2013 SENATE BILL 176

May 8, 2013 – Introduced by Senators LAZICH, SCHULTZ, LEIBHAM and GROTHMAN, cosponsored by Representatives JACQUE, TITTL, BIES, BORN, ENDSLEY, KLEEFISCH, KOOYENGA, MURPHY, A. OTT, SANFELIPPO, SPIROS, STRACHOTA, THIESFELDT, PRIDEMORE and WEININGER. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

AN ACT to amend 341.14 (6r) (b) 1., 341.14 (6r) (c) 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 registration plates displaying the words Choose Life 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 license 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 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 that display the words “Choose Life” and the proceeds from which support the purposes and bylaws of Choose Life Wisconsin. 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 to annually include payment of $25 that provides funds to Choose Life.
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Wisconsin. However, DOT may not issue these special plates until DOT has obtained authority to use, without fee, any applicable trademark or service mark associated with these “Choose Life” 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 Choose Life Wisconsin. From the general fund, all moneys received under s. 341.14 (6r) (b) 15. for payments to Choose Life Wisconsin 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. sub. (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 voluntary payment of $25 that is in addition to the fee under subd. 2. shall be collected in connection with 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 voluntary payment of $50 that is in addition to the fee under subd. 2. shall be collected in connection with the issuance or renewal of a plate issued on a 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. No plate may be issued for the special
group specified under par. (f) 62. unless the voluntary payment under this subdivision is collected. All moneys received under this subdivision in excess of $23,700 or of the initial cost of production of the special group plate under par. (f) 62., whichever is less, 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 voluntary payment under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 5. 341.14 (6r) (c) of the statutes is amended to read:

341.14 (6r) (c) Special group plates shall display the word “Wisconsin”, the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. Except as provided in this paragraph, the department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special groups under par. (f) 50. and 59., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the chief trademark officer of Harley–Davidson Michigan, LLC before specifying the design for the applicable special group plate under par. (f) 61r., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or
symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. Special group plates under par. (f) 62. shall display the words “Choose Life”. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP. The word or symbol used to identify the special group under par. (f) 59. shall be different from the word or symbol used to identify the special group under par. (f) 50. and the design shall cover the entire plate. Special group plates under par. (f) 61m. shall display a logo or image of the lion associated with the Lions Clubs International. Special group plates under par. (f) 61r. shall display a bar and shield logo associated with Harley-Davidson, Inc., on the left portion of the plates and the words “share the road” on the bottom portion of the plates. Notwithstanding par. (e), special group plates under par. (f) 33m. and 48m. shall be the same color and design that was specified by the department for special group plates under par. (f) 33. and 48., respectively, immediately prior to January 1, 2007. The design for special group plates under par. (f) 33. and 48. shall be different from the design of special group plates under par. (f) 33m. and 48m., respectively.

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

> 341.14 (6r) (f) 62. Persons interested in obtaining registration plates that display the words “Choose Life” and the proceeds from which support the purposes and bylaws of Choose Life Wisconsin.

**SECTION 7.** 341.14 (6r) (fm) 7. of the statutes 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 8. 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 Choose Life Wisconsin.

(b) For each year in which the department makes payments under par. (a), Choose Life Wisconsin 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 Choose Life Wisconsin under this subsection if Choose Life Wisconsin 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. 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 provided without fee and as a condition of receiving payments under par. (a).

   b. That the approval is irrevocable with respect to all plates issued for vehicles after the plates are issued for these vehicles.
c. 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 collecting the voluntary payment 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.


(1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes effect in fiscal year 2014–15, in submitting information under section 16.42 of the statutes for purposes of the 2015–17 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 2014–15 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 2014–15 fiscal year.

SECTION 10. 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 2013, 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 displaying the words “Choose Life.”

SECTION 11. Effective date.
(1) This act takes effect on the first day of the 7th month beginning after publication.