October 18, 2011 - Introduced by Representatives Farrow, Kaufert and Thiesfeldt, cosponsored by Senators Kedzie and Wirch. Referred to Committee on Transportation.

AN ACT to amend 341.14 (6r) (b) 1. and 341.14 (6r) (fm) 7.; and to create 20.395 (5) (ei), 25.40 (1) (a) 30., 341.14 (6r) (b) 15., 341.14 (6r) (f) 62. and 341.14 (10) of the statutes; relating to: special distinguishing registration plates associated with the ALS Association 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 vehicle 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 bill establishes an authorized special group specifically enumerated in state law for persons interested in obtaining special plates supporting the Wisconsin Chapter of the Amyotrophic Lateral Sclerosis (ALS, also referred to as "Lou Gehrig's Disease") Association. 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 ALS Association, Wisconsin
Chapter. If the special plates will display any logo or symbol associated with the ALS Association, DOT may not issue these special plates until DOT has obtained authority to use any applicable trademark or service mark associated with the ALS Association on these special plates.

For further information see the state 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:

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

20.395 (5) (ei) Payments to the ALS Association. From the general fund, all moneys received under s. 341.14 (6r) (b) 15. for payments to the ALS Association, Wisconsin Chapter, under s. 341.14 (10).

SECTION 2. 25.40 (1) (a) 30. of the statutes is created to read:

25.40 (1) (a) 30. Moneys received under s. 341.14 (6r) (b) 15. that are deposited into the general fund and credited to the appropriation account under s. 20.395 (5) (ei).

SECTION 3. 341.14 (6r) (b) 1. of the statutes is amended to read:

341.14 (6r) (b) 1. Subject to subd. 1m., upon application to register an automobile or motor home, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight of not more than 12,000 pounds, by any person who is a resident of this state and a member of an authorized special group, the department shall issue to the person special plates whose colors and design shall indicate that the vehicle is owned by a person who is a member of the applicable special group. The department may not issue any special group plates under par. (f) 55., 60., or 61r. until 6 months after the department has received information sufficient for the department to determine that any approvals required for use of any
logo, trademark, trade name or other commercial symbol designating the
professional football team or professional baseball team or associated with
Harley-Davidson, Inc., have been obtained. Subject to sub. subs. (9) (d) and (10) (d),
the department may not issue any special group plates under par. (f) 61m. or 62, until
the department has received information sufficient for the department to determine
that any license or other approval required for use of any logo, trademark or service
mark, trade name or other commercial symbol to be used on or in association with
these plates has been obtained. Notwithstanding s. 341.12 (2), if the department of
corrections does not have flat-plate technology available for use in manufacturing
license plates at quality and cost comparable to that available from the state of
Minnesota, the department of transportation may not issue any special group plates
under par. (f) 59. unless the department of transportation purchases the plates from
the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765,
16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the
state of Minnesota.

SECTION 4. 341.14 (6r) (b) 15. of the statutes is created to read:

341.14 (6r) (b) 15. Subject to sub. (10) (d), a fee of $25 that is in addition to the
fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on
an annual basis for the special group specified under par. (f) 62. Subject to sub. (10)
(d), a fee of $50 that is in addition to the fee under subd. 2. shall be charged for the
issuance or renewal of a plate issued on the biennial basis for the special group
specified under par. (f) 62. if the plate is issued or renewed during the first year of
the biennial registration period or $25 for the issuance or renewal if the plate is
issued or renewed during the 2nd year of the biennial registration period. All moneys
received under this subdivision, in excess of $23,700 for the initial costs of production
of the special group plate under par. (f) 62., shall be deposited into the general fund
and credited to the appropriation under s. 20.395 (5) (ei). To the extent permitted
under ch. 71, the fee under this subdivision is deductible as a charitable contribution
for purposes of the taxes under ch. 71.

**SECTION 5.** 341.14 (6r) (f) 62. of the statutes is created to read:

341.14 (6r) (f) 62. Persons interested in obtaining a plate supporting the
Wisconsin Chapter of the Amyotrophic Lateral Sclerosis Association.

**SECTION 6.** 341.14 (6r) (fm) 7. of the statutes, as affected by 2011 Wisconsin Act
32, is amended to read:

341.14 (6r) (fm) 7. After October 1, 1998, additional authorized special groups
may only be special groups designated by the department under this paragraph. The
authorized special groups enumerated in par. (f) shall be limited solely to those
special groups specified under par. (f) on October 1, 1998. This subdivision does not
apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,15m.,
19m., 33m., 48m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., 60., 61., 61m., and
61r., and 62.

**SECTION 7.** 341.14 (10) of the statutes is created to read:

341.14 (10) (a) Subject to par. (c), from the appropriation under s. 20.395 (5)
(ei), the department shall make payments to the ALS Association, Wisconsin
Chapter.

(b) For each year in which the department makes payments under par. (a), the
ALS Association, Wisconsin Chapter, shall submit to the presiding officer of each
house of the legislature an audited financial statement of its use of the payments
under this subsection, prepared in accordance with generally accepted accounting
principles.
(c) The department shall discontinue payments to the ALS Association, Wisconsin Chapter, under this subsection if the ALS Association, Wisconsin Chapter, dissolves, becomes insolvent, files a petition for bankruptcy, or is no longer exempt from taxation under section 501 (a) of the Internal Revenue Code.

(d) 1. If the special group plates under sub. (6r) (f) 62. will display any logo, trademark or service mark, trade name, or other commercial symbol associated with the ALS Association, the department may not issue any plates under sub. (6r) (f) 62. unless the approval specified in sub. (6r) (b) 1. for these plates provides for all of the following:

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

   b. That, if the approval is withdrawn, the department may continue to renew the registration of vehicles previously issued plates under sub. (6r) (f) 62., without replacing those plates, but the department shall discontinue charging the fee specified in sub. (6r) (b) 15. with respect to these renewals.

2. Notwithstanding sub. (6r) (b) 1. and (f) (intro.), if the approval specified in sub. (6r) (b) 1. for plates issued under sub. (6r) (f) 62. is withdrawn, the department shall discontinue issuing plates under sub. (6r) (f) 62. unless additional approval, as specified in sub. (6r) (b) 1. and this paragraph, is obtained by the department.

Section 8. Nonstatutory provisions.

(1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes effect in fiscal year 2012–13, in submitting information under section 16.42 of the statutes for purposes of the 2013–15 biennial budget bill, the department of transportation shall submit information concerning the appropriation under section 20.395 (5) (cq) of the statutes as though the total amount appropriated under section
20.395 (5) (cq) of the statutes for the 2012–13 fiscal year was $23,700 less than the
total amount that was actually appropriated under section 20.395 (5) (cq) of the
statutes for the 2012–13 fiscal year.

SECTION 9. Fiscal changes.

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation
to the department of transportation under section 20.395 (5) (cq) of the statutes, as
affected by the acts of 2011, the dollar amount is increased by $23,700 for the fiscal
year in which this subsection takes effect to increase funding for special registration
plates associated with the ALS Association, Wisconsin Chapter.

SECTION 10. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after
publication.

(END)