STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION DOA-2049 (R03/2012)

Incurred)

DIVISION OF EXECUTIVE BUDGET AND FINANCE 101 EAST WILSON STREET, 10TH FLOOR P.O. BOX 7864 MADISON, WI 53707-7864 FAX: (608) 267-0372

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Type of Estimate and Analysis     X Original □ Updated □ Corrected		
Administrative Rule Chapter, Title and Number		
Chapter Trans 319, relating to: towing of vehicles and affecting small businesses		
3. Subject  Duray port to a 240 12(2m)(a) State this rule cost	ablished the following: (1) reasonable charges for	
Pursuant to s. 349.13(3m)(e), Stats., this rule establishes the following: (1) reasonable charges for		
removal and storage of vehicles under s. 349.13(3m), Stats., (2) the form and manner of display of notice necessary to qualify as "properly posted" under s. 349.13(3m)(a)2., Stats., and (3) guidelines		
for towing services to notify law enforcement under		
4. Fund Sources Affected	5. Chapter 20, Stats. Appropriations Affected	
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	None.	
6. Fiscal Effect of Implementing the Rule		
X No Fiscal Effect	☐ Increase Costs	
☐ Indeterminate ☐ Decrease Existing Revenues	Could Absorb Within Agency's Budget	
	☐ Decrease Cost	
7. The Rule Will Impact the Following (Check All That Apply)		
	cific Businesses/Sectors	
	c Utility Rate Payers	
X Small Businesses (if checked, complete Attachment A)  8. Would Implementation and Compliance Costs Be Greater Than \$20 million?		
Yes X No		
9. Policy Problem Addressed by the Rule		
As required by 2013 Wisconsin Act 76 and authorized by s. 349.13(3m)(e), Stats., the purpose of this		
chapter is to establish reasonable charges for the removal and storage of vehicles parked on private		
property that are not authorized to park in that area, the form and manner of display of notice necessary		
to qualify as "properly posted" under s. 349.13(3m)(a)2., Stats., and guidelines for towing services to		
notify law enforcement under s. 349.13(3m)(d), Stats., upon removal of a vehicle.		
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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.		
This rule will affect towing services, private property owners and local units of government, including		
law enforcement, involved in the removal of vehicles parked on private property that are not authorized		
to park in that area.		
11. Identify the local governmental units that participated in the development of this EIA.		
Input was provided by the City of Milwaukee, the City of Madison and the League of Wisconsin		
Municipalities.		
12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local		
Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be		

There are many towing services located throughout the state that likely qualify as small businesses under s. 227.114, Stats. While this rulemaking seeks to establish a uniform schedule of reasonable charges related to removal and storage of vehicles, as required by s. 349.13(3m)(e)1., Stats., the exact impact of this rule on towing services is unknown at this time. Private property owners, in order to comply with the "properly posted" notice requirements for vehicles to be towed without involvement

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of law enforcement, may also be affected by this rule. However, the exact impact, if any, on private property owners is unknown at this time.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

As required by 2013 Wisconsin Act 76, the rule establishes uniform requirements related to the towing of vehicles parked on private property without authorization. No alternatives exist.

14. Long Range Implications of Implementing the Rule **Unknown**.

15. Compare With Approaches Being Used by Federal Government

There is no existing or proposed federal regulations addressing the towing of vehicles parked on private property that are not authorized to be parked there.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Practices in neighboring states vary. States often rely on procedures for "abandoned vehicles" and garagekeeper's liens. Several non-neighboring states have a standardized process similar to the process that is outlined in this rule. The proposed rule's Analysis includes a detailed summary of neighboring states' approaches.

17. Contact Name	18. Contact Phone Number
Laura Vande Hey	(608) 709-0065

This document can be made available in alternate formats to individuals with disabilities upon request.

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## ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)
There are many towing services located throughout the state that likely qualify as small businesses under s. 227.114, Stats. While this rulemaking seeks to establish a uniform schedule of reasonable charges related to removal and storage of vehicles, as required by s. 349.13(3m)(e)1., Stats., the exact impact of this rule on towing services is unknown at this time. In addition, there may be some private property owners that, in order to comply with the "properly posted" notice requirements specified in s. 349.13(3m)(a)2., Stats., for unauthorized vehicles to be towed without involvement of law enforcement, will be affected by this rule. However, the exact impact, if any, on private property owners is unknown at this time.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The proposed permanent rule was drafted with input from individual towing services and the
Wisconsin Towing Association, governmental entities and the League of Wisconsin Municipalities,
the Wisconsin Housing Alliance, the Apartment Association of South Central Wisconsin, the Tenant
Resource Center, and members of the public during the public hearing and comment period for the
initial emergency rule (EmR1425) promulgated by the Department in 2014, for the related
emergency rule (EmR1514), and on this Clearinghouse Rule 15-044 (hearing date: July 21, 2015).

All input received by the Department was taken into consideration when drafting this rule. Input provided to the Department related to: the charges that a towing service may charge vehicle owners for towing and storage; the design and display of the required notice marking areas where vehicles parked without authorization may be removed; and the process required for towing services to notify law enforcement of the removal of unauthorized vehicles parked on private property.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?
☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
Exemption of Small Businesses from some or all requirements
Other, describe:
4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses
2013 Wisconsin Act 76 requires that the Department establish uniform requirements related to the towing of vehicles parked on private property without authorization. Input was sought from various
parties to ensure that the charges and notice requirements established in this rule are reasonable in
regards to their impact on small businesses.
5. Describe the Rule's Enforcement Provisions
None.
6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
☐ Yes X No