

**2013 DRAFTING REQUEST**

**Bill**

Received: 10/29/2012 Received By: agary  
Wanted: As time permits Same as LRB: -4345  
For: Jerry Petrowski (608) 266-2502 By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - traffic laws Addl. Drafters: rkite  
Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov  
robin.kite@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Disabled parking spaces and restriping parking lots

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**Instructions:**

See attached

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**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>
/?	agary 11/8/2012			_____			
/P1	rkite 7/22/2013	evinz 7/24/2013	rschluet 7/25/2013	_____	srose 11/13/2012		
/P2	agary			_____	srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/26/2014			_____	7/25/2013		
/1		evinz 2/26/2014	rschluet 2/26/2014	_____	mbarman 2/26/2014	lparisi 2/26/2014	

FE Sent For:

→ Not Needed

<END>

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/26/2014			_____	7/25/2013		
/1		evinz 2/26/2014	rschluet 2/26/2014	_____	mbarman 2/26/2014		

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Disabled parking spaces and restriping parking lots

Instructions:

See attached

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/?	agary 11/8/2012			_____			
/P1	rkite 7/22/2013	evinz 7/24/2013	rschluct 7/25/2013	_____	srose 11/13/2012		
/P2				_____	srose		

Handwritten signature and date 7/26/14

Vers. Drafted

Reviewed

Typed

Proofed

Submitted

Jacketed

Required

7/25/2013

FE Sent For:

<END>

### 2013 DRAFTING REQUEST

#### Bill

Received: 10/29/2012 Received By: agary  
Wanted: As time permits Companion to LRB:  
For: Jerry Petrowski (608) 266-1182 <sup>266-2502</sup> By/Representing: Tim Fiocchi  
May Contact: Drafter: agary  
Subject: Transportation - traffic laws Addl. Drafters: rkite  
Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov  
robin.kite@legis.wisconsin.gov

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Disabled parking spaces and restriping parking lots✓



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#### Instructions:

See attached

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#### 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>
/?	agary 11/8/2012			_____			
/P1		evinz 11/13/2012	11/13/2012	_____	srose 11/13/2012		
		p2 eev 7/24/13					

FE Sent For:

<END>



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Disabled parking spaces and restriping parking lots

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1?	agary	pl eev 11/12/12		11/13 ph   sm			

FE Sent For:

<END>

Gary, Aaron

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To: Fiocchi, Tim  
Subject: RE: Drafting

From: Fiocchi, Tim  
Sent: Friday, October 26, 2012 9:54 AM  
To: Gary, Aaron  
Subject: Drafting

Hi Aaron,

After meeting with several groups interested in handicapped parking issues, we would like to work on five relatively small bills to address their concerns. Below are brief descriptions of each that I'd like to go through with you some time next week. Let me know when you have time in your schedule - I expect to be around most of the week.

Thanks,

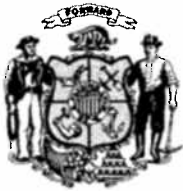
Tim

- 
1. .
  2. Require parking lots be brought into compliance with current law requirements at the time they are re-striped.

Tim Fiocchi  
Office of Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

Mtg w/ Tim Fiocchi 10/29

• he was told that the  
problem is one of  
grandfathering



in  
11/8



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

J-note

SAV  
REF

Gen cat

1 AN ACT **relating to:** the requirement to reserve parking spaces for persons  
2 with physical disabilities.

***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 (disabled plates) or a special identification card (disabled parking card) that affords certain parking privileges, including parking in spaces reserved for use by persons with physical disabilities (disabled parking spaces). Current law also requires the owner or lessee of a public building or place of employment, and the owner or lessee of a parking facility that offers parking to the public, to reserve a minimum number of disabled parking spaces if the parking area has at least 26 spaces. Various requirements apply to these reserved spaces, including that they must be at least 12 feet wide, marked with a disabled parking sign, and maintained in inclement weather.

Also under current law, with limited exceptions, any place of employment or \* public building, the initial construction of which is commenced after July 1, 1970, but prior to May 27, 1976, must be so designed and constructed as to provide reasonable means of ingress and egress by the physically disabled. In addition, any place of \* employment or public building the initial construction of which is commenced on or after May 27, 1976, must be designed and constructed so as to provide reasonable means of access, except: 1) when exempted by rule of the Department of Safety and Professional Services (DSPS); or 2) with respect to parking spaces, ramps, and grade-level entrances of a building that is not more than two stories in height and

1.95

is either a structure containing two or more units or two or more structures each containing one or more units on the same property (multi-unit building). DSPTS must by rule provide minimum regulations to ensure access to and use of public buildings.

This bill specifies that the requirement that the owner or lessee of a public building or place of employment, and the owner or lessee of a parking facility that offers parking to the public, reserve disabled parking spaces applies with respect to any parking area initially constructed, or resurfaced or repainted, on or after May 27, 1976.<sup>v</sup> Regarding the requirement that any place of employment or public ~~building~~ building, the initial construction of which is commenced on or after May 27, 1976, be designed and constructed so as to provide reasonable means of access, the bill eliminates the exemption for parking spaces for multi-unit buildings.<sup>v</sup>

Under current law, a governmental unit may not issue an authorization to occupy a place of employment or public building unless the owner files with the governmental unit a certification of compliance with DSPTS rules relating to reserved disabled parking spaces.<sup>v</sup> This bill specifies that the certification must also be ~~of~~ <sup>in</sup> compliance with certain statutory requirements relating to reserved disabled parking spaces.<sup>v</sup>

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

1           **SECTION 1.** 101.13<sup>x</sup> (2) (d) of the statutes is amended to read:

2           101.13 (2) (d) Any place of employment or public building, unless exempted by  
3 rule of the department, the initial construction of which is commenced on or after  
4 May 27, 1976, shall be designed and constructed so as to provide reasonable means  
5 of access. Buildings, as defined in s. 703.02 (5), 1975 stats., of 2 stories or less in  
6 height shall be exempt from requirements relating to ~~parking space~~, ramps and  
7 grade-level entrances.

History: 1971 c. 185; 1971 c. 228 ss. 17, 42, 44; Stats. 1971 s. 101.13; 1973 c. 201, 202, 336; 1975 c. 276; 1977 c. 249, 407; 1981 c. 341; 1983 a. 77, 246; 1987 a. 260; 1993 a. 492; 1995 a. 27, 225, 285; 1997 a. 237.

8           **SECTION 2.** 101.13 (2) (f) of the statutes is amended to read:

9           101.13 (2) (f) 1. Except as provided in subd. 2., no governmental unit may issue  
10 any authorization to occupy any place of employment or public building prescribed  
11 in pars. (a) to (d) unless the owner thereof files with that governmental unit a true  
12 certification of compliance with s. 346.503 (1m) and the rules under par. (e)

1 applicable to that place of employment or public building relating to the reservation  
2 and marking of parking spaces for use by a motor vehicle used by a physically  
3 disabled person.

4 2. An authorization to occupy a place of employment or public building  
5 prescribed in pars. (a) to (d) may be issued prior to the completion of parking facilities  
6 for that place of employment or public building if the owner files a true certification  
7 that upon completion of any parking facility for that place of employment or public  
8 building that parking facility shall comply with s. 346.503 (1m) and the rules under  
9 par. (e) applicable to that place of employment or public building as specified in subd.  
10 1.

**History:** 1971 c. 185; 1971 c. 228 ss. 17, 42, 44; Stats. 1971 s. 101.13; 1973 c. 201, 202, 336; 1975 c. 276; 1977 c. 249, 407; 1981 c. 341; 1983 a. 77, 246; 1987 a. 260; 1993 a. 492; 1995 a. 27, 225, 285; 1997 a. 237.

11 **SECTION 3.** 346.503 (1m) (a) of the statutes is renumbered 346.503 (1m) (a) 1m.,  
12 and 346.503 (1m) (a) 1m. c., as renumbered, is amended to read:

13 346.503 (1m) (a) 1m. c. At least ~~one~~<sup>1</sup> percent, in addition to that specified in  
14 subd. 2. 1m. b., of each 1,000 spaces over the first 1,000 for a facility offering more  
15 than 1,000 spaces.

**History:** 1981 c. 255 ss. 7, 13; 1983 a. 77, 227, 246; 1985 a. 87 s. 5; 1985 a. 135 s. 85; 1987 a. 260; 1989 a. 304; 1993 a. 256; 1995 a. 27 ss. 6415, 6416, 9116 (5); 2009 a. 246; 2011 a. 32.

16 **SECTION 4.** 346.503 (1m) (a) 2m. of the statutes is created to read:

17 346.503 (1m) (a) 2m. Notwithstanding s. 101.13 (2) (a) and (d), the requirement  
18 under this paragraph applies to any owner or lessee of any public building or place  
19 of employment, and to any owner or lessee of any parking facility ~~which~~<sup>that</sup> offers  
20 parking to the public, with respect to any parking area initially constructed, or  
21 resurfaced or repainted, on or after May 27, 1976.

22 **SECTION 5. Initial applicability.**



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

LRB-0452/P1dn

ARG:...

eev

date

ATTN: Tim Fiocchi

Please review the attached draft carefully to ensure that it is consistent with your intent.

The statutes are not clear as to whether there is "grandfathering" of the requirement in s. 346.503 (1m). There was no grandfather provision when the statute was created in 1981. A grandfather provision was added later but removed by 1987 Wisconsin Act 260. The language and legislative history of Act 260 are ambiguous as to whether the in-text applicability provision of s. 101.13 was intended to apply to s. 346.503 (1m). Based on my conversation with you, it appears to be the common interpretation in the community that grandfathering does apply to the requirements under s. 346.503 (1m) and I have prepared the draft accordingly.

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

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

LRB-0452/P1dn  
ARG:eev:ph

November 13, 2012

ATTN: Tim Fiocchi

Please review the attached draft carefully to ensure that it is consistent with your intent.

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



**Gary, Aaron**

---

**To:** Fiocchi, Tim  
**Subject:** RE: Changes to LRB 0451 and 0452

**From:** Fiocchi, Tim  
**Sent:** Wednesday, July 17, 2013 9:47 AM  
**To:** Gary, Aaron  
**Subject:** Changes to LRB 0451 and 0454

Hi Aaron,

I met with the Council on Physical Disabilities and have some changes for two of the drafts we currently have. I also learned that the reason some of the regulation on these issues is hard to find is that it's simply incorporated from the International Building Code by reference in DSPS rules.

LRB 0452: I apologize for the repeated changes on this draft, but I think I understand the issue now. The building code is enforced by DSPS and local building inspectors, but functionally they only do an inspection when something is first being constructed or there is a major reconstruction project. Actual structures are grandfathered under the code such that they may be repaired to the standard they were constructed to until there is a major renovation (not sure how that's phrased), but that leaves a real gray area as to when they have to update a building.

For our draft, the council recommended that we require a parking lot to be brought up to current code at such time as the lot is resurfaced or seal coated, not re-striped as I initially asked as this may not mean the lines aren't completely faded and could create an additional burden for businesses.

Further – from the council: *The Council on Physical Disabilities, Transportation and Parking Committee recommends changing 346.503 (1) (a) under the introduction paragraph. We suggest that we strike 1-3 under which currently reading:*

**(1m)**

*346.503(1m)(a)(a) The owner or lessee of any public building or place of employment and the owner or lessee of any parking facility which offers parking to the public shall reserve at least the following number of spaces for use by a motor vehicle used by a physically disabled person:*

*346.503(1m)(a)1.1. At least one space for a facility offering 26 to 49 spaces.*

*346.503(1m)(a)2.2. At least 2% of all spaces for a facility offering 50 to 1,000 spaces.*

*346.503(1m)(a)3.3. At least one percent, in addition to that specified in subd. 2., of each 1,000 spaces over the first 1,000 for a facility offering more than 1,000 spaces.*

*346.503(1m)(b)(b) Parking spaces*

*And substitute the language with a new #1 which would read:*

*1. At least the minimum number of parking spaces required by federal ANSI 117 requirements.*

*This new requirement will allow the statutes to maintain consistency with the most recent Federal ADA requirements and ensure compliance with any future changes.*

It's my understanding that this would bring the statutes in line with current DSPS/ building code requirements. This may be something you want to talk to some of the other staff there about.

Given that this will, in a way, become part of their building code rules, we may need to provide DSPS rule making authority.

Give me a call about this when you have a moment.

Thank you,

Tim

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

**ACCESSIBILITY**

**1105.1.6 Tenant spaces, dwelling units and sleeping units.** At least one *accessible* entrance shall be provided to each tenant, *dwelling unit* and *sleeping unit* in a facility.

**Exceptions:**

1. An *accessible* entrance is not required to tenants that are not required to be *accessible*.
2. An *accessible* entrance is not required to *dwelling units* and *sleeping units* that are not required to be *Accessible units, Type A units or Type B units*.

**SECTION 1106  
PARKING AND PASSENGER LOADING FACILITIES**

**1106.1 Required.** Where parking is provided, *accessible* parking spaces shall be provided in compliance with Table 1106.1, except as required by Sections 1106.2 through 1106.4. Where more than one parking facility is provided on a *site*, the number of parking spaces required to be *accessible* shall be calculated separately for each parking facility.

**Exception:** This section does not apply to parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles or vehicular impound and motor pools where lots accessed by the public are provided with an *accessible* passenger loading zone.

**TABLE 1106.1  
ACCESSIBLE PARKING SPACES**

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus one for each 100, or fraction thereof, over 1,000

**1106.2 Groups R-2 and R-3.** At least 2 percent, but not less than one, of each type of parking space provided for occupancies in Groups R-2 and R-3, which are required to have *Accessible, Type A or Type B dwelling or sleeping units*, shall be *accessible*. Where parking is provided within or beneath a building, *accessible* parking spaces shall also be provided within or beneath the building.

**1106.3 Hospital outpatient facilities.** At least 10 percent, but not less than one, of patient and visitor parking spaces provided to serve hospital outpatient facilities shall be *accessible*.

**1106.4 Rehabilitation facilities and outpatient physical therapy facilities.** At least 20 percent, but not less than one, of the portion of patient and visitor parking spaces serving reha-

bilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be *accessible*.

**1106.5 Van spaces.** For every six or fraction of six *accessible* parking spaces, at least one shall be a van-accessible parking space.

**Exception:** In Group R-2 and R-3 occupancies, van-accessible-spaces located within private garages shall be permitted to have vehicular routes, entrances, parking spaces and access aisles with a minimum vertical clearance of 7 feet (2134 mm).

**1106.6 Location.** *Accessible* parking spaces shall be located on the shortest *accessible* route of travel from adjacent parking to an *accessible* building entrance. In parking facilities that do not serve a particular building, *accessible* parking spaces shall be located on the shortest route to an *accessible* pedestrian entrance to the parking facility. Where buildings have multiple *accessible* entrances with adjacent parking, *accessible* parking spaces shall be dispersed and located near the *accessible* entrances.

**Exceptions:**

1. In multilevel parking structures, van-accessible parking spaces are permitted on one level.
2. *Accessible* parking spaces shall be permitted to be located in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an *accessible* entrance or entrances, parking fee and user convenience.

**1106.7 Passenger loading zones.** Passenger loading zones shall be designed and constructed in accordance with ICC A117.1.

**1106.7.1 Continuous loading zones.** Where passenger loading zones are provided, one passenger loading zone in every continuous 100 linear feet (30.4 m) maximum of loading zone space shall be *accessible*.

**1106.7.2 Medical facilities.** A passenger loading zone shall be provided at an *accessible* entrance to licensed medical and long-term care facilities where people receive physical or medical treatment or care and where the period of stay exceeds 24 hours.

**1106.7.3 Valet parking.** A passenger loading zone shall be provided at valet parking services.

**1106.7.4 Mechanical access parking garages.** Mechanical access parking garages shall provide at least one passenger loading zone at vehicle drop-off and vehicle pick-up areas.

**SECTION 1107  
DWELLING UNITS AND SLEEPING UNITS**

**1107.1 General.** In addition to the other requirements of this chapter, occupancies having *dwelling units* or *sleeping units* shall be provided with *accessible* features in accordance with this section.

## Gary, Aaron

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**From:** Gary, Aaron  
**Sent:** Thursday, July 18, 2013 12:48 PM  
**To:** Fiocchi, Tim  
**Cc:** Kite, Robin  
**Subject:** RE: Changes to LRB 0451 and 0454

Hi Tim,

I'm working on LRB-0452/P2, and there are a couple of issues that I need to bring up regarding the CPD recommendation below to replace 346.503 (1m) (a) with a cross-reference to ANSI (actually, as we discussed, IBC 1106).

1. By rule, DSPS has adopted the International Building Code (IBC), 2009 edition. DSPS has made certain modifications, by rule, including to not require handicap parking space signing if the parking lot has 4 or fewer spaces. See DSPS rules 361.04 (5), 361.05 (1), and 362.1110 (1). (Under DSPS rules, the sign format is dictated by DOT rule, but under LRB-0451, DOT's rules will be void; but that is a separate issue and I guess LRB-0451 will require DSPS to update its rule 362.1110 (1) (a)).

The IBC updates its code every 3 years. By rule, DSPS is using and will continue to use the 2009 edition until it modifies its rule. The most current edition, however, is the 2012 edition. So drafting this bill to incorporate the most current edition of IBC 1106 will not necessarily make the statutes identical to DSPS rules. Do you want me to reference the edition adopted by DSPS?

2. As you mentioned, the statutes (346.503 (1m) (a)) do not require handicap spaces to be reserved if the facility offers the public 25 or fewer spaces, but the IBC standards (adopted by DSPS) do require at least one space to be reserved if the facility has 1-25 spaces. Under the statutes, for a facility open to the public that has 1-25 spaces, reserving a handicap space is voluntary under s. 346.503 (2m). With the incorporation of IBC standards, reserving public spaces will never be voluntary, so s. 346.503 (2m) and references to it will need to be modified.

Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**Sent:** Wednesday, July 17, 2013 9:47 AM  
**To:** Gary, Aaron  
**Subject:** Changes to LRB 0451 and 0454

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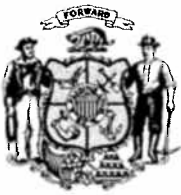
7/18

Tim

by revenue, dept. incorporates  
the IBC standard

• use IBC, the table

1/86



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0452/01 PZ

ARG&RNK:eev:ph

Stays PMNR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

JW  
7/28

regen

1 AN ACT *to renumber and amend* 346.503 (1m) (a); *to amend* 101.13 (2) (d) and  
2 101.13 (2) (f); and *to create* 346.503 (1m) (a) 2m. of the statutes; **relating to:**  
3 the requirement to reserve parking spaces for persons with physical  
4 disabilities.

***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 (disabled plates) or a special identification card (disabled parking card) that affords certain parking privileges, including parking in spaces reserved for use by persons with physical disabilities (disabled parking spaces). Current law also requires the owner or lessee of a public building or place of employment, and the owner or lessee of a parking facility that offers parking to the public, to reserve a minimum number of disabled parking spaces if the parking area has at least 26 spaces. Various requirements apply to these reserved spaces, including that they must be at least 12 feet wide, marked with a disabled parking sign, and maintained in inclement weather.

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insert ANAL-H

insert ANAL-B

insert ANAL-C

disabil parking

DSPS

provide reasonable means of access, except: 1) when exempted by rule ~~of the~~ Department of Safety and Professional Services (DSPS), or 2) with respect to parking spaces, ramps, and grade-level entrances of a building that is not more than two stories in height and is either a structure containing two or more units or two or more structures each containing one or more units on the same property (multi-unit building). DSPS must by rule provide minimum regulations to ensure access to and use of public buildings.

~~This bill specifies that the requirement that the owner or lessee of a public building or place of employment, and the owner or lessee of a parking facility that offers parking to the public, reserve disabled parking spaces applies with respect to any parking area initially constructed, or resurfaced or repainted on or after May 27, 1976. Regarding the requirement that any place of employment or public building, the initial construction of which is commenced on or after May 27, 1976, be designed and constructed so as to provide reasonable means of access, the bill eliminates the exemption for parking spaces for multi-unit buildings.~~

Under current law, a governmental unit may not issue an authorization to occupy a place of employment or public building unless the owner files with the governmental unit a certification of compliance with DSPS rules relating to reserved disabled parking spaces. This bill specifies that the certification must also be in compliance with certain statutory requirements relating to reserved disabled parking spaces.

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

1           **SECTION 1.** 101.13 (2) (d) of the statutes is amended to read:

2           101.13 (2) (d) Any place of employment or public building, unless exempted by  
3 rule of the department, the initial construction of which is commenced on or after  
4 May 27, 1976, shall be designed and constructed so as to provide reasonable means  
5 of access. Buildings, as defined in s. 703.02 (5), 1975 stats., of 2 stories or less in  
6 height shall be exempt from requirements relating to ~~parking space~~, ramps and  
7 grade-level entrances.

8           **SECTION 2.** 101.13 (2) (f) of the statutes is amended to read:

9           101.13 (2) (f) 1. Except as provided in subd. 2., no governmental unit may issue  
10 any authorization to occupy any place of employment or public building prescribed  
11 in pars. (a) to (d) unless the owner thereof files with that governmental unit a true

insert  
ANAL-D

insert  
ANAL-D

1 certification of compliance with s. 346.503 (1m) and the rules under par. (e)  
2 applicable to that place of employment or public building relating to the reservation  
3 and marking of parking spaces for use by a motor vehicle used by a physically  
4 disabled person.

5 2. An authorization to occupy a place of employment or public building  
6 prescribed in pars. (a) to (d) may be issued prior to the completion of parking facilities  
7 for that place of employment or public building if the owner files a true certification  
8 that upon completion of any parking facility for that place of employment or public  
9 building that parking facility shall comply with s. 346.503 (1m) and the rules under  
10 par. (e) applicable to that place of employment or public building as specified in subd.  
11 1.

*insert  
3-12*  
12 **SECTION 3.** 346.503 (1m) (a) of the statutes is renumbered 346.503 (1m) (a) 1m.,  
13 and 346.503 (1m) (a) 1m. c., as renumbered, is amended to read:

14 346.503 (1m) (a) 1m. c. At least one 1 percent, in addition to that specified in  
15 subd. ~~2.~~ 1m. b., of each 1,000 spaces over the first 1,000 for a facility offering more  
16 than 1,000 spaces.

17 **SECTION 4.** 346.503 (1m) (a) 2m. of the statutes is created to read:

18 346.503 (1m) (a) 2m. Notwithstanding s. ~~101.13~~ (2) (a) and (d), the requirement  
19 under this paragraph applies to any owner or lessee of any public building or place  
20 of employment, and to any owner or lessee of any parking facility that offers parking  
21 to the public, with respect to any parking area initially constructed, or resurfaced or  
22 repainted, on or after May 27, 1976.

23 **SECTION 5. Initial applicability.**



**SECTION 5**

*and (2m)*

1

(1) The treatment of sections 101.13 (2) (d) and 346.503 (1m) (a) of the statutes

2

first applies with respect to parking areas initially constructed, or resurfaced or

*insert  
4-3*

3

*repainted*, on the effective date of this subsection.

4

(2) The treatment of section 101.13 (2) (f) of the statutes first applies to

5

certifications of compliance filed with a governmental unit on the effective date of

6

this subsection.

7

**SECTION 6. Effective date.**

8

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

9

publication.

10

(END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0452/P2ins  
ARG:.....

1

2 **INSERT ANAL-A:**

3 (no H) , as set forth in the traffic statutes,

4 **INSERT ANAL-B:**

5 (no H) If the parking area is not open to the public or has fewer than 26 spaces, the  
owner or lessee may voluntarily reserve disabled parking spaces.

6 **INSERT ANAL-C:**

7 (no H) These provisions in the traffic statutes do not affect the authority of the  
Department of Safety and Professional Services (DSPS) to require by rule that  
disabled parking spaces be reserved. Currently DSPS has adopted by rule provisions  
of the International Building Code (IBC), 2009 edition, that includes specification of  
the minimum number of disabled parking spaces that must be reserved.

7 **New INSERT ANAL-D:**

(H) Under this bill, the owner or lessee of a public building or place of employment,  
and the owner or lessee of a parking facility that offers parking to the public, must  
reserve at least the minimum number of disabled parking spaces specified in the  
IBC, as adopted by rule by DSPS.

8 **INSERT ANAL-E:**

(no H) to which a seal coat is applied

9 **INSERT 3-12:**

10 **SECTION 1.** 346.503 (1m) (a) (intro.) of the statutes is renumbered 346.503 (1m)

11 (a) and amended to read:

12 346.503 (1m) (a) The owner or lessee of any public building or place of  
13 employment and the owner or lessee of any parking facility which offers parking to

1 the public shall reserve, for use by a motor vehicle used by a physically disabled  
 2 person, at least the following minimum number of spaces for use by a motor vehicle  
 3 used by a physically disabled person: specified in section 1106 of the International  
 4 Building Code, as adopted by rule of the department of safety and professional  
 5 services or, if not so adopted, the most recent edition. Notwithstanding s. 101.13 (2)  
 6 (a) and (d), the requirement under this paragraph applies to any owner or lessee of  
 7 any public building or place of employment, and to any owner or lessee of any parking  
 8 facility that offers parking to the public, with respect to any parking area initially  
 9 constructed, or resurfaced or to which a seal coat is applied, on or after May 27, 1976.

History: 1981 c. 255 ss. 7, 13; 1983 a. 77, 227, 246; 1985 a. 87 s. 5; 1985 a. 135 s. 85; 1987 a. 260; 1989 a. 304; 1993 a. 256; 1995 a. 27 ss. 6415, 6416, 9116 (5); 2009 a. 246; 2011 a. 32.

10 **SECTION 2.** 346.503 (1m) (a) 1. to 3. of the statutes are repealed.

11 **SECTION 3.** 346.503 (2m) of the statutes is amended to read:

12 346.503 (2m) In addition to the requirements of sub. (1m), the owner or lessee  
 13 of a parking facility not open to the public and the owner or lessee of a parking facility  
 14 which offers parking for 25 or fewer motor vehicles to the public may reserve one or  
 15 more spaces as provided under sub. (1m) (b) and (c) for use by a motor vehicle used  
 16 by a physically disabled person. An owner or lessee reserving spaces under this  
 17 subsection shall post official traffic signs indicating that the spaces are reserved.

History: 1981 c. 255 ss. 7, 13; 1983 a. 77, 227, 246; 1985 a. 87 s. 5; 1985 a. 135 s. 85; 1987 a. 260; 1989 a. 304; 1993 a. 256; 1995 a. 27 ss. 6415, 6416, 9116 (5); 2009 a. 246; 2011 a. 32.

18  
 19 **INSERT 4-3:**

20 (no fl) to which a seal coat is applied

21  
 22

## Gary, Aaron

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**From:** Fiocchi, Tim  
**Sent:** Wednesday, February 26, 2014 1:55 PM  
**To:** Gary, Aaron  
**Cc:** Smasal, Elizabeth; Probst, Nick; Portz, Elisabeth  
**Subject:** Disabled Parking Bills

Hi Aaron,

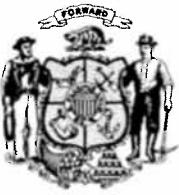
I'm sorry to add anything more to your plate at this late date, but we would still like to take a shot at moving the disabled parking package we'd started working on at the beginning of session. To that end, I'd like to get /1 drafts and jackets for LRBs 0452, 0454, and 0455 as drafted.

In addition, I need to order an Assembly companions and Jackets for Rep. Ripp for those three bills and to LRB 0451, and a Senate companion to LRB 2259 which was drafted by the Speaker, but will also become a Ripp bill (all pertinent staff copied above.)

Thank you,

Tim

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502



State of Wisconsin  
2013 - 2014 LEGISLATURE

TODAY



LRB-0452/02 /  
ARG&RNK:eev:rs

in  
2/26

RMA

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

No changes

1 **AN ACT** *to repeal* 346.503 (1m) (a) 1. to 3.; *to renumber and amend* 346.503  
2 (1m) (a) (intro.); and *to amend* 101.13 (2) (d), 101.13 (2) (f) and 346.503 (2m)  
3 of the statutes; **relating to:** the requirement to reserve parking spaces for  
4 persons with physical disabilities.

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***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 (disabled plates) or a special identification card (disabled parking card) that affords certain parking privileges, including parking in spaces reserved for use by persons with physical disabilities (disabled parking spaces). Current law, as set forth in the traffic statutes, also requires the owner or lessee of a public building or place of employment, and the owner or lessee of a parking facility that offers parking to the public, to reserve a minimum number of disabled parking spaces if the parking area has at least 26 spaces. If the parking area is not open to the public or has fewer than 26 spaces, the owner or lessee may voluntarily reserve disabled parking spaces. Various requirements apply to reserved disabled parking spaces, including that they must be at least 12 feet wide, marked with a disabled parking sign, and maintained in inclement weather. These provisions in the traffic statutes do not affect the authority of the Department of Safety and Professional Services (DSPS) to require by rule that disabled parking spaces be reserved. Currently DSPS has adopted by rule provisions of the International Building Code (IBC), 2009 edition, that include specification of the minimum number of disabled parking spaces that must be reserved.

Also under current law, with limited exceptions, any place of employment or public building, the initial construction of which was commenced after July 1, 1970, but prior to May 27, 1976, must be so designed and constructed as to provide reasonable means of ingress and egress by the physically disabled. In addition, any place of employment or public building, the initial construction of which is commenced on or after May 27, 1976, must be designed and constructed so as to provide reasonable means of access, except: 1) when exempted by DSPS rule; or 2) with respect to parking spaces, ramps, and grade-level entrances of a building that is not more than two stories in height and is either a structure containing two or more units or two or more structures each containing one or more units on the same property (multi-unit building). DSPS must by rule provide minimum regulations to ensure access to and use of public buildings.

Under this bill, the owner or lessee of a public building or place of employment, and the owner or lessee of a parking facility that offers parking to the public, must reserve at least the minimum number of disabled parking spaces specified in the IBC, as adopted by rule by DSPS. This requirement applies with respect to any parking area initially constructed, or resurfaced or to which a seal coat is applied, on or after May 27, 1976. Regarding the requirement that any place of employment or public building, the initial construction of which is commenced on or after May 27, 1976, be designed and constructed so as to provide reasonable means of access, the bill eliminates the exemption for parking spaces for multi-unit buildings.

Under current law, a governmental unit may not issue an authorization to occupy a place of employment or public building unless the owner files with the governmental unit a certification of compliance with DSPS rules relating to reserved disabled parking spaces. This bill specifies that the certification must also be in compliance with certain statutory requirements relating to reserved disabled parking spaces.

---

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

1           **SECTION 1.** 101.13 (2) (d) of the statutes is amended to read:  
2           101.13 (2) (d) Any place of employment or public building, unless exempted by  
3 rule of the department, the initial construction of which is commenced on or after  
4 May 27, 1976, shall be designed and constructed so as to provide reasonable means  
5 of access. Buildings, as defined in s. 703.02 (5), 1975 stats., of 2 stories or less in  
6 height shall be exempt from requirements relating to parking-space, ramps and  
7 grade-level entrances.

1           **SECTION 2.** 101.13 (2) (f) of the statutes is amended to read:

2           101.13 (2) (f) 1. Except as provided in subd. 2., no governmental unit may issue  
3 any authorization to occupy any place of employment or public building prescribed  
4 in pars. (a) to (d) unless the owner thereof files with that governmental unit a true  
5 certification of compliance with s. 346.503 (1m) and the rules under par. (e)  
6 applicable to that place of employment or public building relating to the reservation  
7 and marking of parking spaces for use by a motor vehicle used by a physically  
8 disabled person.

9           2. An authorization to occupy a place of employment or public building  
10 prescribed in pars. (a) to (d) may be issued prior to the completion of parking facilities  
11 for that place of employment or public building if the owner files a true certification  
12 that upon completion of any parking facility for that place of employment or public  
13 building that parking facility shall comply with s. 346.503 (1m) and the rules under  
14 par. (e) applicable to that place of employment or public building as specified in subd.  
15 1.

16           **SECTION 3.** 346.503 (1m) (a) (intro.) of the statutes is renumbered 346.503 (1m)  
17 (a) and amended to read:

18           346.503 (1m) (a) The owner or lessee of any public building or place of  
19 employment and the owner or lessee of any parking facility which offers parking to  
20 the public shall reserve, for use by a motor vehicle used by a physically disabled  
21 person, at least the following minimum number of spaces for use by a motor vehicle  
22 used by a physically disabled person: specified in section 1106 of the International  
23 Building Code, as adopted by rule of the department of safety and professional  
24 services or, if not so adopted, the most recent edition. Notwithstanding s. 101.13 (2)  
25 (a) and (d), the requirement under this paragraph applies to any owner or lessee of

**SECTION 3**

1 any public building or place of employment, and to any owner or lessee of any parking  
2 facility that offers parking to the public, with respect to any parking area initially  
3 constructed, or resurfaced or to which a seal coat is applied, on or after May 27, 1976.

4 **SECTION 4.** 346.503 (1m) (a) 1. to 3. of the statutes are repealed.

5 **SECTION 5.** 346.503 (2m) of the statutes is amended to read:

6 346.503 **(2m)** In addition to the requirements of sub. (1m), the owner or lessee  
7 of a parking facility not open to the public ~~and the owner or lessee of a parking facility~~  
8 ~~which offers parking for 25 or fewer motor vehicles to the public~~ may reserve one or  
9 more spaces as provided under sub. (1m) (b) and (c) for use by a motor vehicle used  
10 by a physically disabled person. An owner or lessee reserving spaces under this  
11 subsection shall post official traffic signs indicating that the spaces are reserved.

12 **SECTION 6. Initial applicability.**

13 (1) The treatment of sections 101.13 (2) (d) and 346.503 (1m) (a) and (2m) of the  
14 statutes first applies with respect to parking areas initially constructed, or  
15 resurfaced or to which a seal coat is applied, on the effective date of this subsection.

16 (2) The treatment of section 101.13 (2) (f) of the statutes first applies to  
17 certifications of compliance filed with a governmental unit on the effective date of  
18 this subsection.

19 **SECTION 7. Effective date.**

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

22 (END)



**Parisi, Lori**

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**From:** Fiocchi, Tim  
**Sent:** Wednesday, February 26, 2014 3:29 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0452/1 Topic: Disabled parking spaces and restriping parking lots

Please Jacket LRB -0452/1 for the SENATE.