

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

X Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

Trans 319, Procedures and Fees For Towing Illegally Parked Vehicles

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3. Subject

This rule establishes (1) reasonable charges for removal and storage of vehicles, (2) the form and manner of display of notice necessary to qualify as "properly posted," and (3) guidelines for towing services to notify law enforcement of removal.

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

None

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6. Fiscal Effect of Implementing the Rule

X No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
X Local Government Units    Public Utility Rate Payers  
 Small Businesses (**if checked, complete Attachment A**)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes   X No

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9. Policy Problem Addressed by the Rule

As authorized by ss. 349.13(3m)(e), Stats., the purpose of this chapter is to establish reasonable charges for removal and storage of vehicles parked on private property which are not authorized to be parked there, the form and manner of display of notice necessary to qualify as "properly posted" under s. 349.13(3m)(a)(2), Stats., and guidelines for towing services to notify law enforcement under s. 349.13(3m)(d), Stats., upon removal of a vehicle.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This rule will affect private property owners, traffic officers, parking enforcers, towing services, and law enforcement agencies involved in the removal of vehicles parked on private property which are not authorized to be parked there.

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11. Identify the local governmental units that participated in the development of this EIA.

Significant input was provided by the City of Milwaukee. The City of Madison also provided input.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

There are many towing services throughout the state and it seems likely that some would qualify as a small business under s. 227.114, Stats. It is unknown what the impact to those businesses would be. While, this rulemaking seeks to establish a schedule of reasonable charges for removal and storage of vehicles, as detailed in the previous section, it is possible that the established charges will be more or less than the charges some small businesses currently assess.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit of the rule will be to standardize practices statewide. The rule is required by 2013 Act 76 and no alternatives exist.

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14. Long Range Implications of Implementing the Rule  
Unknown

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15. Compare With Approaches Being Used by Federal Government

There is no existing or proposed federal regulation addressing towing vehicles parked on private property that are not authorized to be parked there.

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Practices in neighboring states vary. States often rely on procedures for "abandoned vehicles" and garagekeeper's liens. Several non-neighboring states have a standardized process similar to what is outlined in this rule.

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17. Contact Name

Zachary Wyatt

18. Contact Phone Number

(608) 217-2619

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This document can be made available in alternate formats to individuals with disabilities upon request.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

### ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There are many towing services throughout the state and it seems likely that some would qualify as a small business under s. 227.114, Stats. It is unknown what the impact to those businesses would be. While, this rulemaking seeks to establish a schedule of reasonable charges for removal and storage of vehicles, as detailed in the previous section, it is possible that the established charges will be more or less than the charges some small businesses currently assess.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The proposed rule was drafted with input from towing services, governmental entities, and the Wisconsin Housing Alliance. The schedule of charges was based on a recommendation from the City of Milwaukee's tow lot management. The schedule was the result of a survey of municipalities throughout the state and nation. The average total charge for tow and storage among the surveyed municipalities was \$125 and the goal was to establish a schedule that would be in keeping with that average. The design and display of the required notice was largely based on existing design standards for other signage (e.g. handicapped parking signs as defined in Wis. Admin. Code ch. Trans 200), as well as standards in other states. The guidelines for tow services to provide notice to law enforcement were based on input from law enforcement.

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

2013 Act 76 requires that DOT establish charges for removal and storage. Input was sought from various parties to ensure the rates set are reasonable in their impact on small businesses.

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5. Describe the Rule's Enforcement Provisions

None

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes     No
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