

CR 92-147

CERTIFICATE

RECEIVED

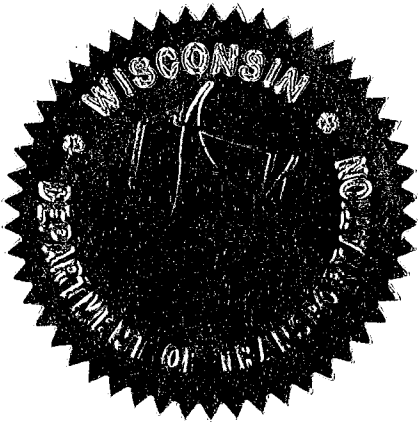
JUL 9 1993  
4:10 pm  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **vehicle registration and fuel trip permits for foreign-registered vehicles**, was duly approved and adopted by this Department on July 9, 1993.

I further certify that this 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 at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 9 day of July, 1993.

Charles H. Thompson  
CHARLES H. THOMPSON  
Secretary

9-1-93



IN THE MATTER OF an Order Adopting Rule REPEALING MVD3 AND MVD28, and CREATING Chapter Trans 146, Wisconsin Administrative Code, relating to Vehicle Registration and Fuel Trip Permits for Foreign-registered Vehicles.

**ORDER ADOPTING RULE**

**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 341.41(7) and 341.45(5), Stats.

**STATUTE INTERPRETED:** Subchapter III of Ch. 341, Stats.

**General Summary of Rule.** On May 3, 1988, the Wisconsin Legislature enacted 1987 Wisconsin Act 369 which changed some of the non-resident vehicle registration trip permit requirements outlined in Wisconsin Administrative Rule MVD3.

Trans 146 updates the requirements outlined in MVD3 which will be repealed. In addition, Trans 146 defines the parameters of a fuel trip permit and addresses the practice of trip permit issuance by agents on behalf of the Department of Transportation.

The repeal of MVD28 is consistent with the enactment 1987 Wisconsin Act 369.

Trans 146 contains the following key provisions:

1. Trans 146.02 defines various terms pertaining to trip permits including "qualified motor vehicle."
2. Trans 146.04 establishes that certain vehicles are exempt from vehicle registration trip permit requirements.
3. Trans 146.05 establishes policies and procedures pertaining to fuel trip permits. Wisconsin began issuing fuel trip permits when it joined the International Fuel Tax Agreement effective July 1, 1989.
4. Trans 146.06 establishes that certain vehicles are exempt from fuel trip permits.
5. Trans 146.07 establishes fees for different types of trip permits, and adds reference to the special transportation need permit, created by 1987 Act 369.
6. Trans 146.08 establishes motor carrier responsibilities concerning trip permits.

**Fiscal Estimate.** No significant fiscal effect is expected upon the enactment of Trans 146. This codifies currently used procedures.

No fiscal effect for the repeal of MVD28. Blanket private motor carrier permits were issued at no charge.

**Final Regulatory Flexibility Analysis.** This rule change will not have any significant effect on any small businesses.

**Preparation.** This analysis was prepared by Steven R. Postler of the Department of Transportation, Division of Motor Vehicles (608) 266-3376.

---

### **TEXT OF RULE**

Under the authority vested in the state of Wisconsin department of transportation, by ss. 341.41(7) and 341.45(5), Stats., the department of transportation hereby creates a rule interpreting subch. III of ch. 341, Stats., and to repeal rules interpreting s. 341.40(1)(d), Stats., as follows:

**SECTION 1.** Chapter MVD3 is repealed.

**SECTION 2.** Chapter MVD28 is repealed.

**SECTION 3.** Chapter Trans 146 is created to read:

#### **CHAPTER TRANS 146**

#### **VEHICLE REGISTRATION AND FUEL TRIP PERMITS**

**Trans 146.01 INTRODUCTION** (ss. 341.40, 341.405, 341.41, 341.43, and 341.45, Stats.) (1) **PURPOSE.** This chapter provides department guidelines which apply to fuel trip permits and vehicle registration trip permits not in conflict with the international registration plan or the international fuel tax agreement.

(2) **SCOPE.** This chapter applies to every apportionable motor vehicle or qualified motor vehicle as described in this chapter that are registered in a state or province other than Wisconsin.

**NOTE:** Wisconsin became a member of the international registration plan on January 1, 1978. The international registration plan is an agreement among states and provinces to simplify the registration of interstate motor vehicles.

A copy of the plan may be ordered from the Wisconsin Department of Transportation, Motor Carrier Registration Section, P.O. Box 7955, Madison, Wisconsin, 53707-7955.

**Trans 146.02 DEFINITIONS.** The words and phrases defined in ss. 340.01 and 341.45(1)(am), Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Agents" means persons authorized by the department to issue vehicle registration and fuel trip permits.

(2) "Apportionable motor vehicle" means any of the following:

(a) A motor vehicle having 2 axles and a gross weight exceeding 26,000 pounds, or

(b) A motor vehicle having 3 or more axles, regardless of weight, or

(c) A motor vehicle used in combination with another vehicle when the gross vehicle weight of the combination exceeds 26,000 pounds.

(3) "Department" means department of transportation.

(4) "Fuel trip permit" means authorization granted for 72 hours by the department permitting the operation of a qualified motor vehicle that would otherwise be subject to fuel tax reporting under s. 341.45, Stats.

(5) "International fuel tax agreement" or "IFTA" means a contract between certain member jurisdictions which allows for the collection of fuel taxes owed to all member jurisdictions by the member jurisdiction in which a person is based. Wisconsin ratified the agreement under the authority provided in s. 341.45(4), Stats.

(6) "International registration plan" or "IRP" means a registration reciprocity agreement among states of the United States and the provinces of Canada providing for the payment of license fees on the basis of fleet miles operated in various jurisdictions. Wisconsin ratified the plan under the authority provided in s. 341.405(1), Stats.

(7) "Person" includes any individual, public or private corporation, body politic, including any unit or division, joint venture, joint stock company, partnership, association, trust, receiver, executor, administrator, any other fiduciary or any other entity.

(8) "Qualified motor vehicle" means a motor vehicle other than a recreational vehicle used, designed or maintained for transportation of persons or property that meets any of the following:

(a) Has 2 axles and a gross weight or registered gross vehicle weight exceeding 26,000 pounds.

(b) Has 3 or more axles regardless of weight.

(c) Is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

(9) "Recreational vehicle" means vehicles such as motor homes, pickup trucks with attached campers and buses, when used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

(10) "Vehicle registration trip permit" means authorization granted for 72 hours by the department permitting the operation of an apportionable motor vehicle.

**Trans 146.03 VEHICLE REGISTRATION TRIP PERMIT REQUIRED.** (1) Except as provided in s. Trans 146.04, any person operating an apportionable motor vehicle in Wisconsin shall obtain a vehicle registration trip permit prior to operating in Wisconsin.

(2) A vehicle registration trip permit may be obtained from agents upon application by payment of the fee as specified in s. Trans 146.07(1).

(3) A vehicle registration trip permit authorizes one trip into Wisconsin up to 72 continuous hours in Wisconsin from the date and time listed on the permit.

(4) The department or its agent shall receive applications for registration trip permits or fuel trip permits, or both. Within 5 working days after receiving a fully completed application and the required fees, the department or its agent shall review and shall either grant or deny the application.

**Trans 146.04 EXCEPTIONS - VEHICLE REGISTRATION TRIP PERMIT.**

Notwithstanding s. Trans 146.03, the requirement to obtain a vehicle registration permit does not apply to the following vehicles:

(1) A motor vehicle operated under a reciprocity agreement as authorized by ss. 341.409 and 341.41, Stats.

(2) A motor vehicle registered for Wisconsin operation under the international registration plan as authorized by s. 341.405, Stats.

(3) A motor vehicle displaying an acceptable restricted plate issued by a jurisdiction which is a member of the international registration plan.

(4) Charter buses.

(5) A motor vehicle owned by the United States government, a state, county or municipal government or any governmental agency.

(6) A motor vehicle entering Wisconsin to have special equipment, or a body constructed or installed, or for repair as provided by s. 341.40, Stats.

(7) A motor vehicle being towed under the provisions of s. 341.05(15), Stats.

**Trans 146.05 FUEL TRIP PERMIT REQUIRED.** (1) Except as provided in s. Trans 146.06, any person operating a qualified motor vehicle into Wisconsin shall obtain a fuel trip permit prior to operating in Wisconsin.

**NOTE:** Rule Trans 152 provides instructions for operating under a fuel tax license and under the international fuel tax agreement.

(2) A fuel trip permit authorizes one trip into Wisconsin up to 72 continuous hours in Wisconsin from the date and time listed on the permit.

(3) A fuel trip permit may be obtained from agents upon application and payment of the fee specified in s. Trans 146.07(2).

(4) The department or its agent shall receive applications for registration trip permits or fuel trip permits, or both. Within 5 working days after receiving a fully completed application and the required fees, the department or its agent shall review and shall either grant or deny the application.

**Trans 146.06 EXCEPTIONS - FUEL TRIP PERMIT.** Notwithstanding s. Trans 146.05(1), the requirement to obtain a fuel trip permit does not apply to any of the following vehicles:

(1) A motor vehicle operated by a person possessing a current fuel tax license and decal issued by the department, or

(2) A motor vehicle operated by a person possessing a current license and decal issued for Wisconsin operation under the international fuel tax agreement by any international fuel tax agreement member jurisdiction.

(3) A motor vehicle that is a recreational vehicle.

(4) A motor vehicle that is owned or operated by the United States government or its agencies.

**Trans 146.07 PERMIT FEES.** (1) A vehicle registration trip permit is \$15.00.

(2) A fuel trip permit is \$15.00.



(3) If the department declares a need for special transportation, in accordance with s. 341.41(7), Stats., vehicle registration and fuel trip permit fees for vehicles subject to s. 341.41(7), Stats., may be waived.

**Trans 146.08 MOTOR CARRIER RESPONSIBILITIES.** (1) Any person operating with a vehicle registration or a fuel trip permit shall carry the permit in the vehicle during all operations in Wisconsin.

(2) Upon request, a vehicle registration or fuel trip permit shall be displayed to any law enforcement officer or representative of the department.

(3) A vehicle registration or fuel trip permit is not transferable and may contain no corrections, erasures or modifications.

(4) A person operating without the required vehicle registration or fuel trip permit may be subject to enforcement action and be required to obtain the necessary permit before further operation.

**Trans 146.09 PENALTIES.** (1) Persons who own or operate apportionable motor vehicles which are not in compliance with the requirements of s. Trans 146.03 shall be subject to the penalties under s. 341.04(3), Stats.

(2) Persons who own or operate qualified motor vehicles which are not in compliance with the requirements of s. Trans 146.05 shall be subject to the penalties under s. 341.45(6), Stats.

(END OF RULE TEXT)

---

**Effective Date:** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 9 day of July, 1993.

*Charles H. Thompson*

CHARLES H. THOMPSON

Secretary

Wisconsin Department of Transportation

**RECEIVED**  
JUL 9 1993  
Revisor of Statutes  
Bureau