

CR 84-196

CERTIFICATE

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State of Wisconsin)
Department of Transportation) ss.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

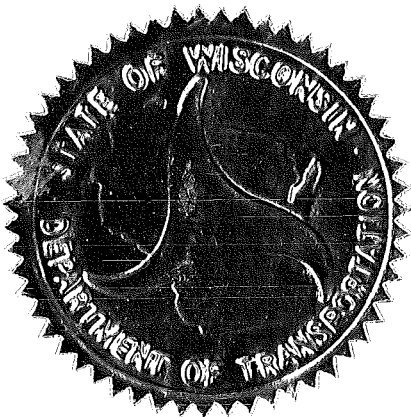
I, Lowell B. Jackson, P.E., Secretary of the Wisconsin Department of Transportation and custodian of the official records of the Department, do hereby certify that the annexed rule relating to the traffic violation and registration program was duly approved and adopted by this Department on January 31, 1985.

I further certify that the annexed copy has been compared by me with the original on file in this Department and that the same is a true copy thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation, in the City of Madison, Wisconsin, this 31st day of January, 1985.

Lowell B. Jackson

LOWELL B. JACKSON, P.E.
Secretary
Wisconsin Department of
Transportation



OFFICE OF THE SECRETARY

IN THE MATTER OF THE ORDER TO	:	
AMEND TRANS 128, WIS. ADMIN. CODE,	:	ORDER ADOPTING
RELATING TO THE TRAFFIC VIOLATION	:	RULE
AND REGISTRATION PROGRAM	:	

Clearing House Rule 84-196

Analysis Prepared by the Wisconsin Department of Transportation

General summary of rule. This order adopting rule amends sections of Chapter TRANS 128, Wis. Admin. Code, relating to the Traffic Violation and Registration Program. The Traffic Violation and Registration Program (TV&RP) was created by Chapter 34, Laws of 1979, which was effective July 1, 1981. This legislation required the Department to refuse vehicle registration when a court notified the Department that a judgment had been entered against a person and remained unpaid. The court notification must include a certification that a warrant was served on the person against whom the judgment was entered. When the person pays the judgment, the court is required to immediately notify the department and registration privileges are reinstated.

Chapter 165, Laws of 1981, effective July 1, 1982, expanded the program to also allow a local authority to notify the Department if a person does not respond to a "non-moving traffic violation" either by paying or appearing in court within 28 days after issuance. A "non-moving traffic violation" is any parking of a vehicle in violation of a statute or an ordinance.

Upon notifying the Department, the local authority has the option of requiring the Department to immediately suspend the registration of the vehicle involved, or to refuse to register any vehicle owned by the person, or both. Before notifying the Department, the local authority is required to send the person two separate notices about the unpaid parking ticket, including information on how the person can respond to the ticket and what action the local authority and the Department may take if the person does not respond within the 28-day limit.

Once the person pays the forfeiture or appears in court to contest the parking ticket, the local authority is required to immediately notify the Department, and registration privileges are reinstated.

1983 Wisconsin Act 330, effective May 1, 1984, provides that state agencies and campuses of the University of Wisconsin system may also use the program to recover their parking ticket forfeitures. It also created a definition for "authority" to include these two government systems in addition to local authorities.

1983 Wisconsin Act 103, effective December 4, 1984, and 1983 Wisconsin Act 169, effective March 29, 1984, provide that liability for the payment of a forfeiture resulting from a non-moving traffic violation issued to a rented or leased vehicle may be shared by the owner (rental or leasing company) and the renter or lessee.

Rental or leasing companies are relieved of responsibility for unpaid parking tickets if they provide the issuing law enforcement agency with information about the renter or lessee who was in possession of the vehicle at the time of the violations.

The law enforcement agency must attempt to obtain payment from the renter or lessee by mailing two warning notices within a 28-day period. If payment is not received by 30 days after the mailing of the second notice, the law enforcement agency may direct the Department of Transportation to refuse registration of any vehicles owned by the renter or lessee.

At this point, the rental or leasing company becomes responsible for 50% of the forfeiture. If they fail to pay this 50% portion within 30 days after receiving written notice of this obligation, the law enforcement agency may direct the Department of Transportation to suspend the registration of only the vehicle involved in the violation.

If the issuing law enforcement agency should eventually receive full payment of the forfeiture from the renter or lessee, and 50% payment from the rental or leasing company, the 50% overpayment shall be refunded to the rental or leasing company.

The rule has been changed as follows:

1. The term "local authority" has been changed to "authority" throughout the rule.

2. TRANS 128.02(2) refers to the definition for "authority" provided in s. 345.28(1)(a), Stats. (1983 Wisconsin Act 330).

3. TRANS 128.02(9) creates a definition for "state agency." It is a liberal definition to allow the appropriate sub-unit level within an agency to participate in the program.

4. TRANS 128.04(2)(b) and TRANS 128.05(2)(b) limit to 40 the number of cases which may be processed against a registration record. The original design of the TV&RP data processing system contained this limitation. To date, only the City of Milwaukee and the City of Kenosha have submitted over 40 cases which involve one specific registration record. Both municipalities were advised of the system limitation and accepted it as reasonable.

5. TRANS 128.06(2)(a) describes a 30-day warning notice that must be mailed before the Department may cancel a registration upon notification of an unpaid judgment, if the registration has been renewed prior to the beginning of its registration period. The language has been changed to clarify that the 30-day notice is required only if the registration has been renewed rather than after the mailing of the renewal notice.

6. TRANS 128.07(2)(b) relates to the refusal to register any vehicles owned by a person, if the Department cannot suspend the license plate number supplied. The language has been changed to specify that this action will not be taken against rental and leasing companies.

7. TRANS 128.08(1) provides clarification that the Department shall not take action against the person upon receiving notification, but only upon entering the unpaid judgment or unpaid citation on the Department's records.

8. TRANS 128.08(1)(e) provides clarification that the Department will not allow a person to acquire registration as part of the transfer of ownership of a vehicle.

9. TRANS 128.08(2) changes the action the Department shall take under specific circumstances from suspension of registration to cancellation of registration. This amendment is recommended because it is procedurally more efficient for the Department to cancel a registration than to suspend it. Although the penalties for operating after suspension and operating after cancellation vary, under both sanctions the vehicle cannot be legally operated.

10. TRANS 128.08(1)(b)2 describes a 30-day warning notice that must be mailed before the Department may cancel a registration upon notification of an unpaid citation, if the registration has been renewed prior to the beginning of its registration period. The language has been changed to clarify that the 30-day notice is required only if the registration has been renewed rather than after the mailing of the renewal notice.

11. TRANS 128.08(3) limits to 255 the number of vehicles which may be refused registration as a result of an unpaid judgment case or an unpaid citation case.

12. TRANS 128.09(1)(c) expands the exceptions to refusing a transfer of ownership to include an involuntary transfer. A listing of specific types of involuntary transfers is included.

13. TRANS 128.12(4) describes the method used to determine the per case rate of payment. The language has been modified to make the rate calculation more easily understood.

14. TRANS 128.12(8) described special credit provisions for the City of Milwaukee. This subsection has been deleted because Milwaukee's original contribution has been repaid and these credit provisions are no longer necessary.

Fiscal estimate. No anticipated fiscal effect on state or local government.

Authority for rule. Sections 85.13, 110.06(1), 227.014, 345.28, 345.47(1)(d), Stats.

Forms. MVD 2458C and MVD 2502, Notice of Unpaid Citation, is used by an authority to notify the Department of an unpaid citation under s. 345.28(4), Stats. Minor revisions were made to forms by expanding the preprinted certification area and changing the term "local authority" to "authority" where appropriate.

Other pre-existing forms in use that did not require revision are:

MVD 2, License Plate Renewal Notice, used by the Department to notify a person that vehicle registration is expiring.

MVD 3, License Plate Renewal Notice-Statement, used by the Department to notify a person that vehicle registration is expiring.

MVD 2458, Notice of Unpaid Judgment, is used by a court to notify the Department of an unpaid judgment under s. 345.47(1)(d), Stats.

MVD 2458D, Statement of Good Faith, is used to ensure a transfer of ownership can be allowed and will not defeat the purpose of this program.

MVD 3399, Temporary Driving Receipt, under s. 345.28(5)(b)2.a., Stats., is used by a law enforcement officer as a receipt for deposit of an operator's license in lieu of serving a warrant and arresting a person, and also serves as a temporary driving receipt.

Pursuant to authority vested in the department of transportation by ss. 85.13, 110.06(1), 227.014, 345.28, and 345.47(1)(d), Stats., the department hereby amends rules interpreting ss. 85.13, 341.08(4m), 341.10(7) and (7m), 341.63, 341.64, ch. 342, 345.17, 345.28, and 345.47(1)(d), Stats., as follows:

Section 1. TRANS 128 is amended as follows:

Chapter Trans 128

TRAFFIC VIOLATION AND REGISTRATION PROGRAM

- Trans 128.01 Purpose and scope
- Trans 128.02 Definitions
- Trans 128.03 Local unit of government or other authority participation or termination
- Trans 128.04 Notice of unpaid judgment and notice of satisfaction
- Trans 128.05 Notice of unpaid citation and notice of satisfaction
- Trans 128.06 Actions associated with unpaid judgment cases
- Trans 128.07 Actions associated with unpaid citation cases
- Trans 128.08 Refusal of registration
- Trans 128.09 Transfer of vehicle ownership while registration suspended
- Trans 128.10 Renewal forms for vehicle registration
- Trans 128.11 Resolution of errors
- Trans 128.12 Cost of traffic violation and registration program

Trans 128.01 Purpose and scope. (1) STATUTORY AUTHORITY. As authorized by ss. 85.13, 110.06(1), 227.014, 345.28, and 345.47(1)(d), Stats., the purpose of this chapter is to establish the department of transportation's administrative interpretation of ss. 85.13, 341.08(4m), 341.10(7) and

(7m), 341.63, 341.64, 345.17, 345.28, and 345.47(1)(d), and ch. 342, Stats., relating to a traffic violation and registration program to refuse vehicle registration as a result of unpaid judgments and to suspend or refuse vehicle registration as a result of unpaid parking tickets.

(2) **APPLICABILITY.** This chapter applies to any local unit of government or other authority electing to participate in the traffic violation and registration program, to any court or ~~local~~ authority or delegated agency processing cases on behalf of participating local units of government or other authority, and to any person subject to any judgment or parking citation that remains unpaid.

Note: Forms used in administering this rule include MVD 2, license plate renewal notice; MVD 3, license plate renewal notice-statement; MVD 2458, notice of unpaid judgment, under s. 345.47(1)(d), Stats.; MVD 2458C and MVD 2502, notice unpaid citation, under s. 345.28(4), Stats.; MVD 2458D, statement of good faith; and MVD 3339, driving receipt, under s. 345.28(5)(b) 2.a.

Trans 128.02 Definitions. In this chapter:

(1) "Applicant" means any person applying for Wisconsin vehicle registration.

(2) "Authority" has the same meaning as in s. 345.28(1)(a) and includes state agency as defined in sub (9).

{3} (3) "Case" means an unpaid judgment or unpaid citation which includes both a notice of unpaid judgment or unpaid citation and a subsequent notice of satisfaction.

{3} (4) "Delegated agency" means the entity designated by ~~a local~~ an authority to submit unpaid citation and satisfaction notices on behalf of the local unit of government or other authority.

{4} (5) "Department" means the Wisconsin department of transportation.

{5} (6) "Local authority" has the same meaning as in s. 340.01(26), Stats.

{6} (7) "Local unit of government" means any county, city, village, town or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.

{7} (8) "Registrant" means any person who is the holder of Wisconsin vehicle registration.

(9) "State agency", as used in the definition of authority, means any office, department, or independent agency of Wisconsin state government, including any sub-unit level with the authority to administer the provisions of this chapter.

~~(8)~~ (10) "Unpaid judgment" means an unpaid traffic forfeiture judgment submitted to the department under ch. 345, Stats.

~~(9)~~ (11) "Unpaid citation" means a ticket for a nonmoving traffic violation as defined in s. 345.28(1), Stats., which has not been paid and for which the person has not appeared in court.

~~(10)~~ (12) "Working capital" means the excess of current assets over current liabilities, including amounts required for continuing system development.

Trans 128.03 Local unit of government or other authority participation or termination. (1) NOTIFICATION REQUIREMENTS. A local unit of government or other authority electing to participate or terminate participation in the traffic violation and registration program shall notify the department in writing at least 30 days before the effective date of participation or termination. The department may delay the effective date of participation beyond the 30 day period if the participant anticipates submitting a high volume caseload.

(2) CONTENTS OF NOTIFICATION. The notification from the local unit of government or other authority shall include:

— (a) The effective date of participation; —

(b) Method of payment as described in s. Trans 128.12(5);

(c) Estimated annual volume of cases that will be sent to the department;

(d) Whether there is a municipal court, and if so, the name, address, and phone number of the court and the address where court payments should be made;

(e) The name, address, and phone number of the local authority or delegated agency and the address where citation payments should be made;

(f) A statement describing the approval of participation action taken by the local authority; and

(g) The signature and title of the person submitting the notice for the local unit of government or other authority.

(3) COPIES TO COURT AND DELEGATED AGENCY. The local unit of government or other authority shall send a copy of all notices sent to the department under this section to the clerk of any circuit court or municipal court and to any delegated agency that processes cases on its behalf.

Trans 128.04 Notice of unpaid judgment and notice of satisfaction.

(1) SIZE AND CONTENT. (a) The notice of unpaid judgment shall be 8½" x 5½" and, in addition to the information required by s. 345.47(1)(d), Stats., shall contain, and the court shall provide:

1. The name and address of the court;
2. The name of the local unit of government or other authority that the action is on behalf of;
3. The signature or facsimile signature of the judge or the representative authorized by the court;
4. The date the notice is signed;
5. The title of the person signing;
6. The 13 position judgment case number generated as prescribed by the department to include a unique number assigned to each court, the date, and a serial number; and
7. A section for notice of satisfaction containing;
 - a. The signature or facsimile signature of the judge or representative authorized by the court;

- b. The date the judgment was satisfied;
- c. The date the satisfaction is signed; and
- d. The title of the person signing.

(b) The notice also shall allow for reporting of the following information at the discretion of the court.

1. The court case number assigned by the court;
2. The state of issue and year of expiration of the license number of the vehicle involved;
3. The state of issue and driver's license number of the person named on the notice; and
4. The date of birth of the person named on the notice.

Note: Form MVD 2458.

(2) SCOPE. (a) A notice of unpaid judgment may be created for any and all violations included in any and all warrants, if all are included under one unpaid judgment case number. After a notice of unpaid judgment has been submitted to the department, any additional violation or violations

which result in additional unpaid judgments shall be submitted as a separate notice of unpaid judgment.

(b) A maximum of 40 cases will be entered on the department's records on any one registration record. Cases received in excess of this number will be returned to the appropriate authority or delegated agency.

(3) NOTIFICATION REQUIREMENTS. (a) When a court elects to notify the department, each notice of unpaid judgment or subsequent notice of satisfaction shall be on the form prescribed in this section and shall be mailed or delivered to the department by the court.

(b) Notice of satisfaction shall be mailed or delivered to the department not later than 3 working days after the court receives payment of the judgment or otherwise determines that the unpaid judgment has been satisfied.

(c) The court is responsible for assuring that a notice of unpaid judgment sent to the department is a correct and appropriate submission.

(4) PURGING. An unpaid judgment case which has not been satisfied as described in sub. (3), shall be purged from the department's records 6 years from the date the case was entered on the department's records.

(5) FORMS SUPPLY. The notice of unpaid judgment and notice of satisfaction form shall be supplied by the department. The cost of the forms shall be included in the cost for operation of the program.

Note: Form MVD 2458.

Trans 128.05 Notice of unpaid citation and notice of satisfaction.

(1) SIZE AND CONTENT. (a) The notice of unpaid citation shall be 8½" x 5½" and, in addition to the information required by s. 345.28(4), Stats., shall contain, and the ~~local~~ authority or delegated agency shall provide:

1. The name and address of the ~~local~~ authority or delegated agency;
2. The signature or facsimile signature of the authorized representative;
3. The title of the person signing;
4. The date the notice is signed;
5. The 13 position citation case number generated as prescribed by the department to include a unique number assigned to each ~~local~~ authority, or delegated agency, the date, and a serial number;
6. The type of license plate as prescribed by the department for the license number of the vehicle involved;
7. The year of expiration of the Wisconsin license number of the vehicle involved;

8. The amount of payment due from the person against whom the citation was issued; and

9. A section for notice of satisfaction containing;

a. The signature or facsimile signature of the authorized representative;

b. The date the citation was satisfied; and

c. The title of the person signing.

(b) The notice also shall allow for reporting of the citation number at the discretion of the ~~local~~ authority or delegated agency.

Note: ~~Greates-form~~ Form MVD 2458C or MVD 2502.

(2) SCOPE. (a) A notice of unpaid citation may be created and submitted to the department for any and all nonmoving traffic violations as defined in s. 345.28(1), Stats., but each violation requires a separate notice.

(b) A maximum of 40 cases will be entered on the department's records on any one registration record. Cases received in excess of this number will be returned to the appropriate authority or delegated agency.

(3) NOTIFICATION REQUIREMENTS. (a) When a ~~local~~ an authority or delegated authority agency notifies the department, each notice of unpaid citation or subsequent notice of satisfaction shall be on the form prescribed in this section and shall be mailed or delivered to the department by the ~~local~~ authority.

(b) Notice of satisfaction shall be mailed or delivered to the department no later than 3 working days after the ~~local~~ authority or delegated agency receives payment, the person has appeared in court to contest the citation, or for any other reason the case is closed.

(c) The ~~local~~ authority is responsible for assuring that a notice of unpaid citation sent to the department is a correct and appropriate submission.

(4) PURGING. An unpaid citation case which has not been satisfied as described in sub. (3), shall be purged from the department's records 6 years from the date the case was entered on the department's records.

(5) FORM SUPPLY. The notice of unpaid citation and notice of satisfaction form shall be supplied by the department. The cost of the forms shall be included in the cost for operation of the program.

Note: Form MVD 2458C or MVD 2502.

Trans 128.06 Actions associated with unpaid judgment cases. As required by s. 341.10(7), Stats., a person named by a court under s. 345.47 (1)(d), Stats., who has an unpaid judgment within the scope of this chapter shall be refused registration as follows:

(1) INITIAL NOTIFICATION LETTER OF UNPAID JUDGMENT. When the department is notified by a court of an unpaid judgment, the department shall send an initial notification letter to the person named by the court at the address supplied by the court unless the department has a more recent address. The letter shall provide the person with advance notice of registration refusal, as described in s. Trans 128.08, including information about the unpaid judgment; ~~and may include a 30-day notification described in sub. (2)(b).~~ The letter shall be mailed, except:

(a) When the conditions in sub. (2)(a) apply.

(b) When the department is establishing a control group for testing the effectiveness of the letter.

(c) When for some or all cases the letter does not appear to improve the promptness with which unpaid judgments are satisfied or does not appear to be cost-effective.

(2) 30 DAY NOTICE. (a) When the department is notified by a court of an unpaid judgment after a ~~regular-renewal-notice~~ registration has been

mailed renewed, but before the beginning of the new registration period, in order to meet the requirements of s. 341.08(4m), Stats., a letter shall be mailed to the registrant. The letter shall provide information about the unpaid judgment and indicate that although ~~a regular-renewal~~ the registration form has been or will be mailed renewed, the department shall suspend cancel the registration after the expiration of 30 days from the date of mailing the letter unless the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

(b) When the department is notified by a court of an unpaid judgement, and the person named by the court is the owner of a vehicle with a non-expiring registration, a letter shall be mailed providing information about the unpaid judgment and indicating the department shall suspend cancel the registration. Suspension Cancellation of registration shall occur after the expiration of 30 days from the date of mailing the letter to the registrant unless the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

(3) ORDER-OF-SUSPENSION CANCELLATION RESULTING FROM REFUSAL. Order of-suspension A letter of cancellation of registration shall be mailed for those registrations described in s. Trans 128.08(2). The order-of-suspension letter shall indicate that the suspension cancellation shall continue until the department receives evidence required by s. Trans 128.04 that all judgments have been satisfied.

Trans 128.07 Actions associated with unpaid citation cases. As required by s. 341.10(7m), Stats., a person named by ~~a~~ an authority or delegated agency under s. 345.28(4), Stats., shall be refused registration, have his or her vehicle registration suspended, or both, as follows:

(1) TYPE OF ACTION. When the department is notified of an unpaid citation, the type of letter sent to the person named on the notice will depend on the action to be taken by the department as specified by the ~~the~~ authority or delegated agency under s. 345.28(4)(a) 2, Stats.

(a) Suspend the registration of the vehicle involved. When the department is directed to suspend the registration of the vehicle involved under s. 341.63(1)(c), Stats., an order of suspension of registration letter shall be mailed to the person named on the notice for the license number supplied by the ~~the~~ authority or delegated agency. The order of suspension shall provide information about the unpaid citation and indicate that the suspension shall continue until the department receives evidence required by s. Trans 128.05 that all citations have been satisfied.

(b) Refuse registration of any vehicle owned by the person. When the department is directed to refuse registration, as described in s. Trans 128.08, of any vehicle owned by the person named on the notice, the notices described in s. Trans 128.06 shall be used except references to court, unpaid judgment, and judgments shall be changed to ~~the~~ authority or delegated agency, unpaid citations, and citations and other references shall be changed as appropriate.

(c) Suspend and refuse registration. When the department is directed to suspend the registration of the vehicle involved under s. 341.63(1)(c), Stats., and to refuse registration of any vehicle, as described in s. Trans 128.08, owned by the person named on the notice, the order of suspension of registration letter described in par. (a) shall be mailed. The order shall be modified to include the additional information described in par. (b), as appropriate.

(2) ALTERNATIVE ACTIONS FOR CERTAIN LICENSE NUMBERS. When the department is directed to suspend registration, but the license number supplied:

(a) Has been issued by another state or jurisdiction, the department cannot suspend vehicle registration, but shall refuse any attempt to register any vehicle.

(b) Does not exist, or department records for that license number show a different name than the name supplied, the department shall not suspend vehicle registration, but shall refuse any attempt to register any vehicle by the person, unless the person is engaged in the business of renting or leasing motor vehicles.

(c) Has been replaced by a different number, the department shall suspend the replacement registration.

(3) RECORD OF ACTION. When an order of suspension letter is computer created, the computer shall also generate a microfiche of the text of the letter as the record of action.

Trans 128.08 Refusal of registration. (1) SCOPE. From the date the department receives-notification enters the notification of a person's unpaid judgment or unpaid citation on the departments records, the department shall not permit the person to:

~~Note--The date the department receives notification means the date the notification is entered on the department's records.~~

(a) Register a vehicle.

(b) Renew the registration of a vehicle if the department meets the notification requirements of s. 341.08(4m), Stats., by:

1. Mailing the renewal registration notice described in s. Trans 128.10(1)(b), (c) and (d) where the department is notified by a court or local authority or delegated agency prior to creating a notification of renewal; or

2. Mailing the letter described in s. Trans 128.06(2) where the department is notified by a court, local authority, or delegated agency

after ~~mailing-notification-of-renewal~~ the renewal of a registration but before the beginning of the new registration period.

(c) Re-register a vehicle, including, but not limited to, changes in the gross weight or operating status of a vehicle or the issuance of replacement license plates.

(d) Transfer registration to another vehicle.

(e) Transfer Acquire registration as part of the transfer of ownership of a vehicle.

(f) Continue a nonexpiring registration.

(2) WITHDRAWAL OF REGISTRATION BY SUSPENSION CANCELLATION. The department shall ~~suspend~~ cancel registration under s. ~~341.63(1)(a)~~ 342.255(3), Stats., when the registration types are those described in sub. (1)(b) 2., (d), (e) and (f).

(3) LIMITATION OF REFUSAL OF REGISTRATION. The refusal of registration provisions described in this section are limited to a maximum of 255 vehicles per case.

~~(3)~~ (4) EFFECT ON ISSUING CERTIFICATE OF TITLE. (a) The refusal of registration shall not effect the issuance of a certificate of title except as provided under s. 342.11, Stats.

(b) If the application for certificate of title indicates that the vehicle has been operated upon public highways, any required registration fee shall be collected and retained at the time of issuing title, even though registration is not issued. The department shall assign registration to the vehicle according to the provisions of ch. 341, Stats., but shall withhold sending the evidence of registration to the vehicle owner until the department receives evidence that all judgments and citations are paid. The certificate of title shall be sent to the vehicle owner with a letter providing information about the unpaid judgments and unpaid citations and indicating that the registration shall be withheld until the department receives evidence that all judgments and citations are paid.

~~(4)~~ (5) CRITERIA FOR IDENTIFYING A PERSON SUBJECT TO REFUSAL OF REGISTRATION. The refusal of registration shall be based on information supplied by a court on the notice required under s. 345.47(1)(d), Stats., and s. Trans 128.04, or on information supplied by ~~a local~~ an authority or delegated agency on the notice required under s. 345.28(4), Stats., and s. Trans 128.05, and shall be supplemented by information obtained from department records. The department shall refuse the renewal, transfer or issuance of registration when:

(a) The applicant's or registrant's name and address are both the same as the name and address supplied on the notice of unpaid judgment or unpaid citation.

(b) The name shown on the department's record for the license plate number supplied on the notice of unpaid judgment or notice of unpaid citation is similar or a reasonably logical variation of the name supplied on the notice of unpaid judgment or notice of unpaid citation regardless of whether the address information is the same.

(c) The applicant's or registrant's name is exactly the same or a reasonably logical variation of a name as stated in pars. (a) and (b), and the address is the same as:

1. The address supplied on the notice of unpaid judgment or notice of unpaid citation,

2. The address obtained from the department's record for the license plate number supplied on the notice of unpaid judgment or notice of unpaid citation, or

3. The address obtained from department driver license records using information supplied by the notice of unpaid judgment.

Trans 128.09 Transfer of vehicle ownership while registration suspended. As required by s. 341.64(1), Stats., no owner may transfer the ownership of any vehicle whose registration is suspended under s. 341.63(1)(c), Stats., until the registration is reinstated under s. 341.63(2), Stats., or

until the department is satisfied that the transfer is proposed in good faith and not for the purpose or with the effect of defeating the purpose of s. 341.63(1)(c), Stats. A transfer of ownership where the seller would continue to have possession, use of, or receive any benefit from the operation of the vehicle shall be considered as defeating the purposes of this program.

(1) EXCEPTIONS TO REFUSING A TRANSFER OF OWNERSHIP. An application for transfer of ownership of a vehicle will be refused unless:

(a) The initial purchaser is a Wisconsin motor vehicle dealer as defined in s. 218.01(1)(a), Stats., or

(b) The purchaser, other than a motor vehicle dealer, provides the department with a signed statement that the seller of the vehicle will not have possession, use of, or receive any benefit from the operation of the vehicle after the application for transfer of ownership is completed by the department, or

(c) It is an involuntary transfer of ownership including:

1. Repossession under s. 342.17(2);

2. Deceased under s. 342.17(4);

3. Divorce settlement under s. 342.17(4);

4. Bankruptcy under s. 342.17(4);

5. Abandoned vehicle under s. 342.40(2);

6. Towing or storage lien under s. 779.415;

7. Mechanics lien under s. 779.41;

8. Landlord lien under s. 704.05(5);

9. Court order; or

10. Other conditions where the interest of an owner in a vehicle
passes to another other than by voluntary transfer.

Note: Penalty sections are ss. 341.64(2), 342.06(2), and 345.17,
Stats.

Note: Form MVD2458D, Statement of Good Faith.

(2) APPLICATION DISPOSITION WHEN TRANSFER OF OWNERSHIP REFUSED.

When the department refuses to allow a transfer of ownership, the department shall:

(a) Create a new title, without charge, in the name of the seller and send it to the seller with a letter explaining why the transfer of ownership was refused.

(b) Return to the purchaser all fees submitted by him or her with an explanation why the transfer of ownership was refused. If registration was issued in error, the fees may be returned only after the purchaser complies with a department request for return of the registration.

(c) Notify by letter any secured party shown on the purchaser's application for transfer of ownership that transfer of ownership was refused.

Trans 128.10 Renewal forms for vehicle registration. (1) RENEWAL FORMS. (a) Application forms for renewal of vehicle registration shall contain the information required under s. 341.08(2), Stats., and shall also contain and serve as a notice of, the date upon which the registration must be renewed as required under s. 341.08(4m), Stats.

Note: Registration renewal form MVD 2.

(b) The renewal form used for a registration which is subject to unpaid judgments based on information obtained under s. 345.47(1)(d), Stats., shall also include:

1. The date judgment was entered;
2. The amount of the judgment;
3. The place where the judgment may be paid;
4. The court case number;
5. The judgment case number;
6. A notification that the registration shall not be renewed until all judgments are paid; and
7. Other information or instructions to assist the vehicle owner.

Note: Registration renewal form MVD 3.

(c) The renewal form used for a registration which is subject to unpaid citations based on information obtained under s. 345.28(4), Stats., shall also include:

1. The date of the citation;
2. The amount due;

3. The place where the citation may be paid;
4. The citation number;
5. The citation case number;
6. A notification that the registration shall not be renewed until all citations are paid; and
7. Other information or instructions to assist the vehicle owner.

Note: Registration renewal form MVD 3.

(d) The renewal form used for a registration which is subject to both unpaid judgments and unpaid citations shall include the information contained in pars. (b) and (c).

Note: Registration renewal form MVD 3.

(2) MAILING. (a) The mailing of vehicle registration renewal shall be in accordance with s. 341.08(4m), Stats., and shall be by first class mail.

(b) The department may not maintain any record of evidence of mailing renewals or of renewals that are returned to the department or its agent as undeliverable by the U.S. postal service.

(c) Failure to receive a renewal notice shall not be a defense against failing to register a vehicle.

(3) EXCEPTIONS. A vehicle registration renewal notice form shall not be created by the department or mailed to the vehicle owner when the department's record indicates that the registration is:

(a) Suspended under s. 20.905(2), 341.63(1), 344.08 or 344.14, Stats.;

(b) Revoked under s. 344.25, Stats.;

(c) Canceled under s. 342.255, Stats.; or

(d) For a period which has previously expired.

Trans 128.11 Resolution of errors. (1) ERRORS IDENTIFIED BY PERSON.

(a) If the department is satisfied that the refusal of registration was an error, the department shall modify its records and allow the person to be issued registration.

(b) If the department is not satisfied that a registration refusal was in error, the person shall submit to the department a signed statement containing:

1. A list of the description and license number of all vehicles owned;
2. Wisconsin operator's license number;
3. Date of birth; and
4. Any other information relevant to the claim.

(c) If the department is not satisfied with the information provided in par. (b) the person shall contact the court or ~~tax~~ authority or delegated agency that submitted the information to the department. If the court or ~~tax~~ authority or delegated agency is satisfied that an error was made, the court or ~~tax~~ authority or delegated agency shall submit a notice of satisfaction to the department as required in s. Trans 128.04 or 128.05.

(2) ERROR IDENTIFIED BY COURT. To correct an error in a notice of unpaid judgment sent to the department, a court shall submit a notice of satisfaction to the department as described in s. Trans 128.04. To establish a correct record, the court shall submit a new notice of unpaid judgment containing the correct information and per case payment required by s. Trans 128.12(4).

(3) ERROR IDENTIFIED BY ~~LEGAL~~ AN AUTHORITY OR DELEGATED AGENCY. To correct an error in a notice of unpaid citation sent to the department, ~~tax~~ an authority or delegated agency shall submit a notice of satisfaction

to the department as described in s. Trans 128.05. To establish a correct record, the ~~local~~ authority or delegated agency shall submit a new notice of unpaid citation containing the correct information and per case payment required by s. Trans 128.12(4).

Trans 128.12 Cost of traffic violation and registration program.

(1) GENERAL. In accordance with s. 85.13, Stats., the department shall charge the cost of the development and operation of the traffic violation and registration program to all participating local units of government or other authorities based on the number of cases processed on their behalf. ~~of each participating-local-unit-of-government.~~

(2) DEVELOPMENT COST AMORTIZATION. (a) The cost of the original development of the system for the traffic violation and registration program shall be amortized over the first 4 year period of operation.

(b) The cost of enhancements, improvements or additional development of system after the initial implementation date, not covered by sub. (3), shall be amortized over the 4 year period following the implementation of such enhancements, improvements or additional development.

(3) WORKING CAPITAL ACCUMULATION. (a) In order to comply with s. 20.903(2), Stats., an amount necessary to establish maintain a working capital balance at a level equal to 90 days of working capital needs, including work-

ing capital requirements for system development, shall be accumulated during the first 3 years of operation.

(b) Any adjustments necessary to maintain the working capital balance at a 90 day level shall be accumulated or credited over a one year period.

(4) RATE OF PAYMENT. (a) The department shall establish the rate of payment required for each case submitted by a court under s. 345.47(1)(d), Stats., or by ~~a local~~ an authority or delegated agency under s. 345.28(4), Stats., based on the following factors:

1. The estimated annual volume of cases that will be received by the department; which serves as the denominator in the rate calculation equation;

2. The annual amount of amortized enhancement, improvement or development costs, as described in sub. (2); which is an element of the numerator in the rate calculation equation;

3. The estimated costs of operation, including employe salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, printing and forms, other necessary expenses, and adjustments for the previous payment rate period to reflect actual experience; which is an element of the numerator in the rate calculation equation; and

4. The working capital balance needs as described in sub. (3) would be reserved equity. Any unreserved equity would be subtracted from the numerator in the rate calculation equation.

(b) The rate of payment shall be calculated each July and, in addition, may be recalculated whenever: the

1. The working capital balance falls below a 90 day level of working capital needs; or

2. The unreserved cash balance exceeds by three times the 90 day working capital needs.

(c) The department shall notify all ~~participating-local-units-of~~ government participants of the rate of payment at least 30 days prior to the effective date of the rate.

(5) METHOD OF PAYMENT. ~~Participating-local-units-of-government shall~~ Participants shall pay the department for cases processed by one of the following methods:

(a) Payment at the time the notice of unpaid judgment is submitted by a court to the department for processing.

(b) Payment at the time the notice of unpaid citation is submitted by ~~a local~~ an authority or delegated agency to the department for processing.

(c) Pre-payment by establishing an account with the department against which charges shall be made at the time:

1. Notice of unpaid judgment is processed for the local unit of government or other authority identified by a court on the notice of unpaid judgment form.

2. Notice of unpaid citation is processed for the ~~local~~ authority or delegated agency of the local unit of government.

(6) ACCOUNTING REPORT. The department shall provide to each ~~participating local unit of government~~ active participant a monthly report on the status of their financial account established under sub. (5)(c).

(7) REFUNDS. When a participating local unit of government or other authority has elected to pay under sub. (5)(c), and later terminates participation as provided in s. Trans 128.03, any unused balance in the account shall be refunded by the department.

~~(8) SPECIAL PROVISIONS FOR CITY OF MILWAUKEE:--The payment of \$400,000 under s. 20.395, Stats., made by the city of Milwaukee, shall be credited to the city as follows:~~

~~(a) Whenever the working capital balance of the appropriation for this program exceeds 90 days cash requirements, the city of Milwaukee shall receive credit for notices processed for 100% of the charges.~~

~~----- (b) Whenever the working capital balance of the appropriation is between 60 and 90 days cash requirements, the city of Milwaukee shall receive credit for cases processed for the amortized amount of development costs.~~

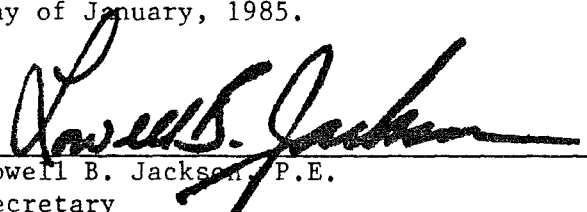
~~----- (c) Whenever the working capital balance of the appropriation is less than 60 days cash requirements, no credit shall be given to the city of Milwaukee, and the city shall pay for cases processed according to sub. (5) until the working capital balance is again at a 60-day level.~~

~~----- (d) These crediting provisions shall only apply to the extent of the \$400,000 payment by the city of Milwaukee.~~

(End)

The rule revisions contained in this order shall take effect upon publication as provided in s. 227.026(1)(intro.), Stats.

Signed at Madison, Wisconsin, this 31st
day of January, 1985.



Lowell B. Jackson, P.E.
Secretary
Wisconsin Department of Transportation



State of Wisconsin \

DEPARTMENT OF TRANSPORTATION



DIVISION OF MOTOR VEHICLES
4802 Sheboygan Avenue
P. O. Box 7949
Madison, WI 53707-7949

January 29, 1985

RECEIVED

FEB 11 1985

Revisor of Statutes
Bureau

Mr. Gary Poulson
Assistant Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

Re: Clearinghouse Rule 84-196
Relating to the Traffic Violation
and Registration Program; Trans 128

Dear Mr. Poulson:

Enclosed for filing, pursuant to sec. 227.023, Wis. Stats., is a certified copy of CR 84-196, an administrative rule relating to the traffic violation and registration program. An additional, uncertified copy of CR 84-196 is enclosed to be used as a printer's copy. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

Mary M. Runkel
Executive Assistant

MMR:hml

Enclosures

cc: Sue Gallagher

DOT Office of Transportation Information