

CR 84-151

CERTIFICATE

State of Wisconsin)
) ss.
Department of Transportation)

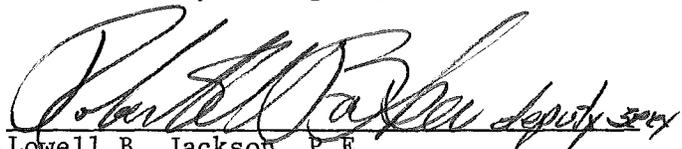
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lowell B. Jackson, P.E., Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to safety responsibility issues and the duty to report accidents was duly approved and adopted by this Department on August 26, 1985.

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 26th day of August, 1985.

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

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

AN ORDER of the Department of Transportation repealing Chapter MVD 10 and adopting a rule, Chapter TRANS 100, Wisconsin Administrative Code, relating to safety responsibility issues and the duty to report accidents.

CR 84-151

Analysis Prepared by Department of Transportation

General summary of rule. This rule involves the repeal of Chapter MVD 10 and the creation of Chapter Trans 100, Wis. Admin. Code relating to administration and interpretation of Wisconsin's safety responsibility law, Chapter 344, Stats., which provides for security deposits and encourages financial responsibility for motorists involved in motor vehicle accidents and Chapter 346, Stats., relating to accident reports. Statutory interpretations and policies included in the rule are:

1. Trans 100.01 designates the purpose, scope and authority for adoption of the rule.
2. Trans 100.02 establishes definitions for terms used in the Chapter.
3. Trans 100.03 specifies the conditions under which an accident is considered reportable.
4. Trans 100.04 identifies the information which must be included on the accident report form. It also establishes that the department will assume that a liability policy specified by the owner or operator on the accident report was in force unless the department is notified, in writing, that the policy was not in force at the time of the accident.
5. Trans 100.05 specified the conditions under which an accident will be recorded on the operator's driving record.
6. Trans 100.06 specified the sources of information and criteria used by the department to determine whether there is a reasonable possibility of a judgment being rendered against an uninsured person as a result of the accident (e.g., does the person have to comply with the security and suspension requirements in Chapter 344, Stats.).

7. Trans 100.07 specifies the sources of information and criteria used by the department to determine the amount of security required of the uninsured person. Included are separate criteria for accidents which result in 1) property damage, 2) personal injury and 3) death.

8. Trans 100.08 specifies the forms of security the department will accept and the conditions under which the department will accept them.

9. Trans 100.09 prescribes the manner in which the owner of a motor vehicle involved in an accident may be exempt from depositing security by proving that the vehicle was operated without permission.

10. Trans 100.10 prescribes the method the department will follow when the department receives a request for a hearing before the Office of the Commissioner of Transportation.

11. Trans 100.11 specifies the conditions under which the department will accept a notice of subrogation or assignment.

12. Trans 100.12 specifies what the department will accept as satisfactory evidence of release of liability of an uninsured person. Included are separate criteria for accidents which result in 1) property damage, 2) personal injury and 3) death.

13. Trans 100.13 identifies the items which must be included in a written installment agreement to be accepted by the department.

14. Trans 100.14 specifies the conditions which must be met for reinstatement of a person's operating and/or registration privileges after the privileges have been suspended under Chapter 344, Stats.

15. Trans 100.15 specifies when a person must pay a fee for reinstatement of operating privileges suspended under Chapter 344, Stats.

16. Trans 100.16 specifies the conditions under which the department will issue a certificate of self insurance. A certificate of self insurance is issued by the department in lieu of a policy or bond.

17. Trans 100.17 specifies the conditions under which the department will refuse an application for transfer of ownership of a vehicle when registration is subject to suspension under Chapter 344, Stats. The department occasionally receives applications for transfer which are intended to defeat the purposes of Chapter 344, Stats.

18. Trans 100.18 specifies the driver record file purge criteria the department follows regarding accident entry and safety responsibility suspension information.

Fiscal estimate. There is no anticipated fiscal effect on the state or local governments.

A copy of the rule may be obtained upon request from the Wisconsin Department of Transportation, Division of Motor Vehicles, Room 255 Hill

Farms State Transportation Building, 4802 Sheboygan Avenue, Madison,
Wisconsin 53702. Telephone: (608) 266-2233.

ORDER ADOPTING RULE

Pursuant to authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.014, and 344.13, Stats., the Department proposes to amend and adopt rules interpreting ss. 343.23(2), 344.01 thru 344.22 and 346.70, Stats., as follows:

SECTION 1: Chapter MVD 10 of the Wisconsin Administrative Code is repealed.

SECTION 2: Chapter Trans 100 of the Wisconsin Administrative Code is created to read:

Chapter Trans 100

SAFETY RESPONSIBILITY AND ACCIDENT REPORTING

Trans 100.01 PURPOSE AND SCOPE. (1) STATUTORY AUTHORITY. As authorized by ss. 85.16(1), 227.014, and 344.13, Stats., the purpose of this chapter is to establish the department's interpretation of ss. 343.23(2) and 344.01 to 344.22, Stats., relating to financial responsibility for past accidents and s. 346.70, Stats., relating to reporting accidents.

(2) APPLICABILITY. This chapter applies to any person involved in a motor vehicle accident in Wisconsin as specified in ss. 344.12 and 346.70 Stats.

[Note: Forms used in this chapter are MV 3008 notice of suspension and possible vehicle impoundment, MV 3009 order of suspension, MV 3010 order of reinstatement, MV 3016 security deposit receipt, MV 3019 driver's report of accident, MV 3033 notice of suspension unless accident report filed, MV 3039 minors release, MV 3041 release of liability, MV 3043 bond under chapter 344 Wisconsin Statutes, MV 3044 evaluation of property damage, MV 3045 evaluation of personal injuries, MV 3046 evaluation of motor vehicle damage, MV 3069 application for self-insurance, MV 3070 safety responsibility self-insurance

certificate, MV 3100 notice of incomplete report, MV 3128 installment agreement to pay damages, MV 3343 compliance notification, MV 3347 emergency vehicle involvement, MV 3384 safety responsibility information, MV 3385 informational letter to injured party, and MV 3387 reinstatement instructions, MV 4000 Wisconsin motor vehicle accident report. Forms may be obtained, free of charge, from Wisconsin Department of Transportation, Safety Responsibility Unit, P.O. Box 7919, Madison, WI 53707.]

Trans 100.02 DEFINITIONS. As used in this chapter:

(1) "Accident" means an occurrence that originates or terminates on a traffic way, which involves at least one motor vehicle in transport and results in injury or death to any person, or damage to any property.

"Accident" includes acts by the operators of motor vehicles which contribute to the cause of an accident regardless of physical contact and, for the purpose of ch. 344, Stats., includes intentional acts.

(2) "Department" means the Wisconsin Department of Transportation.

(3) "In transport" means the condition of a motor vehicle when it is in use primarily for moving persons or property (including the vehicle itself) from one place to another and is in motion, or in readiness for motion, or on a traffic way, but not legally parked unattended in a designated parking area.

[Note: This definition includes parked motor vehicles with doors open into a traffic way or vehicle load extending into a traffic way and driverless motor vehicles which are in motion.]

(4) "Legally parked" means a motor vehicle which is parked under ss. 346.03(2)(a) or 346.51 to s. 346.54 Stats., or is indicated in writing to be legally parked at the time of the accident by the investigating law enforcement agency or the other operators involved in the accident. This definition does not include parked motor vehicles with doors open into the traffic way or vehicle load extending into a traffic way.

(5) "Motor vehicle" means a self-propelled vehicle, including trailers and semi-trailers designed for use with such vehicles, but does not include farm tractors, implements of husbandry, road machinery, well drillers or snowmobiles.

(6) "Operator" as defined under s. 344.01(2)(c), Stats.

(7) "Traffic way" means premises open to the public as a matter of right or custom for use of their motor vehicles whether the premises are publicly or privately owned.

[Note: This definition includes driveways, approaches to buildings, shipping and loading docks, service stations, parking stalls and parking aisles of parking lots.]

Trans 100.03 REPORTING AN ACCIDENT. (1) The operator of a motor vehicle involved in a reportable accident as defined in s. 346.70(1), Stats., and the law enforcement agency investigating the accident, shall report the accident to the department as required under s. 346.70, Stats. The department shall assume that an accident is reportable until information is received which proves otherwise.

[Note: Forms MV 3019 - Drivers Report of Accident and MV 4000 - Wisconsin Motor Vehicle Accident Report.]

(2) If the department receives a written statement that the operator of a vehicle is different from that indicated on the enforcement agency report, the department shall require an amended enforcement agency report or a copy of court findings which identifies the operator of the vehicle at the time of the accident.

(3) If the department determines that an accident is not reportable as defined in s. 346.70(1), Stats., the record of the accident shall be removed from the operator's driving record.

Trans 100.04 REQUIRED ACCIDENT INFORMATION. (1) Under ss. 346.70(2) and (3), Stats., the following information shall be completed and submitted by the operator, owner or occupant on a form approved by the department:

- (a) The accident date,
- (b) The accident location,
- (c) The operator's full name and address,
- (d) The operator's driver license number and issuing state,
- (e) The operator's birth date and sex,
- (f) The vehicle owner's full name and address,
- (g) The vehicle license plate number and issuing state,
- (h) The vehicle make, year and identification number,
- (i) The parts of the vehicle damaged and the approximate cost of repair,
- (j) The owner's insurance company name and policy number,
- (k) The operator's insurance company name and policy number,
- (L) If the vehicle owner is self-insured under s. 344.16, Stats., the number of the self-insurance certificate,
- (m) The policy holders name,
- (n) The known information under (c), (d), (e), (f), (g), (h) and (i) on other parties involved in the accident,
- (o) A description of property damage, other than motor vehicle damage, with the name and address of the property owner and approximate cost of repairing the damage,
- (p) The name and address, sex, and injury severity of all injured parties,
- (q) A description of how the accident occurred, and

(r) The operator's signature or signature of person who completes the report if the operator does not do so.

[Note: Form MV 3100 - Notice of Unacceptable Report.]

(2) The department may accept a report with any item omitted in sub. (1) if the information is provided to the department from another source.

[Note: Report form MV 3019.]

(3) The department shall assume that the liability insurance policy specified by the owner or operator on the accident report was in force unless the insurer notifies the department that the liability policy was not in force within 30 days of the date the notice is mailed to the insurer. The department will accept a written notice of non-insurance for up to one year following the date of the accident except as provided in s. 344.15(4), Stats. Upon receipt of written notice the department shall require the operator or owner to deposit security under s. 344.13, Stats.

(4) When the owner is self-insured under s. 344.16, Stats., the department shall forward the insurance portion of the accident report to the address furnished by the self-insured owner. The department shall assume that the operator of the vehicle is exempt from the security requirements under s. 344.14(2)(d), Stats., unless the self-insured notifies the department otherwise within 30 days of mailing or other information is received by the department indicating that the self-insured certificate does not apply to the operator.

Trans 100.05 RECORDING ACCIDENT ON OPERATOR'S RECORD. All reportable accidents in which the operator was involved shall be recorded on the operator's driving record under s. 343.23(2), Stats., except when the vehicle was legally parked.

[Note: This includes operators of law enforcement vehicles and other emergency vehicles, Form MV 3347 - Emergency Vehicle Involvement.]

Trans 100.06 DETERMINING THE REASONABLE POSSIBILITY OF A JUDGMENT.

(1) The department may use the following sources of information to determine whether an uninsured person is exempted under s. 344.12(2)(k), Stats., from the security and suspension requirements in ch. 344, Stats:

(a) Operator reports.

(b) Law enforcement agency reports.

(c) Other information, such as statements of witnesses to the accident and supplementary reports from the investigating law enforcement agency.

(2) An uninsured motorist shall not be required to deposit security when there is no reasonable possibility of a judgment being rendered against the uninsured person. The department shall consider the following factors to determine whether a person is exempt under s. 344.14(2)(k), Stats., from the security and suspension requirements under ch. 344., Stats.:

(a) Violation of Chapters 346, 347, 348 or 350, Stats.

(b) Failure to exercise ordinary care based on information from the sources listed in sub. (1).

(3) If the parties to an accident fail to file a description of the accident and the department does not receive an enforcement agency report which describes the accident, the uninsured person shall comply with the security provisions of s. 344.13, Stats.

(4) If the department requires security under s. 344.13, Stats., and, after receiving additional information, determines that no reasonable possibility of a judgment against the person exists, the department shall rescind the security requirement. The additional information may be in the form of notarized witness statements, enforcement agency reports, coroner reports or investigative reports from independent investigators or the injured party's insurance company.

Trans 100.07 DETERMINATION OF SECURITY AMOUNT. (1) Court costs of 20% of the evaluated damages and injuries not to exceed \$500.00 shall be included when determining the amount of security to be deposited under s. 344.13(1) and (2), Stats.

(2) The amount of security required under s. 344.13, Stats., for personal injury shall be determined by:

(a) A certification of personal injury, completed by a person skilled in the evaluation of personal injuries.

[Note: Form MV 3045 - Evaluation of Personal Injuries.]

(b) A certification of loss of wages as a result of the accident based on written information provided by the claimant's employer.

(c) A computation of an amount sufficient to satisfy a court award for pain and suffering of the injured person. The department may consider the following factors when computing an amount for pain and suffering:

1. The location, permanency, and potential cost of cosmetic surgery of scars resulting from the accident,
2. The age of the injured person,
3. The occupation and lifestyle of the injured person, if the occupation or lifestyle of the injured person will be affected,
4. The duration and severity of pain, and degree of consciousness of the injured party,
5. The length and type of temporary or permanent disability, and
6. The diagnosis of the injury.

(3) The amount of security required under s. 344.13, Stats., for property damage shall be determined by:

(a) A certification of motor vehicle damage, not to exceed the value of the vehicle prior to the accident, completed by an authorized damage appraiser.

[Note: Form MV 3046 - Evaluation of Motor Vehicle Damage.]

(b) A certification of property damage, not to exceed the value of the property prior to the accident, completed by a person skilled in the evaluation of damages to the type of property damaged.

[Note: Form MV 3044 - Evaluation of Property Damage.]

(4) The amount of security required when a death is involved will be the minimum provided for under s. 344.15(1), Stats.

(5) If a report of an accident is received by the department within one year of the date of the accident, the department shall determine the amount of security required within 90 days after receipt of the report, if possible, but failure to do so does not relieve an uninsured motorist from the duty to comply with the provisions of Chapter 344, Stats.

[Note: Reference DOT VS. Warner 102 W(2d) 232 (CTApp. 1981).]

(6) Property damage and personal injury evaluations which are received by the department within 21 calendar days from the date the evaluations are mailed by the department shall be considered in determining the security required. Evaluations received after the 21 calendar day period may be considered if the final determination of the security amount has not been established by the department and less than one year has elapsed since the date of the accident.

[Note: Form MV 3384 - Safety Responsibility Information.]

(7) The amount of security required under this section may be increased only when the amount is incorrect due to administrative error on the part of the department, or when previously unreported damages or injuries are

reported to the department. This subsection does not apply to a person who has complied with a previous notice of suspension for the same accident after one year from the date of the accident.

(8) Damage to a motor vehicle which was operated without the owner's permission shall be included in the amount of security if proof of operating without permission as specified in s. Trans 100.09 is filed with the department.

Trans 100.08 SECURITY DEPOSIT. (1) Acceptable forms of security required under ss. 344.14 and 344.17, Stats., include:

- (a) Cash.
- (b) A cashiers check.
- (c) A money order.
- (d) A financial institution draft.
- (e) A certified personal or business check.
- (f) An attorney trust account draft.
- (g) A surety bond.

[Note: Forms MV 3016 - Security Deposit Receipt, MV 3043 - Bond Under Chapter 344 Stats., and MV 3385 - Informational Letter to Injured Parties.]

(2) A person other than the uninsured owner or operator may deposit security if the person specifies in writing on whose behalf the deposit is made and to whom the deposit should be returned.

(3) Unless otherwise specified in writing by the depositor, security deposits shall be returned as required under s. 344.20(3), Stats.

(4) Security deposits returned shall be valued at the same amount as when received by the department. No interest or dividends shall be paid to the depositor.

(5) If the owner and operator are separate persons, the deposit may be made by one of them, or they may cooperate in depositing the security. The security may be applied to the payment of judgments for damages arising out of the accident rendered against either operator or owner regardless of who made the deposit.

(6) If notice of a court action is filed with the department, under s. 344.18(1)(d), Stats., the security deposit shall be retained pending further order of the court. The deposit shall not be returned to the depositor until a certified copy of the satisfaction of judgment or dismissal of the court action is filed with the department.

Trans 100.09 PROOF OF OPERATING WITHOUT PERMISSION. The owner of a motor vehicle involved in an accident is exempt under s. 344.14(2)(g), Stats., from depositing security if the owner produces proof that the vehicle was operated without permission. Acceptable proof includes:

(1) A letter from the law enforcement agency of the municipality where the offense occurred stating that the vehicle was reported stolen prior to the accident or that the law enforcement agency investigated the report and found it to be a stolen vehicle, or

(2) A letter from the district attorney that the owner has filed a complaint against the operator and that the operator is being charged with operating without the owner's consent, or an affidavit signed by the operator stating that the vehicle was being operated without the owner's expressed or implied consent. An affidavit does not exempt an owner who is the sponsor of an operator, as defined in s. 343.15, Stats., or

(3) Under s. 344.15(4), Stats., an affidavit signed by the owner that the operator did not have permission to operate the vehicle. In a lease

situation the department may accept an affidavit signed by the leasee as agent of the owner of the vehicle.

Trans 100.10 HEARING ON SUSPENSION. (1) Any person desiring a hearing as provided in s. 344.02, Stats., shall file a written request for a hearing with the department within 14 days following the suspension date.

(2) The department shall refer all timely requests for hearing to the Office of the Commissioner of Transportation. If the person's operating privilege and registrations have not been suspended the department shall delay further action on the suspension pending the decision of the Office of the Commissioner.

Trans 100.11 NOTICE OF SUBROGATION OR ASSIGNMENT. In all cases of subrogation claim or assignment under Chapter 344, Stats., a signed copy of the subrogation or assignment of the claim shall be filed with the department. If the person has complied with a previous notice of suspension for the same claim the notice of subrogation or assignment is untimely and no action shall be taken by the department.

Trans 100.12 RELEASE OF LIABILITY. (1) Satisfactory evidence of release of liability under ss. 344.14(2)(h) and 344.18(1)(b), Stats. shall be a written release agreement between the uninsured person and the injured party which includes an exchange of money or something that has money value.

[Note: Forms MV 3039 - Minors Release, and MV 3041 - Release of Liability.]

(2) If the injured party sustains property damage or personal injuries, the release shall include:

(a) The witnessed or notarized signature of the injured party, or

(b) The witnessed or notarized signature of a parent with legal custody or a guardian as described in s. 807.10, Stats., when the injured party is a minor or incompetent. If the damages are estimated by the department to be

\$5,000.000 or more, the release shall be accompanied by a copy of a court order approving the settlement in behalf of the minor or mentally incompetent person.

(3) If the injured party died as a result of the accident, the release shall include one of the following:

(a) The witnessed or notarized signature of the personal representative or administrator of the estate of the deceased accompanied by a copy of the court order appointing the personal representative or administrator,

(b) The witnessed or notarized signature of parents with legal custody or the legal guardian of the deceased when the deceased was a minor at the time of the accident,

(c) The witnessed or notarized signature of the primary heir of the estate of the deceased accompanied by an affidavit of heirship from the releasing party and assurance that the estate will be settled without appointment of a personal representative. Acceptable assurance shall be:

1. A copy of a petition filed under ch. 867, Stats., or
2. A court order assigning property under ch. 867, Stats.

(d) The witnessed or notarized signature of the primary heir of the estate of the deceased accompanied by an affidavit of heirship from the releasing party and a certified medical statement attesting that the deceased had no pain and suffering.

(4) In addition to a release agreement described in subsections (1), (2) and (3), the department may accept the following evidence that a person has been released from liability or adjudicated not to be liable:

(a) A certified copy of a bankruptcy petition or discharge and bankruptcy schedule A-3 listing the claims of all persons who have verified the damages or injuries, or

(b) A certified copy of the summons, complaint and judgment rendered in favor of the uninsured person against a person who has verified the damages or injuries, or

(c) A certified copy of the summons, complaint and order of final dismissal of a lawsuit involving the uninsured person and a person who has verified the damages or injuries.

Trans 100.13 WRITTEN INSTALLMENT AGREEMENT. (1) For the purpose of S. 344.14(2)(h), Stats., the written agreement providing for payment in installments of an agreed amount for all claims for injury or damage resulting from the accident shall contain:

(a) An amount of money or something that has money value agreed to by all parties to the agreement as settlement for all claims by the parties for damages or injuries arising out of the accident,

(b) At least two installment payments,

(c) The notarized or duly acknowledged signature of the uninsured operator or owner making the payments, and

(d) The witnessed signatures of all parties who are accepting the agreed amount in installment payments.

[Note: Form MV 3128 - Installment Agreement to Pay Damages.]

(2) An amended agreement shall be accepted if the original agreement filed is valid and the amended agreement is signed by all parties to the original agreement.

Trans 100.14 SUSPENSION AND REINSTATEMENT. (1) The department shall not suspend a person's privileges for failure to file an accident report if no further information is needed from the person who failed to file the report.

(2) A suspension under s. 344.08, Stats., for failure to report an accident remains in effect until the required report is filed or until one year has elapsed since the effective date of the suspension order.

[Note: Forms MV 3033 - Notice of Suspension unless accident report filed, and MV 3009 - Order of Suspension.]

(3) The operating privileges suspended by the department under s. 344.14, Stats., shall be reinstated when the reinstatement fee required under s. 343.21(1)(k), Stats., has been paid and:

(a) The person meets one of the exceptions under s. 344.14(2), Stats., or

(b) The person meets one of the conditions specified in s. 344.18(1), Stats.

[Note: Form MV 3010 - Order of Reinstatement.]

(4) The operating privileges or registration suspended by the department under s. 344.18(3), Stats., shall be reinstated when the reinstatement fee required under s. 343.21(1)(k), Stats., has been paid and:

(a) The person meets one of the conditions specified in s. 344.18(3), Stats., or

(b) The person files an acceptable release of liability as specified in s. Trans 100.12.

Trans 100.15 REINSTATEMENT FEE. (1) Any person reinstating their operating privilege that was suspended under ch. 344, Stats., shall pay the reinstatement fee under s. 343.21(k), Stats. No fee is required when:

(a) The person is suspended under s. 344.08, Stats.,

(b) The person is suspended under 344.19, Stats.,

(c) The person is subject to a reinstatement fee in accordance with s. 343.21(1)(e), Stats.,

(d) The person files bankruptcy prior to the suspension, or

(e) The suspension is a result of administrative error on the part of the department.

(2) The reinstatement fee shall be paid for each type of license suspended regardless of the number of suspensions under ch. 344, Stats.

[Note: Forms MV 3387 - Reinstatement Instructions.]

Trans 100.16 SELF-INSURANCE. (1) The department shall issue a certificate of self-insurance to a person under the following conditions:

(a) The person owns more than 25 motor vehicles which are registered in Wisconsin;

(b) An application for self-insurance is completed, and

(c) The persons application and a financial statement, signed during the last calendar year, indicate that the person has and will continue to have the ability to pay judgments arising out of motor vehicle accidents.

[Note: Forms MV 3069 - Application for Self-Insurance and MV 3070 - Safety Responsibility Self-Insurance Certificate.]

(2) Self-insurance certificates shall be issued for a period of three years.

(3) Renewal of a certificate requires submittal of a new self-insurance application and a financial statement.

Trans 100.17 TRANSFER OF VEHICLE OWNERSHIP. (1) A transfer of ownership of any vehicle whose registration is suspended or subject to suspension under s. 344.14, Stats., shall not be allowed if the owner whose registration is suspended or subject to suspension continues to have possession of, use of, or receive any benefit from the operation of the vehicle.

(2) A person's registration shall be considered subject to suspension under s. 344.14, Stats., when written notice of a security requirement under s. 344.13, Stats. is issued by the department.

[Note: Form MV 3008 - Notice of Suspension and Possible Vehicle Impoundment.]

(3) An application for transfer of ownership shall be accepted when:

(a) The vehicle is repossessed by a person who, pursuant to the terms or conditions of any written instrument is given a right of repossession; or

(b) The purchaser does not reside at the same address as the seller and the full value of the vehicle has been paid to the seller. The department may require proof of payment or an affidavit from the buyer or seller as evidence that the proposed transfer is in good faith.

(4) If 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 all fees submitted by the purchaser with an explanation why the transfer of ownership was refused. If the title and registration were issued after the written notice of security was issued to the seller but prior to the suspension of registrations, the fees shall be returned only after the purchaser complies with the department request for return of the title and any registration plates issued.

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

Trans 100.18 FILE PURGE CRITERIA. (1) The accident entry shall be purged from the driver record after 4 years from the date of the accident.

(2) The safety responsibility case entry shall be purged from the driver record after 4 years from the suspension termination date.

(3) The safety responsibility case entry shall be purged from the driver record after 5 years from the suspension date if all reinstatement requirements, except payment of the reinstatement fee required under s. 343.21(1)(k), Stats., have been met.

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

Dated at Madison, Wisconsin
this 26th day of August 1985.

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



State of Wisconsin \

DEPARTMENT OF TRANSPORTATION



DIVISION OF MOTOR VEHICLES
4802 Sheboygan Avenue
P. O. Box 7949
Madison, WI 53707-7949

August 26, 1985

RECEIVED

AUG 28 1985

Revisor of Statutes
Bureau

Mr. Gary Poulson
Assistant Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

Re: Clearinghouse Rule 84-151
Relating to safety responsibility issues and
the duty to report accidents; Trans 100

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 84-151, an administrative rule relating to safety responsibility issues and the duty to report accidents. An additional, uncertified copy of CR 84-151 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

Holly M. Luth
Holly M. Luth
Program Assistant

hml

Enclosures

cc: Sue Gallagher
DOT Office of Transportation Information
Connie Keator
Joyce Gelderman
Neil McCallum