

AUG 13 2001

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FORM 2



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 01-084

AN ORDER to repeal Trans 195.09 (2); and to amend Trans 195.09 (1) and (5) to (7), relating to fees for searching, verifying and certifying motor vehicle records.

Submitted by **DEPARTMENT OF TRANSPORTATION**

07-16-01 RECEIVED BY LEGISLATIVE COUNCIL.

08-10-01 REPORT SENT TO AGENCY.

RNS:DLS:jal

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



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

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CLEARINGHOUSE RULE 01-084

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

In SEC. 1, since s. Trans 195.09 (2) is repealed in SEC. 2, "Except as provided in sub. (2), the" should be stricken and followed by "The".

The Wisconsin Department of Transportation proposes an order to repeal TRANS 195.09(2); and amend TRANS 195.09(1) and (5) to (7), relating to fees for searching, verifying and certifying motor vehicle records.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 227.11, Stats., and interpreting ss. 19.32, 19.37, 341.17 and 342.09, Stats., the Department of Transportation will hold a public hearing in **Room 254** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **21st** day of **August**, 2001, at **2:00 PM**, to consider the amendment of chapter Trans 195, Wisconsin Administrative Code, relating to fees for searching, verifying and certifying motor vehicle records.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on Friday, August 24, 2001, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 227.11, Stats.

STATUTES INTERPRETED: ss. 19.32, 19.37, 341.17 and 342.09, Stats.

General Summary of Proposed Rule. Chapter Trans 195 establishes the Department of Transportation's administrative interpretation of several statutory provisions relating to fees and procedures for searching, verifying and certifying documentation contained in the records of the Division of Motor Vehicles. The current fees for search, verification and certification of driver records, motor vehicle title and registration records, and other Division of Motor Vehicle records set forth in ch. Trans 195 is \$3.00. This rule making will remove any references to fees for driver records, while such fees for driver records shall continue to be set forth in the statutes, and shall increase the fees for the search, verification and certification of motor vehicle title and registration records and other Division of Motor Vehicle records to \$5.00. Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly.

Fiscal Effect. The Department estimates that the number of vehicle record abstract requests will decline, as a result of fee increase (along with a decline resulting from implementation of the federal Driver Privacy Protection Act), from an annual level of 63,750 to 49,875. However, with the fee increase, revenue to the Transportation Fund is estimated to increase by \$58,125, from \$191,250 annually to \$249,375 annually. The Department estimates an additional \$9,000 annually from the fee increase for certification and verification of both driver license and vehicle records.

Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly. This change is accounted for within the revenue estimate cited above.

The Department estimates that there will be no fiscal impact from the promulgation of this proposed rule on the liabilities of any county, city, village, town, school district, technical college district, or sewerage district.

Initial Regulatory Flexibility Analysis. The proposed rule will have negligible impact on small businesses. Vehicle record abstracts are generally obtained by attorneys and private investigators, towing companies, debt collectors, and similar businesses. While these businesses will be required to pay an increased fee, the number of vehicle record abstracts which any single business obtains is a very small number (about 50,000 vehicle records are accessed annually, in a statewide fleet of about 4.5 million vehicles). Thus, a \$2 per record fee increase will have negligible impact on any single business. The telephone account minimum fee, representing 6 vehicle records checked in a month, is accounted for within the numbers cited above.

About 2,500 certifications and verifications each year are requested, for vehicle records (out of a fleet of about 4.5 million vehicles). About 2,000 certifications and verifications of driver license records are requested each year (in a population of about 3.5 million drivers). Thus, a \$2 per certification/verification fee increase will have negligible impact on any single business.

Copies of Proposed Rule. Copies of the proposed rule may be obtained upon request, without cost, by writing to Carson Frazier, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911, or by calling (608) 266-7857. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 227.11, Stats., the department of transportation hereby proposes to amend a rule interpreting ss. 19.32, 19.37, 341.17 and 342.09, Stats., relating to fees for searching, verifying and certifying motor vehicle records.

SECTION 1. Trans 195.09(1) is amended to read:

Trans 195.09(1) Except as provided in sub. (2), the fee for the search of each single record identified in ss. Trans 495.03, 195.04 and 195.05, shall be ~~\$3.00~~ \$5.00.

SECTION 2. Trans 195.09(2) is repealed.

SECTION 3. Trans 195.09(5) to (7) are amended to read:

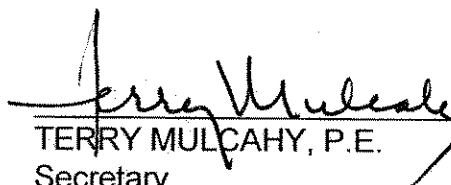
Trans 195.09(5) The fee for each certification of records as identified in s. Trans 195.07 shall be ~~\$3.00~~ \$5.00.

(6) The fee for each verification of records as identified in s. Trans 195.08 shall be ~~\$3.00~~ \$5.00.

(7) The minimum fee for any contractual telephone account established under s. Trans 195.10 shall be ~~\$48.00~~ \$30.00 per month.

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 13 day of July, 2001.

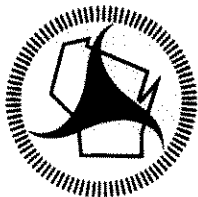
A handwritten signature in black ink, appearing to read "Terry Mulcahy", is written over a horizontal line.

TERRY MULCAHY, P.E.

Secretary

Wisconsin Department of Transportation

JUN 06 2001



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
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

June 4, 2001

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 195**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 195. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,


Julie A. Johnson
Paralegal

Enclosures

cc: David Schmiedicke/DOA State Budget Director
Senator Judy Robson, Co-Chair/JCRAR
Representative Glenn Grothman, Co-Chair/JCRAR
Alice Morehouse
Mike Goetzman
Roger Cross
Carson Frazier
Jan Theobald

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

Chapter Trans 195 establishes the Department of Transportation's administrative interpretation of several statutory provisions relating to fees and procedures for searching, verifying and certifying documentation contained in the records of the Division of Motor Vehicles. This rule making will amend ch. Trans 195 to (1) remove any references to fees for driver records, while such fees for driver records shall continue to be set forth in the statutes; and (2) increase the fees for the search, verification and certification of (a) motor vehicle title and registration records and (b) other Division of Motor Vehicle records, excluding driver records.

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:

The current fees for search, verification and certification of driver records, motor vehicle title and registration records, and other Division of Motor Vehicle records set forth in ch. Trans 195 is \$3.00. This rule making will remove any references to fees for driver records, and shall increase the fees for the search, verification and certification of motor vehicle title and registration records and other Division of Motor Vehicle records to \$5.00.

STATUTORY AUTHORITY FOR THE RULE:

Section 227.11, Stats.

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

20 hours

Signed at Madison, Wisconsin, this 31 day
of May, 2001.


TERRY MULCAHY, P.E.

Secretary

Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
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

July 16, 2001

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 PUBLIC HEARING** and Text of Proposed Rule, relating to **fees for searching, verifying and certifying motor vehicle records, Trans 195**

Dear Senator Robson and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,


Julie A. Johnson
Paralegal

Enclosure

cc: Alice Morehouse
Mike Goetzman
Roger D. Cross
Carson Frazier
Jan Theobald

The Wisconsin Department of Transportation proposes an order to repeal TRANS 195.09(2); and amend TRANS 195.09(1) and (5) to (7), relating to fees for searching, verifying and certifying motor vehicle records.

**NOTICE OF HEARING
AND
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 227.11, Stats., and interpreting ss. 19.32, 19.37, 341.17 and 342.09, Stats., the Department of Transportation will hold a public hearing in **Room 254** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **21st day of August, 2001, at 2:00 PM**, to consider the amendment of chapter Trans 195, Wisconsin Administrative Code, relating to fees for searching, verifying and certifying motor vehicle records.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on Friday, August 24, 2001, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911.

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Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 227.11, Stats.

STATUTES INTERPRETED: ss. 19.32, 19.37, 341.17 and 342.09, Stats.

General Summary of Proposed Rule. Chapter Trans 195 establishes the Department of Transportation's administrative interpretation of several statutory provisions relating to fees and procedures for searching, verifying and certifying documentation contained in the records of the Division of Motor Vehicles. The current fees for search, verification and certification of driver records, motor vehicle title and registration records, and other Division of Motor Vehicle records set forth in ch. Trans 195 is \$3.00. This rule making will remove any references to fees for driver records, while such fees for driver records shall continue to be set forth in the statutes, and shall increase the fees for the search, verification and certification of motor vehicle title and registration records and other Division of Motor Vehicle records to \$5.00. Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly.

Fiscal Effect. The Department estimates that the number of vehicle record abstract requests will decline, as a result of fee increase (along with a decline resulting from implementation of the federal Driver Privacy Protection Act), from an annual level of 63,750 to 49,875. However, with the fee increase, revenue to the Transportation Fund is estimated to increase by \$58,125, from \$191,250 annually to \$249,375 annually. The Department estimates an additional \$9,000 annually from the fee increase for certification and verification of both driver license and vehicle records.

Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly. This change is accounted for within the revenue estimate cited above.

The Department estimates that there will be no fiscal impact from the promulgation of this proposed rule on the liabilities of any county, city, village, town, school district, technical college district, or sewerage district.

Initial Regulatory Flexibility Analysis. The proposed rule will have negligible impact on small businesses. Vehicle record abstracts are generally obtained by attorneys and private investigators, towing companies, debt collectors, and similar businesses. While these businesses will be required to pay an increased fee, the number of vehicle record abstracts which any single business obtains is a very small number (about 50,000 vehicle records are accessed annually, in a statewide fleet of about 4.5 million vehicles). Thus, a \$2 per record fee increase will have negligible impact on any single business. The telephone account minimum fee, representing 6 vehicle records checked in a month, is accounted for within the numbers cited above.

About 2,500 certifications and verifications each year are requested, for vehicle records (out of a fleet of about 4.5 million vehicles). About 2,000 certifications and verifications of driver license records are requested each year (in a population of about 3.5 million drivers). Thus, a \$2 per certification/verification fee increase will have negligible impact on any single business.

Copies of Proposed Rule. Copies of the proposed rule may be obtained upon request, without cost, by writing to Carson Frazier, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911, or by calling (608) 266-7857. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 227.11, Stats., the department of transportation hereby proposes to amend a rule interpreting ss. 19.32, 19.37, 341.17 and 342.09, Stats., relating to fees for searching, verifying and certifying motor vehicle records.

SECTION 1. Trans 195.09(1) is amended to read:

Trans 195.09(1) Except as provided in sub. (2), the fee for the search of each single record identified in ss. Trans 195.03, 195.04 and 195.05, shall be ~~\$3.00~~ \$5.00.

SECTION 2. Trans 195.09(2) is repealed.

SECTION 3. Trans 195.09(5) to (7) are amended to read:

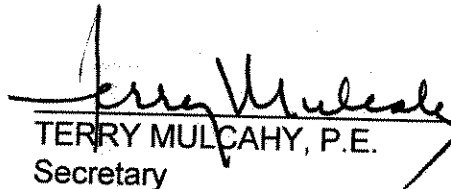
Trans 195.09(5) The fee for each certification of records as identified in s. Trans 195.07 shall be ~~\$3.00~~ \$5.00.

(6) The fee for each verification of records as identified in s. Trans 195.08 shall be ~~\$3.00~~ \$5.00.

(7) The minimum fee for any contractual telephone account established under s. Trans 195.10 shall be ~~\$18.00~~ \$30.00 per month.

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 13 day of July, 2001.



TERRY MULCAHY, P.E.
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Terrence D. Mulcahy, P.E.
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P.O. Box 7910
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FAX: 608-267-6734
E-Mail: ogc.exec@dot.state.wi.us

Todd Stuart
Governor's Office
Room 125 South
State Capitol
Madison, WI 53702

July 19, 2001

John Etzler
Budget Analyst
Department of Administration
10th Floor, 101 East Wilson
Madison, WI 53702

RE: CLEARINGHOUSE RULE 01-084, relating to **fees for searching, verifying and certifying motor vehicle records**, Trans 195

Pursuant to the December 9, 1987, memo on executive review of proposed administrative rules by the Department of Administration, I am enclosing a copy of proposed Trans 195.

The proposed rule making implements a provision of the biennial budget which increases driver license and vehicle title/registration record access fees by \$2.00. While the driver license record access fees are set in statute, the vehicle record access, and the verification, and certification fees are established in Trans 195. This rule making removes the references to driver license record fees, since those are specified in statute. It also increases the fees the Department of Transportation will charge for verification and certification of driver records, and for search, verification and certification of motor vehicle title and registration records, and other Division of Motor Vehicle records set forth in ch. Trans 195 to \$5.00. As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly. Telephone accounts require a minimum fee, currently \$18.00, representing 6 vehicle records checked in a month.

The Department estimates that the number of vehicle record abstract requests will decline from an annual level of 63,750 to 49,875. However, with the fee increase, revenue to the Transportation Fund is estimated to increase by \$58,125, from \$191,250 annually to \$249,375 annually. The Department also determined the proposed rule will have negligible impact on small businesses. Further detail can be found on pp. 2-3 of the proposed rule.

Therefore, this proposed rule making appears to satisfy the criteria specified by the above-mentioned memo for executive review, prior to submittal to the presiding officers of the Senate and Assembly.

Sincerely,

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

Julie A. Johnson
Paralegal/Administrative Rules Coordinator

Enclosures

cc: Senator Robson/Representative Grothman/Bob Cook/Mike Goetzman/Alice Morehouse/
Carson Frazier/Jan Theobald



AUG 31 2001

Wisconsin Department of Transportation

www.dot.state.wi.us

Scott McCallum
Governor

Terrence D. Mulcahy, P.E.
Secretary

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P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810

FAX: 608-267-6734

E-Mail: ogc.exec@dot.state.wi.us

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

August 30, 2001

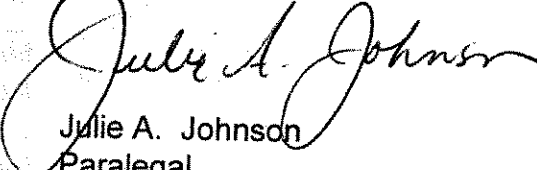
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 315 North, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 195**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 01-084

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **01-084**, relating to **fees for searching, verifying and certifying motor vehicle records**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,



Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)/Senator Judy Robson/
Representative Glenn Grothman/Carson Frazier/Jan Theobald

CR 01-084

The Wisconsin Department of Transportation proposes an order to repeal TRANS 195.09(2); and amend TRANS 195.09(1) and (5) to (7), relating to fees for searching, verifying and certifying motor vehicle records.

**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:

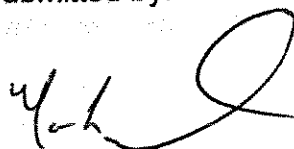
Part 1--Analysis prepared by the Department of Transportation.

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:



MATTHEW L. SCHEMDEL
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) 266-8810

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 227.11, Stats.

STATUTES INTERPRETED: ss. 19.32, 19.37, 341.17 and 342.09, Stats.

General Summary of Proposed Rule. Chapter Trans 195 establishes the Department of Transportation's administrative interpretation of several statutory provisions relating to fees and procedures for searching, verifying and certifying documentation contained in the records of the Division of Motor Vehicles. The current fees for search, verification and certification of driver records, motor vehicle title and registration records, and other Division of Motor Vehicle records set forth in ch. Trans 195 is \$3.00. This rule making will remove any references to fees for driver records, while such fees for driver records shall continue to be set forth in the statutes, and shall increase the fees for the search, verification and certification of motor vehicle title and registration records and other Division of Motor Vehicle records to \$5.00. Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly.

Fiscal Effect. The Department estimates that the number of vehicle record abstract requests will decline, as a result of fee increase (along with a decline resulting from implementation of the federal Driver Privacy Protection Act), from an annual level of 63,750 to 49,875. However, with the fee increase, revenue to the Transportation Fund is estimated to increase by \$58,125, from \$191,250 annually to \$249,375 annually. The Department estimates an additional \$9,000 annually from the fee increase for certification and verification of both driver license and vehicle records.

Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly. This change is accounted for within the revenue estimate cited above.

The Department estimates that there will be no fiscal impact from the promulgation of this proposed rule on the liabilities of any county, city, village, town, school district, technical college district, or sewerage district.

Copies of Proposed Rule. Copies of the proposed rule may be obtained upon request, without cost, by writing to Carson Frazier, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911, or by calling (608) 266-7857. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

PART 2
TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 227.11, Stats., the department of transportation hereby proposes to amend a rule interpreting ss. 19.32, 19.37, 341.17 and 342.09, Stats., relating to fees for searching, verifying and certifying motor vehicle records.

SECTION 1. Trans 195.09(1) is amended to read:

Trans 195.09(1) ~~Except as provided in sub. (2), the~~ The fee for the search of each single record identified in ss. Trans ~~195.03, 195.04 and 195.05,~~ shall be ~~\$3.00~~ \$5.00.

SECTION 2. Trans 195.09(2) is repealed.

SECTION 3. Trans 195.09(5) to (7) are amended to read:

Trans 195.09(5) The fee for each certification of records as identified in s. Trans 195.07 shall be ~~\$3.00~~ \$5.00.


(6) The fee for each verification of records as identified in s. Trans 195.08 shall be ~~\$3.00~~ \$5.00.

(7) The minimum fee for any contractual telephone account established under s. Trans 195.10 shall be ~~\$18.00~~ \$30.00 per month.

(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 29 day of August, 2001.



TERRY MULCAHY, P.E.
Secretary

Wisconsin Department of Transportation

ANALYSIS OF FINAL DRAFT OF TRANS 195

(a) **Need for Amended Rule.** Chapter Trans 195 establishes the Department of Transportation's administrative interpretation of several statutory provisions relating to fees and procedures for searching, verifying and certifying documentation contained in the records of the Division of Motor Vehicles. The current fees for search, verification and certification of driver records, motor vehicle title and registration records, and other Division of Motor Vehicle records set forth in ch. Trans 195 is \$3.00. This rule making will remove any references to fees for driver records, while such fees for driver records shall continue to be set forth in the statutes, and shall increase the fees for the search, verification and certification of motor vehicle title and registration records and other Division of Motor Vehicle records to \$5.00. Telephone accounts require a minimum fee, which is currently \$18 monthly (representing 6 vehicle records checked in a month). As the record fee increases to \$5, the minimum fee for telephone accounts will increase to \$30 monthly.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on August 21, 2001. No modifications were made to the proposed rule as a result of testimony at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** The following person attended the public hearing:

Richard Crespo, Attorney, 2 East Mifflin Street, Suite 800, Madison, WI 53701.
Mr. Crespo registered for information only.

(d) **Response to Legislative Council Recommendations.** The Legislative Council made only one recommendation which has been incorporated into the proposed rule.

(e) **Final Regulatory Flexibility Analysis.** The proposed rule will have negligible impact on small businesses. Vehicle record abstracts are generally obtained by attorneys and private investigators, towing companies, debt collectors, and similar businesses. While these businesses will be required to pay an increased fee, the number of vehicle record abstracts which any single business obtains is a very small number (about 50,000 vehicle records are accessed annually, in a statewide fleet of about 4.5 million vehicles). Thus, a \$2 per record fee increase will have negligible impact on any single business. The telephone account minimum fee, representing 6 vehicle records checked in a month, is accounted for within the numbers cited above.

About 2,500 certifications and verifications each year are requested, for vehicle records (out of a fleet of about 4.5 million vehicles). About 2,000 certifications and verifications of driver license records are requested each year (in a population of about 3.5 million drivers). Thus, a \$2 per certification/verification fee increase will have negligible impact on any single business.

The proposed fee increase will have a negligible impact on any single business. The fee increase is based on the current fee structure and the volume of requests. The fee increase is based on the current fee structure and the volume of requests. The fee increase is based on the current fee structure and the volume of requests.

Table A: Impact of the proposed fee increase on individual businesses. The table shows the number of requests and the total fee increase for various categories of businesses.

Table B: Impact of the proposed fee increase on total revenue. The table shows the total number of requests and the total revenue generated from the fee increase.

Table C: Impact of the proposed fee increase on total revenue. The table shows the total number of requests and the total revenue generated from the fee increase.

Table D: Impact of the proposed fee increase on total revenue. The table shows the total number of requests and the total revenue generated from the fee increase.

Table E: Impact of the proposed fee increase on total revenue. The table shows the total number of requests and the total revenue generated from the fee increase.

Table F: Impact of the proposed fee increase on total revenue. The table shows the total number of requests and the total revenue generated from the fee increase.

Table G: Impact of the proposed fee increase on total revenue. The table shows the total number of requests and the total revenue generated from the fee increase.