



State of Wisconsin  
2005 - 2006 LEGISLATURE

SOON

LRB-0584/24 P2

ARG:kjfs

in 2/18

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Regen

1 AN ACT *to repeal* 340.01 (43g) (a) and 340.01 (43g) (g); *to renumber and amend*  
 2 343.52 (1), 343.52 (1m) and 343.52 (2); *to amend* 341.36 (1m), 341.36 (3), 343.51  
 3 (2) (a) and 345.28 (1) (c); and *to create* 341.635, 343.30 (1j), 343.51 (2m), 343.52  
 4 (1) (a) 3., 343.52 (1) (a) 5., 343.52 (1) (b) and 343.52 (2) (b) of the statutes;  
 5 **relating to:** special identification cards and special registration plates issued  
 6 by the Department of Transportation providing parking privileges for persons  
 7 with physical disabilities and providing a penalty.

requiring the exercise of rule-making authority,

**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 items ~~1, and~~ 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 the same \$1,000 forfeiture amount, for knowingly providing false or misleading information on an application for a special identification card and ~~for health care~~ provider, for knowingly providing false or misleading information in a statement submitted in support of an application. In addition, the bill allows a court to ~~suspend the operating privilege of any person convicted of any of these violations, except a false statement violation by a health care provider.~~ The bill also allows DOT to suspend the registration of any vehicle owned by a person who violates any of these prohibitions, except a health care provider who provides a false statement, and the registration of any vehicle that improperly displays a special identification card, regardless of whether the owner of the vehicle has personally committed a violation.

> The bill also prohibits DOT from issuing more than one special identification card to an applicant unless the applicant demonstrates a need for ~~more than one~~ 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) (a) of the statutes is repealed.

\*\*\*\*NOTE: I believe there is no reason to retain s. 340.01 (43g) (a) if a person must meet, in addition to par. (a), a requirement of par. (b) through (f), since meeting a requirement of par. (b) through (f) qualifies the person regardless of whether the person can walk 200 feet or more without stopping to rest. Do you want to amend par. (b) to make it less restrictive by providing under par. (b) that the person "cannot walk 200 feet or more" rather than simply "cannot walk"? Do you want to amend par. (f) to replace "is severely limited in the ability to walk" with "cannot walk 200 feet or more"?

2 **SECTION 2.** 340.01 (43g) (g) of the statutes is repealed.

\*\*\*\*NOTE: These changes to s. 340.01 (43g) will also affect s. 341.14 (1), (1a), (1e) (a), (1m), and (1q), with respect to issuance of disabled registration plates, but will not affect other provisions.

3 **SECTION 3.** 341.36 (1m) of the statutes is amended to read:

4 341.36 (1m) Except as provided in sub. (2), the department shall charge a fee  
5 of \$50 to reinstate a registration previously suspended or revoked under ~~s. 341.635~~  
6 ~~(f) and 343.52 (1) (b)~~ <sup>s. 341.635</sup> (1) or ch. 344. The fee under this subsection is in addition to any other fee required  
7 to complete the registration of the vehicle.

8 **SECTION 4.** 341.36 (3) of the statutes is amended to read:

9 341.36 (3) If the registrations of more than one vehicle owned by a person are  
10 suspended or revoked under ~~s. 341.635 (1) (a)~~ <sup>s. 341.635 (1) (f) and 343.52 (1) (b)</sup> or ch. 344 as a result of the same  
11 occurrence, payment of one fee under sub. (1m) applies to the reinstatement of the  
12 registrations of all of those vehicles.

13 **SECTION 5.** 341.635 of the statutes is created to read:

14 **341.635 Suspension for special identification card violation.** (1) In  
15 addition to any penalty imposed by a court under s. 343.52 (1), the department may  
16 suspend for 30 days:

insert  
3-12

1 (a) Any or all vehicle registrations of a person who violates s. 343.52 (1) (a) 1.,  
2 2., 3., or 4.

3 (b) The vehicle registration for any vehicle on which is displayed a special  
4 identification card issued under s. 343.51 and which is not authorized by law to have  
5 the card displayed on it, regardless of whether the owner of the vehicle has violated  
6 s. 343.52 (1) (a) 2., unless the owner of the vehicle demonstrates that the vehicle was

7 operated or parked without the owner's permission.

①  
move  
to 7-13

\*\*\*\*NOTE: Under this provision, par. (a) allows DOT to suspend the registration of any vehicle involved in the violation if owned by the violator and of any other vehicle owned by the violator, even if not involved in the violation. If the violator did not own the vehicle involved in the violation, par. (b) allows DOT to suspend the registration of a vehicle involved in a violation (that improperly displays a special identification card), even if the owner did not personally commit a violation. However, par. (a) does not allow vehicle registration suspension for a health care provider whose violation is submitting a false statement. Also, I note that it is DOT, and not a court, that makes the decision on whether to suspend vehicle registration.

8 (2) Any registration suspended under sub. (1) shall remain suspended and  
9 shall not be renewed or reinstated until the period specified in sub. (1) has expired  
10 and the person pays the fee required under s. 341.36 (1m).

11 (3) Whenever the registration of a vehicle is suspended under this section, the  
12 department may order the owner or person in possession of the registration plates  
13 to return them to the department. Any person who fails to return the plates when  
14 ordered to do so by the department may be required to forfeit not more than \$200.

15 **SECTION 6.** 343.30 (1j) of the statutes is created to read:

16 343.30 (1j) A court may suspend the operating privilege of a person for a period  
17 of 30 days upon the person's conviction by the court for violating s. 343.52 (1) (a) 1.,  
18 2., 3., or 4.

\*\*\*\*NOTE: I note that a court, not DOT, makes the decision on whether to suspend a person's operator's license, and suspension may occur only upon a court conviction. As with vehicle registration suspensions, this provision does not apply to a health care provider for a false statement. Is this okay?

1 SECTION 7. 343.51 (2) (a) of the statutes is amended to read:

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

\*\*\*NOTE: If DOT advises that there are no valid cards issued prior to July 1, 1994,  
 I would like to "clean up" this text if it is okay with you.

11 SECTION 8. 343.51 (2m) of the statutes is created to read:

12 343.51 (2m) (a) The department may issue only one special identification card  
 13 under this section to an applicant unless the applicant demonstrates in the  
 14 application, or subsequently in writing, the need for ~~more than one~~ such card.

15 SECTION 9. 343.52 (1) of the statutes is renumbered 343.52 (1) (a) and amended  
16 to read:

17 343.52 (1) (a) Any person or organization who does any of the following may  
18 be required to forfeit not more than \$200 \$1,000:

- 19 1. Lends to another a special identification card issued under s. 343.51,  
20 knowing that the person borrowing the card is not authorized by law to use it; ~~or,~~
- 21 2. Displays a special identification card issued under s. 343.51 upon a vehicle  
22 which knowing that the vehicle is not authorized by law to have the card displayed  
23 thereon.

insert 5-10

insert 5-14

strike

strike

strike

strike

cards

a second 2nd

1 SECTION 10. 343.52 (1) (a) 3. of the statutes is created to read:

2 343.52 (1) (a) 3. Knowingly provides information that is false or misleading in  
3 any material respect on an application for a special identification card under s.  
4 343.51.

5 SECTION 11. 343.52 (1) (a) 5. of the statutes is created to read:

6 343.52 (1) (a) 5. If the person is a physician, advanced practice nurse, physician  
7 assistant, chiropractor, or Christian Science practitioner, knowingly provides  
8 information that is false or misleading in any material respect in a statement  
9 specified in s. 343.51 (1) submitted in support of an application for a special  
10 identification card under s. 343.51.

11 SECTION 12. 343.52 (1) (b) of the statutes is created to read:

12 343.52 (1) (b) In addition to any penalty imposed under par. (a), any person  
13 violating par. (a) 1., 2., 3., or 4. may have his or her operating privilege suspended  
14 as provided under s. 343.30 (1j).

\*\*\*\*NOTE: This provision allows driver license suspension of a violator even if the violator was not the operator of the vehicle involved in the violation. For example, it would allow driver license suspension for submitting a false application. Do you want to limit driver license suspension to the operator of a motor vehicle?

15 SECTION 13. 343.52 (1m) of the statutes is renumbered 343.52 (1) (a) 4. and  
16 amended to read:

17 343.52 (1) (a) 4. ~~Any person or organization that fraudulently procures~~ Makes,  
18 alters, reproduces, or uses duplicates a special identification card issued under s.  
19 ~~343.51 or reproduces by any means whatever a special identification card shall~~  
20 ~~forfeit not less than \$200 nor more than \$500, except as authorized by the~~  
21 department.

22 change SECTION 14. 343.52 (2) of the statutes is renumbered 343.52 (2) (a) and  
23 amended to read:

more from 7-10

change  
amended

1 343.52 (2) (a) The department shall cancel the special identification card of any  
 2 person or organization who improperly uses a card as described in sub. (1) or who  
 3 reproduces or fraudulently procures, alters or uses a card under sub. (1m) violates  
 4 sub. (1) (a). The department may order a person or organization whose identification  
 5 card has expired or has been canceled to surrender the card to the department. The  
 6 department may take possession of any expired identification card or any  
 7 identification card required to be canceled or may direct any traffic officer to take  
 8 possession thereof and return it to the department.

for 30 days

~~SECTION 15. 343.52 (2) (b) of the statutes is created to read:~~

move to 6-12

10 343.52 (2) (b) <sup>a court</sup> The department may suspend the registration of any vehicle  
 11 owned by a person who violates sub. (1) (a) 1., 2., 3., or 4. or of any vehicle on which  
 12 is displayed a special identification card issued under s. 343.51 and which is not  
 13 authorized by law to have the card displayed on it, <sup>A</sup> as provided under s. 341.635 (1).

move from 4-6

SECTION 16. 345.28 (1) (c) of the statutes is amended to read:

15 345.28 (1) (c) "Nonmoving traffic violation" is any parking of a vehicle in  
 16 violation of a statute, an ordinance, a rule under s. 36.11 (8) or a resolution under s.  
 17 38.14 (13). A "nonmoving traffic violation" does not include any violation specified  
 18 in s. 343.52 (1) (a).

insert 7-18

\*\*\*\*NOTE: Because the violation under s. 343.52 (1) (a) 2. is related to the parking of a vehicle, I have amended s. 345.28 (1) (c) to ensure that, under s. 345.48 (1m), DOT will receive the record of conviction, which will notify DOT of the violation and allow DOT to take action against a vehicle registration if it sees fit to do so. It is unclear to me whether, under existing ss. 343.28 and 345.48, stats., convictions for misuse of special identification card violations are forwarded to DOT.

SECTION 17. Initial applicability.

19  
 20 (1) The treatment of sections 340.01 (43g) (a) and (g) and 343.51 (2m) of the  
 21 statutes first applies to applications for special identification cards and for vehicle

(a)

1 registration received by the department of transportation on the effective date of this  
2 subsection.

*stays*  
*9/1/05* (1)(f)

3 (2) The treatment of sections 341.36 (1m) and (3) 341.635, 343.30 (1) and  
4 343.52 (1m) of the statutes, the renumbering and amendment of section 343.52 (1)

*(2)* and *345.48(2)*

*and (1m)*

5 and (2) of the statutes, and the creation of section 343.52 (1) (a) 3. and 5. and (b) and

6 (2) (b) of the statutes first apply to violations committed on the effective date of this  
7 subsection.

(END)

*D-Note*



2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0584/P2ins  
ARG:.....

**INSERT 3-12:**

**SECTION 1.** 341.63 (1) (f) of the statutes is created to read:

341.63 (1) (f) The department receives notice that a court has suspended the vehicle's registration under s. 343.52 (1) (b).

**INSERT 5-10:**

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

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

History: 1979 c. 276; 1981 c. 119, 255; 1985 a. 87 s. 5; 1985 a. 202, 332; 1987 a. 19; 1989 a. 304; 1991 a. 240, 269; 1993 a. 16; 1995 a. 147; 1997 a. 27, 67, 252; 1999 a. 88.

**INSERT 5-14:**

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

**INSERT 7-18:**

→ SECTION #, 345.48 (2) of the statutes is amended to read:  
345.48 (2) If the defendant is found guilty of a traffic violation for which revocation of his or her operating privilege is mandatory under s. 343.31, or for which the court revokes or suspends his or her operating privilege under s. 343.30, the court shall immediately take possession of the suspended or revoked license. The revocation or suspension is effective immediately. The If the court suspends any vehicle registration under s. 343.52 (1) (b), the suspension is effectively immediately.

Any court ordered suspension or revocation shall be included as part of the report of conviction under sub. (1m).

**History:** 1971 c. 278; 1977 c. 29 s. 1654 (7) (a); 1983 a. 304; 1985 a. 135 s. 85; Sup. Ct. Order, 146 Wis. 2d xiii (1975); 1991 a. 39; 1993 a. 16.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0584/P2dn

ARG: *kgj*

*Date*

ATTN: Christian Moran

The attached redraft incorporates changes discussed at our January 11 meeting and in telephone conversations since that time. Please review the draft carefully to ensure that it is consistent with your intent.

Based upon my review, I cannot find any other instance in the statutes of court-ordered vehicle registration suspension. In the attached draft, I have amended s. 345.48 (2) to ensure that DOT will receive notice of any such suspension when it occurs.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0584/P2dn  
ARG:kjf:pg

February 22, 2005

ATTN: Christian Moran

The attached redraft incorporates changes discussed at our January 11 meeting and in telephone conversations since that time. Please review the draft carefully to ensure that it is consistent with your intent.

Based upon my review, I cannot find any other instance in the statutes of court-ordered vehicle registration suspension. In the attached draft, I have amended s. 345.48 (2) to ensure that DOT will receive notice of any such suspension when it occurs.

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Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

**Gary, Aaron**

---

**From:** Gary, Aaron  
**Sent:** Wednesday, April 27, 2005 3:33 PM  
**To:** Moran, Christian  
**Subject:** RE: DOT review of disabled parking card bill LRB-

Christian,

Changes on 1) and 2) look fine. Do you want this redrafted as a "1"?

With regard to question 1) [item #3], this issue was specifically discussed at that meeting in Rep. Krusick's office in which we all reviewed the "/P1" draft and DOT said it was fine. As I explained then, given the original plan for driver license suspension and/or vehicle registration suspension, I wanted to make sure that DOT would receive a record of conviction for these violations so that DOT could fulfill its duties ensuing therefrom under the bill and I thought there could be some ambiguity as to whether, for purposes of s. 343.28 (1), the statutes required that DOT receive such a record of conviction. Because both the driver license suspension and registration suspension provisions are now pulled out of the bill, this provision should be removed as well.

Our computers (other than e-mail) are down today. I can discuss your second question when they are up and running again.

If you have any questions about this e-mail, please call. Aaron

Aaron R. Gary  
 Legislative Attorney  
 Legislative Reference Bureau  
 608.261.6926 (voice)  
 608.264.6948 (fax)  
 aaron.gary@legis.state.wi.us

-----Original Message-----

**From:** Moran, Christian  
**Sent:** Wednesday, April 27, 2005 9:56 AM  
**To:** Gary, Aaron  
**Subject:** FW: DOT review of disabled parking card bill LRB-0584/2

Hi Aaron:

Can you please make the following 2 changes to the bill draft:

1) Change #1 suggested by DOT below (however, please let me know if you don't agree with this recommendation).

2) Remove the provisions relating to court-ordered registration suspension.

Two questions as well.

1) Can you please address DOT's question in #3 below?

2) What is current law on misuse of disabled plates? Do the violations and penalties mirror those for ID cards? (just give me a call when you get a chance to talk about this one).

Thanks,

Christian  
 Peggy Krusick's office

04/27/2005

→ file 5/4 - yes  
 w/christian

6-1733

On the /2 draft we have the following comments:

1. Page 4, lines 10 - 11 (Section 7 of the draft). I know that when we met with you, we had agreed with the idea of issuing a second card only if the person could demonstrate the need for the second card. However, subsequently we read the federal regulations (23CFR Part 1235.4(a)) and it says that the state shall issue a second card "upon request". Therefore, the draft should be revised to say, lines 10-11:  
...unless the applicant requests in the application, or subsequently in writing, a 2nd card.

2. The court-ordered registration suspension -- we have a few comments.

\* First, the way it's written is physically impossible -- the draft says the court orders the suspension for 30 days, which begins immediately, but then they need to tell DMV to suspend the registration. It is virtually impossible for the notice to get to us, before the 30 days has already passed -- thus, the sanction never occurs. If DMV were to have a chance to suspend the registration, it would have to be effective when DOT receives the notice from the court.

\* Second, as we had thought, this will create added workload and a fiscal impact for DMV. When a notice comes to DMV, it first must be checked by the Bureau of Driver Services, as are all court-ordered sanctions. Once the Bureau of Driver Services determines that the sanction has no driver license component but does have a vehicle sanction, they pass the court order to the Bureau of Vehicle Services, which then notes the suspension on vehicle record. The order generates sanctions for several vehicles, not only the vehicle involved in the violation, but also for all vehicles owned by the person. This is a labor-intensive effort, and while I couldn't speculate on the fiscal impact at this point, it's very possible that there would be added staff needs above DMV's current staff level.

\* Third, in our experience, a short-term vehicle suspension, as proposed, is not effective as a penalty. In all the vehicle sanction programs that currently exist, the vehicle is suspended until the remedy for the underlying violation occurs. For example, in OWI-related vehicle sanctions, the vehicle sanction may be in place for several years. In the Traffic Violation and Registration Program (parking ticket program), not only is a vehicle suspended -- until the parking ticket is paid -- but DMV also refuses to register any other vehicle owned by the violator, until the parking ticket is paid. Far more effective is a high monetary penalty. The real effective penalty in your bill is the stiff forfeitures -- and you may want to consider making them even higher.

3. Page 6, line 9-10 (Section 14 of the draft): We couldn't figure out what the reason is and what the effect is, of saying that a non-moving traffic violation excludes violations of abuse of card provisions. We believe that under current law, violations of abuse of card provisions already are not parking violations, so we're not exactly sure what the reason is to add this specific exclusion. If we're wrong, then we can't figure out what effect this language has, so we can't tell you if we have a comment.

4. One other thought: your bill relates to disabled parking cards, and this is the area experiencing most problems and the concern of the disabled group. In addition, as you know, there are also disabled license plates. While the abuse of disabled plates has not, in our experience, come close to the level of abuse of cards, you may want to think about whether any of the violations you've laid out for cards might be applicable to plates as well. We don't have anything specific to offer, and of course plates, being tied to a vehicle registration, are somewhat different from the cards, but there might be some cross-overs. Just a thought...

Thanks again for asking our review. Please ask if we can elaborate or clarify anything!

soon

in 5/6

KMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to repeal* 340.01 (43g) (g); *to renumber and amend* 343.52 (1) and  
 2 343.52 (1m); *to amend* 341.36 (1m), 341.36 (3), 343.51 (2) (a), 343.51 (2) (b),  
 3 343.52 (2), 345.28 (1) (c) and 345.48 (2); and *to create* 341.63 (1) (f), 343.51 (2m),  
 4 343.52 (1) (a) 3., 343.52 (1) (a) 5. and 343.52 (1) (b) of the statutes; **relating to:**  
 5 special identification cards and special registration plates issued by the  
 6 Department of Transportation providing parking privileges for persons with  
 7 physical disabilities, requiring the exercise of rule-making authority, and  
 8 providing a 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 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. In addition, the bill allows a court to suspend the registration of any vehicle owned by a person who violates any of these prohibitions, except a health care provider who provides a false statement, and the registration of any vehicle that improperly displays a special identification card, regardless of whether the owner of the vehicle has personally committed a violation.

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

requests



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

2           **SECTION 2.** 341.36 (1m) of the statutes is amended to read:

3           341.36 **(1m)** Except as provided in sub. (2), the department shall charge a fee  
4 of \$50 to reinstate a registration previously suspended or revoked under ss. 341.63  
5 (1) (f) and 343.52 (1) (b) or ch. 344. The fee under this subsection is in addition to any  
6 other fee required to complete the registration of the vehicle.

7           **SECTION 3.** 341.36 (3) of the statutes is amended to read:

8           341.36 **(3)** If the registrations of more than one vehicle owned by a person are  
9 suspended or revoked under ss. 341.63 (1) (f) and 343.52 (1) (b) or ch. 344 as a result  
10 of the same occurrence, payment of one fee under sub. (1m) applies to the  
11 reinstatement of the registrations of all of those vehicles.

12           **SECTION 4.** 341.63 (1) (f) of the statutes is created to read:

13           341.63 **(1) (f)** The department receives notice that a court has suspended the  
14 vehicle's registration under s. 343.52 (1) (b).

15           **SECTION 5.** 343.51 (2) (a) of the statutes is amended to read:

16           343.51 **(2) (a)** ~~The~~ Subject to sub. (2m), the department shall prescribe the form  
17 and size of identification cards issued under this section and shall promulgate rules  
18 regarding the issuance and use of the cards. The identification cards shall be  
19 designed and displayed so as to enable law enforcement officers to determine that the  
20 vehicle, when parked, is entitled to parking privileges under s. 346.50 (2), (2a) and  
21 (3), but shall not be unnecessarily conspicuous when the vehicle is operated. ~~The~~

1 department may establish an expiration date for any special identification card  
2 issued prior to July 1, 1994. Except as provided in par. (b), any special identification  
3 card issued after June 30, 1994, cards shall be valid for 4 years.

4 SECTION 6. 343.51 (2) (b) of the statutes is amended to read:

5 343.51 (2) (b) The department shall issue special identification cards which are  
6 valid for limited periods of time if the ~~physician's~~ statement required by sub. (1)  
7 indicates that the applicant's disability is temporary.

8 SECTION 7. 343.51 (2m) of the statutes is created to read:

9 343.51 (2m) (a) The department may issue only one special identification card  
10 under this section to an applicant unless the applicant <sup>requests</sup> demonstrates in the  
11 application, or subsequently in writing, ~~the need for~~ a 2nd card.

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

15 SECTION 8. 343.52 (1) of the statutes is renumbered 343.52 (1) (a) and amended  
16 to read:

17 343.52 (1) (a) Any person or organization who does any of the following may  
18 be required to forfeit not more than \$200 \$1,000:

19 (a) ~~1~~ Lends to another a special identification card issued under s. 343.51,  
20 knowing that the person borrowing the card is not authorized by law to use it; ~~or,~~

21 (b) ~~2~~ Displays a special identification card issued under s. 343.51 upon a vehicle  
22 which knowing that the vehicle is not authorized by law to have the card displayed  
23 thereon.

24 SECTION 9. 343.52 (1) <sup>(c)</sup> (a) ~~3~~ of the statutes is created to read:

change  
Component

1 343.52 (1) <sup>(c)</sup> ~~(a) 3~~. Knowingly provides information that is false or misleading in  
2 any material respect on an application for a special identification card under s.  
3 343.51.

4 SECTION 10. 343.52 (1) <sup>(e)</sup> ~~(a) 5~~, of the statutes is created to read:

5 343.52 (1) <sup>(e)</sup> ~~(a) 5~~. Knowingly provides information that is false or misleading in  
6 any material respect in a statement specified in s. 343.51 (1) submitted in support  
7 of an application for a special identification card under s. 343.51.

8 SECTION 11. 343.52 (1) (b) of the statutes is created to read:

9 343.52 (1) (b) In addition to any penalty imposed under par. (a), a court may  
10 suspend for 30 days the registration of any vehicle owned by a person who violates  
11 sub. (1) (a) 1., 2., 3., or 4. or of any vehicle on which is displayed a special identification  
12 card issued under s. 343.51 and which is not authorized by law to have the card  
13 displayed on it unless the owner of the vehicle demonstrates that the vehicle was  
14 operated or parked without the owner's permission.

15 SECTION 12. 343.52 (1m) of the statutes is renumbered 343.52 (1) <sup>(d)</sup> ~~(a) 4~~.  
16 amended to read:

17 343.52 (1) <sup>(d)</sup> ~~(b) 4~~. Any person or organization that fraudulently procures Makes,  
18 alters, reproduces, or uses duplicates a special identification card issued under s.  
19 343.51 ~~or reproduces by any means whatever a special identification card shall~~  
20 ~~forfeit not less than \$200 nor more than \$500, except as authorized by the~~  
21 department.

22 SECTION 13. 343.52 (2) of the statutes is amended to read:

23 343.52 (2) The department shall cancel the special identification card of any  
24 person or organization who ~~improperly uses a card as described in sub. (1) or who~~  
25 ~~reproduces or fraudulently procures, alters or uses a card under sub. (1m) violates~~

1 sub. (1) (a). The department may order a person or organization whose identification  
2 card has expired or has been canceled to surrender the card to the department. The  
3 department may take possession of any expired identification card or any  
4 identification card required to be canceled or may direct any traffic officer to take  
5 possession thereof and return it to the department.

6 **SECTION 14.** 345.28 (1) (c) of the statutes is amended to read:

7 345.28 (1) (c) "Nonmoving traffic violation" is any parking of a vehicle in  
8 violation of a statute, an ordinance, a rule under s. 36.11 (8) or a resolution under s.  
9 38.14 (13). A "nonmoving traffic violation" does not include any violation specified  
10 in s. 343.52 (1) (a).

11 **SECTION 15.** 345.48 (2) of the statutes is amended to read:

12 345.48 (2) If the defendant is found guilty of a traffic violation for which  
13 revocation of his or her operating privilege is mandatory under s. 343.31, or for which  
14 the court revokes or suspends his or her operating privilege under s. 343.30, the court  
15 shall immediately take possession of the suspended or revoked license. The  
16 revocation or suspension is effective immediately. ~~The~~ If the court suspends any  
17 vehicle registration under s. 343.52 (1) (b), the suspension is effectively immediately.  
18 Any court ordered suspension or revocation shall be included as part of the report of  
19 conviction under sub. (1m).

20 **SECTION 16. Initial applicability.**

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

*343.52 (1) and*

1 (2) The treatment of sections ~~341.36 (1m) and (3), 341.63 (1) (f), 343.52 (2), and~~  
2 ~~345.48 (2)~~ of the statutes, the renumbering and amendment of section 343.52 (1) and  
3 (1m) of the statutes, and the creation of section 343.52 (1) <sup>(c)</sup> ~~(a) 3. and 5.~~ <sup>(c)</sup> and (b) of the  
4 statutes first apply to violations committed on the effective date of this subsection.

5 (END)

*the amendment of section 343.52 (1) of the statutes,*

**Northrop, Lori**

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**From:** Moran, Christian  
**Sent:** Wednesday, September 28, 2005 10:03 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-0584/1 Topic: Special identification cards for physically disabled

It has been requested by <Moran, Christian> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0584/1 Topic: Special identification cards for physically disabled



Requested  
by Kay in  
ACC office

## 2005 ASSEMBLY BILL 715

fixed  
10-05-2005

October 3, 2005 - Introduced by Representatives KRUSICK, AINSWORTH, BENEDICT, BERCEAU, DAVIS, FEESE, HARRIS, JENSEN, JESTELL, KREIBICH, LEHMAN, LEMAHIEU, MCCORMICK, MOLEPSKE, MUSSER, NELSON, OTT, PANGLOSS, PETROWSKI, POJAN, SEIDEL, SHERIDAN, SINICKI, STASKUNAS, STONE, TOWNSEND, TURNER, WARD, M. WILLIAMS, WOOD and ZIEGELHAUER, cosponsored by Senators DARLING, BROWN, COGGS, ERPENBACH, HANSEN, OLSEN and ROESSLER. 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  
6 disabilities, requiring the exercise of rule-making authority, and providing a  
7 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:

**ASSEMBLY BILL 715 (LRB -0584)**

An Act to repeal 340.01 (43g) (g); to renumber and amend 343.52 (1m); to amend 343.51 (2) (a), 343.51 (2) (b), 343.52 (1) and 343.52 (2); and to create 343.51 (2m), 343.52 (1) (c) and 343.52 (1) (e) of the statutes; relating to: special identification cards and special registration plates issued by the Department of Transportation providing parking privileges for persons with physical disabilities, requiring the exercise of rule-making authority, and providing a penalty. (FE)

**2005**

10-03. A. Introduced by Representatives **Krusick, Ainsworth, Benedict, Berceau, Davis, Frazee, Hahn, Hines, Jensen, Kestell, Kreibich, Lehman, LeMahieu, McCormick, Molepske, Musser, Nelson, Ott, Parisi, Petrowski, Pocan, Seidel, Sheridan, Sinicki, Staskunas, Stone, Townsend, Turner, Wood, 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

10-03. A. Read first time and referred to committee on Transportation.

*fixed*