



2009 ASSEMBLY BILL 285

May 27, 2009 - Introduced by Representatives KRUSICK, ZIPPERER, BERCEAU, BROOKS, FIELDS, GRIGSBY, KAUFERT, LOTHIAN, A. OTT, PASCH, STONE, A. WILLIAMS, ZEPNICK and GUNDERSON, cosponsored by Senators PLALE, KANAVAS, COGGS, LEHMAN and TAYLOR, by request of IndependenceFirst, Wisconsin Petroleum Marketers and Convenience Store Association, Disability Rights Wisconsin, AARP Wisconsin, Survival Coalition of Wisconsin Disability Organizations, and Wisconsin Coalition of Independent Living Centers. Referred to Committee on Consumer Protection.

1 **AN ACT** *to repeal* 100.51 (5); *to amend* 100.18 (8); and *to create* 134.805 of the
2 statutes; **relating to:** dispensing motor vehicle fuel for persons with
3 disabilities, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a motor vehicle fuel dealer is required to have an employee dispense fuel for a vehicle that displays registration plates or an identification card that indicates the vehicle is used by a person with a disability, if the dealer has full-service pumps. A dealer is required to charge a person receiving such service the same price that the dealer charges at self-service pumps. The current provision is enforced by the Department of Agriculture, Trade and Consumer Protection.

This bill expands the current requirements. Under the bill, a retailer of motor vehicle fuel must provide an employee or other attendant to dispense motor vehicle fuel if the vehicle displays registration plates or an identification card indicating the vehicle is used by a person with a disability, the driver sounds the vehicle's horn or requests assistance, and more than one employee or attendant is on duty. The requirements apply regardless of whether a retailer has full-service pumps. The bill also requires a retailer to post signs designed by the Department of Commerce indicating that disabled customers may obtain assistance in fueling. The bill provides for a \$100 forfeiture for each violation of the bill's requirements and transfers enforcement to the district attorney.

ASSEMBLY BILL 285

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.** 100.18 (8) of the statutes is amended to read:

2 100.18 (8) Every wholesaler and every other person selling or distributing
3 motor fuel in this state shall keep posted in a conspicuous place, most accessible to
4 the public at his or her place of business, and on every pump from which delivery is
5 made directly into the fuel tank attached to a motor vehicle, a placard showing the
6 net selling price per gallon of all grades of motor fuel and the amount of all taxes per
7 gallon thereon. On pumps or other dispensing equipment from which motor fuel is
8 sold and delivered directly into fuel supply tanks attached to motor vehicles, such
9 posting shall be in figures not less than one inch high, except that no such placard
10 shall be required on a computer pump whereon the total net selling price per gallon
11 including all taxes is legibly shown on its face. Except for sales to drivers of motor
12 vehicles used by physically disabled persons under s. ~~100.51 (5)~~ 134.805, all sales
13 shall be made at the posted price. Delivery slips shall also show the net selling price
14 per gallon of all grades of motor fuel and the amount of all taxes per gallon thereon.
15 If the wholesaler or person has more than one place of business in this state, the
16 wholesaler or person shall post that placard at all of his or her places of business.
17 All prices posted shall remain in effect for at least 24 hours after they are posted.
18 It shall be considered deceptive advertising to advertise or represent in any manner
19 the price of motor fuel offered for sale at retail to be less than the price so posted on
20 each pump.

21 **SECTION 2.** 100.51 (5) of the statutes is repealed.

ASSEMBLY BILL 285

1 **SECTION 3.** 134.805 of the statutes is created to read:

2 **134.805 Dispensing motor vehicle fuel; vehicles used by person with**
3 **disabilities. (1)** In this section, “motor vehicle” has the meaning given in s. 340.01
4 (35).

5 **(2) (a)** A motor vehicle fuel retailer shall provide an employee or other
6 attendant to dispense motor vehicle fuel into a motor vehicle, if all of the following
7 apply:

8 1. The driver of the motor vehicle sounds the vehicle’s horn or requests
9 assistance.

10 2. The motor vehicle displays special registration plates issued under s. 341.14
11 (1), (1a), (1m), (1q), or (1r) (a) or a special identification card issued under s. 343.51
12 or the vehicle is registered in another jurisdiction and displays a registration plate,
13 card, or emblem issued by that jurisdiction that indicates the vehicle is used by a
14 person with a physical disability.

15 3. More than one employee or other attendant is on duty at the motor vehicle
16 fuel retailer’s place of business.

17 (b) A motor vehicle fuel retailer dispensing fuel under par. (a) may not charge
18 a price that exceeds the price the retailer charges for the fuel at a self-service pump.

19 **(3) (a)** A motor vehicle fuel retailer shall post in a conspicuous location, as
20 defined by the department of commerce by rule, a sign that complies with design
21 specifications under par. (b).

22 (b) The department of commerce shall prepare design specifications for signs
23 to be displayed by motor vehicle fuel retailers under par. (a) indicating that disabled
24 customers may obtain assistance in fueling. The department of commerce shall

ASSEMBLY BILL 285

SECTION 3

1 prepare the design specifications in consultation with advocates for the disabled and
2 the elderly, petroleum marketers, and motor vehicle fuel retailers.

3 (4) A person who violates this section shall be required to forfeit not more than
4 \$100 per violation.

5 (END)