

Chapter Trans 195

FEES AND PROCEDURES FOR SEARCHES AND DOCUMENTATION OF DIVISION OF MOTOR VEHICLE RECORDS

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Note: Chapter MVD 15 as it existed on May 31, 1986 was repealed and a new chapter Trans 195 was created effective June 1, 1986.

Trans 195.01 Purpose and scope. (1) As authorized by s. 227.11, Stats., the purpose of this chapter is to establish the department's administrative interpretation of ss. 19.32 to 19.37, 341.17, 342.09, and 343.24, Stats., relating to fees and procedures for searches and documentation of division of motor vehicle records.

(2) This chapter applies to any person wishing to obtain information, copies, certification, or verification of division of motor vehicle records.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1987, No. 384.

Trans 195.02 Definitions. In this chapter:

(1) "Agency code" means a number assigned by the department to a requester after a monthly contractual account is established.

(2) "Certification" means the authentication and identification of divisional records certified as correct in accordance with s. 909.02, Stats.

(3) "Certificate of search" means an authentication in writing that the appropriate records of the division were searched, but the specific record was not found, or was not available because the record was purged, destroyed, or was not reproducible.

(4) "Computer" means the same as defined in s. 943.70 (1) (am), Stats.

(5) "Computer network" means the same as defined in s. 943.70 (1) (b), Stats.

(6) "Computer supplies" means the same as defined in s. 943.70 (1) (dm), Stats.

(7) "Computer system" means the same as defined in s. 943.70 (1) (e), Stats.

(7m) "Confidential information" means information that is restricted or prohibited from disclosure by state or federal law.

(8) "Data" means the same as defined in s. 943.70 (1) (f), Stats.

(9) "Division" means the division of motor vehicles in the department of transportation.

(10) "Driver identification number" means a number assigned by the division to a driver record using the individual's name, sex, and date of birth.

(11) "Duplicate" means the same as defined in s. 910.01 (4), Stats.

(12) "File" means an individual vehicle or driver license record.

(12g) "Highly restricted personal information" has the same meaning as defined in 18 USC s. 2725(4).

(12r) "Individual vehicle or driver license record" means computer-stored data relating to a single individual, a single non-

individual customer, or a single vehicle, and includes information such as driver license incidents, name changes, prior vehicle ownership, and similar information.

(13) "Original" means the same as defined in s. 910.01 (3), Stats.

(13e) "Personal identifier" has the same meaning as defined in s. 85.103 (1), Stats.

(13m) "Personal information" has the same meaning as defined in 18 USC s. 2725(3).

(13s) "Personally identifiable information" has the same meaning as defined in s. 19.62 (5), Stats.

(14) "Photocopy" means the mechanical or chemical reproduction of one side, or a portion of any one side, of an original record.

(15) "Record" means the same as defined in s. 19.32 (2), Stats.

(15g) "Records in bulk" means compilation of more than 10 individual vehicle or driver license records provided at one time.

(15r) "Redaction" means separating and restricting access to personal identifiers, personally identifiable information, personal information, highly restricted personal information, and confidential information from records.

(16) "Requester" means the same as defined in s. 19.32 (3), Stats.

(17) "Search" means a review of the appropriate records of the division in order to establish the presence or absence of a particular record.

(18) "Verification of search" means to declare in writing, without certification, that the appropriate vehicle title and vehicle registration records of the division were searched.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86; **CR 07-064: cr. (7m), (12g), (12r), (13e), (13m), (13s), (15g) and (15r), am. (12) Register November 2007 No. 623, eff. 12-1-07; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register November 2007 No. 622.**

Trans 195.03 Requesting search of driver records.

(1) A request for a search of an individual driver record may be made from the following information provided by the requester or with a contractual account established under s. Trans 195.10:

(a) Complete 14 digit driver identification number, or

(b) Complete name, date of birth, sex, or

(c) All of the information in pars. (a) and (b), in which case the name will be used if the record does not match the driver identification number furnished, or

(d) Sufficient information from par. (b) to identify the correct record.

(2) A requester may not perform the search of records identified in this section.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86; **CR 07-064: am. (1) (intro.) Register November 2007 No. 623, eff. 12-1-07.**

Trans 195.04 Requesting search of vehicle title and registration records. (1) A request for a search of an individ-

ual vehicle title and registration record may be made from the following information provided by the requester in person, in writing, or by telephone with a contractual account established under s. Trans 195.10:

- (a) Identification number of vehicle, or
- (b) Number of title certificate identifying vehicle, or
- (c) License plate number assigned to vehicle, or
- (d) Name and address of owner, or
- (e) Name of owner, and year and make of vehicle.

(2) Each vehicle located from the information as identified in sub. (1) (d) shall constitute a single record.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86; CR 07-064: am. (1) (intro.) Register November 2007 No. 623, eff. 12-1-07.

Trans 195.05 Requesting documentation of other records. (1) Requests for the documentation of other division records or data may be in writing, in person, or with a contractual account established under s. Trans 195.10.

(2) Fees for other division records or data such as notices, uniform traffic citations, motor vehicle accidents, records in bulk, transcripts, orders, or applications shall be established under s. Trans 195.09.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86; CR 07-064: am. (2) Register November 2007 No. 623, eff. 12-1-07.

Trans 195.06 Determination of the methodology for the search or documentation of appropriate records.

(1) The methodology used for the search or documentation of records shall be determined by the department.

(2) No records identified in this chapter may be removed from the department's premises without the approval of the department.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86; CR 07-064: r. (2) to (4), renum. (5) to be (2) Register November 2007 No. 623, eff. 12-1-07.

Trans 195.07 Certification of records. (1) A certification may consist of:

- (a) A search of division records and data sufficient to identify the specific information requested.
- (b) A typewritten chronological listing of events that led to the issuance or denial of a vehicle title, vehicle registration, driver's license, business license or other records and data.
- (c) A copy or photocopy of vehicle or driver records, or copies of other appropriate records or data.
- (d) A certification form containing information as described in s. 909.02, Stats.

(2) A certificate of search shall be provided where records or data are not available because they were purged, destroyed, not located, or not reproducible.

(3) A letter of transmittal may be included with certifications of vehicle title records, vehicle registration records, business records, or other division records and data, which may explain vehicle laws, processing procedures, billing requirements or other information.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86.

Trans 195.08 Verification of records. (1) A verification of records shall be performed only for vehicle title or vehicle registration records identified under s. Trans 195.04.

(2) A verification of records may consist of:

- (a) A search of division records and data sufficient to identify the specific information requested.
- (b) A verification form containing information described in par. (a).
- (c) A typewritten chronological listing of events that led to the issuance of a vehicle title or vehicle registration.
- (d) A copy or photocopy of appropriate record information.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86.

Trans 195.09 Fees. (1) The fee for the search of each file or individual record identified in ss. Trans 195.04 and 195.05 shall be \$5.00.

(3) The fee for each page of a copy, photocopy, or duplicate of an original record shall be \$.25.

(4) The fee for each typewritten page as identified in s. Trans 195.05 (2) shall be \$2.00.

(5) The fee for each certification of records as identified in s. Trans 195.07 shall be \$5.00.

(6) The fee for each verification of records as identified in s. Trans 195.08 shall be \$5.00.

(7) The minimum fee for any contractual telephone account established under s. Trans 195.10 shall be \$30.00 per month.

(8) The requester shall pay all fees necessary to install and maintain the requester's photocopy equipment and supplies used on the department's premises.

(9) The fee for redaction of records will be computed by adding the central processing unit and staff time to separate personal identifiers, personally identifiable information, personal information, highly restricted personal information, and confidential information from records. Redaction fees may be charged only for records in bulk, and only if they exceed \$50.

(10) The fee for records in bulk will be computed by multiplying \$5 by the number of files or individual records provided. The department may charge a lesser fee. The amount of the fee and frequency of delivery may be confirmed in a contract with the department, as described in s. Trans 195.10.

(11) The department may allow payment of fees required by this section to be made by use of a major credit card if the fee required is more than \$5.

(12) The final fee for the type of record and data search and service provided shall be determined by the department.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86; am. (1), (2) and (6), Register, April, 1994, No. 460, eff. 5-1-94; CR 01-084: am. (1) and (5) to (7), r. (2), Register, November 2001 No. 551, eff. 12-1-01; CR 07-064: am. (1) and (3), r. and recr. (9) and (10) Register November 2007 No. 623, eff. 12-1-07.

Trans 195.10 Contractual accounts and billing service.

(1) A requester may pay fees required under s. Trans 195.09 on a monthly basis if the department establishes a contractual account with the requester.

(2) The department may establish a contractual account upon request by the requester to the department for the search or documentation of departmental records including, but not limited to:

- (a) Individual driver records by telephone.
- (b) Driver records in bulk.
- (c) Individual vehicle registration and title records by telephone.
- (d) Vehicle registration and title records in bulk.
- (e) Notification of vehicle titles returned from out-of-state.

(3) The department will establish separate contractual accounts for a requester for the search or documentation of driver records and for the search or documentation of vehicle records.

(4) If a contractual account is requested, the department shall require a signed contractual agreement from the requester with a contractual account to pay the fees requested under s. Trans 195.09.

(5) The department shall assign account numbers and may bill accounts each month for fees or may require prepayment of fees required for accounts established under this section.

(6) When making a request for a record search under this section, the requester shall provide the account number and name of the requesting person or agency.

(7) Contractual account service shall be cancelled for any requester whose full payment is not received by the department

within 30 days of the last billing. No search or documentation of records may be made until all outstanding obligations are paid.

(8) A requester who has had a contractual account cancelled by the department shall pay all outstanding obligations and pay a \$30 reinstatement fee before an account can be reestablished.

Note: Forms used in this chapter are MVD2370, Customer Agreement, MVD2372, Vehicle Record Files Information Service Acknowledgement, and MV3270, Customer Agreement. Forms MVD 2370 and MVD 2372 can be obtained from the Division of Motor Vehicles, Vehicle Record Files, P.O. Box 7909, Madison, WI 53707-7909; Form MV3270 may be obtained from the Division of Motor Vehicles, Driver Record Files, P.O. Box 7918, Madison, WI 53707-7918.

History: Cr. Register, May, 1986, No. 365, eff. 6-1-86; **CR 07-064: am. (1), (2) (intro.) to (d), (4) and (6) Register November 2007 No. 623, eff. 12-1-07.**

Trans 195.11 Direct access to DMV databases.

(1) The department may provide direct access to its vehicle or driver license records to a person under a contract developed by the department.

(2) Except for agents authorized under ch. Trans 141 or ch. Trans 156, any person who enters a contract with the department for direct access to vehicle or driver license records shall obtain a criminal history background check from the Wisconsin department of justice for all persons who will have direct access to vehicle or driver license records. If the person with access to vehicle or driver license records does not reside in Wisconsin, the person who enters the contract with the department shall perform a nationwide criminal history background check through a private vendor or through their state's equivalent of the Wisconsin department of justice, and shall provide documentation to the department as to the results for each person who will have direct access to vehicle or driver license records. The department may conduct a criminal history background check of any person who will have direct access to vehicle or driver license records for audit purposes.

History: CR 07-064: cr. Register November 2007 No. 623, eff. 12-1-07.