

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

**NOTICE OF PRELIMINARY PUBLIC HEARING
PERMANENT RULE No. CR 21-042**

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 permanent rule Wisconsin Administrative Code ch. Trans 154 relating to Odometer Disclosure Requirements. Additionally, a draft categorical exclusion environmental document has been prepared for this proposed rule, a copy of which can be found at the bottom of this Notice of Public Hearing.

HEARING INFORMATION:

Date: Wednesday, July 7, 2021
Time: 10:15 a.m.
Location: Hill Farms State Office Building
4822 Madison Yards Way, Room N134
Madison, WI 53705

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.

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Written comments will be accepted until Wednesday, July 14, 2021 at 4:30 p.m. and may be sent to Reed McGinn, Division of Motor Vehicles, State of Wisconsin Department of Transportation, 4822 Madison Yards Way – Room 206, Madison, WI 53705, or by email DOTAdminRules@dot.wi.gov. Comments can also be made through the Legislature’s Administrative Rules website at <http://docs.legis.wisconsin.gov/code/comment>.

Accessibility: If you have special needs or circumstances regarding communication or accessibility at a hearing, please contact Kathey Bilek, Administrative Rulemaking Coordinator, (608) 266-7364 or by email KatherineS.Bilek@dot.wi.gov prior to the hearing date. Accommodations will be made available upon request, to the fullest extent possible.

Initial Regulatory Flexibility Analysis: Initial Regulatory Flexibility Analysis: The proposed rule would increase the overall number of odometer statements collected by motor vehicle dealers. Under the new regulations, vehicles manufactured in or after 2011 will only be exempt from mileage disclosure if the transfer is at least 20 years after January 1 of the calendar year corresponding to the designated model year of the vehicle. The motor vehicle dealers would need to make modifications

to businesses practices when documenting motor vehicle title transactions. The department cannot reduce the impact on small businesses as all motor vehicle dealers, regardless of size, will have to collect the required odometer information under the new Federal regulations.

The emergency rule, fiscal estimate, and other related documents may be viewed at:
https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2047

Agency Contact Person/ Agency Small Business Regulatory Coordinator:

Reed McGinn
Wisconsin Department of Transportation
Division of Motor Vehicles
4822 Madison Yards Way, Room 206
Madison, WI 53705
(608) 266-7857
DOTAdminRules@dot.wi.gov

ADMINISTRATIVE RULES ENVIRONMENTAL DOCUMENTATION

Wisconsin Department of Transportation (May 2021)

| | | |
|--|--|---|
| Administrative Rule No.: TRANS 154 | Relating To: Odometer Disclosure Requirements | |
| Permanent Rule or Emergency Rule: <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Emergency | Statement of Scope Approval Date: 12/30/2020 | Administrative Rule Fiscal Estimate: Minimal economic impact to the department and taxpayers |
| Trans 400 Action Type and Text: Trans 400.08(2)(e) – Actions which individually or cumulatively do not significantly affect the quality of the human environment and do not involve unresolved conflicts in the use of available resources. | | |

This document is considered a draft version until it is signed. Section III of the Categorical Exclusion (CE) shall be updated with testimony and responses to testimony following the Administrative Rule Hearing. The CE may then be signed, the Preferred Alternative in Section I becomes the Selected Alternative and the CE becomes the final environmental document.

WisDOT Central Office BTS-EPDS Staff:

I certify that I have reviewed this document and agree with the determination that the proposed Administrative Rule action and resultant impacts meet the definition of a CE as described in [Trans 400.08\(2\)\(e\)](#), and if applicable [23 CFR 771.117\(a\) & \(b\)](#), and will not result in significant environmental impacts. I recommend this CE for approval.

(Signature)

(Print Name and Affiliation)

(Date)

WisDOT Administrative Rule Sponsor:

I certify that I am familiar with this proposed Administrative Rule scope and its impacts and that the information contained in this document is accurate and can be relied upon for documentation decisions.

(Signature)

(Print Name and Affiliation)

(Date)

This template may be used for Wisconsin Environmental Policy Act (WEPA) CE documentation for Administrative Rules.

A determination that this rule satisfies the criteria for a WEPA Categorical Exclusion (CE) does not relieve the applicant of the requirement to comply with other laws and regulations. Any correspondence or documentation used to prepare this CE documentation for Administrative Rules should be maintained in the project file and provided with this document upon request.

I. Description of Objective of the Proposed Rule, Alternatives and the Preferred Alternative

Description of the objective of the proposed rule:

Provide the detailed description of the objective of the proposed Administrative Rule from the Approved Statement of Scope. The description must be consistent with the Trans 400.08(2)(e) description listed above:

The Wisconsin Department of Transportation (WisDOT) proposes to amend Wisconsin Administrative Code ch. Trans 154, relating to odometer disclosure requirements, to conform with Federal changes recently adopted by the National Highway Traffic Safety Administration (NHTSA) regarding odometer reporting exemptions. The new federal regulation extends the duration of odometer reporting requirement and record retention from ten (10) years, to twenty (20) years. Changes to 49 CFR 580.17 will be effective January 1, 2021 and require the amendment of Wis. Admin. Code ch. Trans 154. The proposed rule will bring Wisconsin Administrative Code ch. Trans 154 into conformity with the updated federal regulations.

The National Highway Traffic Safety Administration (NHTSA) has announced a final rule establishing standards under which states may allow for odometer disclosures in an electronic format.

The federal rule adopted by NHTSA establishes standards under which states may allow for odometer disclosures in an electronic format. Wis. stat. s. 342.155(1) allows the department to accept odometer disclosures in an automated format authorized by the department.

Alternatives:

A description of proposed Administrative Rule alternatives considered should be included here. The discussion of alternatives may be limited to the No-action alternative and the proposed Administrative Rule as the preferred alternative. If more than one alternative was considered during Administrative Rule scoping, briefly discuss the alternative(s) considered as well as the proposed Administrative Rule and the No-action alternative.

Wis. Admin. Code ch. Trans 154.05(3) currently provides an exemption from disclosure for all vehicles 10 years old or older. This will conflict with the updated 49 CFR 580.17, which will only exempt vehicles manufactured in or after 2011 from mileage disclosure requirements if the transfer is at least 20 years after January 1 of the calendar year corresponding to the designated model year of the vehicle. Vehicles will only be exempt from disclosure requirements after 10 years if the vehicle was manufactured in or before the 2010 model year.

Policy alternatives:

1. Odometer Component

- A. Do nothing. This alternative would retain the current exemption for odometer reporting after 10 years of a vehicle's life and would result in inconsistency among vehicle records generated by and maintained by the states. NHTSA has indicated they could go to Federal Court to seek an order compelling states to comply with the new rule. While the No-action alternative does not meet the objective of the proposed rule, it does serve as a baseline for the comparison on other action alternatives.
- B. Amend rule to conform. This would conform to federal compliance and would ensure uniform practices among states that conform to federal law.

2. Electronic Signature Component

- A. No policy changes. This will retain existing requirements for handwritten signatures. While the No Policy Changes alternative does not meet the objective of the proposed rule, it does serve as a baseline for the comparison on other action alternatives.
- B. Authorize use of electronic signatures for odometer statements and related title transaction forms. This would allow use of electronic signatures in addition to handwritten signatures. This would enlarge the means of signing documents without requiring anyone to change their customary or preferred methods of completing odometer statements and related title documents.
- C. Require use of electronic signatures for odometer statements and related title transactions. This would prohibit the use of handwritten signatures and would be inconvenient for those not having ready access to a computer or other means to effectuate an electronic signature transaction.

Other Alternatives Considered (in none, include N/A):

N/A

Preferred Alternative:

1. Odometer Component
Amend the rule to conform to 49 CFR 580.17.
2. Electronic Signatures Component

No policy changes. The existing requirements for handwritten signatures will continue because hard copy forms must be used, parties must be physically present to effectuate transactions, and original documents must be delivered. It is recognized that transactions throughout commerce are increasingly modernized and the use of electronic signatures increases in acceptance, but changing existing original document delivery requirements would be too difficult at this time.

II. Categorical Exclusion Definition

Check all boxes that apply to the proposed Administrative Rule. If you are unable to check a box in this section, you cannot use this document and must prepare an EA or EIS.

[Trans 400.08\(1\)\(c\)](#) Categorical exclusions (CEs) actions are categorically excluded from the requirement to prepare environmental documentation because, based on past experience with similar actions, they do not involve significant environmental impacts. They are actions which:

- Do not induce significant impacts to planned growth or land use for the area
- Do not require the relocation of significant numbers of people
- Do not have a significant impact on any natural, cultural, recreational, historic or other resource
- Do not involve significant air, noise, or water quality impacts
- Do not have significant impacts on travel patterns
- Do not otherwise, either individually or cumulatively, have any significant environmental impacts

III. Comments and Testimony Related to Environmental Impacts of the Proposed Administrative Rule Provided During the Administrative Rule Availability Period and Administrative Rule Hearing

Provide a brief description of comments and testimony related to environmental impacts of the proposed Administrative Rule. Describe any concerns expressed, how those concerns were resolved and how any unresolved concerns will be resolved. Attach documentation provided by those providing comment or testimony as applicable:

Will be completed following the availability period and hearing.

IV. Environmental Resources Matrix (check all that apply)

| Resource | Adverse Impact | Beneficial Impact | No Impacts Identified | If impacts related to the proposed Administrative Rule action are identified, include a discussion for the specific resources. If supporting documentation is required, include documentation as an attachment. If no impacts are identified, include N/A. |
|-----------------------|--------------------------|-------------------------------------|--------------------------|---|
| Business and Economic | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Because the average age of the United States vehicle fleet has been trending upward to 11.5 years, the percentage of vehicles that are exempted from odometer disclosures was growing. By increasing the length of odometer mileage reporting and record retention time from 10 years to 20 years, the rule change will increase consumer |

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|--|--------------------------|--------------------------|-------------------------------------|--|
| | | | | protection functions intended by the federal Motor Vehicle Information and Cost Savings Act ('Cost Savings Act', 1972) and the Truth in Mileage Act (1996). |
| Community | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Aesthetics | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Agriculture | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Real Estate and/or Relocations | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Indirect Impacts | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Indirect impacts are defined as impacts caused by the action which occur later in time or farther removed in distance, but are still reasonably foreseeable. The proposed rule actions should result in no changes to land use or land use planning. The economic impact to business will be positive, but not substantial. It has therefore been determined that the proposed rule action will cause no impacts which are later in time or farther removed in distance which are reasonably foreseeable. |
| Cumulative Impacts | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Cumulative impacts are defined as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. For an action to have a cumulative impact, the action must have a direct or indirect impact on the resource being considered. Since it has been determined the proposed rule action will not have substantial direct or indirect impacts on resources, it is therefore determined the proposed rule action will cause no substantial cumulative impacts when added to other past, present, and reasonably foreseeable future actions. |
| Environmental Justice | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Historic Properties | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Burial Sites | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Tribal | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Wetlands | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Surface Water Resources | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Groundwater, Wells, and Springs | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Coastal Zones | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Floodplains | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Unique Wildlife and Habitat | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Threatened, Endangered and Protected Resources | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Air Quality | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Noise | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Hazardous Substances, Contamination and Asbestos | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Stormwater | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| Erosion and Sediment Control | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

V. Documentation Attachment Table of Contents

List additional supporting documentation or agency correspondence used in this CE determination related to environmental impacts of the proposed Administrative Rule included as attachment(s):

N/A, at this time