



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 01-121

AN ORDER to amend Trans 131.03 (2) (a), 131.04 (1) (b), 131.08 (1) and 131.10 (1), relating to vehicle emission inspections.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-17-01 RECEIVED BY LEGISLATIVE COUNCIL.

11-08-01 REPORT SENT TO AGENCY.

RS:PC: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

The Wisconsin Department of Transportation proposes an order to amend TRANS 131.03(2)(a), 131.04(1)(b), 131.08(1) and 131.10(1), Wisconsin Administrative Code, relating to vehicle emission inspections.

**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. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16, 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 131 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 Jerry Medinger, Department of Transportation, Bureau of Vehicles Services, Room 253, P. O. Box 7909, Madison, WI 53707-7909, telephone (608) 266-2267.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16
STATUTES INTERPRETED: s. 110.20(6)(a)1., Stats.

General Summary of Proposed Rule. Ch. Trans 131 governs the operation of the Vehicle Emission Inspection Program. This rule making proposes to amend Trans 131.03(2)(a) which requires a vehicle registrant to obtain an emission test within 90 days prior to registration renewal. Originally, emission testing was done every year.

Existing policy that the vehicle must be tested within 90 days prior to registration renewal was intended to assure that no more than 15 months would have passed between a vehicle's testing. Currently, tests are done every two years, and the 90-day window is more restrictive than necessary. We propose making the window 180 days instead of 90 days. The other provisions are references to the period of time prior to registration renewal in which a vehicle may be tested, and are simply changed to correspond to the 180-day period from 90-days.

Fiscal Effect. 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 may be obtained upon request, without cost, by writing to Jerry Medinger, Third Party Programs Section, P. O. Box 7909, Madison, WI 53707-7909, or by calling (608) 266-2267. 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. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16, the department of transportation hereby proposes to amend a rule interpreting s. 110.20(6)(a)1., Stats., relating to vehicle emission inspections.

Not
Needed

SECTION 1. Trans 131.03(2)(a) is amended to read:

Trans 131.03(2)(a) No more than 90 180 days prior to renewal of annual registration. In the 2nd year after the nonexempt vehicle's model year and every 2 years thereafter.

SECTION 2. Trans 131.04(1)(b) is amended to read:

Trans 131.04(1)(b) The emission related repairs and adjustments made to the vehicle's emission control system, including cost for parts and labor, have been

performed on the vehicle within ~~90~~ 180 days prior to renewal of annual registration or within ~~90~~ 180 days of vehicle ownership change registration and such repairs and adjustments are indicated in the space provided on the vehicle inspection report by the person performing the repairs. If the labor for vehicle repair is performed without charge or cost, only the cost of replacement parts shall be indicated. An itemized receipt indicating the parts, labor cost, and date of purchase shall be provided to the waiver investigator.

SECTION 3. Trans 131.08(1) is amended to read:

Trans 131.08(1) ELIGIBILITY. When a vehicle subject to the emission inspection requirements of this chapter is unavailable for an inspection due to either the vehicle's absence or inoperative condition, or the owner's or lessee's absence or incapacity, during the ~~90~~ 180 day period prior to the license expiration date, or within 45 days of an ownership change registration or registration as a collector or hobbyist vehicle, and inspection is not available under Trans 131.10, the owner or lessee may request of the department a letter of temporary exemption from the requirements of this chapter.

SECTION 4. Trans 131.10(1) is amended to read:

Trans 131.10(1) COMPLIANCE. When a vehicle subject to the emission inspection requirements of this chapter is unavailable for an inspection due to the vehicle's absence from the Wisconsin inspection area during the ~~90~~ 180 day period prior to the license expiration date, or within 45 days of an ownership change registration or registration as a collector or hobbyist vehicle, but is operating in another nonattainment area requiring vehicle emission inspections, the owner or lessee shall

submit an official vehicle inspection report, or the equivalent document, from that area indicating that the vehicle has passed the emission inspection in that area.

(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.

¹ (INTRO)

Signed at Madison, Wisconsin, this 16 day of October, 2001.



TERRY MULCAHY, P.E.

 Secretary

Wisconsin Department of Transportation



SEP 04 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

August 31, 2001

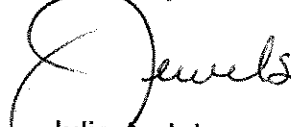
Mr. Gary L. Poulson, Deputy Revisor
Revisor of Statutes Bureau
131 West Wilson Street
Suite 800
Madison, Wisconsin 53703

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 131**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 131. 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
Barb Wehrle
Jerry Medinger

STATEMENT OF SCOPE

DESCRIPTION OF THE OBJECTIVE OF THE RULE:

Ch. Trans 131 governs the vehicle emission inspection program in Southeast Wisconsin. A provision of the rule establishes the times at which vehicles are required to be inspected, including that a vehicle must be inspected within 90 days before registration renewal expiration. This rule making will reflect a change in the number of days that vehicles are required to have an emission inspection prior to registration renewal.

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 2001-03 biennial budget amends s.110.20(6)(a)1., Stats., to require that, instead of 90 days prior to registration renewal, a vehicle must be inspected within the time period specified by the Department of Transportation. This rule making will amend s. Trans 131.03(2)(a) to require inspection no more than 180 days prior to renewal of annual registration. This amends the current requirement for inspection no more than 90 days prior to renewal of annual registration.

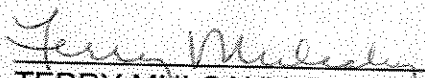
STATUTORY AUTHORITY FOR THE RULE:

ss. 110.20(9) and 227.11(2), 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 10 hours.

Signed at Madison, Wisconsin, this 29 day
of **August**, 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
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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 Judy Robson
Senate Chairman
Joint Committee for Review
of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

October 17, 2001

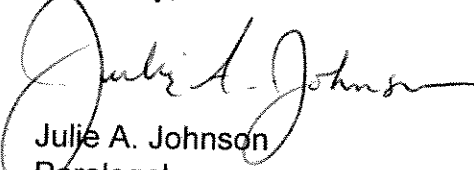
The Honorable Glenn Grothman
Assembly Chairman
Joint Committee for Review
of Administrative Rules
Room 15 North, State Capitol
Madison, Wisconsin 53702

RE: **NOTICE OF INTENT TO ADOPT RULE WITHOUT PUBLIC HEARING** and Text
of Proposed Rule, relating to **vehicle emission inspections**, Trans 131

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 Cross/Carson Frazier/Jerry Medinger/
Barb Wehrle

The Wisconsin Department of Transportation proposes an order to amend TRANS 131.03(2)(a), 131.04(1)(b), 131.08(1) and 131.10(1), Wisconsin Administrative Code, relating to vehicle emission inspections.

**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. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16, 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 131 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 Jerry Medinger, Department of Transportation, Bureau of Vehicles Services, Room 253, P. O. Box 7909, Madison, WI 53707-7909, telephone (608) 266-2267.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16
STATUTES INTERPRETED: s. 110.20(6)(a)1., Stats.

General Summary of Proposed Rule Ch. Trans 131 governs the operation of the Vehicle Emission Inspection Program. This rule making proposes to amend Trans 131.03(2)(a) which requires a vehicle registrant to obtain an emission test within 90 days prior to registration renewal. Originally, emission testing was done every year.

Existing policy that the vehicle must be tested within 90 days prior to registration renewal was intended to assure that no more than 15 months would have passed between a vehicle's testing. Currently, tests are done every two years, and the 90-day window is more restrictive than necessary. We propose making the window 180 days instead of 90 days. The other provisions are references to the period of time prior to registration renewal in which a vehicle may be tested, and are simply changed to correspond to the 180-day period from 90-days.

Fiscal Effect. 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 may be obtained upon request, without cost, by writing to Jerry Medinger, Third Party Programs Section, P. O. Box 7909, Madison, WI 53707-7909, or by calling (608) 266-2267. 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. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16, the department of transportation hereby proposes to amend a rule interpreting s. 110.20(6)(a)1., Stats., relating to vehicle emission inspections.

SECTION 1. Trans 131.03(2)(a) is amended to read:

Trans 131.03(2)(a) No more than 90 180 days prior to renewal of annual registration. In the 2nd year after the nonexempt vehicle's model year and every 2 years thereafter.

SECTION 2. Trans 131.04(1)(b) is amended to read:

Trans 131.04(1)(b) The emission related repairs and adjustments made to the vehicle's emission control system, including cost for parts and labor, have been

performed on the vehicle within 90 180 days prior to renewal of annual registration or within 90 180 days of vehicle ownership change registration and such repairs and adjustments are indicated in the space provided on the vehicle inspection report by the person performing the repairs. If the labor for vehicle repair is performed without charge or cost, only the cost of replacement parts shall be indicated. An itemized receipt indicating the parts, labor cost, and date of purchase shall be provided to the waiver investigator.

SECTION 3. Trans 131.08(1) is amended to read:

Trans 131.08(1) ELIGIBILITY. When a vehicle subject to the emission inspection requirements of this chapter is unavailable for an inspection due to either the vehicle's absence or inoperative condition, or the owner's or lessee's absence or incapacity, during the 90 180 day period prior to the license expiration date, or within 45 days of an ownership change registration or registration as a collector or hobbyist vehicle, and inspection is not available under Trans 131.10, the owner or lessee may request of the department a letter of temporary exemption from the requirements of this chapter.

SECTION 4. Trans 131.10(1) is amended to read:

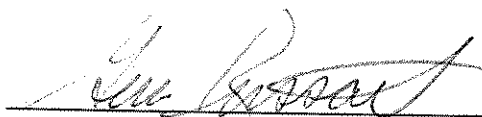
Trans 131.10(1) COMPLIANCE. When a vehicle subject to the emission inspection requirements of this chapter is unavailable for an inspection due to the vehicle's absence from the Wisconsin inspection area during the 90 180 day period prior to the license expiration date, or within 45 days of an ownership change registration or registration as a collector or hobbyist vehicle, but is operating in another nonattainment area requiring vehicle emission inspections, the owner or lessee shall

submit an official vehicle inspection report, or the equivalent document, from that area indicating that the vehicle has passed the emission inspection in that area.

(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.

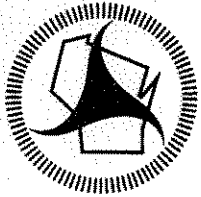
Signed at Madison, Wisconsin, this 16 day of October, 2001.



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

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

December 18, 2001

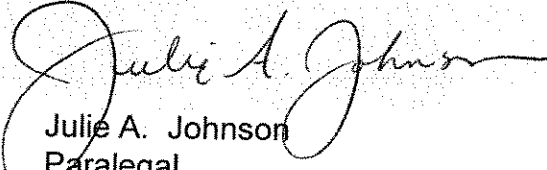
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 131**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 01-121

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **01-121**, relating to a **motor vehicle emissions inspection program**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson/Senator Judy Robson/Representative Glenn Grothman/
Roger Cross/Carson Frazier/Jerry Medinger/Barb Wehrle

CR 01-121

The Wisconsin Department of Transportation proposes an order to amend TRANS 131.03(2)(a), 131.04(1)(b), 131.08(1) and 131.10(1), Wisconsin Administrative Code, relating to vehicle emission inspections.

**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:



JOE MAASSEN
Deputy 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) 266-7364

PART 1

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16
STATUTES INTERPRETED: s. 110.20(6)(a)1., Stats.

General Summary of Proposed Rule. Ch. Trans 131 governs the operation of the Vehicle Emission Inspection Program. This rule making proposes to amend Trans 131.03(2)(a) which requires a vehicle registrant to obtain an emission test within 90 days prior to registration renewal. Originally, emission testing was done every year. Existing policy that the vehicle must be tested within 90 days prior to registration renewal was intended to assure that no more than 15 months would have passed between a vehicle's testing. Currently, tests are done every two years, and the 90-day window is more restrictive than necessary. We propose making the window 180 days instead of 90 days. The other provisions are references to the period of time prior to registration renewal in which a vehicle may be tested, and are simply changed to correspond to the 180-day period from 90-days.

Fiscal Effect. 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 may be obtained upon request, without cost, by writing to Jerry Medinger, Third Party Programs Section, P. O. Box 7909, Madison, WI 53707-7909, or by calling (608) 266-2267. 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. 110.20(9)(d), Stats., as amended by 2001 Wis. Act 16, the department of transportation hereby proposes to amend a rule interpreting s. 110.20(6)(a)1., Stats., relating to vehicle emission inspections.

SECTION 1. Trans 131.03(2)(a) is amended to read:

Trans 131.03(2)(a) No more than 90 180 days prior to renewal of annual registration. In the 2nd year after the nonexempt vehicle's model year and every 2 years thereafter.

SECTION 2. Trans 131.04(1)(b) is amended to read:

Trans 131.04(1)(b) The emission related repairs and adjustments made to the vehicle's emission control system, including cost for parts and labor, have been performed on the vehicle within 90 180 days prior to renewal of annual registration or within 90 180 days of vehicle ownership change registration and such repairs and adjustments are indicated in the space provided on the vehicle inspection report by the person performing the repairs. If the labor for vehicle repair is performed without charge or cost, only the cost of replacement parts shall be indicated. An itemized receipt indicating the parts, labor cost, and date of purchase shall be provided to the waiver investigator.

SECTION 3. Trans 131.08(1) is amended to read:

Trans 131.08(1) ELIGIBILITY. When a vehicle subject to the emission inspection requirements of this chapter is unavailable for an inspection due to either the vehicle's absence or inoperative condition, or the owner's or lessee's absence or incapacity, during the 90 180 day period prior to the license expiration date, or within 45 days of an ownership change registration or registration as a collector or hobbyist vehicle, and inspection is not available under Trans 131.10, the owner or lessee may request of the department a letter of temporary exemption from the requirements of this chapter.

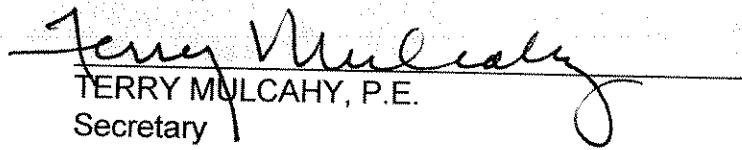
SECTION 4. Trans 131.10(1) is amended to read:

Trans 131.10(1) COMPLIANCE. When a vehicle subject to the emission inspection requirements of this chapter is unavailable for an inspection due to the vehicle's absence from the Wisconsin inspection area during the 90 180 day period prior to the license expiration date, or within 45 days of an ownership change registration or registration as a collector or hobbyist vehicle, but is operating in another nonattainment area requiring vehicle emission inspections, the owner or lessee shall submit an official vehicle inspection report, or the equivalent document, from that area indicating that the vehicle has passed the emission inspection in that area.

(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 18 day of December, 2001.


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



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

PART 3 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 01-121

AN ORDER to amend Trans 131.03 (2) (a), 131.04 (1) (b), 131.08 (1) and 131.10 (1), relating to vehicle emission inspections.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-17-01 RECEIVED BY LEGISLATIVE COUNCIL.

11-08-01 REPORT SENT TO AGENCY.

RS:PC:jal

PART 4
CR 01-121

ANALYSIS OF FINAL DRAFT OF TRANS 131

(a) **Need for Amended Rule.** This rule making proposes to amend Trans 131.03(2)(a) which requires a vehicle registrant to obtain an emission test within 90 days prior to registration renewal. Originally, emission testing was done every year. Existing policy that the vehicle must be tested within 90 days prior to registration renewal was intended to assure that no more than 15 months would have passed between a vehicle's testing. Currently, tests are done every two years, and the 90-day window is more restrictive than necessary. We propose making the window 180 days instead of 90 days. The other provisions are references to the period of time prior to registration renewal in which a vehicle may be tested, and are simply changed to correspond to the 180-day period from 90-days.

(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 no recommendations to the proposed rule.

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