

2011 DRAFTING REQUEST

Bill

Received: 02/07/2012

Received By: mkunkel

Wanted: As time permits

Companion to LRB:

For: Rich Zipperer (608) 266-9174

By/Representing: Lucas Vebber

May Contact:

Drafter: mkunkel

Subject: Trade Regulation - other

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Zipperer@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require gas stations to provide assistance to disabled customers unless only one person is working

Instructions:

Redraft 2009 AB 285

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>
/?	mkunkel 02/07/2012	kfollett 02/07/2012					State
/1			jfrantze 02/07/2012		sbasford 02/07/2012	sbasford 02/09/2012	

FE Sent For:

At intro  
2/10/2012

<END>

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/?	mkunkel	11/5/11 2/7		2/7			

FE Sent For:

<END>

**Kunkel, Mark**

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**From:** Kunkel, Mark  
**Sent:** Tuesday, February 07, 2012 9:55 AM  
**To:** Vebber, Lucas  
**Subject:** Companion to LRB-0424

4044

Lucas:

I got your voicemail and will do the companion bill you requested.

Note that the most recent version of the Assembly bill is LRB-0424/4, not /3.

You should get the companion later today.

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Mark D. Kunkel  
Senior Legislative Attorney  
Legislative Reference Bureau  
(608) 266-0131



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-04244  
MDK:cjs:jm

O-NOTE

2011 BILL

stays

4044/11

PM NOT RUN

Todan  
Companion  
Bill

Regen

1 AN ACT *to repeal* 100.51 (5); *to amend* 100.18 (8); and *to create* 134.805 of the  
2 statutes; **relating to:** dispensing motor vehicle fuel for persons with  
3 disabilities, granting rule-making authority, and providing a penalty.

***Analysis by the Legislative Reference Bureau***

Under current law, a motor vehicle fuel dealer with full-service pumps is required to have an employee dispense motor vehicle fuel for a vehicle that displays registration plates or an identification card that indicates the vehicle is used by a person with a disability. A dealer is required to charge a person receiving such service the same price that the dealer charges at self-service pumps. The current provision applies only to motor vehicle fuel retailers who have been granted a dealership, as defined under current provisions known as the "Wisconsin Fair Dealership Law," not to independent retailers or to retail outlets owned by motor vehicle fuel producers. The provision is enforced by the Department of Agriculture, Trade and Consumer Protection.

This bill expands the current requirements. Under the bill, a retailer of motor vehicle fuel must provide an employee or other attendant to dispense motor vehicle fuel if the vehicle displays registration plates or an identification card indicating the vehicle is used by a person with a disability, the driver sounds the vehicle's horn or requests assistance, and more than one employee or attendant is on duty. The requirements apply to all motor vehicle fuel retailers, not just to retailers who have been granted a dealership, and apply regardless of whether a retailer has full-service pumps. The bill also requires a retailer to post signs designed by the

**BILL**

Department of Safety and Professional Services indicating that customers with disabilities may obtain assistance in fueling. The bill provides for a \$100 forfeiture for each violation of the bill's requirements and transfers enforcement to the district attorney.

For further information see the *state* 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. 100.18 (8) of the statutes is amended to read:

2           100.18 (8) Every wholesaler and every other person selling or distributing  
3 motor fuel in this state shall keep posted in a conspicuous place, most accessible to  
4 the public at his or her place of business, and on every pump from which delivery is  
5 made directly into the fuel tank attached to a motor vehicle, a placard showing the  
6 net selling price per gallon of all grades of motor fuel and the amount of all taxes per  
7 gallon thereon. On pumps or other dispensing equipment from which motor fuel is  
8 sold and delivered directly into fuel supply tanks attached to motor vehicles, such  
9 posting shall be in figures not less than one inch high, except that no such placard  
10 shall be required on a computer pump whereon the total net selling price per gallon  
11 including all taxes is legibly shown on its face. Except for sales to drivers of motor  
12 vehicles used by ~~physically disabled~~ persons with disabilities under s. 100.51-~~(5)~~  
13 134.805, all sales shall be made at the posted price. Delivery slips shall also show  
14 the net selling price per gallon of all grades of motor fuel and the amount of all taxes  
15 per gallon thereon. If the wholesaler or person has more than one place of business  
16 in this state, the wholesaler or person shall post that placard at all of his or her places  
17 of business. All prices posted shall remain in effect for at least 24 hours after they  
18 are posted. It shall be considered deceptive advertising to advertise or represent in

**BILL**

1 any manner the price of motor fuel offered for sale at retail to be less than the price  
2 so posted on each pump. ✓

3 **SECTION 2.** 100.51 (5) of the statutes is repealed.

4 **SECTION 3.** 134.805 of the statutes is created to read: ✓

5 **134.805 Dispensing motor vehicle fuel; vehicles used by persons with**  
6 **disabilities. (1)** In this section:

7 (a) “Department” means the department of safety and professional services.

8 (b) “Motor vehicle” has the meaning given in s. 340.01 (35).

9 **(2)** (a) A motor vehicle fuel retailer shall provide an employee or other  
10 attendant to dispense motor vehicle fuel into a motor vehicle at the retailer’s place  
11 of business, if all of the following apply:

12 1. The driver of the motor vehicle sounds the vehicle’s horn or requests  
13 assistance.

14 2. The motor vehicle displays special registration plates issued under s. 341.14  
15 (1), (1a), (1m), or (1q) or a special identification card issued under s. 343.51 or the  
16 vehicle is registered in another jurisdiction and displays a registration plate, card,  
17 or emblem issued by that jurisdiction that indicates the vehicle is used by a person  
18 with a disability.

19 3. More than one employee or other attendant is on duty.

20 (b) A motor vehicle fuel retailer dispensing fuel under par. (a) may not charge  
21 a price that exceeds the price the retailer charges for the fuel at a self-service pump.

22 **(3)** (a) A motor vehicle fuel retailer shall post at the retailer’s place of business  
23 in a conspicuous location, as defined by the department by rule, a sign that complies  
24 with design specifications under par. (b).





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

LRB-4044/1dn

MDK: *leg*

*Date*

Sen. Zipperer:

This is a companion bill to LRB-0424/4.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)

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

LRB-4044/1dn  
MDK:kjfjf

February 7, 2012

Sen. Zipperer:

This is a companion bill to LRB-0424/4.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.wisconsin.gov](mailto:mark.kunkel@legis.wisconsin.gov)

**Basford, Sarah**

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**From:** Vebber, Lucas  
**Sent:** Thursday, February 09, 2012 2:28 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-4044/1 Topic: Require gas stations to provide assistance to disabled customers unless only one person is working

Please Jacket LRB 11-4044/1 for the SENATE.