

CR 92-45

CERTIFICATE

RECEIVED

JUL 28 1992

3:20 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **operator's licenses and identification cards**, was duly approved and adopted by this Department on July 27, 1992.

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 27 day of July, 1992.



Charles H. Thompson

CHARLES H. THOMPSON
Secretary

10-1-92

IN THE MATTER OF a rule repealing s. Trans 102.11(3); amending ss. Trans 102.16(3)(a) and (b); repealing and recreating ss. Trans 102.11(1) and (2); and creating Trans 102.11(intro.), Wisconsin Administrative Code, relating to operator's licenses and identification cards.

ORDER ADOPTING RULE

RECEIVED

JUL 28 1992

Revisor of Statutes
Bureau

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: §§ 85.16(1) and 343.02, Stats.

STATUTE INTERPRETED: § 343.21, Stats.

General Summary of Rule. The amendment changes and refines the method of prorating the driver's license fee for upgraded licenses.

Under the amendment, when a driver with a valid non-commercial operator's license applies for his/her first commercial driver's license, the fee paid will be prorated based upon the number of days or months remaining on the non-commercial license rather than being prorated based upon the number of years remaining under the current rule. A person obtaining his/her first commercial operator's license with 6 months remaining on the regular license will pay a prorated fee for the remaining 6 months and, if a person chooses, can pay for the next statutory renewal period to extend the license for a total cost of \$36. Under the current rule, a person in this situation pays the statutory renewal fee plus an additional 1/4 of that fee for a total cost of \$40.

The amendment also makes minor corrections to other verbiage in the current rule.

Fiscal Impact. No significant fiscal impact is anticipated from the promulgation of this rule change.

Final Regulatory Flexibility Analysis. This rule has no significant adverse impact on small businesses.

Contact Persons. The persons to contact for further information are Bonnie Phaneuf (608) 267-7783, Gerry Bown (608) 266-0428 or Karen Schwartz (608) 266-0054.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 343.02, Stats., the department of transportation hereby amends the rule interpreting s. 343.21, Stats., relating to operator's licenses.

SECTION 1. Trans 102.11(intro.) is created to read:

Trans 102.11 PRORATED FEES. To maintain the existing license renewal cycle when upgrading a valid license, the department shall prorate the statutory fees under s. 343.21(1)(a), (b) and (d), Stats., required to be paid to the department to upgrade a license.

SECTION 2. Trans 102.11(1) and (2) are repealed and recreated to read:

Trans 102.11(1) UPGRADED LICENSE. If a license is upgraded by adding class A, B, C, D or M privileges to an existing operator's license, the following apply to determine the applicable fee under s. 343.21(1)(a), (b) or (d), Stats.:

(a) When 365 days or more remain on the existing license, the license holder shall pay the prorated fee for the upgraded license determined by the department as follows:

1. Multiply the number of days remaining on the existing license from the date of application by the statutory fee and divide by 1460. The number of days include the day of expiration, but not the day of application.

2. Round the resulting quotient to the nearest whole dollar amount.

The license upgraded for this fee shall expire on the expiration date of the existing license.

(b) When more than 90 but less than 365 days remain on the existing license, the license holder may do either of the following:

1. Pay the prorated fee as determined under sub. (1)(a). The license upgraded for this fee shall expire on the expiration date of the existing license.

2. Pay the prorated fee as determined under sub. (1)(a) and the statutory fee. The license upgraded for this fee shall expire 4 years from the expiration date of the existing license.

(c) When 90 days or less remain on the existing license, the license holder shall pay the prorated fee as determined under sub. (1)(a) and the statutory fee. The license upgraded for this fee shall expire 4 years from the expiration date of the existing license.

(2) MANUAL CALCULATION. Notwithstanding sub. (1)(a), if the automated processing system is not available, the prorated fee shall be determined by the department by multiplying the number of months remaining on the existing license from the date of application by the statutory fee and dividing by 48. The number of months include the month of expiration, but not the month of application. The resulting quotient is rounded to the nearest whole dollar amount.

SECTION 3. Trans 102.11(3) is repealed.

SECTION 4. Trans 102.16(3)(a) and (b) are amended to read:

Trans 102.16(3)(a) Shall expire ~~four~~ 4 years from the licensed person's next birthday when the application is made ~~after the~~ prior to the expiration of the license;

(b) Shall expire ~~three~~ 3 years from the licensed person's next birthday when the application is made after the expiration date of the license.

(END OF RULE TEXT)

RECEIVED

JUL 28 1992

Revisor of Statutes
Bureau

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 27 day of July, 1992.

Charles H. Thompson

CHARLES H. THOMPSON

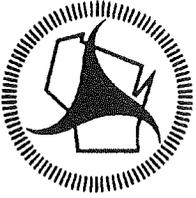
Secretary

Wisconsin Department of Transportation

RECEIVED

JUL 28 1992

Revisor of Statutes
Bureau



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

July 27, 1992

Mr. Gary Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr. Blvd.
2nd Floor
Madison, Wisconsin 53703

RECEIVED

JUL 28 1992

Revisor of Statutes
Bureau

RE: **CLEARINGHOUSE RULE 92-45**

In the Matter of the Adoption of **TRANS 102**, Wisconsin Administrative Code, relating to **operator's licenses and identification cards**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 92-45**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

I again want to call your attention to a few minor corrections needing to be made, as stated in the transmittal letter for the Notice of Intent to Adopt Rule Without Public Hearing. I will again list them below:

- In Trans 102.15(5)(b), 'objectio' should be 'objection';
- In Trans 102.16(4), pars. (a) and (b) have been printed twice; and
- In Trans 102.16(6)(b), 'renwal' should be 'renewal.'

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Tom Walker/ Dorothy Kapke/Jim McDonnell/Roger Cross/Wes Geringer/
Karen Schwartz