

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB244)

Received: 11/15/2013 Received By: **emueller**
Wanted: **As time permits** Same as LRB:
For: **Keith Ripp (608) 266-3404** By/Representing: **Nick Probst**
May Contact: Drafter: **emueller**
Subject: **Transportation - motor vehicles** Addl. Drafters:
Extra Copies: **ARG**

Submit via email: **YES**
Requester's email: **Rep.Ripp@legis.wisconsin.gov**
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Issuance of special plates through DOT's administrative process

Instructions:

See attached; change DOT administrative process for issuing special plates to allow issuance of fundraising plates

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>
/?	emueller 11/15/2013	csicilia 11/15/2013	jmurphy 11/15/2013	_____			
/1				_____	sbasford 11/15/2013	sbasford 11/15/2013	

FE Sent For:

<END>

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/?	emueller						
1/1	Evan 11/15/13	1 ijs 11/14 13	Jim 11/14	self			
FE Sent For:							

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0202/1 0204/1

JK&EVM:jld&kjf:jm

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RMNR

ASSEMBLY SUBSTITUTE AMENDMENT 1

TO ASSEMBLY BILL 173 244

11/15/13

November 14, 2013 - Offered by Representatives RIPP and BERNARD SCHABER.

AUTHORS SUBJECT TO CHANGE

SA

Gen Cat

Now

1 AN ACT *to repeal* 25.40 (1) (a) 13m. and 341.14 (6r) (fm) 5.; *to renumber and*
2 *amend* 20.395 (5) (cj); *to amend* 227.43 (1) (bg), 341.14 (6r) (b) 3., 341.14 (6r)
3 (fm) 2. b. and 341.14 (6r) (fm) 4.; *to repeal and recreate* 341.14 (6r) (fm) 2. a.;
4 and *to create* 20.395 (5) (ei), 25.40 (1) (a) 32., 341.14 (6r) (fm) 2. d., 341.14 (6r)
5 (fm) 3g. and 341.14 (6r) (fm) 8. of the statutes; **relating to:** special
6 distinguishing registration plates issued by the Department of Transportation
7 and making appropriations.

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

8 SECTION 1. 20.395 (5) (cj) of the statutes is renumbered 20.395 (5) (eq) and
9 amended to read:
10 20.395 (5) (eq) *Vehicle registration, special group plates, state funds. From the*
11 ~~general fund, all~~ All moneys deposited received under s. 341.14 (6r) (b) 3. and (fm)

1 2., for the purpose of producing and issuing special group plates under s. 341.14 (6r)
2 ~~(fm) and making returning payments from denied applications~~ under s. 341.14 (6r)
3 (fm) 2.

4 **SECTION 2.** 20.395 (5) (ei) of the statutes is created to read:

5 20.395 (5) (ei) *Payments resulting from the issuance of certain special plates.*

6 From the general fund, all moneys from voluntary payments received under s. 341.14
7 (6r) (fm) 8. a. for payments to authorized special groups or for gifts to state agencies
8 as provided in s. 341.14 (6r) (fm) 8. b.

9 **SECTION 3.** 25.40 (1) (a) 13m. of the statutes is repealed.

10 **SECTION 4.** 25.40 (1) (a) 32. of the statutes is created to read:

11 25.40 (1) (a) 32. Moneys received under s. 341.14 (6r) (fm) 8. a. that are
12 deposited into the general fund and credited to the appropriation account under s.
13 20.395 (5) (ei).

14 **SECTION 5.** 227.43 (1) (bg) of the statutes is amended to read:

15 227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review
16 under ss. 84.30 (18), 84.305, 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9)
17 (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9),
18 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12) (b), 218.0116
19 (2), (4), (7) (a), (8) (a) and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22 (4) (a) and
20 (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 341.14
21 (6r) (fm), 342.26, 343.69, and 348.25 (9).

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

23 341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or
24 reissuance of a plate issued for a special group designated by the department under
25 par. (fm). The department shall ~~deposit in the general fund and credit to the~~

1 appropriation account under s. 20.395 (5) ~~(ej)~~ (eq) all fees collected under this
2 subdivision.

3 **SECTION 7.** 341.14 (6r) (fm) 2. a. of the statutes is repealed and recreated to
4 read:

5 341.14 **(6r)** (fm) 2. a. A payment to the department of \$9,000 for the
6 department's initial costs of production of special plates associated with the group
7 making application under this paragraph. This payment may not be applied to, and
8 is in addition to, any applicable registration fee and any voluntary payment under
9 subd. 8. a. The department shall return this payment to the authorized special group
10 making the application if the application is denied. All moneys received by the
11 department under this subd. 2. a. shall be credited to the appropriation under s.
12 20.395 (5) (eq).

13 **SECTION 8.** 341.14 (6r) (fm) 2. b. of the statutes is amended to read:

14 341.14 **(6r)** (fm) 2. b. A certification by the group or organization that any
15 approvals required for use of any logo, trademark, trade name, or other commercial
16 symbol related to the group or organization have been obtained and that the group
17 or organization shall be responsible for any licensing fees related to the word or
18 words or the symbol on special group plates for the group or organization. Upon
19 discovering that any approval provided by the applicant under this subd. 2. b. has
20 been revoked or withdrawn, the department may cease issuing special plates for the
21 applicable authorized special group under this paragraph.

22 **SECTION 9.** 341.14 (6r) (fm) 2. d. of the statutes is created to read:

23 341.14 **(6r)** (fm) 2. d. If the applicant seeks issuance of special plates that
24 provide moneys to the authorized special group or gifts to a state agency, a statement
25 to this effect and identification of the intended recipient of these gifts.

1 **SECTION 10.** 341.14 (6r) (fm) 3g. of the statutes is created to read:

2 341.14 (6r) (fm) 3g. Upon approval of an application under this paragraph and
3 the department's receipt of the payment under subd. 2. a., the department shall
4 commence any development work necessary for issuance of the special plates and
5 shall complete the development work within one year of its commencement. The
6 development work under this subdivision shall be funded only from the
7 appropriation under s. 20.395 (5) (eq). The department shall specify the design for
8 special plates issued under this paragraph subject to approval by the authorized
9 special group. The special plates for each authorized special group shall be
10 distinguishable from the special plates of any other authorized special group and the
11 design shall cover the entire plate.

12 **SECTION 11.** 341.14 (6r) (fm) 4. of the statutes is amended to read:

13 341.14 (6r) (fm) 4. If the application for designation as an authorized special
14 group is denied, the department shall promptly return the application to the group
15 or organization, together with a notice stating the reason for the denial. All decisions
16 of the department with respect to applications under this paragraph shall be final
17 ~~and not~~ are subject to judicial review under ch. 227.

18 **SECTION 12.** 341.14 (6r) (fm) 5. of the statutes is repealed.

19 **SECTION 13.** 341.14 (6r) (fm) 8. of the statutes is created to read:

20 341.14 (6r) (fm) 8. a. An authorized special group may, as provided in subd. 2.
21 d., be, or designate a state agency as, the recipient for voluntary payments collected
22 by the department in connection with the initial issuance or renewal of special plates
23 associated with the authorized special group. With each initial issuance or renewal,
24 the voluntary payment shall be \$25 for special plates issued or renewed on an annual
25 basis and \$50 for special plates issued or renewed on a biennial basis except that, if

1 the plate is issued or renewed during the 2nd year of a biennial registration period,
2 the voluntary payment for that year shall be \$25. This voluntary payment is in
3 addition to any fee collected by the department. If an authorized special group
4 included a statement under subd. 2. d. in its application, no plate may be issued for
5 the authorized special group unless the voluntary payment is collected. All moneys
6 received under this subd. 8. a. shall be deposited into the general fund and credited
7 to the appropriation under s. 20.395 (5) (ei). To the extent permitted under ch. 71,
8 the voluntary payment under this subd. 8. a. is deductible as a charitable
9 contribution for purposes of the taxes under ch. 71.

10 b. Subject to subd. 8. c., if the department collects voluntary payments under
11 subd. 8. a., the department shall, from the appropriation under s. 20.395 (5) (ei),
12 make payments of all such moneys collected to the authorized special groups or
13 designated state agency.

14 c. The department shall cease collecting voluntary payments under subd. 8. a.
15 if the department has knowledge that the recipient of these moneys has dissolved,
16 become insolvent, filed a petition for bankruptcy, or expended moneys forwarded to
17 the recipient under subd. 8. b. for activities prohibited under subd. 8. d.

18 d. No recipient may expend moneys received under subd. 8. b. to influence
19 legislation, except as provided under section 501 (h) of the Internal Revenue Code,
20 or to participate or intervene in any political campaign on behalf of, or in opposition
21 to, any candidate for public office, including publishing or distributing statements.

22 **SECTION 14. Effective date.**

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

25 (END)