

2005 ASSEMBLY BILL 715

October 3, 2005 – Introduced by Representatives KRUSICK, AINSWORTH, BENEDICT, BERCEAU, DAVIS, FREESE, HAHN, HINES, JENSEN, KESTELL, KREIBICH, LEHMAN, LEMAHIEU, MCCORMICK, MOLEPSKE, MUSSER, NELSON, OTT, PARISI, PETROWSKI, POCAN, SEIDEL, SHERIDAN, SINICKI, STASKUNAS, STONE, TOWNSEND, TURNER, WARD, M. WILLIAMS, WOOD and ZIEGELBAUER, cosponsored by Senators DARLING, BROWN, COGGS, ERPENBACH, HANSEN, OLSEN and ROESSLER, by request of ABC for Health, Inc., Access to Independence, American Association on Mental Retardation, Wisconsin Chapter, Arc Dane County, ARC Milwaukee, Arc-Wisconsin Disability Association, Autism Society of Southeastern WI, Autism Society of Wisconsin, Brain Injury Association of Wisconsin, City of Milwaukee, Coalition of Wisconsin Aging Groups, Community Alliance Providers of WI (CAPOW), Community Living Alliance, Creative Community Living Services, Inc., Dane County Developmental Disabilities Coalition, Epilepsy Foundation, South Central Wisconsin, Family Voices, Grassroots Empowerment Project, Hearthstone, Independence First, Independent Living Resources, Kindcare, Inc., Learning Disabilities Association of Dane County, Lutheran Social Services of WI and Upper Michigan, Medical Support Services, Inc., Midstate Independent Living Consultants, Milwaukee Police Association, Milwaukee Police Department, NAMI Wisconsin, Inc., National Multiple Sclerosis Society Wisconsin Chapter, Options for Independent Living, People First Wisconsin, Inc., Rehabilitation for Wisconsin, Inc., Residential Services Association of Wisconsin, Respite Care Association of Wisconsin, Service Employees International Union Local 150, Society's Assets, Wisc., State Independent Living Council, The Steinhauer Group, Team Rehab, Inc., Waisman Center, Wisconsin ADAPT, Wisconsin Alliance of Cities, Wisconsin Coalition for Advocacy, Wisconsin Coalition for Independent Living Centers, Wisconsin Council on Children and Families, Wisconsin Council on Developmental Disabilities, Wisconsin Facets, Wisconsin Family Ties, Wisconsin Occupational Therapy Association, Wisconsin Personal Services Association. Referred to Committee on Transportation.

1 **AN ACT to repeal** 340.01 (43g) (g); **to renumber and amend** 343.52 (1m); **to**
 2 **amend** 343.51 (2) (a), 343.51 (2) (b), 343.52 (1) and 343.52 (2); and **to create**
 3 343.51 (2m), 343.52 (1) (c) and 343.52 (1) (e) of the statutes; **relating to:** special
 4 identification cards and special registration plates issued by the Department
 5 of Transportation providing parking privileges for persons with physical

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1 disabilities, requiring the exercise of rule-making authority, and providing a
2 penalty.

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) special motor vehicle registration plates or a special identification card, or both, entitling a motor vehicle used by the person with a disability to certain parking privileges, including parking in spaces reserved for use by such vehicles. An application for a special identification card must include a statement from a physician, chiropractor, physician assistant, advanced practice nurse, or Christian Science practitioner (health care provider) that the applicant is a person with a disability that limits or impairs the ability to walk. A person with a physical disability that limits or impairs the ability to walk is defined as a person with a disability under federal law or a person who meets any of the following conditions:

1. Cannot walk 200 feet or more without stopping to rest.
2. Cannot walk without the use of, or assistance from, another person or a medical assistive device, such as a cane or wheelchair.
3. Is restricted by lung disease to the extent that the person meets a specified medical standard for lung volume.
4. Uses portable oxygen.
5. Has a cardiac condition that meets a specified medical standard.
6. Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition.
7. Has a degree of disability equal to those specified in items 1. to 6.

This bill eliminates the criteria specified in item 7. for defining a person with a disability that limits or impairs the ability to walk, for purposes of both special identification cards and special disabled registration plates.

Under current law, 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 more than \$200 if the person or organization lends to another a special identification card knowing that the person borrowing the card is not authorized by law to use it or if the person or organization displays a special identification card on a vehicle that is not authorized by law to have the card displayed on it. A person or organization is required to forfeit not less than \$200 nor more than \$500 if the person or organization fraudulently procures, alters, reproduces, or uses a special identification card.

This bill increases the forfeiture for these violations to \$1,000 and makes some modification in the scope of the violations, including requiring that the improper display of a special identification card be done knowing that the vehicle is not authorized to display the card. The bill also creates two new violations, subject to

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the same \$1,000 forfeiture amount, for knowingly providing false or misleading information on an application for a special identification card and for knowingly providing false or misleading information in a health care provider statement submitted in support of an application.

The bill also prohibits DOT from issuing more than one special identification card to an applicant unless the applicant requests a second card, and requires DOT to provide by rule for the issuance of replacement cards for cards that are lost or destroyed.

For further information see the *state and local* 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.** 340.01 (43g) (g) of the statutes is repealed.

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

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

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

13 343.51 (2) (b) The department shall issue special identification cards which are
14 valid for limited periods of time if the ~~physician's~~ statement required by sub. (1)
15 indicates that the applicant's disability is temporary.

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

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1 343.51 **(2m)** (a) The department may issue only one special identification card
2 under this section to an applicant unless the applicant requests in the application,
3 or subsequently in writing, a 2nd card.

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

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

8 343.52 **(1)** Any person or organization who does any of the following may be
9 required to forfeit not more than \$200 \$1,000:

10 (a) Lends to another a special identification card issued under s. 343.51,
11 knowing that the person borrowing the card is not authorized by law to use it; ~~or,~~

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

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

16 343.52 **(1)** (c) Knowingly provides information that is false or misleading in any
17 material respect on an application for a special identification card under s. 343.51.

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

19 343.52 **(1)** (e) Knowingly provides information that is false or misleading in any
20 material respect in a statement specified in s. 343.51 (1) submitted in support of an
21 application for a special identification card under s. 343.51.

22 **SECTION 8.** 343.52 (1m) of the statutes is renumbered 343.52 (1) (d) and
23 amended to read:

24 343.52 **(1)** (d) ~~Any person or organization that fraudulently procures~~ Makes,
25 ~~alters, reproduces, or uses~~ duplicates a special identification card issued under s.

