



## 2013 ASSEMBLY BILL 492

November 4, 2013 – Introduced by Representative KRUG. Referred to Committee on Transportation.

1     **AN ACT** *to amend* 343.13 (1) and 347.50 (1); and *to create* 343.13 (4), 347.473  
2             and 347.50 (2j) of the statutes; **relating to:** motor vehicle adaptive equipment  
3             for drivers with physical disabilities and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill regulates the installation of “adaptive equipment,” which the bill defines as equipment allowing an individual with a physical disability to safely operate a motor vehicle. The bill refers to an individual for whom the equipment is installed as a “client.” The bill prohibits a person from installing adaptive equipment for a client in a manner that alters any original part or equipment in a motor vehicle, unless the following five requirements are satisfied.

First, the person installing the equipment (installer) must be accredited under the Quality Assurance Program of the National Mobility Equipment Dealer’s Association. Second, the client must certify to the installer that the client has received a clinical evaluation performed by an occupational therapist or physician. The bill defines “clinical evaluation” as an evaluation of a client’s range of motion, strength, sensation, perception, visual and cognitive skills, kinesthetic awareness, and medical history. Third, the client must certify to the installer that the client has received a “behind-the-wheel evaluation,” which is defined as an evaluation involving the client’s use of adaptive equipment to determine the adaptive equipment that is appropriate for the client. The behind-the-wheel evaluation must be performed by an occupational therapist or physician who has an unexpired driver rehabilitation specialist certification issued by the Association for Driver

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Rehabilitation Specialists or a successor organization, or who is training for such certification under the supervision of a person who has such certification. In addition, the occupational therapist or physician must also be a qualified driving instructor. Also, the behind-the-wheel evaluation must be performed in a motor vehicle that satisfies the requirements of the Wisconsin Department of Transportation (DOT) for driver training cars.

Fourth, the client must provide the installer with a document, which the bill refers to as a vehicle modification order, that specifies the adaptive equipment that is determined to be appropriate for the client. The vehicle modification order must be made by the occupational therapist or physician who performed the behind-the-wheel evaluation. Fifth, the installer may only install the adaptive equipment specified in the vehicle modification order. A person who installs adaptive equipment in violation of the foregoing requirements is subject to a civil forfeiture of not more than \$200.

The bill also prohibits DOT from issuing a driver's license to a person if DOT determines that special mechanical controls are required for the person to safely operate a motor vehicle, unless the person provides DOT with certifications that the person received the clinical and behind-the-wheel evaluations described above. In addition, the person must provide DOT with a certification from the occupational therapist or physician who performed the behind-the-wheel evaluation that adaptive equipment was installed as specified in the vehicle modification order made by the occupational therapist or physician.

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

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

1           **SECTION 1.** 343.13 (1) of the statutes is amended to read:

2           343.13 (1) The Subject to sub. (4), the department upon issuing any license  
3 pursuant to this chapter may, whenever good cause appears, impose restrictions  
4 suitable to the licensee's operating ability with respect to the type of or special  
5 mechanical control devices required on a motor vehicle which the licensee may  
6 operate, or such other restrictions applicable to the licensee as the department may  
7 determine to be appropriate to assure the safe operation of a motor vehicle by the  
8 licensee.

9           **SECTION 2.** 343.13 (4) of the statutes is created to read:

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1           343.13 (4) The department may not issue a license to a person if the department  
2 determines that special mechanical control devices are required for the licensee to  
3 safely operate a motor vehicle unless the person provides all of the following to the  
4 department:

5           (a) A clinical evaluation certification under s. 347.473 (2) (b) 1.

6           (b) A behind-the-wheel evaluation certification under s. 347.473 (2) (b) 2.

7           (c) A certification from the health care professional providing an evaluation  
8 under s. 347.473 (2) (b) 2. that the adaptive equipment was installed as specified in  
9 a vehicle modification order under s. 347.473 (2) (c).

10           **SECTION 3.** 347.473 of the statutes is created to read:

11           **347.473 Motor vehicle adaptive equipment. (1) DEFINITIONS.** In this  
12 section:

13           (a) “Adaptive equipment” means equipment that allows for the safe operation  
14 of a motor vehicle by an individual with a physical disability.

15           (b) “Behind-the-wheel evaluation” means an evaluation of a client that  
16 satisfies all of the following:

17           1. The evaluation is performed in a motor vehicle that satisfies the  
18 requirements under s. 343.72.

19           2. The evaluation involves the client’s use of adaptive equipment to determine  
20 the adaptive equipment that is appropriate for the client.

21           3. The evaluation includes training on the adaptive equipment that is  
22 determined to be appropriate for the client.

23           (c) “Client” means an individual with a physical disability for whom adaptive  
24 equipment is installed in a motor vehicle.

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1 (d) "Clinical evaluation" means an evaluation of a client's range of motion,  
2 strength, sensation, perception, visual and cognitive skills, kinesthetic awareness,  
3 and medical history.

4 (e) "Driver rehabilitation specialist" means an individual with an unexpired  
5 driver rehabilitation specialist certification issued by the Association for Driver  
6 Rehabilitation Specialists or a successor organization.

7 (f) "Health care professional" means an occupational therapist or physician  
8 licensed under chapter 448.

9 (g) "Vehicle modification order" means a document made by a health care  
10 professional who has performed a behind-the-wheel evaluation of a client that  
11 specifies the adaptive equipment that the health care professional determines is  
12 appropriate for the client.

13 **(2) INSTALLATION OF ADAPTIVE EQUIPMENT.** No person may install adaptive  
14 equipment in a motor vehicle for a client in any manner that alters any original part  
15 or equipment in the motor vehicle as sold by the manufacturer unless all of the  
16 following are satisfied:

17 (a) The person is accredited to install the adaptive equipment under the  
18 Quality Assurance Program of the National Mobility Equipment Dealer's  
19 Association.

20 (b) The client certifies to the person that the client has received both of the  
21 following:

22 1. A clinical evaluation performed by a health care professional.

23 2. A behind-the-wheel evaluation performed by a health care professional who  
24 is a qualified instructor, as defined in s. 343.07 (1c), and who is either a driver

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1 rehabilitation specialist or is training to be a driver rehabilitation specialist under  
2 the supervision of a driver rehabilitation specialist.

3 (c) The client provides the person with a copy of a vehicle modification order  
4 made by the health care professional who performed the behind-the-wheel  
5 evaluation described in par. (b) 2.

6 (d) The adaptive equipment that is installed is specified in the vehicle  
7 modification order described in par. (c).

8 **SECTION 4.** 347.50 (1) of the statutes is amended to read:

9 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.385 (5), s.  
10 347.413 (1) ~~or s.,~~ 347.415 (1m), (2), and (3) to (5) ~~or s.,~~ 347.417 (1) ~~or s.,~~ 347.473,  
11 347.475 ~~or s.,~~ 347.48 (2m) or (4), or s. 347.489, may be required to forfeit not less than  
12 \$10 nor more than \$200.

13 **SECTION 5.** 347.50 (2j) of the statutes is created to read:

14 347.50 (2j) Any person who installs adaptive equipment in a motor vehicle in  
15 violation of sub. 347.473 (2) may be required to forfeit not more than \$200 for each  
16 violation.

17 (END)