

CR 82-221

C E R T I F I C A T E

RECEIVED

MAR 17 1983
11:00 am
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
DEPARTMENT OF TRANSPORTATION) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, Secretary of the Wisconsin Department of Transportation and custodian of the official records of the department, do hereby certify that the annexed rule TRANS 126, relating to Municipal or County Vehicle Registration Fee, 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 3rd day of March, 1983.

Lowell B. Jackson

Lowell B. Jackson, P.E.
Secretary

1941

1942

1943

1944

1945

1946

1947

1948

1949

1950

1951

1952

1953

1954

1955

1956

1957

1958

1959

1960

1961

1962

1963

1964

1965

1966

1967

1968

RECEIVED

MAR 17 1983

Revisor of Statutes
Bureau

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IN THE MATTER OF THE	:	
REPEAL AND RECREATION	:	ORDER
OF TRANS 126 RELATING TO	:	ADOPTING RULE
A MUNICIPAL OR COUNTY	:	
VEHICLE REGISTRATION FEE	:	

CLEARING HOUSE RULE 82-221

ANALYSIS BY THE DEPARTMENT OF TRANSPORTATION

This rule repeals and recreates Chapter TRANS 126, Wis. Admin. Code, relating to a municipal or county vehicle registration fee.

The Department of Transportation implemented a new system for vehicle registration renewals in May, 1982. This included a totally revised renewal notice form. As a result, the rule has been changed to describe the location on the renewal notice where the required payment stamp should now be shown.

Other changes included are:

1. A Purpose and scope section has been added as TRANS 126.01.
2. TRANS 126.02, as renumbered, has been restructured to clarify the requirements of the notification given to the Department by a municipality or county.

Fiscal Estimate

No fiscal effect is anticipated from the promulgation of these rule changes.

Text of Rule

RULE TEXT

Pursuant to authority vested in the Department of Transportation by ss. 110.06(1), 227.014, and 341.35(4) and (5)(d) Stats., the Department proposes to repeal and recreate rules interpreting s. 341.35, Stats.

SECTION 1. Chapter TRANS 126 is repealed and recreated to read:

CHAPTER TRANS 126

MUNICIPAL OR COUNTY VEHICLE REGISTRATION FEE

TRANS 126.01 Purpose and scope

TRANS 126.02 Notice of adoption

TRANS 126.03 Format for receipt and payment stamps

TRANS 126.01 PURPOSE AND SCOPE. (1) STATUTORY AUTHORITY. As authorized by ss.110.06(1), 227.014, and 341.35(4) and (5)(d), Stats. the purpose of this chapter is to establish the department of transportation's administrative interpretation of s. 341.35, Stats., relating to a municipal or county vehicle registration fee.

(2) APPLICABILITY. This chapter applies to any municipality or county which adopts a vehicle registration fee.

TRANS 126.02 NOTICE OF ADOPTION. A municipal or county governing body which enacts an ordinance adopting a municipal or county vehicle registration fee under s. 341.35, Stats., shall notify the department of transportation as required by s. 341.35(4), Stats.

(1) CONTENTS OF NOTIFICATION. The notification from the municipality or county shall be in the following format:

TO: Division of Motor Vehicles
Wisconsin Department of Transportation
4802 Sheboygan Avenue
Madison, Wisconsin 53702

Please take notice, that the _____ (County, Town, Village or City) _____ of _____, Wisconsin, by its statutory governing board, did on the _____ day of _____ 19____, enact an ordinance adopting an annual _____ dollar _____ (Municipal/County) _____ vehicle registration fee under s. 341.35, Stats, effective the _____ day of _____, 19____.

Dated at _____, Wisconsin, this _____ day
of _____, 19____.

(Municipal)

(Official receipt)

(Seal)

(Stamp here)

Clerk of County, Town, Village or City

(2) NOTIFICATION REQUIREMENTS. The notification described in sub.(1) shall be provided to the department at least thirty (30) days prior to the first day of the month in which the ordinance is effective.

TRANS 126.03 FORMAT FOR RECEIPT AND PAYMENT STAMPS. (1) In accordance with s. 341.35(5)(d), Stats., a receipt for a municipal or county registration fee adopted under s. 341.35, Stats., shall be either a standard rubber stamp or its equivalent, or a sticker stamp receipt in black lettering displayed in the following format:

(10 pt. Gothic Cap Type)

(Tax District Code)

(6 pt. Gothic Cap Type)

MUN.REG.FEE

Signature or facsimile
Signature of Treasurer

(2) The rubber or equivalent stamp shall be 1½" x 1½" in size, and sticker stamp receipts shall be 1" x 1" in size. The stamps shall be made of an underwriters laboratory approved destructible material with self-adhesive backing, and shall be stamped or affixed on the upper right corner of the registration renewal notice over the area showing "Total

Due". When stamped or affixed on other documents, the stamp shall not obliterate writing or other printing.

Note: Form MV-3 License plate renewal notice - statement.

(3) Any receipt issued by the municipality or county shall include the following statement: "This receipt is not acceptable for state motor vehicle licensing purposes. Do not send this receipt with your application for registration."

(END OF TEXT)

The rules contained in this order shall take effect on the first day of the month following publication as provided in s. 227.026(1)(intro.), Stats.

Signed at Madison, Wisconsin this
3rd day of March,
1983



Lowell B. Jackson, P.E.
Secretary

SECTION II

WISCONSIN LEGISLATIVE COUNCIL

LCRC
FORM 2

RULES CLEARINGHOUSE

RONALD SKLANSKY
DIRECTOR
(Phone 266-1946)



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

RICHARD SWEET
ASSISTANT DIRECTOR
(Phone 266-2982)

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 82-221

AN ORDER to repeal and recreate ch. Trans 126, relating to a municipal or county vehicle registration fee.

Submitted by DEPARTMENT OF TRANSPORTATION.

11- 8-82. Received by Legislative Council.

12- 7-82. Report sent to Agency.

RNS:DF:kja

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
ASSISTANT DIRECTOR
(Phone 266-2982)



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

BONNIE REESE
EXECUTIVE SECRETARY

December 7, 1982

CLEARINGHOUSE RULE 82-221

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

Statement of Statutory Authority. The text of proposed s. Trans 126.01 indicates sufficient statutory authority to promulgate these rules. However, in addition to a statement of statutory authority in the text of the rules, a general statement of statutory authority should immediately precede the text. [See s. 227.024 (1) (a), Stats., and page 6, Manual.]

2. Form, Style and Placement in Administrative Code

a. Introductory Clause. An introductory clause consisting of a relating clause and an enumeration of the sections treated by the proposed order and the nature of the treatment should be inserted before the text of the proposed rules. [See page 5, Manual.]

b. Trans 126.01. As drafted, proposed s. Trans 126.01 should be broken down into two separate subsections. Specifically, "(1)" should be inserted before the heading "STATUTORY AUTHORITY" and "(2)" should be inserted immediately preceding "APPLICABILITY." [See pages 7-8, Manual.]

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

Trans 126.01. In the first clause of the first sentence, the abbreviation "Stats.," should be inserted after "(5) (d),". [See page 12, Manual.]

5. Clarity, Grammar, Punctuation and Plainness

a. Trans 126.03 (2) and (3). In the last sentence of sub. (2), "it" should be deleted and "the stamp" should be substituted in order to avoid vague references.

Similarly, in sub. (3), the word "statement" should be inserted before the colon for clarification purposes.

b. Effective Date. The effective date clause is somewhat misleading. To improve clarity, it should state that the rules will take effect on the first day of the month following publication, rather than "upon publication."

SECTION III

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

A. Statement of Need

The Department of Transportation implemented a new system for vehicle registration renewals in May 1982. This included a totally revised renewal notice form. As a result, the rule needed to be changed to describe the location on the renewal notice where the required proof of payment of local registration fees would be placed.

B. Findings of Fact

None

C. Modification Made as a Result of Testimony Received at The Public Hearings or Other Suggestions

The proposed rule and fiscal estimate were published in the Administrative Register of October 15, 1982. The Department received no response to this notice.

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

None

E. Response to Legislative Council Recommendations

All suggested changes were made.