

CR 95-19

CERTIFICATE

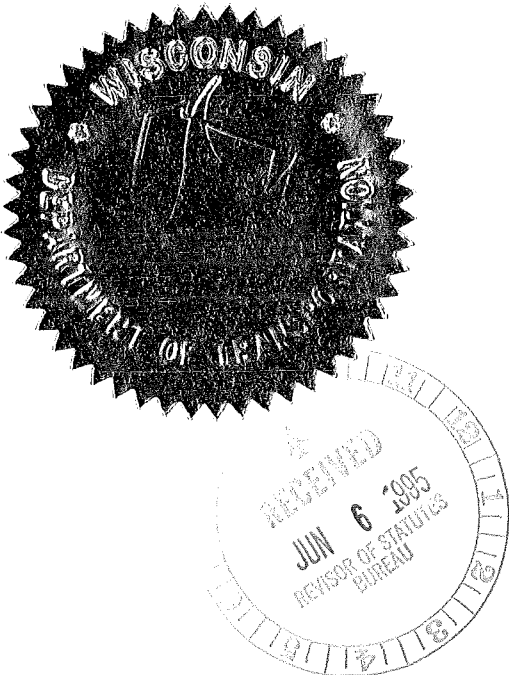
STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)

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 **administrative suspension of operating privilege for operating motor vehicle with a prohibited blood alcohol concentration**, was duly approved and adopted by this Department on June 5, 1995.

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.

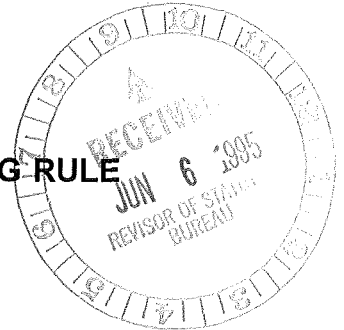
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 5 day of June, 1995.



Charles H. Thompson
CHARLES H. THOMPSON
Secretary

8-1-95

The Wisconsin Department of Transportation adopts an order to repeal TRANS 113.02(3) and 113.04(2)(b); renumber TRANS 113.02(4) and 113.04(2)(c); and amend TRANS 113.02(1), 113.03(3) and 113.04(11), relating to administrative suspension of operating privilege for operating a motor vehicle with a prohibited blood alcohol concentration.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: s. 85.16(1), Stats.

STATUTE INTERPRETED: s. 343.305(7) and (8), Stats.

General Summary of Rule. 1993 Wisconsin Act 16 dissolves the Office of the Commissioner of Transportation (OCT) effective December 31, 1993. It will no longer be involved in the process of administrative suspension of drivers licenses.

These rule changes eliminate any reference to the OCT and make the Department of Transportation responsible for all the administrative suspension hearings.

The requirement for police officers to file a copy of any alcohol influence report with other OWI arrest documents is being removed from s. Trans 113.03(3). The form no longer contains information related to field sobriety tests and is of negligible use to an examiner.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district. The Department estimates that there will be no fiscal effect on state revenues or liabilities.

Final Regulatory Flexibility Analysis. This rule will have no effect on small businesses.

Contact Person. To request a copy of this rule, contact Kent Buehler, Bureau of Driver Services, Room 301, P. O. Box 7917, Madison, Wisconsin 53707-7917, or call (608) 266-2266. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 85.16(1), Stats., the department of transportation hereby amends a rule interpreting s. 343.305(7), Stats., relating to administrative suspension of operating privilege for operating a motor vehicle with a prohibited blood alcohol concentration.

SECTION 1. Trans 113.02(1) is amended to read:

Trans 113.02(1) "Hearing examiner" means an examiner or officer of either the department or the office of the commissioner of transportation authorized to conduct administrative reviews.

SECTION 2. Trans 113.02(3) is repealed.

SECTION 3. Trans 113.02(4) is renumbered 113.02(3).

SECTION 4. Trans 113.03(3) is amended to read:

Trans 113.03(3) Within 5 days after the date of the notice of intent to suspend operating privilege, forward the license, if available, ~~a copy of the alcoholic influence report;~~ a copy of the form used to inform the accused person of Wisconsin's implied consent law; a copy of the arrest report; a copy of the chemical test result that is the basis of the suspension and, if available, the results of any other chemical tests related to the incident; and a copy of the notice of intent to suspend operating privilege to the nearest division of motor vehicles headquarters or, if the offense occurred in ~~the county~~ of Milwaukee, Waukesha or Dane county, to ~~the office of the commissioner~~ district one motor vehicle headquarters.

SECTION 5. Trans 113.04(2)(b) is repealed.

SECTION 6. Trans 113.04(2)(c) is renumbered 113.04(2)(b).

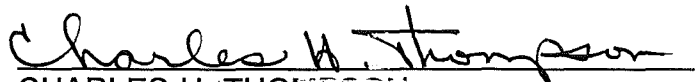
SECTION 7. Trans 113.04(11) is amended to read:

Trans 113.04(11) Examiners shall conduct reviews in an impartial and detached manner. The result of an individual review may not be considered in any personnel action involving the examiner or performance review of the examiner by the department ~~or by the office of the commissioner.~~

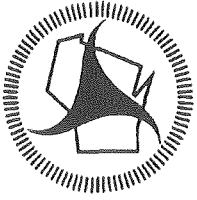
(END OF RULE TEXT)

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 5 day of June, 1995.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation





Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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

June 6, 1995

Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703


RE: **CLEARINGHOUSE RULE 95-019**

In the Matter of the Adoption of **TRANS 113**, Wisconsin Administrative Code, relating to **administrative suspension of operating privilege for operating motor vehicle with a prohibited blood alcohol concentration.**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 95-019**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Ann Agnew
Dorothy Kapke
Jim McDonnell
Roger Cross
Wes Geringer
Al Johnson
Kent Buehler

