

CR 85-69

CERTIFICATE

State of Wisconsin)
) ss.
Department of Transportation)

RECEIVED

AUG 28 1985
H. Osborn
Revisor of Statutes
Bureau

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 the municipal or county vehicle registration fee 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.

Lowell B. Jackson
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 to renumber and amend TRANS

126.02(2); to amend TRANS 126.01 and 126.02; to repeal and recreate TRANS 126.03; and to create TRANS 126.02(3), 126.02(5), 126.02(6), 126.02(7), 126.02(8) and 126.04, Wisconsin Administrative Code, relating to the municipal or county vehicle registration fee.

CR 85-69

Analysis Prepared by Department of Transportation

General Summary of rule. Changes in Chapter TRANS 126 have been made to allow the Department of Transportation to administer the new provisions of sec. 341.35, Wis. Stats. Previous statutory language provided for the municipal or county vehicle registration fee to be collected by any enacting municipality or county. The new law requires the fee to be collected by the Department and allows for an administrative fee to be retained by the Department for the service of collecting the fee. The administrative fee has been established at 15¢ per vehicle application for fiscal year 1986.

Time periods required for notification to the Department of an enactment of a municipal or county vehicle registration fee have been lengthened. This is necessary because computer programs have not been developed to allow the processing of the fees and the department does not intend to develop the programs until a municipality or county enacts a vehicle registration fee ordinance.

The following changes are made:

1. TRANS 126.02 is amended and renumbered to change the format and contents of the notification a municipality or county must provide to the Department when enacting, amending, or repealing a vehicle registration fee ordinance.

2. TRANS 126.02(2) is renumbered as TRANS 126.02(4) and provides for longer notification periods for the first municipality or county which enacts a vehicle registration fee ordinance.

3. TRANS 126.03 is recreated to identify the manner in which payment of a municipal or county vehicle registration fee will be evidenced on the registration certificate.

4. TRANS 126.04 is created to establish the method of computing the Department's administrative costs and the method the Department will use in recovering those costs. The administrative fee is established at 15¢ per vehicle application for fiscal year 1986. This section also identifies the schedule for returning the vehicle registration fee to the enacting municipality or county.

Authority for rule. 1983 Wisconsin Act 27, effective July 2, 1983, created secs. 341.35(8), Stats. That subsection directs the Department of Transportation to adopt rules necessary to implement the municipal or county vehicle registration fee.

Fiscal estimate. There is no fiscal impact independent of the statute on which this rule is based. Participation by any local jurisdiction is voluntary. Therefore, the fiscal impact is unknown.

ORDER ADOPTING RULE

Pursuant to authority vested in the State of Wisconsin, department of transportation, by secs. 341.35(8), Stats., the department adopts chapter TRANS 126 as follows:

SECTION 1. TRANS 126.01 is amended to read:

TRANS 126.01 PURPOSE AND SCOPE. (1) STATUTORY AUTHORITY. As authorized by ss. ~~110.06(1)~~, 227.014, and 341.35(4), (6), (6m) and 5(4) (8), 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~~ enacts, amends, or repeals a vehicle registration fee ordinance.

SECTION 2. TRANS 126.02 is amended to read:

TRANS 126.02 NOTICE OF ENACTMENT, AMENDMENT, OR REPEAL. (1) WHEN NOTIFICATION REQUIRED. A municipal or county governing body which enacts, amends, or repeals ~~an ordinance adopting~~ a municipal or county vehicle registration fee ordinance under s. 341.35, Stats., shall notify the department of transportation, as required by s. 341.35(4), Stats.

~~(1)~~ (2) NOTIFICATION TO BE MAILED TO DEPARTMENT. The notification of enactment, amendment, or repeal from the municipality or county shall be ~~in the following format~~ sent to:

TO: Administrator
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

SECTION 3. TRANS 126.02(2) is renumbered 126.02(4) and amended to read:

~~(2)~~ (4) ENACTMENT NOTIFICATION REQUIREMENTS. The first municipality which provides notification of enactment as described in ~~sub.~~ subs. (1), (2), and (3) shall ~~be provided to~~ notify the department at least ~~thirty~~ ~~(30)~~ 120 days prior to the first day of the month in which the ordinance is

effective. The department shall implement the program within 120 days after receiving the first notification of enactment. Any subsequent notification of enactment received by the department will not be implemented prior to the program implementation date. After the program implementation date a municipality or county shall provide the notification of enactment as described in subs. (1), (2) and (3) at least 60 days prior to the first day of the month in which the ordinance is effective.

SECTION 4. TRANS 126.02(3) is created to read:

(3) CONTENTS OF ENACTMENT NOTIFICATION. A notification of enactment shall include:

- (a) The name of the municipal or county governing body enacting the ordinance.
- (b) The date on which the ordinance was enacted.
- (c) The effective date of the ordinance.
- (d) The amount of the fee.
- (e) The name, address and telephone number of the person in the municipality or county responsible for the administration of the ordinance.
- (f) The signature of an authorized party of the municipal or county governing body.
- (g) The date the notification of enactment was signed.

SECTION 5. TRANS 126.02(5) is created to read:

(5) CONTENTS OF AMENDMENT NOTIFICATION. A notification of amendment shall include:

- (a) The name of the municipal or county governing body amending the ordinance.
- (b) The date on which the ordinance was amended.
- (c) The effective date of the amendment.

(d) A description of the amendment, or a copy of the amended ordinance.

(e) The signature of an authorized party of the municipal or county governing body.

(f) The date the notification of amendment was signed.

SECTION 6. TRANS 126.02(6) is created to read:

(6) AMENDMENT NOTIFICATION REQUIREMENTS. A municipality or county which amends a municipal or county vehicle registration fee ordinance shall notify the department of the amendment at least 60 days prior to the first day of the month in which the amendment is effective.

SECTION 7. TRANS 126.02(7) is created to read:

(7) CONTENTS OF REPEAL NOTIFICATION. A notification of repeal shall include:

(a) The name of the municipal or county governing body repealing the ordinance.

(b) The date on which the ordinance was repealed.

(c) The effective date of the repeal.

(d) The signature of an authorized party of the municipal or county governing body.

(e) The date the notification of repeal was signed.

SECTION 8. TRANS 126.02(8) is created to read:

(8) REPEAL NOTIFICATION REQUIREMENTS. A municipality or county which repeals a municipal or county vehicle registration fee ordinance shall notify the department of the repeal at least 60 days prior to the first day of the month in which the repeal is effective.

SECTION 9. TRANS 126.03 is repealed and recreated to read:

TRANS 126.03 EVIDENCE OF PAYMENT TO BE SHOWN ON REGISTRATION

CERTIFICATE. (1) TOTAL AMOUNT PAID TO BE DESIGNATED. The total amount paid to the department for the municipal or county vehicle registration fee may be designated on the registration certificate by words similar to "municipal fee," or by the total amount paid.

(2) MULTIPLE FEES NOT ITEMIZED. If separate fees are collected for one vehicle for a municipality and a county, no itemization will be made on the registration certificate for the individual municipality or county.

SECTION 10. TRANS 126.04 is created to read:

TRANS 126.04 COMPUTATION OF ADMINISTRATIVE COSTS AND DISTRIBUTION OF

MONIES COLLECTED. (1) REIMBURSEMENT FOR ADMINISTRATIVE COSTS. In accordance with ss.341.35(6m), Stats., the department shall capture and recover the administrative costs related to the collection of the municipal or county vehicle registration fee as follows:

(a) The administrative costs shall be computed and recovered as a fee per vehicle application.

(b) The fee per vehicle application shall be based on the direct costs of operation, including employee salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, printing and forms, and other necessary or indirect expenses.

(c) The department shall review the vehicle application fee annually and any over or under recovery shall become a component in the next fiscal year fee.

[Note: The department has established the per vehicle application fee at 15¢ per application for fiscal year 1986.]

(2) NOTICE OF CHANGES IN THE FEE PER VEHICLE APPLICATION. The department shall notify any participating municipality or county of changes in the fee per vehicle application at least 30 days prior to the effective date of the change.

(3) DISTRIBUTION OF PAYMENT. (a) The amount of the municipal or county registration fees returned to a municipality or county shall be the total amount collected less the administrative costs described in sub. (1).

(b) The department shall pay municipal or county vehicle registration fees collected during any month to the municipality or county no later than 30 days after the end of that month.

(4) REFUNDS. (a) The department may not refund a municipal or county vehicle registration fee to an applicant.

(b) An applicant shall request a refund of a municipal or county vehicle registration fee from the appropriate municipality or county.

(End)

This rule 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 23rd day of August, 1985.


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

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AUG 28 1985

Revisor of Statutes
Bureau

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

Re: Clearinghouse Rule 85-69
Relating to the municipal or county
vehicle registration fee; Trans 126

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 85-69, an administrative rule relating to the municipal or county vehicle registration fee. An additional, uncertified copy of CR 85-69 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
Bill Slightam
Eileen Smith