

CR 82-118

C E R T I F I C A T E

STATE OF WISCONSIN)
) ss
DEPARTMENT OF TRANSPORTATION)

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 132, relating to Temporary Vehicle License Plate, 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 18th day of May, 1984.

Lowell B. Jackson
Lowell B. Jackson, P.E.
Secretary

RECEIVED

MAY 22 1984
11:30 pm
Revisor of Statutes
Bureau

9-1-84

OFFICE OF THE SECRETARY

In the Matter of the
Proposed Creation of
Chapter TRANS 132, Wis.
Admin. Code, Relating
to a Temporary Vehicle
License Plate

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PROPOSED ORDER
ADOPTING RULE

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Bureau

A copy of the rule may be obtained upon request from the Wisconsin Department of Transportation, Division of Motor Vehicles, P.O. 7911, Room 255, Hill Farms State Office Building, 4802 Sheboygan Avenue, Madison, Wisconsin 53707. Telephone: (608) 266-2233.

CLEARINGHOUSE RULE 82-118

Analysis by the Department of Transportation

This proposal creates Chapter TRANS 132 to establish by rule the department's policies and procedures relating to the issuance and use of temporary operation plates as created by Chapter 150, Laws of 1981. Statutory interpretations and policies included in the rule are:

TRANS 132.03 prescribes the design of the temporary operation plates, including size and plate content.

TRANS 132.04 prescribes the manner in which the plate is to be displayed on the vehicle, the usage limitations, and prohibited acts.

TRANS 132.05 prescribes the manner in which dealers are to order temporary operation plates from the department, the fees required and the minimum number of plates that can be ordered at one time. Par. (2) prohibits a dealer from selling, buying, loaning or borrowing a plate for subsequent resale.

TRANS 132.06 prescribes the method by which dealers may resell temporary operation plates and those vehicles which are prohibited from displaying the plates. Purchase of a plate is the option of the vehicle purchaser. Par. (3) provides information relating to the requirement that a receipt MVD 2467 be provided and par. (4) prescribes the manner in which the plate is to be validated. In addition, par. (5) establishes dealer responsibilities relating to the handling of the application for registration and title, when required, and responsibility for protecting the interests of a secured party.

TRANS 132.07 prescribes the manner and the period of time records of temporary plate issuance are to be maintained. Additionally, it states the responsibility of the dealer for security and accountability of plates both issued and not issued and that the dealer records shall be open for inspection by the department or law enforcement officials.

TRANS 132.08 identifies the grounds for suspension or revocation of a dealer's privilege to sell temporary operation plates. A dealer who has had his or her privilege suspended or revoked under this section may request a hearing before the Transportation Commission to have the privilege restored.

TRANS 132.09 prescribes the method for requesting a refund for unused plates and the instances when a refund can be issued.

TRANS 132.11 prescribes the manner in which military personnel may obtain a temporary plate from the department.

FISCAL ESTIMATE

Fiscal estimate is attached.

FORMS

MVD 2467 Temporary Plate Receipt for Fees. A motor vehicle fee receipt form, which is also used to identify the vehicle and the person to whom a temporary operation plate has been issued, as required by s. 341.09, Stats.

RULE TEXT

SECTION 1. Chapter Trans 132 of the Wisconsin Administrative Code is created to read:

AUTHORITY FOR RULE

Pursuant to authority vested in the Department of Transportation by ss. 110.06(1), 227.014 and 341.09, Stats, the department proposes to create and adopt a rule interpreting ss. 341.04 and 341.09, Stats., as follows:

CHAPTER TRANS 132

TEMPORARY LICENSE PLATE AND PERMITS

- Trans 132.01 Purpose and scope
- Trans 132.02 Definitions
- Trans 132.03 Plate
- Trans 132.04 Plate display, usage and restrictions
- Trans 132.05 Issuance to dealers
- Trans 132.06 Issuance by dealers to purchasers
- Trans 132.07 Dealer records
- Trans 132.08 Withdrawal of dealer issuance privilege
- Trans 132.09 Refunds and replacement plates
- Trans 132.10 Temporary operation permit
- Trans 132.11 Temporary plate for military personnel

Trans 132.01 PURPOSE & SCOPE. (1) STATUTORY AUTHORITY. As authorized by ss. 110.06(1), 227.014 and 341.09, Stats., the purpose of this chapter is to establish the department's administrative interpretations of s. 341.04 and 341.09, Stats., relating to issuance of temporary operation vehicle license plate and permits.

(2) APPLICABILITY. This chapter applies to any licensed Wisconsin motor vehicle dealer participating in the issuance of temporary plates or to any vehicle owner purchasing a temporary plate from a dealer or the department.

Trans 132.02 DEFINITIONS. In this chapter:

- (1) "Bus" means a vehicle as defined in ss. 340.01(31) and (56), Stats.

- (2) "Dealer" means a retail dealer as defined by s. 340.04(11), Stats.
- (3) "Department" means the Wisconsin department of transportation.
- (4) "For hire vehicle" means a vehicle operated for compensation as described in s. 194.01(15), Stats.
- (5) "IRP vehicle" means a vehicle registered under s. 341.405, Stats., as part of the international registration plan.
- (6) "Non-resident" means a vehicle owner as described in s. 340.01(37), Stats.
- (7) "Plate" means a temporary operation plate issued under s. 341.09, Stats.
- (8) "Resident" means a vehicle owner who does not meet the definition of "non-resident".
- (9) "Vehicle" has the same meaning as in s. 340.01(74), Stats., except that those vehicles as defined in subs. (1), (4) and (5) are excluded.

Trans 132.03 PLATE. (1) DESIGN. The temporary plate in s. 341.09(2)(d), Stats. shall be approximately 6" x 12" and shall contain:

- (a) The word "Wisconsin".
- (b) A 6 character number.

(c) The words "temporary operation plate" or "in transit plate".

(d) The expiration date.

Trans. 132.04 PLATE DISPLAY, USAGE AND RESTRICTIONS. (1) PLATE DISPLAY.

(a) As provided by s. 341.15, Stats. only a single plate shall be issued per vehicle and shall be attached firmly and rigidly in a horizontal position to the rear of the vehicle, unless the vehicle is a truck tractor or a road tractor, as defined in s. 340.01(53) and (73), Stats., then the plate shall be attached to the front of the vehicle.

(b) If the vehicle is equipped with a plate bracket provided by the vehicle manufacturer, the plate shall be affixed to the bracket. If the vehicle is not equipped with a plate bracket, the plate shall be conspicuously displayed as required in par (a).

(c) No person shall display upon any vehicle a plate not issued for that vehicle.

(2) USAGE. Use of the temporary plate is limited to the vehicle purchased, as evidenced by the issued receipt.

NOTE: Form MVD 2467 or other receipt issued by the department.

(3) RESTRICTIONS. (a) No person shall duplicate, reproduce or copy any plate.

(b) Altering the originally stated expiration date is prohibited.

(c) Use of the plate does not allow a vehicle to be operated at a gross weight greater than that for which regular registration fees have been paid.

Trans. 132.05 ISSUANCE TO DEALERS. (1) A dealer may purchase plates for resale to either a resident or non-resident vehicle purchaser.

(2) A dealer is prohibited from selling, loaning, buying or borrowing a plate from another person or dealer for subsequent resale.

(3) No less than 5 plates shall be ordered by and issued to a dealer, and additional plates shall be ordered and issued in multiples of 5 plates, for example 5, 10 or 15 plates at a time.

(4) A dealer may order plates by a written request that includes the dealer license number, phone number and dealership name and address. The order shall be accompanied by the license fee established by s. 341.09(2m)(a), Stats.

NOTE: The fee is \$15 for each group of 5 plates (\$3 per plate). Dealer orders for temporary plates shall be mailed or delivered to Dealer Section, Department of Transportation, P.O. Box 7909, Madison, Wisconsin, 53707.

Trans 132.06 ISSUANCE BY DEALERS TO PURCHASERS. (1) A dealer may resell a plate at the fee established by s. 341.09(2m)(a), Stats., to any resident or non-resident who purchases from the dealer any type of vehicle except busses, for-hire vehicles, and IRP vehicles.

(2) Purchase of a plate by a resident or non-resident vehicle purchaser is optional, except that a dealer may not issue a plate to a resident purchaser unless the dealer has collected all required fees, including regular registration fees.

NOTE: This provision does not allow a vehicle to be operated without proper registration under ss. 341.04 or 341.40, Stats. If a non-resident purchaser has not purchased a plate from the selling dealer or does not have a valid plate to transfer, the vehicle cannot be legally operated.

(3) A dealer shall prepare a receipt, which includes the plate number, expiration date, purchaser's name and address, date issued, fee paid, description of vehicle purchased, dealer's name, address and phone number, and signature of the dealer's representative for each plate issued. The original copy shall be given to the purchaser and a copy shall be retained by the dealer as required by s. Trans 132.06).

NOTE: Form MVD 2467 is the receipt for temporary plate fees.

(4) For each plate issued, the dealer shall validate and affix the plate to the vehicle purchased in the manner specified by s. Trans 132.04(1). The plate is validated by legibly writing the expiration date, which shall be plainly visible, in the specified area on the plate and securing with transparent tape, by removing backing, over the stated expiration date, which, under s. 341.09(4) and 341.09(2m), Stats., is 30 days from delivery date for non-residents and 60 days from delivery date for residents.

(5) As provided by s. 341.16(1) Stats., whether or not the dealer issues a plate and receipt to the purchaser, within 7 business days following sale and delivery of a vehicle to a purchaser, the dealer shall mail or deliver to the department the purchaser's title and registration application and fees, except that:

(a) Upon sale of a vehicle to a non-resident, the dealer need not submit the purchaser's application for Wisconsin title, unless the dealer determines that the title is necessary to protect the interests of a secured party.

(b) The dealer shall determine whether a title and perfection of security interest are required, and is liable for any damages as a result of the dealer's failure to perfect a security interest of which the dealer had knowledge.

Trans 132.07 DEALER RECORDS. (1) The dealer shall maintain complete and accurate plate and receipt records, which shall be open for inspection by the department or any law enforcement official, as provided by s. 342.16(2), Stats. including a copy of each receipt issued to a vehicle purchaser, in numerical order by plate number.

NOTE: Form MVD 2467 is the receipt for temporary plate fees.

(2) The dealer shall be responsible for security and accountability of plates purchased from the department, but not yet issued to vehicle purchasers.

Trans 132.08 WITHDRAWAL OF DEALER ISSUANCE PRIVILEGE. (1) A dealer shall have the privilege to issue plates withdrawn and plates ordered by, issued to, or in possession of a dealer shall be returned to the department under s. 341.09(2m)(d), Stats., when the dealer:

(a) Has discontinued business or the dealer's license has been denied, suspended or revoked.

(b) Has failed to comply with this chapter.

(c) Has violated any law related to the sale of vehicles.

(2) Within 30 days after denial or issuance of an order, the dealer may request a hearing before the transportation commission under s. 341.09(2m)(d), Stats. The dealer shall not issue any plates until the transportation commission has held its hearing and not unless the finding is in the dealer's favor.

Trans 132.09 REFUNDS AND REPLACEMENT PLATES. (1) REFUNDS. A refund of the original fee established in s. 341.09(2b)(d) and (2m)(a), Stats., for each unused temporary plate shall be made when:

(a) The dealer has discontinued business and has surrendered the plates to the department.

(b) The dealer's privilege to issue temporary plates has been withdrawn under the provisions of s. 341.09(2m)(d), Stats. or Trans 132.09, and the dealer has surrendered the plates.

(2) REPLACEMENTS. No replacements shall be issued unless the dealer receives the temporary plates from the department in damaged or unacceptable condition and notifies the department within 5 days of receipt.

Trans 132.10 TEMPORARY OPERATION PERMIT. As authorized by s. 341.04(1), Stats., a receipt for application for regular registration issued by the department, or by a dealer under s. 342.16(1), Stats., shall serve as a temporary operation permit.

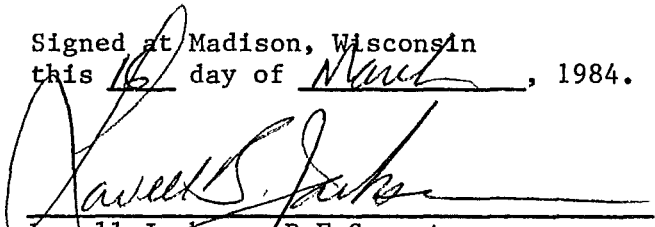
NOTE: The department issues Form MV 1 and Form MVD 4018 as receipts.

Trans 132.11 TEMPORARY PLATE FOR MILITARY PERSONNEL. Under s. 341.09(3), Stats., military personnel may obtain a temporary operation plate from the department, which shall be the plate described in s. Trans 132.03(1), upon presenting to the department military leave or furlough papers. No fee shall be charged for issuance of this plate.

(End of Text)

Therefore, the rule contained in this order shall take effect upon publication in the official state newspaper in accordance with s. 227.027, Stats.

Signed at Madison, Wisconsin
this 16 day of March, 1984.



Lowell Jackson, P.E. Secretary
Wisconsin Department of Transportation