

CR 82-141

C E R T I F I C A T E

STATE OF WISCONSIN)
DEPARTMENT OF TRANSPORTATION) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Owen Ayres, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the department, do hereby certify that the annexed rule TRANS 128, relating to the Traffic Violation & Registration Program was duly approved and adopted by this department in accordance with s. 227.026(1), Stats.

I further certify that the annexed 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 in the City of Madison, Wisconsin, this 8th day of November, 1982.

Owen Ayres
Owen Ayres, P.E.
Secretary

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SECTION I

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

In the Matter of the Repeal :
and Recreation of Chapter : PROPOSED ORDER
Trans 128 Relating to a Traffic : ADOPTING RULE
Violation and Registration :
Program :

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Clearinghouse Rule No. 82-141.

A copy of the proposed rule may be obtained upon request from the Wisconsin Department of Transportation, Division of Motor Vehicles, Room 255, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53702. Telephone: (608) 266-2233.

ANALYSIS BY THE DEPARTMENT OF TRANSPORTATION

This proposal repeals and recreates Chapter TRANS 128, Wis. Admin. Code, relating to the Traffic Violation and Registration Program created by Chapter 34, Laws of 1979, and amended by Chapter 165, Laws of 1981.

The original law, which was effective July 1, 1981, required the department to refuse vehicle registration when a court notified the department that a judgment had been entered against a person and remained unpaid. The court notification must include a certification that a warrant was served on the person against whom the judgment was entered. When the person pays the judgment, the court is required to immediately notify the department and registration may be issued.

The new law expands the program to also allow a local authority to notify the department if a person does not respond to a "non-moving traffic violation" either by paying or appearing in court within 28 days after

issuance. A "non-moving traffic violation" is any parking of a vehicle in violation of a statute or an ordinance.

Upon notifying the department, the local authority has the option of requiring the department to immediately suspend the registration of the vehicle involved, or to refuse to register any vehicle owned by the person, or both. Before notifying the department, the local authority is required to send the person two separate notices about the unpaid parking ticket including information on how the person can respond to the ticket and what action the local authority and the department may take if the person does not respond within the 28 day limit.

Once the person pays the forfeiture or appears in court to contest the parking ticket, the local authority is required to immediately notify the department and registration may be reinstated or issued.

Another new provision is that no owner may transfer the ownership or registration of any vehicle whose registration is suspended under this program unless the department is satisfied that it is proposed in good faith and not intended or designed to defeat the effect of the suspension.

The cost of the development and operation of this program will continue to be paid by the participating local units of government.

As a result of these changes in the law, the rule has been changed as follows:

1. The terms "local authority" and "delegated agency" have been defined and have been inserted together with unpaid citation, citations, and related references throughout the rule.
2. TRANS 128.05 prescribes the new document used by a local authority to notify the department of an unpaid citation and the subsequent

satisfaction. This form is similar to the present form used by courts to notify the department of an unpaid judgment.

3. TRANS 128.07 describes the types of action(s) that will be taken by the department and the notification(s) that will be sent to a person named by a local authority depending on whether the local authority directs the department to suspend registration, refuse registration, or both.
4. TRANS 128.09 interprets the new provision relating to the transfer of ownership of a vehicle when registration is suspended. Transfer of ownership is allowed unless it would defeat the effect of the suspension. Any transfer of ownership will not be allowed unless the purchaser is a Wisconsin motor vehicle dealer or the purchaser submits a signed statement indicating that the seller will not continue to have possession, use of or receive any benefit from the operation of the vehicle.

FISCAL ESTIMATE

See attached fiscal estimate.

AUTHORITY FOR RULE

Secs. 85.13, 110.06(1), 227.014, 345.28 and 345.47(1)(d), Stats.

FORMS

MVD 3. License plate renewal notice-statement, used by the department to notify a person that vehicle registration is expiring.

MVD 2458. Notice of unpaid judgment, under s. 345.47(1)(d), Stats., is used by a court to notify the department of an unpaid judgment case.

MVD 2458C. Notice of unpaid citation, under s. 345.28(4), Stats., is used by a local authority to notify the department of an unpaid citation.

MVD 3399. Temporary driving receipt, under s. 345.28(5)(b)2.a., Stats., is used by a law enforcement officer as a receipt for deposit of an operator's license in lieu of serving a warrant and arresting a person, and also serves as a temporary driving receipt.

MVD 2458D. Statement of good faith is used to ensure a transfer of ownership, can be allowed and will not defeat the purpose of this program.

RULE TEXT

Pursuant to authority vested in the Department of Transportation by ss. 85.13, 110.06(1), 227.014, 345.28 and 345.47(1)(d), Stats., the Department proposes to repeal and recreate rules interpreting ss. 85.13, 341.08(4m), 341.10(7) and (7m), 341.63, 341.64, ch. 342, 345.17, 345.28, and 345.47(1)(d), Stats., as follows:

TRANS 128

TRAFFIC VIOLATION AND REGISTRATION PROGRAM

SECTION 1. Chapter Trans 128 of the Wisconsin Administrative Code is repealed and recreated to read:

TRANS 128.01 Purpose & scope

TRANS 128.02 Definitions

TRANS 128.03 Local unit of government participation or termination

TRANS 128.04 Notice of unpaid judgment and notice of satisfaction

TRANS 128.05 Notice of unpaid citation and notice of satisfaction
TRANS 128.06 Actions associated with unpaid judgment cases
TRANS 128.07 Actions associated with unpaid citation cases
TRANS 128.08 Refusal of registration
TRANS 128.09 Transfer of vehicle ownership while registration suspended
TRANS 128.10 Renewal forms for vehicle registration
TRANS 128.11 Resolution of errors
TRANS 128.12 Cost of traffic violation and registration program

TRANS 128.01 PURPOSE AND SCOPE (1) STATUTORY AUTHORITY. As authorized by ss. 85.13, 110.06(1), 227.014, 345.28, and 345.47(1)(d), Stats., the purpose of this chapter is to establish the department of transportation'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.

(2) APPLICABILITY. This chapter applies to any local unit of government electing to participate in the traffic violation and registration program, to any court or local authority or delegated agency processing cases on behalf of participating local units of government, and to any person subject to any judgment or parking citation that remains unpaid.

Note: Forms used in administering this rule include MVD 3, license plate renewal notice statement; MVD 2458, notice of unpaid judgment, under s. 345.47(1)(d), Stats.; MVD 2458C, notice of unpaid citation, under s. 345.28(4), Stats.; MVD 2458D, statement of good faith; and MVD 3339, driving receipt, under s. 345.28(5(b)2.a.

TRANS 128.02 DEFINITIONS. In this chapter:

- (1) "Applicant" means any person applying for Wisconsin vehicle registration.
- (2) "Case" means an unpaid judgment or unpaid citation case which includes both a notice of unpaid judgment or unpaid citation and a subsequent notice of satisfaction.
- (3) "Delegated agency" means the entity designated by a local authority to submit unpaid citation and satisfaction notices on behalf of the local unit of government.
- (4) "Department" means the Wisconsin department of transportation.
- (5) "Local Authority" has the same meaning as in s. 340.01(26), Stats.
- (6) "Local unit of government" means any county, city, village, town or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.
- (7) "Registrant" means any person who is the holder of Wisconsin vehicle registration.
- (8) "Unpaid judgment" means an unpaid traffic forfeiture judgment submitted to the department under ch. 345, Stats.
- (9) "Unpaid citation" means a ticket for a nonmoving traffic violation as defined in s. 345.28(1), Stats. which has not been paid and for which the person has not appeared in court.
- (10) "Working capital" means the excess of current assets over current liabilities, including amounts required for continuing system development.

TRANS 128.03 LOCAL UNIT OF GOVERNMENT PARTICIPATION OR TERMINATION.

- (1) NOTIFICATION REQUIREMENTS. A local unit of government electing to participate or terminate participation in the traffic violation and

registration program shall notify the department in writing at least 30 days before the effective date of participation or termination. The department may delay the effective date of participation beyond the 30 day period if the participant anticipates submitting a high volume caseload.

(2) CONTENTS OF NOTIFICATION. The notification from the local unit of government shall include:

- (a) The effective date of participation;
- (b) Method of payment as described in s. Trans 128.12(5);
- (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 local 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 local authority; and
- (g) The signature and title of the person submitting the notice for the local unit of government.

(3) COPIES TO COURT AND DELEGATED AGENCY. The local unit of government shall send a copy of all notices sent to the department under this section to the clerk of any circuit court or municipal court and to any delegated agency that processes cases on its behalf.

TRANS 128.04 NOTICE OF UNPAID JUDGMENT AND NOTICE OF SATISFACTION.

(1) SIZE AND CONTENT. (a) The notice of unpaid judgment shall be 8 1/2" x 5 1/2" and, in addition to the information required by s. 345.47(1)(d), Stats., shall contain, and the court shall provide:

1. The name and address of the court;
2. The name of the local unit of government that the action is on behalf of;
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; and
 - d. The title of the person signing.

(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. The date of birth of the person named on the notice.

Note: form MVD 2458.

(2) SCOPE. A notice of unpaid judgment may be created for any and all violations included in any and all warrants, if all are included under one unpaid judgment case number. After a notice of unpaid judgment has been submitted to the department, any additional violation or violations which result in additional unpaid judgments shall be submitted as a separate notice of unpaid judgment.

(3) NOTIFICATION REQUIREMENTS. (a) When a court elects to notify the department, each notice of unpaid judgment or subsequent notice of satisfaction shall be on the form prescribed in this section and shall be mailed or delivered to the department by the court.

(b) Notice of satisfaction shall be mailed or delivered to the department not later than 3 working days after the court receives payment of the judgment or otherwise determines that the unpaid judgment has been satisfied.

(c) The court is responsible for assuring that a notice of unpaid judgment sent to the department is a correct and appropriate submission.

(4) PURGING. An unpaid judgment case which has not been satisfied as described in sub. (3), shall be purged from the department's records 6 years from the date the case was entered on the department's records.

(5) FORMS SUPPLY. The notice of unpaid judgment and notice of satisfaction form shall be supplied by the department. The cost of the forms shall be included in the cost for operation of the program.

Note: Form MVD 2458.

TRANS 128.05 NOTICE OF UNPAID CITATION AND NOTICE OF SATISFACTION. (1)

SIZE AND CONTENT. (a) The notice of unpaid citation shall be 8 1/2" x 5 1/2" and, in addition to the information required by s. 345.28(4), Stats., shall contain, and the local authority or delegated agency shall provide:

1. The name and address of the local 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 local 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
 - c. The title of the person signing.
- (b) The notice also shall allow for reporting of the citation number at the discretion of the local authority or delegated agency.

Note: Creates form MVD 2458C.

(2) SCOPE. A notice of unpaid citation may be created and submitted to the department for any and all nonmoving traffic violations as defined in s. 345.28(1), Stats., but each violation requires a separate notice.

(3) NOTIFICATION REQUIREMENTS. (a) When a local authority or delegated authority notifies the department, each notice of unpaid citation or subsequent notice of satisfaction shall be on the form prescribed in this section and shall be mailed or delivered to the department by the local authority.

(b) Notice of satisfaction shall be mailed or delivered to the department not later than 3 working days after the local authority or delegated agency receives payment, the person has appeared in court to contest the citation, or for any other reason the case is closed.

(c) The local authority is responsible for assuring that a notice of unpaid citation sent to the department is a correct and appropriate submission.

(4) PURGING. An unpaid citation case which has not been satisfied as described in sub. (3), shall be purged from the department's records 6 years from the date the case was entered on the department's records.

(5) FORMS SUPPLY. The notice of unpaid citation and notice of satisfaction form shall be supplied by the department. The cost of the forms shall be included in the cost for operation of the program.

Note: Form MVD 2458C.

TRANS 128.06 ACTIONS ASSOCIATED WITH UNPAID JUDGMENT CASES. As required by s. 341.10(7), Stats., a person named by a court under s. 345.47(1)(d), Stats., who has an unpaid judgment within the scope of this chapter shall be refused registration as follows:

(1) INITIAL NOTIFICATION LETTER OF UNPAID JUDGMENT. When the department is notified by a court of an unpaid judgment, the department shall send an initial notification letter to the person named by the court at the address supplied by the court unless the department has a more recent address. The letter shall provide the person with advance notice of registration refusal, as described in s. Trans 128.08, including information about the unpaid judgment, and may include a 30 day notification described in sub. (2)(b). The letter shall be mailed, except:

(a) When the conditions in sub. (2)(a) apply.

(b) When the department is establishing a control group for testing the effectiveness of the letter.

(c) When for some or all cases the letter does not appear to improve the promptness with which unpaid judgments are satisfied or does not appear to be cost-effective.

(2) 30 DAY NOTICE. (a) When the department is notified by a court of an unpaid judgment after a regular renewal notice has been mailed, but before the beginning of the new registration period, in order to meet the requirements of s. 341.08(4m), Stats., a letter shall be mailed to the registrant. The letter shall provide information about the unpaid judgment and indicate that although a regular renewal registration form has been or will be mailed, the department shall suspend registration after the expiration of 30 days from the date of mailing the letter unless the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

(b) When the department is notified by a court of an unpaid 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 suspend the

registration. Suspension 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.

(3) ORDER OF SUSPENSION RESULTING FROM REFUSAL. Order of suspension of registration shall be mailed for those registrations described in s. Trans 128.08(2). The order of suspension shall indicate that the suspension shall continue until the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

TRANS 128.07 ACTIONS ASSOCIATED WITH UNPAID CITATION CASES. As required by s. 341.10(7m), Stats., a person named by a local authority or delegated agency under s. 345.28(4), Stats., shall be refused registration, have his or her vehicle registration suspended, or both, as follows:

(1) TYPE OF ACTION. When the department is notified of an unpaid citation, the type of letter sent to the person named on the notice will depend on the action to be taken by the department as specified by the local authority or delegated agency under s. 345.28(4)(a)2, Stats.

(a) Suspend The Registration Of The Vehicle Involved. When the department is directed to suspend the registration of the vehicle involved under s. 341.63(1)(c), Stats., an order of suspension of registration letter shall be mailed to the person named on the notice for the license number supplied by the local authority or delegated agency. The order of suspension shall provide information about the unpaid citation and indicate that the suspension shall continue until the department receives evidence required by s. Trans 128.05 that all citations have been satisfied.

(b) Refuse Registration of Any Vehicle Owned By The Person. When the department is directed to refuse registration, as described in s. Trans 128.08, of any vehicle owned by the person named on the notice, the notices described in s. Trans 128.06 shall be used except references to court, unpaid judgment, and judgments shall be changed to local authority or delegated agency, unpaid citations, and citations and other references shall be changed as appropriate.

(c) Suspend And Refuse Registration. When the department is directed to suspend the registration of the vehicle involved under s. 341.63(1)(c), Stats., and to refuse registration of any vehicle, as described in s. Trans 128.08, owned by the person named on the notice, the order of suspension of registration letter described in par. (a) shall be mailed. The order shall be modified to include the additional information described in par. (b), as appropriate.

(2) ALTERNATIVE ACTIONS FOR CERTAIN LICENSE NUMBERS. When the department is directed to suspend registration, but the license number supplied:

(a) Has been issued by another state or jurisdiction, the department cannot suspend vehicle registration, but shall refuse any attempt to register any vehicle.

(b) Does not exist, or department records for that license number show a different name than the name supplied, the department shall not suspend vehicle registration, but shall refuse any attempt to register any vehicle by the person.

(c) Has been replaced by a different number, the department shall suspend the replacement registration.

(3) RECORD OF ACTION. When an order of suspension letter is computer created, the computer shall also generate a microfiche of the text of the letter as the record of action.

TRANS 128.08 REFUSAL OF REGISTRATION. (1) SCOPE. From the date the department receives notification of a person's unpaid judgment or unpaid citation, the department shall not permit the person to:

(a) Register a vehicle.

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

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

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

(c) Re-register a vehicle, including, but not limited to, changes in the gross weight or operating status of a vehicle or the issuance of replacement license plates.

(d) Transfer registration to another vehicle.

(e) Transfer registration as part of the transfer of ownership of a vehicle.

(f) Continue a nonexpiring registration.

(2) WITHDRAWAL OF REGISTRATION BY SUSPENSION. The department shall suspend registration under s. 341.63(1)(a), Stats., when the registration types are those described in sub. (1)(b)2., (d), (e) and (f).

(3) EFFECT ON ISSUING CERTIFICATE OF TITLE. (a) The refusal of registration shall not effect the issuance of a certificate of title except as provided under s. 342.11, Stats.

(b) If the application for certificate of title indicates that the vehicle has been operated upon public highways, any required registration fee shall be collected and retained at the time of issuing title, even though registration is not issued. The department shall assign registration to the vehicle according to the provisions of ch. 341, Stats., but shall withhold sending the evidence of registration to the vehicle owner until the department receives evidence that all judgments and citations are paid. The certificate of title shall be sent to the vehicle owner with a letter providing information about the unpaid judgments and unpaid citations and indicating that the registration shall be withheld until the department receives evidence that all judgments and citations are paid.

(4) CRITERIA FOR IDENTIFYING A PERSON SUBJECT TO REFUSAL OF REGISTRATION. The refusal of registration shall be based on information supplied by a court on the notice required under s. 345.47(1)(d), Stats., and s. Trans 128.04, or on information supplied by a local authority or delegated agency on the notice required under s. 345.28(4), Stats., and s. Trans 128.05, and shall be supplemented by information obtained from department records. The department shall refuse the renewal, transfer or issuance of registration when:

(a) The applicant's or registrant's name and address are both the same as the name and address supplied on the notice of unpaid judgment or unpaid citation.

(b) The name shown on the department's record for the license plate number supplied on the notice of unpaid judgment or notice of unpaid citation is similar or a reasonably logical variation of the name supplied on the notice of unpaid judgment or notice of unpaid citation regardless of whether the address information is the same.

(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:

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

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

3. The address obtained from department driver license records using information supplied by the notice of unpaid judgment.

TRANS 128.09 TRANSFER OF VEHICLE OWNERSHIP WHILE REGISTRATION SUSPENDED.

As required by s. 341.64(1), Stats., no owner may transfer the ownership of any vehicle whose registration is suspended under s. 341.63(1)(c), Stats., until the registration is reinstated under s. 341.63(2), Stats., or until the department is satisfied that the transfer is proposed in good faith and not for the purpose or with the effect of defeating the purposes of s. 341.63(1)(c), Stats. A transfer of ownership where the seller would continue to have possession, use of, or receive any benefit from the operation of the vehicle shall be considered as defeating the purposes of this program.

(1) EXCEPTIONS TO REFUSING A TRANSFER OF OWNERSHIP. An application for transfer of ownership of a vehicle will be refused unless:

(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.

Note: Penalty sections are ss. 341.64(2), 342.06(2), and 345.17, Stats.

Note: Form MVD 2458D, Statement of Good Faith.

(2) APPLICATION DISPOSITION WHEN TRANSFER OF OWNERSHIP REFUSED. When the department refuses to allow a transfer of ownership, the department shall:

(a) Create a new title, without charge, in the name of the seller and send it to the seller with a letter explaining why the transfer of ownership was refused.

(b) Return to the purchaser all fees submitted by him or her 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.

(c) Notify by letter any secured party shown on the purchaser's application for transfer of ownership that transfer of ownership was refused.

TRANS 128.10 RENEWAL FORMS FOR VEHICLE REGISTRATION. (1) RENEWAL FORMS. (a) Application forms for renewal of vehicle registration shall contain the information required under s. 341.08(2), Stats., and shall also contain and serve as a notice of, the date upon which the registration must be renewed as required under s. 341.08(4m), Stats.

Note: Registration renewal form MVD 2.

(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:

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 judgments are paid; and
7. Other information or instructions to assist the vehicle owner.

Note: Registration renewal form MVD 3.

(c) The renewal form used for a registration which is subject to unpaid citations based on information obtained under s. 345.28(4), Stats., shall also include:

1. The date of the citation;
2. The amount due;
3. The place where the citation may be paid;
4. The citation number;
5. The citation case number;
6. A notification that the registration shall not be renewed until all citations are paid; and
7. Other information or instructions to assist the vehicle owner.

Note: Registration renewal form MVD 3.

(d) The renewal form used for a registration which is subject to both unpaid judgments and unpaid citations shall include the information contained in pars. (b) and (c).

Note: Registration renewal form MVD 3.

(2) MAILING. (a) The mailing of vehicle registration renewal shall be in accordance with s. 341.08(4m), Stats., and shall be by first class mail.

(b) The department may not maintain any record or evidence of mailing renewals or of renewals that are returned to the department or its agent as undeliverable by the U.S. postal service.

(c) Failure to receive a renewal notice shall not be a defense against failing to register a vehicle.

(3) EXCEPTIONS. A vehicle registration renewal notice form shall not be created by the department or mailed to the vehicle owner when the department's record indicates that the registration is:

- (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
- (d) For a period which has previously expired.

TRANS 128.11 RESOLUTION OF ERRORS. (1) ERRORS IDENTIFIED BY PERSON.

(a) If the department is satisfied that the refusal of registration was an error, the department shall modify its records and allow the person to be issued registration.

(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:

1. A list of the description and license number of all vehicles owned;
2. Wisconsin operator's license number;
3. Date of birth; and
4. Any other information relevant to the claim.

(c) If the department is not satisfied with the information provided in par. (b) the person shall contact the court or local authority or delegated agency that submitted the information to the department. If the court or local authority or delegated agency is satisfied that an error was made, the court or local authority or delegated agency shall submit a notice of satisfaction to the department as required in s. Trans 128.04 or Trans 128.05.

(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).

(3) ERROR IDENTIFIED BY LOCAL AUTHORITY OR DELEGATED AGENCY. To correct an error in a notice of unpaid citation sent to the department, a local 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 local 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).

TRANS 128.12 COST OF TRAFFIC VIOLATION AND REGISTRATION PROGRAM.

(1) GENERAL. In accordance with s. 85.13, Stats., the department shall charge the cost of the development and operation of the traffic violation and registration program to all participating local units of government based on the number of cases processed on behalf of each participating local unit of government.

(2) DEVELOPMENT COST AMORTIZATION. (a) The cost of the original development of the system for the traffic violation and registration program shall be amortized over the first 4 year period of operation.

(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.

(3) WORKING CAPITAL ACCUMULATION. (a) In order to comply with s. 20.903(2), Stats., an amount necessary to establish a working capital balance at a level equal to 90 days of working capital needs, including working capital requirements for system development, shall be accumulated during the first 3 years of operation.

(b) Any adjustments necessary to maintain the working capital balance at a 90 day level shall be accumulated or credited over a one year period.

(4) RATE OF PAYMENT. (a) The department shall establish the rate of payment required for each case submitted by a court under s. 345.47(1)(d), Stats., or by a local authority or delegated agency under s. 345.28(4), Stats., based on the following factors:

1. The estimated annual volume of cases that will be received by the department;

2. The amount of amortized enhancement, improvement or development costs, as described in sub. (2);

3. The estimated costs of operation, including employe salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, printing and forms, other necessary expenses, and adjustments for the previous payment rate period to reflect actual experience; and

4. The working capital balance needs as described in sub. (3).

(b) The rate of payment shall be calculated each July and, in addition, may be recalculated whenever the working capital balance falls below a 90 day level of working capital needs.

(c) The department shall notify all participating local units of government of the rate of payment at least 30 days prior to the effective date of the rate.

(5) METHOD OF PAYMENT. Participating local units of government shall pay the department for cases processed by one of the following methods:

(a) Payment at the time the notice of unpaid judgment is submitted by a court to the department for processing.

(b) Payment at the time the notice of unpaid citation is submitted by a local authority or delegated agency to the department for processing.

(c) Pre-payment by establishing an account with the department against which charges shall be made at the time:

1. Notice of unpaid judgment is processed for the local unit of government identified by a court on the notice of unpaid judgment form.

2. Notice of unpaid citation is processed for the local authority or delegated agency of the local unit of government.

(6) ACCOUNTING REPORT. The department shall provide to each participating local unit of government a monthly report on the status of their financial account established under s. Trans 128.12(5)(c).

(7) REFUNDS. When a participating local unit of government has elected to pay under s. Trans 128.12(5)(c), and later terminates participation as provided in s. Trans 128.03, any unused balance in the account shall be refunded by the department.

(8) SPECIAL PROVISIONS FOR CITY OF MILWAUKEE. The payment of \$400,000 under s. 20.395, Stats., made by the city of Milwaukee, shall be credited to the city as follows:

(a) Whenever the working capital balance of the appropriation for this program exceeds 90 days cash requirements, the city of Milwaukee shall receive credit for notices processed for 100% of the charges.

(b) Whenever the working capital balance of the appropriation is between 60 and 90 days cash requirements, the city of Milwaukee shall receive credit for cases processed for the amortized amount of development costs.

(c) Whenever the working capital balance of the appropriation is less than 60 days cash requirements, no credit shall be given to the city of Milwaukee, and the city shall pay for cases processed according to sub. (5) until the working capital balance is again at a 60 day level.

(d) These crediting provisions shall only apply to the extent of the \$400,000 payment by the city of Milwaukee.

(End of Text)

The rules contained in this order shall take effect upon publication as provided in s. 227.026(1) (intro.), Stats.

Signed at Madison, Wisconsin
this 17 day of Sept. , 1982

Marvin Schaeffer

Owen Ayres, Secretary *for*
Wisconsin Department of Transportation

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Bill or Bill No./Adm. Rule No.
TRANS 128
Amendment No. if Applicable

Subject
Traffic Violation and Registration Program

Fiscal Effect
State: No State Fiscal Effect
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.
 Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation
 Increase Costs - May Be Possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs
1. Increase Costs Permissive Mandatory
2. Decrease Costs Permissive Mandatory
3. Increase Revenues Permissive Mandatory
4. Decrease Revenues Permissive Mandatory
5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____

Fund Sources Affected Affected Ch. 20 Appropriations
 GPR FED PRO PRS SEG SEG-S 20,395(5) (cg)

Assumptions Used in Arriving at Fiscal Estimate
Conclusion:
The proposed rule has no fiscal impact independent of the statute upon which it is based. Currently a person's vehicle registration can be denied for failure to pay a parking fine following the personal service of an arrest warrant and court certification to the department that an outstanding unpaid judgment exists against the individual. Chapter 165, Laws of 1981 expands the procedures for resolving unpaid parking tickets to include notification to the department by local authorities of the existence of an unpaid parking citation. If the person does not pay the forfeiture or appear in court to contest the citation, the department will immediately suspend the registration of the vehicle involved, withhold vehicle registration of all vehicles owned by the violator, or both as requested by the local authority. It is estimated that this proposal will increase annual state costs and revenue by about \$775,000. Local annual expenditures will increase by about \$775,000 and local revenue will increase by an unknown amount.

The computer programming necessary to implement Chapter 165 will result in an estimated one-time cost of \$140,000.

Basis for Conclusion:
1. It is estimated that about 3.5 million non-moving traffic violation citations are issued to Wisconsin motorists annually. Approximately 10% of these remain unpaid and municipalities could seek collection help for these from the department as a result of this proposal. However, while the potential exists for as many as 350,000 unpaid ticket cases, the annualized volume is estimated at 100,000. This estimate is based on the unpaid citations currently being processed by the City of

continued on next page

Long-Range Fiscal Implications

Agency
Department of Transportation

Authorized Signature/Telephone No.
Bruce M. Baker
Bruce M. Baker, 6-2481

Date
6/18/82

Milwaukee, Madison and selected larger cities. Moreover, the current fee to process unpaid citation judgments is set by rule at \$10 each which should decrease the volume because it is estimated that the fine associated with the majority of the unpaid citations is less than the processing fee.

2. The current unpaid parking ticket program utilizing the court certification of unpaid judgments following the personal service of an arrest warrant is staffed to process about 22,500 cases per year. An additional 77,500 cases have been anticipated in present plans and budgets. However, the true workload impact of this proposal will not be known until the program becomes operational.

3. Since this program is funded by a user fee designed to recover the state cost associated with program development and operation, local government expenditures will increase about \$775,000 (100,000 total cases - 22,500 estimated current case workload x \$10 fee), while revenue will increase by an unknown amount. Revenue will consist of the parking ticket forfeitures and the charges incurred by the local authority to process the case, which the local authority can recover.

FISCAL ESTIMATE WORKSHEET

1981 Session

Detailed Estimate of Annual Fiscal Effect
AD-MBA-22 (Rev. 11/80)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

ERB or Bill No./Adm. Rule No.
TRANS 128

Amendment No.

Subject

Traffic Violation and Registration Program

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

Computer Programming - \$140,000

II. Annualized Costs: Note: Treat fiscal costs like a "checkbook": increased costs reduce available funds (-); decreased costs increase available funds (+).

	Annualized fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
Salaries and Fringes	\$ - 176,000	\$ +
Staff Support Costs	- 599,000	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
TOTAL State Costs by Category	\$ - 775,000	\$ +
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	- 775,000	+
SEG.SEG-S	-	+
C. FTE Position Changes	Increased Pos. + ()	Decreased Pos. - ()
III. State Revenues-Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.	Decreased Rev.	Increased Rev.
GPR Taxes	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+ 775,000
SEG/SEG-S	-	+
TOTAL State Revenues	\$ -	\$ + 775,000

Net Annualized Fiscal Impact on State & Local Funds

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ - 775,000	\$ +	Total Costs	\$ - 775,000	\$ +
Total Revenues	+ 775,000	-	Total Revenues	+ Unknown	-
NET Impact on State Funds	\$ (+) or (-) 0		NET Impact on Local Funds	\$ (+) or (-) Unknown	

Agency

Department of Transportation

Authorized Signature/Telephone No.

Bruce M. Baker
Bruce M. Baker, 6-2481

Date

6/18/82

SECTION II
WISCONSIN LEGISLATIVE COUNCIL

LCRC
FORM 2

RULES CLEARINGHOUSE

RONALD SKLANSKY
DIRECTOR
(Phone 266-1946)

RICHARD SWEET
ASSISTANT DIRECTOR
(Phone 266-2982)



ROOM 147 NORTH, STATE CAPITOL
MADISON, WI 53702
PHONE 608-266-1304

BONNIE REESE
EXECUTIVE SECRETARY

CLEARINGHOUSE REPORT
TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.029, STATS., AS CREATED BY CH. 34, LAWS OF 1979. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 82-141
AN ORDER to repeal and recreate ch. Trans 128, relating to a traffic violation and registration program.

Submitted by DEPARTMENT OF TRANSPORTATION.

7-13-82. Received by Legislative Council.
8- 6-82. Report sent to Agency.

RNS:DS:kja;kjh

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

(Pursuant to s. 227.029, Stats.)

1. REVIEW OF STATUTORY AUTHORITY [s. 227.029 (2) (a)]
 - a. Rules appear to be within the agency's statutory authority
 - b. Rules appear to be unsupported by statutory authority, either in whole or in part
 - c. Comment attached yes no

2. REVIEW OF RULES FOR FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.029 (2) (c)]
 - a. Rules satisfactory
 - b. Rules unsatisfactory
 - c. Comment attached yes no

3. REVIEW OF RULES FOR CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.029 (2) (d)]
 - a. Conflict or duplication not noted
 - b. Conflict or duplication noted
 - c. Comment attached yes no

4. REVIEW OF RULES FOR ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.029 (2) (e)]
 - a. References appear to be adequate
 - b. References appear to be inadequate
 - c. Comment attached yes no

5. REVIEW OF LANGUAGE OF RULES FOR CLARITY, GRAMMAR, PUNCTUATION AND PLAINNESS [s. 227.029 (2) (f)]
 - a. Rules satisfactory
 - b. Rules unsatisfactory
 - c. Comment attached yes no

6. REVIEW OF RULES FOR POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.029 (2) (g)]
 - a. No problems noted
 - b. Problems noted
 - c. Comment attached yes no

WISCONSIN LEGISLATIVE COUNCIL

RULES CLEARINGHOUSE

RONALD SKLANSKY
DIRECTOR
(Phone 266-1946)

RICHARD SWEET
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BONNIE REESE
EXECUTIVE SECRETARY

August 6, 1982

CLEARINGHOUSE RULE 82-141

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, dated April 1982.]

1. Statutory Authority

The proposed rules define "local unit of government" to mean "the governing body of any county, city, village, town or tax district" and "local authority" to mean "the person or body designated by official action of the governing body of a local unit of government." The use of these terms is not in accordance with the statutes.

Section 345.01, Stats., states that "(w)ords and phrases defined in s. 340.01 are used in the same sense in [ch. 345] unless a different definition is specifically provided." The term "local authorities" which is used along with "local unit of government" in the new parking ticket provisions in ch. 345, Stats., is not specifically defined in those provisions. However, "local authorities" is defined in s. 340.01 (26) to mean "Every county board, city council, town or village board or other local agency having authority under the constitution and laws of this state to adopt traffic regulations."

Thus, in the proposed rules, the term "local unit of government" means the same as "local authority" as defined in s. 340.01 (25), Stats., and the term "local authority" is given a separate and different definition. There are two problems with the use of these terms in the new rules:

a. Although not specifically defined, "local unit of government" in the new parking ticket law means a county, city, village or town and not

the governing body of one of these local governments. As noted above, "local authority" in the new law refers to the governing body of one of these local governments. The department should use these terms as they are used in the statutes.

b. The proposed rules create an entity not found in the new law by defining "local authority" to mean a "person or body designated by official action of the governing body of a local unit of government." There does not appear to be any statutory directive that the local governing body designate a separate body or a person to perform the parking ticket functions described in the new law (e.g., sending notice to the department of overdue parking tickets). The statutes provide that the "local authority" perform these duties and "local authority" means the governing body of the municipality, not a person or body designated by the governing body.

Also, note that the definitions of "local authority" and "local unit of government" in the proposed rules are inconsistent. "Local authority" refers to the "governing body of a local unit of government," but "local unit of government" is defined as the governing body. In other words, the definition of "local authority" refers to the governing body of the governing body.

In short, the department should define and use these terms as they are defined and used in the statutes.

2. Form, Style and Placement in Administrative Code

a. Title. The proposed rules do not include a title for recreated ch. Trans 128. The title should be inserted in SECTION 1.

b. s. Trans 128.01 (1). In the statement of statutory authority, "and ch. 342" should be placed immediately before "Stats."

c. Definitions. To clarify the proposed rules, the following definitions should be inserted in s. Trans 128.02:

(1) "Unpaid judgment" means an unpaid traffic forfeiture judgment under ch. 345, Stats.

(2) "Unpaid citation" means an unpaid citation for a nonmoving traffic violation.

d. s. Trans 128.03. In the introduction, is there something less than full participation by a local unit of government? If not, delete "full."

The structure of s. Trans 128.03 should be revised by making the first two sentences sub. (1) and renumbering (1) and (2) to (2) and (3). Also, a title should be inserted for the new sub. (1). The new sub. (2) would be clearer if it were restructured as follows:

(2) CONTENTS OF NOTIFICATION. The notification from the local unit of government shall include:

- (a) The effective date of participation;
- (b) Method of payment...; and
- (c) Estimated annual volume....

In the new sub. (3), for clarity, insert "under this section" after "department."

e. s. Trans 128.08 (1). This subsection should be restructured as follows:

(1) SCOPE. From the date the department receives notification of a person's unpaid judgment or unpaid citation, the department shall not permit the person to:

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

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

2. Mailing the letter described in s. Trans 128.06 (2) where the department is notified by a court or local authority after mailing notification of renewal but before the beginning of the new registration period.

(c) Re-register a vehicle, including, but not limited to, changes in the gross weight or operating status of a vehicle or the issuance of replacement license plates.

(d) Transfer registration to another vehicle.

(e) Transfer registration as part of the transfer of ownership of a vehicle.

(f) Continue a nonexpiring registration.

f. s. Trans 128.08 (4) (c). This paragraph would be clearer if it were subdivided as follows:

(c) The applicant...and the address is the same as:

1. The address supplied...;

2. The address obtained from the department's record...; or

3. The address obtained from the department driver license records....

g. s. Trans 128.09. The last sentence states that a transfer of ownership "shall be allowed unless the surname or address of the purchaser is the same as the seller." In other words, these are the only circumstances (i.e., same surname or address) in which the department will question whether the transfer is proposed in good faith. Should this provision be broadened to include the possibility of other circumstances which indicate bad faith?

h. s. Trans 128.10 (2). For brevity, this subsection could be restructured as follows:

(2) MAILING. (a) The mailing of vehicle registration renewal shall be in accordance....

(b) The department may not maintain any record or evidence of mailing renewals or of renewals that are returned to the department or its agent as undeliverable by the U.S. postal service.

(c) Failure to....

i. s. Trans 128.10 (3). For brevity, combine pars. (a), (c) and (d) [i.e., "(a) Suspended under s. 20.905 (2), 341.63 (1), 344.08 or 344.14, Stats."].

4. Adequacy of References to Related Statutes, Rules and Forms

The effective date clause indicates that the rules will take effect "upon publication as provided in s. 227.026 (1) (intro.), Stats." However, that statutory provision states that rules take effect on the first day of the month following publication. The effective date clause should be modified to reflect this.

5. Clarity, Grammar, Punctuation and Plainness

a. Table of contents. In SECTION 1, Table of Contents, the first section is misnumbered.

b. s. Trans 128.01 (2). In the second line, substitute "electing" for "wishing." In the fourth line, for clarity, insert "traffic forfeiture" before "judgment."

c. s. Trans 128.03. In the (intro.), second sentence, substitute "beyond the 30-day period" for "beyond 30 days."

In sub. (2), line 3, substitute "processes" for "would process."

d. s. Trans 128.04. In sub. (1) (a), first line, for clarity, insert "of an unpaid judgment" after "notice."

In sub. (2), second sentence, substitute "in a separate notice of unpaid judgment" for "as another notice of unpaid judgment."

In sub. (3) (a), the last two lines should read: "...satisfaction shall be on the form prescribed in this section and shall be mailed or delivered to the department by the court."

In sub. (4), the phrase "the date the case was established" is vague. When is a case "established"? Is there a clearer way of stating this? The same comment applies to s. Trans 128.05 (4).

e. s. Trans 128.05. In sub. (1) (a), for clarity, insert "of an unpaid citation" after "notice" (on the first line).

In sub. (3), the last two lines should read "...satisfaction shall be on the form prescribed in this section and shall be mailed or delivered to the department by the local authority."

f. s. Trans 128.06. In sub. (1), second line, substitute "the department shall send an initial notification letter" for "an initial notification letter shall be sent." The last clause in the first sentence

(i.e., "...unless the department...") is confusing and should be rewritten as follows: "...unless the department has a more recent address."

In sub. (1) (b), insert "the department is" after "When."

g. s. Trans 128.07. In the (intro.), "have his or her vehicle registration" should be inserted before "suspended." In sub. (1) (b), fifth line, substitute "shall be" for "are."

In sub. (2) (title), substitute "CERTAIN" for "SOME." In sub. (2) (a), substitute, "may not" for "cannot."

h. s. Trans 128.08. In sub. (1), third line, the cite to "s. Trans 128.07 (b) or (c)" is incomplete as is the cite to s. Trans 128.10 in sub. (1) (b) 1.

In sub. (1) (c), parentheses should not be used in a rule unless absolutely necessary. This provision should be redrafted without the parentheses. [See s. 1.01 (6), Manual.]

In sub. (1) (a) to (f), "may" should be substituted for "shall" in the first sentence of each of these paragraphs. [See s. 1.01 (2), Manual.]

In sub. (3) (title), "AFFECT" should be "EFFECT." In sub. (3) (b), second line, substitute "has been" for "was."

In sub. (4) (a), first line, "applicant or registrant" should be "applicant's or registrant's."

i. s. Trans 128.10 (2) (c). Substitute "against" for "for."

j. s. Trans 128.11 (1) (c). In the second line, "sub. (1)" should be "par. (b)." In the second sentence, the cite should read "s. Trans 128.04 or 128.05."

k. s. Trans 128.12 (5). In sub. (5) (intro.), second sentence, "in" should be "by."

SECTION III

PROCEDURAL ANALYSIS REQUIRED BY S. 227.018(3), STATS.

(A) Statement of Need

Chapter 165, Laws of 1981 was published on April 8, 1982 and had an effective date of July 1, 1982. It affects the present Traffic Violation and Registration Program which requires the department to refuse vehicle registration when a court notifies the department that a judgment has been entered against a person and remains unpaid. The program has been expanded to allow a local authority to notify the department if a person does not respond to a parking ticket by paying or appearing in court within 28 days after the ticket is issued. The local authority has the option of requiring the department to immediately suspend the registration of the vehicle involved, or to refuse to register any vehicle owned by the person, or both.

The new law also provides that no owner may transfer the ownership or registration of any vehicle whose registration is suspended under this program unless the department is satisfied that it is proposed in good faith and not intended to defeat the effect of the suspension.

The department must promulgate rules codifying administrative interpretations of these new statutory provisions and establishing procedures and policies relating to them.

(B) Findings of Fact

None.

(C) Modifications Made as a Result of Testimony Received At The Public Hearings or Other Suggestions

The notice of hearings and proposed rule amendments were published in the Wisconsin Administrative Register of July 15, 1982 and press releases were made

available to the Madison and Milwaukee news media. Meetings were held with officials from the City of Milwaukee, City of Madison and Dane County. A total of 1,927 copies of a combined information letter/questionnaire were mailed on April 14, 1982. On July 8, 1982 the notice of hearing was mailed to approximately 225 municipalities that had requested further information. At the public hearing held in Milwaukee on August 4, 1982, 5 persons registered. The comments received at the public hearings and other public response are summarized below:

TRANS 128.02(5) and (6)

1. Public testimony: The proposed definitions of "local authority" and "local unit of government" prohibit participation by a state agency or institution and should be changed to allow participation.

Department response: While the Department has no objection to state agency participation, we cannot change the definitions because s. 345.01, Stats., requires that the definition of "local authority" in s. 341.01(26), Stats., be used in administering this program. We believe legislation would be required to accommodate this request.

TRANS 128.04(4) and 128.05(4)

2. Public testimony: The provisions for purging records after 4 years should be changed to six years to be consistent with various statutory time limitations for commencement of actions related to court judgments and forfeiture recovery.

Department response: Suggested changes made.

TRANS 128.05(2)

3. Public testimony: One notice (and one processing fee) should be allowed to include more than one unpaid parking ticket. This would reduce the workload and costs for local units of government and the Department.

Department response: We agree with the merits of this suggestion but believe the statutes imply that a separate notice be submitted for each parking violation. For example, s. 345.28(4)(b), Stats., describes the information that must be provided on the notice to the department including "...the date the citation was issued, the license number of the vehicle involved,..." Thus, the Department designed the notice and computer processing system to accommodate only one violation per notice. The City of Milwaukee (the largest user) arrived at the same interpretation and established their system on that basis. There would be a number of problems to resolve in a system that would allow the reporting of multiple violations in one notice. Participating local units of government do not have to notify the Department of each and every unpaid parking ticket. Therefore, if a local unit of government is able to determine that the department has been notified of a previous violation, they may elect to withhold sending another notice and avoid another payment to the department.

TRANS 128.09

4. Public testimony: While it is my hope that almost all transfers will be allowed only after registration is reinstated (and the outstanding fines are paid) TRANS 128.09 appears to have the potential to allow too many transfers.

Department response: The criteria for allowing a transfer was changed. The original proposal would have refused a transfer whenever the surname or address of the purchaser was the same as the seller. This would have resulted in incorrectly refusing some transfers and allowing some transfers that should have been refused. For example, divorced persons might continue to have the same surname but the transfer would not necessarily defeat the purpose of this program. On the other hand, a transfer between relatives, friends, or

neighbors with different surnames could not be refused even though it may be an attempt to defeat the purpose of this program. Therefore, we have included the conditions that establish when a transfer is not in good faith and will refuse all transfers unless the purchaser of the vehicle provides us with a statement that those conditions do not exist. A transfer involving a Wisconsin motor vehicle dealer will be permitted without the statement because it is unlikely that a dealer would become involved in a scheme to defeat the program.

TRANS 128.12

5. Public testimony: The Department should report periodically to local units of government participating in the program on the status of their account and provide other relevant information on their participation in the program.

Department response: Added a provision that the department provide each participating local unit of government a monthly report on the status of their financial account established under s. TRANS 128.12(5)(c).

(D) List of Persons Who Appeared or Registered at the Public Hearing

Public hearing held August 4, 1982, in Milwaukee.

Tom Ciurlik
5050 South Lake Dr.
Cudahy PD
Cudahy, WI 53110

Doug Haselow
200 E. Wells
City of Milwaukee
Milwaukee, WI

Thomas J. Loeffler
1625 Rapids Dr.
Racine, WI

Ronald Brinkmann
5719 Wildwood Dr.
Racine, WI 53403

Tom Heimen
Milwaukee Journal

(E) Response to Legislative Council Recommendations

1. Statutory Authority

The Legislative Council Report indicated that the Department should define and use the terms "local authority" and "local unit of government" as they are defined in the statutes. Suggested changes in the definitions were made. Also, a new term, "delegated agency", was added and defined to allow a local authority to designate the agency/department/office that would administer the unpaid parking ticket program.

The original Traffic Violation and Registration Program provided for participation by local units of government and required that courts of law submit the notices of unpaid judgments to the department on behalf of the local units of government.

The legislation that expanded the program to include unpaid parking tickets introduced the term local authority as the entity that would be responsible for submitting the notices of unpaid citations to the department on behalf of the local units of government.

However, as pointed out by the Legislative Council, local authority was required to be defined the same as the definition in s. 340.01(26), Stats. This definition refers to city councils; village, town, or county boards; etc. Since parking ticket programs are typically administered by police departments, the term "delegated agency" was added to describe who will actually be administering this program.

2. Form, Style, and Placement

Suggested changes were made.

4. Adequacy of References

Suggested changes were made.

5. Clarity, Grammar, Punctuation, and Plainnes

Suggested changes were made.