

# Clearinghouse Rule 98-102

## CERTIFICATE

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

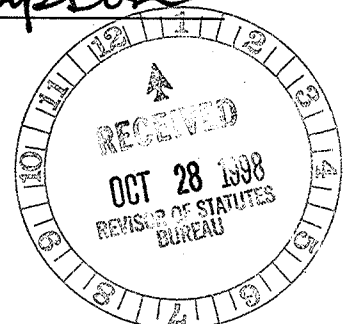
I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **titling of vehicles held by trusts**, was duly approved and adopted by this Department on October 26, 1998.

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 26 day of **October**, 1998.

*Charles H. Thompson*  
CHARLES H. THOMPSON  
Secretary



1-1-99

The Wisconsin Department of Transportation adopts an order to repeal TRANS 157.05(2)(i); amend TRANS 157.05(1), (1)(note) and (2)(intro.), relating to titling of vehicles held by trusts.

**ORDER ADOPTING RULE**

**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** s. 85.16(1), Stats.

**STATUTES INTERPRETED:** ss. 340.01(42), 341.08, 341.10, 342.05, 342.06, 342.09, 342.10, 342.11, 342.15 and 342.18, Stats.

**General Summary of Rule.** The Trustee's Statement for Certificate of Title (MV 2790) was created for customers titling a vehicle in the name of a Trust. The form requires the Trustee to affirm that the Trust is valid, and it has also saved DMV staff a significant amount of time which used to be spent reviewing the actual trust papers for authenticity.

Based on experience to date, DMV has decided that the Trustee's signature is sufficient proof that the Trust does exist, and there is no need for a Notary Public to sign the MV 2790 as a witness to the Trustee's signature. Notarization does not give the Department any added protection in the case of a legal dispute since a notary is unlikely to remember a specific case many months after the fact. Eliminating the notarization requirement will also save processing time for DMV, as DMV often receives trust documents and MV 2790 forms without a Notary's signature, and must delay processing while waiting for a notarized form to be mailed.

Amendments to ch. Trans 157 replace references to "affidavit" with the term "application" and repeal the provision requiring that the signatures of trustees be notarized or witnessed by a department employee.

**Fiscal Impact.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district, sewerage district, or any federally-recognized American Indian tribes or bands.

**Final Regulatory Flexibility Analysis.** This rule will have no adverse impact on small businesses.

**Copies of Rule.** Copies of this rule can be obtained upon request, without cost, by writing to Dan Wassink, Division of Motor Vehicles, Bureau of Vehicle Services, Room 201, P. O. Box 7909, Madison, Wisconsin 53707-7909, or by calling (608) 266-0993.

## TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 85.16(1), Stats., the department of transportation hereby adopts an order amending a rule interpreting ss. 340.01(42), 341.08, 341.10, 342.05, 342.06, 342.09, 342.10, 342.11, 342.15 and 342.18, Stats., relating to titling of vehicles held by trusts.

**SECTION 1.** Trans 157.05(1), (note) and (2)(intro.) are amended as follows:

Trans 157.05(1) An application for a certificate of title for a vehicle being transferred to or from a trust shall be made on forms specified by the department, shall include all information required by s. 342.06 (1), Stats., and shall include a trustee's affidavit application for certificate of title.

**NOTE:** Forms MV1, Application for Title/Registration, Odometer Disclosure Statement, and MV2790, Trustee's Affidavit Application for Certificate of Title, can be ordered from Document Sales, 202 S. Thornton Ave., Madison, WI 53704 or (608) 266-3358 or obtained at a motor vehicle services center. In cases involving the sale of titled vehicles, the Odometer Disclosure Statement on the reverse side of the certificate of title should be used.

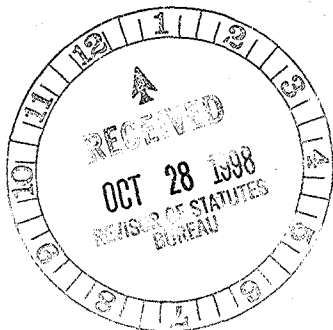
(2)(intro.) A trustee's affidavit application for certificate of title shall contain the following information:

**SECTION 2.** Trans 157.05(2)(i) is repealed.

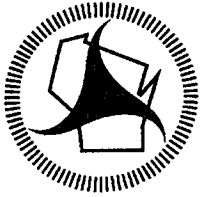
**(END OF RULE TEXT)**

**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 26 day of October, 1998.



*Charles H. Thompson*  
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CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation



## Wisconsin Department of Transportation



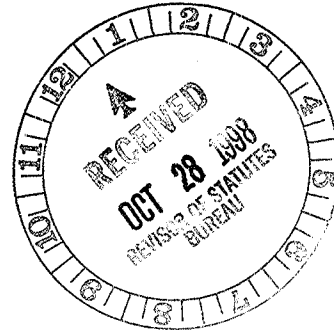
Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

October 28, 1998

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




RE: **CLEARINGHOUSE RULE 98-102**

In the Matter of the Adoption of **TRANS 157**, Wisconsin Administrative Code,  
relating to **titling of vehicles held by trusts**

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 98-102**, an administrative rule relating to the above-mentioned matter.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosures

cc: Gene Kussart  
Mike Goetzman  
Sandy Beaupre  
Roger Cross  
Dan Wassink  
Carson Frazier