Chapter Trans 128

TRAFFIC VIOLATION AND REGISTRATION PROGRAM

Note: This chapter was created by emergency rule effective July 1, 1981; repealed and recreated by emergency rule effective August 24, 1982; chapter Trans 128 as it existed on December 31, 1982 was repealed and a new chapter Trans 128 was created effective January 1, 1983.

Trans 128.01 Purpose and scope. (1) STATUTORY AUTHORITY. As authorized by ss. 85.13, 227.11, 345.28, and 345.47 (1) (d), Stats., the purpose of this chapter is to establish the department's administrative interpretation of ss. 85.13, 341.08 (4m), 341.10 (7) and (7m), 341.63, 341.64, 345.17, 345.28, and 345.47 (1) (d), and ch. 342, Stats., relating to a traffic violation and registration program to refuse vehicle registration as a result of unpaid judgments and to suspend or refuse vehicle registration as a result of unpaid parking tickets.

(2) APPLICABILITY. This chapter applies to any local unit of government or other authority electing to participate in the traffic violation and registration program, to any court or authority or delegated agency processing cases on behalf of participating local units of government or other authority, and to any person subject to any judgment or parking citation that remains unpaid.

Note: Forms used in administering this chapter include MV 2, license plate renewal notice; MV 3, license plate renewal notice statement; MV 2458 and MV 2809, notice of unpaid judgment, under s. 345.47 (1) (d), Stats.; MV 2679 and MV 2502, notice of unpaid citation, under s. 345.28 (4), Stats.; MV 2451, statement of good faith.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (2), Register, March, 1985, No. 351, eff. 4–1–85; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1987, No. 384; **am. (1), Register, December, 1996, No. 492, eff. 1–1–97.**

Trans 128.02 Definitions. In this chapter:

(1) "Applicant" means any person applying for Wisconsin vehicle registration.

(2) "Authority" has the same meaning as in s. 345.28 (1) (a), Stats., and includes state agency as defined in sub. (10).

(3) "Case" means an unpaid judgment or unpaid citation which includes both a notice of unpaid judgment or unpaid citation and a subsequent notice of satisfaction.

(4) "Delegated agency" means the entity designated by an authority to submit unpaid citation and satisfaction notices on behalf of the local unit of government or other authority.

(5) "Department" means the Wisconsin department of transportation.

(6) "Local authority" has the same meaning as in s. 340.01 (26), Stats.

(7) "Local unit of government" means any county, city, village, town or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.

(8) "Person" has the meaning set out in s. 990.01 (26), Stats.

(9) "Registrant" means any person who is the holder of Wisconsin vehicle registration.

(10) "State agency", as used in the definition of authority, means any office, department, or independent agency of Wisconsin state government, including any sub–unit level with the authority to administer the provisions of this chapter.

(11) "Unpaid judgment" means an unpaid traffic forfeiture judgment submitted to the department under ch. 345, Stats.

(12) "Unpaid citation" means a ticket for a nonmoving traffic violation as defined in s. 345.28 (1), Stats., which has not been paid and for which the person has not appeared in court.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; renum. (2) to (10) to be (3) to (8) and (10) to (12) and am. (4), cr. (2) and (9), Register, March, 1985, No. 351, eff. 4–1–85; **am. (2), r. (12), renum. (8) to (11) to (9) to (12), cr. (8), Register, December, 1996, No. 492, eff. 1–1–97.**

Trans 128.03 Local unit of government or other authority participation or termination. (1) NOTIFICATION REQUIREMENTS. A local unit of government or other authority electing to participate or terminate participation in the traffic violation and registration program shall notify the department in writing at least 30 days before the effective date of participation or termination. The department may delay the effective date of participation beyond the 30 day period if the participant anticipates submitting a high volume caseload.

(2) CONTENTS OF NOTIFICATION. The notification from the local unit of government or other authority shall include all of the following:

(a) The effective date of participation.

(b) Method of payment as described in s. Trans 128.12 (4).

(c) Estimated annual volume of cases that will be sent to the department.

(d) Whether there is a municipal court and, if so, the name, address and phone number of the court and the address where court payments should be made.

(e) The name, address and phone number of the authority or delegated agency and the address where citation payments should be made.

(f) A statement describing the approval of participation action taken by the authority.

(g) The signature and title of the person submitting the notice for the local unit of government or other authority.

(3) COPIES TO COURT AND DELEGATED AGENCY. The local unit of government or other authority shall send a copy of all notices sent to the department under this section to the clerk of any circuit court or municipal court and to any delegated agency that processes cases on its behalf.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1), (2) (intro.), (c), (f) and (g) and (3), Register, March, 1985, No. 351, eff. 4–1–85; **am. (2) (intro.), (a) to (f), Register, December, 1996, No. 492, eff. 1–1–97.**

Trans 128.04 Notice of unpaid judgment and notice of satisfaction. (1) CONTENT. (a) In addition to the information required by s. 345.47 (1) (d), Stats., the notice of unpaid judgment shall contain, and the court shall provide all of the following:

1. The name and address of the court.

2. The name of the local unit of government or other authority taking action.

3. The signature or facsimile signature of the judge or the representative authorized by the court.

4. The date the notice is signed.

5. The title of the person signing.

6. The 13 position judgment case number generated as prescribed by the department to include a unique number assigned to each court, the date, and a serial number.

7. A section for notice of satisfaction containing:

a. The signature or facsimile signature of the judge or representative authorized by the court.

b. The date the judgment was satisfied.

c. The date the satisfaction is signed.

d. The title of the person signing.

(b) The notice also shall allow for reporting of the following information at the discretion of the court:

1. The court case number assigned by the court.

2. The state of issue and year of expiration of the license number of the vehicle involved.

3. The state of issue and driver's license number of the person named on the notice.

4. The date of birth of the person named on the notice.

Note: Form MV 2458.

(2) SCOPE. (a) A notice of unpaid judgment may be created for any and all violations included in any and all warrants, if all are included under one unpaid judgment case number. After a notice of unpaid judgment has been submitted to the department, any additional violation or violations which result in additional unpaid judgments shall be submitted as a separate notice of unpaid judgment.

(b) A maximum of 40 cases will be entered on the department's records on any one registration record. Cases received in excess of this number will be returned to the appropriate authority or delegated agency.

(3) NOTIFICATION REQUIREMENTS. (a) When a court elects to notify the department, each notice of unpaid judgment or subsequent notice of satisfaction shall be on the form prescribed in this section and shall be mailed or delivered to the department by the court.

(b) Notice of satisfaction shall be mailed or delivered to the department not later than 3 working days after the court receives payment of the judgment or otherwise determines that the unpaid judgment has been satisfied.

(c) The court is responsible for assuring that a notice of unpaid judgment sent to the department is a correct and appropriate submission.

(4) RECORD DISPOSAL. An unpaid judgment case which has not been satisfied as described in sub. (3) may be removed from the department's records 6 years after initial entry in the department's records.

(5) FORMS SUPPLY. The notice of unpaid judgment and notice of satisfaction form shall be supplied by the department. The cost of the forms shall be included in the cost for operation of the program.

Note: Form MV 2458.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1) (a) 2., renum. (2) to be (2) (a) and cr. (2) (b), Register, March, 1985, No. 351, eff. 4–1–85; am. (1) (a) (intro.), 1. to 7. c., (b) (intro.), 1. to 3., (4), Register, December, 1996, No. 492, eff. 1–1–97.

Trans 128.05 Notice of unpaid citation and notice of satisfaction. (1) CONTENT. (a) In addition to the information required by s. 345.28 (4), Stats., the authority or delegated agency shall provide the following information in the format prescribed by the department:

1. The name and address of the authority or delegated agency.

2. The signature or facsimile signature of the authorized representative.

3. The title of the person signing.

4. The date the notice is signed.

5. The 13 position citation case number generated as prescribed by the department to include a unique number assigned to each authority, or delegated agency, the date, and a serial number.

6. The type of license plate as prescribed by the department for the license number of the vehicle involved.

7. The year of expiration of the Wisconsin license number of the vehicle involved.

8. The amount of payment due from the person against whom the citation was issued.

9. A section for notice of satisfaction containing:

a. The signature or facsimile signature of the authorized representative.

b. The date the citation was satisfied.

c. The title of the person signing.

(b) The notice also shall allow for reporting of the citation number at the discretion of the authority or delegated agency.

Note: Form MV 2679 or MV 2502.

(2) SCOPE. (a) A notice of unpaid citation may be created and submitted to the department for any and all nonmoving traffic violations as defined in s. 345.28 (1), Stats., but each violation requires a separate notice.

(b) A maximum of 40 cases will be entered on the department's records on any one registration record. Cases received in excess of this number will be returned to the appropriate authority or delegated agency.

(3) NOTIFICATION REQUIREMENTS. (a) When an authority or delegated agency notifies the department, each notice of unpaid citation or subsequent notice of satisfaction shall be on the form prescribed in this section and shall be mailed or delivered to the department by the authority.

(b) Notice of satisfaction shall be mailed or delivered to the department no later than 3 working days after the authority or delegated agency receives payment, the person has appeared in court to contest the citation, or for any other reason the case is closed.

(c) The authority is responsible for assuring that a notice of unpaid citation sent to the department is a correct and appropriate submission.

(4) RECORD DISPOSAL. An unpaid citation case which has not been satisfied as described in sub. (3) may be removed from the department's records 6 years after initial entry in the department's records.

Note: The Department disposes of such records on a semi–annual basis.

(5) FORMS SUPPLY. The notice of unpaid citation and notice of satisfaction form shall be supplied by the department. The cost of the forms shall be included in the cost for operation of the program.

Note: Form MV 2679 or MV 2502.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1) (a) and 1. and 5., (b) and (3), renum. (2) to be (2) (a) and cr. (2) (b), Register, March, 1985, No. 351, eff. 4–1–85; am. (1) (a) (intro.), 1. to 9. b., (4), Register, December, 1996, No. 492, eff. 1–1–97.

Trans 128.06 Actions associated with unpaid judgment cases. As required by s. 341.10 (7), Stats., a person named by a court under s. 345.47 (1) (d), Stats., who has an unpaid judgment within the scope of this chapter shall be refused registration as follows:

(1) INITIAL NOTIFICATION LETTER OF UNPAID JUDGMENT. When the department is notified by a court of an unpaid judgment, the department shall send an initial notification letter to the person named by the court at the address supplied by the court unless the department has a more recent address. The letter shall provide the person with advance notice of registration refusal, as described in s. Trans 128.08, including information about the unpaid judgment. The letter shall be mailed, except:

(a) When the conditions in sub. (2) (a) apply.

(b) When the department is establishing a control group for testing the effectiveness of the letter.

(c) When for some or all cases the letter does not appear to improve the promptness with which unpaid judgments are satisfied or does not appear to be cost–effective.

(2) THIRTY DAY NOTICE. (a) When the department is notified by a court of an unpaid judgment after a registration has been

renewed, but before the beginning of the new registration period, in order to meet the requirements of s. 341.08 (4m), Stats., a letter shall be mailed to the registrant. The letter shall provide information about the unpaid judgment and indicate that although the registration has been renewed, the department shall cancel the registration after the expiration of 30 days from the date of mailing the letter unless the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

(b) When the department is notified by a court of an unpaid judgment, and the person named by the court is the owner of a vehicle with a non–expiring registration, a letter shall be mailed providing information about the unpaid judgment and indicating the department shall cancel the registration. Cancellation of registration shall occur after the expiration of 30 days from the date of mailing the letter to the registrant unless the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

(3) CANCELLATION RESULTING FROM REFUSAL. A letter of cancellation of registration shall be mailed for those registrations described in s. Trans 128.08 (2). The letter shall indicate that the cancellation shall continue until the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1) (intro.), (2) and (3), Register, March, 1985, No. 351, eff. 4–1–85; **am. (2) (b), Register, December, 1996, No. 492, eff. 1–1–97.**

Trans 128.07 Actions associated with unpaid citation cases. As required by s. 341.10 (7m), Stats., a person named by an authority or delegated agency under s. 345.28 (4), Stats., shall be refused registration, have his or her vehicle registration suspended, or both, as follows:

(1) TYPE OF ACTION. When the department is notified of an unpaid citation, the type of letter sent to the person named on the notice will depend on the action to be taken by the department as specified by the authority or delegated agency under s. 345.28 (4) (a) 2, Stats.

(a) *Suspend the registration of the vehicle involved.* When the department is directed to suspend the registration of the vehicle involved under s. 341.63 (1) (c), Stats., an order of suspension of registration letter shall be mailed to the person named on the notice for the license number supplied by the authority or delegated agency. The order of suspension shall provide information about the unpaid citation and indicate that the suspension shall continue until the department receives evidence required by s. Trans 128.05 that all citations have been satisfied.

(b) *Refuse registration of any vehicle owned by the person.* When the department is directed to refuse registration, as described in s. Trans 128.08, of any vehicle owned by the person named on the notice, the notices described in s. Trans 128.06 shall be used except references to court, unpaid judgment, and judgments shall be changed to authority or delegated agency, unpaid citations, and citations and other references shall be changed as appropriate.

(c) *Suspend and refuse registration.* When the department is directed to suspend the registration of the vehicle involved under s. 341.63 (1) (c), Stats., and to refuse registration of any vehicle, as described in s. Trans 128.08, owned by the person named on the notice, the order of suspension of registration letter described in par. (a) shall be mailed. The order shall be modified to include the additional information described in par. (b), as appropriate.

(2) ALTERNATIVE ACTIONS FOR CERTAIN LICENSE NUMBERS. When the department is directed to suspend registration, but the license number supplied:

(a) Has been issued by another state or jurisdiction, the department cannot suspend vehicle registration, but shall refuse any attempt to register any vehicle.

(b) Does not exist, or department records for that license number show a different name than the name supplied, the department shall not suspend vehicle registration, but shall refuse any attempt to register any vehicle by the person, unless the person is engaged in the business of renting or leasing motor vehicles.

(c) Has been replaced by a different number, the department shall suspend the replacement registration.

(3) RECORD OF ACTION. When a suspension order is computer created, the computer shall also create a computer image file or microfiche of the text of the letter as the record of action, or shall store the information included on the suspension order so that a copy of the text of the suspension order may be recreated. Records stored under this subsection may be destroyed at the same time or after record of the suspension is removed from the department's database of vehicle records under s. Trans 128.05 (4).

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (intro.), (1) and (2) (b), Register, March, 1985, No. 351, eff. 4–1–85; **am. (3), Register, December, 1996, No. 492, eff. 1–1–97.**

Trans 128.08 Refusal of registration. (1) SCOPE. If department records show that notification of a person's unpaid judgment or unpaid citation has been mailed, the person may not:

(a) Register a vehicle.

(b) Renew the registration of a vehicle if the department meets the notification requirements of s. 341.08 (4m), Stats., by mailing one of the following:

1. The renewal registration notice described in s. Trans 128.10 (1) (b), (c) and (d) where the department is notified by a court or authority or delegated agency prior to creating a notification of renewal.

2. The letter described in s. Trans 128.06 (2) where the department is notified by a court, authority or delegated agency after the renewal of a registration but before the beginning of the new registration period.

(c) Re–register a vehicle, change the gross weight at which a vehicle is registered, or change the operating status of a vehicle or obtain replacement license plates for any vehicle.

(d) Transfer registration to another vehicle.

(e) Acquire registration as part of the transfer of ownership of a vehicle.

(f) Continue a nonexpiring registration.

(2) WITHDRAWAL OF REGISTRATION BY CANCELLATION. The department shall cancel registration under s. 342.255 (3), Stats., when the registration types are those described in sub. (1) (b) 2., (d), (e) and (f).

(3) LIMITATION OF REFUSAL OF REGISTRATION. The refusal of registration provisions described in this section are limited to a maximum of 255 vehicles per case.

(4) EFFECT ON ISSUING CERTIFICATE OF TITLE. (a) The refusal of registration shall not affect the issuance of a certificate of title except as provided under s. 342.11, Stats.

(b) If the application for certificate of title indicates that the vehicle has been operated upon public highways, any required registration fee shall be collected and retained at the time of issuing title, even though registration is not issued. The department shall assign registration to the vehicle according to the provisions of ch. 341, Stats., but shall withhold sending the evidence of registration to the vehicle owner until the department receives evidence that all judgments and citations are paid. The certificate of title shall be sent to the vehicle owner with a letter providing information about the unpaid judgments and unpaid citations and indicating that the registration shall be withheld until the department receives evidence that all judgments and citations are paid.

(5) CRITERIA FOR IDENTIFYING A PERSON SUBJECT TO REFUSAL OF REGISTRATION. The refusal of registration shall be based on information supplied by a court on the notice required under s. 345.47 (1) (d), Stats., and s. Trans 128.04, or on information supplied by an authority or delegated agency on the notice required under s. 345.28 (4), Stats., and s. Trans 128.05, and shall be supplemented by information obtained from department records. The

department shall refuse the renewal, transfer or issuance of registration when:

(a) The applicant's or registrant's name and address are both the same as the name and address supplied on the notice of unpaid judgment or unpaid citation.

(b) The name shown on the department's record for the license plate number supplied on the notice of unpaid judgment or notice of unpaid citation is similar or a reasonably logical variation of the name supplied on the notice of unpaid judgment or notice of unpaid citation regardless of whether the address information is the same.

(c) The applicant's or registrant's name is exactly the same or a reasonably logical variation of a name as stated in pars. (a) and (b), and the address is the same as one of the following:

1. The address supplied on the notice of unpaid judgment or notice of unpaid citation.

2. The address obtained from the department's record for the license plate number supplied on the notice of unpaid judgment or notice of unpaid citation.

3. The address obtained from department's driver license records using information supplied by the notice of unpaid judgment.

(d) The applicant or registrant has the same customer identification number on the department's records as the person identified on the notice of unpaid judgment or unpaid citation.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1) (intro.), (b) and (e), (2), renum. (3) to (4) to be (4) to (5) and am. (5) (intro.), cr. (3), Register, March, 1985, No. 351, eff. 4–1–85; correction in (4) (a) made under s. 13.93 (2m) (b) 12., Stats., Register, August, 1996, No. 488; **am. (1) (intro.), (b), (c), (5) (c) 1., 2., cr. (5) (d), Register, December, 1996, No. 492, eff. 1–1–97.**

Trans 128.09 Transfer of vehicle ownership while registration suspended. As required by s. 341.64 (1), Stats., no owner may transfer the ownership of any vehicle whose registration is suspended under s. 341.63 (1) (c), Stats., until the registration is reinstated under s. 341.63 (2), Stats., or until the department is satisfied that the transfer is proposed in good faith and not for the purpose or with the effect of defeating the purpose of s. 341.63 (1) (c), Stats. A transfer of ownership where the seller would continue to have possession, use of, or receive any benefit from the operation of the vehicle shall be considered as defeating the purposes of this program.

(1) EXCEPTIONS TO REFUSING A TRANSFER OF OWNERSHIP. An application for transfer of ownership of a vehicle will be permitted despite suspension of registration for the vehicle if any of the following apply:

(a) The initial purchaser is a Wisconsin motor vehicle dealer as defined in s. 218.01 (1) (a), Stats.

(b) The purchaser, other than a motor vehicle dealer, provides the department with a signed statement that the seller of the vehicle will not have possession, use of, or receive any benefit from the operation of the vehicle after the application for transfer of ownership is completed by the department.

(c) It is an involuntary transfer of ownership including any of the following:

1. Repossession under s. 342.17 (2), Stats.

2. Deceased under s. 342.17 (4), Stats.

3. Divorce settlement under s. 342.17 (4), Stats.

4. Bankruptcy under s. 342.17 (4), Stats.

5. Abandoned vehicle under s. 342.40 (2), Stats.

6. Towing or storage lien under s. 779.415, Stats.

7. Mechanics lien under s. 779.41, Stats.

8. Landlord lien under s. 704.05 (5), Stats.

9. Court order.

10. Other conditions where the interest of an owner in a vehicle passes to another other than by voluntary transfer.

Note: Penalty sections are ss. 341.64 (2), 342.06 (2), and 345.17, Stats.

Note: Form MV 2451, Statement of Good Faith.

(2) APPLICATION DISPOSITION WHEN TRANSFER OF OWNERSHIP REFUSED. When the department refuses to allow a transfer of ownership, the department shall:

(a) Create a new title, without charge, in the name of the seller and send it to the seller with a letter explaining why the transfer of ownership was refused.

(b) Return to the purchaser all fees submitted by the purchaser with an explanation why the transfer of ownership was refused. If registration was issued in error, the fees may be returned only after the purchaser complies with a department request for return of the registration.

(c) Notify by letter any secured party shown on the purchaser's application for transfer of ownership that transfer of ownership was refused.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1) (b) and cr. (1) (c), Register, March, 1985, No. 351, eff. 4–1–85; **am. (1) (intro.), (a), (b), (c) (intro.), 1. to 9., (2) (b), Register, December, 1996, No. 492, eff. 1–1–97.**

Trans 128.10 Renewal forms for vehicle registration. (1) RENEWAL FORMS. (a) Application forms for renewal of vehicle registration shall contain the information required under s. 341.08 (2), Stats., and shall also contain and serve as a notice of, the date upon which the registration must be renewed as required under s. 341.08 (4m), Stats.

Note: Registration renewal form MV 2.

(b) The renewal form used for a registration which is subject to unpaid judgments based on information obtained under s. 345.47 (1) (d), Stats., shall also include the following:

1. The date judgment was entered.

2. The amount of the judgment.

3. The place where the judgment may be paid.

4. The court case number.

5. The judgment case number.

6. A notification that the registration shall not be renewed until all judgments are paid.

7. Other information or instructions to assist the vehicle owner.

Note: Registration renewal form MV 3.

(c) The renewal form used for a registration which is subject to unpaid citations based on information obtained under s. 345.28 (4), Stats., shall also include:

1. The date of the citation;

2. The amount due;

3. The place where the citation may be paid;

4. The citation number;

5. The citation case number;

6. A notification that the registration shall not be renewed until all citations are paid; and

7. Other information or instructions to assist the vehicle owner.

Note: Registration renewal form MV 3.

(d) The renewal form used for a registration which is subject to both unpaid judgments and unpaid citations shall include the information contained in pars. (b) and (c).

Note: Registration renewal form MV 3.

(2) MAILING. (a) The mailing of vehicle registration renewal shall be in accordance with s. 341.08 (4m), Stats., and shall be by first class mail.

(b) The department may not maintain any record of evidence of mailing renewals or of renewals that are returned to the department or its agent as undeliverable by the U.S. postal service.

(c) Failure to receive a renewal notice shall not be a defense against failing to register a vehicle.

(3) EXCEPTIONS. A vehicle registration renewal notice form shall not be created by the department or mailed to the vehicle

owner when the department's records indicate that the registration is in any of the following conditions:

(a) Suspended under s. 20.905 (2), 341.63 (1), 344.08 or 344.14, Stats.

(b) Revoked under s. 344.25, Stats.

(c) Canceled under s. 342.255, Stats.

(d) For a period which has previously expired.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1) (b) (intro.), 1. to 6., (c) (intro.), 1. to 6., (3) (intro.), (a) to (c), Register, December, 1996, No. 492, eff. 1–1–97.

Trans 128.11 Resolution of errors. (1) ERRORS IDENTIFIED BY PERSON. (a) If the department is satisfied that the refusal of registration was an error, the department shall modify its records and allow the person to be issued registration.

(b) If the department is not satisfied that a registration refusal was in error, the person shall submit to the department a signed statement containing all of the following:

1. A list of the description and license number of all vehicles owned.

2. Wisconsin operator's license number.

3. Date of birth.

4. Any other information relevant to the claim.

(c) If the department is not satisfied with the information provided in par. (b) the person shall contact the court or authority or delegated agency that submitted the information to the department. If the court or authority or delegated agency is satisfied that an error was made, the court or authority or delegated agency shall submit a notice of satisfaction to the department as required in s. Trans 128.04 or 128.05.

(2) ERROR IDENTIFIED BY COURT. To correct an error in a notice of unpaid judgment sent to the department, a court shall submit a notice of satisfaction to the department as described in s. Trans 128.04. To establish a correct record, the court shall submit a new notice of unpaid judgment containing the correct information and per case payment required by s. Trans 128.12 (3).

(3) ERROR IDENTIFIED BY AN AUTHORITY OR DELEGATED AGENCY. To correct an error in a notice of unpaid citation sent to the department, an authority or delegated agency shall submit a notice of satisfaction to the department as described in s. Trans 128.05. To establish a correct record, the authority or delegated agency shall submit a new notice of unpaid citation containing the correct information and per case payment required by s. Trans 128.12 (3).

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1) (c) and (3), Register, March, 1985, No. 351, eff. 4–1–85; am. (1) (b) (intro.), 1. to 3., (2), (3), Register, December, 1996, No. 492, eff. 1–1–97.

Trans 128.12 Cost of traffic violation and registration program. (1) GENERAL. In accordance with s. 85.13, Stats., the department shall charge the cost of the development and operation of the traffic violation and registration program to all participating local units of government or other authorities based on the number of cases processed on their behalf.

(2) DEVELOPMENT COST AMORTIZATION. (a) The cost of the original development of the system for the traffic violation and registration program shall be amortized over the first 4 year period of operation.

(b) The cost of enhancements, improvements or additional development of the system shall be amortized over the 4 year period following the implementation of such enhancements, improvements or additional development.

(3) RATE OF PAYMENT. (a) The department shall establish the rate of payment required for each case submitted by a court under s. 345.47 (1) (d), Stats., or by an authority or delegated agency under s. 345.28 (4), Stats., based on the following factors:

1. The estimated annual volume of cases that will be received by the department which serves as the denominator in the rate calculation equation.

2. The estimated cost of operation, including employe salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, printing and forms, the annual amount of amortized enhancement, as described in sub. (2), and other necessary expenses which serves as the numerator in the rate calculation equation.

(b) The rate of payment may be recalculated from time to time to reflect the costs of the program to the department. Rate increases, if any, may be imposed only on or after the next July 1 following the recalculation.

(c) The department shall notify all participants of the rate of payment at least 30 days prior to the effective date of the rate.

(4) METHOD OF PAYMENT. Participants shall pay the department for cases processed by one of the following methods:

(a) Payment at the time the notice of unpaid judgment is submitted by a court to the department for processing.

(b) Payment at the time the notice of unpaid citation is submitted by an authority or delegated agency to the department for processing.

(c) Pre–payment by establishing an account with the department against which charges shall be made at the time:

1. Notice of unpaid judgment is processed for the local unit of government or other authority identified by a court on the notice of unpaid judgment form.

2. Notice of unpaid citation is processed for the authority or delegated agency of the local unit of government.

(d) Automatic debit of the participants banking account through the automated clearing house, or ACH, transaction system of the federal reserve bank.

Note: The Department expects to be capable of using automatic bank account debits by the year 2000.

(5) ACCOUNTING REPORT. The department shall provide to each active participant a monthly report on the status of their financial account established under sub. (4) (c).

(6) REFUNDS. When a participating local unit of government or other authority has elected to pay under sub. (4) (c), and later terminates participation as provided in s. Trans 128.03, any unused balance in the account shall be refunded by the department.

History: Cr. Register, December, 1982, No. 324, eff. 1–1–83; am. (1), (3), (4), (5) (intro.), (b), (c) 1. and 2., (6) and (7), r. (8), Register, March, 1985, No. 351, eff. 4–1–85; am. (2) (b), r. (3), (4) (a) 2., 4., (b) 1., 2., renum. (4) (a) (intro.) 1., 3., (b) (intro.), (5) to (7) to be (3) (a), 1., 2., (b), (4) to (6) and am. (3) (a), 1., 2., (b), (5) and (6), cr. (4) (d), Register, December, 1996, No. 492, eff. 1–1–97.