

CHAPTER 110.

MOTOR VEHICLE DEPARTMENT.

110.01	Motor vehicle department.	110.05	Transfer of records, equipment and personnel.
110.02	Deputy commissioner.	110.06	Rules and regulations.
110.03	Powers, duties and functions transferred from other departments.	110.07	Traffic officers; powers and duties.
110.035	Additional powers and duties.	110.08	Revisor of statutes directed to make changes.
110.04	Transfer of powers, duties and functions.		

110.01 to 110.10 [Expired July 25, 1937; see 110.02 Stats. 1935]

110.01 to 110.10 [Expired April 1, 1939; see Spl. S. 1937 c. 3 s. 1; repealed by 1939 c. 514]

110.01 Motor vehicle department. (1) There is created a motor vehicle department in charge of a commissioner appointed by the governor with the advice and consent of the senate for a term of six years and until his successor is appointed and qualified. The commissioner shall be paid an annual salary of five thousand dollars.

(2) There shall be within the motor vehicle department the following divisions:

- (a) Registration and licensing;
- (b) Inspection and enforcement;
- (c) Highway safety promotion.

(3) Each such division shall be in charge of a director who shall be appointed by the commissioner with the advice and consent of the governor for a term of six years and until his successor is appointed and qualified and shall be paid an annual salary of not over forty-five hundred dollars.

(4) The commissioner shall allocate the powers, duties and functions transferred and vested in the motor vehicle department to the respective divisions as is appropriate and in the interest of highest efficiency and economy.

(5) The motor vehicle department shall have an official seal, with the words Motor Vehicle Department of Wisconsin engraved thereon, which shall be used to authenticate all papers requiring authentication.

(6) The commissioner of the motor vehicle department, and the directors of the divisions, shall each take and file the official oath and file a bond in such sum and with such sureties as the governor shall prescribe. The premiums on such bonds shall be paid out of the appropriation to the department.

(7) The commissioner and directors shall, in addition to their salary, be paid all amounts actually and necessarily incurred by them in the performance of their official duties.

(8) The commissioner and directors shall be appointed on the basis of recognized interest, training and experience and possess a knowledge and understanding of the powers, duties and functions of their respective offices.

(9) The commissioner may appoint a secretary who need not be subject to the provisions of chapter 16 and may fix his salary at not to exceed eighteen hundred dollars per annum.

(10) The motor vehicle department shall keep its office at the capitol, and shall be provided with suitable rooms, furniture, stationery, books, maps and supplies by the director of purchases. [1939 c. 410]

110.02 Deputy commissioner. The commissioner shall appoint the director of the division of registration and licensing his deputy to act in his name, place and stead during his absence or disability. [1939 c. 410]

110.03 Powers, duties and functions transferred from other departments. Subject to the provisions of section 110.04 hereof, the powers, duties and functions heretofore vested in the following departments are transferred to and vested in the motor vehicle department, to wit:

(1) All powers, duties and functions vested in the secretary of state by virtue of chapter 85 and subsection (5) of section 14.68.

(2) All powers, duties and functions vested in the industrial commission by virtue of sections 85.06 and 85.07.

(3) All powers, duties and functions vested in the highway commission by virtue of chapter 85, excepting subsections (1) and (2) of section 85.41, subsection (3) of section

85.45, subsections (1), (2) and (3) of section 85.46, subsections (1) to (6) of section 85.53, and sections 85.54, 85.68, 85.71, 85.73, 85.76 to 85.79.

(4) All powers, duties and functions vested in the state inspection bureau of the state treasury department by virtue of sections 109.06 and 109.07.

(5) All powers, duties and functions vested in the public service commission by virtue of chapter 194, excepting those included in the provisions of paragraphs (a) and (c) of section 194.02, subsections (3) and (6) of section 194.03, subsections (2), (3), (4), (5), (6), (7) and (9) of section 194.18, sections 194.21 to 194.28, sections 194.30 and 194.35 and subsections (2), (4), (5), (6), (7), (7a), (8) and (9) of section 194.36, sections 194.34 and 194.46 and subsection (5) of section 194.48 relating and supplemental to the granting, amendment, revocation, suspension or assignment of common motor carrier certificates or contract motor carrier licenses or the regulation of rates and service of common and contract motor carriers.

(6) All powers, duties and functions vested in the public service commission by virtue of section 129.11. [1939 c. 410, 486]

Revisor's Note: Particular attention is called to the repeal of sections 109.06 and 109.07, Stats. 1937, by 110.03 (4). It seems rather evident that the functions of the "inspection bureau" under 109.06 and 109.07 are fully expressed in 110.07; and, therefore, it is not necessary to print or pay any further attention to those repealed sections.

110.035 Additional powers and duties. The commissioner of the motor vehicle department shall have the power and it shall be his duty to prescribe reasonable rules and regulations setting forth the conditions under which school busses may be operated; a "school bus" being defined to be any motor vehicle transporting, under written contract with any school or school district, children to and from school, or used in transporting school basketball, baseball or football teams and school bands to and from such school or district. [1939 c. 410]

110.04 Transfer of powers, duties and functions. The powers, duties and functions of the respective departments transferred to the motor vehicle department by section 110.03 shall be transferred to and vested in such department within ninety days after the effective date of this chapter, as the commissioner may determine. [1939 c. 410]

Note: Organization powers of commissioner of motor vehicle department considered and analyzed. 28 Atty. Gen. 571.

110.05 Transfer of records, equipment and personnel. All records, books, papers, documents and equipment, and so much of the personnel now employed in the departments hereby transferred, as the commissioner may deem necessary to the efficient execution of the functions so transferred, shall automatically be transferred to and become the property and employes of the motor vehicle department as each such transfer is consummated. [1939 c. 410]

110.06 Rules and regulations. (1) The commissioner of the motor vehicle department shall have the power to make such reasonable rules and regulations not inconsistent with law as he may deem necessary to the discharge of the powers, duties and functions vested in such department. He shall also have power and authority to prescribe forms for applications, notices and reports required by law to be made to the department or which may be deemed necessary to the efficient discharge of all such powers, duties and functions.

(2) All outstanding orders, rules and regulations of the secretary of state, highway commission, industrial commission, inspection bureau and public service commission heretofore made under the authority transferred by section 110.03 to the motor vehicle department shall continue in full force and effect except in so far as the same may be rescinded, altered or amended by the commissioner of the motor vehicle department.

(3) All orders, determinations, rules and regulations made by the commissioner of the motor vehicle department under the powers and authority transferred to him by this chapter shall have the same force and effect as is provided for similar orders, determinations, rules and regulations of the secretary of state, or other department, made under the powers transferred hereby, and violations thereof shall be punished by the same penalties.

(4) The orders and determinations of the commissioner of the motor vehicle department made under the powers and authority transferred by this chapter shall be subject to appeal and judicial review in the same manner as is provided for orders and determinations of the secretary of state, or other departments, under the authority hereby transferred. All other orders and determinations of the commissioner of the motor vehicle department shall be subject to appeal and judicial review in the manner provided by chapter 196 for appeal and review of orders and determinations of the public service commission. [1939 c. 410]

110.07 Traffic officers; powers and duties. (1) The commissioner of motor vehicles shall employ not to exceed 55 traffic officers to enforce and assist in the administration of the provisions of chapters 85, 110 and 194 and section 129.11, or orders, rules or regulations issued pursuant thereto. Such traffic officers shall have the powers of sheriff

in the enforcing of the above chapters and section and orders, rules or regulations issued pursuant thereto. Such traffic officers shall have authority to enter any place where vehicles subject to the provisions of chapters 85, 110 and 194 and section 129.11 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof. It shall be the duty of all justices of the peace, judges, district attorneys and law enforcement officers to assist in enforcing the provisions of chapters 85, 110 and 194 and section 129.11, and orders, rules or regulations issued pursuant thereto, and law enforcement officers shall report to the motor vehicle department all arrests and disposition of court cases involving the aforementioned statutes.

(2) The traffic officers employed pursuant to the provisions of this section shall constitute a state traffic patrol to assist local enforcement officers wherever possible in the regulation of traffic and the prevention of accidents upon the public highways. No state traffic officer shall be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor shall any such traffic officer be required to serve civil processes. [1939 c. 410; 1941 c. 285]

110.08 Revisor of statutes directed to make changes. The revisor of statutes is directed to make the necessary changes in the language of the statutes so as to indicate the transfers provided in section 110.03. [1939 c. 410]

110.15 [Created by chapter 56, Laws 1939, renumbered section 100.30 by 43.08(2)]