

1993 Senate Bill 368

Date of enactment: **April 9, 1994**
Date of publication*: **April 22, 1994**

1993 WISCONSIN ACT 256

AN ACT to renumber 346.505 (2); to renumber and amend 349.06 (1); to amend 343.52 (title), 343.52 (2), 346.50 (2), (2a) (intro.) and (3), 346.505 (3) (d) 1, 346.56 (1) (a) and (2) and 349.145 (1); to repeal and recreate 343.52 (2); and to create 46.29 (1) (fm), 341.625, 343.52 (1m) and (3), 346.50 (3m), 346.503 (2e), 346.503 (5), 346.505 (2) (b), 346.56 (1g) and (4) and 349.06 (1) (b) of the statutes, **relating to:** parking reserved for vehicles used by physically disabled persons and providing a penalty.

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

SECTION 1. 46.29 (1) (fm) of the statutes is created to read:

46.29 (1) (fm) By April 15, 1996, and biennially thereafter, submit a report to the legislature under s. 13.172 (2) concerning the time limitations imposed by any ordinances enacted under s. 346.50 (3m) on spaces reserved for use by a motor vehicle used by a physically disabled person, including any recommended changes to s. 346.50 (3m) and copies of any reports submitted from cities as required by s. 346.50 (3m) (b) 5.

SECTION 2. 341.625 of the statutes is created to read:

341.625 Special registration plates. (1) Any person who fraudulently procures or uses special registration plates issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) shall forfeit not less than \$200 nor more than \$500.

(2) (b) A member of a disabled parking enforcement assistance council under s. 349.145 who observes a violation of this section may prepare a written report indicating that a violation has occurred. The report shall contain, if applicable, the time and location at which the violation occurred, and any other relevant information relating to the violation.

(c) Within 24 hours after observing the violation, the member may deliver the report to a traffic officer of the political subdivision in which the violation occurred. A

report which does not contain all of the information in par. (b) shall nevertheless be delivered and shall be maintained by the political subdivision for statistical purposes.

(d) 1. Within 48 hours after receiving a report containing all of the information in par. (b) and after conducting an investigation, the traffic officer may prepare a uniform traffic citation under s. 345.11 for the violation and may personally serve it upon the person.

2. If with reasonable diligence the person cannot be served under subd. 1 or if the person lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the person's last-known address.

SECTION 3. 343.52 (title) of the statutes is amended to read:

343.52 (title) Unlawful use of special identification cards.

SECTION 4. 343.52 (1m) and (3) of the statutes are created to read:

343.52 (1m) Any person or organization that fraudulently procures, alters or uses a special identification card issued under s. 343.51 or reproduces by any means whatever a special identification card shall forfeit not less than \$200 nor more than \$500.

(3) (b) A member of a disabled parking enforcement assistance council under s. 349.145 who observes a violation of this section may prepare a written report indicating that a violation has occurred. The report shall con-

tain, if applicable, the time and location at which the violation occurred, and any other relevant information relating to the violation.

(c) Within 24 hours after observing the violation, the member may deliver the report to a traffic officer of the political subdivision in which the violation occurred. A report which does not contain all of the information in par. (b) shall nevertheless be delivered and shall be maintained by the political subdivision for statistical purposes.

(d) 1. Within 48 hours after receiving a report containing all of the information in par. (b) and after conducting an investigation, the traffic officer may prepare a uniform traffic citation under s. 345.11 for the violation and may personally serve it upon the person or organization.

2. If with reasonable diligence the person or organization cannot be served under subd. 1 or if the person or organization lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the person's or organization's last-known address.

SECTION 5. 343.52 (2) of the statutes is amended to read:

343.52 (2) The department shall cancel the special identification card of any person or organization who improperly uses a card as described in sub. (1) or who reproduces or fraudulently procures, alters or uses a card under sub. (1m). The department may order a person or organization whose identification card has been canceled to surrender the card to the department. The department may take possession of any identification card required to be canceled or may direct any traffic officer to take possession thereof and return it to the department.

SECTION 6. 343.52 (2) of the statutes, as affected by 1993 Wisconsin Acts 16 and (this act), is repealed and recreated to read:

343.52 (2) The department shall cancel the special identification card of any person or organization who improperly uses a card as described in sub. (1) or who reproduces or fraudulently procures, alters or uses a card under sub. (1m). The department may order a person or organization whose identification card has expired or has been canceled to surrender the card to the department. The department may take possession of any expired identification card or any identification card required to be canceled or may direct any traffic officer to take possession thereof and return it to the department.

SECTION 7. 346.50 (2), (2a) (intro.) and (3) of the statutes are amended to read:

346.50 (2) A Except as provided in sub. (3m), a motor vehicle bearing a special registration plate issued under s. 341.14 (1) or (1r) (a) to a disabled veteran or on his or her behalf is exempt from any ordinance imposing time limitations on parking in any street or highway zone and parking lot, whether municipally owned or leased, or both municipally owned and leased or a parking place

owned or leased, or both owned and leased by a municipal parking utility, with one-half hour or more limitation but otherwise is subject to the laws relating to parking. Where the time limitation on a metered stall is one-half hour or more, no meter payment is required. Parking privileges granted by this subsection are limited to the disabled veteran to whom or on whose behalf the special plates were issued and to qualified operators acting under the disabled veteran's express direction with the disabled veteran present.

(2a) (intro.) A Except as provided in sub. (3m), a motor vehicle bearing special registration plates issued under s. 341.14 (1a), (1e), (1m), (1q) or (1r) (a) or a motor vehicle, other than a motorcycle, upon which a special identification card issued under s. 343.51 is displayed or a motor vehicle registered in another jurisdiction upon which is displayed a registration plate, a card or an emblem issued by the other jurisdiction designating the vehicle as a vehicle used by a physically disabled person is exempt from any ordinance imposing time limitations on parking in any street or highway zone and parking lot, whether municipally owned or leased, or both municipally owned and leased or a parking place owned or leased, or both owned and leased by a municipal parking utility, with one-half hour or more limitation but otherwise is subject to the laws relating to parking. Where the time limitation on a metered stall is one-half hour or more, no meter payment is required. Parking privileges granted by this subsection are limited to the following:

(3) A Except as provided in sub. (3m), a vehicle bearing special registration plates issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a motor vehicle, other than a motorcycle, upon which a special identification card issued under s. 343.51 is displayed or a motor vehicle registered in another jurisdiction upon which is displayed a registration plate, a card or an emblem issued by the other jurisdiction designating the vehicle as a vehicle used by a physically disabled person is exempt from s. 346.505 or any ordinance in conformity therewith prohibiting parking, stopping or standing upon any portion of a street, highway or parking facility reserved for physically disabled persons by official traffic signs indicating the restriction. Stopping, standing and parking privileges granted by this subsection are limited to the persons listed under subs. (2) and (2a) (a) to (m).

SECTION 8. 346.50 (3m) of the statutes is created to read:

346.50 (3m) (a) In this subsection, "motor vehicle used by a physically disabled person" has the meaning given in s. 346.503 (1).

(b) The city council of a 1st or 2nd class city may enact an ordinance imposing a 3-hour or less limitation on parking of a motor vehicle used by a physically disabled person upon any portion of a street, highway or parking facility reserved by the city for physically dis-

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abled persons by official traffic signs indicating the restriction if the following conditions are complied with:

1. Before enactment, the city council seeks the advice and recommendation of a disabled parking council of at least 7 members established by an ordinance of the city or, if the city has established a disabled parking enforcement assistance council under s. 349.145, by that council, and holds a public hearing on the proposal. The majority of the members of any disabled parking council shall be appointed by the city council from among those residents of the city to whom or on whose behalf the department has issued a special registration plate under s. 341.14 (1) to (1r) or a special identification card under s. 343.51.

2. The ordinance may apply to not more than one-third of the number of spaces reserved by the city for use by a motor vehicle used by a physically disabled person, and no time limitation may be imposed on a reserved space in a parking facility unless an adjacent space without any such time limitation is reserved for use by a motor vehicle used by a physically disabled person. The ordinance shall require that the disabled parking council or, if applicable, the disabled parking enforcement assistance council give advice and make a recommendation on the location of such reserved spaces.

3. The official traffic sign for such reserved spaces shall include information on the applicable time limitation for use by a motor vehicle used by a physically disabled person.

4. The ordinance may not impose a penalty for a violation of the ordinance that is greater than the penalty for violation of any ordinance of the city imposing time limitations on parking upon any portion of a street, highway or parking facility.

5. The ordinance shall require the city to submit a report by December 31 of each odd-numbered year to the council on physical disabilities under s. 46.29 (1) (fm) on implementation and administration of the ordinance, including an evaluation of the effectiveness of time limitations imposed by the ordinance. With respect to spaces reserved by the city for use by a motor vehicle used by a physically disabled person upon any portion of a street, highway or parking facility, the report shall include the total number of spaces; the total number of spaces in a parking facility and the number of those spaces that are subject to a time limitation, and the duration of any such limitation; and the total number of spaces upon a street or highway and the number of those spaces that are subject to a time limitation, and the duration of any such limitation.

SECTION 9. 346.503 (2e) of the statutes is created to read:

346.503 (2e) The owner or lessee subject to the requirements of sub. (1m) shall keep the parking spaces reserved for vehicles designated under sub. (1m) or (2m) clear of snow and ice in a timely manner and make other reasonable efforts to ensure that the spaces are available

for use by a motor vehicle used by a physically disabled person.

SECTION 10. 346.503 (5) of the statutes is created to read:

346.503 (5) (b) A member of a disabled parking enforcement assistance council under s. 349.145 who observes a violation of this section may prepare a written report indicating that a violation has occurred. The report shall contain the time and location at which the violation occurred and any other relevant information relating to the violation.

(c) Within 24 hours after observing the violation, the member may deliver the report to a traffic officer of the political subdivision in which the violation occurred. A report which does not contain all of the information in par. (b) shall nevertheless be delivered and shall be maintained by the political subdivision for statistical purposes.

(d) 1. Within 48 hours after receiving a report containing all of the information in par. (b) and after conducting an investigation, the traffic officer may prepare a uniform traffic citation under s. 345.11 for the violation and may personally serve it upon the owner or lessee.

2. If with reasonable diligence the owner or lessee cannot be served under subd. 1 or if the owner or lessee lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's or lessee's last-known address.

SECTION 11. 346.505 (2) of the statutes is renumbered 346.505 (2) (a).

SECTION 12. 346.505 (2) (b) of the statutes is created to read:

346.505 (2) (b) No person may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility so as to obstruct, block or otherwise limit the use of any portion of a street, highway or parking facility reserved, by official traffic signs indicating the restriction, for vehicles displaying special registration plates issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a special identification card issued under s. 343.51 or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person.

SECTION 12m. 346.505 (3) (d) 1. of the statutes is amended to read:

346.505 (3) (d) 1. Within 48 hours after receiving a report containing all of the information in par. (b) and after conducting an investigation, the traffic officer may prepare a uniform traffic citation under s. 345.11 for the violation and may personally serve it upon the owner of the vehicle.

SECTION 13. 346.56 (1) (a) and (2) of the statutes are amended to read:

346.56 (1) (a) ~~Any~~ Except as provided in sub. (1g), any person violating s. 346.503 (1m) to (3) or a rule of the department under s. 346.503 (4) may be required to forfeit not less than \$50 nor more than \$200.

(2) Any person violating s. ~~346.505 (2)~~, 346.51 or 346.55 (1) or (2) may be required to forfeit not less than \$30 nor more than \$300.

SECTION 14. 346.56 (1g) and (4) of the statutes are created to read:

346.56 (1g) Any person violating s. 346.503 (2e) shall forfeit not less than \$20 nor more than \$40 for the first offense. For a 2nd or subsequent conviction within 3 years, a person shall forfeit not less than \$50 nor more than \$100.

(4) Any person violating s. 346.505 (2) shall forfeit not less than \$50 nor more than \$300.

SECTION 15. 349.06 (1) of the statutes is renumbered 349.06 (1) (a) and amended to read:

349.06 (1) (a) Except for the suspension or revocation of motor vehicle operator's licenses or except as provided in par. (b), any local authority may enact and enforce any traffic regulation which is in strict conformity with one or more provisions of chs. 341 to 348 and 350 for which the penalty for violation thereof is a forfeiture.

SECTION 16. 349.06 (1) (b) of the statutes is created to read:

349.06 (1) (b) Any local authority shall enact and enforce parking regulations and penalties for violations

of those regulations which are in conformity with the provisions of ss. 346.503, 346.505 and 346.56.

SECTION 17. 349.145 (1) of the statutes is amended to read:

349.145 (1) Any city, village or county may by ordinance or resolution establish a disabled parking enforcement assistance council. The majority of such a council shall be appointed by the local authorities from among those residents of the city, village or county to whom or on whose behalf the department has issued a special registration plate under s. 341.14 (1) to (1r) or a special identification card under s. 343.51. Members of such a council may report violations of ~~parking regulations under s. 341.625 (1), 343.52, 346.503 or 346.505 (2)~~ or ordinances in conformity therewith to a traffic officer of the city, village or county as provided in s. ~~341.625 (2), 343.52 (3), 346.503 (5) or 346.505 (3)~~. If a 1st or 2nd class city has enacted an ordinance under s. 346.50 (3m), the council shall perform any duties required by s. 346.50 (3m). The council may authorize any person to place on a vehicle educational material relating solely to the parking privileges of the physically disabled if the person has a good faith belief that the vehicle is violating state or local law on parking for motor vehicles used by the physically disabled.

SECTION 18. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 343.52 (2) of the statutes takes effect on July 1, 1994.