State of Wisconsin
2013 – 2014 LEGISLATURE

LRB–1896/1
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2013 BILL

AN ACT ***to repeal*** 341.19 (1) (b) and 341.19 (2) (b); ***to consolidate, renumber and amend*** 341.19 (1) (intro.) and (a); ***to amend*** 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92 (4) (f), 25.40 (1) (a) 3., 35.93 (3), 84.59 (2) (b), 194.46, 227.01 (13) (intro.), 227.11 (2) (intro.), 227.27 (2) and 341.19 (2) (c); and ***to create*** 13.92 (4) (bm) and 227.265 of the statutes; **relating to:** motor vehicle registration, motor carrier appeals, rulemaking procedures, and modifying and repealing various rules promulgated by the Department of Transportation.

Analysis by the Legislative Reference Bureau

STATUTORY TREATMENTS

Rulemaking procedures

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.

2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff (LCS) for review.

3. Subject to certain exceptions, a public hearing is held on the proposed rule.

4. The final draft of the proposed rule is submitted to the governor for approval.

5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules (JCRAR).

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication.

Under this bill, if a bill that repeals or modifies a rule is enacted, the ordinary rule–making procedures under current law do not apply. Instead, the LRB must publish the repeal or modification, in the code and the register, and the repeal or modification, subject to certain exceptions, takes effect on the first day of the first month beginning after publication.

Vehicle registration

Under current law, certain types of vehicles (mostly motor trucks and vehicles weighing more than 8,000 pounds) may be registered for a quarterly period or a period of consecutive months instead of for an annual or biennial registration period. The Department of Transportation (DOT) must establish a telephone call–in procedure for authorizing the operation of vehicles under DOT's quarterly or consecutive monthly registration system. In addition to the regular registration fee, a fee must be paid to DOT for using of the telephone call–in system. This fee is the lesser of $10 per vehicle or the actual cost of the telephone authorization per vehicle as determined by DOT. A $10 late fee must also be paid to DOT if DOT receives fees arising from use of the telephone call–in system after the payment deadline established by DOT. When the telephone call–in system is used, telephone authorization to operate a vehicle may be canceled before the beginning of a registration period but not after. If the telephone authorization is canceled, the applicant is not required to pay the registration fee but must pay the telephone authorization use fee and any cancellation fee established by DOT.

This bill eliminates the $10 late fee. The bill also allows a telephone authorization to be canceled within 36 hours after making the request for telephone authorization.

Motor carriers

Under current law, with limited exceptions, a person who transports passengers or property for hire by motor vehicle on the highways is a common motor carrier or a contract motor carrier (motor carrier). With limited exceptions, a motor carrier must operate under a certificate, license, or permit (authority) authorizing operation as a motor carrier. DOT may, by order, suspend, revoke, or alter a motor carrier's authority, after notice and a hearing, for various violations. Within 20 days after the date of the order, the motor carrier may appeal the order to the Department of Administration's Division of Hearings and Appeals (DHA). This bill increases this appeal time from 20 days to 30 days.

Treatments of administrative rules

This bill modifies and repeals various rules promulgated by DOT, as described below.

Vehicle weigh station inspections

Under DOT's current rules, the operator of a truck weighing more than 8,000 pounds who approaches an open DOT weigh station must stop at the weigh station and, if requested, permit the truck and its load to be weighed, measured, or inspected. The operator of a truck weighing 8,000 pounds or less is not required to stop at open DOT weigh stations as a matter of course, but must obey the request of any traffic officer to stop the truck for weighing, measuring, or inspecting.

This bill amends DOT's rules so that only operators of trucks weighing more than 10,000 pounds are required to stop at open DOT weigh stations to, upon request, permit the truck and its load to be weighed, measured, or inspected.

Motor vehicle dealers

Under current statutes, a motor vehicle dealer, other than a motorcycle dealer, must provide to DOT and maintain in force a bond or irrevocable letter of credit in a minimum amount of $50,000. The bond or letter of credit must be executed in the name of DOT for the benefit of any person who sustains a loss because of certain acts of the motor vehicle dealer.

This bill amends DOT's rules to specify that the motor vehicle dealer's bond or irrevocable letter of credit must be in a minimum amount of $50,000, rather than $25,000, and to specify that a bond or letter of credit in this amount is also applicable in determining an acceptable level of net worth for the dealer.

Under DOT's current rules, if a motor vehicle dealer is organized as a corporation, an individual cannot hold the office of corporate president and also either corporate secretary or vice president, as was formerly specified by a since–repealed statute. This bill repeals this rule.

DOT's current rules require recreational vehicle dealers to maintain certain books and records at their licensed business premises, including recreational vehicle purchase contracts, purchase orders, and invoices; copies of MV1 Wisconsin title and registration application forms (a printed form) as additional evidence of sales; and information regarding collection of sales tax and Wisconsin title and registration fees.

This bill amends DOT's rules so that a recreational vehicle dealer is required to maintain copies of Wisconsin title and registration application forms submitted to DOT, which may be the printed form MV1 or the electronic form MV11, and is not required (by DOT rule) to maintain information regarding collection of sales tax.

Under DOT's current rules, when a motor vehicle dealer or wholesaler reassigns ownership of a previously titled motor vehicle and the certificate of title does not include available spaces for the reassignment of ownership (nonconforming title), the reassignment of ownership and required odometer disclosure must be completed by the dealer or wholesaler on a form approved by DOT.

DOT's current rules also require a motor vehicle wholesale auction dealer to retain a copy of a properly completed, signed wholesale auction dealer reassignment form for each vehicle sold with a nonconforming title and to furnish copies of it to the

purchasing and selling dealers. This bill amends DOT's rules to eliminate this requirement and instead require the motor vehicle wholesale auction dealer to maintain a copy of the signed title for each vehicle sold.

The bill also amends various rules to replace the term "mobile home dealer" with the term "recreational vehicle dealer."

Motor vehicle emission and inspection program

Current statutes require DOT to conduct the motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards (nonattainment counties). Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. DOT may contract with third parties to perform vehicle emission inspections under the I/M program.

Under DOT's rules relating to the I/M program, DOT must conduct audits of its contractor inspection functions and inspection equipment and procedures. Also under DOT's rules, all contractor employees and all employees of any authorized inspection facility subcontractor who perform any official inspection functions must have an inspector license issued by the contractor and DOT must conduct audits with respect to inspectors. This bill repeals provisions of DOT's rules that allow a contractor's or subcontractor's employee to appeal and request a hearing before a DOT hearing officer if, as a result of a DOT audit, the employee's inspection license is suspended or revoked and the employee is therefore removed from inspection duties.

The bill also repeals a DOT rule that requires an inspector to refuse to perform an inspection of a vehicle if the vehicle operator refuses to yield the driver's seat.

With respect to a requirement that the operator of a vehicle that fails an inspection must receive a list of "registered automotive emission repair facilities," the bill changes this term to "recognized automotive emission repair technicians and recognized repair facilities," which are terms defined by rule.

Under current statutes, DOT may contract with any person for title and registration processing services and this program is known in DOT's current rules as the "automated processing partnership system" (APPS) program. Under these rules, an "agent" contracts with DOT to access and update vehicle records through a computer system. A person applying to DOT to become an agent must provide a surety bond or letter of credit in the amount of $10,000 if the person is applying to do registration renewal transactions or $25,000 if the person is applying to do title and original registration transactions. This bill modifies DOT's rules so that, if the applicant is also a subcontractor of DOT's I/M program contractor and the I/M program contractor has more than 100 subcontractors applying as agents, the I/M program contractor may provide the surety bond or letter of credit on behalf of these applicants and the amount of the surety bond or letter of credit is $2,000 for each applicant.

Vehicle registration

With respect to DOT's current rules applicable to DOT's telephone call–in procedure for authorizing the operation of vehicles under the quarterly or consecutive monthly registration system, the bill repeals DOT's rule imposing a late fee of $5 per vehicle if the applicant fails to pay to DOT all fees owing within 21 days after the date of DOT's invoice.

Under DOT's current rules, DOT may require that an applicant for telephone authorization use an authorization code during the telephone call–in procedure. The "authorization code" is a combination of six letters or numbers issued to an applicant by DOT for purposes of identification. This bill repeals all rules related to DOT's issuance of, or an applicant's use of, an authorization code in connection with the telephone call–in procedure.

The bill also specifies in DOT's rules that requests for telephone authorizations will be accepted by DOT at any time but will be processed only during DOT's regular business hours.

Under current statutes, all–terrain vehicles (ATVs) and utility terrain vehicles (UTVs) are not required to be registered with DOT. DOT's current rules specify that an ATV may not be registered as a "specially designed vehicle" operated by a person holding a special restricted operator's license. DOT's current rules also specify that ATVs are generally not eligible to be registered because registration is generally prohibited for vehicles originally designed and manufactured for off–highway use. This bill amends DOT's rules to include UTVs among the vehicles that DOT is generally prohibited from registering.

Motor carriers

Like the statutes discussed above, DOT's current rules allow DOT to revoke or suspend a motor carrier's authority if certain conditions exist, including that the motor carrier has failed to satisfy certain requirements or is unfit to carry on operations. A motor carrier may appeal, to DHA, an adverse determination by DOT relating to a motor carrier's application or authority within 20 days of the determination. This bill amends DOT's rule to increase this appeal time from 20 days to 30 days.

DOT's current rules require motor carriers to notify DOT in writing or by telephone of a change in their principal place of business within 30 days of the change. This bill amends DOT's rules to also allow this notice by any electronic means prescribed by DOT.

DOT's current rules require a person in the business of leasing motor vehicles and trailers to motor carriers (rental company) to register with DOT. Each rental company must negotiate rental agreements that are executed in triplicate, with copies retained by the rental company, retained by the renter, and carried on the leased motor vehicle. This bill amends DOT's rule so that the rental agreement is required to be executed in duplicate, not triplicate, with the copy provided to the renter also being the copy carried on the leased motor vehicle.

Local bridges

Under current statutes and DOT's current rules, DOT administers a local bridge construction program for the construction or reconstruction (construction) of

bridges that are not on the state trunk highway system or connecting highways (local bridges). Under the program, the construction of a local bridge project is under DOT's control and supervision, but maintenance following construction is the responsibility of the local governments. The cost of the bridge project is generally divided in thirds between DOT and the county and municipality where the local bridge is located. DOT must promulgate rules to implement this program, including establishing eligibility criteria for local projects. DOT's current rules require that, for a new bridge to be eligible at a new location, the length of the bridge must exceed 475 feet and the estimated cost must exceed $5,000,000. This bill amends DOT's rule to increase the cost eligibility requirement from $5,000,000 to $16,000,000.

Technical corrections

The bill makes other minor and technical changes to DOT's rules, including eliminating obsolete phase–in or transition dates; eliminating fees for services that DOT no longer provides and fees repealed from the statutes; correcting references to defunct programs or to repealed or defunct provisions of the administrative code or statutes; and updating or repealing provisions that are inconsistent with current statutes or that were promulgated based on statutes that have since been amended or repealed.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:

2 13.92 **(4)** (bm) If 2 or more rules filed under s. 227.20 or modified under s.
3 227.265 affect the same unit of the Wisconsin administrative code without taking
4 cognizance of the effect thereon of the other rules and if the legislative reference
5 bureau finds that there is no mutual inconsistency in the changes made by each such
6 rule, the legislative reference bureau shall incorporate the changes made by each
7 rule into the text of the unit and document the incorporation in a note to the unit.
8 For each such incorporation, the legislative reference bureau shall include in a
9 correction bill a provision formally validating the incorporation. Section 227.27 (2)

is not affected by printing decisions made by the legislative reference bureau under this paragraph.

SECTION 2. 13.92 (4) (c) of the statutes is amended to read:

13.92 **(4)** (c) The legislative reference bureau may insert in the Wisconsin administrative code a note explaining any change made under par. (b) <u>or (bm)</u>.

SECTION 3. 13.92 (4) (d) of the statutes is amended to read:

13.92 **(4)** (d) Sections 227.114, 227.116, 227.135<u>,</u> and 227.14 to 227.24 do not apply to any change made by the legislative reference bureau under par. (b) <u>or (bm)</u>.

SECTION 4. 13.92 (4) (e) of the statutes is amended to read:

13.92 **(4)** (e) The legislative reference bureau shall prepare and keep on file a record of each change made under par. (b) <u>or (bm)</u>.

SECTION 5. 13.92 (4) (f) of the statutes is amended to read:

13.92 **(4)** (f) The legislative reference bureau shall notify the agency involved of each change made under par. (b) <u>or (bm)</u>.

SECTION 6. 25.40 (1) (a) 3. of the statutes is amended to read:

25.40 **(1)** (a) 3. Revenues collected under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2), (2e), and (2m), 341.17 (8), 341.19 (1) ~~(a)~~, 341.25, 341.255 (1), (2) (a), (b), and (c), and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30 (3), 341.305 (3), 341.307 (4) (a), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14 that are pledged to any fund created under s. 84.59 (2).

SECTION 7. 35.93 (3) of the statutes is amended to read:

35.93 **(3)** The legislative reference bureau shall compile and deliver to the department for printing copy for a register which shall contain all the rules filed

under s. 227.20 or modified under s. 227.265 since the compilation of rules for the preceding issue of the register was made and those executive orders which are to be in effect for more than 90 days or an informative summary thereof. The complete register shall be compiled and published before the first day of each month and a notice section of the register shall be compiled and published before the 15th day of each month. Each issue of the register shall contain a title page with the name "Wisconsin administrative register", the number and date of the register, and a table of contents. Each page of the register shall also contain the date and number of the register of which it is a part in addition to the other necessary code titles and page numbers. The legislative reference bureau may include in the register such instructions or information as in the bureau's judgment will help the user to correctly make insertions and deletions in the code and to keep the code current.

SECTION 8. 84.59 (2) (b) of the statutes is amended to read:

84.59 **(2)** (b) The department may, under s. 18.562, deposit in a separate and distinct special fund outside the state treasury, in an account maintained by a trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2), (2e), and (2m), 341.17 (8), 341.19 (1) ~~(a)~~, 341.25, 341.255 (1), (2) (a), (b), and (c), and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30 (3), 341.305 (3), 341.307 (4) (a), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14 and from any payments received with respect to agreements or ancillary arrangements entered into under s. 18.55 (6) with respect to revenue obligations issued under this section. The revenues deposited are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution

pledging the revenues to the repayment of revenue obligations issued under this section. Revenue obligations issued for the purposes specified in sub. (1) and for the repayment of which revenues are deposited under this paragraph are special fund obligations, as defined in s. 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

SECTION 9. 194.46 of the statutes is amended to read:

194.46 Amendment, suspension, or revocation of certificate, license, or permit; hearing. The department may at any time, by its order duly entered after a hearing had, upon notice to the holder of any certificate, license, or permit under this chapter and an opportunity to be heard, at which it shall be proved that the holder has willfully violated or refused to comply with any of the provisions of this chapter or s. 346.924, or any orders or rules of the department, alter, amend, suspend, or revoke the certificate, license, or permit. The department may suspend or revoke a certificate, license, or permit under this chapter if, after providing the holder thereof notice and an opportunity to be heard on the matter, the department finds that service under the certificate, license, or permit has been abandoned. A person who is aggrieved by an order of the department under this section may, within ~~20~~ 30 days after the date that the order is issued, request a review of the order by the division of hearings and appeals.

SECTION 10. 227.01 (13) (intro.) of the statutes is amended to read:

227.01 **(13)** (intro.) "Rule" means a regulation, standard, statement of policy, or general order of general application which has the effect of law and which is issued by an agency to implement, interpret, or make specific legislation enforced or administered by the agency or to govern the organization or procedure of the agency. "Rule" includes a modification of a rule under s. 227.265. "Rule" does not include, and

s. 227.10 does not apply to, any action or inaction of an agency, whether it would otherwise meet the definition under this subsection, which:

SECTION 11. 227.11 (2) (intro.) of the statutes is amended to read:

227.11 **(2)** (intro.) Rule–making authority is expressly conferred on an agency as follows:

SECTION 12. 227.265 of the statutes is created to read:

227.265 Repeal or modification of rules. If a bill to repeal or modify a rule is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply. Instead, the legislative reference bureau shall publish the repeal or modification in the Wisconsin administrative code and register as required under s. 35.93, and the repeal or modification shall take effect as provided in s. 227.22.

SECTION 13. 227.27 (2) of the statutes is amended to read:

227.27 **(2)** The code shall be prima facie evidence in all courts and proceedings as provided by s. 889.01, but this does not preclude reference to or, in case of a discrepancy, control over a rule filed with the legislative reference bureau ~~or the secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy of a rule shall also and in the same degree be prima facie evidence in all courts and proceedings.

SECTION 14. 341.19 (1) (intro.) and (a) of the statutes are consolidated, renumbered 341.19 (1) and amended to read:

341.19 **(1)** The department shall establish a telephone call–in procedure to authorize the operation of vehicles under the quarterly registration system in s. 341.30 or consecutive monthly registration system in s. 341.305. In addition to the registration fee required under s. 341.30 or 341.305, ~~the following fees shall be paid to the department~~ for authorizing the operation of a vehicle under this section~~: (a)~~

~~The~~, a fee shall be paid to the department of the lesser of $10 per vehicle or the actual cost of the telephone authorization per vehicle as determined by the department.

SECTION 15. 341.19 (1) (b) of the statutes is repealed.

SECTION 16. 341.19 (2) (b) of the statutes is repealed.

SECTION 17. 341.19 (2) (c) of the statutes is amended to read:

341.19 **(2)** (c) Telephone authorization to operate a vehicle ~~granted before the beginning of the registration period~~ may be canceled by the applicant ~~before the beginning of the registration period~~ within 36 hours after making the request for telephone authorization, and the applicant shall not be required to pay the registration fee. The applicant shall pay to the department the authorization fee under sub. (1) ~~(a)~~ and may be charged a cancellation fee established by the department.

SECTION 18. Trans 131.03 (11) (L) of the administrative code is repealed.

SECTION 19. Trans 131.03 (15) (c) of the administrative code is amended to read:

Trans 131.03 **(15)** (c) Each operator of a vehicle failing the initial inspection shall receive a list of ~~registered~~ recognized automotive emission repair technicians and recognized repair facilities by area which includes information required under s. Trans 131.15. This listing may include other consumer information useful in obtaining vehicle emission repair service.

SECTION 20. Trans 131.11 (3) (a) of the administrative code is renumbered Trans 131.11 (3).

SECTION 21. Trans 131.11 (3) (b) of the administrative code is repealed.

SECTION 22. Trans 131.13 (5) (a) of the administrative code is renumbered Trans 131.13 (5).

SECTION 23. Trans 131.13 (5) (b) of the administrative code is repealed.

SECTION 24. Trans 133.02 (2) of the administrative code is repealed.

SECTION 25. Trans 133.04 (1) of the administrative code is amended to read:

Trans 133.04 **(1)** DEPARTMENT SERVICE SCHEDULE. Requests for telephone authorizations will be accepted by the department ~~between 7:30 a.m. and 4:00 p.m. Monday through Friday except on New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day, and New Year's Eve Day, and any other holiday when state offices are closed. When any of the named holidays falls on Sunday and is celebrated on the following Monday, applications will not be accepted on the day celebrated as the holiday~~ at any time but will be processed by the department only during the department's regular business hours.

SECTION 26. Trans 133.04 (2) (h) of the administrative code is repealed.

SECTION 27. Trans 133.05 of the administrative code is repealed.

SECTION 28. Trans 133.06 (3) of the administrative code is repealed.

SECTION 29. Trans 133.07 (1) of the administrative code is amended to read:

Trans 133.07 **(1)** SCHEDULE. The department shall mail a monthly invoice to any applicant that owes telephone authorization fees~~, late payment fees~~ or cancellation fees as described in s. Trans 133.06.

SECTION 30. Trans 133.08 of the administrative code is amended to read:

Trans 133.08 Cancellation of telephone authorization. A telephone authorization may be cancelled ~~providing~~ if the applicant requests the cancellation by telephone ~~and the registration period for which the vehicle has been granted approval to operate has not commenced~~ within 36 hours after making the request for telephone authorization. Cancellation fees will be assessed as described in s. Trans 133.06 (4).

SECTION 31. Trans 133.09 (3) of the administrative code is repealed.

SECTION 32. Trans 138.05 (3) of the administrative code is amended to read:

Trans 138.05 **(3)** ~~Retain~~ Maintain a copy of ~~a properly completed,~~ the signed ~~wholesale auction dealer reassignment form~~ title for each vehicle sold ~~with a nonconforming title as required under s. Trans 154.03 (3) (d) 3., and furnish 2 copies to the purchasing dealer and one copy to the selling dealer~~.

SECTION 33. Trans 140.022 (2) of the administrative code is amended to read:

Trans 140.022 **(2)** MINIMUM SECURITY. A motor vehicle dealer or applicant for a motor vehicle dealer license shall provide and maintain in force a bond or letter of credit of not less than ~~$25,000~~ $50,000, or if the dealer or applicant sells or proposes to sell motorcycles and not other types of motor vehicles, a bond or irrevocable letter of credit of not less than $5,000.

SECTION 34. Trans 140.07 (3) (a) of the administrative code is renumbered Trans 140.07 (3).

SECTION 35. Trans 140.07 (3) (b) of the administrative code is repealed.

SECTION 36. Trans 140.09 (2) (a) of the administrative code is amended to read:

Trans 140.09 **(2)** (a) The following guidelines are used in determining the acceptable level of net worth of an applicant:

Dealer Type	
New Auto or Truck	~~$25,000~~ $50,000 bond or letter of credit required
Used Auto or Truck	~~$25,000~~ $50,000 bond or letter of credit required
Motorcycle and not other motor vehicles	$5,000 bond or letter of credit required
Motorcycle and other motor vehicles	~~$25,000~~ $50,000 bond or letter of credit required
Recreational Vehicle	Minimum required ratio of total assets to total liabilities of 1.4
Moped	Minimum required ratio of total assets to total liabilities of 1.4

Motor Vehicle Wholesaler	Minimum required ratio of total assets to total liabilities of 1.4
Motor Vehicle Salvage	Minimum net worth of $5,000

SECTION 37. Trans 142.07 (5) (c) of the administrative code is amended to read:

Trans 142.07 **(5)** (c) The original or a copy of all recreational vehicle purchase contracts, purchase orders and invoices. The records shall also include a copy of ~~MV1~~ Wisconsin title and registration application forms <u>submitted to the department</u> as additional evidence of the sale as well as information regarding collection of ~~sales tax and~~ Wisconsin title and registration fees.

SECTION 38. Trans 144.01 of the administrative code is amended to read:

Trans 144.01 Purpose. This chapter describes the periods, expiration dates, and fees for licenses issued by the department under the authority found in ch. 218, Stats., to motor vehicle dealers and their salespersons; moped dealers; manufacturers, distributors, wholesalers, and their representatives; ~~mobile home~~ <u>recreational vehicle</u> dealers and their salespersons; motor vehicle auction dealers; salvage dealers; and buyer identification card holders. It also establishes the periods, expiration dates, and fees for registration plates issued to dealers, distributors, and manufacturers.

SECTION 39. Trans 144.02 (1) of the administrative code is amended to read:

Trans 144.02 **(1)** "Business license" means a license issued by the department under ch. 218, Stats., to a motor vehicle dealer, moped dealer, ~~mobile home~~ <u>recreational vehicle</u> dealer, motor vehicle auction dealer, motor vehicle manufacturer, distributor, wholesaler, or salvage dealer.

SECTION 40. Trans 144.04 (1) of the administrative code is amended to read:

Trans 144.04 **(1)** The department shall collect the fees described in the following table from applicants before issuing their licenses or registration plates.

Type of License:	Type of Fee:	Amount:
Motor vehicle or moped dealer	License	$ ... 40
	Registration (includes 2 plates)	$ ... 150
	Additional plate	$ ... 10
	Replacement plate	$ ... 4
	Branch license	$ ... 40
	Sublot license	$ ... 2
~~Mobile home~~ Recreational vehicle dealer	License	$ ... 100
	Registration (includes 2 plates)	$ ... 150
	Additional plate	$ ... 10
	Replacement plate	$ ... 4
	Branch license	$ ... 100
Motor vehicle manufacturer, distributor, or wholesaler	License	$ ... 40
	Registration (includes 2 plates)	$ ... 150
	Additional plate	$ ... 10
	Replacement plate	$ ... 4
	Branch license	$ ... 40
Motor vehicle auction dealer	License	$ ... 100
Motor vehicle salvage dealer	License	$ ... 150
Salesperson or representative	License	$ ... 8
Buyer identification card	License	$ ... 12

SECTION 41. Trans 144.05 of the administrative code is repealed.

SECTION 42. Trans 152.15 of the administrative code is amended to read:

Trans 152.15 Revocation. If an assessed tax or fee has not been paid when due and the person has not filed a written appeal within 30 days of the notification of action or audit finding, that tax or fee becomes delinquent. A notice of delinquency and revocation shall be sent to the last known address of the licensee or registrant advising of the immediate revocation of fuel tax licensing, IRP registration privileges, or hire operating authority ~~and single–state insurance registration~~. A

license may also be revoked if the licensee fails to comply with the provisions of this chapter or the provisions of the IFTA or IRP. An appealable notice of revocation shall be mailed to the licensee's or registrant's mailing address of record. If the appeal is not filed within 30 days, the revocation shall be final and conclusive. A license or registrant's licensing privileges shall remain revoked until the reason for the revocation has been removed. In addition, the department may revoke, suspend or refuse any registration, certificate or permit issued under the authority of the department upon revocation of a person's fuel tax or IRP licensing privileges.

SECTION 43. Trans 156.04 (1) (c) of the administrative code is renumbered Trans 156.04 (1) (c) 1. and amended to read:

Trans 156.04 **(1)** (c) 1. ~~The~~ Except as provided in subd. 2., the applicant shall provide a surety bond or letter of credit along with the request for appointment in a form prescribed by the DMV. ~~The~~ Except as provided in subd. 2., the bond or letter of credit shall be $10,000 for an agent doing renewal transactions and $25,000 for an agent doing title transactions and original registration. The bond shall indemnify the department against claims arising from the acts or omissions of agents under the contract including, but not limited to, missing or stolen license plates, stickers, and temporary certificate of registration paper stock. The requirement for a bond does not apply to units of government or to financial institutions.

SECTION 44. Trans 156.04 (1) (c) 2. of the administrative code is created to read:

Trans 156.04 **(1)** (c) 2. A contractor with the department under s. 110.20 (8) (am) 1., Stats., having more than 100 subcontractors, as described in s. 110.20 (8) (am) 7., Stats., that are applicants under this section may provide the surety bond or letter of credit on behalf of these applicants. The bond or letter of credit shall be $2,000 for each applicant on whose behalf the bond or letter of credit is provided.

SECTION 45. Trans 156.06 (3) of the administrative code is repealed.

SECTION 46. Trans 175.03 of the administrative code is amended to read:

Trans 175.03 Registration. Each rental company, before engaging in such business, shall file an application with the department of transportation on forms prescribed by it and secure an identifying registration number. Said registration number will be issued after such investigation as the department may deem necessary, either with or without hearing. ~~The department, after giving applicant opportunity to be heard, may attach to such rental company registration such conditions as may be deemed necessary to accomplish the purpose of s. 194.44 (2), Stats.~~

SECTION 47. Trans 175.04 (4) (e) of the administrative code is amended to read:

Trans 175.04 **(4)** (e) Be executed in ~~triplicate~~ duplicate. The originals including voided copies shall be retained by the rental company and filed in numerical order~~,~~ and one copy shall be retained by the renter~~,~~ and ~~one copy shall be~~ carried on the motor vehicle specified therein during the entire period of the agreement by the renter and shall be made available for inspection immediately upon the request of any law enforcement officer.

SECTION 48. Trans 177.04 of the administrative code is amended to read:

Trans 177.04 Change of address. A person authorized as a carrier under ch. 194, Stats., shall notify the department in writing ~~or~~, by telephone, or by any electronic means prescribed by the department of a change in the person's principal place of business within 30 days of the change.

SECTION 49. Trans 177.09 (4) of the administrative code is amended to read:

Trans 177.09 **(4)** A carrier may appeal the department's adverse determination relating to the carrier's application or authority within ~~20~~ 30 days of the determination to the division of hearings and appeals.

SECTION 50. Trans 177.10 of the administrative code is repealed.

SECTION 51. Trans 196.02 (7) of the administrative code is amended to read:

Trans 196.02 **(7)** "Special handling" means a request by an applicant for accelerated service, fast handling, or priority service in the issuance of certificate of title or registration~~, including the use of a special department telephone registration service for the payment of renewal fees~~.

SECTION 52. Trans 196.02 (8) of the administrative code is repealed.

SECTION 53. Trans 196.04 (2) (b) of the administrative code is repealed.

SECTION 54. Trans 196.04 (3) (d) of the administrative code is repealed.

SECTION 55. Trans 196.04 (5) of the administrative code is repealed.

SECTION 56. Trans 215.07 (2) (b) 1. of the administrative code is amended to read:

Trans 215.07 **(2)** (b) 1. Initially, in order to be considered for financing under ch. Trans 215, the length must exceed 475 feet and the estimated cost must exceed ~~$5 million~~ $16,000,000.

SECTION 57. Trans 215.07 (2) (d) of the administrative code is amended to read:

Trans 215.07 **(2)** (d) Projects funded by the legislature and the local units of government as set forth in ~~s. 84.11 (5), Stats., to June 30, 1993, or~~ s. 84.11 (5m), Stats., ~~after June 30, 1993,~~ will proceed to construction.

SECTION 58. Trans 215.08 (1) of the administrative code is renumbered Trans 215.08 and amended to read:

Trans 215.08 Apportionment of cost. Costs shall be apportioned in accordance with the provisions of ~~s. 84.11 (5), Stats., until June 30, 1993. Thereafter costs shall be apportioned in accordance with the provisions of~~ s. 84.11 (5m), Stats.

SECTION 59. Trans 215.08 (2) of the administrative code is repealed.

SECTION 60. Trans 215.10 of the administrative code is amended to read:

Trans 215.10 Execution and control of work. Execution and control of work shall be in accordance with the provisions of ~~s. 84.11 (7), Stats., until June 30, 1993. Thereafter execution and control shall be in accordance with the provisions of~~ s. 84.11 (7m), Stats.

SECTION 61. Trans 230.01 (3) (c) 1. of the administrative code is amended to read:

Trans 230.01 **(3)** (c) 1. Except for general permits (s. Trans 230.06), industrial interplant permits (s. Trans 230.08), ~~pole and pipe transportation permits (ch. Trans 257),~~ vehicle transportation permits, double bottom milk truck permits and double bottom permits, permits shall not be issued nor valid for the transporting of loads or articles which could reasonably be divided in such a manner as to allow transporting of the loads or articles in 2 or more loads which would not exceed statutory size and weight limits, nor shall permits be issued or valid for the transporting of more than one article if the vehicle and load exceed statutory weight limits. (This does not prohibit the transporting of necessary blocking for a load, nor the transporting of such necessary blocking on the otherwise empty vehicle to and from the origin or destination of the load, but it does prohibit, among other things, the addition of an extra bucket, boom section, and so forth to a load being transported under a permit issued for an overweight vehicle and load.)

SECTION 62. Chapter Trans 257 of the administrative code is repealed.

SECTION 63. Trans 303.03 (4) of the administrative code is repealed.

SECTION 64. Trans 303.04 of the administrative code is amended to read:

Trans 303.04 Registration options. Any vehicle defined in s. Trans 303.03 (2) ~~to (4)~~ or (3) may, due to individual use, be registered as a special vehicle.

SECTION 65. Trans 303.08 (1) (d) of the administrative code is amended to read:

Trans 303.08 **(1)** (d) All terrain vehicles and utility terrain vehicles.

SECTION 66. Trans 305.065 (3) of the administrative code is amended to read:

Trans 305.065 **(3)** REGISTRATION. As provided in s. 341.10 (6), Stats., no vehicle originally designed and manufactured for off–highway use may be registered by the department unless it bears the label required by section 114 of the national traffic and motor vehicle safety act of 1966, as amended. The label shall be affixed by the original manufacturer and shall certify that at the time of manufacture the vehicle met all applicable federal motor vehicle safety standards. Vehicles generally not eligible to be registered include, but are not limited to, mini–bikes, go–carts ~~and~~, all–terrain vehicles, and utility terrain vehicles.

SECTION 67. Trans 309.02 (1) of the administrative code is repealed.

SECTION 68. Trans 312.03 (2) of the administrative code is amended to read:

Trans 312.03 **(2)** ENFORCEMENT DISCRETION. Because of time, personnel and resource limitations, the department cannot weigh, measure or inspect all vehicles at weigh stations as a matter of regular course. Department experience shows that trucks having a gross weight of ~~8,000~~ 10,000 pounds or less often are used for personal transportation and not for property transportation. For this reason, the department chooses not to require operators of trucks having a gross weight of ~~8,000~~ 10,000 pounds or less to stop at open weigh stations unless directed to do so by a traffic officer.

SECTION 69. Trans 312.04 (1) of the administrative code is amended to read:

Trans 312.04 **(1)** TRUCKS OVER ~~8,000~~ 10,000 POUNDS. Whenever the operator of a truck having a gross weight in excess of ~~8,000~~ 10,000 pounds approaches an open weigh station, the operator shall stop the truck at the open weigh station and shall permit the truck and its load to be weighed, measured or inspected.

SECTION 70. Trans 312.04 (2) of the administrative code is amended to read:

Trans 312.04 **(2)** TRUCKS OF ~~8,000~~ 10,000 POUNDS OR LESS. The department may not require the operator of a truck having a gross weight of ~~8,000~~ 10,000 pounds or less to stop at open weigh stations as a matter of regular course. A truck having a gross weight of ~~8,000~~ 10,000 pounds or less shall be subject, however, to all the applicable size, weight and load limitations of ch. 348, Stats.; and the operator of a truck having a gross weight of ~~8,000~~ 10,000 pounds or less shall obey all requests of any traffic officer requesting the operator to stop and to submit the truck or the truck load to weighing, measuring or inspecting.

SECTION 71. Initial applicability.

(1) The treatment of Trans 215.07 (2) (b) 1. of the administrative code first applies to petitions received by the department of transportation on the effective date of this subsection.

(END)