

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

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**NOTICE OF PUBLIC HEARING  
CLEARINGHOUSE RULE 23-014  
Emergency Rule EmR2305**

The State of Wisconsin Department of Transportation proposes an order to amend permanent rule Wis. Admin. Code ch. Trans 138, relating to motor vehicle auction dealers, and affecting small businesses.

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**NOTICE IS HEREBY GIVEN** that, pursuant to s. 227.17, Stats., the State of Wisconsin Department of Transportation (“WisDOT”) will hold a combined public hearing on emergency and permanent rules ch. Trans 138, relating to relating to motor vehicle auction dealers, and affecting small businesses.

**HEARING INFORMATION:**

Date:

Thursday, June 1, 2023

Time:

1:30 p.m.

Location

Wisconsin Department of Transportation  
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. WisDOT will accept written comments until Monday, June 5, 2023, at 4:30 p.m. Written comments may be sent to Peyton David, WisDOT Administrative Rules Coordinator at (608) 266-7737 or by email at [DOTAdminRules@dot.wi.gov](mailto:DOTAdminRules@dot.wi.gov).

Comments can also be made on CR 23-014 and EmR2305 through the Legislature’s Administrative Rules website at <http://docs.legis.wisconsin.gov/code/comment> until Monday, June 5, 2023, at 4:30 p.m.

**Accessibility:** If you have special needs or circumstances regarding communication or accessibility at a hearing, please call Peyton David, WisDOT Administrative Rulemaking Coordinator, at (608) 266-7737 or by email at DOTAdminRules@dot.wi.gov prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audio format will be made available upon request to the fullest extent possible.

**Initial Regulatory Flexibility Analysis:** The department has continued to enforce its 2018 interpretation of the policy against auctions not involved in the injunction. Buyers who apply for a license at an auction not involved in the injunction must wait until the department issues them a valid license before participating in an auction. The department may not enforce its 2018 interpretation of the policy against buyers who apply for a license with any of the 5 plaintiffs, meaning that buyers may participate in any of the 5 auctions while waiting for the department to issue them a valid license. Auctions whose buyers may bid and purchase vehicles during the department's review of the application are at an economic advantage over all other Wisconsin auctions. This rulemaking will allow the department to uniformly regulate buyer's licenses. The department's practices for enforcing buyer's licenses remain otherwise unchanged. The agency contact person listed below is also the small business regulatory coordinator for this proposed rule. This proposed rule, fiscal estimate, and other related documents may be viewed at <https://docs.legis.wisconsin.gov/code>.

**Agency Contact Person/Agency Small Business Regulatory Coordinator:**

Mark Rather  
State of Wisconsin Department of Transportation  
Division of Motor Vehicles  
4822 Madison Yards Way  
Madison, Wisconsin 53707  
608-266-7737  
DOTAdminRules@dot.wi.gov