

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

X Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Chapter Trans 319, relating to: towing of vehicles and affecting small businesses

3. Subject

Pursuant to s. 349.13(3m)(e), Stats., this rule establishes the following: (1) reasonable charges for removal and storage of vehicles under s. 349.13(3m), Stats., (2) the form and manner of display of notice necessary to qualify as “properly posted” under s. 349.13(3m)(a)2., Stats., and (3) guidelines for towing services to notify law enforcement under s. 349.13(3m)(d), Stats., upon removal of a vehicle.

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

None.

6. Fiscal Effect of Implementing the Rule

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input checked="" type="checkbox"/> Specific Businesses/Sectors
<input checked="" type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
	<input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

As required by 2013 Wisconsin Act 76 and authorized by s. 349.13(3m)(e), Stats., the purpose of this chapter is to establish reasonable charges for the removal and storage of vehicles parked on private property that are not authorized to park in that area, the form and manner of display of notice necessary to qualify as “properly posted” under s. 349.13(3m)(a)2., Stats., and guidelines for towing services to notify law enforcement under s. 349.13(3m)(d), Stats., upon removal of a vehicle.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This rule will affect towing services, private property owners and local units of government, including law enforcement, involved in the removal of vehicles parked on private property that are not authorized to park in that area.

11. Identify the local governmental units that participated in the development of this EIA.

Input was provided by the City of Milwaukee, the City of Madison and the League of Wisconsin Municipalities.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

There are many towing services located throughout the state that will likely qualify as small businesses under s. 227.114, Stats. While this rulemaking seeks to establish a uniform schedule of reasonable charges related to removal and storage of vehicles, as required by s. 349.13(3m)(e)1., Stats., the exact impact of this rule on towing services is unknown at this time. Private property

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

owners, in order to comply with the “properly posted” notice requirements for vehicles to be towed without involvement of law enforcement, may also be affected by this rule. However, the exact impact, if any, on private property owners is unknown at this time.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

As required by 2013 Wisconsin Act 76, the rule establishes uniform requirements related to the towing of vehicles parked on private property without authorization. No alternatives exist.

14. Long Range Implications of Implementing the Rule

Unknown.

15. Compare With Approaches Being Used by Federal Government

There is no existing or proposed federal regulations addressing the towing of vehicles parked on private property that are not authorized to be parked there.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Practices in neighboring states vary. States often rely on procedures for “abandoned vehicles” and garagekeeper’s liens. Several non-neighboring states have a standardized process similar to the process that is outlined in this rule.

17. Contact Name

Laura Vande Hey

18. Contact Phone Number

(608) 709-0065

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

There are many towing services located throughout the state, in which some likely qualify as small businesses under s. 227.114, Stats. While this rulemaking seeks to establish a uniform schedule of reasonable charges related to removal and storage of vehicles, as required by s. 349.13(3m)(e)1., Stats., the exact impact of this rule on towing services is unknown at this time. In addition, there may be some private property owners that, in order to comply with the "properly posted" notice requirements specified in s. 349.13(3m)(a)2., Stats., for unauthorized vehicles to be towed without involvement of law enforcement, will be affected by this rule. However, the exact impact, if any, on private property owners is unknown at this time.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The emergency rule was drafted with input from individual towing services and the Wisconsin Towing Association, governmental entities and the League of Wisconsin Municipalities, the Wisconsin Housing Alliance, the Apartment Association of South Central Wisconsin, the Tenant Resource Center, and members of the public during the public hearing and comment period for the initial emergency rule (EmR1425), relating to the towing of vehicles, which was promulgated by the Department in fall 2014.

All input received by the Department was taken into consideration when drafting this rule. Input provided to the Department related to: the charges that a towing service may charge vehicle owners for towing and storage; the design and display of the required notice marking areas where vehicles parked without authorization may be removed; and the process required for towing services to notify law enforcement of the removal of unauthorized vehicles parked on private property.

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 Less Stringent Schedules or Deadlines for Compliance or Reporting
 Consolidation or Simplification of Reporting Requirements
 Establishment of performance standards in lieu of Design or Operational Standards
 Exemption of Small Businesses from some or all requirements
 Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

2013 Wisconsin Act 76 requires that the Department establish uniform requirements related to the towing of vehicles parked on private property without authorization. Input was sought from various parties to ensure that the charges and notice requirements established in this rule are reasonable in regards to their impact on small businesses.

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5. Describe the Rule's Enforcement Provisions

None.

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No
