



2013 ASSEMBLY BILL 173

April 25, 2013 – Introduced by Representatives J. OTT, SPIROS, DANOU, T. LARSON, A. OTT, KLEEFISCH, MURPHY, OHNSTAD, SHANKLAND, ENDSLEY, WACHS and JACQUE, cosponsored by Senators WIRCH, SCHULTZ, HANSEN and VINEHOUT. Referred to Committee on Transportation.

1 **AN ACT to amend** 341.14 (6r) (b) 1., 341.14 (6r) (c) and 341.14 (6r) (fm) 7.; and
2 **to create** 20.395 (5) (ei), 25.40 (1) (a) 30., 341.14 (6r) (b) 15., 341.14 (6r) (f) 62.
3 and 341.14 (10) of the statutes; **relating to:** special distinguishing registration
4 plates associated with Wisconsin Trout Unlimited and making an
5 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, any group or organization may apply to the Department of Transportation (DOT) for designation as an authorized special group. If the application is approved, members of the authorized special group may obtain special distinguishing registration plates for certain vehicles, including automobiles and motor homes, that are owned or leased by special group members. A fee, in addition to the regular registration fee for the particular kind of vehicle, is charged for the issuance or reissuance of most special plates.

Before October 2, 1998, authorized special groups whose members may obtain special plates were specifically enumerated in state law. With certain exceptions, current law provides that specific enumeration in state law of authorized special groups is limited to those special groups enumerated before October 2, 1998.

This bill establishes an authorized special group specifically enumerated in state law for persons interested in obtaining special plates supporting Wisconsin Trout Unlimited. In addition to the regular vehicle registration fee, special group members are required to pay a \$15 fee for issuance or reissuance of the special plates

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and a \$25 annual fee that provides funds to Wisconsin Trout Unlimited, Inc. The bill requires the special plates to display the words "Trout Unlimited." However, DOT may not issue these special plates until DOT has obtained, if necessary, authority to use any applicable trademark or service mark associated with these special plates.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.395 (5) (ei) of the statutes is created to read:

2 20.395 **(5)** (ei) *Payments to Wisconsin Trout Unlimited.* From the general fund,
3 all moneys received under s. 341.14 (6r) (b) 15. for payments to Wisconsin Trout
4 Unlimited, Inc., under s. 341.14 (10).

5 **SECTION 2.** 25.40 (1) (a) 30. of the statutes is created to read:

6 25.40 **(1)** (a) 30. Moneys received under s. 341.14 (6r) (b) 15. that are deposited
7 into the general fund and credited to the appropriation account under s. 20.395 (5)
8 (ei).

9 **SECTION 3.** 341.14 (6r) (b) 1. of the statutes is amended to read:

10 341.14 **(6r)** (b) 1. Subject to subd. 1m., upon application to register an
11 automobile or motor home, or a motor truck, dual purpose motor home or dual
12 purpose farm truck which has a gross weight of not more than 8,000 pounds, or a
13 farm truck which has a gross weight of not more than 12,000 pounds, by any person
14 who is a resident of this state and a member of an authorized special group, the
15 department shall issue to the person special plates whose colors and design shall
16 indicate that the vehicle is owned by a person who is a member of the applicable
17 special group. The department may not issue any special group plates under par. (f)
18 55., 60., or 61r. until 6 months after the department has received information
19 sufficient for the department to determine that any approvals required for use of any

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1 logo, trademark, trade name or other commercial symbol designating the
2 professional football team or professional baseball team or associated with
3 Harley-Davidson, Inc., have been obtained. Subject to ~~sub.~~ subs. (9) (d) and (10) (d),
4 the department may not issue any special group plates under par. (f) 61m. or 62. until
5 the department has received information sufficient for the department to determine
6 that any license or other approval required for use of any logo, trademark or service
7 mark, trade name or other commercial symbol to be used on or in association with
8 these plates has been obtained. Notwithstanding s. 341.12 (2), if the department of
9 corrections does not have flat-plate technology available for use in manufacturing
10 license plates at quality and cost comparable to that available from the state of
11 Minnesota, the department of transportation may not issue any special group plates
12 under par. (f) 59. unless the department of transportation purchases the plates from
13 the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765,
14 16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the
15 state of Minnesota.

16 **SECTION 4.** 341.14 (6r) (b) 15. of the statutes is created to read:

17 341.14 **(6r)** (b) 15. Subject to sub. (10) (d), a fee of \$25 that is in addition to the
18 fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on
19 an annual basis for the special group specified under par. (f) 62. Subject to sub. (10)
20 (d), a fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the
21 issuance or renewal of a plate issued on the biennial basis for the special group
22 specified under par. (f) 62. if the plate is issued or renewed during the first year of
23 the biennial registration period or \$25 for the issuance or renewal if the plate is
24 issued or renewed during the 2nd year of the biennial registration period. All moneys
25 received under this subdivision in excess of \$23,700 or of the initial cost of production

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1 of the special group plate under par. (f) 62., whichever is less, shall be deposited into
2 the general fund and credited to the appropriation under s. 20.395 (5) (ei). To the
3 extent permitted under ch. 71, the fee under this subdivision is deductible as a
4 charitable contribution for purposes of the taxes under ch. 71.

5 **SECTION 5.** 341.14 (6r) (c) of the statutes is amended to read:

6 341.14 **(6r)** (c) Special group plates shall display the word "Wisconsin", the
7 name of the applicable authorized special group, a symbol representing the special
8 group, not exceeding one position, and identifying letters or numbers or both, not
9 exceeding 6 positions and not less than one position. Except as provided in this
10 paragraph, the department shall specify the design for special group plates, but the
11 department shall consult the president of the University of Wisconsin System before
12 specifying the word or symbol used to identify the special groups under par. (f) 35.
13 to 47., the secretary of natural resources before specifying the word or symbol used
14 to identify the special groups under par. (f) 50. and 59., the chief executive officer of
15 the professional football team and an authorized representative of the league of
16 professional football teams described in s. 229.823 to which that team belongs before
17 specifying the design for the applicable special group plate under par. (f) 55., the chief
18 trademark officer of Harley-Davidson Michigan, LLC before specifying the design
19 for the applicable special group plate under par. (f) 61r., the department of veterans
20 affairs before specifying the design for the special group plates under par. (f) 49d.,
21 49h., and 49s., and the department of tourism and chief executive officer of the
22 organization specified in par. (f) 55m. before specifying the design and word or
23 symbol used to identify the special group name for special group plates under par.
24 (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to
25 regular registration plates in color and design. The department shall make available

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1 2 designs for the special group plates under par. (f) 60. The department may not
2 specify any design for the special group plates under par. (f) 60. unless the design is
3 approved by the executive vice president of the Milwaukee Brewers Baseball Club
4 LP. The word or symbol used to identify the special group under par. (f) 59. shall be
5 different from the word or symbol used to identify the special group under par. (f) 50.
6 and the design shall cover the entire plate. Special group plates under par. (f) 61m.
7 shall display a logo or image of the lion associated with the Lions Clubs
8 International. Special group plates under par. (f) 61r. shall display a bar and shield
9 logo associated with Harley-Davidson, Inc., on the left portion of the plates and the
10 words "share the road" on the bottom portion of the plates. Special group plates
11 under par. (f) 62. shall display the words "Trout Unlimited." Notwithstanding par.
12 (e), special group plates under par. (f) 33m. and 48m. shall be the same color and
13 design that was specified by the department for special group plates under par. (f)
14 33. and 48., respectively, immediately prior to January 1, 2007. The design for
15 special group plates under par. (f) 33. and 48. shall be different from the design of
16 special group plates under par. (f) 33m. and 48m., respectively.

17 **SECTION 6.** 341.14 (6r) (f) 62. of the statutes is created to read:

18 341.14 (6r) (f) 62. Persons interested in obtaining a plate supporting Wisconsin
19 Trout Unlimited.

20 **SECTION 7.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

21 341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups
22 may only be special groups designated by the department under this paragraph. The
23 authorized special groups enumerated in par. (f) shall be limited solely to those
24 special groups specified under par. (f) on October 1, 1998. This subdivision does not
25 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,

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1 15m., 19m., 33m., 48m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., 60., 61., 61m.,
2 and 61r., and 62.

3 **SECTION 8.** 341.14 (10) of the statutes is created to read:

4 341.14 (10) (a) Subject to par. (c), from the appropriation under s. 20.395 (5)
5 (ei), the department shall make payments to Wisconsin Trout Unlimited, Inc.

6 (b) For each year in which the department makes payments under par. (a),
7 Wisconsin Trout Unlimited, Inc., shall submit to the presiding officer of each house
8 of the legislature an audited financial statement of its use of the payments under this
9 subsection, prepared in accordance with generally accepted accounting principles.

10 (c) The department shall discontinue payments to Wisconsin Trout Unlimited,
11 Inc., under this subsection if Wisconsin Trout Unlimited, Inc., dissolves, becomes
12 insolvent, files a petition for bankruptcy, or is no longer exempt from taxation under
13 section 501 (a) of the Internal Revenue Code.

14 (d) 1. The department may not issue any plates under sub. (6r) (f) 62. unless
15 any approval required under sub. (6r) (b) 1. for these plates provides for all of the
16 following:

17 a. That the approval is irrevocable with respect to all plates issued for vehicles
18 after the plates are issued for these vehicles.

19 b. That, if the approval is withdrawn, the department may continue to renew
20 the registration of vehicles previously issued plates under sub. (6r) (f) 62., without
21 replacing those plates, but the department shall discontinue charging the fee
22 specified in sub. (6r) (b) 15. with respect to these renewals.

23 2. Notwithstanding sub. (6r) (b) 1. and (f) (intro.), if the approval specified in
24 sub. (6r) (b) 1. for plates issued under sub. (6r) (f) 62. is withdrawn, the department

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1 shall discontinue issuing plates under sub. (6r) (f) 62. unless additional approval, as
2 specified in sub. (6r) (b) 1. and this paragraph, is obtained by the department.

3 **SECTION 9. Nonstatutory provisions.**

4 (1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes
5 effect in fiscal year 2014-15, in submitting information under section 16.42 of the
6 statutes for purposes of the 2015-17 biennial budget bill, the department of
7 transportation shall submit information concerning the appropriation under section
8 20.395 (5) (cq) of the statutes as though the total amount appropriated under section
9 20.395 (5) (cq) of the statutes for the 2014-15 fiscal year was \$23,700 less than the
10 total amount that was actually appropriated under section 20.395 (5) (cq) of the
11 statutes for the 2014-15 fiscal year.

12 **SECTION 10. Fiscal changes.**

13 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
14 to the department of transportation under section 20.395 (5) (cq) of the statutes, as
15 affected by the acts of 2013, the dollar amount is increased by \$23,700 for the fiscal
16 year in which this subsection takes effect to increase funding for special registration
17 plates associated with Wisconsin Trout Unlimited.

18 **SECTION 11. Effective date.**

19 (1) This act takes effect on the first day of the 7th month beginning after
20 publication.

21 (END)