



2011 SENATE BILL 449

February 9, 2012 - Introduced by Senators GROTHMAN, SCHULTZ and LAZICH, cosponsored by Representatives JACQUE, ENDSLEY, A. OTT, BIES, KOOYENGA, PRIDEMORE, THIESFELDT, WYNN, ZIEGELBAUER and KESTELL. Referred to Committee on Transportation and Elections.

1 **AN ACT to amend** 341.14 (6r) (b) 1., 341.14 (6r) (c) and 341.14 (6r) (fm) 7.; and
2 **to create** 20.395 (5) (ei), 25.40 (1) (a) 30., 341.14 (6r) (b) 15., 341.14 (6r) (f) 62.
3 and 341.14 (10) of the statutes; **relating to:** special distinguishing registration
4 plates displaying the words Choose Life and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, any group or organization may apply to the Department of Transportation (DOT) for designation as an authorized special group. If the application is approved, members of the authorized special group may obtain special distinguishing license plates for certain vehicles, including automobiles and motor homes, that are owned or leased by special group members. A fee, in addition to the regular registration fee for the particular kind of vehicle, is charged for the issuance or reissuance of most special plates.

Before October 2, 1998, authorized special groups whose members may obtain special plates were specifically enumerated in state law. With certain exceptions, current law provides that specific enumeration in state law of authorized special groups is limited to those special groups enumerated before October 2, 1998.

This bill establishes an authorized special group specifically enumerated in state law for persons interested in obtaining special plates that display the words "Choose Life" and the proceeds from which support the purposes and bylaws of Choose Life Wisconsin. In addition to the regular vehicle registration fee, special group members are required to pay a \$15 fee for issuance or reissuance of the special plates and a \$25 annual fee that provides funds to Choose Life Wisconsin. However,

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DOT may not issue these special plates until DOT has obtained authority to use, without fee, any applicable trademark or service mark associated with these "Choose Life" special plates.

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.** 20.395 (5) (ei) of the statutes is created to read:

2 20.395 **(5)** (ei) *Payments to Choose Life Wisconsin.* From the general fund, all
3 moneys received under s. 341.14 (6r) (b) 15. for payments to Choose Life Wisconsin
4 under s. 341.14 (10).

5 **SECTION 2.** 25.40 (1) (a) 30. of the statutes is created to read:

6 25.40 **(1)** (a) 30. Moneys received under s. 341.14 (6r) (b) 15. that are deposited
7 into the general fund and credited to the appropriation account under s. 20.395 (5)
8 (ei).

9 **SECTION 3.** 341.14 (6r) (b) 1. of the statutes is amended to read:

10 341.14 **(6r)** (b) 1. Subject to subd. 1m., upon application to register an
11 automobile or motor home, or a motor truck, dual purpose motor home or dual
12 purpose farm truck which has a gross weight of not more than 8,000 pounds, or a
13 farm truck which has a gross weight of not more than 12,000 pounds, by any person
14 who is a resident of this state and a member of an authorized special group, the
15 department shall issue to the person special plates whose colors and design shall
16 indicate that the vehicle is owned by a person who is a member of the applicable
17 special group. The department may not issue any special group plates under par. (f)
18 55., 60., or 61r. until 6 months after the department has received information
19 sufficient for the department to determine that any approvals required for use of any

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1 logo, trademark, trade name or other commercial symbol designating the
2 professional football team or professional baseball team or associated with
3 Harley-Davidson, Inc., have been obtained. Subject to ~~sub.~~ subs. (9) (d) and (10) (d),
4 the department may not issue any special group plates under par. (f) 61m. or 62. until
5 the department has received information sufficient for the department to determine
6 that any license or other approval required for use of any logo, trademark or service
7 mark, trade name or other commercial symbol to be used on or in association with
8 these plates has been obtained. Notwithstanding s. 341.12 (2), if the department of
9 corrections does not have flat-plate technology available for use in manufacturing
10 license plates at quality and cost comparable to that available from the state of
11 Minnesota, the department of transportation may not issue any special group plates
12 under par. (f) 59. unless the department of transportation purchases the plates from
13 the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765,
14 16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the
15 state of Minnesota.

16 **SECTION 4.** 341.14 (6r) (b) 15. of the statutes is created to read:

17 341.14 **(6r)** (b) 15. Subject to sub. (10) (d), a fee of \$25 that is in addition to the
18 fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on
19 an annual basis for the special group specified under par. (f) 62. Subject to sub. (10)
20 (d), a fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the
21 issuance or renewal of a plate issued on the biennial basis for the special group
22 specified under par. (f) 62. if the plate is issued or renewed during the first year of
23 the biennial registration period or \$25 for the issuance or renewal if the plate is
24 issued or renewed during the 2nd year of the biennial registration period. All moneys
25 received under this subdivision in excess of \$23,700 or of the initial cost of production

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1 of the special group plate under par. (f) 62., whichever is less, shall be deposited into
2 the general fund and credited to the appropriation under s. 20.395 (5) (ei). To the
3 extent permitted under ch. 71, the fee under this subdivision is deductible as a
4 charitable contribution for purposes of the taxes under ch. 71.

5 **SECTION 5.** 341.14 (6r) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
6 is amended to read:

7 341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the
8 name of the applicable authorized special group, a symbol representing the special
9 group, not exceeding one position, and identifying letters or numbers or both, not
10 exceeding 6 positions and not less than one position. Except as provided in this
11 paragraph, the department shall specify the design for special group plates, but the
12 department shall consult the president of the University of Wisconsin System before
13 specifying the word or symbol used to identify the special groups under par. (f) 35.
14 to 47., the secretary of natural resources before specifying the word or symbol used
15 to identify the special groups under par. (f) 50. and 59., the chief executive officer of
16 the professional football team and an authorized representative of the league of
17 professional football teams described in s. 229.823 to which that team belongs before
18 specifying the design for the applicable special group plate under par. (f) 55., the chief
19 trademark officer of Harley-Davidson Michigan, LLC before specifying the design
20 for the applicable special group plate under par. (f) 61r., the department of veterans
21 affairs before specifying the design for the special group plates under par. (f) 49d.,
22 49h., and 49s., and the department of tourism and chief executive officer of the
23 organization specified in par. (f) 55m. before specifying the design and word or
24 symbol used to identify the special group name for special group plates under par.
25 (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to

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1 regular registration plates in color and design. Special group plates issued under
2 par. (f) 62. shall display the words “Choose Life”. The department shall make
3 available 2 designs for the special group plates under par. (f) 60. The department
4 may not specify any design for the special group plates under par. (f) 60. unless the
5 design is approved by the executive vice president of the Milwaukee Brewers
6 Baseball Club LP. The word or symbol used to identify the special group under par.
7 (f) 59. shall be different from the word or symbol used to identify the special group
8 under par. (f) 50. and the design shall cover the entire plate. Special group plates
9 under par. (f) 61m. shall display a logo or image of the lion associated with the Lions
10 Clubs International. Special group plates under par. (f) 61r. shall display a bar and
11 shield logo associated with Harley-Davidson, Inc., on the left portion of the plates
12 and the words “share the road” on the bottom portion of the plates. Notwithstanding
13 par. (e), special group plates under par. (f) 33m. and 48m. shall be the same color and
14 design that was specified by the department for special group plates under par. (f)
15 33. and 48., respectively, immediately prior to January 1, 2007. The design for
16 special group plates under par. (f) 33. and 48. shall be different from the design of
17 special group plates under par. (f) 33m. and 48m., respectively.

18 **SECTION 6.** 341.14 (6r) (f) 62. of the statutes is created to read:

19 341.14 **(6r)** (f) 62. Persons interested in obtaining registration plates that
20 display the words “Choose Life” and the proceeds from which support the purposes
21 and bylaws of Choose Life Wisconsin.

22 **SECTION 7.** 341.14 (6r) (fm) 7. of the statutes, as affected by 2011 Wisconsin Act
23 32, is amended to read:

24 341.14 **(6r)** (fm) 7. After October 1, 1998, additional authorized special groups
25 may only be special groups designated by the department under this paragraph. The

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1 authorized special groups enumerated in par. (f) shall be limited solely to those
2 special groups specified under par. (f) on October 1, 1998. This subdivision does not
3 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 15m.,
4 19m., 33m., 48m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., 60., 61., 61m., and
5 61r., and 62.

6 **SECTION 8.** 341.14 (10) of the statutes is created to read:

7 341.14 (10) (a) Subject to par. (c), from the appropriation under s. 20.395 (5)
8 (ei), the department shall make payments to Choose Life Wisconsin.

9 (b) For each year in which the department makes payments under par. (a),
10 Choose Life Wisconsin shall submit to the presiding officer of each house of the
11 legislature an audited financial statement of its use of the payments under this
12 subsection, prepared in accordance with generally accepted accounting principles.

13 (c) The department shall discontinue payments to Choose Life Wisconsin under
14 this subsection if Choose Life Wisconsin dissolves, becomes insolvent, files a petition
15 for bankruptcy, or is no longer exempt from taxation under section 501 (a) of the
16 Internal Revenue Code.

17 (d) 1. The department may not issue any plates under sub. (6r) (f) 62. unless
18 the approval specified in sub. (6r) (b) 1. for these plates provides for all of the
19 following:

20 a. That the approval is provided without fee and as a condition of receiving
21 payments under par. (a).

22 b. That the approval is irrevocable with respect to all plates issued for vehicles
23 after the plates are issued for these vehicles.

24 c. That, if the approval is withdrawn, the department may continue to renew
25 the registration of vehicles previously issued plates under sub. (6r) (f) 62., without

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1 replacing those plates, but the department shall discontinue charging the fee
2 specified in sub. (6r) (b) 15. with respect to these renewals.

3 2. Notwithstanding sub. (6r) (b) 1. and (f) (intro.), if the approval specified in
4 sub. (6r) (b) 1. for plates issued under sub. (6r) (f) 62. is withdrawn, the department
5 shall discontinue issuing plates under sub. (6r) (f) 62. unless additional approval, as
6 specified in sub. (6r) (b) 1. and this paragraph, is obtained by the department.

SECTION 9. Nonstatutory provisions.

7
8 (1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes
9 effect in fiscal year 2012-13, in submitting information under section 16.42 of the
10 statutes for purposes of the 2013-15 biennial budget bill, the department of
11 transportation shall submit information concerning the appropriation under section
12 20.395 (5) (cq) of the statutes as though the total amount appropriated under section
13 20.395 (5) (cq) of the statutes for the 2012-13 fiscal year was \$23,700 less than the
14 total amount that was actually appropriated under section 20.395 (5) (cq) of the
15 statutes for the 2012-13 fiscal year.

SECTION 10. Fiscal changes.

16
17 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
18 to the department of transportation under section 20.395 (5) (cq) of the statutes, as
19 affected by the acts of 2011, the dollar amount is increased by \$23,700 for the fiscal
20 year in which this subsection takes effect to increase funding for special registration
21 plates displaying the words "Choose Life."

SECTION 11. Effective date.

22
23 (1) This act takes effect on the first day of the 7th month beginning after
24 publication.

25 (END)