

WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-094

AN ORDER to repeal and recreate Trans 134.06 (1) (d), relating to authorized special groups.

Submitted by **DEPARTMENT OF TRANSPORTATION**

05-12-00 RECEIVED BY LEGISLATIVE COUNCIL.

06-02-00 REPORT SENT TO AGENCY.

RNS:WF:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

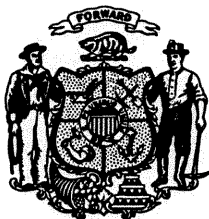
Comment Attached YES NO

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CLEARINGHOUSE RULE 00-094

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. In s. Trans 134.06 (1) (d) 2. and 5., "department" should replace "Department."
- b. In s. Trans 134.06 (1) (d) 1. to 5., "authorized special group" should be used consistently.

The Wisconsin Department of Transportation proposes an order to repeal and recreate TRANS 134.06(1)(d), Wisconsin Administrative Code, relating to authorized special groups.

**NOTICE OF INTENT TO ADOPT RULE
WITHOUT PUBLIC HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to the authority of s. 341.14(6r)(fm)6., and 227.11, Stats., and according to the procedure set forth in s. 227.16(2)(e), Stats., the Wisconsin Department of Transportation will adopt the following rule amending ch. Trans 134 without public hearing unless, within 30 days after publication of this notice [revisor to insert date], the Department of Transportation is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality which will be affected by the rule; or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Questions about this rule and any petition for public hearing may be addressed to Philip Thomas, Division of Motor Vehicles, Bureau of Vehicle Services, Room 201, P. O. Box 7911, Madison, Wisconsin 53707-7911, telephone (608) 267-1857.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 341.14(6r)(fm)6., Stats. *Deak*
STATUTES INTERPRETED: ss. 341.14(6r) and 341.145, Stats.

General Summary of Proposed Rule. This rule making will amend ch. Trans 134, relating to the administrative procedure for designating authorized special groups and issuing special group license plates. Currently, ch. Trans 134 prohibits a group from receiving a plate which is restricted to members of the group. The Department had prohibited restricted plates because of the administrative burden to the Division of Motor Vehicles (DMV). However, DMV has reconsidered this policy, and has developed a procedure that would allow restricted plates with a minimal administrative burden to DMV. The proposed amendment would establish this policy and procedure.

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

Initial Regulatory Flexibility Analysis. This proposed rule will have no adverse impact on small businesses.

Copies of Rule. Copies of the proposed rule can be obtained upon request, without cost, by writing to Philip Thomas, Division of Motor Vehicles, Bureau of Vehicle Services, Room 201, P. O. Box 7911, Madison, Wisconsin 53707-7911, or by calling (608) 267-1857.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.14(6r)(fm)6., Stats., the department of transportation hereby proposes to amend a rule interpreting ss. 341.14(6r) and 341.145, Stats., relating to authorized special groups.

SECTION 1. Trans 134.06(1)(d) is repealed and recreated to read:

Trans 134.06(1)(d) If the authorized special group applies to have restricted license plates, all of the following shall apply:

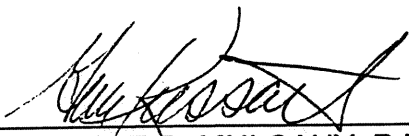
1. The authorized special group shall certify eligibility of license plate applicants.
2. The group shall collect license plate applications and submit the applications with all required fees to the ~~Department~~.
3. The group shall include in its application for designation as an authorized special group the criteria it proposes for eligibility for the restricted special license plate.
4. As provided in s. 341.14(6r)(fm)5., Stats., the authorized special group may not charge any fees, administrative or otherwise, and may not require or request any contribution from a license plate applicant to obtain eligibility certification for a special plate.

5. The authorized special group shall determine eligibility of the license plate applicant for initial issuance of the special group plate. After the Department has issued the license plate, the Department will not cancel the license plate if at some later time the license plate applicant no longer is eligible for initial issuance of the special license plate according to the authorized special group criteria.

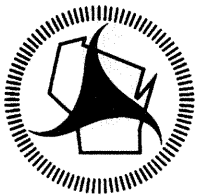
(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 11th day of May, 2000.



TERRENCE D. MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation



MAY 15 2000

Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Terrence D. Mulcahy, P.E.
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-Mail: ogc.exec@dot.state.wi.us

May 12, 2000

The Honorable Judy Robson
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 15 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text
of Proposed Rule, relating to **authorized special groups**, Trans 134

Dear Senator Robson and Representative Grothman:

Enclosed for your information is a Notice of Intent to Adopt Rule Without Public Hearing and Text of Proposed Rule making relating to the above-entitled matter. This document has also been filed with the Legislative Council and with the Revisor of Statutes in accordance with the requirements of ss. 227.15(1) and 227.16(2)(e), Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosure

cc: Alice Morehouse
Mike Goetzman
Roger D. Cross
Carson Frazier
Philip Thomas

APR 12 2000



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
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April 10, 2000

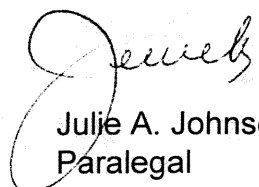
Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 134**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 134. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: Richard G. Chandler/DOA State Budget Director
Senator Judy Robson, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Alice Morehouse
Mike Goetzman
Roger D. Cross
Philip Thomas
Carson Frazier

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

This rule making will amend ch. Trans 134, which implements 1997 Act 255, relating to administrative procedure for designating authorized special groups and issuing special group license plates.

DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:

Currently, ch. Trans 134 prohibits a group from receiving a restricted plate. The Department had prohibited restricted plates because of the administrative burden to the Division of Motor Vehicles (DMV). However, DMV has reconsidered this policy, and has developed a procedure that would allow restricted plates with a minimal administrative burden to DMV. The proposed amendment would establish this policy and procedure.

STATUTORY AUTHORITY FOR THE RULE:

s. 341.14(6r)(fm)6., Stats.

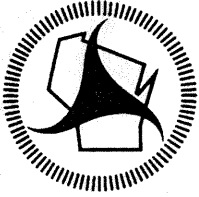
ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:

Approximately 40 hours.

Signed at Madison, Wisconsin, this 7 day
of **April**, 2000.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

JUL 12 2000



Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson
Governor

Terrence D. Mulcahy, P.E.
Secretary

Office of General Counsel
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July 11, 2000

The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 134**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 00-094

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **00-094**, relating to **authorized special groups**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Judy Robson/Representative Glenn Grothman/
Roger D. Cross/Carson Frazier/Philip Thomas

CR 00-094

The Wisconsin Department of Transportation proposes an order to repeal and recreate TRANS 134.06(1)(d), Wisconsin Administrative Code, relating to authorized special groups.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

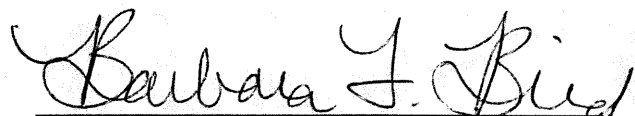
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8807

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 341.14(6r)(fm)6., Stats.

STATUTES INTERPRETED: ss. 341.14(6r) and 341.145, Stats.

General Summary of Proposed Rule. This rule making will amend ch. Trans 134, relating to the administrative procedure for designating authorized special groups and issuing special group license plates. Currently, ch. Trans 134 prohibits a group from receiving a plate which is restricted to members of the group. The Department had prohibited restricted plates because of the administrative burden to the Division of Motor Vehicles (DMV). However, DMV has reconsidered this policy, and has developed a procedure that would allow restricted plates with a minimal administrative burden to DMV. The proposed amendment would establish this policy and procedure.

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

Copies of Rule. Copies of the proposed rule can be obtained upon request, without cost, by writing to Philip Thomas, Division of Motor Vehicles, Bureau of Vehicle Services, Room 201, P. O. Box 7911, Madison, Wisconsin 53707-7911, or by calling (608) 267-1857.

PART 2

TEXT OF PROPOSED RULE

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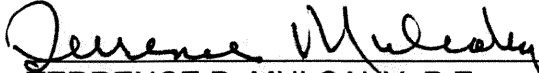
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5. The authorized special group shall determine eligibility of the license plate applicant for initial issuance of the special group plate. After the department has issued the license plate, the department will not cancel the license plate if at some later time the license plate applicant no longer is eligible for initial issuance of the special license plate according to the authorized special group criteria.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 10 day of July, 2000.


TERRENCE D. MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation

PART 4
CR 00-094

ANALYSIS OF FINAL DRAFT OF TRANS 134

(a) **Need for Amended Rule.** This rule making will amend ch. Trans 134, relating to the administrative procedure for designating authorized special groups and issuing special group license plates. Currently, ch. Trans 134 prohibits a group from receiving a plate which is restricted to members of the group. The Department had prohibited restricted plates because of the administrative burden to the Division of Motor Vehicles (DMV). However, DMV has reconsidered this policy, and has developed a procedure that would allow restricted plates with a minimal administrative burden to DMV. The proposed amendment would establish this policy and procedure.

(b) **Modifications as a Result of Testimony at Public Hearing.** Notice of intent to adopt this proposed rule without public hearing was given under the procedure set forth in s. 227.16(2)(e), Stats. No one petitioned for a public hearing and no public hearing was held.

(c) **List of Persons who Appeared or Registered at Public Hearing.** Because there was no hearing, there were none.

(d) **Response to Legislative Council Recommendations.** The Legislative Council report contained only two recommendations, both of which have been incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.