6 years ~~from the date the case was entered on~~ after initial entry in the department's records.

**NOTE:** The Department disposes of such records on a semi-annual basis.

**SECTION 9.** Trans 128.06(2)(b) is amended to read:

Trans 128.06(2)(b) When the department is notified by a court of an unpaid judgment judgment, and the person named by the court is the owner of a vehicle with a non-expiring registration, a letter shall be mailed providing information about the unpaid judgment and indicating the department shall cancel the registration. Cancellation of registration shall occur after the expiration of 30 days from the date of mailing the letter to the registrant unless the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

**SECTION 10.** Trans 128.07(3) is amended to read:

Trans 128.07(3) RECORD OF ACTION. When an ~~order of a~~ suspension letter order is computer created, the computer shall also ~~generate~~ create a computer image file or microfiche of the text of the letter as the record of action, or shall store the information included on the suspension order so that a copy of the text of the suspension order may be recreated. Records stored under this subsection may be destroyed at the same time or after record of the suspension is removed from the department's database of vehicle records under s. Trans 128.05(4).

**SECTION 11.** Trans 128.08(1)(intro.), (b) and (c), and (5)(c)(intro.), (c)1. and 2. are amended to read:

Trans 128.08(1)(intro.) SCOPE. ~~From the date the~~ If department enters the records show that notification of a person's unpaid judgment or unpaid citation ~~on the department's records~~ has been mailed, the department ~~shall not permit the person to~~ may not:

(b) Renew the registration of a vehicle if the department meets the notification requirements of s. 341.08(4m), Stats., by mailing one of the following:



1. ~~Mailing the~~ The renewal registration notice described in s. Trans 128.10(1)(b), (c) and (d) where the department is notified by a court or authority or delegated agency prior to creating a notification of renewal; ~~or.~~

2. ~~Mailing the~~ The letter described in s. Trans 128.06(2) where the department is notified by a court, authority or delegated agency after the renewal of a registration but before the beginning of the new registration period.

(c) Re-register a vehicle, ~~including, but not limited to, changes in~~ change the gross weight at which a vehicle is registered, or change the operating status of a vehicle or the ~~issuance of~~ obtain replacement license plates for any vehicle.

(5)(c) The applicant's or registrant's name is exactly the same or a reasonably logical variation of a name as stated in pars. (a) and (b), and the address is the same as one of the following:

1. The address supplied on the notice of unpaid judgment or notice of unpaid citation; ~~or.~~

2. The address obtained from the department's record for the license plate number supplied on the notice of unpaid judgment or notice of unpaid citation; ~~or.~~

**SECTION 12.** Trans 128.08(5)(d) is created to read:

Trans 128.08(5)(d) The applicant or registrant has the same customer identification number on the department's records as the person identified on the notice of unpaid judgment or unpaid citation.

**SECTION 13.** Trans 128.09(1)(intro.), (1)(a), (b), (c)(intro.), (c)1. to 9. and (2)(b) are amended to read:

Trans 128.09(1)(intro.) **EXCEPTIONS TO REFUSING A TRANSFER OF OWNERSHIP.** An application for transfer of ownership of a vehicle will be ~~refused~~

unless permitted despite suspension of registration for the vehicle if any of the following apply:

Trans 128.09(1)(a) The initial purchaser is a Wisconsin motor vehicle dealer as defined in s. 218.01(1)(a), Stats.; ~~or~~

(b) The purchaser, other than a motor vehicle dealer, provides the department with a signed statement that the seller of the vehicle will not have possession, use of, or receive any benefit from the operation of the vehicle after the application for transfer of ownership is completed by the department; ~~or~~

(c) It is an involuntary transfer of ownership including any of the following:

1. Repossession under s. 342.17(2);
2. Deceased under s. 342.17(4);
3. Divorce settlement under s. 342.17(4);
4. Bankruptcy under s. 342.17(4);
5. Abandoned vehicle under s. 342.40(2);
6. Towing or storage lien under s. 779.415;
7. Mechanics lien under s. 779.41;
8. Landlord lien under s. 704.05(5);
9. Court order;

(2)(b) Return to the purchaser all fees submitted by ~~him or her~~ the purchaser with an explanation why the transfer of ownership was refused. If registration was issued in error, the fees may be returned only after the purchaser complies with a department request for return of the registration.

**SECTION 14.** Trans 128.10(1)(b)(intro.), (b)1. to 6., (c)(intro.), (c)1. to 6., and (3)(intro.), (a) to (c) are amended to read:

Trans 128.10(1)(b) The renewal form used for a registration which is subject to unpaid judgments based on information obtained under s. 345.47(1)(d), Stats., shall also include the following:

1. The date judgment was entered;\_
2. The amount of the judgment;\_
3. The place where the judgment may be paid;\_
4. The court case number;\_
5. The judgment case number;\_
6. A notification that the registration shall not be renewed until all citations are

paid; and\_

(3)(intro.) A vehicle registration renewal notice form shall not be created by the department or mailed to the vehicle owner when the department's record records ~~indicates~~ indicate that the registration is in any of the following conditions:

- (a) Suspended under s. 20.905(2), 341.63(1), 344.08 or 344.14, Stats.;
- (b) Revoked under s. 344.25, Stats.;
- (c) Canceled under s. 342.255, Stats.; ~~or~~

**SECTION 15.** Trans 128.11(1)(b)(intro.), (b)1. to 3., (2) and (3) are amended to read:

Trans 128.11(1)(b) If the department is not satisfied that a registration refusal was in error, the person shall submit to the department a signed statement containing all of the following:

1. A list of the description and license number of all vehicles owned;\_
2. Wisconsin operator's license number;\_
3. Date of birth;\_

(2) **ERROR IDENTIFIED BY COURT.** To correct an error in a notice of unpaid judgment sent to the department, a court shall submit a notice of satisfaction to the department as described in s. Trans 128.04. To establish a correct record, the court shall submit a new notice of unpaid judgment containing the correct information and per case payment required by s. Trans ~~128.12(4)~~ 128.12(3).

(3) **ERROR IDENTIFIED BY AN AUTHORITY OR DELEGATED AGENCY.** To correct an error in a notice of unpaid citation sent to the department, an authority or delegated agency shall submit a notice of satisfaction to the department as described in s. Trans 128.05. To establish a correct record, the authority or delegated agency shall submit a new notice of unpaid citation containing the correct information and per case payment required by s. Trans ~~128.12(4)~~ 128.12(3).

**SECTION 16.** Trans 128.12(2)(b) is amended to read:

Trans 128.12(2)(b) The cost of enhancements, improvements or additional development of the system ~~after the initial implementation date, not covered by sub. (3),~~ shall be amortized over the 4 year period following the implementation of such enhancements, improvements or additional development.

**SECTION 17.** Trans 128.12(3) is repealed.

**SECTION 18.** Trans 128.12(4)(a)(intro.) is renumbered Trans 128.12(3)(a).

**SECTION 19.** Trans 128.12(4)(a)1 is renumbered Trans 128.12(3)(a)1 and amended to read:

Trans 128.12(3)(a)1. The estimated annual volume of cases that will be received by the department which serves as the denominator in the rate calculation equation;

**SECTION 20.** Trans 128.12(4)(a)2 is repealed.

**SECTION 21.** Trans 128.12(4)(a)3 is renumbered Trans 128.12(3)(a)2 and amended to read:

Trans 128.12(3)(a)2. The estimated ~~costs~~ cost of operation, including employe salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, printing and forms, the annual amount of amortized enhancement, as described in sub. (2), and other necessary expenses, and adjustments for the previous payment rate period to reflect actual experience which is an element of which serves as the numerator in the rate calculation equation; and.

**SECTION 22.** Trans 128.12(4)(a)4 is repealed.

**SECTION 23..** Trans 128.12(4)(b)(intro.) is renumbered Trans 128.12(3)(b) and is amended to read:

Trans 128.12(3)(b) The rate of payment shall ~~may be calculated~~ recalculated each July and, ~~in addition, may be recalculated whenever:~~ from time to time to reflect the costs of the program to the department. Rate increases, if any, may be imposed only on or after the next July 1 following the recalculation.

**SECTION 24.** Trans 128.12(4)(b)1. and 2. are repealed.

**SECTION 25.** Trans 128.12(5) is renumbered Trans 128.12(4).

**SECTION 26.** Trans 128.12(4)(d) is created to read:

Trans 128.12(4)(d) Automatic debit of the participants banking account through the automated clearing house, or ACH, transaction system of the federal reserve bank.

**NOTE:** The Department expects to be capable of using automatic bank account debits by the year 2000.

**SECTION 27.** Trans 128.12(6) and (7) are renumbered Trans 128.12(5) and (6) and amended to read:

Trans 128.12(5) ACCOUNTING REPORT. The department shall provide to each active participant a monthly report on the status of their financial account established under sub. ~~(5)(e)~~ (4)(c).

(6) REFUNDS. When a participating local unit of government or other authority has elected to pay under sub. ~~(5)(e)~~ (4)(c), and later terminates participation as provided in s. Trans 128.03, any unused balance in the account shall be refunded by the department.

(END OF RULE TEXT)

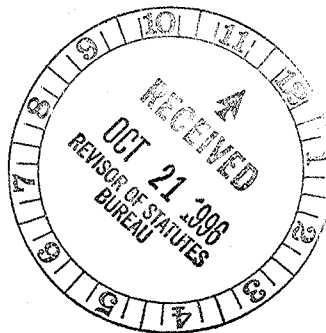
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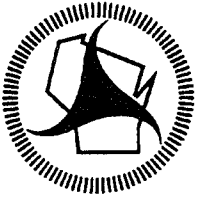
**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 21 day of October, 1996.



CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation





## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

October 21, 1996

Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703


RE: **CLEARINGHOUSE RULE 96-69**

In the Matter of the Adoption of **TRANS 128**, Wisconsin Administrative Code,  
relating to a **traffic violation and registration program**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 96-69**, an administrative rule relating to the above-mentioned matter.

Sincerely,



Julie A. Johnson  
Paralegal

Enclosures

cc: Ann Agnew  
Dorothy Kapke  
Jim McDonnell  
Roger Cross  
Greg Niva  
Carson Frazier

