



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Anne Sappenfield
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 19-059

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The proposed rule meets the standard that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. An “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation.

In this case, the department’s rule on compensation by a manufacturer for warranty repairs performed by a dealer has been codified in conflicting form by an amendment to s. 218.0125, Stats., specifically the creation of s. 218.0125 (3m), Stats., by 2011 Wisconsin Act 91. As such, the rule can no longer be enforced.

2. Form, Style and Placement in Administrative Code

a. In the rule summary’s listing of statutory authority, the department should consider removing s. 110.06, Stats. That section addresses school bus standards. Its relationship to warranty reimbursements in s. Trans 139.06 (8) is not apparent.

b. In the rule summary’s listing of statutes interpreted, the department should consider removing ss. 218.0141 and 218.0146, Stats. These sections address motor vehicle sales contracts and motor vehicle mileage disclosure, respectively. Their relationship to warranty reimbursements in s. Trans 139.06 (8) is not apparent.