

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

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

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ATTACHMENT A

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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.

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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.

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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:

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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.

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5. Describe the Rule's Enforcement Provisions

None.

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No
