

CR 85-155

CERTIFICATE

State of Wisconsin )  
 ) ss.  
Department of Transportation )

RECEIVED

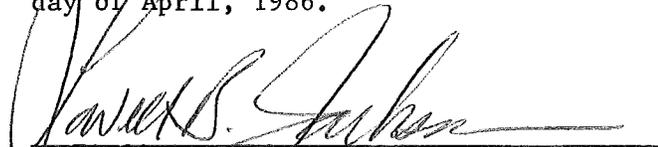
APR 4 1986  
3:30 PM  
Revisor of Statutes  
Bureau

TO ALL 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 Trans 195, relating to the fees and procedures for search and documentation of division of motor vehicle records adopted by this Department on April 5, 1986.

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 2nd day of April, 1986.

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



6-1-86

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

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AN ORDER of the Department of Transportation to repeal MVD 15, Wisconsin Administrative Code, and to create Trans 195, relating to the fees and procedures for search and documentation of division of motor vehicle records.

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CR 85-155

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ANALYSIS PREPARED BY THE DEPARTMENT OF TRANSPORTATION

General Summary of proposed rule. This report involves the repeal of MVD 15 and the creation of Trans 195 relating to fees for search and documentation of division of motor vehicle records as part of an overall restructuring and revision of departmental rules. In addition, the following substantive changes are being made:

1. Definitions of some words used in the chapter.
2. Clarification of fees and procedures for searches of all types of motor vehicle records including those maintained on departmental computer systems.
3. Establishing the fee for a photocopy of a single side of a record at 25¢.
4. Expansion of the procedure for obtaining a contractual account for records searches.

Authority for Rule. As authorized by s. 227.014, Stats., the department repeals MVD 15, Wisconsin Administrative Code, and creates Trans 195, relating to the fees and procedures for search and documentation of division of motor vehicle records.

Fiscal Estimate. This rule is expected to increase revenue for the Transportation Fund by an estimated \$4,000 to \$6,000 annually. A complete fiscal estimate is attached.

Contact. Persons to contact for further information on this rule are Dean Davis, 266-1500, and Joe Maassen, 266-8810, Department of Transportation.

Forms Impact. The proposed rule will require the revision of the following forms used by the department: MVD2370, Customer Agreement; MVD2372, Vehicle Record Files Information Service Acknowledgement; and MV3270, Customer Agreement.

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ORDER ADOPTING RULE

Pursuant to the authority vested in the Wisconsin department of transportation by s. 227.014(2)(a), Stats., the department of transportation hereby adopts rules interpreting ss. 19.32 to 19.37, 341.17, 342.09, and 343.24, Stats., as follows:

SECTION 1. MVD 15 is repealed.

SECTION 2. Trans 195 is created to read:

FEES AND PROCEDURES FOR SEARCHES AND  
DOCUMENTATION OF DIVISION OF MOTOR VEHICLE RECORDS

Trans 195.01 PURPOSE AND SCOPE. (1) As authorized by s. 227.014(2)(a), Stats., the purpose of this chapter is to establish the department's administrative interpretation of ss. 19.32 to 19.37, 341.17, 342.09, and 343.24, Stats., relating to fees and procedures for searches and documentation of division of motor vehicle records.

(2) This chapter applies to any person wishing to obtain information, copies, certification, or verification of division of motor vehicle records.

Trans 195.02 DEFINITIONS. In this chapter:

(1) "Agency code" means a number assigned by the department to a requester after a monthly contractual account is established.

(2) "Certification" means the authentication and identification of divisional records certified as correct in accordance with s. 909.02, Stats.

(3) "Certificate of search" means an authentication in writing that the appropriate records of the division were searched, but the specific record was not found, or was not available because the record was purged, destroyed, or was not reproducible.

(4) "Computer" means the same as defined in s. 943.70(1)(a), Stats.

(5) "Computer network" means the same as defined in s. 943.70(1)(b), Stats.

(6) "Computer supplies" means the same as defined in s. 943.70(1)(dm), Stats.

(7) "Computer system" means the same as defined in s. 943.70(1)(e), Stats.

(8) "Data" means the same as defined in s. 943.70(1)(f), Stats.

(9) "Division" means the division of motor vehicles in the department of transportation.

(10) "Driver identification number" means a number assigned by the division to a driver record using the individual's name, sex, and date of birth.

(11) "Duplicate" means the same as defined in s. 910.01(4), Stats.

(12) "File" means the same as "record" as defined in s. 19.32(2), Stats.

(13) "Original" means the same as defined in s. 910.01(3), Stats.

(14) "Photocopy" means the mechanical or chemical reproduction of one side, or a portion of any one side, of an original record.

(15) "Record" means the same as defined in s. 19.32(2), Stats.

(16) "Requester" means the same as defined in s. 19.32(3), Stats.

(17) "Search" means a review of the appropriate records of the division in order to establish the presence or absence of a particular record.

(18) "Verification of search" means to declare in writing, without certification, that the appropriate vehicle title and vehicle registration records of the division were searched.

Trans 195.03 REQUESTING SEARCH OF DRIVER RECORDS. (1) A single request for a search of a driver record may be made from the following information provided by the requester or with a contractual account established under s. Trans 195.10:

(a) Complete 14 digit driver identification number, or

(b) Complete name, date of birth, sex, or

(c) All of the information in par. (a) and par. (b), in which case the name will be used if the record does not match the driver identification number furnished, or

(d) Sufficient information from par. (b) to identify the correct record.

(2) A requester may not perform the search of records identified in this section.

Trans 195.04 REQUESTING SEARCH OF VEHICLE TITLE AND REGISTRATION RECORDS. (1) A single request for a search of vehicle title and registration records may be made from the following information provided by the requester in person, in writing, or by telephone with a contractual account established under s. Trans 195.10:

(a) Identification number of vehicle, or

(b) Number of title certificate identifying vehicle, or

(c) License plate number assigned to vehicle, or

(d) Name and address of owner, or

(e) Name of owner, and year and make of vehicle.

(2) Each vehicle located from the information as identified in sub. (1)(d) shall constitute a single record.

Trans 195.05 REQUESTING DOCUMENTATION OF OTHER RECORDS. (1) Requests for the documentation of other division records or data may be in writing, in person, or with a contractual account established under s. Trans 195.10.

(2) Fees for other division records or data such as notices, files, transcripts, orders, or applications shall be established under s. Trans 195.09.

Trans 195.06 DETERMINATION OF THE METHODOLOGY FOR THE SEARCH OR DOCUMENTATION OF APPROPRIATE RECORDS. (1) The methodology used for the search or documentation of records shall be determined by the department.

(2) Each request shall be processed without regard for the name of the requester or the reason for the request, except as required under s. Trans 195.10(6).

(3) The appropriateness of the records retrieved for a requester shall be determined by the department.

(4) A request for the search of two or more records identified in ss. Trans 195.03, 195.04, and 195.05, which are maintained on a departmental computer, computer network, or computer system, shall be made in a format and on computer supplies as prescribed by the department.

(5) No records identified in this chapter may be removed from the department's premises without the approval of the department.

Trans 195.07 CERTIFICATION OF RECORDS. (1) A certification may consist of:

(a) A search of division records and data sufficient to identify the specific information requested.

(b) A typewritten chronological listing of events that led to the issuance or denial of a vehicle title, vehicle registration, driver's license, business license or other records and data.

(c) A copy or photocopy of vehicle or driver records, or copies of other appropriate records or data.

(d) A certification form containing information as described in s. 909.02, Stats.

(2) A certificate of search shall be provided where records or data are not available because they were purged, destroyed, not located, or not reproducible.

(3) A letter of transmittal may be included with certifications of vehicle title records, vehicle registration records, business records, or other division records and data, which may explain vehicle laws, processing procedures, billing requirements or other information.

Trans 195.08 VERIFICATION OF RECORDS. (1) A verification of records shall be performed only for vehicle title or vehicle registration records identified under s. Trans 195.04.

(2) A verification of records may consist of:

(a) A search of division records and data sufficient to identify the specific information requested.

(b) A verification form containing information described in subd.(2)(a).

(c) A typewritten chronological listing of events that led to the issuance of a vehicle title or vehicle registration.

(d) A copy or photocopy of appropriate record information.

Trans 195.09 FEES. (1) The fee for the search of each single record identified in ss. Trans 195.03, 195.04, 195.05, and 195.06 shall be \$2.00.

(2) The fee for the search requested by telephone of each single record identified in s. Trans 195.03 shall be \$3.00.

(3) The fee for each copy, photocopy, or duplicate of an original record shall be \$.25.

(4) The fee for each typewritten page as identified in s. Trans 195.05(2) shall be \$2.00.

(5) The fee for each certification of records as identified in s. Trans 195.07 shall be \$3.00.

(6) The fee for each verification of records as identified in s. Trans 195.08 shall be \$2.00.

(7) The minimum fee for any contractual telephone account established under s. Trans 195.10 shall be \$18.00 per month.

(8) The requester shall pay all fees necessary to install and maintain the requester's photocopy equipment and supplies used on the department's premises.

(9) The fee for the department's search of any vehicle title records, vehicle registration records, or other division records shall be \$10.00 per hour payable only after 5 hours search according to s. 19.35(3)(e), Stats.

(10) The fee for acquisition of records from a department computer, computer network, or computer system under s. Trans 195.06(4), where fees are not determined at a per record cost under this section, shall be determined by the necessary reproduction and transcription costs to reduce records to usable form, and all postage and handling.

(11) The department may allow payment of fees required by this section to be made by use of a major credit card if the fee required is more than \$5.

(12) The final fee for the type of record and data search and service provided shall be determined by the department.

Trans 195.10 CONTRACTUAL ACCOUNTS AND BILLING SERVICE. (1) A requester may pay fees required under s. 195.09 on a monthly basis if the requester establishes a contractual account with the department.

(2) The requester may establish a contractual account by submitting a request to the department for the search or documentation of departmental records including, but not limited to:

- (a) Driver records files by telephone.
- (b) Driver records files in volume.
- (c) Vehicle registration and title records by telephone.
- (d) Vehicle registration and title records in volume.
- (e) Notification of vehicle titles returned from out-of-state.

(3) The department will establish separate contractual accounts for a requester for the search or documentation of driver records and for the search or documentation of vehicle records.

(4) The department shall require a signed contractual agreement from the requester with a contractual account to pay the fees requested under s. Trans 195.09.

(5) The department shall assign account numbers and may bill accounts each month for fees or may require prepayment of fees required for accounts established under this section.

(6) When making a request for a file search under this section, the requester shall provide the account number and name of the requesting person or agency.

(7) Contractual account service shall be cancelled for any requester whose full payment is not received by the department within thirty days of the last billing. No search or documentation of records may be made until all outstanding obligations are paid.

(8) A requester who has had a contractual account cancelled by the department shall pay all outstanding obligations and pay a \$30 reinstatement fee before an account can be reestablished.

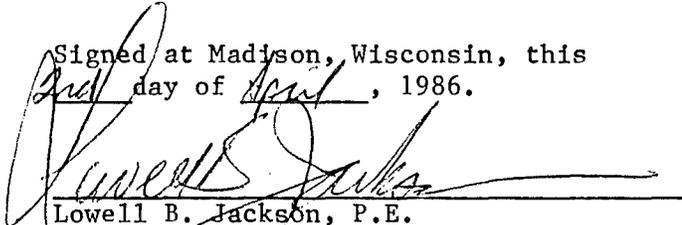
[Note: Forms used in this chapter are MVD2370, Customer Agreement, MVD2372, Vehicle Record Files Information Service Acknowledgement, and MV3270, Customer Agreement. Forms MVD2370 and MVD2372 can be obtained from the Division of Motor Vehicles, Vehicle Record Files, P.O. Box 7909, Madison, WI 53707-7909; Form MV3270 may be obtained from the Division of Motor Vehicles, Driver Record Files, P.O. Box 7918, Madison, WI 53707-7918.]

(End)

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This rule shall take effect on the first day of the month following its publication as provided in s. 227.026(1) (intro.), Stats.

Signed at Madison, Wisconsin, this  
2nd day of April, 1986.



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Lowell B. Jackson, P.E.

Secretary

Wisconsin Department of Transportation

LRB or Bill No./Adm. Rule No.  
**Trans 195**  
Amendment No. if Applicable

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

Subject **Fees and Procedures for Search and Documentation of Division of Motor Vehicle Records**

**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**

GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Ch. 20 Appropriations**

20.395(5) (ch)

**Assumptions Used in Arriving at Fiscal Estimate**

**Conclusion:**

The total increase in revenue as a result of this rule is estimated to be \$4,000 to \$6,000 annually. One-time costs for revision of affected forms is \$1,000.

**Basis for Conclusion:**

There are two areas of fiscal impact affected by this rule:

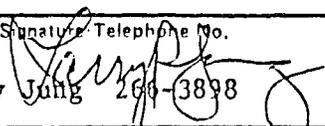
The first area is the formalization of the \$30.00 reinstatement fee for an account which has been cancelled. The purpose of the reinstatement fee is to discourage the continual cancellation and re-establishment of accounts. The fee covers personnel and data processing costs incurred when an account is cancelled and re-established. The annual collection of this fee for the last two years was under \$1,000.

The second area is the increase of the minimum monthly fee on contractual telephone accounts from \$10 to \$18. This fee establishes a reasonable minimum for the monthly processing of these accounts. Those requestors with a small volume of information requests will be encouraged to make their requests on an individual basis rather than by establishing a volume account. The \$18.00 fee is easily divisible, by the driver's records charge of \$3.00 for a telephone inquiry, and by the registration records charge of \$2.00 for an inquiry.

The annual effect of this increase will be approximately \$3,000 to \$5,000 annually.

**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)  
Vance Rayburn 266-2612  
WIS/DOT

Authorized Signature Telephone No.  
  
Larry Jung 266-3898

Date  
9/26/85

**FISCAL ESTIMATE WORKSHEET**

1985 Session

Detailed Estimate of Annual Fiscal Effect  
AD-MBA-22 (Rev. 11/82)

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Trans 195

Amendment No.

Subject

**Fees and Procedures for Search and Documentation of Division of Motor Vehicle Records**

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

\$1,000 for revision of affected forms

**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
<b>A. State Costs by Category</b>		
Salaries and Fringes	\$ -	\$ +
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
<b>TOTAL State Costs by Category</b>	<b>\$ - 0</b>	<b>\$ + 0</b>

Annualized fiscal impact on State funds from:	Increased Costs	Decreased Costs
<b>B. State Costs by Source of Funds</b>		
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+

Annualized fiscal impact on State funds from:	Increased Pos.	Decreased Pos.
		+ ( 0 )
<b>C. FTE Position Changes</b>		

Annualized fiscal impact on State funds from:	Decreased Rev.	Increased Rev.
<b>III. State Revenues</b> -Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.		
GPR Taxes	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+ \$5,000
<b>TOTAL State Revenues</b>	<b>\$ - 0</b>	<b>\$ + 5,000</b>

**Net Annualized Fiscal Impact on State & Local Funds**

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+ \$5,000	-	Total Revenues	+	-
<b>NET Impact on State Funds</b>	<b>\$ (+) or (-) + \$5,000</b>		<b>NET Impact on Local Funds</b>	<b>\$ (+) or (-) 0</b>	

Agency/Prepared by: (Name & Phone No.)

Vance Rayburn 266-2612  
WIS/DOT

Authorized Signature/Telephone No.

*Larry Jung*  
Larry Jung 266-3898

Date

9/26/85



State of Wisconsin \ DEPARTMENT OF TRANSPORTATION



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

April 6, 1986

Mr. Gary Poulson  
Assistant Revisor of Statutes  
30 On The Square  
Suite 904  
Madison, WI 53702

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APR 4 1986

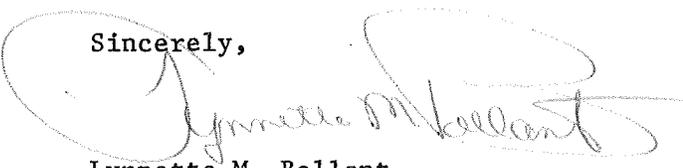
Revisor of Statutes  
Bureau

Re: Clearinghouse Rule  
Relating to the fees and procedures for search and documentation of  
division of motor vehicle records;  
Trans 195

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 85-155, an administrative rule relating to the fees and procedures for search and documentation of division of motor vehicle records. An additional, uncertified copy of CR 85-155 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,



Lynnette M. Bollant  
Program Assistant

Enclosures  
cc: Sue Gallagher  
Transportation Information Office  
Connie Keator

LMB:EMS:gcf