

## Chapter Trans 100

### ACCIDENT REPORTING AND SAFETY RESPONSIBILITY

Trans 100.01	Purpose and scope.	Trans 100.11	Notice of subrogation.
Trans 100.02	Definitions.	Trans 100.12	Release of liability.
Trans 100.03	Reporting an accident.	Trans 100.13	Written installment agreement.
Trans 100.04	Required accident information.	Trans 100.14	Revocation and reinstatement.
Trans 100.05	Recording accident on operator's record.	Trans 100.15	Reinstatement requirements.
Trans 100.06	Determining the reasonable possibility of a judgment.	Trans 100.16	Self-insurance.
Trans 100.07	Determination of security amount.	Trans 100.17	Transfer of vehicle ownership.
Trans 100.08	Security deposit.	Trans 100.18	Occupational license.
Trans 100.09	Proof of operating without permission.	Trans 100.19	File purge criteria.
Trans 100.10	Hearing on revocation.		

**Note:** Chapter MVD 10 as it existed on October 31, 1985 was repealed and a new chapter Trans 100 was created effective November 1, 1985.

**Trans 100.01 Purpose and scope. (1)** STATUTORY AUTHORITY. As authorized by ss. 85.16 (1) and 227.11, Stats., the purpose of this chapter is to administratively interpret s. 343.23 (2), Stats., relating to department records, ss. 344.01 to 344.22, Stats., relating to financial responsibility in accidents, and s. 346.70, Stats., relating to accident reporting.

**(2) APPLICABILITY.** This chapter applies to any person involved in a motor vehicle accident in Wisconsin as specified in ss. 344.12 and 346.70, Stats.

**Note:** Forms used in this chapter are MV 3008 notice of suspension and possible vehicle impoundment, MV 3009 order of suspension, MV 3010 order of reinstatement, MV 3016 security deposit receipt, MV 3019 driver's report of accident, MV 3033 notice of suspension unless accident report filed, MV 3039 minors release, MV 3041 release of liability, MV 3043 bond under chapter 344, Wisconsin Statutes, MV 3044 evaluation of property damage, MV 3045 evaluation of personal injuries, MV 3046 evaluation of motor vehicle damage, MV 3069 application for self-insurance, MV 3070 safety responsibility self-insurance certificate, MV 3100 notice of incomplete report, MV 3128 installment agreement to pay damages, MV 3343 compliance notification, MV 3347 emergency vehicle involvement, MV 3384 safety responsibility information, MV 3385 informational letter to injured party, and MV 3387 reinstatement instructions, MV 4000 Wisconsin motor vehicle accident report. Forms may be obtained, free of charge, from Wisconsin Department of Transportation, Uninsured Motorist Unit, P.O. Box 7919, Madison, WI 53707.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1987, No. 384; r. and recr. (1), Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.02 Definitions.** The words and phrases defined in ss. 340.01, 343.01, 343.04 and 344.01 (2), Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

**(1)** "Accident" means an occurrence that originates or terminates on a traffic way, which involves at least one motor vehicle in transport and is reportable to the department under s. 346.70 (1), Stats. "Accident" includes acts by the operators of motor vehicles which contribute to the cause of an accident regardless of physical contact and, for the purpose of ch. 344, Stats., includes intentional acts.

**(3)** "In transport" means the condition of a motor vehicle when it is in use primarily for moving persons or property, including the vehicle itself, from one place to another and is in motion, or in readiness for motion, or on a traffic way, but not legally parked and unattended in a designated parking area. This includes parked motor vehicles with doors open into a traffic way or vehicle loads extending into a traffic way and driverless motor vehicles which are in motion.

**(4)** "Legally parked" means a motor vehicle which is parked under ss. 346.03 (2) (a) or 346.51 to s. 346.54, Stats., or is indicated in writing to be legally parked at the time of the accident by the investigating law enforcement agency or other operators involved in the accident. This definition does not include parked motor vehicles with doors open into the traffic way or vehicle load extended into a traffic way.

**(5)** "Licensee" means a person to whom the department has granted an operator's license.

**(6)** "Motor vehicle" has the meaning specified in s. 346.66, Stats., for purposes of applicability and accident reporting, and the meaning specified in s. 344.01 (2), Stats., for purposes of financial responsibility.

**(7)** "Premises held out to the public," as used in s. 346.66, Stats., excludes areas where signs and other demonstrable evidence show that the area is intended to be restricted from use by the public as a whole.

**Note:** See *City of Kenosha v. Phillips*, 142 Wis. 2d 549, for discussion of premises held out to the public.

**(8)** "Report" means an accident report received on an approved form or one received in an automated format approved by the department.

**Note:** Forms MV 4000—Wisconsin Motor Vehicle Accident Report and MV 4002 Driver Report of Accident.

**(9)** "Traffic way" means premises open to the public as a matter of right or custom for use of their motor vehicles whether the premises are publicly or privately owned. This includes driveways, approaches to buildings, shipping and loading docks, service stations, parking stalls and parking aisles of parking lots.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am. (intro.), (1), (3), r. (2), r. and recr. (5), (6), renum. (7) to be (9) and am. (9), cr. (7), (8), Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.03 Reporting an accident. (1)** A law enforcement agency investigating a reportable accident under s. 346.70 (1), Stats., shall report the accident to the department as required under s. 346.70 (4), Stats. If a law enforcement agency does not investigate and report the accident within 10 days after the accident, the operators of the vehicles involved in the accident shall report the accident to the department as required under s. 346.70 (2), Stats. The department may accept or require a report of the accident to be filed by the occupant or the owner in lieu of a report by the operator.

**Note:** Forms MV 4000 Wisconsin Motor Vehicle Accident Report and MV 4002 Driver Report of Accident.

**(2)** If the department receives a written statement that the operator of a vehicle is different from that indicated on the enforcement agency report, the department shall request that the operator obtain an amended enforcement agency report or a copy of court findings which identifies the operator of the vehicle at the time of the accident. If the operator does not respond, the department shall accept the original police report as true. In all other cases involving the integrity of information on its accident reports, the department shall make a determination of its authenticity based on a court finding or, in the absence of a court finding, on the credibility of the evidence.

**(3)** The department shall assume that all accident reports it receives from enforcement agencies or operators meet the reporting criteria under s. 346.70 (1), Stats. If the department determines from credible evidence received, which could include property

damage estimates or signed statements, that an accident does not meet the minimum reporting criteria, the department will not keep a record of the accident.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; r. and recr. (1) and (3), am. (2), Register, April, 1994, No. 460, eff. 5-1-94.

#### Trans 100.04 Required accident information.

(1) Under s. 346.70 (2), (3m) and (4), Stats., the police, operator, owner or occupant shall complete and submit all accident information requested on the forms or in the automated format approved by the department.

**Note:** Forms MV 4000 Wisconsin Motor Vehicle Accident Report and MV 4002 Driver Report of Accident.

(2) The department may accept an accident report with incomplete accident information if the information is provided to the department from another credible source or is not available.

(3) When the police, owner or operator indicates on the accident report that no liability insurance was in effect at the time of the accident, the department may require the operator or owner, or both, to deposit security under s. 344.13, Stats.

(4) When the liability insurance company name or policy holder's name, or both, are absent from the accident report form, the department may contact the operator or owner, or both, to obtain additional insurance information. If the operator or owner provide complete insurance information, the department shall assume that the liability insurance policy specified by the owner or operator was in force at the time of the accident. The department shall accept a written notice of non-insurance for up to one year following the date of the accident except as provided in s. 344.15 (4), Stats. Upon receipt of a written notice of non-insurance, the department may require the operator or owner to deposit security under s. 344.13, Stats.

(5) When the owner is self-insured under s. 344.16, Stats., the department may mail notice of the self-insurance to the address furnished by the self-insured owner. The department shall assume that the operator of the vehicle is exempt under s. 344.14 (2) (d), Stats., from the security requirements unless the self-insured notifies the department otherwise within 30 days of mailing or other information is received by the department indicating that the self-insured certificate does not apply to the operator.

(6) When the liability insurance company name is listed on the accident report, but the policy holder's name is not, and the operator and owner are the same person, the department will assume the liability insurance company specified on the accident report form was in force at the time of the accident for the owner listed.

(7) The department may contact the operator or owner, or both, for additional insurance information at the request of an insurer, operator or owner. If the operator or owner provides complete insurance information, the department may verify the credibility of the information by contacting the insurance company listed. When an insurer determines that the operator or owner who provided the insurance information is not insured, the insurer shall immediately notify the department of the person's non-insured status.

**Note:** Form MV 3464—Request for Insurance Verification, Form MV 3462—Request for Complete Insurance.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; r. and recr. (1), am. (2), renum. (3) and (4) to be (4) and (5) and am., cr. (3), (6), (7), Register, April, 1994, No. 460, eff. 5-1-94.

#### Trans 100.05 Recording accident on operator's record.

(1) All reportable accidents in which the operator was involved shall be recorded on the operator's driving record under s. 343.23 (2), Stats., except when the vehicle was legally parked.

**Note:** This includes operators of law enforcement vehicles and other emergency vehicles, Form MV 3347—Emergency Vehicle Involvement.

(2) If an accident occurs in the course of a licensee's employment as a law enforcement officer, fire fighter, emergency medical technician-paramedic, or winter highway maintenance worker, the accident shall be recorded on the accident report, the on-duty notation shall be placed on the accident report, and then, upon re-

ceipt, the department shall place an on-duty notation on the licensee's driving record.

**Note:** See s. 343.23 (2), Stats.

(3) Notwithstanding sub. (1), a law enforcement officer, emergency medical technician-paramedic and firefighter may request a reportable accident be removed from or not listed on their driving record by submitting the approved form. The licensee must show that one or more of the following conditions existed at the time of the accident:

(a) The operated vehicle was legally parked under the exemptions of s. 346.03, Stats., and the flashing, oscillating or rotating warning lights were in use.

(b) The driver of the emergency vehicle intentionally collided with the other vehicle.

(c) The driver of the other vehicle intentionally collided with the emergency vehicle.

**Note:** Form MV 3347—Emergency Vehicle Involvement.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; renum. Trans 100.05 to be (1), cr. (2), (3), Register, April, 1994, No. 460, eff. 5-1-94.

#### Trans 100.06 Determining the reasonable possibility of a judgment.

(1) The department may use the following sources of information to determine whether an uninsured operator or owner based on a preponderance of evidence, is exempted under s. 344.14 (2) (k), Stats., from the security and revocation requirements under ch. 344, Stats.:

(a) Operator reports.

(b) Law enforcement agency reports.

(c) Other information, such as statements of witnesses to the accident and supplementary reports from the investigating law enforcement agency.

(2) An uninsured operator or owner shall not be required to deposit security when there is no reasonable possibility of a judgment being rendered against the uninsured operator. The department shall consider the following factors to determine whether a person is exempt under s. 344.14 (2) (k), Stats., from the security and revocation requirements under ch. 344, Stats.:

(a) Violation of ch. 346, 347, 348 or 350, Stats.

(b) Failure to exercise ordinary care based on information from the sources listed in sub. (1).

(3) If the department requires security under s. 344.13, Stats., and, after receiving additional information, determines that no reasonable possibility of a judgment against the person exists, the department shall rescind the security requirement. The additional information may be in the form of notarized witness statements, enforcement agency reports, coroner reports or investigative reports from independent investigators or the injured party's insurance company.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am. (1) (intro.), (2) (intro.), r. (3), renum. (4) to be (3), Register, April, 1994, No. 460, eff. 5-1-94.

#### Trans 100.07 Determination of security amount.

(1) Court costs, which are reasonably estimated or determined, but do not exceed \$500.00, shall be included when determining the amount of security to be deposited under s. 344.13 (1) and (2), Stats.

(2) The amount of security required under s. 344.13, Stats., for personal injury shall be determined by:

(a) A certification of personal injury, completed by a person skilled in the evaluation of personal injuries.

**Note:** Form MV 3045—Evaluation of Personal Injuries.

(b) A certification of loss of wages as a result of the accident based on written information provided by the claimant's employer.

(c) A computation of an amount sufficient to satisfy a court award for pain and suffering of the injured person. The department may consider the following factors when computing an amount for pain and suffering:

1. The location, permanency, and potential cost of cosmetic surgery of scars resulting from the accident,
2. The age of the injured person,
3. The occupation and lifestyle of the injured person, if the occupation or lifestyle of the injured person will be affected,
4. The duration and severity of pain, and degree of consciousness of the injured party,
5. The length and type of temporary or permanent disability, and
6. The diagnosis of the injury.

(3) The amount of security required under s. 344.13, Stats., for property damage shall be determined by:

(a) A certification of motor vehicle damage, not to exceed the value of the vehicle prior to the accident, completed by an authorized damage appraiser.

**Note:** Form MV 3046—Evaluation of Motor Vehicle Damage.

(b) A certification of property damage, not to exceed the value of the property prior to the accident, completed by a person skilled in the evaluation of damages to the type of property damaged.

**Note:** Form MV 3044—Evaluation of Property Damage.

(4) The amount of security required when a death is involved will be the minimum provided for under s. 344.15 (1), Stats.

(5) If a report of an accident is received by the department within one year of the date of the accident, the department shall determine the amount of security required within 90 days after receipt of the report, if possible, but failure to do so does not relieve an uninsured motorist from the duty to comply with the provisions of ch. 344, Stats.

**Note:** Reference *DOT vs. Warner* 102 W(2d) 232 (CTApp. 1981).

(6) Property damage and personal injury evaluations which are received by the department within 21 calendar days from the date the evaluations are mailed by the department shall be considered in determining the security required. Evaluations received after the 21 calendar day period may be considered if the final determination of the security amount has not been established by the department and less than one year has elapsed since the date of the accident.

**Note:** Form MV 3384—Safety Responsibility Information.

(7) The amount of security required under this section may be increased only when the amount is incorrect due to administrative error on the part of the department.

(8) Damage to a motor vehicle which was operated without the owner's permission may be included in the amount of security required of the operator if proof of operating without permission as specified in s. Trans 100.09 is filed with the department.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am. (1), (7) and (8), Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.08 Security deposit.** (1) Acceptable forms of security required under ss. 344.14 and 344.17, Stats., include:

- (a) Cash.
- (b) A cashiers check.
- (c) A money order.
- (d) A financial institution draft.
- (e) A certified personal or business check.
- (f) An attorney trust account draft.
- (g) A surety bond.

**Note:** Forms MV 3016—Security Deposit Receipt, MV 3043—Bond under Chapter 344 Stats., and MV 3385—Informational Letter to Injured Parties.

(2) A person other than the uninsured owner or operator may deposit security if the person specifies in writing on whose behalf the deposit is made and to whom the deposit should be returned.

(3) Unless otherwise specified in writing by the depositor, security deposits shall be returned as required under s. 344.20 (3), Stats.

(4) Security deposits returned shall be valued at the same amount as when received by the department. No interest or dividends shall be paid to the depositor.

(5) If the owner and operator are separate persons, the deposit may be made by one of them, or they may cooperate in depositing the security. The security may be applied to the payment of judgments for damages arising out of the accident rendered against either operator or owner regardless of who made the deposit.

(6) If notice of a court action is filed with the department, under s. 344.18 (1) (d), Stats., the security deposit shall be retained pending further order of the court. The deposit shall not be returned to the depositor until a certified copy of the satisfaction of judgment or dismissal of the court action is filed with the department.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am. (1), Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.09 Proof of operating without permission.** The owner of a motor vehicle involved in an accident is exempted under s. 344.14 (2) (g), Stats., from depositing security if the owner produces proof that the vehicle was operated without permission. Acceptable proof includes:

(1) A letter from the law enforcement agency where the offense occurred stating that the vehicle was reported stolen prior to the accident or that the law enforcement agency investigated the report and found it to be a stolen vehicle, or

(2) A letter from the district attorney that the owner has filed a complaint against the operator and that the operator is being charged with operating without the owner's consent, or an affidavit signed by the operator stating that the vehicle was being operated without the owner's expressed or implied consent. An affidavit does not exempt an owner who is the sponsor of an operator, as defined in s. 343.15, Stats., or

(3) Under s. 344.15 (4), Stats., an affidavit signed by the owner that the operator did not have permission to operate the vehicle. In a lease situation the department may accept an affidavit signed by the leasee as agent of the owner of the vehicle.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am. (1), Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.10 Hearing on revocation.** (1) Any person desiring a hearing as provided in s. 344.02, Stats., shall file a written request for a hearing with the department within 14 days following the revocation date.

(2) If the person's operating privilege and registrations have not been revoked, the department shall delay further action on the revocation pending the decision of the hearing officer.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am. (1) and (2), Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.11 Notice of subrogation.** In all cases of subrogation under ch. 344, Stats., a signed copy of the subrogation receipt or a copy of a payment draft signed by the insured shall be filed with the department. If the person has complied with a previous notice of revocation for the same claim, the notice of subrogation is untimely and no action shall be taken by the department.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am., Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.12 Release of liability.** (1) Satisfactory evidence of release of liability under ss. 344.14 (2) (h) and 344.18 (1) (b), Stats., shall be a written release agreement between the uninsured person and the injured party which includes an exchange of money or something that has money value.

**Note:** Forms MV 3039—Minors Release, and MV 3041—Release of Liability.

(2) If the injured party sustains property damage or personal injuries, the release shall include:

(a) The witnessed or notarized signature of the injured party, or

(b) The witnessed or notarized signature of a parent with legal custody or a guardian as described in s. 807.10, Stats., when the injured party is a minor or incompetent. If the damages are estimated by the department to be \$5,000.00 or more, the release shall

be accompanied by a copy of a court order approving the settlement on behalf of the minor or mentally incompetent person.

(3) If the injured party died as a result of the accident, the release shall include one of the following:

(a) The witnessed or notarized signature of the personal representative or administrator of the estate of the deceased accompanied by a copy of the court order appointing the personal representative or administrator,

(b) The witnessed or notarized signature of parents with legal custody or the legal guardian of the deceased when the deceased was a minor at the time of the accident,

(c) The witnessed or notarized signature of the primary heir of the estate of the deceased accompanied by an affidavit of heirship from the releasing party and assurance that the estate will be settled without appointment of a personal representative. Acceptable assurance shall be:

1. A copy of a petition filed under ch. 867, Stats., or
2. A court order assigning property under ch. 867, Stats.

(d) The witnessed or notarized signature of the primary heir of the estate of the deceased accompanied by an affidavit of heirship from the releasing party and a certified medical statement attesting that the deceased had no pain and suffering.

(4) In addition to a release agreement described in subs. (1), (2) and (3), the department may accept a certified or court filed copy of a bankruptcy petition or discharge and bankruptcy schedule listing the claims of all persons who have verified the damages or injuries as evidence that a person has been released from liability or adjudicated not to be liable.

(5) If the department is notified that an owner or operator under revocation has filed for bankruptcy, the department shall release the financial responsibility revocation. The bankruptcy creditor may request that the department reinstate the revocation if the creditor submits proof that the debt was not discharged or satisfied.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; renum. (4) (intro.) to be (4) and am. r. (4) (a) to (c), cr. (5), Register, April, 1994, No. 460, eff. 5-1-94.

#### **Trans 100.13 Written installment agreement.**

(1) For the purpose of s. 344.14 (2) (h), Stats., the written agreement providing for payment in installments of an agreed amount for all claims for injury or damage resulting from the accident shall contain:

(a) An amount of money or something that has money value agreed to by all parties to the agreement as settlement for all claims by the parties for damages or injuries arising out of the accident,

(b) At least 2 installment payments,

(c) The notarized or duly acknowledged signature of the uninsured operator or owner making the payments, and

(d) The witnessed signatures of all parties who are accepting the agreed amount in installment payments.

**Note:** Form MV 3128—Installment Agreement to Pay Damages.

(2) An amended agreement shall be accepted if the original agreement filed is valid and the amended agreement is signed by all parties to the original agreement.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85.

#### **Trans 100.14 Revocation and reinstatement.**

(1) The department shall not revoke a person's privileges for failure to file an accident report if no further information is needed from the person who failed to file the report.

(2) In addition to the requirements under s. Trans 100.15, persons whose operating privileges or registration privileges were revoked by the department under s. 344.18 (3), Stats., may be reinstated when:

(a) The person meets one of the conditions specified in s. 344.18 (3), Stats., or

(b) The person files an acceptable release of liability as specified in s. Trans 100.12.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am. (1), r. (2), (3), renum. (4) to be (2) and am. Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.15 Reinstatement requirements.** Any person reinstating his or her operating privilege that was revoked under ch. 344, Stats., shall pay the reinstatement fee under s. 343.21 (1) (j), Stats. Any person reinstating his or her registration privilege revoked under ch. 344, Stats., shall pay the reinstatement fee under s. 341.36 (1m), Stats. Persons whose operating and registration privileges were revoked under ch. 344, Stats., shall pay both reinstatement fees to reinstate both privileges. All persons reinstating their operating or registration privileges, or both, must satisfy the future proof of insurance filing requirements under ch. 344, Stats. No fee or future proof of insurance is required when any of the following occur:

(1) The person submits credible evidence to the department that he or she was not the driver or owner of the vehicle involved in the accident.

(2) The person submits written verification to the department that an insurance policy or bond meeting the requirements of s. 344.15, Stats., was in effect at the time of the accident. This written verification shall be submitted during the revocation period.

(3) The department's decision is reversed by a circuit or higher court in a petition for review.

(4) The person files bankruptcy prior to the revocation.

(5) The revocation is a result of administrative error on the part of the department.

(6) A person revoked under ch. 344, Stats., petitions the department and a hearing examiner determines there is no reasonable possibility of a judgment against a person.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; r. and recr., Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.16 Self-insurance.** (1) The department shall issue a certificate of self-insurance to a person under the following conditions:

(a) The person owns more than 25 motor vehicles which are registered in Wisconsin;

(b) An application for self-insurance is completed, and

(c) The person's application and a financial statement, signed during the last calendar year, indicate that the person has and will continue to have the ability to pay judgments arising out of motor vehicle accidents.

**Note:** Forms MV 3069—Application for Self-Insurance and MV 3070—Safety Responsibility Self-Insurance Certificate.

(2) Self-insurance certificates shall be issued for a period of 3 years.

(3) Renewal of a certificate requires submittal of a new self-insurance application and a financial statement.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85.

**Trans 100.17 Transfer of vehicle ownership.** (1) A transfer of ownership of any vehicle whose registration is revoked or subject to revocation under s. 344.14, Stats., shall not be allowed if the owner whose registration is revoked or subject to revocation continues to have possession of, use of, or receive any benefit from the operation of the vehicle.

(2) A person's registration shall be considered subject to revocation under s. 344.14, Stats., when written notice of a security requirement under s. 344.13, Stats., is issued by the department.

**Note:** Form MV 3008—Notice of Suspension and Possible Vehicle Impoundment.

(3) An application for transfer of ownership shall be accepted when:

(a) The vehicle is repossessed by a person who, pursuant to the terms or conditions of any written instrument, is given a right of repossession; or

(b) The purchaser does not reside at the same address as the seller and the full value of the vehicle has been paid to the seller. The department may require proof of payment or an affidavit from the buyer or seller as evidence that the proposed transfer is in good faith.

**(4)** If 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 all fees submitted by the purchaser with an explanation why the transfer of ownership was refused. If the title and registration were issued after the written notice of security was issued to the seller but prior to the revocation of registrations, the fees shall be returned only after the purchaser complies with the department request for return of the title and any registration plates issued.

(c) Notify, in writing, any secured party shown on the purchaser's application for transfer of ownership that the transfer of own-

ership was refused.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; am. (1), (2) and (4) (b), Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.18 Occupational license.** Persons who have had their commercial driver's license (CDL) revoked under ch. 344, Stats., may apply for a commercial motor vehicle occupational license. Persons whose class "D" or "M" operating privileges are revoked under ch. 344, Stats., do not qualify for an occupational license.

**Note:** The procedures for applying for a CDL occupational license under this chapter are found under ch. Trans 117, occupational driver's license.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Trans 100.19 File purge criteria. (1)** The accident entry shall be purged from the driver record after 4 years from the date of the accident.

**(2)** The safety responsibility revocation case entry shall be purged from the driver record after 5 years from the effective date of the revocation, or 3 years from the reinstatement eligibility date, whichever is longer.

**History:** Cr. Register, October, 1985, No. 358, eff. 11-1-85; r. (3), (1) and (2) renum. from Trans. 100.18 (1) and (2), Register, April, 1994, eff. 5-1-94.