



## 2007 ASSEMBLY BILL 586

November 27, 2007 - Introduced by Representatives KRUSICK, A. OTT, HAHN, SHERIDAN, STEINBRINK, ALBERS, BENEDICT, BERCEAU, KLEEFISCH, NELSON, PARISI, POCAN, SEIDEL, SHILLING, SINICKI, STASKUNAS, TURNER, A. WILLIAMS and ZIEGELBAUER, cosponsored by Senators COGGS, DARLING, HANSEN, LASSA, OLSEN, ROESSLER and SULLIVAN, by request of Survival Coalition of Wisconsin Disability Organizations, Disability Rights Wisconsin, Independence First, Sauk County Disabled Parking Enforcement Council, Coalition of Wisconsin Aging Groups, Family Voices of Wisconsin, Learning Disabilities Association of Wisconsin, Wisconsin Council on Developmental Disabilities, Wisconsin Coalition of Independent Living Centers, Inc., City of Milwaukee Police Department and Steinhauer Group, LLC. Referred to Committee on Transportation.

1     **AN ACT to renumber and amend** 343.52 (1m); **to amend** 343.52 (1) (intro.), (a)  
2             and (b) and 343.52 (2); and **to create** 343.52 (1g) of the statutes; **relating to:**  
3             special identification cards issued by the Department of Transportation  
4             providing parking privileges for persons with physical disabilities and  
5             providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a person with a disability that limits or impairs the ability to walk may apply for and obtain from the Department of Transportation (DOT) a special identification card. With limited exceptions, a special identification 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. A person or organization is subject to a forfeiture of not less than \$50 nor more than \$300 if the person or organization does any of the following: 1) sells or lends to another a special identification card knowing that the person purchasing or borrowing the card is not authorized by law to use it; 2) displays a special identification card on a vehicle knowing that the vehicle is not authorized to have the card displayed on it; 3) knowingly provides information that is false or misleading on an application for a special identification card; or 4) knowingly provides information that is false or misleading in a health care provider's statement submitted in support of an application for a special identification card. In addition, any person or organization that fraudulently procures, makes, alters,

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reproduces, or duplicates a special identification card, except as authorized by DOT, must forfeit not less than \$200 nor more than \$500. These offenses and penalties were affected by 2005 Wisconsin Act 455.

This bill, with one exception, increases the penalty for these offenses, makes a penalty for each offense mandatory, and deletes or restores certain changes to these offenses made by 2005 Wisconsin Act 455. Under the bill, with one exception, the mandatory penalty for these offenses is a forfeiture of not less than \$300 nor more than \$750 for the first offense and not less than \$500 nor more than \$750 for the second or subsequent conviction within two years. However, the penalty for improperly lending a special identification card to another, which is a forfeiture of \$50 to \$300, is not increased under the bill. The bill eliminates the requirement, created in 2005 Wisconsin Act 455, that, to constitute a violation for displaying a special identification card on a vehicle not authorized to have the card displayed on it, the person must know that the vehicle is not authorized to have the card displayed on it. In addition, the bill restores the word "uses," eliminated in 2005 Wisconsin Act 455, to an existing violation so that, under the bill, a person who fraudulently procures, makes, alters, reproduces, uses, or duplicates a special identification card, except as authorized by DOT, commits a violation.

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

1           **SECTION 1.** 343.52 (1) (intro.), (a) and (b) of the statutes are amended to read:

2           343.52 (1) (intro.) Any person or organization who does any of the following  
3           ~~may shall~~ be required to forfeit not less than ~~\$50~~ \$300 nor more than ~~\$300~~ \$750 for  
4           the first offense and not less than \$500 nor more than \$750 for the 2nd or subsequent  
5           conviction within 2 years:

6           (a) Sells ~~or lends~~ to another a special identification card issued under s. 343.51,  
7           knowing that the person purchasing ~~or borrowing~~ the card is not authorized by law  
8           to use it.

9           (b) Displays a special identification card issued under s. 343.51 upon a vehicle  
10          ~~knowing that the vehiele~~ is not authorized by law to have the card displayed thereon.

11          **SECTION 2.** 343.52 (1g) of the statutes is created to read:

