

CHAPTER 110

MOTOR VEHICLES

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110.001 Definitions. In this chapter:

(1) "Department" means department of transportation.

(2) "Secretary" means secretary of transportation.

History: 1977 c. 29

110.01 Definitions. Words and phrases defined in chs. 340 to 349 have the same meaning in this chapter unless a different meaning is expressly provided or the context clearly indicates a different meaning.

History: 1975 c. 120

110.015 Facsimile signature. The secretary and division administrators of the department of transportation, through their authorized employes, may execute or affix their signature, by facsimile signature with a stamp, reproduction print or other similar process to all licenses, notices, orders, administrative letters, contracts, permits, offers to purchase, appraisals, certifications of records, service of legal papers or process on the administrators, and other legal instruments under the statutes which the secretary and division administrators are authorized or required to administer.

110.06 Rules and regulations; school bus certificate of compliance. (1) The secretary may make such reasonable and uniform orders, rules and regulations not inconsistent with law as are deemed necessary to the discharge of the powers, duties and functions vested in the department. The secretary may also prescribe forms for applications, notices and reports required by law to be made to the department or which may be deemed necessary to the efficient discharge of all such powers, duties and functions.

(2) The secretary shall adopt and enforce such rules as he or she deems necessary in the interests of safety to cover the design, construction, inspection and operation of school busses. Such rules may, but need not, be uniform for

each type of bus designated in s. 340.01 (56) (a).

(3) (a) Any person intending to purchase a motor vehicle to be used as a school bus shall prior to purchase give the seller notice in writing of the intended use.

(b) The seller shall then obtain a certificate of compliance with the conditions prescribed by the school bus regulations from the department, which certificate shall be carried upon the vehicle at all times. Paragraph (a) shall not preclude a licensed motor vehicle dealer from securing a certificate of approval at any time.

(c) The seller of any such vehicle who fails to obtain a certificate of compliance prior to sale shall be liable to the purchaser for all repairs and improvements required by the school bus regulations for a period of 9 months after sale and shall be fined \$50 for the 1st offense and \$100 for the 2nd and each subsequent offense.

(d) Paragraphs (a) to (c) shall not apply to any school bus which carries and displays a certificate of compliance issued by the department if the certificate is not more than one year old on the date of purchase.

(4) Violations of those orders, determinations and rules pertaining to chs. 115 to 118, 120, 121 and 341 to 349 shall be punished as provided by s. 341.04 (3) and those pertaining to ch. 194 as provided by s. 194.17.

(5) The orders and determinations, rules and regulations made by the secretary shall be subject to review in the manner provided in ch. 227.

History: 1975 c. 429; 1977 c. 29 ss. 1047, 1654 (7) (a), (c); 1977 c. 325; 1979 c. 154

110.065 Traffic academy. The secretary may establish and operate an academy for the training of state, county and local traffic patrol officers and other related personnel and make rules and regulations for the conduct thereof. The secretary shall establish and periodically revise a reasonable scale of tuition charges. The tuition for personnel other than employes of the

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department shall be paid by their respective departments or governing bodies and shall be deposited in the transportation fund. The secretary shall consult appropriate state, county and local authorities concerning the establishment and operation of the academy and the determination of tuition charges. State agencies shall cooperate with the secretary in providing information and instructional services for the academy.

History: 1977 c. 29 s. 1654 (1), (7) (a), (c).

110.07 Traffic officers; powers and duties. (1) (a) The secretary shall employ not to exceed 375 traffic officers. Such traffic officers, in addition to the person designated to head them whose position shall be in the classified service, shall constitute the state traffic patrol, and shall:

1. Enforce and assist in the administration of chs. 110, 166, 194, 218, 341 to 349 and 351, and ch. 350 where applicable to highways, or orders or rules issued pursuant thereto.

2. Have the powers of sheriff in enforcing the laws specified in subd. 1 and orders or rules issued pursuant thereto.

3. Have authority to enter any place where vehicles subject to chs. 110, 194, 218 and 341 to 350 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof.

(b) All municipal judges, judges, district attorneys and law enforcement officers shall assist in enforcing chs. 110, 194, 218 and 341 to 351, and orders or rules issued pursuant thereto and shall report to the department the disposition of every uniform traffic citation and complaint issued for cases involving such chapters.

(2) The traffic officers employed pursuant to this section shall constitute a state traffic patrol to assist local enforcement officers wherever possible in the regulation of traffic and the prevention of accidents upon the public highways.

(2m) In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol, while in uniform and on duty, may arrest when he believes, on reasonable grounds, that a warrant for a person's arrest has been issued in this state, that a felony warrant has been issued in another state or that the person is committing or has committed a crime within 24 hours before the arrest. The state traffic patrol shall cause the person arrested to be delivered to the chief of police or the sheriff in the jurisdiction where the arrest is made along with the documents and reports pertaining to the arrest. A state traffic officer shall at all times be

available as a witness for the state but shall not conduct investigations for crimes under chs. 939 to 947. The primary duty of a state traffic officer shall be the enforcement of chs. 340 to 351 or of any other law relating to the use or operation of vehicles upon the highway. No state traffic officer shall be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor shall any such officer be required to serve civil process.

(3) The secretary may employ inspectors who may not wear the uniform of the state patrol, whose duties shall be to enforce and assist in administering chs. 110, 194, 218, 340 to 345 and 347 to 351 and the inspection requirements of ss. 346.96 and 346.97. Such inspectors, in the performance of these duties, shall have the powers and authority of state traffic officers. For the purpose of death, disability and retirement coverage, such inspectors shall be subject to subch. I of ch. 41 and s. 66.191 as is the state traffic patrol. The secretary may clothe and equip inspectors as the interest of public safety and their duties require.

History: 1971 c. 40, 125; 1973 c. 90, 146; 1975 c. 297; 1977 c. 29 ss. 1048, 1654 (7) (a), (c), 1656 (43); 1977 c. 305 s. 64; 1977 c. 418; 1979 c. 221; 1979 c. 333 s. 5; 1979 c. 361 s. 113

110.075 Motor vehicle inspection. (1) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is not in conformity with the requirements of this section.

(2) When directed by any traffic officer or motor vehicle inspector, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection and such tests as are necessary to determine whether it meets the requirements of this section, or that its equipment is not in proper adjustment or repair, or in violation of the equipment provisions of ch. 347. Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and other items of equipment designated by the secretary.

(3) Upon determining that a motor vehicle is in conformity with sub. (2), traffic officers or motor vehicle inspectors shall issue to the operator an official inspection sticker which shall be in such form as the secretary prescribes. The official inspection sticker issued following an inspection shall exempt the inspected vehicle from vehicle inspection for a period of one year.

(4) When any motor vehicle is found to be unsafe for operation, traffic officers or motor vehicle inspectors may order it removed from

the highway and not operated, except for purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in sub. (5).

(5) When any motor vehicle is not in compliance with sub. (2) a repair order may be issued, in such form and containing such information as the secretary prescribes, to the owner or driver of the motor vehicle. The owner or driver shall thereupon obtain such repairs as are required.

(6) The secretary shall set standards and adopt rules to establish a plan of inspection to implement the inspection program provided by this section.

(7) Any person producing, manufacturing or using an inspection sticker or causing the same to be done to subvert the provisions of this section shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 6 months or both. Any persons otherwise violating this section or rules issued pursuant thereto, unless otherwise provided by statute, shall be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both.

History: 1973 c. 90; 1977 c. 29 ss. 1049, 1654 (7) (c); 1977 c. 273, 325; 1979 c. 154.

110.08 State operator's license examiner system.

(1) The department shall employ a sufficient number of operator's license examiners. The department may contract for specialists in driver's license examining to augment the department's training program for examiners.

(2) After July 1, 1957, all examinations for operator's licenses and permits shall be given by state examiners.

(3) The department shall employ state examiners, driver improvement personnel and clerical personnel at local examining centers, under the classified service.

(4) The department shall employ, train and assign sufficient driver improvement personnel to carry out an intensive driver improvement program including the reexamination and personal interview of problem drivers.

History: 1971 c. 164; 1977 c. 29 ss. 1050, 1654 (7) (a).

110.20 Motor vehicle emission inspection and maintenance program.

(1) **DEFINITIONS.** In this section, unless the context requires otherwise:

(a) "Federal act" means the federal clean air act, as amended, on May 11, 1980 (42 USC 7401 et seq.) and regulations issued by the federal environmental protection agency under that act.

(b) "Nonexempt vehicle" means any motor vehicle as defined under s. 340.01 (35) which is owned by the United States or which is required to be registered in this state and to which one or

more emission limitations adopted under s. 144.42 (2) applies.

(c) "Nonfleet vehicle" means any nonexempt vehicle except a motor vehicle owned or leased by a person holding a fleet emissions inspection station permit under sub. (14).

(2) **DATES.** (a) The department may establish an inspection and maintenance program as provided in this section on or after January 1, 1982.

(b) The department shall establish an inspection and maintenance program as provided in this section not later than January 1, 1983. If the governor determines by October 1, 1982, that interstate air pollution will jeopardize the attainment by December 31, 1987, of the primary ambient air quality standard for ozone or carbon monoxide in counties identified under s. 144.42 (3), the governor shall request the attorney general to petition the federal environmental protection agency to enforce in neighboring states the provisions in the federal act, which if not implemented will result in this state not attaining either of these standards.

(3) **PURPOSE.** (a) The inspection and maintenance program shall be designed to determine compliance with the emission limitations promulgated under s. 144.42 (2).

(b) The inspection and maintenance program may be designed to determine compliance with s. 144.42 (6) for any nonexempt vehicle which, upon inspection under sub. (6), is determined not to comply with one or more applicable emissions limitations.

(4) **DEPARTMENTAL COOPERATION.** The department shall consult and cooperate with the department of natural resources in order to efficiently and fairly establish and administer the program established under this section.

(5) **COUNTIES.** The department shall operate the inspection and maintenance program in each of the following counties:

(a) Any county identified in a certification under s. 144.42 (3). The department shall terminate the program in the county at the end of the contractual period in effect when the county is withdrawn under s. 144.42 (4).

(b) Any county whose board of supervisors has adopted a resolution requesting the department to establish an inspection and maintenance program in the county for the purpose of improving ambient air quality beyond the standards mandated by section 7409 of the federal act. The department shall terminate the program in the county at the end of the contractual period in effect when the county board adopts a resolution requesting termination of the program.

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(6) MANDATORY INSPECTIONS. The inspection and maintenance program shall require an annual inspection of any nonexempt vehicle customarily kept in a county identified in sub. (5). The inspection shall be performed:

(a) Within 90 days prior to renewal of annual registration for any motor vehicle required to be registered in this state.

(b) Annually for motor vehicles registered under s. 341.26 (2m) and for motor vehicles owned by the United States.

(7) VOLUNTARY INSPECTIONS. The inspection and maintenance program shall require inspection of any nonexempt vehicle which a person presents for inspection at an inspection station.

(8) CONTRACTORS. The emissions inspections of nonfleet vehicles shall be performed by persons under contract with the department. The contract shall require the contractor to operate inspection stations for a minimum of 5 years and shall provide for equitable compensation to the contractor if the operation of an inspection and maintenance program within any county is terminated within 5 years after the inspection and maintenance program in the county is begun. No officer, director or employe of the contractor may be an employe of the department or a person engaged in the business of selling, maintaining or repairing motor vehicles or of selling motor vehicle replacement or repair parts. The department shall require the contractor to operate a sufficient number of inspection stations, permanent or mobile, to ensure public convenience in those counties identified under sub. (5). No inspection station may be established within 0.5 mile of an air monitoring station which reported a violation during the period from 1976 to 1979 of the carbon monoxide primary national ambient air quality standard as defined by the department of natural resources. The contractor shall collect, maintain and report data as the department requires. The department shall reserve the right to enter and inspect test station premises, equipment and records at all reasonable times in the discharge of its administrative duties. The department of revenue shall audit the records of the contractor annually and shall provide for the publication of the results of audits conducted under this subsection in the official state newspaper.

(9) RULES. The department shall promulgate rules which:

(a) Specify procedures for the inspection of vehicles, including the method of measuring emissions, the types of equipment which may be used in performing the measurements and the calibration requirements for the equipment. The

procedures and methods shall be capable of being correlated with the federal test procedures established under section 7525 (a) (1) of the federal act.

(b) Prescribe a procedure for determining whether the cost of necessary repairs and adjustments exceeds the limit under sub. (13).

(c) Specify procedures under which a vehicle may be refused inspection for safety reasons or for defects which would result in inaccurate measurement of emissions.

(10) RECIPROCIITY; TEMPORARY CERTIFICATE. The department may promulgate rules which:

(a) Authorize the acceptance of an inspection performed in another state instead of an inspection required under this section if the inspection in the other state was performed under procedures, requirements and standards comparable to those required under this section and it satisfies the requirements of the federal act.

(b) Authorize the issuance of a temporary waiver certificate, valid for not more than 30 days, to allow time for inspection and necessary repairs and adjustments of any motor vehicle subject to inspection under sub. (6).

(10m) REINSPECTION. The owner of a nonexempt vehicle inspected under this section is entitled, if the inspection determines that any applicable emission limitation is exceeded, to one reinspection of the same vehicle at any inspection station within this state if the reinspection takes place within 30 days after the initial inspection or the owner presents satisfactory evidence that the repairs and adjustments which were performed on the vehicle could not have been made within 30 days of the initial inspection.

(11) INSPECTION TESTS; RESULTS. (a) An idle mode inspection shall be performed to determine compliance with applicable emission limitations for carbon monoxide and hydrocarbons. In addition, the department shall require the contractor to perform a loaded mode inspection if the motor vehicle is suitable for loaded mode inspection as determined by the department unless the person presenting the vehicle for inspection refuses the loaded mode inspection.

(b) The department shall require the contractor to furnish the results of the inspection in writing to the person presenting the vehicle for inspection before he or she departs from the testing station. If the inspection shows that the vehicle does not comply with one or more applicable emissions limitations, the results shall include, to the extent possible, a description of the noncompliance and, if a loaded mode inspec-

tion was performed, the adjustments or repairs likely to be needed for compliance.

(12) REPAIRS. Repairs or adjustments necessary to bring a vehicle into compliance with applicable emissions limitations are the responsibility of the vehicle owner and may be made by the owner or any person selected by the owner.

(13) REPAIR COST LIMIT. (a) If the cost of repairs and adjustments necessary to bring a vehicle inspected under sub. (6) into compliance with all applicable emissions limitations exceeds the repair cost limit or the model year of the vehicle is more than 10 years prior to the year of inspection, the department shall issue a waiver of compliance, valid for one year, if the owner presents satisfactory evidence to the department that a low-emissions adjustment under par. (d) has been performed on the vehicle within 90 days prior to application for registration.

(b) The repair cost limit is \$55.

(c) In determining the costs of repairs and adjustments included in the repair cost limit, the following costs shall be excluded:

1. Costs covered by any warranty.

2. Costs necessary to repair or replace any emissions control system or mechanism which has been removed, dismantled or rendered inoperative in violation of s. 144.42 (6) or rules promulgated under that section.

(d) A low-emissions adjustment consists of performing the following procedures on a warmed-up vehicle:

1. Inspect and clean or replace spark plugs and repair or replace spark plug wires as required.

2. Inspect for dirty or plugged air cleaner and replace or repair as required.

3. Inspect and adjust choke or equivalent components as required.

4. With the air filter installed, check the idle speed and mixture of air and fuel according to manufacturer's specifications and adjust if necessary.

5. Check the dwell angle, if applicable, and timing according to manufacturer's specifications, adjust and replace points as required.

6. Check the positive crankcase ventilation valve for correct operation, verify free flow through the positive crankcase ventilation system passages and hoses and repair or replace system parts as required.

7. Check vacuum hoses for leaks and repair or replace as required.

8. Make final adjustments in idle speed and the mixture of air and fuel according to manufacturer's specifications, if necessary.

(e) As the technology of motor vehicle design advances, the department may by rule specify alternate low emissions adjustment procedures

for the functional equivalents of the equipment or components identified in par. (d).

(14) FLEET INSPECTION PERMITS. (a) Any owner or lessee of at least 15 motor vehicles subject to inspection under sub. (6) may apply to the department for a permit to establish a fleet emissions inspection station.

(b) The department shall issue a fleet emissions inspection station permit if the department determines that the applicant:

1. Maintains and repairs the fleet vehicles on a regular basis;

2. Has available the equipment and trained personnel required to perform idle mode emissions inspections in accordance with the procedures promulgated under sub. (9) (a); and

3. Agrees to maintain and report to the department data required by rule of the department and to permit agents of the department to enter and inspect the test station premises, equipment and records at all reasonable times.

(c) A person holding a fleet emissions inspection station permit shall provide for the emissions inspection of each fleet vehicle subject to inspection under sub. (6) and shall report the results of the inspection to the department as required by its rules. A person holding a fleet emissions inspection station permit may not certify compliance of nonfleet vehicles with applicable emissions limitations.

History: 1979 c. 274.

110.21 Education and training related to motor vehicle emissions. The department shall conduct a program of public education related to the motor vehicle emission inspection and maintenance program established under s. 110.20. The program may include a pilot project of motor vehicle emissions inspections for those owners who elect to present their motor vehicles for inspection.

History: 1979 c. 274.

110.99 Council on traffic law enforcement. (1) Members of the council on traffic law enforcement shall be reimbursed for their actual and necessary expenses in the performance of their duties from the appropriation under s. 20.395 (5) (aq).

(2) The council shall make recommendations to the governor for better utilization of enforcement agencies, equipment and communications; shall designate the reports to be filed with it by such agencies and shall report to the governor any proposals for changes in the law which it believes will bring about a better overall enforcement effort.

(3) The council may inspect and examine the records of any enforcement agency and may call upon any enforcement officer or supervisor of

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any officer or group of enforcement officers for
advice or information.

History: 1971 c. 42; 1973 c. 333 s. 201w; 1977 c. 29 s. 1656
(43); 1979 c. 34 s. 2102 (52) (a)