

1985 Assembly Bill 381

Date of enactment: April 10, 1986
Date of publication: April 21, 1986

1985 Wisconsin Act 202

AN ACT to repeal 341.145 (1) (am), 341.17 (3) and 344.18 (2); to renumber 341.145 (1) (b); to renumber and amend 341.145 (1) (a); to amend 20.370 (1) (mv), 23.20, 194.43, 218.01 (7a) (a), 341.11 (4), 341.13 (2), 341.14 (1), (1a), (1m) and (1q), 341.14 (6m) (a), 341.14 (6m) (b) (intro.), 341.17 (4) (c), 341.305 (2) (a) and (b), 341.51 (4) (intro.) and (5), 342.15 (1) (b), 342.16 (1), 342.16 (1m), 342.195, 342.30 (1), 343.06 (3), 343.07 (1) (cm), 343.51 (1), 348.08 (1) (a), 348.15 (5) (intro.) and (5r), 348.19 (1) (a), 348.27 (11) (a), (b) (intro.), (c) and (d) and 757.69 (1) (c); and to create 341.145 (1) (b), 341.145 (1g), 341.51 (6), 342.22 (3) and (4) and 348.01 (2) (am) of the statutes, relating to motor vehicle registration, operating privileges, size and weight limitations and permits, titles and security interests, vehicle identification numbers, mileage disclosures, motor carrier leases, use of state-owned gravel pits and making an appropriation (suggested as remedial legislation by the department of transportation).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of

transportation, and introduced by the law revision committee under s. 13.83 (1) (c) 4, stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes

in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 20.370 (1) (mv) of the statutes is amended to read:

20.370 (1) (mv) *General program operations — use of departmental gravel pits.* All moneys received from fees under s. 23.20 to pay any costs associated with allowing towns ~~and~~ counties or state agencies to obtain gravel, sand, fill dirt or other fill material from any department-owned gravel pit or similar facility.

SECTION 2. 23.20 of the statutes is amended to read:

23.20 Use of department gravel pits. The department may permit any town ~~or~~ county or state agency to obtain gravel, sand, fill dirt or other fill material needed for road purposes from any department-owned gravel pit or similar facility if this material is unavailable from private vendors within a reasonable distance of the worksite. The department may require environmental safeguards before permitting a town ~~or~~ county or state agency to obtain this material. The department shall charge a fee for this material commensurate with the fee charged by private vendors.

NOTE: There are currently a number of gravel pits on property owned by the department of natural resources. Under current law, the department of natural resources may permit a town or county to obtain materials for road-building purposes if the material is unavailable from private vendors within a reasonable distance from the work site. This amendment permits state agencies to obtain materials for road building purposes also.

SECTION 3. 194.43 of the statutes is amended to read:

194.43 Private motor carriers; regulation by department. The department is ~~hereby vested with power and authority to~~ may regulate the operations of private motor carriers, including the power to designate from time to time the public highways over which private motor carrier vehicles may or may not be operated and to designate the time that such vehicles may or may not be operated thereon so as to prevent congestion which shall affect the safety of persons and property upon such public highways; to require the ~~ing~~ display of satisfactory evidence that such vehicle is not being used for common or contract motor carrier purposes; and to prescribe reasonable and necessary rules and regulations for the safety of operation of private motor carriers.

NOTE: This proposal simplifies the requirement imposed on a private motor carrier to demonstrate that its vehicles are not being used for common or contract motor carrier purposes. The amendment permits the department of transportation to require display of evidence regarding use of the vehicle, rather than filing the evidence with the department.

SECTION 4. 218.01 (7a) (a) of the statutes is amended to read:

218.01 (7a) (a) No motor vehicle shall be offered for sale by any motor vehicle dealer or motor vehicle salesman unless the odometer reading thereon is disclosed in writing by the prior owners and ~~such~~ the disclosure is subsequently shown to the retail purchaser

by the dealer or salesman prior to sale. ~~Such~~ The disclosure requirement ~~shall~~ does not apply to a moped, motor bicycle, motor vehicle with a gross weight rating of more than 16,000 pounds ~~or~~ a vehicle 25 or more years old; or a new vehicle obtained by ~~such~~ the dealer directly from a manufacturer or distributor.

NOTE: See the NOTE following the treatment of s. 342.16 (1m), stats.

SECTION 5. 341.11 (4) of the statutes is amended to read:

341.11 (4) In the case of motor trucks for which special license plates have been issued under s. 341.14 (6m) or for which personalized license plates have been issued under s. 341.145 (1) (b) or dual purpose motor homes, motor trucks, motor buses, truck tractors and road tractors or a motor home for which personalized license plates have been issued under s. 341.145 (1) (a), the certificate of registration shall be displayed in a prominent place in the driver's compartment of the vehicle to which the certificate refers. Any person who operates and any person in whose name the vehicle is registered who consents to the operation of any such vehicle without the certificate of registration being so displayed may be required to forfeit not more than \$200.

NOTE: This amendment, and the subsequent amendments to ss. 341.13, 341.14 and 341.145, stats., relate to special license plates and personalized license plates for members of the Wisconsin national guard. These amendments make the provision for national guard plates consistent with the provisions of statutes relating to license plates for the corresponding types of vehicles.

SECTION 6. 341.13 (2) of the statutes is amended to read:

341.13 (2) In addition to the matter specified in s. 341.12 (3), the registration plates for a vehicle registered on the basis of gross weight except a motor truck ~~or dual purpose farm truck~~ registered under s. 341.14 (6m) or 341.145 (1) (a) (b), a dual purpose motor home, or a motor home, motor truck, farm truck or dual purpose farm truck registered under s. 341.14 (1), (1a), (1m) or (1q) or 341.145 (1) (a) shall indicate the weight class into which the vehicle falls in a manner prescribed by the department. The gross weight which determines the registration fee for a motor truck ~~or dual purpose farm truck~~ registered under s. 341.14 (6m) or 341.145 (1) (a) (b), a dual purpose motor home, or a motor home, motor truck, farm truck or dual purpose farm truck registered under s. 341.14 (1), (1a), (1m) or (1q) or 341.145 (1) (a) shall be shown on its certificate of registration.

SECTION 7. 341.14 (1), (1a), (1m) and (1q) of the statutes are amended to read:

341.14 (1) Whenever any resident of this state who is registering or has registered an automobile or station wagon, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home submits a statement from the

U.S. veterans administration certifying to the department that the resident is, by reason of injuries sustained while in the active U.S. military service, disabled by paraplegia, amputation of leg, foot, both hands or if he or she is disabled by loss of use of a leg, foot, or both hands, minimum faulty vision of 20/200 or other condition certified to by the veterans administration resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, the department shall procure, issue and deliver to the veteran, plates of a special design in lieu of the plates which ordinarily would be issued for the vehicle. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is owned by a disabled veteran and is entitled to the parking privileges specified in s. 346.50 (2). No charge in addition to the registration fee shall be made for the issuance of such plates.

(1a) Whenever any resident of this state, who is registering or has registered an automobile or station wagon, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, submits a statement from a physician ~~duly licensed to practice medicine in this any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal~~ certifying to the department that the resident is disabled by paraplegia, amputation of leg, foot or both hands or if he or she is disabled by loss of use of a leg, foot or both hands, minimum faulty vision of 20/200 or other condition certified to by a physician duly licensed to practice medicine in this state resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, the department shall procure, issue and deliver to the disabled person, plates of a special design in lieu of plates which ordinarily would be issued for the vehicle. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is owned by a nonveteran disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee shall be made for the issuance of such plates.

(1m) If any licensed driver submits to the department a statement from a physician ~~duly licensed to practice medicine in any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal~~ certifying that another person who is regularly dependent on the licensed driver for transportation is disabled by paraplegia, amputation of leg, foot or both hands, or by loss of use of a leg, foot or both hands, minimum faulty vision of 20/200 or other condition resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, the department shall issue and deliver to the licensed

driver plates of a special design in lieu of the plates which ordinarily would be issued for the automobile or station wagon, or motor truck, dual purpose motor home or dual purpose farm truck having a gross weight of not more than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds or motor home. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a licensed driver on whom a disabled person is regularly dependent and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance of the plates. The plates shall conform to the plates required in sub. (1a).

(1q) If any employer who provides an automobile or station wagon, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, whether owned or leased by the employer, for an employee's use submits to the department a statement from a physician ~~duly licensed to practice medicine in any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal~~ certifying that the employe is disabled by paraplegia, amputation of leg, foot or both hands or by loss of use of a leg, foot or both hands, minimum faulty vision of 20/200 or other condition resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, the department shall issue and deliver to such employer plates of a special design in lieu of the plates which ordinarily would be issued for the vehicle. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is operated by a disabled person and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in addition to the registration fee may be made for the issuance of the plates. The plates shall conform to the plates required in sub. (1a).

NOTE: Currently, certification of disability in order to receive special registration plates is limited to physicians duly licensed to practice in Wisconsin. This amendment expands certification to include physicians licensed in other states and Christian Science practitioners. The current statutes, in ss. 102.42 (1) and 118.15 (3), stats., already recognize Christian Science practitioners as competent to render certification on medical matters related to worker's compensation and school attendance.

Requiring physicians to describe the disability often requires department of transportation (DOT) employes to interpret whether the person's disability meets the requirements of s. 341.14, stats. A physician or Christian Science practitioner is better able to make the decision as to whether a person's disability meets the requirements of the statute. Furthermore, diagnosis of disability is often in medical terminology and more descriptive than necessary. With the open records law, DOT finds itself maintaining medical information on individuals not necessary for issuance of disabled plates or cards and which is available to the general public.

SECTION 8. 341.14 (6m) (a) of the statutes is amended to read:

341.14 (6m) (a) Upon application to register an automobile, station wagon or motor truck which has a gross weight of not more than ~~6,000~~ 8,000 pounds by any person who is a resident of this state and a member of the Wisconsin national guard and upon submission of a statement from the adjutant general verifying membership, the department shall issue to the person special plates whose colors and design shall be determined by the department, after consultation with the adjutant general, and which have the words "Wisconsin guard member" placed on the plates in the manner designated by the department. An additional fee of \$10 shall be charged for the issuance of the plates. Registration plates issued under this subsection shall expire annually on August 31.

SECTION 9. 341.14 (6m) (b) (intro.) of the statutes is amended to read:

341.14 (6m) (b) (intro.) If an individual in possession of special plates under this subsection or of personalized plates under s. 341.145 (1) (b) does not maintain membership in the Wisconsin national guard during a year which is not a plate issuance year, the individual shall:

SECTION 10. 341.145 (1) (a) of the statutes is renumbered 341.145 (1) and amended to read:

341.145 (1) In this section, "personalized license plate" means a either of the following:

(a) A registration plate for an owned automobile or station wagon, motorcycle or a motor home registered for an annual registration period under s. 341.29 or 341.295 or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight of not more than 12,000 pounds, which displays a registration number composed of letters or numbers, or both, requested by the applicant. Personalized license plates under this paragraph shall be of the same color and design as regular license plates, ~~except as provided in par. (am)~~, and shall consist of numbers or letters, or both, not exceeding 5 positions and not less than one position for a plate issued for a motorcycle or not exceeding 6 positions and not less than 2 positions for all other plates.

SECTION 11. 341.145 (1) (am) of the statutes is repealed.

SECTION 12. 341.145 (1) (b) of the statutes is renumbered 341.145 (1r).

SECTION 13. 341.145 (1) (b) of the statutes is created to read:

341.145 (1) (b) A registration plate of the same color and design as provided in s. 341.14 (6m) for an owned automobile, station wagon or motor truck having a gross weight of not more than 8,000 pounds, which displays a registration number composed of letters or numbers, or both, not exceeding 6 positions and not less than 2 positions, requested by the applicant.

SECTION 14. 341.145 (1g) of the statutes is created to read:

341.145 (1g) The department may issue personalized license plates under sub. (1) (b) to a person who qualifies for special plates under s. 341.14 (6m).

SECTION 15. 341.17 (3) of the statutes is repealed.

SECTION 16. 341.17 (4) (c) of the statutes is amended to read:

341.17 (4) (c) To the sheriff of each county, one copy of each monthly automobile registration list ~~and one copy of each list of registrations made under the law relating to operators of mobile amateur radio stations.~~

NOTE: When the department of transportation (DOT) began issuing plates with amateur radio station call letters, there was no statewide police or emergency radio network, so the list of these registrations served a useful purpose. The list is no longer used for that purpose and names of persons holding registration plates with call letters are available upon request from a computer file. Additionally, DOT has no record of anyone requesting the current amateur radio list.

SECTION 17. 341.305 (2) (a) and (b) of the statutes are amended to read:

341.305 (2) (a) A motor truck or a trailer or a truck tractor used exclusively to transport recycled metal salvage materials, logs or pulpwood, dirt, fill or aggregates, or fresh milk, or to transport perishable fresh fruits or vegetables for canning, freezing, dehydrating or storage prior to processing, including return of waste, or to transport petroleum products.

(b) A motor truck or a trailer or a truck tractor equipped with a dump, box or other container used exclusively to transport gravel, concrete or cement and bituminous road construction materials or agricultural lime, feed, grain or fertilizer, or equipped with a mechanical mixer used exclusively to mix and deliver concrete.

NOTE: The current statute permits the registration of certain motor trucks and truck tractors for a minimum of 3 consecutive months. This amendment adds trailers to the monthly registration provision.

SECTION 18. 341.51 (4) (intro.) and (5) of the statutes are amended to read:

341.51 (4) (intro.) Every ~~Except as provided in sub. (6), every~~ dealer, distributor and manufacturer shall file with the department and every transporter may file with the department a duly acknowledged application for registration which shall contain:

(5) Any ~~Except as provided in sub. (6), any~~ dealer, distributor or manufacturer engaged in business in this state who fails to apply for registration or fails to apply for separate registrations for each Wisconsin municipality in which ~~such~~ the dealer, distributor or manufacturer has an established place of business may be required to forfeit not more than \$200.

SECTION 19. 341.51 (6) of the statutes is created to read:

341.51 (6) A person licensed under s. 218.01 or 218.41 as a dealer, distributor or manufacturer of only mopeds may, but need not, apply for registration under this section.

NOTE: 1983 Wisconsin Act 243 inadvertently repealed s. 341.51 (6), stats., which exempted moped dealers, distributors and manufacturers from the requirement of obtaining annual registration plates at a fee of \$75. 1983 Wisconsin Act 243 was drafted by and introduced at the request of the department of transportation. The department did not intend to require moped dealers to purchase registration plates. In many instances, moped dealers do not need registration plates. Under current s. 341.51, stats., moped dealers must obtain registration plates, even if the dealer does not use them.

SECTION 20. 342.15 (1) (b) of the statutes is amended to read:

342.15 (1) (b) No person may transfer a motor vehicle without disclosing in writing to the transferee the odometer reading and. The disclosure shall state either that ~~such~~ the reading is known to be actual mileage, or that ~~such~~ the reading is not the actual mileage and should not be relied upon, or that ~~such~~ the reading reflects the mileage in excess of the designed mechanical limit of 99,999 miles or kilometers. The disclosure shall further state that either the odometer was not altered, set back, disconnected, repaired or replaced, or that the odometer was altered for repair or replacement purposes and the mileage registered on the repaired or replacement odometer was identical to that before ~~such~~ the service, or that the repaired or replacement odometer was incapable of registering the same mileage, and was reset to zero and the mileage on the original odometer before repair or replacement was as stated by the transferor. No transferor shall knowingly give a false statement to a transferee in making ~~such~~ the disclosure. The department shall prescribe the manner in which ~~such~~ the written disclosure shall be made and retained. The transferor of a moped, motor bicycle, motor vehicle with a gross weight rating of more than 16,000 pounds, or of a vehicle 25 or more years old, need not disclose odometer mileage as required by this subsection.

NOTE: See the NOTE following the treatment of s. 342.16 (1m), stats.

SECTION 21. 342.16 (1) of the statutes is amended to read:

342.16 (1) If a dealer acquires a new or used vehicle and holds it for resale or accepts a vehicle for sale on consignment the dealer need not send the certificate of title or application for original certificate to the department. Upon transferring the vehicle to another person the dealer shall immediately give ~~such person~~ the transferee on a form prescribed by the department a receipt for all title, registration, security interest and sales tax moneys paid to the dealer for transmittal to the department when required. The dealer shall promptly execute the assignment and warranty of title, showing the name and address of the transferee and of any secured party holding a security interest created or reserved at the time of the resale or sale on consignment, in the spaces provided therefor on the certificate or as the department prescribes, and shall within 7 business days following the sale or transfer mail or deliver the certificate or application for certifi-

cate to the department with the transferee's application for a new certificate. A nonresident who purchases a motor vehicle from a dealer in this state is not required to have a certificate of title issued for the vehicle in this state unless the dealer determines that a title is necessary to protect the interests of a secured party. The dealer is responsible for determining whether a title and perfection of security interest is required. The dealer is liable for any damages incurred by the department or any secured party for the dealer's failure to perfect a security interest which the dealer had knowledge of at the time of sale.

NOTE: This provision clarifies that motor vehicle dealers are required to send title documents to the department of transportation when the dealer sells a vehicle on consignment.

SECTION 22. 342.16 (1m) of the statutes is amended to read:

342.16 (1m) No motor vehicle dealer or motor vehicle salesman may transfer a motor vehicle without disclosing in writing to the transferee the odometer reading and. The disclosure shall state either that ~~such~~ the reading is known to be actual mileage, or that ~~such~~ the reading is not the actual mileage and should not be relied upon, or that ~~such~~ the reading reflects the mileage in excess of the designed mechanical limit of 99,999 miles or kilometers. ~~Such~~ The disclosure shall further state that either the odometer was not altered, set back, disconnected, repaired or replaced, or that the odometer was altered for repair or replacement purposes and the mileage registered on the repaired or replacement odometer was identical to that before ~~such~~ the service, or that the repaired or replacement odometer was incapable of registering the same mileage, and was reset to zero and the mileage on the original odometer before repair or replacement was as stated by the transferor. No motor vehicle dealer or motor vehicle salesman may knowingly give a false statement to a transferee in making ~~such~~ the disclosure. The department shall prescribe the manner in which ~~such~~ the written disclosure shall be made and retained. ~~Such~~ The disclosure requirement shall does not apply to a moped, motor bicycle, motor vehicle with a gross weight rating of more than 16,000 pounds, or a vehicle 25 or more years old.

NOTE: Currently, only vehicles 25 or more years old and vehicles over 16,000 pounds are excluded from dealer mileage disclosure. Federal law excludes mopeds and other vehicles designed for speeds of not more than 30 m.p.h. from odometer laws. This provision conforms the statutes to federal law.

SECTION 23. 342.195 of the statutes is amended to read:

342.195 Notification of person who has perfected security interest. Upon request of a person who has perfected a security interest under s. 342.19, as shown by the records of the department, in a vehicle titled in this state, whenever the department receives information from another state that the vehicle is being titled in the other state and the information does not show that the security interest has been satisfied, the depart-

ment shall notify the person. The person shall pay the department a \$2 fee for each notification.

NOTE: See the NOTE following the creation of s. 342.22 (3) and (4), stats.

SECTION 24. 342.22 (3) and (4) of the statutes are created to read:

342.22 (3) The department may remove information pertaining to a security interest perfected under s. 342.19 from its computerized records when the following applicable period of time after the original perfection has elapsed unless the security interest is renewed in the same manner as provided in s. 342.19 (2) for perfection of a security interest:

- (a) For a mobile home, 16 years.
- (b) For a truck tractor, 8 years.
- (c) For any other vehicle, 6 years.

(4) Removal of information pertaining to a security interest from the records of the department under sub. (3) does not affect any security agreement between the owner of a vehicle and the holder of security interest in the vehicle.

NOTE: The current statutes do not provide a specific procedure for purging files of old lien information. The security interest files become obsolete because a vehicle may be taken to a state which does not return the Wisconsin title, is junked or has the lien paid off but the department of transportation (DOT) is not notified. This amendment will permit DOT to eliminate unnecessary information from its computerized record files.

SECTION 25. 342.30 (1) of the statutes is amended to read:

342.30 (1) The department shall assign a new identification number for each vehicle subject to registration which has not been numbered by the manufacturer or on which the original number has been removed, obliterated or altered or on which the original casting has been replaced. ~~Identification numbers assigned by the department shall begin with 101, run consecutively and be followed by the letters "WIS".~~

NOTE: The current state system of assigning vehicle identification numbers (VINs) does not permit the Wisconsin-assigned VIN to include the manufacturer, make, model, year and weight characters included in a manufacturer's VIN. The national highway traffic safety administration has indicated that the present Wisconsin-assigned VIN is ineffective. This provision permits the department of transportation to assign VINs consistent with manufacturers' VINs, which will decrease the potential for misuse of VINs in stolen vehicle operations on the 5,000 VINs issued each year by Wisconsin.

SECTION 26. 343.06 (3) of the statutes is amended to read:

343.06 (3) To any person under age 18 unless the person has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in vocational, technical and adult education schools approved by the board of vocational, technical and adult education, ~~and~~ or in nonpublic and private schools which meet the minimum standards set by the department of public instruction, or has satisfactorily completed a substan-

tially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education or driver training course requirement. ~~Such substantially equivalent course must be approved by the department.~~ The secretary shall prescribe rules for licensing of schools and instructors to qualify under this section. The driver education course shall be made available to every eligible student in the state. No operator's license may be issued unless a driver's examination has been administered by the department.

NOTE: This amendment eliminates the need for people under 18 years of age who move to Wisconsin to retake a driver education course. Driver education courses are substantially similar throughout the country.

SECTION 27. 343.07 (1) (cm) of the statutes is amended to read:

343.07 (1) (cm) If the permittee is at least 16 years of age, in addition to the licensed accompanying operator, one other licensed person ~~over~~ 25 years of age or more with at least 2 years' driving experience may occupy a seat in the motor vehicle other than the front seat.

NOTE: The current statute has caused confusion over whether people who are age 25 can accompany drivers who have instruction permits. This amendment will eliminate the confusion. Also, this amendment makes s. 343.07 (1) (cm), stats., consistent with s. 343.07 (1) (d), stats., which allows a person 25 years of age or more to accompany a permittee during the hours of darkness.

SECTION 28. 343.51 (1) of the statutes is amended to read:

343.51 (1) Any person who qualifies for license plates of a special design under s. 341.14 (1), (1a), (1m) or (1q), any person who is temporarily physically disabled by any physical condition which renders the person unable to walk or unable to walk without great difficulty, or any organization that regularly transports such ~~persons~~ a person, may request from the department a special identification card which will entitle any motor vehicle parked by, or under the direction of, ~~such the~~ person, or a motor vehicle operated by or on behalf of ~~such the~~ organization when used to transport such ~~persons~~ a person, to parking privileges under s. 346.50 (2), (2a) and (3). The department shall issue ~~such a~~ the card at a fee to be determined by the department, upon submission by the applicant, if the applicant is an individual rather than an organization, of a statement from a physician qualified licensed to practice medicine in this any state or from a Christian Science practitioner residing in this state and listed in the Christian Science journal that ~~such the~~ person is a physically disabled person within the meaning of this section. The physician's or practitioner's statement shall state whether the disability is permanent or temporary and, if temporary,

the opinion of the physician or practitioner as to the duration of the disability. The department shall issue ~~such a~~ the card upon application by an organization on a form prescribed by the department if the department believes that the organization meets the requirements under this subsection.

NOTE: See the NOTE following the treatment of s. 341.14 (1), (1a), (1m) and (1q), stats.

SECTION 29. 344.18 (2) of the statutes is repealed.

NOTE: Current s. 344.18 (2), stats., requires the secretary of transportation to suspend operating privileges and registration of a person who, after a motor vehicle accident, has deposited security under a confession of judgment and defaulted on the payment of the confession of judgment. This statute is repealed because confessions of judgment are now prohibited by s. 806.25, stats.

SECTION 30. 348.01 (2) (am) of the statutes is created to read:

348.01 (2) (am) "Certified stationary scale" means a stationary scale which is tested and inspected annually for accuracy by the department of agriculture, trade and consumer protection or other authorized testing agency in accordance with specifications, tolerances, standards and procedures established by the national bureau of standards and the department of agriculture, trade and consumer protection for the testing and examination of scales.

NOTE: Section 348.19 (1) (a), stats., permits a traffic officer to take a vehicle to the "nearest usable certified scale" if the officer believes the gross weight of the vehicle is unlawful. This provision creates a definition in ch. 348, stats., of "certified stationary scale" to avoid confusion about the meaning of this term. The department of agriculture, trade and consumer protection regulates vehicle scales under s. 98.25, stats.

SECTION 31. 348.08 (1) (a) of the statutes is amended to read:

348.08 (1) (a) Two vehicles may, without such permit, be drawn or attached when such vehicles are being transported by the drive-away method in saddle-mount combination and the overall length of such combination of vehicles does not exceed ~~60~~ 65 feet.

NOTE: Current law permits a motor vehicle to haul 2 other vehicles in "saddle-mount combination", if the combination of vehicles does not exceed 60 feet. This type of vehicle combination is commonly used to deliver new trucks. This amendment increases the permitted vehicle length to 65 feet, to correspond with rules of the federal department of transportation.

SECTION 32. 348.15 (5) (intro.) and (5r) of the statutes are amended to read:

348.15 (5) (intro.) For enforcement of weight limitations specified by this chapter the gross weight, measured in pounds, imposed on the highway by any wheel or any one axle or by any group of 2 or more axles shall be determined by weighing the vehicles and load, either by single draft or multiple draft weighing on certified stationary scales or on portable scales in good working order which are tested periodically in comparison to certified stationary scales within 90 days immediately prior to any weighing operation by the department of agriculture, trade and consumer protection or other authorized testing agencies for

accuracy to within standard accepted tolerances. The weighing operation shall be performed in accordance with and under conditions accepted as good weighing technique and practice. In multiple draft weighing the sum of the weight of respective components shall be used to establish the weight of a combination of the components. It is recognized that the weight, determined in accordance with methods prescribed in this chapter, includes all statutory weights and represents the momentary load force or reaction imposed on the scale at the time of weighing. Such weights include any variation due to the following factors:

(5r) Irrespective of sub. (5), in determining overweight under sub. (3) ~~(b)~~ the results of weighing by means of either portable scales or certified stationary scales shall be admissible as evidence. ~~Portable scales shall be checked by weighing in comparison to certified stationary scales within 90 days immediately prior to any weighing operation.~~ In all cases where a vehicle is weighed on a certified stationary scale, axles less than 6 feet apart shall be weighed as one unit.

NOTE: See the NOTE following the creation of s. 348.01 (2) (am), stats.

SECTION 33. 348.19 (1) (a) of the statutes is amended to read:

348.19 (1) (a) Any traffic officer having reason to believe that the gross weight of a vehicle is unlawful or in excess of the gross weight for which the vehicle is registered may require the operator of such vehicle to stop and submit the vehicle and any load it may be carrying to a weighing by means of either portable or certified stationary scales and may require that such vehicle be driven to the nearest usable portable or certified stationary scale except as provided in ~~s. 348.19~~ (1) par. (b).

NOTE: See the NOTE following the creation of s. 348.01 (2) (am), stats.

SECTION 34. 348.27 (11) (a), (b) (intro.), (c) and (d) of the statutes are amended to read:

348.27 (11) (a) If the secretary, after consultation with the secretary of agriculture, trade and consumer protection, determines that an agricultural transportation emergency exists with respect to the harvest of a particular crop, the secretary may ~~adopt an emergency rule authorizing~~ authorize the issuance of permits to allow vehicles or ~~combination combinations~~ of vehicles which are transporting crops from field to storage or processing facilities to exceed the weight limitations under s. 348.15 or 348.16 by not more than 15% of the applicable weight limitations.

(b) (intro.) In ~~adopting an emergency rule authorizing the issuance of permits~~ under this subsection, the secretary shall specify in writing the factors which resulted in the determination that an agricultural transportation emergency exists. The factors shall include but not be limited to:

(c) No permit issued under this subsection is valid unless the overweight vehicle is registered under ch. 341 for the maximum gross weight allowed by the per-

mit and the department has been paid a applicant for the permit pays a fee of \$10 plus an additional \$10 per 1,000 pounds or fraction thereof for the amount by which the maximum gross weight exceeds 80,000 pounds. Nothing in this subsection shall be construed to permit the department to waive the requirements of s. 348.07.

(d) The secretary may limit the application of an emergency rule adopted permits issued under this subsection to specific areas of the state, to specific crops, or to specific highways listed in the rule. An emergency rule adopted. A permit authorized under this subsection takes effect upon the mailing of a complete application and the required fee to the department. A permit authorized under this subsection is valid for up to 90 days, as determined by the secretary.

NOTE: Since 1981, the department of transportation (DOT), in consultation with the department of agriculture, trade and consumer protection, has responded to 3 agricultural emergencies. These emergencies all occurred during fall harvest. In each instance, issuance of permits and the commencement

of overweight operations were delayed due to the time required for publication of the emergency rule. Since emergency rules are now published in Milwaukee, the delay can be even greater. Also, DOT is required to hold hearings on these rules. Usually, the emergency is over before the rule hearing is held. Allowing the secretary of transportation to authorize overweight permits without an emergency rule will expedite the process.

SECTION 35. 757.69 (1) (c) of the statutes is amended to read:

757.69 (1) (c) Conduct initial appearances in all traffic cases, in traffic regulation cases receive noncontested forfeiture pleas, order the revocation or suspension of operating privileges and impose monetary penalties according to a schedule adopted by a majority of the judges of the courts of record within the county, and refer applicable cases to court for enforcement for nonpayment.

NOTE: Court commissioners currently issue revocation or suspension orders in traffic cases. This amendment clarifies the authority of court commissioners to do so.

SECTION 36. Program responsibility changes. In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(1) AGRICULTURE, TRADE AND CONSUMER PROTECTION.

A	B	C
Statute Sections	References Deleted	References Inserted
15.131 (intro.)	none	348.01 (2)(am), 348.15 (5)

SECTION 37. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

(1) TRANSPORTATION.

(a) Agricultural transportation emergency permits.

A	B	C
Statute Sections	Old Cross-References	New Cross-References
348.28 (1)	348.25 to 348.27	348.25, 348.26 and 348.27 (1) to (10), (12) and (13)

(b) National guard license plates.

A	B	C
Statute Sections	Old Cross-References	New Cross-References
341.145 (3)	sub. (1)(am)	sub. (1)(b)
341.16 (1)(b)	341.145 (1)(am)	341.145 (1)(b)

(c) Disposal of lien information.

A	B	C
Statute Sections	Old Cross-References	New Cross-References
342.20 (4)	342.22	344.22 (1) and (2)

(d) Confessions of judgment.

A	B	C
Statute Sections	Old Cross-References	New Cross-References
344.18 (4)	sub. (2) or (3)	sub. (3)

SECTION 38. Initial applicability. The treatment of sections 342.195 and 342.22 (3) of the statutes by this act first applies to security interests presently perfected with the department of transportation on the

effective date of this SECTION and to new security interests perfected with the department of transportation on or after the effective date of this SECTION.