

**Report From Agency**

**DATCP Docket No. 05-R-03**  
**Rules Clearinghouse No. 06-028**

**Proposed Final Draft**  
**June 13, 2006**

**PROPOSED ORDER OF THE STATE OF WISCONSIN**  
**DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**  
**ADOPTING RULES**

1  
2 The state of Wisconsin department of agriculture, trade and consumer protection proposes the  
3 following order to repeal ATCP 13.01(2), 70.03(4)(b)(note), 80.02(3)(e), 80.54(1)(a)(note),  
4 155.01(1)(note), (3)(note) and (4)(note) and ch. ATCP 158; to renumber ATCP 13.01(3) to (7);  
5 to amend ATCP 13.02(1)(intro.), 17.01(1)(c), 17.03(2)(note), (4)(b)(intro.) and (4)(b)(note),  
6 40.06(2)(f) and (3), 42.16(1)(b) and (2)(b), 42.32(2)(b), 42.40(4)(b), 42.44(6)(a), 42.54(1)(a),  
7 55.14(2)(a) and (3)(a)(intro.), 69.02(1)(a), (b)(intro.), (c) and (d)(intro.), 70.03(4)(b),  
8 70.22(1)(g)(intro.) and (2), 80.44(2) table 2, 80.50(2)(f) and (3)(d), 80.54(1)(a), 81.02(2) and (3),  
9 82.06(1)(note), 85.01(3) and (9), 88.02(4)(note) and (5)(note), 88.06(2)(note), 92.02(1) and  
10 (note), 92.06(1)(a), (1)(b), (2) and (3)(note), 92.08(1), 92.22(1)(b) and (note), 105.07(1)(b)16.,  
11 111.06, 113.01(1) and (3), 113.02, 118.02(2), 131.07(2)(a), 134.02(1m), 134.09(2)(c)(note), and  
12 155.01(1), (3) and (4); to repeal and recreate ch. ATCP 50 Appendix E, and ch. ATCP 80  
13 Appendix A; and to create ch. ATCP 1 subch. VII, ATCP 29.26(1)(b)(note), and 29.52  
14 (9)(c)(note); relating to small business enforcement discretion and technical changes to various  
15 rules.

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**Analysis Prepared by the Department of Agriculture,**  
**Trade and Consumer Protection**

This rule makes technical changes to a number of current rules administered by the Department of Agriculture, Trade and Consumer Protection (“DATCP”), related to a variety of topics. This rule also describes the discretion that DATCP may exercise in the enforcement of regulations against small business.

### ***Statutory Authority***

Statutory Authority: ss. 93.07(1), 92.05(3)(c), 92.14(8), 93.50(2)(f), 94.72(13)(a), 95.197(2), 95.71(8), 97.09(4), 97.20(4), 97.22(8), 97.41(2) and (5), 98.03(2), 98.18(2), and 895.59, Stats.

Statutes Interpreted: ss. 92.05, 92.14, 94.72, 95.197, 95.71, 97.20, 97.22, 97.41, 98.03, 98.18, 93.50, and 895.59, Stats.

DATCP has broad authority under 93.07(1) to adopt rules needed to implement laws under its jurisdiction. Under s. 895.59, Stats.(created by 2003 Wisconsin Act 145), DATCP is required to adopt rules describing the discretion that it may exercise in enforcement of its regulations against small businesses. DATCP has specific authority, under the provisions cited above, to adopt rules related to each of the topics addressed by this rule.

### ***Rule Content***

#### **Small Business Enforcement Discretion**

Under s. 895.59, Stats. (created by 2003 Wisconsin Act 145), state agencies are required to adopt rules describing the discretion they may exercise when enforcing regulations against small businesses. This rule describes the discretion that DATCP may exercise when enforcing regulations against small businesses. DATCP already exercises enforcement discretion, as described in this rule.

#### **Technical Changes to Current Rules**

This rule makes the following minor technical changes to rules administered by DATCP:

- Conforms fertilizer tonnage fee (agricultural chemical cleanup surcharge) to the current statute. The department is already charging the (lower) statutory fee, not the obsolete (higher) fee that appears in the current rule (ATCP 40).
- Updates technical standards that are incorporated by reference in current commercial feed rules (ATCP 42). The updates refer to the latest edition (2006) of the official publication of the Association of American Feed Control Officials.
- Updates current standards for the professional certification of agricultural engineering practitioners. DATCP coordinated these revisions with the United States Department of Agriculture (NRCS) and county land conservation departments, including practitioners who serve federal, state and county conservation programs.

- Clarifies DATCP’s meat holding order and condemnation authority (ATCP 55).
- Eliminates an inconsistency between rules related to the legal “shelf life” of smoked fish (one rule says 17 days, the other says 21 days). This rule makes the standard 21 days.
- Changes current dairy plant rules (ATCP 80) to make them consistent with current federal standards. This includes minor technical changes related to pasteurization standards, thermometers and temperature readings, as well as updates to technical standards incorporated by reference (ATCP 80 Appendix). The updates refer to the latest editions of the *3-A Sanitary Standards and Accepted Practices* published by the 3-A Sanitary Standards, Inc.
- Updates technical standards that are incorporated by reference in current weights and measures rules (ATCP 92). The updates refer to the latest editions (2006) of current weights and measures handbooks published by the National Institute of Standards and Technology.
- Clarifies that local weights and measures inspectors must be civil service employees (conforms rule to current statute).
- Eliminates minor obsolete accounting provisions in ATCP 105 related to the calculation of cigarette “cost” for purposes of the Unfair Sales Act (“minimum markup law”).
- Clarifies the relationship between the home improvement code (ATCP 110) and the basement waterproofing code (ATCP 111), both of which apply to basement waterproofing services.
- Conforms car rental notice requirements (ATCP 118) to current statute.
- Clarifies prohibition against misleading charity claims in coupon book schemes (ATCP 131).
- Repeals current rules related to dairy cattle grades (ATCP 158), because the rules are obsolete and no longer used.
- Corrects typographical errors and cross-references, eliminates obsolete provisions, conforms rules to current statutes, creates clarifying notes, and makes other non-substantive drafting and organizational changes to current rules.

Pursuant to s. 227.21, Stats., DATCP has requested permission from the Attorney General and the Revisor of Statutes to incorporate updated technical standards by reference.

### *Fiscal Estimate*

DATCP already exercises small business enforcement discretion, as described in this rule, so the effect will be minimal. Fines and forfeitures are paid to the state school fund, not DATCP.



1 (b) The exercise of discretion, in favor of small businesses, is not prohibited by s.  
2 895.59(2), Stats., or other applicable law.

3 *NOTE:* The department exercises enforcement discretion based on a wide variety of  
4 variable factors that may be relevant to each case.  
5

6 (2) The department may consider relevant factors in its exercise of discretion under sub.  
7 (1), including any of the following that may be relevant:

8 (a) The nature and seriousness of the violation.

9 (b) The difficulty and cost of compliance for a small business, as compared to other  
10 businesses.

11 (c) The financial capacity of a small business, as compared to other businesses.

12 (d) The compliance options available, including options for achieving voluntary  
13 compliance.

14 (e) The nature, extent and seriousness of actual or potential harm to the public.

15 (f) The immediacy of potential harm, and the likelihood of continued harm if no action is  
16 taken.

17 (g) The willfulness of the violation, and the likelihood that the violation will continue if  
18 no action is taken.

19 (h) Past history of compliance or noncompliance by the small business.

20 (i) The level of public interest and concern.

21 (j) Whether the small business has had a reasonable opportunity to understand and  
22 comply with the rules.

23 (k) Fairness to the small business and other persons, including competitors and the  
24 public.

25 (L) Whether the small business has voluntarily disclosed the violation.

1           **(3)** An exercise of discretion under sub. (1) may include a decision to forego formal  
2 sanctions, or to seek reduced sanctions for a small business as compared to other businesses.

3           **NOTE:** Fines and civil forfeitures are determined and imposed by courts, not by the  
4 department.

5  
6           **SECTION 2.** ATCP 13.01(2) is repealed.

7           **SECTION 3.** ATCP 13.01(3) to (7) are renumbered to (2) to (6):

8           **SECTION 4.** ATCP 13.02(1)(intro.) is amended to read:

9           ATCP 13.02(1)(intro.) **AUTHORITY.** Pursuant to s. 95.21 (9), stats., the department may  
10 approve, ~~upon recommendation of the council on local rabies control programs,~~ the rabies  
11 control program of a county, city, village or town. A local rabies control program shall include:

12           **SECTION 5.** ATCP 17.01(1)(c) is amended to read:

13           ATCP 17.01(1)(c) ~~Global positioning system~~ Geographic coordinates, if the location has  
14 no street address and no township, range and section numbers.

15           **SECTION 6.** ATCP 17.03(2)(note) is amended to read:

16  
17           **NOTE:** For example, information that was required of license holders and was open to  
18 public inspection prior to the effective date of the livestock ~~facility~~ premises  
19 registration law, s. 95.51, Stats., remains open to public inspection. But premises  
20 registration information required for the first time under s. 95.51, Stats., or this  
21 chapter must be kept confidential.

22  
23           **SECTION 7.** ATCP 17.03(4)(b) and (4)(b)(note) are amended to read:

24           ATCP 17.03(4)(b) The department may not disclose aggregate information under par. (a)  
25 that does any of the following, unless that information qualifies for disclosure under sub. (2) or  
26 (3):-

27           1. Discloses the street address, section number, ~~global positioning system~~ geographic  
28 coordinates of any premises, or the identity of any registrant.

1           2. Makes it possible to deduce with certainty the street address, section number, ~~global~~  
2 ~~positioning system~~ or geographic coordinates of any premises, or the identity of any registrant.

3           **NOTE:** For example, the department may not disclose a detailed map that permits readers  
4           to deduce with certainty the street ~~addresses~~ address, section ~~numbers~~ number or  
5           ~~global positioning system~~ geographic coordinates of any premises, or the  
6           identities of registrants whose premises are portrayed by points on the map.  
7           However, the department may disclose less detailed maps.

8  
9           **SECTION 8.** ATCP 29.26(1)(b)(note) is created to read:

10          **NOTE:** According to s. 94.715(2)(dm), Stats., school boards must ensure that persons  
11          making pesticide applications to public school grounds are certified under s.  
12          94.705, Stats.

13  
14          **SECTION 9.** ATCP 29.52(9)(c)(note) is created to read:

15          **NOTE:** According to s. 94.715(2)(g), Stats., school boards must ensure that warning  
16          signs are posted for pesticide applications to public school grounds.

17  
18          **SECTION 10.** ATCP 40.06(2)(f) is amended to read:

19          ATCP 40.06(2)(f) An agricultural chemical cleanup surcharge of ~~86~~ 63 cents per ton.

20          **SECTION 11.** ATCP 42.06(3) is amended to read:

21          ATCP 42.06(3) SINGLE-INGREDIENT FEEDS. Product names for single-ingredient  
22          commercial feeds shall be consistent with the feed ingredient definitions specified in the ~~2004~~  
23          2006 official publication of the association of American feed control officials.

24          **SECTION 12.** ATCP 42.16(1)(b) is amended to read:

25          ATCP 42.16(1)(b) Paragraph (a) does not apply to a commercial feed which is defined as  
26          a single ingredient feed product by the ~~2004~~ 2006 official publication of the association of  
27          American feed control officials.

28          **SECTION 13.** ATCP 42.16(2)(b) is amended to read:

29          ATCP 42.16(2)(b) The official name of that ingredient as stated in the ~~2004~~ 2006 official  
30          publication of the association of American feed control officials.

1           **SECTION 14.** ATCP 42.32(2)(b) is amended to read:

2           ATCP 42.32(2)(b) The official name of that ingredient as stated in the ~~1998~~ 2006 official  
3 publication of the association of American feed control officials.

4           **SECTION 15.** ATCP 42.40(4)(b) is amended to read:

5           ATCP 42.40(4)(b) By a testing procedure published in the ~~2004~~ 2006 official publication  
6 of the association of American feed control officials.

7           **SECTION 16.** ATCP 42.44(6)(a) is amended to read:

8           ATCP 42.44(6)(a) The dog or cat food, when fed in recommended amounts, meets all  
9 nutrient requirements established in applicable pet nutrient profiles specified in the ~~2004~~ 2006  
10 official publication of the association of American feed control officials.

11          **SECTION 17.** ATCP 42.54(1)(a) is amended to read:

12          ATCP 42.54(1)(a) The non-protein nitrogen ingredients are identified in the ~~2004~~ 2006  
13 official publication of the association of American feed control officials.

14          **SECTION 18.** ATCP 50, Appendix E is repealed and recreated to read:



**AGRICULTURAL ENGINEERING CERTIFICATION  
APPENDIX E**

EMPLOYEE:		OFFICE:			Original		Revised	
SIGNATURE:		TITLE:		DATE:				
CONCURRED BY:		TITLE:	Supervisor	DATE:				
DELEGATED BY:		TITLE:		DATE:				
CERTIFIED BY:		TITLE:	DATCP Agricultural Engineer	DATE:				

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS					MAX APPROVAL LIMIT and CERTIFICATION RATING			
					I	II	III	IV	V	PLNG	DESIGN	CONST	
560	ACCESS ROAD		GRADE	%	10	ALL							
			CULVERT	DRAINAGE AREA	ACRES	10	20	40	160	ALL			
			LIVESTOCK AND EQUIPMENT STREAM CROSSING	VELOCITY	F.P.S.	4	6	8	10	ALL			
575	ANIMAL TRAILS AND WALKWAYS		GRADE	%	ALL								
360	CLOSURE OF WASTE IMPOUNDMENT		NUMBER	EACH	ALL								
362	DIVERSION		DRAINAGE AREA	ACRES	10	20	40	160	ALL				
432	DRY HYDRANT		WATER SOURCE	--	POND	POND	STREAM	ALL					
			LIFT (STATIC HEAD)	FEET	5	10	15	ALL					
			NOMINAL DIAMETER	INCHES	4	4	6	ALL					
396	FISH PASSAGE	DAM REMOVAL		--	ALL								
410	GRADE STABILIZATION STRUCTURE	EARTHEN EMBANKMENTS (HAZARD CLASS "a" ONLY)	DRAINAGE AREA	ACRES	20	80	320	640	2000(c)				
			EFFECTIVE HEIGHT (a)	FEET	10	15	20	25	35				
			STORAGE (b)	AC. FT.	5	15	30	50	85				
			CONDUIT (SINGLE)	INCHES	12	18	24	36	48				
378	POND (EMBANKMENT)	STRUCTURE FOR WATER CONTROL	(STOR. VOL.)x(EFF. HT.)	--	500	1000	1500	2000	3000				
			NET DROP	FEET	2*	3*	4*	4	6				
587	IRRIGATION REGULATING RESERVOIR	BOX DROP TO CULVERT	WEIR CAPACITY	C.F.S.	100*	200*	300*	400	500				
			NET DROP	FEET	2*	3*	4*	3	4				
552	TOEWALLS	CHUTES	WEIR CAPACITY	C.F.S.	100*	200*	300*	300	300				
			NET DROP	FEET	4	6	8	10	12				
			CAPACITY	C.F.S.	50	100	200	250	300				
412	GRASSED WATERWAY		DRAINAGE AREA	ACRES	50	200	600	1300	ALL				
561	HEAVY USE AREA PROTECTION		AREA	SQ. FT.	10000	30000	ALL						
442	IRRIGATION SYSTEM, SPRINKLER		AREA IRRIGATED	ACRES	20	40	80	ALL					
449	IRRIGATION WATER MANAGEMENT												
447	IRRIGATION SYSTEM, TAILWATER RECOVERY		PUMP CAPACITY	GPM	300	500	1000	ALL					
430	IRRIGATION WATER CONVEYANCE AA (Aluminum) DD (Plastic)		CAPACITY (< 50 PSI)	GPM	500	1000	2500	5000					
			CAPACITY (≥ 50 PSI)	GPM	300	500	1500	3500					
468	LINED WATER OR OUTLET		DESIGN CAPACITY (d)	C.F.S.	10	30	100	150	ALL				

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS					MAX APPROVAL LIMIT		
					I	II	III	IV	V	PLNG	DESIGN	CONST
634	MANURE TRANSFER		PUMPED	A.U.	100	300	ALL					
			GRAVITY	A.U.	100	300	ALL					
				FEET	150	250	400					
			RECEPTION TANK (e)	EACH	STAND DRAW	ALL						
719	MILKING CENTER WASTEWATER TREATMENT SYSTEM		FREQUENT HAUL	EACH	ALL							
			RIDGE AND FURROW	EACH	ALL							
			CONSTRUCTED WETLAND	EACH	ALL							
			SUBSURFACE ABSORPTION	EACH	ALL							
			BUFFER	EACH	ALL							
500	OBSTRUCTION REMOVAL		OBSTRUCTION LOCATION	EACH	LAND	STREAM	ALL					
582	OPEN CHANNEL		DESIGN VELOCITY	F.P.S.	2	4	6	8	10			
584	CHANNEL STABILIZATION		DESIGN CAPACITY	C.F.S.	100	200	300	500	1000			
516	PIPELINE		LENGTH	FEET	300	1000	2500	5000	ALL			
			PRESSURE	P.S.I.	25	50	100	200	300			
378	POND (EXCAVATED)		SURFACE AREA	ACRES	1/2	1	ALL					
521A	POND SEALING OR LINING, FLEX., MEM. LINING		AREA TREATED	ACRES	1/4	1/2	1	2	ALL			
521C	POND SEALING OR LINING, BENTONITE TREAT.		AREA TREATED	ACRES	1/4	1/2	1	2	ALL			
533	PUMPING PLANT		PROPELLER CAPACITY	GPM	500	2000	7500					
				STATIC HEAT	Ft.	5	10	15				
			CENTRIFUGAL CAPACITY	GPM	500	1000	1500	2000	3500			
				STATIC HEAD	Ft.	50	100	200	300	350		
			TURBINE CAPACITY	GPM	500	1000	1500	2000	3000			
				STATIC HEAD	Ft.	50	100	200	350	500		
568	RECREATION TRAIL AND WALKWAY		LENGTH	MILES	0.5	ALL						
558	ROOF RUNOFF STRUCTURE		ROOF SIZE (EACH)	SQ. FT.	1500	300	ALL					
350	SEDIMENT BASIN, LIVESTOCK		WALL HT. (STANDARD)	FEET	2*	4*	5*	6*	8*			
			WALL HT. (NON-STD.)	FEET	2	4	5	6	8			
			CONTRIBUTING AREA	SQ. FT.	10000	30000	ALL					
725	SINKHOLE TREATMENT		NUMBER	EACH	ALL							
572	SPOIL SPREADING		AREA	ACRES	0.5	ALL						
574	SPRING DEVELOPMENT		ESTIMATED FLOW	G.P.M.	ALL							
580	STREAMBANK AND SHORELINE PROTECTION	LAKESHORES	WAVE HEIGHT	FEET	0	0	1	2	3			
		STREAMBANK PROTECTION	CAPACITY (j)	C.F.S.	100	300	1000	2000	5000			
			VELOCITY (j)	F.P.S.	2	4	6	8	10			
			CHANNEL MODIFICATION	FEET	100	300	500	1000	ALL			
			FISH HABITAT	FEET	100	300	500	1000	ALL			
606	SUBSURFACE DRAIN		PIPE SIZE	INCHES	4	6	8	12	ALL			
607	SURFACE DRAINAGE; FIELD DITCH		DRAINAGE AREA	ACRES	10	20	50	100	ALL			
608	SURFACE DRAINAGE, MAIN OR LATERAL		DESIGN CAPACITY	C.F.S.	2	4	6	8	10			
			DESIGN VELOCITY	F.P.S.	100	200	300	5000	1000			
600	TERRACE	GRADIENT	EMBANKMENT HEIGHT	FEET	2	3	ALL					
		UNDERGROUND OUTLET	EMBANKMENT HEIGHT	FEET	3	4	6	8	ALL			

STD. CODE	PRACTICE	SUB-PRACTICE	CONTROLLING FACTORS	UNITS	JOB CLASS					MAX APPROVAL LIMIT			
					I	II	III	IV	V	PLNG	DESIGN	CONST	
620	UNDERGROUND OUTLET		PIPE SIZE	INCHES	4	6	8	12	ALL				
313	WASTE STORAGE FACILITY	STRUCTURAL FACILITIES	DESIGN STORAGE VOLUME	CU. FT.	5000	25000	75000	150000	3000000				
			PREQUALIFIED (g)	EACH	ALL, subject to design capacity								
			WALL HT. (STANDARD)	FEET	2*	4*	6*	8*	10*				
				WALL HT. (NON-STD.)(e)	FEET	2	4	6	8	10			
		EARTHEN EMBANKMENT	EFFECTIVE HEIGHT (a)	FEET	10	15	20	25	ALL				
		IN-PLACE EARTH POND	DESIGN CAPACITY	CU.FT.	60000	200000	500000	1M	2M				
		CLAY LINER	DESIGN CAPACITY	CU.FT.	60000	200000	500000	1M	2M				
		GEO-MEMBRANE & GEO-SYNTHETIC CLAY LINER	DESIGN CAPACITY	CU.FT.	60000	200000	500000	1M	2M				
		CONCRETE LINER	DESIGN CAPACITY	CU.FT.	60000	200000	500000	1M	2M				
635	WASTEWATER TREATMENT STRIP	INFILTRATION	CONTRIBUTING AREA	SQ. FT.	5000	10000							
		OVERLAND	CONTRIBUTING AREA	SQ. FT.	5000	10000							
		BUFFERS	CONTRIBUTING AREA	SQ. FT.	5000	10000	30000	ALL					
		MILKING CENTER	VOLUME	G.P.D.	200	300							
638	WATER AND SEDIMENT CONTROL BASIN	EMBANKMENT HEIGHT	FEET	5	10	15							
		STORAGE (b)	AC. FT.	5	10	15							
642	WATER WELL	DIAMETER	INCHES	4	6	8	12	ALL					
		ESTIMATED DEPTH	FEET	--	100	200	300	ALL					
614	WATERING FACILITY (4/02)		NUMBER	EACH	ALL								
351	WELL DECOMMISSIONING	DRILLED WELL	ESTIMATED DEPTH	FEET	100	300	500	ALL					
		DRIVEN WELL POINT	ESTIMATED DEPTH	FEET	10	25	ALL						
		DUG WELL		EACH	ALL								
657	WETLAND RESTORATION	SCRAPE	SURFACE AREA	ACRE	1/2	1	ALL						
		TILE BREAK	DRAIN DIAMETER	INCHES	6	12	ALL						
		DITCH PLUG	DEPTH	FEET	4	6	ALL						
			DRAINAGE AREA	ACRES	80	160	320	640	ALL				
		EMBANKMENT	EFFECTIVE HEIGHT (a)	FEET	4	6	10	ALL					
			DRAINAGE AREA	ACRES	20	40	80	160					
			STORAGE (b)	AC. FT.	5	15	30	50					

\*STANDARD DETAIL DRAWINGS

NOTES:

1. CERTIFICATION IS NOT GRANTED FOR PRACTICES NO SHOWN.
2. OTHER RESTRICTIONS MAY APPLY AS NOTED
3. TO OBTAIN COPIES OF THE ABOVE REFERENCED PRACTICE STANDARDS, SEE THE USDA-NRCS-WISCONSIN TECHNICAL GUIDE, OR APPENDIX E OF ATCP 50, WISCONSIN ADMINISTRATIVE CODE

FOOTNOTES

- a. DIFFERENCE IN ELEVATION IN FEET BETWEEN THE AUXILIARY SPILLWAY CREST (TOP OF EMBANKMENT IF NO AUXILIARY SPILLWAY) AND THE LOWEST POINT IN THE CROSS SECTION TAKEN ALONG THE CENTERLINE OF THE EMBANKMENT
- b. STORAGE – TOTAL STORAGE CAPACITY AT TOP OF THE DAM IN ACRE- FEET.
- c. EFFECTIVE HEIGHT MUST BE LESS THAN 6 FEET
- d. LINED WATERWAY OR OUTLET (468) – THE JOB CLASS WILL BE BASED ON THE 10 YEAR 24 HOUR DURATION PEAK DISCHARGE.
- e. THE MNTC DRAWING Nos. 5.E-33,001 AND 5.E-33,002 AND WISCONSIN STANDARD DRAWINGS IN THE 740 SERIES ARE CLASSIFIED. AS NON-STANDARD DRAWINGS.
- f. MAXIMUM DESIGN VELOCITY, AND THE CHANNEL CAPACITY AT THE DESIGN VELOCITY.
- g. PREQUALIFIED STRUCTURES CAN BE FOUND IN CHAPTER 17 OF THE ENGINEERING FIELD HANDBOOK.

1           **SECTION 19.** ATCP 55.14(2)(a) is amended to read:

2           ATCP 55.14(2)(a) The department may issue a holding order to prohibit the sale or  
3 movement of any meat or meat food product if the department has reasonable grounds to suspect  
4 that the meat or meat food product is unwholesome, adulterated or misbranded, or otherwise fails  
5 to meet the standards or requirements of this chapter or ch. 97, Stats. The department may issue  
6 a holding order pending further examination or analysis to determine whether the meat or meat  
7 food product is unwholesome, adulterated or misbranded, or otherwise fails to meet the standards  
8 or requirements of this chapter or ch. 97, Stats.

9           **SECTION 20.** ATCP 55.14(3)(a)(intro.) is amended to read:

10          ATCP 55.14(3)(a)(intro.) If the department finds that meat or a meat food product is  
11 unwholesome, adulterated, ~~or~~ misbranded, not inspected and approved according to this chapter  
12 or s. 97.42, Stats., or not processed according to this chapter or s. 97.42, Stats., the department  
13 may order the owner or custodian to do any of the following:

14          **SECTION 21.** 69.02(1)(a), (b)(intro), (c), and (d)(intro) are amended to read:

15          ATCP 69.02(1)(a) Completed an 18-month cheesemaking ~~apprenticeship~~ internship  
16 under a licensed cheesemaker, including at least one month's experience in the complete process  
17 of cheesemaking.

18          (b)(intro.) Completed a 12-month cheesemaking ~~apprenticeship~~ internship under a  
19 licensed cheesemaker, including at least one month's experience in the complete process of  
20 cheesemaking, and complete at least one of the following:

21          (c) Completed a 6-month cheesemaking ~~apprenticeship~~ internship under a licensed  
22 cheesemaker, including at least one month's experience in the complete process of

1 cheesemaking, and completed a 4-year dairy-related degree program at an accredited college or  
2 university.

3 (d)(intro.) Completed an ~~apprenticeship~~ internship under a licensed cheesemaker,  
4 including at least 240 hours experience in the complete process of cheesemaking, and completed  
5 department-approved courses in all the following:

6 **SECTION 22.** ATCP 70.03(4)(b) is amended to read:

7 ATCP 70.03(4)(b) The holder of a temporary license may not procure farm products  
8 from producers, except as specifically authorized by the department in writing. The department  
9 may not authorize a food processing plant operator to procure farm products from producers  
10 unless the food processing plant operator complies with ~~s. 100.03~~ subch. VI of ch. 126, Stats.

11 **SECTION 23.** ATCP 70.03(4)(b)(note) is repealed.

12 **SECTION 24.** ATCP 70.22(1)(g)(intro.) is amended to read:

13 ATCP 70.22(1)(g)(intro.) The last date on which the smoked fish may be sold at retail,  
14 which shall be not more than ~~17~~21 days after the processing date under par. (f). This paragraph  
15 does not apply to any of the following:

16 **SECTION 25.** ATCP 70.22(2) is amended to read:

17 ATCP 70.22 (2) Smoked fish shall not be sold more than ~~17~~21 days after the date of  
18 processing unless the smoked fish are exempt under sub. (1)(g).

19 **SECTION 26.** ATCP 80.02(3)(e) is repealed.

1           **SECTION 27.** ATCP 80.44(2), table 2 is amended to read:

**TABLE 2  
PASTEURIZATION REQUIREMENTS FOR  
SELECTED DAIRY PRODUCTS**

<b>Product Group</b>	<b>Batch Pasteurization</b>	<b>HTST Pasteurization</b>
(a) Milk, skim milk, or buttermilk	145°F. (63°C.) for 30 minutes	161°F. (72°C.) for 15 seconds
(b) Cream and fluid dairy products having more than 10% milk-fat	150°F. (66°C.) for 30 minutes	166°F. (75°C.) for 15 seconds
(c) Cream for butter	165°F. (74°C.) for 30 minutes	185°F. (85°C.) for 15 seconds
(d) Condensed dairy products including condensed products in group (a) and blends of those products	150°F. (66°C.) for 30 minutes	166°F. (75°C.) for 15 seconds
(e) High total solids products (>16%)	<del>155°F. (69°C.)</del> <u>150°F. (66°C.)</u> for 30 minutes	166°F. (75°C.) for 15 seconds
(f) Frozen dessert mixes	155°F. (69°C.) for 30 minutes	175°F. (80°C.) for 25 seconds or 180°F. (83°C.) for 15 seconds
(g) Egg nog	155°F. (69°C.) for 30 minutes	175°F. (80°C.) for 25 seconds or 180°F. (83°C.) for 15 seconds
(h) Process cheese	150°F. (66°C.) for 30 seconds	-----

2           **SECTION 28.** ATCP 80.50(2)(f) is amended to read:

3           ATCP 80.50(2)(f) The temperature reading on the indicating thermometer at the start ~~and~~  
4 ~~end~~ of the pasteurization holding period, and at a specific time ~~times~~ identified as points ~~a point~~  
5 on the ~~recorder~~ temperature recording chart.

1           **SECTION 29.** ATCP 80.50(3)(d) is amended to read:

2           ATCP 80.50(3)(d) The temperature reading on the indicating thermometer at the start  
3 ~~and end~~ of each pasteurization run, and at a specific time identified as a point on the  
4 ~~controller~~ temperature recording chart.

5           **SECTION 30.** ATCP 80.54(1)(a) is amended to read:

6           ATCP 80.54(1)(a) Records related to milk receipts and producer payrolls, as required by  
7 s. ATCP ~~400.76~~ 100.32(1). Records under this paragraph shall include milk collection records  
8 received from milk haulers under s. ATCP 82.10(10). Records under this paragraph shall be  
9 retained for at least 3 years.

10           **SECTION 31.** ATCP 80.54(1)(a)(note) is repealed

11           **SECTION 32.** ATCP 80, Appendix A is repealed and recreated to read:

## Chapter ATCP 80

# APPENDIX A

### 3-A SANITARY STANDARDS AND ACCEPTED PRACTICES

The following 3-A standards and 3-A accepted practices establish criteria for the sanitary construction and operation of dairy handling and processing equipment. These standards are published by the “3-A Sanitary Standards, Inc., 1451 Dolley Madison Boulevard, Suite 210, McLean, VA 22101-3850, website [www.3-A.org](http://www.3-A.org), Telephone: (703) 790-0295, Fax: (703) 761-6284. Copies are on file with the department and the revisor of statutes. Copies may be obtained from “3-A Sanitary Standards, Inc. Online Store” at <http://www.techstreet.com>.

**You may also search, order and download standards (in PDF format) by visiting <http://www.3-A.org>.**

#### 3-A SANITARY STANDARDS

<u>Doc. No.</u>	<u>Title (3-A Sanitary Standards for:)</u>	<u>Effective</u>
01-08	Storage Tanks	11/2001
02-09	Centrifugal and Positive Rotary Pumps	11/1996
04-04	Homogenizers and Reciprocating Pumps	11/1996
05-15	Stainless Steel Automotive Transportation Tanks for Bulk Delivery and/or Farm Pick-Up Service	11/2002
10-04	Milk and Milk Products Filters Using Single Service Filter Media	11/2000
11-06	Plate Type Heat Exchangers	11/2001
12-07	Tubular Heat Exchangers	11/2003
13-10	Farm Milk Cooling and Holding Tanks	11/2003
16-05	Milk and Milk Products Evaporators and Vacuum Pans	8/1997
17-10	Formers, Fillers, and Sealers of Containers for Fluid Products	11/2002
18-03	Multiple-Use Rubber and Rubber-Like Materials Used as Product Contact Surfaces	8/1999
19-05	Batch and Continuous Freezers for Frozen Foods	11/1999
20-23	Multiple-Use Plastic Materials Used as Product Contact Surfaces	11/2004



21-00	Centrifugal Separators and Clarifiers	11/2002
22-08	Silo-Type Storage Tanks	11/2004
23-04	Equipment for Packaging Viscous Products	11/2002
24-02	Non-Coil Type Batch Pasteurizers	11/1989
25-03	Non-Coil Type Batch Processors	11/2002
26-04	Sifters for Dry Products	11/2001
27-05	Equipment for Packaging Dry Products	11/2002
28-03	Flow Meters	11/1995
29-02	Air Eliminators	11/2000
30-01	Farm Milk Storage Tanks	9/1984
31-03	Scraped Surface Heat Exchangers	11/2000
32-02	Uninsulated Tanks	8/1994
33-01	Polished Metal Tubing	11/1994
34-02	Portable Bins for Dry Products	09/1992
35-01	Blending Equipment	11/2003
36-01	Inline Rotor-Stator Mixers	11/2003
38-00	Cottage Cheese Vats	8/1997
39-01	Pneumatic Conveyors for Dry Products	11/2003
40-02	Bag Collectors	11/2002
41-01	Mechanical Conveyors for Dry Products	11/1996
42-01	In-Line Strainers	11/1997
43-00	Wet Collectors for Dry Products	9/1997
44-03	Diaphragm Pumps	11/2001
45-02	Crossflow Membrane Modules	11/2003
46-03	Refractometers and Energy-Absorbing Optical Sensors	11/2002
47-00	Centrifugal and Positive Rotary Pumps for Pumping Cleaning and Sanitizing Solutions	11/1996

49-01	Air Driven Sonic Horns for Dry Products	11/2001
50-01	Level Sensing Devices for Dry Products	11/2001
51-01	Plug-Type Valves	11/1998
52-02	Plastic Plug-Type Valves	11/1998
53-02	Compression-Type Valves	01/2002
54-02	Diaphragm-Type Valves	11/1997
55-01	Boot Seal-Type Valves	11/1996
56-00	Inlet and Outlet Leak-Protector Plug-Type Valves	5/1993
57-01	Tank Outlet Valves	11/1996
58-00	Vacuum Breakers and Check Valves	6/1992
59-00	Automatic Positive Displacement Samplers	11/1993
60-00	Rupture Discs	9/1983
61-00	Steam Injection Heaters	11/1994
62-01	Hose Assemblies	11/1996
63-03	Sanitary Fittings	11/2002
64-00	Pressure Reducing and Back Pressure Regulating Valves	11/1993
65-00	Sight and/or Light Windows and Sight Indicators	11/1994
66-00	Caged-Ball Valves	11/1995
68-00	Ball-Type Valves	11/1996
70-01	Italian-Type Pasta Filata Style Cheese Cookers	11/2002
71-01	Italian-Type Pasta Filata Style Cheese Moulders	11/2002
72-01	Italian-Type Pasta Filata Style Moulded Cheese Chillers	11/2002
73-00	Shear Mixers, Mixers, and Agitators	11/1996
74-02	Sensors and Sensor Fittings and Connections	11/2002
75-00	Belt-Type Feeders	11/1998
78-01	Spray Devices to Remain in Place	11/2003
81-00	Auger-Type Feeders	11/1998

82-00	Pulsation Dampening Devices	11/2002
83-00	Enclosed Cheese Vats and Tables	11/2003
84-00	Personnel Access Ports for Wet Applications	11/2003
85-00	Double-Seat Mixproof Valves	11/2004

### **3-A ACCEPTED PRACTICES**

<b><u>Doc. No.</u></b>	<b><u>Title (3-A Accepted Practices for:)</u></b>	<b><u>Effective</u></b>
603-06	Sanitary Construction, Installation, Testing, and Operation of High-Temperature Short-Time and Higher-Heat Shorter-Time Pasteurizer Systems	12/1992
604-05	Supplying Air Under Pressure for Contact with Product or Product Contact Surfaces	11/2004
605-04	Permanently Installed Product and Solution Pipelines and Cleaning Systems	8/1994
606-05	Design, Fabrication, and Installation of Milking and Milk Handling Equipment	11/2002
607-05	Milk and Milk Products Spray Drying Systems	11/2004
608-02	Instantizing Systems	11/2001
609-03	Method of Producing Steam of Culinary Quality	11/2004
610-01	Sanitary Construction, Installation, and Cleaning of Crossflow Membrane Processing Systems	11/2003
611-00	Farm Milk Cooling and Storage Systems	11/1994

1           **SECTION 33.** ATCP 81.02(2) and (3) are amended to read:

2           ATCP 81.02(2) LICENSE APPLICATION. Application for a biennial cheese grader license  
3 shall be made on a form provided by the department. The application shall be accompanied by  
4 ~~each applicable~~ the fee and surcharge required under (3). An application shall include all of the  
5 information required under this section for licensing purposes.

6           (3) LICENSE FEE. A person applying for a license under sub. (1) shall pay ~~an annual~~ a  
7 license fee of \$60.

8           **SECTION 34.** ATCP 82.06(1)(note) is amended to read:

9           **NOTE:** Copies of the “3-A Standards” are on file with the department and the revisor of  
10 statutes. Copies may be purchased from the ~~International Association of Milk,~~  
11 ~~Food and Environmental Sanitarians~~ International Association for Food  
12 Protection, 6200 Aurora Avenue, Suite 200 W., Des Moines, IA 50322.

13           **SECTION 35.** ATCP 85.01(3) is amended to read:

14           ATCP 85.01(3) “Butter” ~~means the dairy product defined~~ has the meaning given in s.  
15 ~~97.01(12)~~ 97.01(1), Stats.

16           **SECTION 36.** ATCP 85.01(9) is amended to read:

17           ATCP 85.01(9) “Milk” ~~means the dairy product defined~~ has the meaning given in s.  
18 ~~97.01(13)~~ 97.01(10)(a), Stats.

19           **SECTION 37.** ATCP 88.02(4)(note) is amended to read:

20           **NOTE:** The “List of Proprietary Substances and Nonfood Compounds,” published  
21 semiannually by the United States department of agriculture, is on file with the  
22 department and may be obtained from the United States department of agriculture,  
23 agricultural marketing service, poultry ~~division, grading branch, 100 stockyards~~  
24 ~~road, room 209, South St. Paul, MN 55075~~ programs, grading branch, 1400  
25 Independence Avenue, S.W., Room 3938-South Building, Washington, D.C.  
26 20250, STOP 0256.

1           **SECTION 38.** ATCP 88.02(5)(note) is amended to read:

2           **NOTE:** The “List of Proprietary Substances and Nonfood Compounds,” published  
3           semiannually by the United States department of agriculture, is on file with the  
4           department and may be obtained from the United States department of agriculture,  
5           agricultural marketing service, poultry ~~division, grading branch, 100 stockyards~~  
6           ~~road, room 209, South St. Paul, MN 55075~~ programs, grading branch, 1400  
7           Independence Avenue, S.W., Room 3938-South Building, Washington, D.C.  
8           20250, STOP 0256.

9           **SECTION 39.** ATCP 88.06(2)(note) is amended to read:

10          **NOTE:** United States consumer grades and sizes are described in “United States  
11          Standards, Grades, and Weight Classes for Shell Eggs” under ~~title 7, code of~~  
12          ~~federal regulations part 56, subpart C-7~~ CFR 56 (c). A copy may be purchased  
13          from the United States department of agriculture, agricultural marketing service,  
14          poultry ~~division, grading branch, room 209, 100 stockyards road, South St. Paul,~~  
15          ~~MN 55075~~ programs, grading branch, 1400 Independence Avenue, S.W., Room  
16          3938-South Building, Washington, D.C. 20250, STOP 0256.

17          **SECTION 40.** ATCP 92.02(1) is amended to read:

18            ATCP 92.02(1) Except as provided in this chapter, weighing and measuring devices  
19            shall comply with applicable specifications, tolerances and other technical requirements set forth  
20            in the national institute of standards and technology handbook 44 (specification, tolerances and  
21            other technical requirements for weighing and measuring devices), ~~2004~~ 2006 edition.

22          **SECTION 41.** ATCP 92.02(1)(note) is amended to read:

23          **NOTE:** See s. 98.03 (2), Stats. The current edition of the National Institute of Standards  
24          and Technology Handbook 44 (Specifications, Tolerances and Other Technical  
25          Requirements for Weighing and Measuring Devices) is on file with the  
26          department and the revisor of statutes. Copies may be purchased from the U.S.  
27          ~~government printing office Washington, D.C. 20402-9325~~ Government Printing  
28          Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-  
29          7954.

1           **SECTION 42.** ATCP 92.06(1)(a) is amended to read:

2           ATCP 92.06(1)(a) The national institute of standards and technology handbook 44  
3 (specifications, tolerances, and other technical requirements for weighing and measuring  
4 devices), ~~2004~~ 2006 edition.

5           **SECTION 43.** ATCP 92.06(1)(b) is amended to read:

6           ATCP 92.06(1)(b) The national institute of standards and technology handbook 133  
7 (checking the net contents of packaged goods), ~~2003~~ 2005 edition.

8           **SECTION 44.** ATCP 92.06(2) is amended to read:

9           ATCP 92.06(2) PRICE VERIFICATION SYSTEMS. Inspections of price verification systems  
10 shall comply with section 7 “test procedures” from the chapter titled “Examination procedure for  
11 price verification,” national institute of standards and technology handbook 130 (uniform laws  
12 and regulation in the areas of legal metrology and engine fuel quality), ~~2004~~ 2006 edition.

13          **SECTION 45.** ATCP 92.06(3)(note) is amended to read:

14          **NOTE:** The standards incorporated by reference in subs. (1) and (2) are on file with the  
15 department and the revisor of statutes. Copies may be ~~obtained~~ purchased from  
16 the U.S. Government Printing Office, ~~Stop SSOP, Washington, D.C. 20402-0001~~  
17 Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-754.

18          **SECTION 46.** ATCP 92.08(1) is amended to read:

19          ATCP 92.08(1) HIRING. A municipality that has a weights and measures program under  
20 s. 98.04, Stats., shall hire its inspectors from a list of applicants whose qualifications have been  
21 certified by the state or local civil service agency under the rules of the agency. ~~A municipality~~  
22 ~~may hire or contract with an inspector who is not a permanent civil service employee, provided~~  
23 ~~that an open recruitment or bidding process is used to recruit, evaluate or certify the~~  
24 ~~qualifications of prospective inspectors.~~

1           **SECTION 47.** ATCP 92.22(1)(b) is amended to read:

2           ATCP 92.22(1)(b) Comply with applicable requirements contained in the national  
3 institute of standards and technology handbook 44 (specifications, tolerances, and other technical  
4 requirements for weighing and measuring devices), ~~2004~~ 2006 edition.

5           **SECTION 48.** ATCP 92.22(1)(b)(note) is amended to read:

6           **NOTE:** The national institute of standards and technology handbook 44, ~~2004~~ 2006  
7 edition, is on file with the department and the revisor of statutes. You may  
8 purchase copies of this handbook from the U.S. Government Printing Office, ~~Stop~~  
9 SSOP, Washington, D.C. 20402-0001 Superintendent of Document Sales, P.O.  
10 Box 371954, Pittsburgh, PA 15250-7954.

11          **SECTION 49.** ATCP 105.07(1)(b)16. is amended to read:

12          ATCP 105.07(1)(b)16. Salaries, fringe benefits and other remuneration, including  
13 officers' salaries and payroll taxes, except as allocated under subs. (2)(b)13. and (3)(b)1. and 2.a.  
14 ~~If officers or other management personnel receive no remuneration or token remuneration, a~~  
15 ~~value shall be placed on their services at a rate no lower than the average labor rate paid in~~  
16 ~~Wisconsin by the "Food and Kindred Products Industry", reported by the Wisconsin department~~  
17 ~~of workforce development as part of its published earnings and hours data.~~

18          **SECTION 50.** ATCP 111.06 is amended to read:

19          **ATCP 111.06 Interpretation.** A seller under this chapter is also a seller under s. ATCP  
20 ~~110.01(4)~~ 110.01(5) and is subject to ch. ATCP 110 ~~home improvement trade practice rules.~~ In  
21 the event of any conflict between this chapter and ch. ATCP 110, ~~the provisions of ch. ATCP~~  
22 ~~111~~ such that a seller cannot comply with one chapter without violating the other, this chapter  
23 shall prevail.

1           **SECTION 51.** ATCP 113.01(1) is amended to read:

2           ATCP 113.01(1) To state or otherwise represent that the gasoline has a specified octane  
3 value or rating when such value or rating has been determined by a test method other than one  
4 which is recognized by the American Society for Testing Materials International as standard for  
5 the industry.

6           **SECTION 52.** ATCP 113.01(3) is amended to read:

7           ATCP 113.01(3) To use any statement, design or device which may induce prospective  
8 purchasers to believe that such gasoline is of greater value for motor car use because it contains  
9 high octane value components without clearly stating the octane value or rating of the total  
10 product advertised, as determined by a method which is recognized by the American Society for  
11 Testing Materials International as standard for the industry.

12           **SECTION 53.** ATCP 113.02 is amended to read:

13           **ATCP 113.02 Test methods, standards.** The test methods prescribed in s. ATCP  
14 113.01(1) and (3) are set forth in the book “ASTM Manual for Rating Motor Fuels by Motor and  
15 Research Methods”, published 1956, copies of which are on file at the offices of the state  
16 department of agriculture, trade and consumer protection, ~~secretary of state~~ and revisor of  
17 statutes, and which may be obtained from American Society for Testing Materials, ~~1916 Race~~  
18 ~~Street, Philadelphia, Pennsylvania.~~ International, 100 Barr Harbor Dr., P.O. Box C700, West,  
19 Conshohocken, PA 19428-2959.

20           **SECTION 54.** ATCP 118.02(2) is amended to read:

21           ATCP 118.02(2) Rental companies that offer or sell a damage waiver shall provide each  
22 renter a written notice having the following form and content. The rental company shall provide  
23 the notice to the renter as part of the rental agreement, or as a separate document, without other



1 text or markings, before the renter enters into a rental agreement. If a separate document is used,  
2 ~~The~~ the rental company shall give ~~the~~ each renter one complete copy of the notice signed by ~~the~~  
3 that renter and shall retain one complete signed copy with the company's copy of the rental  
4 agreement for a period of six years. The rental company may retain its copy in photographic or  
5 electronic form. A rental company that retains its copy in photographic or electronic form shall  
6 print that copy for the department upon request. The notice shall:

7 (a) Be printed ~~on the face of a single page 8 1/2 by 11 inches in size,~~ with text in 11-point  
8 type, except that title and headings shall be capitalized and in 13-point type bold face; If a  
9 separate document is used, it shall be printed on paper 8 1/2 by 11 inches in size.

10 (b) Contain the following information in the following format.

#### 11 **NOTICE ABOUT LIABILITY FOR DAMAGE TO THE RENTAL CAR**

12 The State of Wisconsin requires us to provide the following information about your liability for  
13 damage to a rental car and the purchase of a damage waiver.

#### 14 **LIABILITY FOR DAMAGE TO THE RENTAL CAR**

15 The rental agreement makes you and any authorized driver liable for any damage to the rental car  
16 caused by an accident, or by intentional, reckless or wanton misconduct, or by theft that you may  
17 have intentionally caused. Total liability for any damage is limited to:

18 1) reasonable repair costs, less discounts available to us, or  
19 the fair market value of the car, whichever is less, and

20 2) actual and reasonable towing costs, and ~~up to two days~~ for storage costs during the  
21 period before you notify the rental company of the damage to the vehicle or for 14  
22 days after the damage occurs, whichever period is shorter.

#### 23 **LIABILITY FOR DAMAGE AFTER THE RENTAL CAR HAS BEEN STOLEN**

1 If a person who drives the rental car without your authorization causes damage to the car, you  
2 may be liable for the damage as though you or an authorized person was driving the car unless  
3 you do all of the following:

4 1) Refrain from leaving the ignition key in the car when you are not in the car.

5 2) Always keep the ignition key in your possession.

6 3) Immediately report to the local police if you learn the car has been stolen, or that an  
7 unauthorized person is driving the car.

8 4) Cooperate fully with the local police by providing any information you know that  
9 may be helpful.

#### 10 **INSURANCE OR CREDIT CARD COVERAGE**

11 Liability for any damage may be covered by your personal insurance policy or credit card  
12 agreement. Check your insurance policy or credit card agreement about coverage.

#### 13 **DAMAGE WAIVER COVERAGE**

14 A damage waiver is **not** insurance coverage. If you purchase a damage waiver for \_\_\_\_\_ per  
15 day, we will waive our right to hold you or any authorized driver liable for damage. Even if you  
16 buy a damage waiver, you and any authorized driver will remain liable for damage if any of the  
17 following apply:

18 1) ~~The damage is caused by you, You cause,~~ or any authorized driver, causes, the  
19 damage intentionally or by reckless or wanton misconduct;

20 2) The damage occurs while you, or any authorized driver, operates the car in this state  
21 while under the influence of an intoxicant or other drug, as described by the laws of this state.

22 3) The damage occurs while you, or any authorized driver, operates the car in another  
23 state while under the influence of an intoxicant or other drug, as described by the laws of that

1 state.

2 4) The damage occurs while you, or any authorized driver, is engaged in a race, speed, or  
3 endurance contest.

4 5) The damage occurs while you or any authorized driver is using, or has directed  
5 another to use, the car in the commission of a misdemeanor, or a felony, as defined by s. 939.60,  
6 Stats.

7 6) The damage occurs while you are using, or any authorized driver is using, ~~use~~ the car  
8 to carry persons or property for hire.

9 7) The damage occurs while you are using, or any authorized driver is using, the car  
10 outside the United States and Canada, ~~unless use outside of these countries is~~ except as permitted  
11 under the rental agreement.

12 8) The damage occurs while the car is operated on a surface not intended for use by  
13 private passenger vehicles.

14 9) You provide us misleading or false information in order to rent the car, which causes  
15 us to rent you the car when we would not have otherwise done so, or on terms to which we  
16 would not have otherwise agreed.

17 10) You, or an authorized driver who was operating the car when an accident occurred,  
18 fail to promptly report, to us and the police, the accident resulting in damage to the car.

19 11) The damage is caused by an unauthorized driver if you did not report a theft to the  
20 police within 24 hours after you learned the unauthorized driver took possession of the car, did  
21 not cooperate with the police in providing information about the theft, or left the ignition key in  
22 the car at the time of the theft.

23 **NOTICE OF RIGHT TO INSPECT DAMAGE**

1 If the car is damaged, we may not collect any amount for the damage unless you, or an  
2 authorized driver against whom we claim liability, have been promptly notified of your and your  
3 insurers' right to inspect the unrepaired car within two working days after we were notified of the  
4 damage. If you request, we must also give you a ~~copies~~ copy of two estimates any estimate we  
5 have obtained from ~~a repair shops~~ shop regarding any damage claim. Within 2 working days  
6 after receiving that estimate, you may request a second estimate from a competing repair shop  
7 and we must give you a copy of the second estimate.

## 8 **COMPLAINTS**

9 If you have any complaints about our attempt to hold you liable for damages or would like a  
10 copy of the state law that fully sets forth your rights and obligations, contact:

11 Wisconsin Consumer Protection Bureau

12 P.O. Box 8911, Madison, WI 53708-8911

13 608-224-4960 (Madison area) or toll-free 1-800-422-7128

14 Date: \_\_\_\_\_ Renter's Signature \_\_\_\_\_

15 **SECTION 55.** ATCP 131.07(2)(a) is amended to read:

16 ATCP 131.07(2)(a) That proceeds from the sale of any coupon will be donated to any  
17 charity, civic or religious group, or other nonprofit organization unless such representation is  
18 true, and the amount to be donated is disclosed ~~as required by s. 100.18 (4), Stats.~~ in one of the  
19 following forms:

- 20 1. The minimum amount stated in dollars.
- 21 2. The minimum percentage of the gross income.
- 22 3. The minimum percentage of the net income.

1           **SECTION 56.** ATCP 134.02(1m) is amended to read:

2           ATCP 134.02(1m) “Consumer credit report” has the meaning given for “consumer  
3 report” in 15 USC 1681a(d).

4           **SECTION 57.** ATCP 134.09(2)(c)(note) is amended to read:

5           **NOTE:** The separate written document under par. ~~(b)~~ (c) may be pre-printed.

6           **SECTION 58.** ATCP 155.01(1) is amended to read:

7           ATCP 155.01(1) “Contractor” ~~has the meaning specified~~ means a vegetable contractor as  
8 defined in s. ~~400.03(1)(f)~~ 126.55 (14), Stats.

9           **SECTION 59.** ATCP 155.01(1)(note) is repealed.

10          **SECTION 60.** ATCP155.01(3) is amended to read:

11          ATCP 155.01(3) “Procurement contract” ~~has the meaning specified~~ means a vegetable  
12 procurement contract as defined in s. ~~400.03(1)(vm)~~ 126.55 (15), Stats.

13          **SECTION 61.** ATCP 155.01(3)(note) is repealed.

14          **SECTION 62.** ATCP 155.01(4) is amended to read:

15          ATCP 155.01(4) “Producer” ~~has the meaning specified~~ means a vegetable producer as  
16 defined in s. ~~400.03(1)(w)~~ 126.55 (16), Stats.

17          **SECTION 63.** ATCP 155.01(4)(note) is repealed.

18          **SECTION 64.** ch. ATCP 158 is repealed.

19

1           **EFFECTIVE DATE AND INITIAL APPLICABILITY:** This rule takes effect on the first day of  
2 the month following publication in the Wisconsin administrative register, as provided under s.  
3 227.22 (2) (intro), Stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006

STATE OF WISCONSIN

DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By \_\_\_\_\_  
Rodney J. Nilsestuen,  
Secretary