

CR 89-101

RECEIVED

CERTIFICATE

DEC 8 1989
3:00 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
) s.s.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RONALD R. FIEDLER, Secretary of the Wisconsin Department of Transportation and custodian of the official records do hereby certify that the rule relating to the uniform traffic citation was duly approved and adopted by this Department on December 8th, 1989.

I further certify that this 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 at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 8th day of December, 1989.

for Donald H. O'Connell, Deputy
RONALD R. FIEDLER, P.E.
Secretary

OFFICE OF THE SECRETARY

In the Matter of the Repeal of	*	
MVD 21 and Creation of TRANS 114	*	ORDER ADOPTING RULE
Relating to the Uniform Traffic	*	
Citation	*	

ANALYSIS BY THE DEPARTMENT OF TRANSPORTATION

STATUTORY AUTHORITY: S. 345.11 (4), Stats.

STATUTES INTERPRETED: S. 345.11

On February 5, 1988, the Secretary of the Department of Transportation convened a Council on Uniformity of Traffic Citations and Complaints pursuant to s. 15.467, stats. The Council reviewed the need for revising Wisconsin's Uniform Traffic Citation Form, MVD4016.

The Council prepared a prototype traffic citation form. The purpose of this rule is to establish a uniform traffic citation form and provide a mechanism for field testing it to evaluate the changes made to the form under the authority of s. 345.11(4), Stats., and to allow the Department of Transportation to use a prototype traffic citation form to collect and analyze data from the courts, police, district attorneys, defendants, et.al., during the design of the uniform traffic citation form.

This rule repeals Chapter MVD 21 of the Wisconsin Administrative Code and replaces it with Trans 114 of the Wisconsin Administrative Code.

REGULATORY FLEXIBILITY ANALYSIS

This rule will not have an effect upon small businesses.

FISCAL IMPACT

See appended fiscal estimate.

CONTACT PERSON

The person to contact for further information on this rule is David Coady, Bureau of Driver Licensing, Wisconsin Department of Transportation, (608) 267-5126. 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 Ave., Madison, Wisconsin 53707 (608) 266-2233.

Chapter Trans 114

UNIFORM TRAFFIC CITATION

Trans 114.01 Purpose and scope	Trans 114.04 Safeguards
Trans 114.02 Definitions	Trans 114.05 Field test findings
Trans 114.03 Uniform traffic citation form use	Trans 114.06 Uniform traffic citation

Note: Chapter Trans 114 was created as an emergency rule effective May 1, 1989. Chapter MVD 21, as it existed on December 31, 1989, was repealed and a new Chapter Trans 114 was created effective January 1, 1990.

Trans 114.01 PURPOSE AND SCOPE. As authorized by s. 345.11(4), Stats., the purpose of this chapter is to establish a uniform traffic citation form and to provide a mechanism for field testing future revisions to the uniform traffic citation form as proposed by the council on uniformity of traffic citations and complaints.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

Trans 114.02 DEFINITIONS. In this chapter:

(1) "Field test" means to utilize a prototype traffic citation form among a representative number of law enforcement jurisdictions who volunteer to field test it.

(2) "Prototype uniform traffic citation form" means a form created by the secretary's council on uniformity of traffic citations and complaints, which serves as a model for field testing and against which the secretary's council bases its

recommendations for improvements when drafting the final version of the uniform traffic citation form.

(3) "Field test jurisdiction" means a law enforcement jurisdiction which volunteers to field test a prototype uniform traffic citation form.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

Trans 114.03 UNIFORM TRAFFIC CITATION FORM USE. A prototype uniform traffic citation form, prepared by the council on uniformity of traffic citations and complaints, may be used in field tests for the purpose of evaluating the changes authorized under s. 345.11, Stats., and to allow for input by affected parties toward the final design of the uniform traffic citation form. The prototype uniform traffic citation form will be used in lieu of the current traffic citation form in the field test jurisdictions during the field test. However, use of the prototype uniform traffic citation form shall not invalidate the use of the current uniform traffic citation in the field test jurisdictions or in any other jurisdiction during the field testing period.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

Trans 114.04 SAFEGUARDS. To ensure the court record copy of the uniform traffic citation is true and correct, each clerk of court shall submit a signed, dated letter with each group of adjudicated citations indicating the dispositions entered on the citations it embraces are true and correct to the best of his or her knowledge.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

Trans 114.05 FIELD TEST FINDINGS. The department of transportation shall analyze the uniform traffic citation form field test findings and make recommendations for improvements to the council on uniformity of traffic citations and complaints.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90.

Note: A copy of MV4016 uniform Traffic citation form is included. A number of law enforcement agencies have asked the department to allow them time beyond the effective date to use up their supply of the MV4016 Wisconsin Uniform Citation and Complaint forms promulgated under Ch. MVD 21. If the legislature concurs with this request, agencies will have the option of using either of these citation forms between January 1, 1990 - August 31, 1990. Effective September 1, 1990, only the MV4016 uniform traffic citation form promulgated under this chapter shall be used.

History: Cr. Register, December, 1989, No. 408, eff. 1-1-90

Trans 114.06 UNIFORM TRAFFIC CITATION.

EFFECTIVE DATE. This rule shall take effect on January 1, 1990.

Signed at Madison, Wisconsin
this 8th day of December, 1989.

for Donald H. Janssen, Deputy
Ronald R. Fiedler, P.E.
Secretary
Wisconsin Department of
Transportation

FISCAL ESTIMATE

DOA-2048 (R 10/88)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

Amendment No. if Applicable

Subject

Uniform Traffic Citation

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

Assumptions Used in Arriving at Fiscal Estimate

Clerks of Court

The number of data elements Clerks of Court will have to report to the Department of Transportation on the reverse side of DOT's copy of the form have been reduced from 46 to 18. This should translate into savings for 72 Circuit and an estimated 200 Municipal Clerks of Court. Detail: There are approximately 790,000 citations processed each year. In 1988, Clerks took between 30-40 seconds to complete each citation. The prototype citation will take them 15-20 seconds to complete. The average wage and fringe of clerk of court staff person is \$12.52/Hr. Therefore:

Savings

Current Citation

790,000 citations/120 citations per hour x \$12.52/Hr. = \$ 82,423
790,000 citations/90 citations per hour x \$12.52/Hr. = \$109,897

New Citation

790,000 citations/240 citations per hour x \$12.52/Hr. = \$ 41,211
790,000 citations/180 citations per hour x \$12.52/Hr. = \$ 54,948

Therefore, the range of savings accrued to the Clerks of Court lies between \$41,211 and \$54,948 annually.

Long-Range Fiscal Implications

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

Department of Transportation
David Coady 267-5126

Authorized Signature/Telephone No.

Robert Boda (SS) 266-2223

Date

10/18/89

Costs

One-time training costs for estimated 400 clerks of court personnel at \$12.52/Hr x 4 hours of training = \$20,032

Police

Phone survey findings of a representative number of police departments indicated that even in the presence of Act 267, Laws of 1987, an estimated 25% of Wisconsin law enforcement agencies still issue a separate driver license receipt with the traffic citation. The prototype form incorporates the D.L. receipt into the defendant's copy of the citation. Subsequently, the need for a separate D.L. receipt can be eliminated.

Savings

700 police agencies x 25% x Ave. \$15.00 wage & fringe
per hour x 2 min. per driver license receipt each year. \$98,750

Estimated 7,750 D.L. Receipt Books eliminated each
year \$ 7,750

Costs

One-time training costs for an estimated 10,000 officers
x ave. \$15.00/Hr. x 2.5 Hours of training per officer \$375,000

FISCAL ESTIMATE WORKSHEET

1989 Session

Detailed Estimate of Annual Fiscal Effect ORIGINAL UPDATED CORRECTED SUPPLEMENTAL LRB or Bill No./Adm. Rule No. Amendment No.
 DOA-2047(R 10/88) Adm. Rule Trans 114

Subject

Uniform Traffic Citation

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

Local: Training = \$395,032 State: \$2,500 Data Processing Development

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:

A. State Costs by Category	Annualized Fiscal Impact on State funds from:	
	Increased Costs	Decreased Costs
Salaries and Fringes	\$ - 0	\$ + 0
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
TOTAL State Costs by Category	\$ - 0	\$ + 0

B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	- 0	+ 0

C. FTE Position Changes	Increased Pos.	Decreased Pos.
	+ (0)	- (0)

III. State Revenues-	Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.		Decreased Rev.	Increased Rev.
GPR Taxes	\$ -	\$ +	\$ -	\$ +
GPR Earned	-	+	-	+
FED	-	+	-	+
PRO/PRS	-	+	-	+
SEG/SEG-S	-	+	-	+
TOTAL State Revenues	\$ - 0	\$ + 0	\$ - 0	\$ + 0

Net Annualized Fiscal Impact on State & Local Funds

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ + 0	Total Costs	\$ -	\$ + \$148,000
Total Revenues	+	-	Total Revenues	+	- \$161,500

NET Impact on State Funds	\$ (+) or (-) 0	NET Impact on Local Funds	\$ (+) \$148,000 to or (-) \$161,500
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Agency/Prepared by: (Name & Phone No.) Dept. of Transportation David Coady 267-5126
 Authorized Signature/Telephone No. Robert Duke (bc) 266-2237
 Date 10/18/89

	DEPOSIT PERMITTED	DL. Cash Card <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Estimated Points (This Citation) 3					
1 You Are Notified To Appear Is this a mandatory Court Appearance? <input type="checkbox"/> YES <input type="checkbox"/> NO (Read the reverse side of this citation for court information) ON _____ AT _____ AM PM WHERE <input type="checkbox"/> Circuit <input type="checkbox"/> Municipal	Defendant Name - Last		First	MI				
	Street Address		Post Office	State Zip				
	Driver License Number		State	Exp. Yr.	Licensed As: Classified Class Endorse Preclassified Type 10 11 12			
	Date of Birth	Sex	Race	HT.	WT.	Hair	Eyes	Operating As: Classified Class Endorse Preclassified Type 15 16 17 Y/N 18
	License Plate or VIN	Plate Type	State	Exp. Yr.	Year/Make of Vehicle	Type	Color	
<input type="checkbox"/> STATE <input type="checkbox"/> COUNTY <input type="checkbox"/> CITY <input type="checkbox"/> VILLAGE <input type="checkbox"/> TOWN OF WIS. PLAINTIFF OF: 26		Defendant Violated: Ordin. No. 27		Adopting State Statute No. 28	Agency Space			
Description of Violation 29			Waiver 30	M P H Actual 31 Legal 32 Over 33				
Week Day 34	Month - Day - Year 35	Time 36	<input type="checkbox"/> AM <input type="checkbox"/> PM	County 37	City/Village/Town 38	42		
ON Hwy No. and / or Street Name 39		Estimated Distance <input type="checkbox"/> Feet <input type="checkbox"/> Mile(s)	N E FROM/AT S W 41	Hwy No. and / or Street Name				
Print Officer Name 43		Dept. 44	Officer ID NO. 45	Date Citation Issued 46	Accident Severity 47 Fatal PIPD			

Wisconsin Uniform Citation
MV4016 (889) s.345.11, Wis. Stats.

Citation serves as a Driver License Receipt until above Court date: YES NO

BACKER

Ply 3

Pink

Instructions - Read Carefully

MANDATORY APPEARANCE - (See other side). If your citation is marked as a mandatory court appearance, you **MUST** appear in court. The "appearance not mandatory" instructions do not apply to you.

APPEARANCE NOT MANDATORY - (See other side). If your appearance is not mandatory and you do not wish to appear in court to answer this citation, you may satisfy this matter without appearing in court by following one of the first two procedures below:

A. Make a Stipulation and Deposit. To do this you must **WITHIN 10 DAYS OF THE VIOLATION**, do the following:

1. Sign the "Statement of Notice" below.
2. Sign the "Statement of Stipulation" below.
3. Mail or deliver your copy, or a photocopy of your citation, together with the "deposit permitted" amount to the court address written under **YOU ARE NOTIFIED TO APPEAR** on the other side. Make your check payable to the Clerk of Court.

B. Make a Deposit Only. ("Stipulation of No Contest" not required). To do this you must, prior to the court date written under **YOU ARE NOTIFIED TO APPEAR**, mail the "deposit permitted" amount to the clerk of court at the address listed. If you fail to appear in court at the time written on your citation, you will be deemed to have tendered a plea of no contest, and the court will find you guilty and keep the "deposit permitted" amount as payment for your citation.

C. If you do nothing, the court may issue a warrant for your arrest, or may find you guilty for failing to appear in court and suspend your driving privileges if you fail to pay your fine.

STATEMENT OF NOTICE

Conviction, forfeiture or stipulation of no contest to the charge described on the reverse side will result in the assessment of demerit points against you. Accumulation of twelve demerit points within a one year period will be cause for revocation or suspension of your driving privileges.

Conviction, forfeiture or stipulation of no contest to the charge described on the reverse side will result in revocation or suspension of your driving privileges.

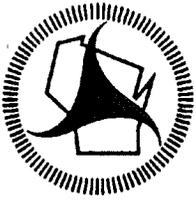
I HAVE READ THE ABOVE STATEMENT:

X

STIPULATION

I, the undersigned, do hereby stipulate no contest to the offense charged on the reverse side and waive my right to a trial. I agree to pay the amount prescribed below. I have been advised of the mandatory revocation or suspension and demerit point provisions of the law as required by section 343.27, of the Wisconsin Statutes.

Signature	Date	Amount
		\$



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Ronald R. Fiedler, PE
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

December 8, 1989

RECEIVED

DEC 8 1989

Revisor of Statutes
Bureau

Mr. Gary Poulson
Assistant Revisor of Statutes
30 West Mifflin Street
Suite 702
Madison, Wisconsin 53703

RE: Clearinghouse Rule 89-101
In the Matter of the Adoption of Trans 114, Wisconsin Administrative Code, Relating to the Uniform Traffic Citation

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.20, Wis. Stats., is a certified copy of CR 89-101, an administrative rule relating to the uniform traffic citation. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

A handwritten signature in cursive script that reads "Joe Maassen".

Joe Maassen
Deputy General Counsel

JM/jj

Enclosure

cc: Tom Walker
Linda Thelke
Harold Thummel
Julie Clark
Dave Coady