

The Wisconsin Department of Transportation adopts an order to amend ch. TRANS 149(title), 149.01(2), 149.02(6)(m), 149.05(5)(a)2., 149.07(1)(a)2., 149.08(1) and TRANS 305.065(1) and (2)(b), Wisconsin Administrative Code, relating to titling and registration of homemade, reconstructed or repaired salvage vehicles.

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

STATUTORY AUTHORITY: ss. 85.16(1), 342.07(2) and 227.11(2)(b), Stats.

STATUTES INTERPRETED: ss. 341.268, as amended by 2001 Wis. Act 109, and 342.07, Stats.

General Summary of Rule. Prior to passage of 2001 Wis. Act 109, motorcycles built by non-licensed manufacturers were titled as “replica” vehicles. 2001 Wisconsin Act 109 amended s. 341.268, Wis. Stats., to exclude motorcycles from the definition of replica vehicle. After October 1, 2002, the definition of homemade vehicle is expanded to include motorcycles that reproduce a vehicle originally made by another manufacturer.

Current policies of the Department of Transportation require that all homemade and reconstructed vehicles be inspected before a title and registration plates may be issued. This policy is expressed in s. Trans 305.065, Wis. Admin. Code. The rule will amend chs. Trans 149 and 305 to clarify that inspections of homemade vehicles, including motorcycles, are to be conducted in the same manner as inspections of repaired salvage vehicles. The rule further amends ch. Trans 149 to provide that the requirement for receipts for motorcycle parts be raised from the current \$50 to \$150 in order to capture information on major part purchases and to eliminate receipts for minor, non-essential motorcycle parts. The inspections for homemade and reconstructed vehicles do not require a fee since there is no statutory provision for charging a fee. The rule will amend ch. Trans 149 to clarify that the fee provisions of that rule apply only to inspections of repaired salvage vehicles.

Fiscal Effect. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department estimates that there will be no fiscal impact on state revenues or liabilities.

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Patricia Hansen, Division of State Patrol, P. O. Box 7912, Room 551, Madison, WI 53707-7912, or by calling (608) 267-0325. Hearing-impaired individuals

may contact the Department using TDD (608) 266-0396. 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(2)(b) and 342.07(2), Stats., the department of transportation hereby amends rules interpreting ss. 341.268 and 342.07, Stats., relating to titling and registration of homemade, reconstructed or repaired salvage vehicles.

SECTION 1. Ch. Trans 149(title) is amended to read:

INSPECTION OF A HOMEMADE, RECONSTRUCTED OR REPAIRED SALVAGE VEHICLE

SECTION 2. Trans 149.01(2) is amended to read:

Trans 149.01(2) This chapter applies to any person seeking to obtain a certificate of title on a homemade vehicle, reconstructed vehicle, repaired salvage vehicle or on a vehicle identified in another jurisdiction as a repaired salvage or salvage vehicle.

SECTION 3. Trans 149.02(6)(m) is amended to read:

Trans 149.02(6)(m) Any motorcycle part not listed under this subsection which has a value exceeding ~~\$50~~ \$150.

SECTION 4. Trans 149.05(5)(a)2. is amended to read:

Trans 149.05(5)(a)2. The Wisconsin salvage certificate of title evidencing the applicant's ownership of the vehicle, which may be a salvage certificate of title in the name of the applicant, or a Wisconsin salvage certificate of title in the name of another person who has properly assigned the title to the applicant in the space provided on the certificate. This subdivision does not apply to homemade or reconstructed vehicles.

SECTION 5. Trans 149.07(1)(a)2. is amended to read:

Trans 149.07(1)(a)2. The applicant's current salvage certificate of title. This subdivision does not apply to homemade or reconstructed vehicles.

SECTION 6. Trans 149.08(1) is amended to read:

Trans 149.08(1) The applicant shall pay an inspection fee for each inspection performed, except that there is no additional fee for the reinspection described in s. Trans 149.07(2)(b). There is no fee for the inspection of a homemade or reconstructed vehicle.

SECTION 7. Trans 305.065(1) and (2)(b) are amended to read:

Trans 305.065(1) INSPECTION. Upon completion of assembly or reconstruction, every homemade or reconstructed vehicle shall be inspected prior to being registered or titled for compliance with this chapter, ch. Trans 149 and ch. 347, Stats. The inspection shall be performed by an inspector authorized by the department to perform inspections of salvage vehicles under s. 342.07, Stats. This subsection does not apply to trailers or semitrailers.

(2)(b) *Replica and street modified vehicles.* The department shall issue a title indicating that a vehicle, except a motorcycle, is a replica or street modified vehicle and the make and model year shown on the title shall be the original make and model year of the street modified vehicle or the make and model year of the vehicle being replicated. The installation of reproduction body parts on a previously manufactured and titled vehicle body and frame is not considered by the department to constitute a replica vehicle for purposes of identifying the vehicle on its title. A vehicle shall be considered a replica or a street modified vehicle if it has been certified by the owner to be a replica or a street modified vehicle for purposes of registration under s. 341.268, Stats. A vehicle shall also

be considered a street modified vehicle if the vehicle's engine has been replaced with one which required adaptation beyond ordinary replacement.

(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)(intro.), Stats.

Signed at Madison, Wisconsin, this ____ day of
March, 2004.

FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation