



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 715

Senate Amendment 1

Memo published: April 24, 2006

Contact: Don Salm, Senior Staff Attorney (267-0683)

SENATE AMENDMENT 1

Under *current law*, with limited exceptions, a special identification card (special ID card) entitles any motor vehicle parked by or under the direction of the card holder, or any motor vehicle operated by or on behalf of an organization and used to transport a person eligible for a card, to parking privileges. The penalties for violations are as follows:

1. A person or organization is subject to a forfeiture of *not more than \$200* if the person or organization: (a) lends to another a special ID card knowing that the person borrowing the card is not authorized by law to use it; (b) displays a special ID card on a vehicle that is not authorized by law to have the card displayed on it; (c) knowingly provides false information in an application for a special ID card; or (d) knowingly provides false information in support of an application for a special ID card.

2. A person or organization is required to forfeit *not less than \$200 nor more than \$500* if the person or organization fraudulently procures, alters, reproduces, or uses a special ID card.

2005 Assembly Bill 71, as amended by the Assembly (hereafter, "the bill"), increases the forfeiture for these violations *to \$1,000* and makes some modification in the scope of the violations, including requiring that the improper display of a special ID card be done knowing that the vehicle is not authorized to display the card.

The bill also creates two new violations, subject to the same *\$1,000 forfeiture* amount, for knowingly providing false or misleading information on an application for a special identification card and for knowingly providing false or misleading information in a health care provider statement submitted in support of an application. The bill also revises the current violation relating to a person or organization that *fraudulently procures* a special ID card, by replacing "fraudulently procures" with "*makes*" (i.e., "makes a special identification card...except as authorized by the department"). "Department" refers to the Wisconsin Department of Transportation.

Senate Amendment 1 amends the bill to:

1. Change the “*makes* a special ID card” prohibition in the bill to retain the language in current law, “*fraudulently procures*”. The prohibition will read: “Any person or organization that fraudulently procures, makes...”.
2. Change the forfeiture for violations under item 1. in the discussion of current law, above, from not more than \$200 (current law) *to not less than \$50 nor more than \$300*.
3. Retain the forfeiture amount in current law for violations listed in item 2. in the discussion of current law, above, (and the two new violations created in that same provision) (i.e., the forfeiture will be *not less \$200 nor more than \$500*).

ASSEMBLY AMENDMENTS

For reference, it should be noted that Assembly Amendments 1 and 2, adopted by the Assembly, changed the original bill as follows:

Assembly Amendment 1

Provides that any person or organization who sells or lends to another a special ID card knowing that the person *purchasing* or borrowing the card is not authorized by law to use it may be subject to a forfeiture (i.e., the amendment prohibits the sale of disabled parking placards).

Assembly Amendment 2

1. Requires special ID card holders (i.e., placard) to retain, for the period during which the placard is valid, a copy of the *physician statement* supporting the placard. Specifically, the amendment requires placard holders to retain a copy of the physician statement with them or in their vehicle when the placard is displayed and to produce the statement at the request of law enforcement.
2. Provides that offenders of the physician statement “retainment” requirement in item 1. be required to pay a *flat forfeiture of \$10* (no surcharges or fees), unless they can produce the statement in court or to law enforcement within 10 days.
3. *Changes the effective date* of the bill to the first day of the *third month* beginning after publication.

Legislative History: On April 21, 2006, the Senate Committee on Natural Resources and Transportation voted to introduce and adopt Senate Amendment 1 (a committee amendment) on a vote of Ayes, 5; Noes, 0. The committee then voted to concur in the bill, as amended by Senate Amendment 1, on a vote of Ayes, 5; Noes, 0.

DLS:rv:jal