



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.

1 **AN ACT to amend** 341.14 (6r) (b) 1., 341.14 (6r) (c) and 341.14 (6r) (fm) 7.; and
2 **to create** 20.395 (5) (ei), 25.40 (1) (a) 30., 341.14 (6r) (b) 15., 341.14 (6r) (f) 62.
3 and 341.14 (10) of the statutes; **relating to:** special registration plates
4 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:

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

2 20.395 (5) (ei) *Payments to Choose Life Wisconsin.* From the general fund, all
3 moneys received under s. 341.14 (6r) (b) 15. for payments to Choose Life Wisconsin
4 under s. 341.14 (10).

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

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

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

10 341.14 (6r) (b) 1. Subject to subd. 1m., upon application to register an
11 automobile or motor home, or a motor truck, dual purpose motor home or dual
12 purpose farm truck which has a gross weight of not more than 8,000 pounds, or a
13 farm truck which has a gross weight of not more than 12,000 pounds, by any person
14 who is a resident of this state and a member of an authorized special group, the
15 department shall issue to the person special plates whose colors and design shall
16 indicate that the vehicle is owned by a person who is a member of the applicable
17 special group. The department may not issue any special group plates under par. (f)
18 55., 60., or 61r. until 6 months after the department has received information
19 sufficient for the department to determine that any approvals required for use of any

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1 logo, trademark, trade name or other commercial symbol designating the
2 professional football team or professional baseball team or associated with
3 Harley-Davidson, Inc., have been obtained. Subject to ~~sub.~~ subs. (9) (d) and (10) (d),
4 the department may not issue any special group plates under par. (f) 61m. or 62. until
5 the department has received information sufficient for the department to determine
6 that any license or other approval required for use of any logo, trademark or service
7 mark, trade name or other commercial symbol to be used on or in association with
8 these plates has been obtained. Notwithstanding s. 341.12 (2), if the department of
9 corrections does not have flat-plate technology available for use in manufacturing
10 license plates at quality and cost comparable to that available from the state of
11 Minnesota, the department of transportation may not issue any special group plates
12 under par. (f) 59. unless the department of transportation purchases the plates from
13 the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765,
14 16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the
15 state of Minnesota.

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

17 341.14 **(6r)** (b) 15. Subject to sub. (10) (d), a voluntary payment of \$25 that is
18 in addition to the fee under subd. 2. shall be collected in connection with the issuance
19 or renewal of a plate issued on an annual basis for the special group specified under
20 par. (f) 62. Subject to sub. (10) (d), a voluntary payment of \$50 that is in addition to
21 the fee under subd. 2. shall be collected in connection with the issuance or renewal
22 of a plate issued on a biennial basis for the special group specified under par. (f) 62.
23 if the plate is issued or renewed during the first year of the biennial registration
24 period or \$25 for the issuance or renewal if the plate is issued or renewed during the
25 2nd year of the biennial registration period. No plate may be issued for the special

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1 group specified under par. (f) 62. unless the voluntary payment under this
2 subdivision is collected. All moneys received under this subdivision in excess of
3 \$23,700 or of the initial cost of production of the special group plate under par. (f) 62.,
4 whichever is less, shall be deposited into the general fund and credited to the
5 appropriation under s. 20.395 (5) (ei). To the extent permitted under ch. 71, the
6 voluntary payment under this subdivision is deductible as a charitable contribution
7 for purposes of the taxes under ch. 71.

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

9 341.14 **(6r)** (c) Special group plates shall display the word "Wisconsin", the
10 name of the applicable authorized special group, a symbol representing the special
11 group, not exceeding one position, and identifying letters or numbers or both, not
12 exceeding 6 positions and not less than one position. Except as provided in this
13 paragraph, the department shall specify the design for special group plates, but the
14 department shall consult the president of the University of Wisconsin System before
15 specifying the word or symbol used to identify the special groups under par. (f) 35.
16 to 47., the secretary of natural resources before specifying the word or symbol used
17 to identify the special groups under par. (f) 50. and 59., the chief executive officer of
18 the professional football team and an authorized representative of the league of
19 professional football teams described in s. 229.823 to which that team belongs before
20 specifying the design for the applicable special group plate under par. (f) 55., the chief
21 trademark officer of Harley-Davidson Michigan, LLC before specifying the design
22 for the applicable special group plate under par. (f) 61r., the department of veterans
23 affairs before specifying the design for the special group plates under par. (f) 49d.,
24 49h., and 49s., and the department of tourism and chief executive officer of the
25 organization specified in par. (f) 55m. before specifying the design and word or

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1 symbol used to identify the special group name for special group plates under par.
2 (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to
3 regular registration plates in color and design. Special group plates under par. (f)
4 62. shall display the words “Choose Life”. The department shall make available 2
5 designs for the special group plates under par. (f) 60. The department may not specify
6 any design for the special group plates under par. (f) 60. unless the design is approved
7 by the executive vice president of the Milwaukee Brewers Baseball Club LP. The
8 word or symbol used to identify the special group under par. (f) 59. shall be different
9 from the word or symbol used to identify the special group under par. (f) 50. and the
10 design shall cover the entire plate. Special group plates under par. (f) 61m. shall
11 display a logo or image of the lion associated with the Lions Clubs International.
12 Special group plates under par. (f) 61r. shall display a bar and shield logo associated
13 with Harley-Davidson, Inc., on the left portion of the plates and the words “share the
14 road” on the bottom portion of the plates. Notwithstanding par. (e), special group
15 plates under par. (f) 33m. and 48m. shall be the same color and design that was
16 specified by the department for special group plates under par. (f) 33. and 48.,
17 respectively, immediately prior to January 1, 2007. The design for special group
18 plates under par. (f) 33. and 48. shall be different from the design of special group
19 plates under par. (f) 33m. and 48m., respectively.

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

21 341.14 (6r) (f) 62. Persons interested in obtaining registration plates that
22 display the words “Choose Life” and the proceeds from which support the purposes
23 and bylaws of Choose Life Wisconsin.

24 **SECTION 7.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

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

8 **SECTION 8.** 341.14 (10) of the statutes is created to read:

9 341.14 **(10)** (a) Subject to par. (c), from the appropriation under s. 20.395 (5)
10 (ei), the department shall make payments to Choose Life Wisconsin.

11 (b) For each year in which the department makes payments under par. (a),
12 Choose Life Wisconsin shall submit to the presiding officer of each house of the
13 legislature an audited financial statement of its use of the payments under this
14 subsection, prepared in accordance with generally accepted accounting principles.

15 (c) The department shall discontinue payments to Choose Life Wisconsin under
16 this subsection if Choose Life Wisconsin dissolves, becomes insolvent, files a petition
17 for bankruptcy, or is no longer exempt from taxation under section 501 (a) of the
18 Internal Revenue Code.

19 (d) 1. The department may not issue any plates under sub. (6r) (f) 62. unless
20 the approval specified in sub. (6r) (b) 1. for these plates provides for all of the
21 following:

22 a. That the approval is provided without fee and as a condition of receiving
23 payments under par. (a).

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

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

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

9 **SECTION 9. Nonstatutory provisions.**

10 (1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes
11 effect in fiscal year 2014-15, in submitting information under section 16.42 of the
12 statutes for purposes of the 2015-17 biennial budget bill, the department of
13 transportation shall submit information concerning the appropriation under section
14 20.395 (5) (cq) of the statutes as though the total amount appropriated under section
15 20.395 (5) (cq) of the statutes for the 2014-15 fiscal year was \$23,700 less than the
16 total amount that was actually appropriated under section 20.395 (5) (cq) of the
17 statutes for the 2014-15 fiscal year.

18 **SECTION 10. Fiscal changes.**

19 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
20 to the department of transportation under section 20.395 (5) (cq) of the statutes, as
21 affected by the acts of 2013, the dollar amount is increased by \$23,700 for the fiscal
22 year in which this subsection takes effect to increase funding for special registration
23 plates displaying the words "Choose Life."

24 **SECTION 11. Effective date.**

