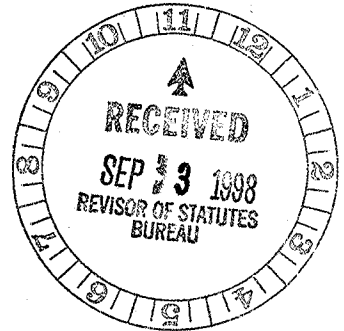


Clearinghouse Rule 98-082

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)



TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **temporary license plate and permits**, was duly approved and adopted by this Department on September 2, 1998.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 2 day of **September**, 1998.

Charles H. Thompson

CHARLES H. THOMPSON
Secretary

The Wisconsin Department of Transportation adopts an order to repeal TRANS 132.05(2) and (3), and 132.09; renumber TRANS 132.06(5); renumber and amend TRANS 132.05(4), 132.06(2) and (4), and 132.11; amend TRANS 132.03(intro.) and (3), 132.04(1)(c) and (3)(a), 132.05(1), 132.06(1), 132.07(1) and (2) and 132.08(2); repeal and recreate TRANS 132.06(3) and 132.10; and create TRANS 132.02(7m), 132.03(5) and 132.06(2) and (5), relating to temporary license plate and permits.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 85.16(1), 227.11 and 341.09, Stats.

STATUTES INTERPRETED: s. 341.09, Stats.

General Summary of Rule. The amendments to ch. Trans 132 are necessary to implement statutory changes adopted in 1997 Wis. Act 27. Section 3961p of the Act amended s. 341.04, Stats., to require that purchasers of automobiles, station wagons or motor trucks weighing 8,000 pounds or less obtain and display temporary operation license plates within two business days after purchase. Other changes were made by the Act to s. 341.09, Stats., to provide for issuance of the required temporary operation plates by the Department and by motor vehicle dealers.

Section 1 of the rule amends the definition of "purchase" to include a lease. This reflects the fact that s. 341.09, Stats., was amended to permit dealers to issue temporary plates to persons leasing as well as purchasing vehicles from the dealer.

Sections 2 and 3 of the rule eliminate obsolete language and provide for the addition of a portion of the vehicle identification number on temporary plates as a further element of identification.

Sections 5, 6 and 7 of the rule amend s. Trans 132.05 to provide for issuance of temporary plates to motor vehicle dealers without prepayment of fees and to repeal limitations on the number of plates which can be obtained at one time. These changes in procedure reflect the fact that statutory changes have increased the number of plates which motor vehicle dealers will need to satisfy their customers' needs and the fact that no fee may be charged for issuance of temporary plates to purchasers from the dealer of automobiles, station wagons or motor trucks with a registered weight of 8,000 pounds or less.

Sections 8, 9, 10 and 11 make changes to s. Trans 132.06 to reflect that dealers must now issue temporary plates at no charge to persons purchasing or leasing automobiles, station wagons or light trucks from the dealer; may collect a fee from non-residents; and may collect a fee from any resident who has purchased a vehicle from a source other than the issuing dealer. In the latter case, the dealer may also collect a separate fee for special assistance to the purchaser.

Section 14 of the rule adds a new provision to s. Trans 132.06 to provide that the plate number be written on the application form and a copy of the form provided to the purchaser. This reflects the fact that the Department has decided to eliminate a separate form which had acted as a receipt for the purchaser.

Section 15 amends s. Trans 132.07 relating to record keeping to reflect the elimination of the separate receipt form and to permit electronic as well as manual record keeping systems. The information which had been contained on the receipt form MVD 2467 will still have to be kept as part of the records of plate issuance by the dealer.

Section 17 repeals s. Trans 132.09 due to the fact that the Department will no longer charge a prepayment fee for providing temporary plates to dealers.

Section 18 repeals and recreates s. Trans 132.10 to provide that if the Department contracts with persons under s. 341.09, Stats., to issue temporary plates, the provisions of Chapter Trans 132 applicable to dealers will also be applicable to contractors.

Fiscal Effect. Ch. Trans 132 implements statutes enacted in 1997 Wis. Act 27, the 1997-99 biennial budget. Ch. Trans 132 has no fiscal impact other than the fiscal impact resulting from the statute. The following fiscal impact is estimated for these statutory provisions:

Annual Cost to DOT

Total Cost:	7.3 FTE	\$505,400
Funded in Budget:	4.0 FTE	\$389,900
Remains Unfunded:	3.3 FTE	\$115,500

Annual Revenue to the Transportation Fund: +\$562,500

One-time Cost to DOT:

Total cost:	\$13,000 plus DP cost
Funded in Budget:	None
Remains Unfunded:	\$13,000 (the program will not be automated because data processing work was not funded)

The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district, sewerage district, or any federally-recognized American Indian tribes or bands.

Final Regulatory Flexibility Analysis. This rule will have no adverse impact on small businesses.

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Bev Schwartz, Division of Motor Vehicles, Bureau of Vehicle Services, Room 301, P. O. Box 7909, Madison, Wisconsin 53707-7909, or by calling (608) 267-5253. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11 and 341.09, Stats., the department of transportation hereby amends a rule interpreting s. 341.09, Stats., relating to temporary license plate and permits.

SECTION 1. Trans 132.02(7m) is created to read:

Trans 132.02(7m) "Purchase" includes lease.

SECTION 2. Trans 132.03(intro.) and (3) are amended to read:

Trans 132.03 PLATE. (intro.) ~~The~~ A temporary plate ~~is~~ issued under s. ~~341.09(2)(d)~~ 341.09, Stats., shall be approximately 6" x 12" and shall contain:

(3) The words word "temporary operation plate" or "in transit plate".

SECTION 3. Trans 132.03(5) is created to read:

Trans 132.03(5) A portion of the vehicle identification number as determined by the department.

SECTION 4. Trans 132.04(1)(c) and (3)(a) are amended to read:

Trans 132.04(1)(c) No person shall may display upon any vehicle a plate not issued for that vehicle.

(3)(a) No person shall may duplicate, reproduce or copy any plate.

SECTION 5. Trans 132.05(1) is amended to read:

Trans 132.05(1) A dealer may ~~purchase~~ obtain plates ~~for resale from the~~ department for issuance to either a resident or non-resident vehicle purchaser.

SECTION 6. Trans 132.05(2) and (3) are repealed.

SECTION 7. Trans 132.05(4) is renumbered 132.05(2) and amended to read:

Trans 132.05(2) A dealer may order plates by a written request that includes the dealer license number, phone number and dealership name and address. ~~The order shall be accompanied by the license fee established by s. 341.09(2m)(a), Stats.~~

SECTION 8. Trans 132.06(1) is amended to read:

Trans 132.06(1) A dealer may ~~resell~~ issue a plate at the fee established by s. 341.09(2m)(a) 341.09(2m)(a)1.(intro.), Stats., to any resident or non-resident who purchases from the dealer any type of vehicle except buses, for-hire vehicles, and IRP vehicles, except as provided in sub. (2).

SECTION 9. Trans 132.06(2) is renumbered 132.06(4) and amended to read:

Trans 132.06(4) ~~Purchase of a plate by a resident or non-resident vehicle purchaser is optional, except that a~~ A dealer may not issue a plate to a resident purchaser unless the dealer ~~has collected~~ receives from the purchaser a complete application for registration and title for the vehicle together with all required fees, including regular registration fees and sales tax.

NOTE: ~~This provision does not allow a vehicle to be operated without proper registration under s. 341.04 or 341.40, Stats. If a non-resident purchaser has not~~

~~purchased a plate from the selling dealer or does not have a valid plate to transfer, the vehicle cannot be legally operated.~~

SECTION 10. Trans 132.06(2) is created to read:

Trans 132.06(2) A dealer shall issue a plate at no charge to any resident who purchases from the dealer an automobile, station wagon or motor truck with a registered weight of 8,000 pounds or less if the dealer has received all information and money required under sub. (4).

SECTION 11. Trans 132.06(3) is repealed and recreated to read:

Trans 132.06(3) A dealer may issue a plate at the fee established by s. 341.09(2m)(a)1.(intro.), Stats., to any resident who purchases an automobile, station wagon or motor truck having a registered weight of 8,000 pounds or less from a person other than the dealer if the dealer has received all information and money required under sub. (4). The dealer may collect a special handling fee of not more than \$5 as provided in s. 341.09(1)(c), Stats., if the dealer provides special assistance to the purchaser.

SECTION 12. Trans 132.06(4) is renumbered 132.06(6) and amended to read:

Trans 132.06(6) For each plate issued, the dealer shall validate and affix the plate to the vehicle purchased in the manner specified by s. Trans 132.04(1). The plate is validated by legibly writing the expiration date, which shall be plainly visible, in the specified area on the plate and securing with transparent tape, by removing backing, over the stated expiration date, which, under s. ~~341.09(4) and (2m)~~ 341.09(1)(a) and (4), Stats., is 30 days from delivery date for non-residents and ~~60~~ 90 days from delivery date for residents.

SECTION 13. Trans 132.06(5) is renumbered 132.06(7).

SECTION 14. Trans 132.06(5) is created to read:

Trans 132.06(5) The dealer shall write the temporary plate number on the application for title and registration. The dealer shall give a copy of the application form to the purchaser.

SECTION 15. Trans 132.07(1) and (2) are amended to read:

Trans 132.07(1) The dealer shall maintain for 5 years complete and accurate ~~plate and receipt~~ records of all temporary plates issued by the dealer, which shall be open for inspection by the department or any law enforcement official, as provided by s. 342.16 (2), Stats., ~~including a copy of each receipt issued to a vehicle purchaser~~, in numerical order by plate number. The record keeping system may be manual or electronic. The records shall contain at a minimum the plate number, date of issuance, expiration date, purchaser's name and address, fees paid, description of the vehicle, the vehicle identification number and the name of the person issuing the temporary plate.

~~NOTE: Form MVD 2467 is the receipt for temporary plate fees.~~

(2) The dealer shall be responsible for security and accountability of plates ~~purchased~~ obtained from the department, but not yet issued to vehicle purchasers.

SECTION 16. Trans 132.08(2) is amended to read:

Trans 132.08(2) Within 30 days after denial or issuance of an order, the dealer may request a hearing before the ~~transportation commission~~ division of hearings and appeals under s. 341.09(2m)(d), Stats. The dealer shall may not issue any plates until the ~~transportation commission~~ division of hearings and appeals has held its hearing and not unless the finding is in the dealer's favor.

SECTION 17. Trans 132.09 is repealed.

SECTION 18. Trans 132.10 is repealed and recreated to read:

Trans 132.10 PLATE ISSUANCE BY CONTRACTORS. Any person contracting with the department under s. 341.21, Stats., to issue temporary plates under s. 341.09, Stats., shall comply with all provisions of this chapter applicable to dealers issuing temporary plates.

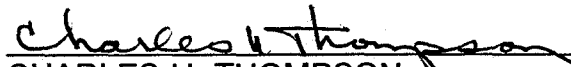
SECTION 19. Trans 132.11 is renumbered 132.09 and amended to read:

Trans 132.09 TEMPORARY PLATE FOR MILITARY PERSONNEL. Under s. 341.09(3), Stats., military personnel may obtain a temporary operation plate from the department, which shall be the plate described in s. Trans 132.03 (1), upon presenting to the department military leave or furlough papers. No fee shall may be charged for issuance of this plate.

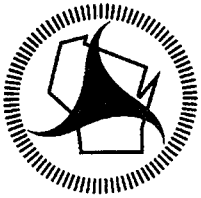
(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 2 day of September, 1998.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

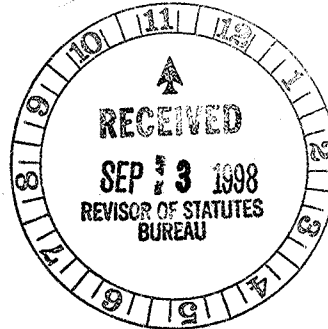


Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

OFFICE OF GENERAL COUNSEL
P. O. Box 7910
Madison, WI 53707-7910

September 3, 1998



Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 98-082**

In the Matter of the Adoption of **TRANS 132**, Wisconsin Administrative Code,
relating to **temporary license plate and permits**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 98-082**, an administrative rule relating to the above-mentioned matter.

Sincerely,

Julie A. Johnson
Paralegal

Enclosures

cc: Gene Kussart
Mike Goetzman
Sandy Beaupre
Roger Cross
Bev Schwartz
Carson Frazier