

2005 ASSEMBLY BILL 715

1 AN ACT *to repeal* 340.01 (43g) (g); *to renumber and amend* 343.51 (1m); *to*
 2 *amend* 165.755 (1) (b), 302.46 (1) (a), 343.51 (2) (a), 343.51 (2) (b), 343.52 (1),
 3 343.52 (1m), 343.52 (2), 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1),
 4 814.85 (1) (a) and 814.86 (1); and *to create* 343.51 (1m) (b), 343.51 (2m), 343.52
 5 (1) (c), 343.52 (1) (d) and 343.52 (1r) of the statutes; **relating to:** special
 6 identification cards and special registration plates issued by the Department
 7 of Transportation providing parking privileges for persons with physical
 8 disabilities, requiring the exercise of rule-making authority, and providing a
 9 penalty.

Analysis by the Legislative Reference Bureau

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

10 **SECTION 1d.** 165.755 (1) (b) of the statutes is amended to read:

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1 165.755 (1) (b) A court may not impose the crime laboratories and drug law
2 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),
3 (bm), (br), or (bv) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1.,
4 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood
5 alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,
6 or for a violation of a state law or municipal or county ordinance involving a
7 nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use
8 violation under s. 347.48 (2m).

9 **SECTION 1f.** 302.46 (1) (a) of the statutes is amended to read:

10 302.46 (1) (a) ~~On or after October 1, 1987, if~~ If a court imposes a fine or
11 forfeiture for a violation of state law or for a violation of a municipal or county
12 ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv)
13 or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or
14 350.101 (1) (b), if the person who committed the violation had a blood alcohol
15 concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a
16 violation of state laws or municipal or county ordinances involving nonmoving traffic
17 violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s.
18 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an
19 amount of ~~1%~~ 1 percent of the fine or forfeiture imposed or \$10, whichever is greater.
20 If multiple offenses are involved, the court shall determine the jail surcharge on the
21 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,
22 the court shall reduce the jail surcharge in proportion to the suspension.

23 **SECTION 1m.** 340.01 (43g) (g) of the statutes is repealed.

24 **SECTION 1p.** 343.51 (1m) of the statutes is renumbered 343.51 (1m) (a) and
25 amended to read:

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1 343.51 **(1m)** (a) The form for application for a special identification card under
2 sub. (1) shall include the information required under s. 85.103 (2) and shall advise
3 the applicant of the requirement under par. (b).

4 **SECTION 1r.** 343.51 (1m) (b) of the statutes is created to read:

5 343.51 **(1m)** (b) If the department issues to a person a special identification
6 card under sub. (1), the person shall retain, for the period during which the special
7 identification card is valid, any statement specified in sub. (1) submitted by the
8 person to the department in support of the application. Any time that a special
9 identification card issued under sub. (1) is displayed on a vehicle, the person issued
10 the special identification card shall carry on the person or in the vehicle a copy of this
11 statement and shall, upon request by any traffic officer, produce the statement for
12 inspection.

13 **SECTION 2.** 343.51 (2) (a) of the statutes is amended to read:

14 343.51 **(2)** (a) ~~The Subject to sub. (2m), the department shall prescribe the form~~
15 ~~and size of identification cards issued under this section and shall promulgate rules~~
16 ~~regarding the issuance and use of the cards. The identification cards shall be~~
17 ~~designed and displayed so as to enable law enforcement officers to determine that the~~
18 ~~vehicle, when parked, is entitled to parking privileges under s. 346.50 (2), (2a) and~~
19 ~~(3), but shall not be unnecessarily conspicuous when the vehicle is operated. The~~
20 ~~department may establish an expiration date for any special identification card~~
21 ~~issued prior to July 1, 1994. Except as provided in par. (b), any special identification~~
22 ~~card issued after June 30, 1994, cards shall be valid for 4 years.~~

23 **SECTION 3.** 343.51 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 715**SECTION 3**

1 343.51 **(2)** (b) The department shall issue special identification cards which are
2 valid for limited periods of time if the ~~physician's~~ statement required by sub. (1)
3 indicates that the applicant's disability is temporary.

4 **SECTION 4.** 343.51 (2m) of the statutes is created to read:

5 343.51 **(2m)** (a) The department may issue only one special identification card
6 under this section to an applicant unless the applicant requests in the application,
7 or subsequently in writing, a 2nd card.

8 (b) The department shall provide by rule for the issuance of special
9 identification cards to replace special identification cards that have been lost or
10 destroyed.

11 **SECTION 5.** 343.52 (1) of the statutes is amended to read:

12 343.52 **(1)** Any person or organization who does any of the following may be
13 required to forfeit not less than \$50 nor more than \$200 ~~\$300~~:

14 (a) ~~Lends~~ Sells or lends to another a special identification card issued under
15 s. 343.51, knowing that the person purchasing or borrowing the card is not
16 authorized by law to use it; ~~or~~.

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

20 **SECTION 6.** 343.52 (1) (c) of the statutes is created to read:

21 343.52 **(1)** (c) Knowingly provides information that is false or misleading in any
22 material respect on an application for a special identification card under s. 343.51.

23 **SECTION 7.** 343.52 (1) (d) of the statutes is created to read:

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1 343.52 (1) (d) Knowingly provides information that is false or misleading in any
2 material respect in a statement specified in s. 343.51 (1) submitted in support of an
3 application for a special identification card under s. 343.51.

4 **SECTION 8L.** 343.52 (1m) of the statutes is amended to read:

5 343.52 (1m) Any person or organization that fraudulently procures, makes,
6 alters, reproduces, or uses duplicates a special identification card issued under s.
7 343.51 ~~or reproduces by any means whatever a special identification card shall~~
8 ~~forfeit not less than \$200 nor more than \$500, except as authorized by the~~
9 department, shall forfeit not less than \$200 nor more than \$500.

10 **SECTION 8m.** 343.52 (1r) of the statutes is created to read:

11 343.52 (1r) Any person who violates s. 343.51 (1m) (b) may be required to forfeit
12 not more than \$10, except that a person charged with violating s. 343.51 (1m) (b) may
13 not be convicted if he or she produces the statement in court or in the office of the
14 officer issuing the citation, within 10 days after the date on which the citation is
15 issued.

16 **SECTION 9.** 343.52 (2) of the statutes is amended to read:

17 343.52 (2) The department shall cancel the special identification card of any
18 person or organization who ~~improperly uses a card as described in sub. (1) or who~~
19 ~~reproduces or fraudulently procures, alters or uses a card under sub. (1m)~~ violates
20 sub. (1) or (1m). The department may order a person or organization whose
21 identification card has expired or has been canceled to surrender the card to the
22 department. The department may take possession of any expired identification card
23 or any identification card required to be canceled or may direct any traffic officer to
24 take possession thereof and return it to the department.

ASSEMBLY BILL 715**SECTION 9p**

1 **SECTION 9p.** 757.05 (1) (a) of the statutes, as affected by 2005 Wisconsin Act
2 25, is amended to read:

3 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
4 state law or for a violation of a municipal or county ordinance except for a violation
5 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.
6 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
7 committed the violation had a blood alcohol concentration of 0.08 or more but less
8 than 0.1 at the time of the violation, or for a violation of state laws or municipal or
9 county ordinances involving nonmoving traffic violations, violations under s. 343.51
10 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in
11 addition a penalty surcharge under ch. 814 in an amount of ~~25%~~ 25 percent of the
12 fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge
13 shall be based upon the total fine or forfeiture for all offenses. When a fine or
14 forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced
15 in proportion to the suspension.

16 **SECTION 9r.** 814.63 (1) (c) of the statutes is amended to read:

17 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
18 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a first violation of s. 23.33
19 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
20 committed the violation had a blood alcohol concentration of 0.08 or more but less
21 than 0.1 at the time of the violation, or for a violation of ~~of~~ under s. 343.51 (1m) (b) or
22 a safety belt use violation under s. 347.48 (2m).

23 **SECTION 9t.** 814.63 (2) of the statutes is amended to read:

24 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
25 violation of a county, town, city, village, town sanitary district or public inland lake

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1 protection and rehabilitation district ordinance, except for an action for a first
2 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
3 person who committed the violation had a blood alcohol concentration of 0.08 or more
4 but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m)
5 (b) or a safety belt use violation under s. 347.48 (2m), the county, town, city, village,
6 town sanitary district or public inland lake protection and rehabilitation district
7 shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

8 **SECTION 9v.** 814.65 (1) of the statutes is amended to read:

9 814.65 (1) COURT COSTS. In a municipal court action, except for an action for
10 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)
11 (b), if the person who committed the violation had a blood alcohol concentration of
12 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an
13 ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge
14 shall collect a fee of not less than \$15 nor more than \$23 on each separate matter,
15 whether it is on default of appearance, a plea of guilty or no contest, on issuance of
16 a warrant or summons, or the action is tried as a contested matter. Of each fee
17 received by the judge under this subsection, the municipal treasurer shall pay
18 monthly \$5 to the secretary of administration for deposit in the general fund and
19 shall retain the balance for the use of the municipality.

20 **SECTION 9x.** 814.85 (1) (a) of the statutes is amended to read:

21 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,
22 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
23 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
24 time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use
25 violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68

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1 court support services surcharge from any person, including any governmental unit
2 as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or
3 814.63 (1).

4 **SECTION 9z.** 814.86 (1) of the statutes, as affected by 2005 Wisconsin Act 25,
5 is amended to read:

6 814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
7 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
8 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
9 violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under
10 s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$12 justice
11 information system surcharge from any person, including any governmental unit, as
12 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62
13 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in
14 addition to the surcharge listed in sub. (1m).

15 **SECTION 10. Initial applicability.**

16 (1) The treatment of sections 340.01 (43g) (g) and 343.51 (1m) (b) and (2m) (a)
17 of the statutes first applies to applications for special identification cards and for
18 vehicle registration received by the department of transportation on the effective
19 date of this subsection.

20 (2) The treatment of section 343.52 (1r) and (1m) and (2) of the statutes, the
21 amendment of section 343.52 (1) of the statutes, and the creation of section 343.52
22 (1) (c) and (d) of the statutes first apply to violations committed on the effective date
23 of this subsection.

24 **SECTION 11m. Effective date.**

