

2009 DRAFTING REQUEST

Bill

Received: **07/30/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Richards (608) 266-0650**

By/Representing: **Hope Winship**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Richards@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Allowing municipalities to designate reserved street parking spaces for residents with disabilities

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			Local
/P1	agary 08/19/2009	jdyer 09/01/2009	phenry 09/01/2009	_____	sbasford 09/01/2009		Local
/1	agary 09/03/2009	jdyer 09/03/2009	phenry 09/03/2009	_____	cduerst 09/03/2009	sbasford 09/04/2009	

FE Sent For: **'1" @ intro. 10/5/09**

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9/3 plx
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/?		<i>PI 9/1/09</i>	<i>g/</i>	<i>[Signature]</i>			Local
/P1	agary 08/19/2009	lrb_editor	<i>[Signature]</i>	<i>[Signature]</i>			

FE Sent For:

<END>

~~_____~~
Mc Hope - Rep. Richard
6-0650

→ Melissa Schmidt 7/29

• 2 bills :

• HIV : apt. in Milwaukee w/ no parking ;
can't park anywhere near his apartment ;
disabled parking spots that are permitted
on the street

~~_____~~ - ~~_____~~ • bill to mirror what they
do in Chicago →
this is for disabled parking
for these permit numbers
- will send LC memo

Gary, Aaron

From: Winship, Hope
Sent: Wednesday, July 29, 2009 2:28 PM
To: Gary, Aaron
Subject: Information for the two bills

Attachments: 090609richards_ms.pdf; Disability Parking Attachment 1.doc; Disability Parking Attachment 2.pdf

Attached to this email you'll find the memo and attachments from Legislative Council. This is the information for the bill on changing parking statutes to allow making disabled spots for specific permit numbers.

~~The other bill I spoke to you about was to allow signage for the Milwaukee Institute of Art & Design on the federal highways in the City of Milwaukee. The bill states that colleges with more than 2,000 students cannot have signage on federal highways within the confines of the City of Milwaukee, though it grandfathered in small colleges with existing signs. We would like to make an exception for the Milwaukee Institute of Art & Design.~~

Please let me know if you have questions about either of these two bills.

Thank you,
Hope

Hope Winship
Office of Rep. Jon Richards
608-266-0650 (office)
888-534-0019 (toll free)



090609richards_ms.pdf (113 KB)...



Disability Parking Attachment ...



Disability Parking Attachment ...



WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE JON RICHARDS
FROM: Melissa Schmidt, Staff Attorney
RE: Disabled Parking Regulations and Privileges in Wisconsin and Chicago
DATE: June 8, 2009 (Revised June 9, 2009)

You requested information about a Chicago ordinance that allows a disabled resident to obtain a designated parking spot in front of his or her place of residence. You also asked whether Milwaukee has a similar ordinance. This memorandum, prepared at your request, describes this Chicago ordinance. It also briefly discusses the Wisconsin statutes and Milwaukee ordinances related to disabled parking regulations.

CHICAGO ORDINANCES PROVIDING FOR DISABLED PARKING

Illinois Statutes Regarding Street Parking

Illinois state law related to street parking is similar to the Wisconsin statutes in that Illinois gives broad general powers for local authorities to regulate street parking. Illinois statutes provide that local authorities may regulate the standing or parking of vehicles on streets and highways under their jurisdiction. [s. 625 ILCS 5/11-208]

Chicago Ordinances for Residential Disabled Parking on the Street

Chicago has an ordinance that allows a person with a disability to apply for a residential disabled parking spot. This ordinance is permitted under the general grant of power to local authorities. It is not required by state statute. A copy of the information regarding these parking spots, along with the Chicago ordinance, is included as *Attachment 1*.

Chicago's residential disabled parking spots are marked by two street signs with an identification number. The person granted authorization to park in the spot is given a permit with a corresponding number to be placed inside the vehicle. In order to qualify, the person must: (1) live on a residential street located in one of five residential zones; (2) have a current disabled Illinois license plate or a disabled placard issued by the Secretary of State when parking in the designated spot; and (3) pay the installation and maintenance fees.

To apply for a residential disabled parking spot, a person that meets the prerequisites may file an application with either the alderman of the ward where the parking space is located or Chicago's Department of Revenue. The director of revenue has 30 days to conduct a parking study to determine the feasibility and, if appropriate, the proposed location of the proposed parking space. The applicant may appeal within 10 days after the director's decision to the mayor's office if the director of revenue does not recommend placement of the spot.

If the director of revenue decides to recommend that a restricted disabled parking space should be granted, then the Chicago City Council votes on whether to approve the residential disabled parking spot. While waiting for city council determination, the director of revenue has authority to issue a temporary permit authorizing the disabled person to park in the parking space. The city commissioner of transportation may also install two temporary street signs. The permit and signs must be revoked if the city council has not authorized the residential disabled parking spot within four months after the director of revenue's recommendation is introduced into the city council.

WISCONSIN LAWS PROVIDING FOR STREET PARKING

Wisconsin Statutes Regarding Street Parking

Chapter 346 of the Wisconsin statutes provides general instructions on parking. The statutes specify how to park and stop on streets¹ and where unattended parking is prohibited.² Privileges for disabled parking can also be found in ch. 346 of the Wisconsin statutes. A complete list of these privileges are included as *Attachment 2*.

In addition to the statutory requirements, local authorities have the police power to restrict parking beyond what is required by state statutes. [s. 349.13 (1e) (a), Stats.] County boards, city councils, town boards, village boards, and any other local agency having authority to adopt parking ordinances, including disabled parking ordinances.

Milwaukee Parking Regulations

Milwaukee has various street parking regulations but does not have an ordinance for residential disabled parking spots like Chicago. A complete list of Milwaukee's parking regulations may be found at: <http://www.mpw.net/Pages/preregulations.html>.

For disabled parking, Milwaukee provides a fee exemption on night parking permits, which are required to park on most residential streets at night. Milwaukee provides special disabled night permits, free of charge. These disabled night permits must be displayed in vehicles along with disabled driver registration plates or identification cards when parking on streets at night.

Permits may also be provided for disabled loading and unloading zones for residential property containing households with a disabled person. Parking is not permitted, however, in these zones, regardless of whether the vehicle has a disabled license plate or identification card.

¹ Section. 346.54, Stats.

² Section 346.53, Stats.

Implementation of Chicago's Ordinance in Wisconsin

Wisconsin statutes give general authority under s. 349.13 (1e) (a), Stats., for local governmental bodies to pass an ordinance similar to Chicago's residential disabled parking spot ordinance. Milwaukee may pass this type of ordinance if it decided to do so without any change in statutes.

If you have any questions, please feel free to contact me at the Legislative Council Staff offices.

MS:ty

Attachments

Municipal Code of Chicago
Selected Excerpt from Chapter 9-64: Parking Regulations

9-64-050 Parking restrictions – Parking for persons with disabilities.

(a) The commissioner of transportation, subject to the approval of city council, is authorized to erect signs on any residential street in an R1, R2, R3, R4 or R5 district to prohibit parking except by vehicles displaying a person with a disability or disabled veterans state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. The parking administrator is authorized to determine the specific times and days that the restrictions shall be in effect. Fees for the installation and maintenance of signs erected pursuant to this section shall be \$35.00 for erection of the signs and maintenance for the first year; an annual surcharge of \$3.50 per lineal foot of curb space in excess of 25 feet; and \$12.50 annually for continued maintenance. These fees shall be paid in the same manner as fees charged pursuant to Section 9-68-03*; provided, however, that the installation and maintenance fee shall be waived by the director of revenue for any person holding a valid, current disabled veterans state registration plate.

* Editor's note – As set forth in Coun. J. 11-19-03, p. 14216, § 6.1; correct reference appears to be § 9-68-030.

(b) An application shall be required for an initial authorization and revocable permit for a restricted parking space created pursuant to subsection (e) of this section. The initial application shall be made to either the alderman of the ward in which the sign is being sought or to the department of revenue. If the application is made to the alderman of the ward, the office of the alderman shall forward a copy of the application to the department of revenue for processing compliant with subsection (d) of this section. If the application is made to the department of revenue, the department of revenue shall forward a copy of the application to the alderman of the ward in which the sign is being sought.

The department of revenue shall collect the required application fee. The application fee requirement may only be waived if the applicant holds a valid, current disabled veterans state registration plate or provides a certification of approval under the Senior Citizens and Disabled Persons Property Tax and Pharmaceutical Assistance Act, 320 ILCS 25/1, et seq.,* as amended.

* Editor's note – As set forth in Coun. J. 5-1-02, p. 83018; correct name of the Act appears to be the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

The applicant shall provide proof of assurances satisfactory to the city, that the applicant has met and shall continue to meet all of the following conditions as long as restricted parking is authorized pursuant to subsection (e) of this section:

(1) That the applicant holds a valid, current disabled veterans state registration plate or permanent person with a disability license plate, parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code.

(2) That any vehicle that will be parked by or for the applicant in the parking space applied for bears the license plates, parking decal or device issued to the applicant pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code.

(3) That the applicant resides at the primary residence that is accessible to the parking space for which application is made.

An applicant for, or user of, a restricted parking space issued pursuant to subsection (d) of this section shall immediately notify the department of revenue of any change in one or more of these conditions (1) through (3).

(c) Subject to subsection (e)(2) of this section, all restricted parking spaces created pursuant to this section shall require approval by a vote of the city council to be effective. Upon receiving an initial application, the alderman of the ward in which the restricted parking space will be located may introduce an ordinance proposing approval of the creation of a restricted parking space. However, the city council shall not take action on the ordinance to create a restricted parking space during the 30 day period required for the director of revenue to complete the parking study.

(d) After introduction of an ordinance described in subsection (c), the director of revenue shall arrange for a parking study if:

(1) the applicant has tendered the required fee for restricted parking, and

(2) the director of revenue concludes that the above conditions (1) through (3) of subsection (b) of this section are met and the application is otherwise acceptable.

Such parking study shall be completed within 30 days after the conditions in subsections (d)(1) and (d)(2) are met and shall include a determination regarding the feasibility and, if appropriate, the proposed location of a proposed restricted parking space. The determination shall be based upon the number of restricted parking spaces currently installed on the residential street; the proximity of the requested restricted parking space to crosswalks, curb cuts, alleys, intersections and fire hydrants; and any other information concerning the applicant's needs and local traffic restrictions. The determination may also be based upon the extent of the alternative accessible off-street parking at the applicant's primary residence.

(e) (1) Upon completion of the parking survey and the recommendation that a restricted parking space be installed, the director of revenue shall inform the applicant of the proposed location of the proposed parking space and shall report such recommendation to the alderman of the ward in which the restricted parking space will be located and to the city council committee on traffic control and safety. Upon determining that an application for a restricted parking space should not be recommended, the director of revenue shall provide written notice to the person submitting the application as well as the alderman of the ward in which the application was made. Any person whose application has not been recommended because the city has determined that a restricted parking space cannot be situated in a location accessible to the applicant's primary residence or was not recommended on the basis of the extent of the alternative

accessible off-street parking at his or her primary residence may, within ten days of the date of denial, respond in writing to the mayor's office for people with disabilities requesting a review of the findings and stating reasons in support of reconsideration. The mayor's office for people with disabilities shall conduct such review and shall make a determination within 30 days of the date the request for reconsideration was made. The mayor's office for people with disabilities shall report its determination to the director of revenue, who shall follow, and, if appropriate, reevaluate the application in light of, such determination.

(2) Upon completion of the parking survey and a recommendation by the director of revenue that a restricted parking space be installed: (1) the director of revenue is authorized to issue a revocable permit evidenced by a decal indicating the permit number for the restricted parking space; and (2) the commissioner of transportation is authorized to install a sign to prohibit parking except by the applicant; provided that if the proposed ordinance is not passed within four months after its introduction, the permit shall be revoked and the commissioner of transportation shall immediately remove the restricted parking sign. The issuance of the permit and installation of the sign under this subparagraph does not confer any property rights to the applicant and the sign may be removed and the permit may be revoked at any time without consent of the applicant.

(3) Upon approval of the city council of the designation of a restricted parking space under this subsection, the director of revenue shall issue to the applicant a revocable permit evidenced by decal or other device indicating the permit number for the restricted parking space.

(4) In the event that (1) the department of revenue does not recommend the creation of a restricted parking space, (2) a request for review with the mayor's office for people with disabilities is not timely made, (3) a request for review with the mayor's office for people with disabilities is timely made but a determination is issued consistent with the earlier findings of the director of revenue, and/or (4) the city council fails to approve creation of a restricted parking space, the department of revenue shall refund the applicant his or her application fee directly.

(f) If the city determines, as to a pending application, that the applicant has falsely represented any one or more of conditions (1) through (3) of subsection (b) of this section, the applicant shall be subject to a fine of not less than \$100.00 nor more than \$500.00 and the application shall be denied. If the city determines, either at the time of a renewal or at any other time, that a person who applied for and is using a restricted parking space issued pursuant to subsection (e) of this section is not in compliance with any one or more conditions (1) through (3) of subsection (b) of this section, the director of revenue, 30 days after providing written notice to the person and the alderman of the ward in which application was made or in which the sign was installed, and an opportunity to respond, is authorized to revoke the permit issued under subsection (e) and the restricted parking space, and the commissioner of transportation is authorized to remove the sign designating such parking space. Any person not in compliance with any one or more of conditions (1) through (3) of this section shall be subject to a fine of not less than \$100.00 nor more than \$500.00. In addition, the permit and restricted parking space issued and created under subsection (e) shall be deemed revoked whenever the commissioner of transportation removes the sign for reasons of public convenience or necessity under subsection (d) of 9-68-030.

Upon death of an applicant, there shall be a revocation of the permit issued hereunder, except in the case of a spouse or child of an applicant meeting the qualifications set forth in subsection (b) of this section. Application shall be made pursuant to subsection (b) of this section without additional fees or the removal of existing signs, and the permit shall be reissued to the spouse or child of the decedent subject to subsection (e) of this section.

(g) A renewal fee for a permit and restricted parking space issued and created pursuant to subsection (e) of this section shall be required annually. The renewal fee requirement may only be waived if the applicant holds a valid, current disabled veterans state registration plate or provides a certification of approval under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, 320 ILCS 25/1, et seq., as amended. The director of revenue shall provide written notice of the renewal fee requirement annually to each person using such restricted parking space. Upon a person's failure to submit the required fee in a timely fashion, the director of revenue shall provide a second written notice to the person and an opportunity to respond. If the fee, along with any prior unpaid fees, is not received by the city within 30 days from the date the second notification is mailed, the director of revenue is authorized to revoke the permit issued under this section and the restricted parking space, and the commissioner of transportation is authorized to remove the sign designating such restricted parking space.

(h) Any space designated as an on-street person with a disability parking space pursuant to this section shall be a maximum of 25 feet in length. Any such space shall be indicated by two signs, one located at each end of the parking space, unless conditions in the public way dictate the placement of a single sign located at one end of the parking space. The signs indicating a restricted parking space created under subsection (e) of this section shall indicate that parking in that space is restricted to the holder of the permit for such space, and shall indicate the permit number for such space; provided further, that if the restricted parking space is created for a person that holds a valid, current disabled veterans state registration plate, the sign also shall indicate that the restricted parking space is for a disabled veteran.

(i) The parking administrator is authorized to designate certain areas on business streets in which parking is prohibited except by vehicles displaying person with a disability or disabled veterans state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. Such areas shall comprise at least two percent of the available on-street parking spaces on any street within the area bounded by Roosevelt Road to the south, Halsted Street from Roosevelt Road to Chicago Avenue and LaSalle Street from Chicago Avenue to Division Street on the west, Chicago Avenue from Halsted Street to LaSalle Street and Division Street from LaSalle Street to Lake Michigan on the north and Lake Michigan on the east. The parking administrator is authorized to determine the specific times and days that the restrictions shall be in effect. The parking administrator shall consult with the commissioner of transportation in the selection of locations. All locations selected by the parking administrator pursuant to this subsection shall be subject to the review and approval of the mayor's office for people with disabilities. The commissioner of transportation and the mayor's office for people with disabilities shall develop a comprehensive plan for designating areas of restricted parking pursuant to this subsection. The

commissioner of transportation shall install appropriate signs at areas designated pursuant to this section.

(j) It shall be unlawful to park any vehicle in any space designated by signage as a person with a disability parking space or in any parking stall of a private or public parking lot designated by the lot owner or his agent as reserved for person with disability parking unless the vehicle bears person with a disability or disabled veteran state registration plates or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code and such vehicle is operated by the person to whom the special registration plates, special decal or device was issued or a qualified operator acting under his express direction while the person with a disability is present. It shall be unlawful to display a stolen, expired, or otherwise invalid person with a disability or disabled veteran state registration plate or a person with a disability parking decal or device issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code. In addition, it shall be unlawful to park in a restricted parking space created under subsection (e) of this section unless the vehicle bears the decal or other device issued under that subsection, and the vehicle is operated by the permit holder, or by a qualified operator acting under the express direction of the permit holder while the permit holder is present.

(k) Except as otherwise provided in this section, any motor vehicle bearing a person with a disability license plate or a person with disability parking decal or device containing the international symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized as a valid license plate or device and receive the same parking privileges as provided in this section.

(Added Coun. J. 7-12-90, p. 18634; Amend Coun. J. 12-11-91, p. 10832; Amend Coun. J. 3-11-98, p. 63463; Amend Coun. J. 9-5-01, p. 66166, § 1; Amend Coun. J. 5-1-02, p. 83018, § 1; Amend Coun. J. 11-19-03, p. 14216, § 6.1; Amend Coun. J. 12-14-05, p. 66648, § 1; Amend Coun. J. 4-26-06, p. 75403 § 1)



IMPORTANT INFORMATION FOR USE OF DISABLED PLATES, DISABLED VETERAN PLATES, OR DISABLED PARKING IDENTIFICATION CARDS

Wisconsin Department of Transportation
MV2752 9/2008



Persons who are certified by an authorized health care specialist as having a permanent or temporary disability that limits or impairs their ability to walk are eligible for a disabled parking identification (DIS ID) card, disabled license plates or disabled veterans license plates.

When using a DIS ID card issued to an individual, a copy of the completed eligibility certification **MUST** be kept on their person or in the vehicle to provide to a traffic officer upon request. Make and keep a copy of the certification, signed by your health care provider, **before** submitting the application to WI DOT.

A motorist who displays a DIS ID card, disabled license plates or disabled veterans license plates on their vehicle:

- Is exempt from any parking ordinance imposing time limits of one-half hour or more, but is otherwise subject to the laws relating to parking. See limitations, restrictions and prohibitions to parking below.
- Can park at a municipally-owned/leased lot without payment in **metered spaces** when the time limit is one-half hour or more.
- May park in spaces reserved for disabled persons marked by official traffic signs indicating the restriction. A parking space not displaying the official traffic sign is **not** an authorized disabled parking space.
- May obtain motor fuel from a full-service pump at the same price as the motor fuel dispensed from a self-service pump at locations with both types of service, if the driver is the disabled person. The vehicle must display disabled license plates, disabled VET plates or a DIS ID card. The driver of the vehicle **must ask** for the same price as charged for motor fuel dispensed from a self-service pump.

Restrictions and prohibitions to parking

A city council of a 1st or 2nd class city may enact an ordinance imposing a 3-hour or less limitation on parking of a motor vehicle used by a physically disabled person upon any portion of a street, highway or parking facility reserved by the city for physically disabled persons by official traffic sign indicating the limitations or restrictions. To enact such an ordinance, the city council must comply with specific conditions pursuant to section 346.50(3m)(b)1 through (b)5, Wisconsin Statutes. These and other statutes may be accessed through the following link: <http://www.legis.state.wi.us/>

Excessive Replacements of DIS ID Cards

If a person or organization has previously been issued 2 or more replacement DIS ID cards during the 36 months prior to a new application for replacement cards, the person or organization must attach a completed and notarized MV2967 with their application.

The following are PROHIBITED:

- Fraudulent reproduction, procurement, alteration, manufacture, or duplication of a DIS ID card or disabled license plates. Persons in violation shall forfeit not less than \$200, nor more than \$500 per incident and the DIS ID card and/or disabled license plates may be cancelled and ordered to be returned to the department.
- Selling or lending a DIS ID parking card to a person knowing that the person borrowing the card is not authorized by law to use it. This prohibition also applies to allowing another person to operate their vehicle registered with disabled license plates and to park in spaces reserved for the physically disabled when the vehicle operator is not authorized to do so. Violators may be required to forfeit not more than \$300.
- Displaying a DIS ID card upon a vehicle that is not authorized by law to have the card displayed upon. Violators may be required to forfeit not more than \$200.
- Parking in certain specified places to include loading zones, an alley located in a business district, within 10 feet of a fire hydrant unless a greater distance is indicated by an official traffic sign, within 4 feet of the entrance to an alley or a private road or driveway, closer than 15 feet to the near limits of a crosswalk and upon any portion of a highway where parking is prohibited, limited or restricted by official traffic signs.
- Operating a motor vehicle when the DIS ID card is left hanging from the rearview mirror. Failure to remove the card when operating the vehicle creates an obstruction to a driver's clear view through the front windshield pursuant to section 346.88(3)(b), Wisconsin Statutes. Violators may be required to forfeit not less than \$20 nor more than \$100.
- Leaving or parking any motor vehicle on public or private property when the owner or lessee of the property has posted a sign indicating for whom parking is permitted, limited, restricted or prohibited.
- Parking contrary to emergency snow removal ordinances, nighttime restrictions requiring a special permit, special events within the state when signs or bags are posted stating that parking is limited, restricted or prohibited or any other reason allowed by statute or local ordinances.
- Leaving or parking any motor vehicle on private property without the consent of the owner or lessee of the property.
- Stopping or leave standing any vehicle on the left side of a highway except as provided in sections 167.30(4)(co) (Physically disabled persons having a class a or b hunting license) or 346.54 (How to park and stop on streets), Wisconsin Statutes.

Additional information may be obtained:

Call: 608-266-3041

FAX: 608-267-5106

E-mail: special-plates.dmv@dot.state.wi.us

Internet: <http://www.dot.wisconsin.gov/drivers/vehicles/disabled>

or by writing to:

Wisconsin Department of Transportation
Special Plates Unit
PO Box 7306
Madison, WI 53707-7306



in 8/19

Handwritten initials and a circled signature.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

x

Gen

1

AN ACT ...; relating to: the parking of vehicles on highways.

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 special motor vehicle registration plates (special disabled plates) or a special identification card (disabled parking card) entitling a motor vehicle used by the person to certain parking privileges, including parking in spaces reserved for such vehicles. Current law also permits, with certain exceptions, state and local highway authorities to prohibit or restrict the stopping, standing, or parking of vehicles on highways under their jurisdictions.

Under this bill, a municipality may adopt an ordinance allowing the municipality to reserve parking spaces on highways (streets) for persons: 1) whose residences abut the street; 2) who own vehicles with special disabled plates or have been issued disabled parking cards; and 3) who have been issued permits by the municipality authorizing parking in these reserved parking spaces. The municipality may charge a fee for issuing a permit authorizing parking in these reserved spaces. The municipality may prohibit any vehicle other than a vehicle owned by the person issued a parking permit for a designated reserved parking space from parking, stopping, or standing in that reserved parking space. The municipality must erect and maintain official traffic signs or markers indicating any parking prohibition or restriction imposed by the ordinance.

For further information see the *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.** 349.13 (1e) (a) of the statutes is amended to read:

2 349.13 (1e) (a) The department with respect to state trunk highways outside
3 of corporate limits and the local authorities with respect to highways under their
4 jurisdiction, including state trunk highways or connecting highways within
5 corporate limits, may, within the reasonable exercise of the police power, prohibit,
6 limit the time of or otherwise restrict the stopping, standing or parking of vehicles
7 beyond the prohibitions, limitations or restrictions imposed by ch. 346, except that
8 they may not modify the exceptions set forth in s. 346.50 except as provided in sub.
9 (1r).

History: 1973 c. 248; 1975 c. 299; 1977 c. 29 ss. 1654 (3), (8) (a), 1656 (43); 1977 c. 116, 272, 418; 1979 c. 34, 59, 231, 276, 325; 1981 c. 227; 1981 c. 255 ss. 10, 11, 13; 1983 a. 77 s. 15; 1983 a. 213; 1985 a. 29; 1985 a. 87 s. 5; 1989 a. 304; 1991 a. 269, 316; 1993 a. 246; 1995 a. 448; 1997 a. 27, 159, 258; 1999 a. 85; 2003 a. 142; 2005 a. 326.
History: 1973 c. 248; 1975 c. 299; 1977 c. 29 ss. 1654 (3), (8) (a), 1656 (43); 1977 c. 116, 272, 418; 1979 c. 34, 59, 231, 276, 325; 1981 c. 227; 1981 c. 255 ss. 10, 11, 13; 1983 a. 77 s. 15; 1983 a. 213; 1985 a. 29; 1985 a. 87 s. 5; 1989 a. 304; 1991 a. 269, 316; 1993 a. 246; 1995 a. 448; 1997 a. 27, 159, 258; 1999 a. 85; 2003 a. 142; 2005 a. 326.

10 **SECTION 2.** 349.13 (1r) of the statutes is created to read:

11 349.13 (1r) (a) Notwithstanding s. 86.32 (1) and any other provision of this
12 section, and as provided in par. (b), a local authority, with respect to highways under
13 its jurisdiction including connecting highways within corporate limits, may
14 authorize persons whose residences abut a highway in a zone where parking is
15 prohibited, limited, or restricted by official signs, markers, or parking meters to park
16 their vehicles in the highway zone that abuts these residences without regard to the
17 posted prohibitions, limitations, or restrictions.

18 (b) The governing body of any municipality may adopt an ordinance that
19 authorizes the municipality to reserve parking spaces for persons whose residences
20 abut a highway, who are the owners of vehicles bearing special registration plates

1 issued under s. 341.14 (1), (1a), (1e), (1m), or (1q) or who have been issued special
2 identification cards under s. 343.51, and who have been issued permits by the
3 municipality authorizing parking in these reserved parking spaces. The ordinance
4 may authorize the municipality to charge a fee for issuing a permit authorizing
5 parking in these reserved parking spaces. The ordinance may prohibit any vehicle
6 other than a vehicle owned by the person issued a parking permit for a designated
7 reserved parking space from parking, stopping, or standing in that reserved parking
8 space, including any other vehicle bearing special registration plates issued under
9 s. 341.14 (1), (1a), (1e), (1m), or (1q) or displaying a special identification card issued
10 under s. 343.51. The ordinance shall require the municipality to erect and maintain
11 official traffic signs or markers indicating any parking prohibition, limitation, or
12 restriction imposed by the ordinance.

13

(END)



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

LRB-3223/P1dn

ARG:.....

date

↑
jld

ATTN: Hope Winship

Please review the attached draft carefully to ensure that it is consistent with your intent. Local governments generally control parking on their own streets. This draft allows municipalities to, by ordinance, create a program to reserve specific street parking spaces for persons with disabilities, similar to the Chicago program. The specifics of the program would be left to the governing body of the municipality, to be set forth in the ordinance.

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.wisconsin.gov

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

LRB-3223/P1dn
ARG:jld:ph

September 1, 2009

ATTN: Hope Winship

Please review the attached draft carefully to ensure that it is consistent with your intent. Local governments generally control parking on their own streets. This draft allows municipalities to, by ordinance, create a program to reserve specific street parking spaces for persons with disabilities, similar to the Chicago program. The specifics of the program would be left to the governing body of the municipality, to be set forth in the ordinance.

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Blomme, Brett
Sent: Thursday, September 03, 2009 9:41 AM
To: Gary, Aaron
Subject: LRB - 3223 Relating to the parking of vehicles on highways

Aaron: The "P1" draft looks good. Please convert to an introducible draft.

Thanks,

Brett

Brett Blomme
Rep. Richards
6-0650 -- 118N



505M

in 9/3

10/11

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

4

Regen

1 AN ACT *to amend* 349.13 (1e) (a); and *to create* 349.13 (1r) of the statutes;
2 **relating to:** the parking of vehicles on highways. ✓

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 special motor vehicle registration plates (special disabled plates) or a special identification card (disabled parking card) entitling a motor vehicle used by the person to certain parking privileges, including parking in spaces reserved for such vehicles. Current law also permits, with certain exceptions, state and local highway authorities to prohibit or restrict the stopping, standing, or parking of vehicles on highways under their jurisdictions.

Under this bill, a municipality may adopt an ordinance allowing the municipality to reserve parking spaces on highways (streets) for persons: 1) whose residences abut the street; 2) who own vehicles with special disabled plates or have been issued disabled parking cards; and 3) who have been issued permits by the municipality authorizing parking in these reserved parking spaces. The municipality may charge a fee for issuing a permit authorizing parking in these reserved spaces. The municipality may prohibit any vehicle other than a vehicle owned by the person issued a parking permit for a designated reserved parking space from parking, stopping, or standing in that reserved parking space. The municipality must erect and maintain official traffic signs or markers indicating any parking prohibition or restriction imposed by the ordinance.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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21 issued under s. 341.14 (1), (1a), (1e), (1m), or (1q) or who have been issued special

1 identification cards under s. 343.51, and who have been issued permits by the
2 municipality authorizing parking in these reserved parking spaces. The ordinance
3 may authorize the municipality to charge a fee for issuing a permit authorizing
4 parking in these reserved parking spaces. The ordinance may prohibit any vehicle
5 other than a vehicle owned by the person issued a parking permit for a designated
6 reserved parking space from parking, stopping, or standing in that reserved parking
7 space, including any other vehicle bearing special registration plates issued under
8 s. 341.14 (1), (1a), (1e), (1m), or (1q) or displaying a special identification card issued
9 under s. 343.51. The ordinance shall require the municipality to erect and maintain
10 official traffic signs or markers indicating any parking prohibition, limitation, or
11 restriction imposed by the ordinance.

12

(END)

Parisi, Lori

From: Blomme, Brett
Sent: Thursday, September 03, 2009 1:54 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3223/1 Topic: Allowing municipalities to designate reserved street parking spaces for residents with disabilities

Please Jacket LRB 09-3223/1 for the ASSEMBLY.