
CR 02-131

The Wisconsin Department of Transportation proposes an order to amend TRANS 102.01(1) and (2), and create TRANS 102.02(6r), Wisconsin Administrative Code, relating to customer identifying information.

**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: ss. 85.16(1), 110.06, 227.11, 343.05, 343.06, 343.14, 343.15, 343.17 and 343.20, Stats.

STATUTES INTERPRETED: ss. 341.08(2)(a) and (am), 342.06(1)(a), 343.02, 343.03, 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265 and 343.50, Stats.

General Summary of Proposed Rule. Integral to the Department of Transportation Division of Motor Vehicle's (DMV) redesigned data processing system is a combined vehicle and driver database. The database will be organized to link an individual person or entity (customer) with all vehicles which that customer owns. In order to effect this single customer database, DMV needs to have consistent "processing rules" related to customer identifying information. This rule making will establish consistent processing rules with respect to the customer name. Currently, s. 343.14(2)(a), driver license statute, requires a person to supply his or her "full name," while s. 341.08(2)(a) and 342.06(1)(a), vehicle statutes, merely require the "name" of the applicant. This rule making will define the "name" in vehicle statutes as meaning the "full name" as required in driver license statutes.

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, or any federally-recognized tribes or bands.

Copies of Rule. Copies of this proposed rule can be obtained, without cost, by writing to Carson Frazier, Division of Motor Vehicles, Bureau of Vehicle Services, 4802 Sheboygan Avenue, Room 253, P. O. Box 7911, Madison, WI 53707-7911, or by calling (608) 266-7857. Alternate formats of the proposed rule will be available to individuals upon request.

PART 2

TEXT OF PROPOSED RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 110.06, 227.11, 343.05, 343.06, 343.14, 343.15, 343.17 and 343.20, Stats., the department of transportation hereby proposes to amend rules interpreting ss. 341.08(2)(a) and (am), 342.06(1)(a), 343.02, 343.03, 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20,

343.21, 343.22, 343.25, 343.265 and 343.50, Stats., relating to customer identifying information.

SECTION 1. Trans 102.01(1) and (2) are amended to read:

Trans 102.01(1) As authorized by ss. 85.16(1), 110.06, 227.11, 343.05, 343.06, 343.14, 343.15, 343.17 and 343.20, Stats., the purpose of this chapter is to administratively interpret ss. 341.08(2)(a) and (am), 342.06(1)(a), 343.02, 343.03, 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265 and 343.50, Stats., relating to issuance of operator's licenses and, identification cards, and vehicle title and registration.

(2) This chapter pertains to any person applying for a Wisconsin original, reissue, reinstatement, renewal, or duplicate operator's license or identification card, and vehicle title or registration.

SECTION 2. Trans 102.02(6r) is created to read:

Trans 102.02(6r) "Name" as used in ss. 341.08(2)(a) and (am) and 342.06(1)(a), Stats., or "full name" as used in s. 343.14(2)(a), Stats., means any of the following:

(a) In the case of an individual, the entire first and last name and middle initial, if any.

(b) In the case of any entity other than an individual, the entire name of the entity.

(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 30 day of December, 2002.



Thomas E. Carlsen, P.E.
Secretary
Wisconsin Department of Transportation



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant 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 **02-131**

AN ORDER to amend Trans 102.01 (1) and (2); and to create Trans 102.02 (6r), relating to customer identifying information.

Submitted by **DEPARTMENT OF TRANSPORTATION**

10-30-2002 RECEIVED BY LEGISLATIVE COUNCIL.
11-19-2002 REPORT SENT TO AGENCY.

RS:DLS

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 Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 02-131

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 October 2002.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

The analysis states in part that the rule defines the term “name” as found in motor vehicle statutes as “meaning the ‘full name’ as defined in driver license statutes.” Similarly, s. Trans 102.02 (6r) is created to read: “‘Name’ as used in ss. 341.08 (2) (a) and (am) and 342.06 (1) (a), Stats., has the same meaning as ‘full name’ given in s. 343.14 (2) (a), Stats.” The difficulty with this phrasing is that s. 343.14 (2) (a), Stats., does not define the term “full name.” The statute only provides that an application for an operator’s license shall include the full name of the applicant. The following example is a method by which the terms may be more clearly defined:

Trans 102.02 (6r) “Name” as used in ss. 341.08 (2) (a) and (am) and 342.06 (1) (a), Stats., or “full name” as used in s. 343.14 (2) (a), Stats., means any of the following:

- (a) In the case of an individual, the entire first and last name and middle initial, if any.
- (b) In the case of any entity other than an individual, the entire name of the entity.

The department also should consider whether s. 343.17 (3) (a), Stats., should be cited. Finally, if the rule text is changed, the language in the analysis should be modified accordingly.

PART 4
CR 02-131

ANALYSIS OF FINAL DRAFT OF TRANS 102

(a) **Need for Amended Rule.** Integral to the Department of Transportation Division of Motor Vehicle's (DMV) redesigned data processing system is a combined vehicle and driver database. The database will be organized to link an individual person or entity (customer) with all vehicles which that customer owns. In order to effect this single customer database, DMV needs to have consistent "processing rules" related to customer identifying information. This rule making will establish consistent processing rules with respect to the customer name. Currently, s. 343.14(2)(a), driver license statute, requires a person to supply his or her "full name," while s. 341.08(2)(a) and 342.06(1)(a), vehicle statutes, merely require the "name" of the applicant. This rule making will define the "name" in vehicle statutes as meaning the "full name" as required in driver license statutes.

(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 two recommendations, the first of which has been incorporated into the proposed rule. The comment to consider also citing s. 343.17(3)(a), Stats., was not incorporated because that has to do with what is shown on the driver license. The Department is concerned with what it requires people to put on their application for license, thus s. 343.14(2)(a) is the driver license provision that is parallel to the registration/title application provisions we want to interpret..

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



Wisconsin Department of Transportation

www.dot.wisconsin.gov

James E. Doyle
Governor

Frank J. Busalacchi
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 Alan Lasee
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

January 7, 2003


The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 102**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 02-131

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **02-131**, relating to **customer identifying information**. 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)
JCRAR Co-Chairs
Carson Frazier



Wisconsin Department of Transportation

www.dot.wisconsin.gov

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

The Honorable Senator Joseph Leibham
Chairman, Senate Transportation Committee
Room 409 South
State Capitol
Madison, Wisconsin 53707

January 7, 2003

The Honorable Representative John Ainsworth
Chairman, Assembly Transportation Committee
Room 309 North, State Capitol
Madison, Wisconsin 53702

RE: Proposed Administrative Rule **TRANS 102**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 02-131

Dear Senator Leibham and Representative Ainsworth:

In accordance with the Department of Transportation's efforts to keep you informed of its ongoing rule making actions, enclosed is a courtesy copy of Final Draft rule **Trans 102**, relating to **customer identifying information**, which is being submitted to the Legislature for committee review.

Sincerely,

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

Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Carson Frazier

Clearinghouse Rule 02-131

STATE OF WISCONSIN

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

The Wisconsin Department of Transportation proposes an order to amend TRANS 102.01(1) and (2), and create TRANS 102.02(6r), Wisconsin Administrative Code, relating to customer identifying information.

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

NOTICE IS HEREBY GIVEN that pursuant to the authority of ss. 85.16(1), 110.06, 227.11, 343.05, 343.06, 343.14, 343.15, 343.17 and 343.20, Stats., interpreting ss. 341.08(2)(a) and (am), 342.06(1)(a), 343.02, 343.03, 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265 and 343.50, 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 102, relating to customer identifying information, 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 may be addressed to Carson Frazier, Division of Motor Vehicles, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, Wisconsin 53707-7911, telephone (608) 266-7857.

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: ss. 85.16(1), 110.06, 227.11, 343.05, 343.06, 343.14, 343.15, 343.17 and 343.20, Stats.

STATUTES INTERPRETED: ss. 341.08(2)(a) and (am), 342.06(1)(a), 343.02, 343.03, 343.05, 343.06, 343.07, 343.08, 343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265 and 343.50, Stats.

General Summary of Proposed Rule. Integral to the Department of Transportation Division of Motor Vehicle's (DMV) redesigned data processing system is a combined vehicle and driver database. The database will be organized to link an individual person or entity (customer) with all vehicles which that customer owns. In order to effect this single customer database, DMV needs to have consistent "processing rules" related to customer identifying information. This rule making will establish consistent processing rules with respect to the customer name. Currently, s. 343.14(2)(a), driver license statute, requires a person to supply his or her "full name," while s. 341.08(2)(a) and 342.06(1)(a), vehicle statutes, merely require the "name" of the applicant. This rule making will define the "name" in vehicle statutes as meaning the "full name" as defined in driver license statutes.

The Scope Statement for this rule making was published in the 10-1-02 Administrative Register with the intention of creating a new chapter, ch. Trans 109. Following the publication of the Scope Statement, the Department decided this amendment would be better placed in ch. Trans 102.

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, or any federally-recognized tribes or bands.

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

Copies of Rule. Copies of this proposed rule can be obtained, without cost, by writing to Carson Frazier, Division of Motor Vehicles, Bureau of Vehicle Services, 4802 Sheboygan Avenue, Room 253, P. O. Box 7911, Madison, WI 53707-7911, or by calling (608) 266-7857. Alternate formats of the proposed rule will be available to individuals upon request.

TEXT OF PROPOSED RULE

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343.10, 343.11, 343.12, 343.135, 343.14, 343.16, 343.17, 343.18, 343.19, 343.20, 343.21, 343.22, 343.25, 343.265 and 343.50, Stats., relating to customer identifying information.

SECTION 1. Trans 102.01(1) and (2) are amended to read:

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(2) This chapter pertains to any person applying for a Wisconsin original, reissue, reinstatement, renewal, or duplicate operator's license or identification card, and vehicle title or registration.

SECTION 2. Trans 102.02(6r) is created to read:

Trans 102.02(6r) "Name" as used in ss. 341.08(2)(a) and (am) and 342.06(1)(a), Stats., has the same meaning as "full name" given in s. 343.14(2)(a), Stats.

(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 ____ day of
October, 2002.

Thomas E. Carlsen, P.E.
Secretary
Wisconsin Department of Transportation

Lindstedt, Daniel

From: Sen.Leibham
Sent: Tuesday, January 14, 2003 8:32 PM
To: Breske, Roger; Kedzie, Neal; Leibham, Joseph; Meyer, Mark; Sen.Breske; Sen.Kanavas; Sen.Kedzie; Sen.Leibham; Sen.Meyer
Cc: Lindstedt, Daniel; Phillips, Matt; Piliouras, Elizabeth; Shepherd, Jeremy
Subject: Senate Committee on Transportation and Information Infrastructure - Receipt of Rule 02-131

DATE: Wednesday, January 15, 2003

TO: Honorable Members of the Senate Committee on Transportation and Information Infrastructure
FROM: Senator Joe Leibham
RE: Receipt of Clearinghouse Rule

The following Clearinghouse Rule has been referred to the Senate Committee on Transportation and Infrastructure:

Clearinghouse Rule 02-131 (CR 02-131) relating to customer identifying information.

The deadline for action on this rule is Monday, February 10, 2003.

General Summary of Proposed Rule: Integral to the Department of Transportation Division of Motor Vehicle's (DMV) redesigned data processing system is a combined vehicle and driver database. The database will be organized to link an individual person or entity (customer) with all vehicles which that customer owns. In order to effect this single customer database, DMV needs to have consistent "processing rules" related to customer identifying information. This rule making will establish consistent processing rules with respect to the customer name. Currently, s. 343.14(2)(a), driver license statute, requires a person to supply his or her "full name," while s. 341.08(2)(a) and 342.06(1)(a), vehicle statutes, merely require the "name" of the applicant. This rule making will define the "name" in vehicle statutes as meaning the "full name" as defined in driver license statutes.

Attached is a copy of CR 02-131 in .pdf format and is also available on FOLIO. Hard copies are available from the Committee Chair, upon request.