



**Wisconsin Department of Transportation**  
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March 28, 2023

Senator Stephen Nass, Senate Co-Chair  
Joint Committee for Review of Administrative Rules  
Room 10S, State Capitol  
PO Box 7882  
Madison, WI 53707  
[Sen.Nass@legis.wisconsin.gov](mailto:Sen.Nass@legis.wisconsin.gov)

Representative Adam Neylon, Assembly Co-Chair  
Joint Committee for Review of Administrative Rules  
Room 204N, State Capitol  
PO Box 8953  
Madison, WI 53708  
[Rep.Neylon@legis.wisconsin.gov](mailto:Rep.Neylon@legis.wisconsin.gov)

**Re: 2023 Wisconsin Act 108 Biennial Rules Report**

Dear Senator Nass and Representative Neylon:

Please find enclosed the Wisconsin Department of Transportation's report on rules, per s. 227.29, Stats.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel Nilsestuen".

Joel Nilsestuen  
Assistant Deputy Secretary

Enclosures

cc: Adam Field (via e-mail only w/attachments)  
Mike Mikalsen (via email only w/attachments)  
Adam Tobias (via email only w/attachments)  
Dillon McGee (via e-mail only w/attachments)  
Joe Zapf (via e-mail only w/attachments)  
Clerk Kay Inabnet (via e-mail only w/attachments)  
Clerk Erin Gillitzer (via e-mail only w/attachments)

| Trans Code                     | Unauthorized | Restricted Authority | Duplicative Superseded, or Conflicting | Obsolete or Unnecessary | Economically Burdensome | PRIMARY STATURORY REFERENCE             | RATIONALE  | Agency Actions                |
|--------------------------------|--------------|----------------------|--|-------------------------|-------------------------|---|--|-------------------------------|
| Trans 29.04 (4)                | No           | No                   | No                                     | Yes                     | No                      | ss. 85.08 (2) (g); 85.09; 85.15, Stats. | Requires permit applicants to provide to the department 4 copies of permit applications. This process is now obsolete. Permit applications are received electronically   | WisDOT to consider rulemaking |
| Trans 30.04 (1)                | No           | No                   | No                                     | Yes                     | No                      | s. 84.065, Stats.                       | Contains obsolete contact information  | WisDOT to consider rulemaking |
| Trans 57.05 (2) (f)            | No           | No                   | No                                     | Yes                     | No                      | s. 114.35 (7), Stats.                   | Incorrect reference to "instrument flight rules"   | WisDOT to consider rulemaking |
| Trans 101                      | No           | No                   | Yes                                    | No                      | No                      | s. 343.32 (2), Stats.                   | Demerit point rule is inconsistent with statute  | WisDOT to consider rulemaking |
| Trans 104.055 (1) (a)          | No           | No                   | Yes                                    | No                      | No                      | s. 343.06 (1) (cm), Stats.              | 2021 Act 64 changed the number of practice hours a person must complete as a driver-in-training from 30 to 50 hours  | WisDOT to consider rulemaking |
| Trans 126.02                   | No           | No                   | No                                     | Yes                     | No                      | s. 341.35, Stats.                       | Contains obsolete address  | WisDOT to consider rulemaking |
| Trans 127.05 (1)               | No           | No                   | No                                     | Yes                     | Yes                     | s. 341.26 (7) (a), Stats.               | Requires form to be completed via typewriter, which is obsolete and burdensome.  | WisDOT to consider rulemaking |
| Trans 128.07                   | No           | No                   | No                                     | Yes                     | No                      | s. 341.08 (4m), Stats.                  | Microfiche requirement is obsolete   | WisDOT to consider rulemaking |
| Trans 128.11 (2)               | No           | No                   | Yes                                    | No                      | No                      | s. 341.08 (4m), Stats.                  | Renewal notice not provided contradicts s. 341.08 (4m), Stats.   | WisDOT to consider rulemaking |
| Trans 130.02 (4)               | No           | No                   | Yes                                    | No                      | No                      | ss. 85.16, 343.51 (1) and (2), Stats.   | Qualifying professions included in statute are omitted from ch. Trans 130  | WisDOT to consider rulemaking |
| Trans 131.02 (24)              | No           | No                   | Yes                                    | No                      | No                      | ss. 110.06, 110.20, Stats.              | s. 110.20 (7), (8), and (8) (am), Stats., has been updated to allow inspections by persons under contract or subcontract with WisDOT   | WisDOT to consider rulemaking |
| Trans 131.02 (45)              | No           | No                   | Yes                                    | No                      | No                      | ss. 110.06, 110.20, Stats.              | s. 110.20 (7), (8), and (8) (am), Stats., has been updated to allow inspections by persons under contract or subcontract with WisDOT   | WisDOT to consider rulemaking |
| Trans 131.02 (54)              | No           | No                   | No                                     | Yes                     | No                      | ss. 110.06, 110.20, Stats.              | "Serially numbered" requirement is obsolete  | WisDOT to consider rulemaking |
| Trans 131.03 (5) (b)           | No           | No                   | Yes                                    | No                      | No                      | ss. 110.06, 110.20, Stats.              | Per 40 CFR 86.1806, vehicles fail the OBD test if the malfunction indicator light (MIL) is commanded to be illuminated and it is not visually illuminated according to visual inspection. Rule needs to be updated to align more closely with CFR requirements | WisDOT to consider rulemaking |
| Trans 131.03 (6) (d) 5.        | No           | No                   | No                                     | Yes                     | No                      | ss. 110.06, 110.20, Stats.              | OBD II inspection in separate inspection facility lane is obsolete.  | WisDOT to consider rulemaking |
| Trans 131.03(12)               | No           | No                   | No                                     | Yes                     | No                      | ss. 110.06, 110.20, Stats.              | Refers to obsolete forms.  | WisDOT to consider rulemaking |
| Trans 131.03 (15) (a) (intro.) | No           | No                   | No                                     | Yes                     | No                      | ss. 110.06, 110.20, Stats.              | Refers to obsolete forms   | WisDOT to consider rulemaking |
| Trans 131.08 (2)               | No           | No                   | No                                     | No                      | Yes                     | ss. 110.06, 110.20, Stats.              | WisDOT may immediately grant exemptions over the phone to qualified individuals  | WisDOT to consider rulemaking |
| Trans 131.11 (1) (a)           | No           | No                   | Yes                                    | No                      | No                      | ss. 110.06, 110.20, Stats.              | s. 110.20 (7), (8), and (8) (am), Stats., has been updated to allow inspections by persons under contract or subcontract with WisDOT   | WisDOT to consider rulemaking |

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| Trans 131.15 (3) (b) and (c) | No  | No  | Yes | No  | No  | ss. 110.06, 110.20, Stats.  | s. 131.15 (1), Stats., allows department to inform the public and automotive repair industry regarding repair efficacy, Improves customer service DNR concurs. Add: or made available on the contractor's internet site | WisDOT to consider rulemaking |
| ch. Trans 135                | No  | Yes | No  | Yes | No  | s. 110.215, Stats.  | Authority under s. 110.25, Stats., no longer exists. 2021 Act 244 repealed s. 110.215, Stats.   | WisDOT to consider rulemaking |
| Trans 138.03 (1) (a) 3.      | No  | Yes | No  | No  | No  | ss. 85.16 (1) and 218.0152, Stats.  | There is no guidance to determine "nearby"  | WisDOT to consider rulemaking |
| Trans 140.027 (2) (a)        | No  | Yes | No  | No  | No  | ss. 218.0152, 218.25  | "Conditional license" is not stated in statute  | WisDOT to consider rulemaking |
| Trans 141.03 (1)             | No  | No  | No  | Yes | No  | ss. 218.0116 (1) (gr), 218.0146 (4), 342.16 (1) (a) and (am), Stats.            | eMV 11 was replaced and should only be referred to as a web application   | WisDOT to consider rulemaking |
| Trans 141.03 (2)             | No  | No  | No  | Yes | No  | ss. 218.0116 (1) (gr), 218.0146 (4), 342.16 (1) (a) and (am), Stats.            | eMV 11 was replaced and should only be referred to as a web application   | WisDOT to consider rulemaking |
| Trans 141.05 (4)             | No  | No  | No  | Yes | No  | ss. 218.0116 (1) (gr), 218.0146 (4), 342.16 (1) (a) and (am), Stats.            | eMV 11 was replaced and should only be referred to as a web application   | WisDOT to consider rulemaking |
| Trans 141.06 (2)             | No  | No  | No  | Yes | No  | ss. 218.0116 (1) (gr), 218.0146 (4), 342.16 (1) (a) and (am), Stats.            | eMV 11 was replaced and should only be referred to as a web application   | WisDOT to consider rulemaking |
| Trans 148.02 (7)             | No  | No  | No  | Yes | No  | ss. 342.19 (2) (a), 343.20 (2) and (3), 342.22 (1) and (2), and 342.245, Stats. | Obsolete architecture. There is no longer a host computer system  | WisDOT to consider rulemaking |
| ch. Trans 155                | Yes | No  | No  | No  | No  | ss. 342.06 (1) (b), (f), (g), and 342.30 (1g), Stats.                           | No explicit authority to promulgate rule for VIN inspection   | WisDOT to consider rulemaking |
| Trans 156.02 (8)             | No  | No  | No  | Yes | No  | s. 341.21, Stats.   | Obsolete architecture. There is no longer a host computer system  | WisDOT to consider rulemaking |
| Trans 156.04 (1) (a)         | No  | No  | No  | No  | Yes | s. 341.21, Stats.   | Add exemptions for multiple business types allowing multiple vendors  | WisDOT to consider rulemaking |
| Trans 156.04 (1) (f)         | No  | No  | No  | No  | Yes | s. 341.21, Stats.   | Burdensome and unnecessary to require two processors  | WisDOT to consider rulemaking |
| ch. Trans 157                | No  | No  | Yes | No  | No  | s. 110.20, Stats.   | s. 701.19 (11), Stats., was repealed.   | WisDOT to consider rulemaking |
| ch. Trans 198                | No  | No  | No  | Yes | No  | s. 85.14, Stats.  | 2011 Act 32, the budget, amended s. 85.14, Stats., to expand the charges for which WisDOT may accept credit cards.  | WisDOT to consider rulemaking |
| Trans 200.06 (Note)          | No  | No  | No  | Yes | No  | s. 86.19, Stats.  | Obsolete/unnecessary because it references App. A, which is identified as obsolete/unnecessary  | WisDOT to consider rulemaking |

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| Trans 200.06 (2g) (g) (Note)    | No | No | No  | Yes | No | s. 86.19, Stats.         | 2F.01 of the 2003 MUTCD reference is obsolete because of 2J.01 of the MUTCD 2009 edition. This is consistent with MUTCD 2009, Part 2, Chapter 2, Section 2J.01 per 23 CFR 655.603 and adopted by the department under s. 84.02 (4) (e)  | WisDOT to consider rulemaking |
| Trans 200.06 (2r) (e) 2. (Note) | No | No | No  | Yes | No | s. 86.19, Stats.         | Reference to Chapter Trans 200 Appendix D is Obsolete per ss. 84.02 (4) (f) and 349.065, Stats.   | WisDOT to consider rulemaking |
| Trans 200.06 (12) (a) and (b)   | No | No | No  | Yes | No | s. 86.19, Stats.         | Obsolete/Unnecessary per s. 86.195 (5) (a) (4), Stats., and duplicative with s. Trans 200.06 (7) (a) (4)  | WisDOT to consider rulemaking |
| Trans 200.08 (9) (a) 7.         | No | No | No  | Yes | No | s. 86.19, Stats.         | reference to sub. (9) is obsolete/unnecessary, and should be sub. (10) to comply with federal law.  | WisDOT to consider rulemaking |
| Trans 200 A                     | No | No | Yes | Yes | No | s. 86.195, Stats.        | The SIS Routes are already listed in s. 86.195 (2) (ag), Stats. The map is duplicative information and is not needed. Appendix A should be eliminated.  | WisDOT to consider rulemaking |
| Trans 200 B                     | No | No | Yes | Yes | No | s. 86.195, Stats.        | The pdf diagram Figure 2F-1 and the reference to Section 2F.07 is obsolete because of Figure 2J-1 per MUTCD 2009 edition. This is consistent with MUTCD 2009, Part 2, Chapter 2, Section 2J.02, Figure 2J-1.<br>The reference to qualifying motorist services conflicts with statute. Trans 200 B also lists obsolete contact and website information | WisDOT to consider rulemaking |
| Trans 200 C                     | No | No | Yes | Yes | No | s. 86.196 (2), Stats.    | The pdf for diagram Figure 2G-1 is obsolete because of Figure 2K-1 per MUTCD 2009 edition. The reference to the item in Figure 2G-1 is also incorrect   | WisDOT to consider rulemaking |
| Trans 200 D                     | No | No | Yes | Yes | No | s. 86.196 (2), Stats.    | Appendix D contains outdated language and does not match the current Wisconsin Manual on Uniform Traffic Control Devices  | WisDOT to consider rulemaking |
| Trans 205.02 (7)                | No | No | Yes | Yes | No | s. 84.01 (9) (b), Stats. | Obsolete division, definition conflicts with itself   | WisDOT to consider rulemaking |
| Trans 205.035                   | No | No | No  | Yes | No | s. 84.01 (9) (b), Stats. | 3R' is obsolete, now Perpetuation and Rehabilitation  | WisDOT to consider rulemaking |
| Trans 205.04                    | No | No | No  | Yes | No | s. 84.01 (9) (b), Stats. | Exception to design standards is obsolete, now "Design Justification"   | WisDOT to consider rulemaking |
| Trans 208.04 (2)                | No | No | No  | Yes | No | 84.02, Stats.            | Obsolete division referenced  | WisDOT to consider rulemaking |
| Trans 208.06 (5)                | No | No | No  | Yes | No | 84.02, Stats.            | Obsolete division referenced  | WisDOT to consider rulemaking |
| Trans 220.05                    | No | No | No  | Yes | No | s. 84.063, Stats.        | Obsolete reference to "The Policy for the Accommodation of Utilities Within Highway Right-of-Way"   | WisDOT to consider rulemaking |
| Trans 230.01 (3) (e) 19.        | No | No | No  | Yes | No | s. 348.25 (3), Stats.    | Obsolete DOT division referenced  | WisDOT to consider rulemaking |
| Trans 230.06 (1) (a)            | No | No | No  | Yes | No | s. 348.25 (3), Stats.    | Obsolete contact information  | WisDOT to consider rulemaking |
| Trans 230.06 (4) (a)            | No | No | No  | Yes | No | s. 348.25 (3), Stats.    | Obsolete DOT division referenced  | WisDOT to consider rulemaking |
| Trans 230.08 (1) (a)            | No | No | No  | Yes | No | s. 348.25 (3), Stats.    | Obsolete contact information  | WisDOT to consider rulemaking |
| Trans 230.08 (4) (a) and (b)    | No | No | No  | Yes | No | s. 348.25 (3), Stats.    | Obsolete DOT division referenced  | WisDOT to consider rulemaking |
| Trans 254.03 (2) (a)            | No | No | No  | Yes | No | s. 348.26 (2), Stats.    | Obsolete, no in person apps accepted, all virtual   | WisDOT to consider rulemaking |
| Trans 254.03 (2) (b)            | No | No | No  | Yes | No | s. 348.26 (2), Stats.    | Obsolete, add drop box info to replace the in person application  | WisDOT to consider rulemaking |

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| Trans 254.08 (1)     | No | No | Yes | No  | No | s. 348.26 (2), Stats.  | 2013 Wisconsin Act 377, Section 61p, authorizes permits for implements of husbandry or agricultural commercial motor vehicles that are oversize or overweight to be carried in printed format or in electronic format. Pursuant to s. 348.28, Stats., all other permits issued under ss. 348.25, 348.26, or 348.27, Stats., must be carried in the vehicle in printed format. The lone permit exception for electronic format creates confusion among drivers. Clarification to require permit "in printed format" is necessary to conform to statutes | WisDOT to consider rulemaking |
| Trans 254.13         | No | No | No  | Yes | No | s. 348.26 (2), Stats.  | Issuing authority by telephone is obsolete. Carrier needs to get an updated permit online. This is no longer handled over the telephone with the ease of getting a new permit  | WisDOT to consider rulemaking |
| Trans 255.03 (2) (a) | No | No | No  | Yes | No | s. 348.27 (2), Stats.  | Obsolete, no in person apps accepted, all virtual  | WisDOT to consider rulemaking |
| Trans 255.03 (2) (b) | No | No | No  | Yes | No | s. 348.27 (2), Stats.  | Obsolete, add drop box info to replace the in person application   | WisDOT to consider rulemaking |
| Trans 255.08 (1)     | No | No | Yes | No  | No | s. 348.27 (2), Stats.  | 2013 Wisconsin Act 377, Section 61p, authorizes permits for implements of husbandry or agricultural commercial motor vehicles that are oversize or overweight to be carried in printed format or in electronic format. Pursuant to s. 348.28, Stats., all other permits issued under ss. 348.25, 348.26, or 348.27, Stats., must be carried in the vehicle in printed format. The lone permit exception for electronic format creates confusion among drivers. Clarification to require permit "in printed format" is necessary to conform to statutes | WisDOT to consider rulemaking |
| Trans 256.08 (1)     | No | No | Yes | No  | No | s. 348.26 (2), Stats.  | 2013 Wisconsin Act 377, Section 61p, authorizes permits for implements of husbandry or agricultural commercial motor vehicles that are oversize or overweight to be carried in printed format or in electronic format pursuant to s. 348.28, Stats. All other permits issued under ss. 348.25, 348.26, or 348.27, Stats., must be carried in the vehicle in printed format. The lone permit exception for electronic format creates confusion among drivers. Clarification to require permit in printed format is necessary to conform to statutes     | WisDOT to consider rulemaking |
| Trans 256.03 (2) (c) | No | No | No  | Yes | No | s. 348.26 (2), Stats.  | Reference to ch. Trans 275 is Obsolete/Unnecessary as this telephone call-in procedure is no longer valid. Permit applications are available on online   | WisDOT to consider rulemaking |
| Trans 258.04 (2)     | No | No | No  | Yes | No | s. 348.27 (9t), Stats. | Obsolete, no in person apps accepted, all virtual  | WisDOT to consider rulemaking |

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|----------------------|----|----|-----|-----|----|------------------------|--|-------------------------------|
| Trans 258.06 (6)     | No | No | Yes | No  | No | s. 348.27 (9t), Stats. | 2013 Wisconsin Act 377, Section 61p, authorizes permits for implements of husbandry or agricultural commercial motor vehicles that are oversize or overweight to be carried in printed format or in electronic format. Pursuant to s. 348.28, Stats., all other permits issued under ss. 348.25, 348.26, or 348.27, Stats., must be carried in the vehicle in printed format. The lone permit exception for electronic format creates confusion among drivers. Clarification to require permit "in printed format" is necessary to conform to statutes | WisDOT to consider rulemaking |
| Trans 258.10 (4) (a) | No | No | No  | Yes | No | s. 348.27 (9t), Stats. | Obsolete reference to posting in a newspaper, carriers would be emailed about change   | WisDOT to consider rulemaking |
| Trans 259.07 (1)     | No | No | Yes | No  | No | s. 348.27 (9m), Stats. | 2013 Wisconsin Act 377, Section 61p, authorizes permits for implements of husbandry or agricultural commercial motor vehicles that are oversize or overweight to be carried in printed format or in electronic format. Pursuant to s. 348.28, Stats., all other permits issued under ss. 348.25, 348.26, or 348.27, Stats., must be carried in the vehicle in printed format. The lone permit exception for electronic format creates confusion among drivers. Clarification to require permit "in printed format" is necessary to conform to statutes | WisDOT to consider rulemaking |
| Trans 260.03 (2) (c) | No | No | No  | Yes | No | s. 348.26 (4), Stats.  | Reference to ch. Trans 275 is Obsolete/Unnecessary as this telephone call-in procedure is no longer valid. Permit applications are available on online   | WisDOT to consider rulemaking |
| Trans 260.08 (1)     | No | No | Yes | No  | No | s. 348.26 (4), Stats.  | 2013 Wisconsin Act 377, Section 61p, authorizes permits for implements of husbandry or agricultural commercial motor vehicles that are oversize or overweight to be carried in printed format or in electronic format. Pursuant to s. 348.28, Stats., all other permits issued under ss. 348.25, 348.26, or 348.27, Stats., must be carried in the vehicle in printed format. The lone permit exception for electronic format creates confusion among drivers. Clarification to require permit "in printed format" is necessary to conform to statutes | WisDOT to consider rulemaking |
| Trans 261.08 (1)     | No | No | Yes | No  | No | s. 348.27 (7), Stats.  | 2013 Wisconsin Act 377, Section 61p, authorizes permits for implements of husbandry or agricultural commercial motor vehicles that are oversize or overweight to be carried in printed format or in electronic format. Pursuant to s. 348.28, Stats., all other permits issued under ss. 348.25, 348.26, or 348.27, Stats., must be carried in the vehicle in printed format. The lone permit exception for electronic format creates confusion among drivers. Clarification to require permit "in printed format" is necessary to conform to statutes | WisDOT to consider rulemaking |
| Trans 262.03 (2) (c) | No | No | No  | Yes | No | s. 348.26 (6), Stats.  | Reference to ch. Trans 275 is Obsolete/Unnecessary as this telephone call-in procedure is no longer valid. Permit applications are available on online   | WisDOT to consider rulemaking |

