

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

The Wisconsin department of agriculture, trade and consumer protection proposes the following order **to repeal** ATCP 99.22(2), 163, 164, 165, 166; **to amend** ATCP 21.21 (1)(c)1. and (Note), 21 Appendix A, 40.04(1), (4)(b) and (c), 40.06 (1), (2)(f) and (5), 40.08(8) and (Note), 40.10(4)(b)2. and (Note), 40.12(2)(c)1. and (Note), 40.16(2) and (Note), 40.18 (2) and (Note), 40.20(1), 40.22(1), (1)(a), and (4), 40.26(5) and (Note), 40.28(2)(g)1. and (Note), 42.06(3), 42.16(1)(b) and (2)(b), 42.32(2)(b), 42.40(4)(b), 42.44(6)(a) and (b), 42.48 (2)(a)6., 42.54(1)(a), 65.23(1)(a), (2)(a) and (2)(b), 71.02(11)(a), (b) and (c), 73, 73.04(4)(b), 76, 77, 78, 79, 79.13(2)(b) and (3)(d), 90.01(15g) and (Note) and (15r) and (Note), 90.03(1)(b), 90.04(7) (Note), 91.01(4) and (Note), 91.03(3)(L), 92.01(10h) and (Note), (10p) and (Note), and (10t) and (Note), 92.30 (9) and (Note), 94.200(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (L), 118.02(2)(b), 118.12; **and to create** 105.23(2)(bm), **relating to** various minor and technical rule changes.

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

This rule makes minor and technical changes to a number of current rules administered by the Department of Agriculture, Trade and Consumer Protection (Department).

Statutes Interpreted

Statutes Interpreted: Wis. Stat. chs. 93, 94, 97, 98, 126, and 168.

Statutory Authority

Statutory Authority: Wis. Stat. §§ 93.12 (5) Lab Certification, 93.12 (7) Fees, 94.64(9) Fertilizer, 94.72(13) Commercial Feed, 97.20(4) Dairy Plants, 97.27(5) Food Warehouses, 97.625(1) Local Health Departments, 97.67(1) and (2m) Recreational Licenses and Fees, 97.09 Food, Lodging and Recreation, 98.03(2) Weights and Measures, 126.81 Agricultural Producer Security, 168.16 Petroleum Products and Dangerous Substances, and 93.07 (1) and (24).

Explanation of Statutory Authority

The Department has general authority, under § 93.07(1), Stats., to adopt rules to interpret laws under its jurisdiction. It also has specific rulemaking authority related to various matters addressed by this rule (see citations above). This rule makes minor and technical changes to a number of different rules administered by the Department. The changes are adopted under the same authority used to adopt the original rules.

Related Rules or Statutes

This rule is not substantially affected by statutes or rules other than those identified in this rule.

Plain Language Analysis

This rule makes minor or technical changes to a number of current Department rules. This rule does all of the following:

Plant Inspection and Pest Control

Adds the state of Maryland to the section specific to the thousand cankers disease of walnut trees infested area. Adds additional county, state, and provincial references in Appendix A, Areas Infested by Hemlock Woolly Adelgid.

Fertilizer and Related Products

Changes the expiration date of a license to a later date, lowers the fee for the agricultural chemical cleanup surcharge, and updates referenced publications to the most recent versions.

Commercial Feed

Updates the referenced publications and technical standards to the most recent versions.

Milk and Milk Products

Corrects references to federal regulations.

Food Warehouses and Milk Distributers

Corrects references to federal regulations.

Bed and Breakfast Establishments

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services.

Safety, Maintenance, and Operation of Public Pools and Water Attractions

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services.

Laboratory Certification

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services.

Recreational and Educational Camps

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services.

Campgrounds

Replaces a specific term to make the language of the rule consistent with the Department's use of permits and licenses. This rule was previously under the Department of Health Services.

Fair Packaging and Labeling; Selling Commodities by Weight, Measure or Count; Weights and Measures; Petroleum and Other Liquid Fuel Products

- Corrects small grammatical errors.
- Updates the technical references to cite the current NIST Handbook and ASTM fuel standards.
- Amends notes to reference website addresses and form numbers.
- Removes obsolete notes.

Grain Dealers and Grain Warehouse Keepers

Removes requirement for a notary.

Sales Below Cost

Adds provision allowing for electronic notice.

Car Rentals; Customer Notices

Grammatical corrections.

Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

The technical rule changes proposed in this rule will not create any disparities between Wisconsin rules and federal statutes and regulations.

Comparison with Rules in Adjacent States

The technical rule changes proposed in this rule will not create any disparities between Wisconsin and the adjacent states.

Summary of Factual Data and Analytical Methodologies

This rule does not depend on any complex analysis of data. This rule merely makes minor or technical changes to current rules.

Analysis and Supporting Documents Used to Determine Effect on Small Business

Because this rule makes minor technical changes, no significant analysis or documentation was required to determine that the proposed rule will have no impact on small businesses.

Effect on Business Impact

This rule will not have any impact on small businesses or other businesses. This rule makes minor technical changes that will not have an impact on business standards, costs or operations. See the *Initial Regulatory Flexibility Analysis* that accompanies this rule.

Environmental Impact

Since this rule only makes minor or technical changes, this rule will have no significant impact on the environment.

Agency Contact

Lacey Cochart
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
Madison, WI 53718
Telephone: (608) 224-5006
E-Mail: Lacey.Cochart@Wisconsin.gov

SECTION 1. ATCP 21.21 (1) (c) 1. and (Note) are amended to read:

ATCP 21.21 (1) (c) 1. The states of Arizona, California, Colorado, Idaho, Maryland, Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington.

Note: Information on areas with confirmed populations by the USDA can be found at:

~~<http://www.thousandcankerdisease.com/>~~ <http://thousandcankers.com.>

SECTION 2. ATCP 21 Appendix A is amended to read:

Chapter ATCP 21 APPENDIX A

AREAS INFESTED BY HEMLOCK WOOLLY ADELGID

Entire States (~~entire state~~) and Provinces

- Alaska
- California
- Connecticut
- Delaware
- Maryland
- Massachusetts
- New Jersey
- Oregon

- Rhode Island
- Washington
- District of Columbia
- British Columbia

Counties

- In the state of Georgia, the counties of Banks, Dade, Dawson, Fannin, Gilmer, Gordon, Habersham, Hall, Lumpkin, Murray, Pickens, Rabun, Stephens, Towns, Union, Walker, White.
- In the state of Kentucky, the counties of Bell, Breathitt, Carter, Clay, Elliott, Fayette, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Martin, Madison, Magoffin, Marin, McCreary, Menifee, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Wayne, Whitley, Wolfe.
- In the state of Maine, the counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, York.
- In the state of Michigan, the counties of Allegan, Muskegon, Oceana, Ottawa.
- In the state of New Hampshire, the counties of Belknap, Carroll, Cheshire, Hillsborough, Merrimack, Rockingham, Strafford, Sullivan.
- In the state of New York, the counties of Albany, Bronx, Broome, Cattaraugus, Cayuga, Chemung, Chenango, Columbia, Delaware, Dutchess, Greene, Kings, Livingstone, Monroe, Nassau, New York, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Westchester, Wyoming, Yates.
- In the state of North Carolina, the counties of Alamance, Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Caswell, Catawba, Cherokee, Clay, Durham, Forsyth, Graham, Haywood, Henderson, Iredell, Jackson, Macon, Madison, McDowell, Mitchell, Orange, Polk, Rockingham, Rutherford, Stokes, Surry, Swain, Transylvania, Wake, Watauga, Wilkes, Yancey.
- In the state of Ohio, the counties of Athens, Geauga, Gallia, Hocking, Jackson, Lake, Lawrence, Meigs, Monroe, Vinton, ~~and~~ Washington.
- In the state of Pennsylvania, the counties of Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Fayette, Forest, Franklin, Fulton, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Warren, Wayne, Westmoreland, Wyoming, York.
- In the state of South Carolina, the counties of Greenville, Oconee, Pickens, Spartanburg.
- In the state of Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.
- In the state of Vermont, the counties of Bennington, ~~and~~ Windham, Windsor.
- In the state of Virginia, the counties of Albemarle, Alexandria, Alleghany, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Bristol, Buchanan, Buckingham, Buena Vista, Campbell, Caroline, Carroll, Charlottesville, Chesterfield, Clarke, Craig, Culpeper, Danville, Dickenson,

Essex, Fairfax, Falls Church, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Galax, Giles, Grayson, Greene, Halifax, Hanover, Harrisonburg, Henrico, Henry, Highland, King William, Lee, Lexington, Loudon, Lunenburg, Lynchburg, Madison, Manassas, Manassas Park, Martinsville, Montgomery, Nelson, Northumberland, Norton, Orange, Page, Patrick, Pittsylvania, Prince William, Pulaski, Radford, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Russell, Salem, Scott, Shenandoah, Smyth, Spotsylvania, Staunton, Tazewell, Warren, Washington, Waynesboro, Winchester, Wise, Wythe.

- In the state of West Virginia, the counties of Barbour, Berkeley, Boone, Braxton, Cabell, Clay, Fayette, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pocahontas, Pleasants, Preston, Raleigh, Randolph, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wirt, Wood, Wyoming.

SECTION 3. ATCP 40.04(1) is amended to read:

ATCP 40.04(1). ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person may manufacture or distribute a fertilizer in this state without an annual license from the department. A separate license is required for each business location or mobile unit at which a person manufactures fertilizer in this state. A license is not transferable between persons or locations. A license expires on ~~August 14~~ September 30 of each year.

(4)(b) Except as adjusted under 94.73(15), a \$11-20 agricultural chemical cleanup surcharge for each business location and each mobile unit at which the applicant proposes to manufacture fertilizer in this state, other than a business location or mobile unit licensed under s. 94.685 or s. 94.703, Stats. If the applicant distributes but does not manufacture fertilizer in this state, the applicant shall pay a single agricultural chemical cleanup surcharge of ~~\$11-20~~.

(c) A late renewal fee equal to 20% of the combined license fees and surcharges required under pars. (a) and (b), ~~whichever is greater~~, if the applicant fails to apply for a renewal license before the prior year's license expires.

SECTION 4. ATCP 40.06(1), (2)(f), and (5) are amended to read:

ATCP 40.06 (1) ANNUAL TONNAGE REPORT AND FEE PAYMENT. By ~~August 14~~ September 30 of each year, a person required to hold a fertilizer license under s. ATCP 40.04 shall do all of the following:

(2)(f) An agricultural chemical cleanup surcharge of ~~44~~ 11 cents per ton, or the adjusted amount under s. 94.73(15).

(5) PENALTIES FOR LATE FILING. A person who fails to comply with sub. (1) by ~~August 14~~ September 30 shall pay an additional fee of 10 percent of the tonnage fees due, but not less than \$10.

SECTION 5. ATCP 40.08 (8) and (Note) are amended to read:

ATCP 40.08 (8) TERMS AND DEFINITIONS. Terms used in fertilizer labeling shall be consistent with the fertilizer terms and definitions contained in the *Official Publication of the Association of American Plant Food Control Officials, No. 68 70 (20157)*.

Note: The *Official Publication of the Association of American Plant Food Control Officials, No. 68 70 (20157)* is on file with the department and the legislative reference bureau. Copies may be obtained from the treasurer of the Association of American Plant Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at <http://www.aapfco.org>.

SECTION 6. ATCP 40.10 (4) (b) 2. and (Note) are amended to read:

ATCP 40.10 (4) (b) 2. Identify the source of each plant nutrient, using only terms defined in the *Official Publication of the Association of American Plant Food Control Officials, No. 68 70 (20157)*.

Note: The *Official Publication of the Association of American Plant Food Control Officials, No. 68 70 (20157)* is on file with the department and the legislative reference bureau. Copies may be obtained from the treasurer of the Association of American Plant Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at <http://www.aapfco.org>.

SECTION 7. ATCP 40.12 (2) (c) 1. and (Note) are amended to read:

ATCP 40.10 (2) (c) 1. The source material is accurately described by a term defined in the *Official Publication of the Association of American Plant Food Control Officials, No. 68 70 (20157)*.

Note: The *Official Publication of the Association of American Plant Food Control Officials, No. 68 70 (20157)* is on file with the department and the legislative reference bureau. Copies may be obtained from the treasurer of the Association of American Plant Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at <http://www.aapfco.org>.

SECTION 8. ATCP 40.16 (2) and (Note) are amended to read:

ATCP 40.16 (2) TEST METHODS. The department may test official fertilizer samples to determine compliance with nutrient guarantees. The department shall test official samples using applicable methods from the "Official Methods of Analysis of AOAC International," ~~volume I, 17~~ 20th edition ~~as updated by the 2nd revision (200316)~~.

Note: The "Official Methods of Analysis of AOAC International," ~~volume I, 17~~ 20th edition as ~~updated by the 2nd revision (200316)~~ is on file with the department and the legislative reference bureau. Copies are available from AOAC International at 481 N. Frederick Ave., Suite 500, Gaithersburg, MD 20877-2417.

SECTION 9. ATCP 40.18 (2) and (Note) are amended to read:

ATCP 40.18 (2) No fertilizer may contain a metal in a concentration that exceeds the maximum allowable concentration specified for that metal in the *Official Publication of the Association of American Plant Food Control Officials, No. 68 70*, statement of uniform interpretation and policy number 25, (20157)

Note: Statement of uniform interpretation and policy number 25, from the *Official Publication of the Association of American Plant Food Control Officials, No. 68 70 (20157)*, is on file with the department and the legislative reference bureau. Copies may be obtained from the treasurer of the Association of American Plant Food Control Officials, Inc., North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online at <http://www.aapfco.org>.

SECTION 10. ATCP 40.20 (1) is amended to read:

ATCP 40.20 (1) ANNUAL LICENSE REQUIRED. Except as provided in sub. (2), no person may manufacture or distribute a soil or plant additive in this state without an annual license from the department. A license is not transferable between persons. A license expires on ~~March 31~~ September 30 of each year.

SECTION 11. ATCP 40.22 (1), (1)(a), and (4) are amended to read:

ATCP 40.22 (1) ANNUAL TONNAGE REPORT AND FEE PAYMENT. By ~~March 31~~ September 30 of each year, a person required to hold a license under s. [ATCP 40.20](#) shall do all of the following:

(a) Report to the department the number of tons of each soil or plant additive the person distributed in this state ~~in the preceding calendar year~~ from July 1 to June 30 of the preceding year. The person shall file the report in writing, on a form provided by the department.

(4) PENALTIES FOR LATE FILING. A person who fails to comply with sub. (1) by ~~March 31~~ September 30 shall pay an additional fee of 10 percent of the tonnage fees due, but not less than \$10.

SECTION 12. ATCP 40.26 (5) and (Note) are amended to read:

ATCP 40.26 (5) INGREDIENT IDENTIFICATION. Except as provided in sub. (3)(b), the guaranteed analysis shall identify each ingredient by its common name, if any, followed in parentheses by its chemical name as stated in the Merck Index, 12⁵th edition (~~1996~~ 2013). If an ingredient is not sufficiently defined in the Merck Index, the department may approve an additional or alternative name for the ingredient.

Note: The Merck Index, 12⁵th edition (~~1996~~2013) is on file with the department and the legislative reference bureau.

SECTION 13. ATCP 40.28 (2)(g)1. and (Note) are amended to read:

ATCP 40.28 (2)(g)1. A method contained in the "Official Methods of Analysis of AOAC International", ~~volume I, 17th~~ 20th edition, ~~as updated by the 2nd revision~~ (200316).

Note: The "Official Methods of Analysis of AOAC International", "~~volume I, 17th~~ 20th edition, ~~as updated by the 2nd revision~~ (200316) is on file with the department and the legislative reference bureau.

SECTION 14. ATCP 42.06 (3) is amended to read:

ATCP 42.06 (3) SINGLE-INGREDIENT FEEDS. Product names for single-ingredient commercial feeds shall be consistent with the feed ingredient definitions specified in the 201518 *Official Publication of the Association of American Feed Control Officials*.

SECTION 15. ATCP 42.16 (1) (b) and (2) (b) are amended to read:

ATCP 42.16 (1) (b) Paragraph (a) does not apply to a commercial feed which is defined as a single ingredient feed product by the 201518 *Official Publication of the Association of American Feed Control Officials*.

(2) (b) The official name of that ingredient as stated in the 201518 *Official Publication of the Association of American Feed Control Officials*.

SECTION 16. ATCP 42.32 (2) (b) is amended to read:

ATCP 42.32 (2) (b) The official name of that ingredient as stated in the 201518 *Official Publication of the Association of American Feed Control Officials*.

SECTION 17. ATCP 42.40 (4) (b) is amended to read:

ATCP 42.40 (4) (b) By a testing procedure published in the ~~2015~~2018 *Official Publication of the Association of American Feed Control Officials*.

SECTION 18. ATCP 42.44 (6) (a) and (b) are amended to read:

ATCP 42.44 (6) (a) The dog or cat food, when fed in recommended amounts, meets all nutrient requirements established in applicable pet nutrient profiles specified in the ~~2015~~2018 *Official Publication of the Association of American Feed Control Officials*.

(b) The dog or cat food is adequate as a sole source of nourishment for dogs or cats when fed according to label directions and according to feeding protocols for dogs and cats specified in the ~~2015~~2018 *Official Publication of the Association of American Feed Control Officials*.

SECTION 19. ATCP 42.48 (2)(a)6. is amended to read:

ATCP 42.48 (2)(a)6. *Nutrient Requirements of Beef Cattle* (~~78~~8th revised edition, ~~1996~~, update ~~2000~~ 2016).

SECTION 20. ATCP 42.54 (1) (a) is amended to read:

ATCP 42.54 (1) (a) The non-protein nitrogen ingredients are identified in the ~~2015~~ 2018 *Official Publication of the Association of American Feed Control Officials*.

SECTION 21. ATCP 65.23(1)(a), (2)(a), (2)(b) are amended to read:

ATCP 65.23(1)(a) A grade A dairy plant that is a qualified facility shall comply with the requirements of [21 CFR 117](#) Subpart A, B and E, and [21 CFR 117.201](#).

(2)(a) A grade B dairy plant that is a qualified facility shall comply with the requirements of 21 CFR Subparts A, B, E and F, and [21 CFR 117.201](#).

(2)(b) A grade B dairy plant that is a facility shall comply with the requirements of 21 CFR Subparts A, B, C, F, and G.

SECTION 22. ATCP 71.02(11)(a), (b) and (c) are amended to read:

ATCP 71.02(11)(a) A food warehouse which is also a qualified facility shall comply with the requirements of this chapter and [21 CFR 117](#) Subparts A, B, E, and F, and [21 CFR 117.5\(a\)](#).

(b) A food warehouse that is a facility, but is not a qualified facility, and only stores unexposed packaged potentially hazardous food shall comply with the requirements of this chapter, and [21 CFR 117.7](#) Subparts A, B, E, and F, and 21 [117.206](#).

(c) A food warehouse that is a facility, but is not a qualified facility, and stores exposed food shall comply with the requirements of this chapter and [21 CFR 117](#), Subparts [A, B, C, F](#), and G.

SECTION 23. ATCP 73 is amended to replace all instances of ~~permit~~ to license and ~~permits~~ to licenses.

SECTION 24. ATCP 73.04 (4) (b) is amended to read:

ATCP 73.04 (4) (b) *Renewal permit.* To renew the permit of the bed and breakfast establishment, the operator shall pay the department, the applicable establishment permit fee specified under s. [ATCP 73.05](#) before the permit expires. If the payment to renew the permit of a bed and breakfast establishment is not made to the department before the expiration date of the establishment permit, the late fee specified under s. [ATCP 73.05](#) shall be paid in addition to the permit fee.

SECTION 25. ATCP 76 is amended to replace all instances of ~~permit~~ to license and ~~permits~~ to licenses.

SECTION 26. ATCP 77 is amended to replace all instances of ~~permit~~ to license and ~~permits~~ to licenses.

SECTION 27. ATCP 78 is amended to replace all instances of ~~permit~~ to license and ~~permits~~ to licenses.

SECTION 28. ATCP 79 is amended to replace all instances of ~~permit~~ to license and ~~permits~~ to licenses.

SECTION 29. ATCP 79.13 (2) (b) and (3) (d) are amended to read:

ATCP 79.13 (2) (b) *Camping cabins.* Each camping cabin in the seasonal campsite and any addition or attachment to a camping cabin, whether used for habitation or means of ingress or egress, shall be maintained and equipped in a manner that protects the health and safety of camper in accordance with chs. SPS 327~~0~~ to 325. Camping cabins may not be more than 400 square feet in area. The

department or its agent may refer health and safety related construction concerns to the local zoning department or the department of safety and professional services.

(3) (d) *Camping cabins; building code requirements.* Each operator-provided camping cabin and any addition or attachment to a camping cabin, whether used for habitation or means of ingress or egress, shall be maintained in accordance with chs. SPS 327~~0~~ ~~to~~ 325. The department or its agent may refer health and safety related construction concerns to the local zoning department or the department of safety and professional services.

SECTION 30. ATCP 90.01 (15g) and (Note), and (15r) and (Note) are amended to read:

ATCP 90.01 (15g) "*NIST Handbook 44*" means *NIST Handbook 44* (~~2016~~ 2018 edition)

published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

(15r) "*NIST Handbook 133*" means *NIST Handbook 133* (~~2016~~ 2018 edition) published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 133, Checking the Net Contents of Packaged Goods* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

SECTION 31. ATCP 90.03 (1) (b) is amended to read:

ATCP 90.03 (1) (b) Business address. The business address of the responsible person under par. (a). The business address shall include street address, city, state, and ZIP code, except that the street address may be omitted ~~if the address can be found under the name of the responsible person in a current city directory or telephone directory~~ if it is listed in any readily accessible, well-known, widely published, and publicly available resource, including but not limited to a printed directory, electronic database or website. If a person manufactures, packs, or distributes a consumer commodity at a place of business other than the person's principal place of business, the label may disclose the address of that principal

place of business rather than the actual place of manufacture, packing, or distribution, provided that the substitute disclosure is not deceptive or misleading.

SECTION 32. ATCP 90.04 (7) (Note) is amended to read:

Note: The above symbols need not be followed by periods or expressed as plurals. For example, "oz" is the symbol for both "ounce" and "ounces." Both upper and lower case letters and exponents are acceptable.

SECTION 33. ATCP 91.01 (4) and (Note) are amended to read:

ATCP 91.01 (4) "*NIST Handbook 130*" means *NIST Handbook 130* (~~2016~~ 2018 edition)

published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 130* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, or at www.nist.gov.

SECTION 34. ATCP 91.03 (3) (L) is repealed.

SECTION 35. ATCP 92.01 (10h) and (Note), (10p) and (Note), and (10t) and (Note) are amended

to read:

ATCP 92.01 (10h) "*NIST Handbook 44*" means *NIST Handbook 44* (~~2016~~ 2018 edition)

published by the National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 44, Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

(10p) "*NIST Handbook 130*" means *NIST Handbook 130* (~~2016~~ 2018 edition) published by the

National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 130, Uniform Laws and Regulation in the Areas of Legal Metrology and Engine Fuel Quality* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

(10t) "*NIST Handbook 133*" means *NIST Handbook 133* (~~2016~~ 2018 edition) published by the

National Institute of Standards and Technology, United States department of commerce.

Note: Copies of *NIST Handbook 133, Checking the Net Contents of Packaged Goods* (~~2016~~ 2018 edition) are on file with the department and the legislative reference bureau. Copies

may be obtained from the U.S. Government Printing Office, Stop SSOP, Washington, D.C. 20102-0001, website: www.nist.gov.

SECTION 36. ATCP 92.30 (9) Intro and (Note) are amended to read:

ATCP 92.30 (9) EXEMPTIONS. Subsections (1) to (~~7~~6) do not apply to any of the following:

Note: Scales identified under sub. (~~8~~9) are not exempt from s. [ATCP 92.02](#), from licensing requirements under s. [98.16](#), Stats., or from the testing requirement under s. [98.16 \(3m\)](#), Stats.

SECTION 37. ATCP 94.200 (1), (a), (b), (c), (d), (e), (f), (g), (h), (j), (k) and (L) are amended to read:

ATCP 94.200 (1) The following standards of the ~~2015~~ 2018 *Annual Book of ASTM Standards* of the American society for testing and materials are incorporated by reference into this chapter:

- (a) ASTM ~~D~~396-~~15e~~17, standard specification for fuel oils.
- (b) ASTM D910-~~15~~17, standard specification for aviation gasolines.
- (c) ASTM D975-~~15e~~17, standard specification for diesel fuel oils.
- (d) ASTM D1655-~~15e~~17, standard specification for aviation turbine fuels.
- (e) ASTM D3699-13be1, standard specification for kerosine.
- (f) ASTM D4806-~~15e~~17, standard specification for denatured fuel ethanol for blending with gasolines for use as automotive spark-ignition engine fuel.
- (g) ASTM D4814-~~15e~~17, standard specification for automotive spark-ignition engine fuel.
- (h) ASTM D5798-~~15e~~17, standard specification for ethanol fuel blends for flexible-fuel for automotive spark-ignition engines.
- (i) ASTM D6227-~~14~~17, standard specification for unleaded aviation gasoline containing a non-hydrocarbon component.
- (j) ASTM D6751-15ce1, standard specification for biodiesel fuel blend stock (B100) for middle distillate fuels.
- (k) ASTM D7467-~~15e~~17, standard specification for diesel fuel oil, biodiesel blend (B6 to B20).
- (L) ASTM D7547-~~15~~-17a, standard specification for hydrocarbon unleaded aviation gasoline.

SECTION 38. ATCP 99.22 (2) is repealed.

SECTION 39. ATCP 105.23 (2) (bm) is created to read:

ATCP 105.23 (2) (bm) Electronically, by transmitting a web-based notification to a website specified by the department. Notice under this paragraph is rebuttably presumed to be timely under sub. (1) if the department receives it by midnight of the day on which the person is required to give the notice.

SECTION 40. ATCP 118.02 (2) (b) is amended to read:

ATCP 118.02 (2) (b) Contain the following information in the following format.

NOTICE ABOUT LIABILITY FOR DAMAGE TO THE RENTAL CAR

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

LIABILITY FOR DAMAGE TO THE RENTAL CAR

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

- 1) reasonable repair costs, less discounts available to us, or the fair market value of the car, whichever is less, and
- 2) actual and reasonable towing costs, and for storage costs during the period before you notify the rental company of the damage to the vehicle or for 14 days after the damage occurs, whichever period is shorter.

LIABILITY FOR DAMAGE AFTER THE RENTAL CAR HAS BEEN STOLEN


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

- 1) Refrain from leaving the ignition key in the car when you are not in the car.
- 2) Always keep the ignition key in your possession.
- 3) Immediately report to the local police if you learn the car has been stolen, or that an unauthorized person is driving the car.
- 4) Cooperate fully with the local police by providing any information you know that may be helpful.

INSURANCE OR CREDIT CARD COVERAGE

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

DAMAGE WAIVER COVERAGE

A damage waiver is **not** insurance coverage. If you purchase a damage waiver for per day, we will waive our right to hold you or any authorized driver liable for damage. Even if you buy a damage waiver, you and any authorized driver will remain liable for damage if any of the following apply: - [See PDF for table](#) 

NOTICE OF RIGHT TO INSPECT DAMAGE

If the car is damaged, we may not collect any amount for the damage unless you, or an authorized driver against whom we claim liability, have been promptly notified of your and your insurers' right to inspect the unrepaired car within two working days after we were notified of the damage. If you

request, we must also give you a copy of any estimate we have obtained from a repair shop regarding any damage claim. Within 2 working days after receiving that estimate, you may request a second estimate from a competing repair shop and we must give you a copy of the second estimate.

COMPLAINTS

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

~~Wisconsin~~ Bureau of Consumer Protection Bureau
P.O. Box 8911, Madison, WI 53708-8911
~~608-224-4960 (Madison area)~~ or Call toll-free: 1-800-422-7128

SECTION 41. ATCP 118.12 is amended to read:

ATCP 118.12 (2) (a) Include the following verbatim notice, in 16-point bold-face type in the following format, immediately adjacent to the renter signature line in the rental agreement:

“WHAT IF YOU FAIL TO PAY A PARKING TICKET?

We Will Charge Your Credit Card For Unpaid Parking Tickets You May Incur While The Vehicle Is In Your Possession.”

(b) Include the following verbatim written notice in the rental agreement, or in an accompanying document without other text or markings, before the renter signs the rental agreement:

“NOTICE ABOUT CHARGES AGAINST YOUR CREDIT CARD FOR UNPAID PARKING TICKETS

IF YOU FAIL TO PAY any forfeitures, costs, or towing and storage charges for nonmoving traffic violations incurred while you are in possession of the rental or leased vehicle, the rental company may pay those sums and CHARGE TO YOUR CREDIT CARD the amount paid for the forfeitures, costs, or charges plus an administrative fee of not more than \$30.”

(c) The notice under par. (b) shall be printed in 11-point type, except that capitalized portions shall be in 13-point type bold-face type. If the notice is contained on a separate document, it shall be printed on 8 ½ by 11 inch paper.

(d) The rental company shall give each renter a copy of the notice under par. (b) along with the renter's copy of the signed rental agreement, and shall retain a copy with a copy of the signed rental agreement for at least 6 years. The rental company may retain its copy in photographic or electronic form. A rental company that retains its copy in photographic or electronic form shall print that copy for the department upon request.

SECTION 42. ATCP 163, 164, 165 and 166 are repealed.

SECTION 43. EFFECTIVE DATE: This rule takes effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2) (intro.), Stats.