

**STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY**

NOTICE OF PUBLIC HEARING

The Wisconsin Department of Transportation proposes an Order to amend Trans 102.15 (3) (d), (5) (a), and (5m) (b) 1., 2. and 3., and (c); and to create Trans 102.15 (3) (c), (d) 2., (5) (d) and (6m) of the Wisconsin Administrative Code ch. Trans 102 relating to operator's licenses and identification cards.

NOTICE IS HEREBY GIVEN that, pursuant to ss. 227.17 and 227.24(4), Stats., the State of Wisconsin Department of Transportation ("WisDOT") will hold a public hearing on emergency rule, EmR 1618, and permanent rule, ch. Trans 102 relating to operator's licenses and identification cards.

Hearing Information

Date: August 4, 2016
Time: 10:00 a.m.
Location: Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 144B
Madison, WI 53707

Appearances at the Hearing and Submittal of Written Comments: Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their written comments. WisDOT will accept written comments until Friday, August 5, 2016. Written comments may be sent to Kristina Boardman, Administrator, WisDOT, 4802 Sheboygan Avenue, Room 225, Madison, Wisconsin, 53707, kristina.boardman@dot.wi.gov.

Accessibility: If you have special needs or circumstances regarding communication or accessibility at a hearing, please call Jennifer Peters, Administrative Rulemaking Coordinator, at (608) 267-6979 no later than Monday, August 1, 2016. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available on request to the fullest extent possible.

Initial Regulatory Flexibility Analysis: The Department anticipates no effect on small businesses as a result of this rule as defined under s. 227.114 (1). The Department is unaware of any business that provides assistance in obtaining government documents required to support an application for an identification card. The agency contact person listed below is also the small business regulatory coordinator for emergency rule, EmR 1618, and proposed permanent rule.

Agency Contact Person:
Kristina Boardman, Administrator
Division of Motor Vehicles
4802 Sheboygan Avenue, Room 225

Madison, WI 53707
Phone: (608) 261-8605
Email: kristina.boardman@dot.wi.gov

Pursuant to s. 227.17(3), Wis. Stats., a copy of the proposed permanent rule and fiscal estimate were hand-delivered to the legislative council staff, under s. 227.15(1), Wis. Stats., on June 27, 2016.

Statutory Authority: WisDOT proposes to promulgate the proposed rules under sections 85.16(1), 343.02(1), 343.14 and 343.50, Wis. Stats.

Sections 343.14 and 343.50(4), Wis. Stats., specify the contents of applications for identification cards and authorize the Department to require such information as the Department considers appropriate to identify the applicant.

Section 343.50, Wis. Stats., requires the Department to issue identification cards.

Section 343.50 (5) (a) 3., Wis. Stats., prohibits the Department from charging a fee for an identification card requested by a qualified applicant who requests it for purposes of voting.

Section 343.50 (1) (c), Wis. Stats., authorizes the Department to issue an identification card receipt as a temporary identification card while the Department processes the application.

Section 343.02 (1), Wis. Stats., authorizes the Department to promulgate such rules concerning identification cards that the Secretary of the Department considers necessary.

Section 85.16 (1), Wis. Stats., authorizes the Secretary of the Department to make rules deemed necessary to the discharge of the powers, duties and functions vested in the Department.

Plain Language Analysis: In 2011, Wisconsin enacted a statute requiring voters to present photographic identification when voting, and listed identification cards issued by the Department's Division of Motor Vehicles ("DMV") among the types of acceptable photographic identification. The statute also prohibited DMV from charging a fee to an individual applying for the initial issuance, renewal, duplicate issuance, or reinstatement of an identification card if the individual is a U.S. citizen who will be at least 18 years of age on the date of the next election and he or she requests that the identification card be provided without charge for purposes of voting.

DMV amended its administrative rules in 2014 to establish a petition process by which an applicant could present extraordinary proof to document his or her name, date of birth and U.S. citizenship, which DMV verifies through the Wisconsin Department of Health Services or other states or units of government as needed, thereby eliminating the applicant's responsibility to pay government fees for supporting documents. Specifically, Trans 102.15(5m) permits an individual who applies for an identification card without charge for purposes of voting to make a written petition to the DMV administrator for an exception to the requirements set forth in Trans 102.15(3)(a) if the individual is unable to provide the required documents and the documents are unavailable to the individual. If the initial petition process set forth in Trans 102.15(5m)(b) is unsuccessful in verifying an applicant's name, date of birth and U.S. citizenship, the Department may issue an identification card if it receives other secondary documentation that is deemed acceptable to the DMV administrator to prove name, date of birth and U.S. citizenship.

Since the implementation of the extraordinary proof petition process, DMV has developed best practices, identified appropriate timelines and standards for action, and identified common-sense steps that must be followed in the application and petition process to ensure consistency in the processing of applications.

This rule sets forth these best practices, timelines, standards and common-sense steps. In addition, this rule includes provisions that result in a more specific process and deadlines to verify an applicant's name, date of birth and U.S. citizenship, thereby limiting the DMV administrator's discretion by establishing and requiring a consistent application of standards and criteria throughout the petition process.

Copies May Be Obtained From WisDOT At No Charge: A copy of the emergency rule, EmR 1618, and proposed permanent rule are available at <http://adminrules.wisconsin.gov>. You may receive a paper copy of the emergency rule, EmR 1618, the proposed permanent rule or fiscal estimate by contacting Jennifer Peters, Administrative Rulemaking Coordinator at WisDOT Office of General Counsel, 4802 Sheboygan Avenue, Room 115B, Madison, Wisconsin, 53705, jennifer.peters@dot.wi.gov.