

Chapter Trans 118

EMPLOYER NOTIFICATION PROGRAM

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Trans 118.01 Purpose and scope. The purpose of this chapter is to establish an employer notification program to permit an employer to register the name of an employee and be notified by the department whenever a conviction or suspension, revocation, cancellation, disqualification or out-of-service order is recorded on the driving record of the Wisconsin licensed employee and any other driving record information that the department may reasonably include in this program.

Note: Authority for this chapter can be found at s. 343.245 (3m), Stats. Forms used in this chapter are MV3555 Employer Notification Customer Agreement and MV3556 Employee Enrollment Request. These forms are available from the Wisconsin Department of Transportation, Bureau of Driver Services, P.O. Box 7917, Madison, WI., 53707.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.02 Definitions. The words and phrases defined in ss. 340.01, 343.01, and 343.25(1), Stats., have the same meaning in this chapter unless a different definition is specifically provided.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.03 Employer notification application requirements. An application for the employer notification program shall be made to the department upon forms prescribed by the department, shall be accompanied by the required fees as set forth in s. Trans 118.08 and shall include such information as the department reasonably requires.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.04 Employer account codes. (1) ISSUANCE. The department shall issue an employer account code upon receipt of a properly completed employer notification customer agreement form.

(2) USAGE. The department may require that the employer use the employer account code for purposes of identification and invoicing procedures.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.05 Employer notification customer agreement form. The employer shall submit an employer notification customer agreement form under any of the following situations:

(1) When the employer is submitting an original application for enrollment in the employer notification program.

(2) When the employer is requesting that an additional account code be issued to the same employer name or to another account under the same employer name.

(3) When the employer changes its name or address, or both.

(4) When the employer requests a renewal of registration for the employer notification procedure.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.06 Employee enrollment request form. (1) EMPLOYEE ENROLLMENT. An employer may enroll an employee in the employer notification program by submitting a written request to the department.

(2) CONTENT. The written request shall contain the following information:

(a) The employer's name and address.

(b) The employer's account code.

(c) The employee's driver license number.

(d) The employee's name as it appears on the employee's driver license.

(e) The employee's date of birth.

(f) The employee's social security number.

(g) Such other information as the department may require.

Note: The department will make Employee Enrollment Request Forms (MV3556) available to the public for the purpose of enrolling employees in this program. For information on obtaining forms, see s. Trans. 118.01 note.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.07 Withdrawal of employees and employers. (1) EMPLOYEE WITHDRAWAL. An employer may withdraw an employee from the employer notification program by submitting a written request to the department. The written request shall contain the information set forth in s. Trans 118.06 (2) (a) to (f).

(2) EMPLOYER WITHDRAWAL. An employer may withdraw from the employer notification program by submitting a written request to the department. The request shall include the employer's name, account code, and any other information the department reasonably requires.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.08 Procedure and fees. (1) EMPLOYER INITIAL ENROLLMENT. The department shall register an employer in the employer notification program upon receipt of a properly completed employer notification customer agreement form together with the proper fee. The registration of an employer in the employer notification program shall be issued for the calendar year and is valid only during the calendar year for which issued. For each account code issued to an employer, the fee shall be \$20 for an application submitted before July 1 of a year and \$10 for an application submitted on or after July 1.

(2) RENEWAL. At least 30 days prior to the expiration of an employer notification customer agreement form, the department shall mail to the last known address of the employer a notice of the date upon which the employer's registration fee must be paid and the new employer notification customer agreement form returned. An employer who does not return the renewal form and fee by the date provided in the notice may be removed from the program. The renewal fee for the employer notification program is \$20 per account code assigned to the employer.

(3) EMPLOYEE REGISTRATION. An application to register an employee in the employer notification program shall be made to the department in writing and shall be accompanied by the required fee of \$2.00 per employee enrolled.

(4) EMPLOYEE WITHDRAWAL. An application to withdraw an employee from the employer notification program shall be made to the department in writing.

Note: The fee for notification documents shall be \$3.00 as established by s. 343.245 (3m) (b), Stats.

(5) ANNUAL REVIEWS. Annual reviews of the fees established under this section will commence on April 1, 1993, and if the fees need to be raised so as to make the employer notification program self supporting, the fees shall be changed effective 90 days after the annual review date.

(6) **FEES.** The department shall establish the rate of payment for the employer notification program based on all of the following factors:

- (a) The estimated annual volume of employer applications.
- (b) The estimated annual volume of employer-generated registrations of employees.
- (c) The estimated annual volume of employer-generated withdrawal orders of employees.
- (d) The estimated costs of operation, including employee salaries and fringe benefits, office space, office supplies and equipment, postage, computer charges, forms and other necessary expenses.
- (e) Such other matters which the department determines have a fiscal impact on the program.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.09 Invoices. (1) **SCHEDULE.** The department shall mail an invoice to any employer that owes employer notification fees assessed under this chapter at least once per calendar year.

(2) **BILLING PERIOD.** Invoices will bill an employer for each notification document produced between the date of the previous invoice and the date of the current invoice.

(3) **CONTENT OF INVOICE.** Each invoice shall include:

- (a) The name and address of the employer.
- (b) The department invoice date.
- (c) The quantity of notification documents mailed to the employer for which fees are owed.
- (d) The employer account code.
- (e) The total amount payable to the department.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (1) and (2), Register, June, 1993, No. 450, eff. 7-1-93.

Trans 118.10 Failure to comply with terms of program. The department may not provide employer notification documents to an employer if the employer has failed to comply with any of the provisions of this chapter including, but not limited to, paying any invoice or fee when due.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.11 Actions resulting from unpaid fees. (1) **CANCELLATION OF EMPLOYER NOTIFICATION CUSTOMER AGREEMENT.** Failure to comply with any fee provision in this chapter may result in the cancellation of the employer's customer agreement for the employer notification program. A cancellation shall

continue until the department receives payment of all fees due under this chapter and the employer is reinstated into the program.

(2) **REINSTATEMENT.** An employer who has had an employer notification customer agreement with the employer notification program canceled by the department shall pay all outstanding obligations and pay a \$30 reinstatement fee before an account will be reestablished.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.12 The employer notification document.

(1) **CONTENT.** The employer notification document will contain all of the following information:

- (a) The employee's driver license number.
- (b) The employee's driver license type and expiration date.
- (c) The employee's date of birth.
- (d) The employer's name and account code.
- (e) The employee's name and address.
- (f) The employee's driver record information, excluding confidential data, maintained on the department's computer.

(2) **SOURCE.** The source of the information supplied to the employer on the notification document shall be limited to the data retained and available in the department's computer database for holders of Wisconsin driver's licenses or identification cards.

(3) **WHEN ISSUED.** Employer notification documents will be issued when there is any change in the driver record maintained by the department for an enrolled driver.

Note: No notification will be provided upon initial enrollment. Employers may obtain driver abstracts when hiring employees under ch. Trans 195.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.13 Employee and employer responsibilities.

(1) **EMPLOYEE RESPONSIBILITIES.** Nothing in this chapter shall be construed to relieve the employee from the driver notification requirements described under s. 343.245 (2), Stats.

(2) **EMPLOYER RESPONSIBILITIES.** Nothing in this chapter shall be construed to relieve the employer from the employer responsibilities described under s. 343.245 (3), Stats.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

Trans 118.14 Construction of this rule. Nothing in this chapter shall be construed to relieve the applicant for an employer notification document from submitting a complete application with the fees described in this chapter. In the event of a conflict between the provisions of ch. Trans 195 and the provisions of this chapter, the provisions of this chapter shall control.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.