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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-122

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.]

1. Statutory Authority

Section 342.30 (2), Stats., provides that “an identification number assigned by the department to a vehicle shall be permanently affixed to a location on the vehicle that is readily visible when observed from outside the vehicle, as specified by the department.” However, s. Trans 158.04 (1) and (2) simply provide that “. . . the VIN plate shall be attached to a location on the vehicle as directed by the department.” As a partial explanation, the first note under s. Trans 158.04 states that “the Department will direct specific location on the vehicle to which the VIN plate is to be attached by way of installation instructions in Form MV2048, which the Department will include with every Wisconsin-issued VIN.” It is understandable that the department would not want to list in the rule where to install a vehicle identification number (VIN) plate on every make of vehicle, recreational vehicle, trailer and semi-trailer; however, the department is directed by statute to specify the VIN location in the rule. If the department does not wish to include the VIN location for every make of vehicle in the rule, perhaps it should request a statutory change.

2. Form, Style and Placement in Administrative Code

a. In s. Trans 158.03 (intro.), “all of the following” should be inserted before the colon. [See s. 1.03 (8), Manual.]

b. The second note under s. Trans 158.04 states that “the department-issued sticker is to be readily visible and readable from the outside of the vehicle and will identify the specific location of the Wisconsin-issued VIN plate on the vehicle.” This information is substantive in nature and should be included in the text of the rule. [See s. 1.09 (1), Manual.]

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

a. In s. Trans 158.04 (2), it appears that a phrase such as “with the” should be inserted before “wording.” In sub. (3), “shall be” should replace “is.”

b. The second note included in s. Trans 158.04 refers to a “department-issued sticker.” Will the department include the sticker with every Wisconsin-issued VIN?

c. Section Trans 158.03 provides that the official Wisconsin VIN consists of: (1) “Department-issued VIN plate with the VIN stamped on it”; and (2) “Department-issued rivets with which to attach the VIN plate to the vehicle.” However, s. Trans 158.04 (3) provides that “For motorcycles only, as specified in s. 342.30 (2), Stats., the Wisconsin-issued VIN is stamped on the left side, near the top of the engine casting just below the cylinder barrel.” Should the description of the official Wisconsin-issued VIN in s. Trans 158.03 include the “stamp” used only on motorcycles?