



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 465**

December 2, 2009 – Offered by Representative CULLEN.

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) (eq), 341.14 (6r) (b) 14., 341.14 (6r) (f) 61. and 341.14 (9)
3 of the statutes; **relating to:** special distinguishing registration plates
4 associated with the Lions Clubs of Wisconsin 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 registration 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 substitute amendment establishes an authorized special group specifically enumerated in state law for persons interested in obtaining special plates supporting the Lions Clubs of 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 the Wisconsin Lions Foundation, Inc. The substitute amendment requires the special plates to display a logo or image of the lion associated with the Lions Clubs International. However, DOT may not issue these special plates until DOT has obtained authority to use any applicable trademark or service mark associated with the Lions Clubs on these special plates.

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

1 **SECTION 1.** 20.395 (5) (eq) of the statutes is created to read:

2 20.395 (5) (eq) *Payments to the Wisconsin Lions Foundation.* All moneys
3 received under s. 341.14 (6r) (b) 14., less \$23,700, for payments to the Wisconsin
4 Lions Foundation, Inc., under s. 341.14 (9).

5 **SECTION 2.** 341.14 (6r) (b) 1. of the statutes, as affected by 2009 Wisconsin Act
6 28, section 2811, is amended to read:

7 341.14 (6r) (b) 1. Upon application to register an automobile or motor home,
8 or a motor truck, dual purpose motor home or dual purpose farm truck which has a
9 gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight
10 of not more than 12,000 pounds, by any person who is a resident of this state and a
11 member of an authorized special group, the department shall issue to the person
12 special plates whose colors and design shall indicate that the vehicle is owned by a
13 person who is a member of the applicable special group. The department may not
14 issue any special group plates under par. (f) 55. or 60. until 6 months after the
15 department has received information sufficient for the department to determine that
16 any approvals required for use of any logo, trademark, trade name or other
17 commercial symbol designating, respectively, the professional football team or the
18 professional baseball team have been obtained. Subject to sub. (9) (d), the

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

13 **SECTION 3.** 341.14 (6r) (b) 14. of the statutes is created to read:

14 341.14 **(6r)** (b) 14. Subject to sub. (9) (d), a fee of \$25 that is in addition to the
15 fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on
16 an annual basis for the special group specified under par. (f) 61. Subject to sub. (9)
17 (d), a fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the
18 issuance or renewal of a plate issued on the biennial basis for the special group
19 specified under par. (f) 61. if the plate is issued or renewed during the first year of
20 the biennial registration period or \$25 for the issuance or renewal if the plate is
21 issued or renewed during the 2nd year of the biennial registration period. All moneys
22 received under this subdivision, in excess of \$23,700 for the initial costs of production
23 of the special group plate under par. (f) 61., shall be credited to the appropriation
24 under s. 20.395 (5) (eq). To the extent permitted under ch. 71, the fee under this

1 subdivision is deductible as a charitable contribution for purposes of the taxes under
2 ch. 71.

3 **SECTION 4.** 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act 28,
4 section 2818, is amended to read:

5 341.14 **(6r)** (c) Special group plates shall display the word “Wisconsin”, the
6 name of the applicable authorized special group, a symbol representing the special
7 group, not exceeding one position, and identifying letters or numbers or both, not
8 exceeding 6 positions and not less than one position. The department shall specify
9 the design for special group plates, but the department shall consult the president
10 of the University of Wisconsin System before specifying the word or symbol used to
11 identify the special groups under par. (f) 35. to 47., the secretary of natural resources
12 before specifying the word or symbol used to identify the special groups under par.
13 (f) 50. and 59., the chief executive officer of the professional football team and an
14 authorized representative of the league of professional football teams described in
15 s. 229.823 to which that team belongs before specifying the design for the applicable
16 special group plate under par. (f) 55., the department of veterans affairs before
17 specifying the design for the special group plates under par. (f) 49d., 49h., and 49s.,
18 and the department of tourism and chief executive officer of the organization
19 specified in par. (f) 55m. before specifying the design and word or symbol used to
20 identify the special group name for special group plates under par. (f) 55m. Special
21 group plates under par. (f) 50. shall be as similar as possible to regular registration
22 plates in color and design. The department shall make available 2 designs for the
23 special group plates under par. (f) 60. The department may not specify any design
24 for the special group plates under par. (f) 60. unless the design is approved by the
25 executive vice president of the Milwaukee Brewers Baseball Club LP. The word or

1 symbol used to identify the special group under par. (f) 59. shall be different from the
2 word or symbol used to identify the special group under par. (f) 50. and the design
3 shall cover the entire plate. Special group plates under par. (f) 61. shall display a logo
4 or image of the lion associated with the Lions Clubs International.

5 **SECTION 5.** 341.14 (6r) (f) 61. of the statutes is created to read:

6 341.14 **(6r)** (f) 61. Persons interested in obtaining a plate supporting the Lions
7 Clubs of Wisconsin.

8 **SECTION 6.** 341.14 (6r) (fm) 7. of the statutes, as affected by 2009 Wisconsin Act
9 28, section 2824, is amended to read:

10 341.14 **(6r)** (fm) 7. After October 1, 1998, additional authorized special groups
11 may only be special groups designated by the department under this paragraph. The
12 authorized special groups enumerated in par. (f) shall be limited solely to those
13 special groups specified under par. (f) on October 1, 1998. This subdivision does not
14 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,
15 19m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., and 60., and 61.

16 **SECTION 7.** 341.14 (9) of the statutes is created to read:

17 341.14 **(9)** (a) Subject to par. (c), from the appropriation under s. 20.395 (5) (eq),
18 the department shall make payments to the Wisconsin Lions Foundation, Inc.

19 (b) For each year in which the department makes payments under par. (a), the
20 Wisconsin Lions Foundation, Inc., shall submit to the presiding officer of each house
21 of the legislature an audited financial statement of its use of the payments under this
22 subsection, prepared in accordance with generally accepted accounting principles.

23 (c) The department shall discontinue payments to the Wisconsin Lions
24 Foundation, Inc., under this subsection if the Wisconsin Lions Foundation, Inc.,

1 dissolves, becomes insolvent, files a petition for bankruptcy, or is no longer exempt
2 from taxation under section 501 (a) of the Internal Revenue Code.

3 (d) 1. The department may not issue any plates under sub. (6r) (f) 61. unless
4 the approval specified in sub. (6r) (b) 1. provides for all of the following:

5 a. That the approval is irrevocable with respect to all plates issued for vehicles
6 after the plates are issued for these vehicles.

7 b. That, if the approval is withdrawn, the department may continue to renew
8 the registration of vehicles previously issued plates under sub. (6r) (f) 61., without
9 replacing those plates, but the department shall discontinue charging the fee
10 specified in sub. (6r) (b) 14. with respect to these renewals.

11 2. Notwithstanding sub. (6r) (b) 1. and (f) (intro.), if the approval specified in
12 sub. (6r) (b) 1. is withdrawn, the department shall discontinue issuing plates under
13 sub. (6r) (f) 61. unless additional approval, as specified in sub. (6r) (b) 1. and this
14 paragraph, is obtained by the department.

15 **SECTION 8. Nonstatutory provisions.**

16 (1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes
17 effect in fiscal year 2010–11, in submitting information under section 16.42 of the
18 statutes for purposes of the 2011–13 biennial budget bill, the department of
19 transportation shall submit information concerning the appropriation under section
20 20.395 (5) (cq) of the statutes as though the total amount appropriated under section
21 20.395 (5) (cq) of the statutes for the 2010–11 fiscal year was \$23,700 less than the
22 total amount that was actually appropriated under section 20.395 (5) (cq) of the
23 statutes for the 2010–11 fiscal year.

24 **SECTION 9. Fiscal changes.**

