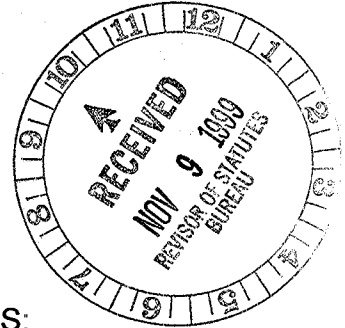


Clearinghouse Rule 99-107

CERTIFICATE

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF TRANSPORTATION)



TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **registration plates for authorized special groups**, was duly approved and adopted by this Department on November 5, 1999.

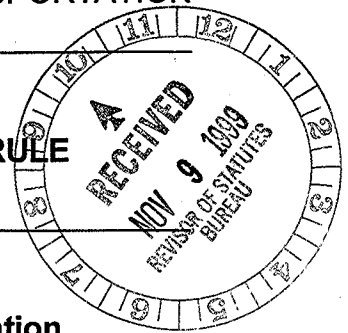
I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 5 day of **November**, 1999.


CHARLES H. THOMPSON
Secretary

The Wisconsin Department of Transportation adopts an order to create TRANS 134, relating to registration plates for authorized special groups.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: s. 341.14(6r)(fm)6., Stats., as created by 1997 Wis. Act 255
STATUTES INTERPRETED: ss. 341.14(6r) and 341.145, Stats.

General Summary of Rule. Ch. Trans 134 implements 1997 Wisconsin Act 255. Act 255 creates an administrative, instead of a legislative, procedure under which groups may apply to be recognized by a special group license plate. This rule making will do the following:

- Outline the procedure that a group follows to apply for designation as an authorized group, including the statutorily-specified eligibility criteria and deposit required.
- Address the procedure that DOT follows to review the group's application.
- State basic plate design requirements.
- Address requirements and procedure for an individual to apply to purchase license plates of the authorized special group.
- State general requirements related to plate sales and describe the procedure for any refund which DOT might make to the authorized special group. In addition, it will lay out the reasons for which DOT will discontinue plate sales, and the procedure that DOT follows to discontinue plate sales.

Fiscal Effect. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The rule will have no fiscal effect on state funds independent of the fiscal impact of 1997 Wisconsin Act 255. It is estimated that the fiscal effect in the current biennium will be \$28,700.00 and that there will be an annualized cost of \$25,100.00. The estimated fiscal effect is based on the assumption that the program will require half of an FTE position to administer it and that there will be a one-time cost of \$3,600.00 to provide equipment for the administrative position.

Final Regulatory Flexibility Analysis. This rule will have no direct affect on small businesses.

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Carson Frazier, Department of Transportation, Bureau of Vehicles Services, Room 253, P. O. Box 7909, Madison, WI 53707-7909, or by calling (608) 266-7857. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.14(6r)(fm)6., Stats., as created by 1997 Wis. Act 255, the department of transportation hereby creates a rule interpreting ss. 341.14(6r) and 341.145, Stats., relating to registration plates for authorized special groups.

SECTION 1. Chapter Trans 134 is created to read:

CHAPTER TRANS 134 AUTHORIZED SPECIAL GROUPS

TRANS 134.01 Authority and purpose. (1) As authorized by s. 341.14(6r)(fm), Stats., the purpose of this chapter is to establish procedures for the designation of authorized special groups and the issuance or discontinuation of issuance of special group plates to members of an authorized special group including application procedures, eligibility determination procedures, license plate reservation and sale procedures and discontinuance of license plate sale procedures for groups desiring to be designated as an authorized special group under s. 341.14(6r)(fm), Stats.

TRANS 134.02 Definitions. The words and phrases defined in s. 340.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Authorized special group" means a special group designated by the department under s. 341.14(6r)(fm), Stats.

(2) "Department" means the department of transportation.

TRANS 134.03 Application for designation as an authorized special group.

(1) APPLICATION. (a) A group wishing to be designated as an authorized special group may apply to the department upon the form provided by the department.

(b) The application form shall be determined by the department and shall require that the group certify that it meets all of the following criteria:

1. The group or organization is not organized or operated for profit.
2. The group or organization is not a political committee, as defined in s. 11.01(4), Stats., or a political group, as defined in s. 11.01(10), Stats.
3. The group or organization is not a church, a synagogue, a mosque or any organization, whether or not organized under Ch. 187, Stats., that operates under a creed.
4. The group or organization does not promote, practice or encourage hatred or any form of discrimination.
5. The group or organization does not carry connotations offensive to good taste or decency, or that would be misleading or in conflict with the enumeration of any other authorized special group.

(c) The application shall require that the group certify that it has obtained any necessary approvals for use of a logo or trademark to be included in the design of a special group license plate.

(d) If the group is incorporated, the application shall be accompanied by a copy of the group's articles of incorporation and by-laws.

(e) If the group is not incorporated, the application shall be accompanied by a copy of a document setting forth the group's purpose.

(f) The department may verify whether the group meets the criteria specified in sub. (1)(b) and has the approvals specified in sub. (1)(c). In order to verify that the group meets the eligibility requirements established in s. 341.14(6r)(fm)1., Stats., the department may consult with other state, federal or local agencies, national organizations, and other similar sources and may request that the group submit additional information that the department decides is reasonably necessary to determine if the group is entitled to designation as a special group.

(2) FEE DEPOSIT. (a) Along with the application, the group shall submit a deposit of \$15,500 by check made payable to the department of transportation. If the application is approved, up to \$12,000 of the deposit may be returned to the group as provided in s. 341.14(6r)(fm)2.a., Stats.

(b) The department shall do an initial review of the group's application, and if the application is not acceptable after the initial review, the department shall return the application and the check.

(c) If the department's initial review of the application indicates that further review is necessary, the department shall deposit the check in the general fund and credit the appropriation under s. 20.395(5)(cj), Stats.

(d) If the department rejects the group's application, it shall refund the deposit to the group.

(e) A group may withdraw its application any time before the department has approved the application, and the department shall refund the entire deposit. In order to receive a full refund, notice of withdrawal must be received by the department prior to its decision approving the application.

(f) If the group withdraws its application after the department has approved the application but before plate design is finalized, the department shall retain \$3,500 and shall refund \$12,000 of the deposit. The \$3,500 retained by the department shall be used to offset the costs of data processing work performed upon approval of the application.

(g) If the group withdraws its application after the department has approved the application and after plates are ordered, the department shall retain the entire \$15,500 deposit to offset the cost of data processing work and the cost of purchasing and issuing the plates.

NOTE: To apply for designation as an authorized special group, complete Form MV2908 which can be obtained by writing to the Department of Transportation, Bureau of Vehicle Services, P. O. Box 7911, or by calling (608) 266-3041.

TRANS 134.04 Designation of authorized special groups. (1) The department shall approve an application by a group or organization for designation as an authorized special group if the department determines that the group or organization meets all of the criteria specified in s. 341.14(6r)(fm)1., Stats.

(2) The department shall process applications according to the following schedule:

(a) The department shall notify the group immediately after initial screening if the application is not acceptable and the notice shall specify why the application is not acceptable.

(b) The department shall notify the group within 15 days of receipt of application, if any additional information is needed to determine eligibility.

(c) The department shall notify the group of approval or denial within 30 days of receipt of all information needed to determine eligibility.

(d) If the department has not received additional information needed to determine eligibility within 90 days of asking for this information, the application shall be considered withdrawn and the department shall refund the deposit as provided in s. Trans 134.03(2)(e).

(e) The department shall begin data processing work as soon as it approves the group's application as an authorized special group. The department shall endeavor to complete data processing work within 6 months.

(f) After the department and the authorized special group agree on a plate design concept, the department shall endeavor to complete a production-ready plate design and purchase plate materials within 6 months.

(3) If the department denies an application by a group or organization, it shall return the application and deposit promptly and shall notify the group or organization of the reasons for the denial.

NOTE: Section 341.14(6r)(fm)4., Stats., provides that the decision of the Department denying an application for designation as an authorized special group is final and is not subject to judicial review under Ch. 227.

TRANS 134.05 Special group plate design. (1) Special group plates shall display the word "Wisconsin" and the name of the applicable authorized special group shall be displayed on the plate.

(2) A special group plate shall display, on the left of the plate, a symbol representing the special group. The symbol may not exceed $\frac{1}{4}$ the width of the plate.

NOTE: For personalized plates, up to 6 positions are available for the desired message. Sequential plate numbering shall be as the Department determines.

(3) Special group plates shall be the combination of colors specified by the department for special group plates under s. 341.14(6r)(f), Stats., which are not military in nature and not special groups under s. 341.14(6r)(f)35. to 47. and 50., Stats.

(4) The department shall specify the design of special group plates for authorized special groups designated under this chapter after consulting with the chief executive officer of the group or organization or his or her representative regarding symbols and wording on the special group plate.

(5) The authorized special group shall pay any licensing fees related to the symbol or wording on special group plates.

TRANS 134.06 Authorized special group license plate sales. (1) INDIVIDUAL PLATE APPLICATIONS. (a) Special group plates are available for automobiles, station wagons, motor homes, motor trucks of 8,000 pounds or less, dual purpose motor homes or dual purpose farm trucks of 8,000 pounds or less, or farm trucks of 12,000 pounds or less. Special group plates may not be issued for motorcycles.

(b) License plates under this program are available only for vehicles registered for highway operation.

(c) Special group plates may not be combined with special plates for the disabled under s. 341.14(1), (1a), (1m), (1q) or (1r), Stats., and therefore, vehicles displaying special group plates are not entitled to special parking privileges unless displaying a disabled parking identification card issued under s. 343.51, Stats.

(d) The department shall accept plate applications from any person who wishes to purchase authorized special group plates. Plates under this program are not restricted to group members or persons who meet eligibility requirements established by the group.

(e) Each individual vehicle registrant who wishes to purchase a special group license plate shall submit a \$15 issuance fee along with the license plate and registration application in addition to regular registration fees.

(f) Authorized special groups may apply to reserve personalized plate messages on special group plates. If a group wishes to reserve personalized plate messages, the group shall submit \$15 for each reservation. The department shall search the current database and will reserve only personalized plate messages which do not duplicate any existing license plate number. If an individual vehicle registrant purchases the license plate with the reserved personalized plate message, the individual may not be charged the \$15 issuance fee.

NOTE: The Department shall have a form for application for plates of authorized special groups. The Department shall develop the application form, which will be available before any license plates are available for sale. The application form shall designate for which authorized special group plate the person is applying. Forms can be obtained by writing to the Department of Transportation, Bureau of Vehicle Services, P. O. Box 7911, or by calling (608) 266-3041.

(2) GENERAL REQUIREMENTS. (a) The department may not conduct any special advertising or promotion for authorized special group license plates. Any promotion shall be the responsibility of the authorized special group.

(b) No fund-raising plates may be considered for authorization under this program, as provided in s. 341.14(6r)(fm)5., Stats.

(3) REFUND OF FEE DEPOSIT. (a) Part of the group's deposit up to a maximum of \$12,000 may be refunded to the group after the first year of plate sales. The amount of money refunded to the group depends on the number of plates sold during the first year. The sum of \$15 shall be refunded for each plate sold during the first year.

NOTE: For example, if 100 plates are sold in the first year, the group will be refunded \$1,500; if 500 plates are sold in the first year, the group will be refunded \$7,500; and if 800 plates are sold in the first year, the group will be refunded the entire \$12,000.

(b) The first year of plate sales begins on the first date that the department accepts individual applications for plates of the authorized special group.

(4) DISCONTINUANCE OF PLATE SALES. (a) The department may discontinue sales of special group plates for any authorized special group if, 5 years after plate sales begin, there are less than 100 active vehicle registrations with the special group plate, or if the department concludes for cost reasons that the special group plate should be discontinued.

(b) If the department discontinues sales of special group plates for an authorized special group, the department may continue to renew authorized special group plates which have already been issued.

(c) If an authorized special group plate is discontinued and the department continues to renew plates which have already been issued, the department, 5 years after plate sales began and when the department undertakes a general license plate reissuance, may decide either to reissue the authorized special group plate or to discontinue the plate.

(d) If an authorized special group plate has been discontinued and the group decides to re-apply for designation as an authorized special group, the department may waive up to \$3,500 of the fee deposit if its data processing system will need no changes to reissue the special group plate.

(e) The department may terminate special group authorization and plate sales at any time if it discovers that false or misleading information as to the nature of the special group was provided in the application process. If the department discontinues special group authorization, it may recall all license plates issued under this chapter, and may suspend registration of all vehicles with recalled plates, if the plates are not returned to the department.


(f) Personalized plate messages obtained under this program are subject to all department policies applicable to any personalized plate messages, and plates already issued may be recalled and registration suspended, if the plates contain messages which the department determines to carry connotations offensive to good taste or decency or which may be misleading.

NOTE: Decisions of the Department to discontinue plate sales or to terminate authorized special group designation is final and not subject to judicial review under Ch. 227 as provided in s. 341.14(6r)(fm)4., Stats.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 5 day of November, 1999.


CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation



Wisconsin Department of Transportation

www.dot.state.wi.us

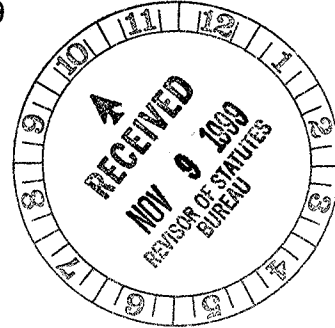
Tommy G. Thompson
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November 9, 1999



Mr. Gary Poulson
Deputy Revisor of Statutes
131 West Wilson Street, Suite 800
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 99-107**

In the Matter of the Adoption of **TRANS 134**, Wisconsin Administrative Code,
relating to **registration plates for authorized special groups**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 99-107**, an administrative rule relating to the above-mentioned matter.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".
Julie A. Johnson
Paralegal

Enclosures

cc: Roger Cross
Mike Goetzman
Sandy Beaupre
Carson Frazier