

**2015 DRAFTING REQUEST**

**Bill**

Received: **10/2/2015** Received By: **agary**  
For: **Mary Lazich (608) 266-5400** Same as LRB:  
May Contact: By/Representing: **Ben**  
Subject: **Transportation - motor vehicles** Drafter: **agary**  
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**Pre Topic:**

No specific pre topic given

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**Topic:**

Process for DOT to issue special plates without legislation

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**Instructions:**

Redraft 13-3632/P4 (has original author's permission to use), but makes these changes: p. 5, lines 16-17, strike from "designating" thru "Inc."; pp. 7-8, take out (fm) 1m. and replace with 30 day period for public to make written objection, and if objection made, DOT refers it for passive review to senate and assembly standing committees for transportation; if taken up, both houses must expressly approve

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 10/7/2015	kfollett 10/9/2015	_____			
/P1	agary	kfollett	_____	srose		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/23/2015	11/24/2015	_____	10/9/2015		
/P2	agary 12/21/2015	aernsttr 12/23/2015	_____	mbarman 11/24/2015		State
/P3	agary 1/4/2016	kfollett 1/4/2016	_____	mbarman 12/23/2015		State
/1			_____	mbarman 1/4/2016	mbarman 1/4/2016	State

FE Sent For:

→ At  
Intro.

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE

in  
10/7



LRB-3632/P4

3469/P1

JK&ARG:jld&kjf:jf

wanted  
by Fri, 10/9

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Repeal

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** 13.56 (3), 341.14 (6r) (b) 1., 341.14 (6r) (b) 3.,  
3 341.14 (6r) (fm) 1. (intro.), 341.14 (6r) (fm) 1. c., 341.14 (6r) (fm) 1. e., 341.14 (6r)  
4 (fm) 2. b., 341.14 (6r) (fm) 6. and 341.145 (1) (c); **to repeal and recreate** 341.14  
5 (6r) (fm) 2. a.; and **to create** 20.395 (5) (ei), 25.40 (1) (a) 32., 85.64, 341.14 (6r)  
6 (fm) 1. g. and h., 341.14 (6r) (fm) 1m., 341.14 (6r) (fm) 2. d. and e., 341.14 (6r)  
7 (fm) 3g., 3m. and 3r. and 341.14 (6r) (fm) 8. of the statutes; **relating to:** special  
8 distinguishing registration plates issued by the Department of Transportation  
9 and making appropriations.

**Analysis by the Legislative Reference Bureau**

Under current law, any group or organization (group) may apply to the Department of Transportation (DOT) for designation as an authorized special group and DOT must designate the group as such if the group: is not organized or operated for profit; is not a political group; is not a church or an organization operating under a creed; does not promote, practice, or encourage hatred or discrimination; and does not carry connotations offensive to good taste or decency or that would be misleading or in conflict with another group. An application for designation by DOT as an

authorized special group must include a deposit of \$15,500. If the application is denied, this deposit is returned to the group. If the application is approved, the amount of the deposit returned to the group is the lesser of \$12,000 or \$15 times the number of special registration plates (special plates) issued for the group in the first year. An application must also include a certification by the group that any approval required for use of a logo, trademark, or other commercial symbol (trademark approval) related to the group has been obtained and that the group is responsible for any related licensing fees. If DOT denies an application for designation as an authorized special group, DOT must promptly give notice to the group stating the reason for the denial, but DOT's decision is final and not subject to judicial review. If the application is approved, members of the authorized special group may obtain special plates for certain vehicles, including automobiles and motor homes, that are owned or leased by special group members. In addition to the regular registration fee, a fee of \$15 is charged for the issuance or reissuance of these special plates and this fee is deposited into the general fund. DOT may not assist a group in the use of special plates in any fund-raising effort by the group.

Before October 2, 1998, authorized special groups whose members may obtain special plates were specifically enumerated by statute. With certain exceptions, current law provides that statutory enumeration of authorized special groups is limited to those special groups enumerated before October 2, 1998. Current law specifies that, after October 1, 1998, the process described above by which DOT designates groups as authorized special groups is the exclusive method for groups to obtain special plates.

This bill modifies the requirements and process for DOT to designate authorized special groups and issue special plates to group members. The bill creates additional criteria that a group must satisfy to be designated by DOT as an authorized special group, including that the group is based or headquartered in, or has a chapter in, this state; that the group has made broad and significant civic, community, or charitable contributions in this state; and that the group is not affiliated with any form of religion. ~~Also, the bill allows DOT to refer an application to the Joint Committee for Review of Administrative Rules (JCRAR) if DOT determines that the applicant is, or a special plate associated with the applicant would be, political in nature. Upon referring the application to JCRAR, DOT may not designate the applicant as an authorized special group unless JCRAR approves the application. If JCRAR has not provided notice to DOT within 90 days after the application is referred to JCRAR that JCRAR has scheduled a meeting to review the application, the application is denied.~~

Under the bill, after DOT has designated a group as an authorized special group (designated special group), DOT may not issue special plates associated with the designated special group until DOT receives 500 vehicle registration applications from special group members or supporters, with a two-year deadline for meeting this 500-application threshold. After DOT begins issuing special plates associated with a designated special group, if DOT receives, in a calendar year, fewer than 1,000 registration renewal applications for vehicles displaying these special plates and at

least two years have elapsed since DOT first began issuing these special plates, DOT must rescind the special group's designation and cease issuing the special plates.

Under this bill, a designated special group may obtain special plates for which DOT collects a \$25 annual voluntary payment from group members or supporters and directs this money to the designated special group or a designated state agency as a gift. This money may not be used for any political purpose. DOT must cease collecting these voluntary payments if DOT has knowledge that the recipient of the money has dissolved, become insolvent, or filed a petition for bankruptcy or that the money has been used for any political purpose.

The bill also eliminates the requirement under current law that an applicant for designation by DOT as an authorized special group must deposit \$15,500 but is entitled to a partial refund based on the number of special plates issued. Instead, under the bill, an applicant must make payment to DOT of \$15,500 for DOT's initial costs of production of the special plates or \$20,500 if the applicant requests a plate design that covers the entire plate and is not just a decal. This payment is in addition to any applicable registration fee or voluntary payment. DOT must return this payment to the applicant if the application is denied or the designated special group fails to meet the 500-application threshold (discussed above). This payment is deposited in the transportation fund and appropriated for the purpose of producing and issuing the special plates. DOT must specify the design for the special plates after consultation with the designated special group.

The bill also specifies that, if a trademark approval has been obtained by a designated special group but the approval is later revoked or withdrawn, DOT may cease issuing the group's special plates. The bill also provides that the additional \$15 fee for the issuance or reissuance of special plates is deposited into the transportation fund, not the general fund.

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.** 13.56 (3) of the statutes is amended to read:

2           13.56 (3) POWERS AND DUTIES. The committee has the powers and duties  
3 specified under ss. 227.19, 227.24 and, 227.26, and 341.14 (6r) (fm) 1m. b.

4       **SECTION 2.** 20.395 (5) (cj) of the statutes is renumbered 20.395 (5) (eq) and  
5 amended to read:

6           20.395 (5) (eq) *Vehicle registration, special group plates, state funds.* ~~From the~~  
7 ~~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 under s. 341.14 (6r) (fm) 2. a. and 3m. c.  
 3 Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, there shall lapse from  
 4 this appropriation account to the transportation fund an amount equal to the  
 5 amount reported under s. 85.64 (2) during that fiscal year.

6 SECTION 3. 20.395 (5) (eL) of the statutes is created to read:

7 20.395 (5) (eL) *Payments resulting from the issuance of certain special plates.*

8 From the general fund, all moneys from voluntary payments received under s. 341.14  
 9 (6r) (fm) 8. a. for payments to authorized special groups or for gifts to state agencies  
 10 as provided in s. 341.14 (6r) (fm) 8. b. and for returning payments under s. 341.14 (6r)  
 11 (fm) 3m. c.

12 SECTION 4. 25.40 (1) (a) 13m. of the statutes is repealed.

13 SECTION 5. 25.40 (1) (a) 32. of the statutes is created to read:

14 25.40 (1) (a) 32. Moneys received under s. 341.14 (6r) (fm) 8. a. that are  
 15 deposited into the general fund and credited to the appropriation account under s.  
 16 20.395 (5) (eL).

17 SECTION 6. 85.64 of the statutes is created to read:

18 **85.64 Surplus moneys received in connection with certain special**  
 19 **plates.** No later than May 1 of each fiscal year, the department shall do all of the  
 20 following:

21 (1) Calculate the amount by which moneys received by the department under  
 22 s. 341.14 (6r) (fm) 2. a. in the immediately preceding fiscal year exceeded the  
 23 department's expenditures in the immediately preceding fiscal year associated with  
 24 production and issuance of the special plates for which these moneys were received.

1 (2) Report the amount under sub. (1) to the secretary of administration and the  
2 cochairpersons of the joint committee on finance.

3 SECTION 7. 341.14 (6r) (b) 1. of the statutes is amended to read:

4 *insert*  
5 *5-4*  
6 341.14 (6r) (b) 1. Subject to subd. 1m., upon application to register an  
7 automobile or motor home, or a motor truck, dual purpose motor home or dual  
8 purpose farm truck which has a gross weight of not more than 8,000 pounds, or a  
9 farm truck which has a gross weight of not more than 12,000 pounds, by any person  
10 who is a resident of this state and a member of an authorized special group or, with  
11 respect to an authorized special group designated by the department under par. (fm),  
12 interested in supporting the authorized special group, the department shall issue to  
13 the person special plates whose colors and design shall indicate that the vehicle is  
14 owned by a person who is a member or supporter of the applicable special group. The  
15 department may not issue any special group plates under par. (f) 55., 60., or 61r. until  
16 6 months after the department has received information sufficient for the  
17 department to determine that any approvals required for use of any logo, trademark,  
18 trade name or other commercial symbol designating the professional football team  
19 or professional baseball team or associated with Harley-Davidson, Inc., have been  
20 obtained. Subject to sub. (9) (d), the department may not issue any special group  
21 plates under par. (f) 61m. until the department has received information sufficient  
22 for the department to determine that any license or other approval required for use  
23 of any logo, trademark or service mark, trade name or other commercial symbol to  
24 be used on or in association with these plates has been obtained. Notwithstanding  
25 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

1 issue any special group plates under par. (f) 59, unless the department of  
2 transportation purchases the plates from the state of Minnesota. Sections 16.70,  
3 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765, 16.77, and 16.82 do not apply to  
4 purchases of plates issued under par. (f) 59. from the state of Minnesota.

5 **SECTION 8.** 341.14 (6r) (b) 3. of the statutes is amended to read:

6 341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or  
7 reissuance of a plate issued for a special group designated by the department under  
8 par. (fm). The department shall ~~deposit in the general fund and credit to the~~  
9 appropriation account under s. 20.395 (5) (ej) (eg) all fees collected under this  
10 subdivision. (eL) ✓

11 **SECTION 9.** 341.14 (6r) (fm) 1. (intro.) of the statutes is amended to read:

12 341.14 (6r) (fm) 1. (intro.) In addition to the special groups specified under par.  
13 (f), any group or organization may apply to the department for designation as an  
14 authorized special group. The Except as provided in subd. 1m., the department shall  
15 designate any group or organization that meets all of the following criteria as an  
16 authorized special group:

17 **SECTION 10.** 341.14 (6r) (fm) 1. c. of the statutes is amended to read:

18 341.14 (6r) (fm) 1. c. The group or organization is not a church, a synagogue,  
19 a mosque or, any organization, whether or not organized under ch. 187, that operates  
20 under a creed, or otherwise affiliated with any form of religion.

21 **SECTION 11.** 341.14 (6r) (fm) 1. e. of the statutes is amended to read:

22 341.14 (6r) (fm) 1. e. The group or organization does not carry connotations  
23 offensive to good taste or decency, or that would be misleading, or.

24 f. The group or organization is independent and separate from any other group  
25 or organization designated as an authorized special group and designation of the



1 group or organization is not in conflict with the enumeration or designation of any  
2 other authorized special group.

3 SECTION 12. 341.14 (6r) (fm) 1. g. and h. of the statutes are created to read:

4 341.14 (6r) (fm) 1. g. The group or organization is based or headquartered in,  
5 or has a chapter in, this state.

6 h. The group or organization has made broad and significant civic, community,  
7 or charitable contributions in this state.

8 SECTION 13. 341.14 (6r) (fm) 1m. of the statutes is created to read:

insert  
7-9

9 341.14 (6r) (fm) 1m. a. If the department determines that the criteria under  
10 subd. 1. are met but the applicant for designation as an authorized special group is,  
11 or any special plate associated with the applicant would be, political in nature, the  
12 department may refer the application to the joint committee for review of  
13 administrative rules.

14 b. If an application is referred under subd. 1m. a. and the cochairpersons of the  
15 joint committee for review of administrative rules do not notify the department  
16 within 90 days after the date on which the application is referred that the committee  
17 has scheduled a meeting for the purpose of reviewing the application, the application  
18 is denied. If, within 90 days after the date on which the application is referred by  
19 the department, the cochairpersons of the committee notify the department that the  
20 committee has scheduled a meeting for the purpose of reviewing the application, the  
21 committee may approve or deny the application and the application is approved only  
22 upon express approval of the committee.

23 c. After referring an application to the joint committee for review of  
24 administrative rules as provided in subd. 1m. a., the department may not designate

1 the applicant as an authorized special group unless the committee has approved the  
2 application.

3 SECTION 14. 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 \$15,500 for the  
6 department's initial costs of production of special plates associated with the group  
7 making application under this paragraph, except that, if the applicant includes a  
8 statement under subd. 2. e., the payment shall be \$20,500. This payment may not  
9 be applied to, and is in addition to, any applicable registration fee and any voluntary  
10 payment under subd. 8. a. The department shall return this payment to the  
11 authorized special group making the application if the application is denied or as  
12 provided in subd. 3m. c. All moneys received by the department under this subd. 2.  
13 a. shall be credited to the appropriation under s. 20.395 (5) (eq) (eL)

14 SECTION 15. 341.14 (6r) (fm) 2. b. of the statutes is amended to read:

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

23 SECTION 16. 341.14 (6r) (fm) 2. d. and e. of the statutes are created to read:

1           341.14 (6r) (fm) 2. d. If the applicant seeks issuance of special plates that  
2 provide moneys to the authorized special group or gifts to a state agency, a statement  
3 to this effect and identification of the intended recipient of the moneys or gifts.

4           e. If the applicant requests a design for the special plates that covers the entire  
5 plate, a statement to this effect.

6           **SECTION 17.** 341.14 (6r) (fm) 3g., 3m. and 3r. of the statutes are created to read:

7           341.14 (6r) (fm) 3g. Upon approval of an application under this paragraph, the  
8 department's receipt of the payment under subd. 2. a., and satisfaction of the  
9 requirement under subd. 3m. a., the department shall commence any development  
10 work necessary for issuance of the special plates and shall complete the development  
11 work within one year of its commencement. The development work under this  
12 subdivision shall be funded only from the appropriation under s. 20.395 (5) (eq). The (eL)  
13 department shall specify the design for special plates issued under this paragraph  
14 after consultation with the authorized special group. The special plates for each  
15 authorized special group shall be distinguishable from the special plates of any other  
16 authorized special group. The department may use a decal to distinguish between  
17 special plates of different authorized special groups except that, if the applicant  
18 includes a statement under subd. 2. e., the special plate design shall cover the entire  
19 plate.

20           3m. a. The department may not commence development work for special plates  
21 associated with an authorized special group designated by the department under  
22 subd. 1. until the department receives 500 completed applications for vehicle  
23 registration, including payment of all applicable fees, from members of the  
24 authorized special group or persons interested in supporting the authorized special  
25 group.

**SECTION 17**

1           b. Until the threshold under subd. 3m. a. is reached, for each vehicle  
2 registration application received by the department from a member of the authorized  
3 special group or person interested in supporting the authorized special group, the  
4 department shall issue to the applicant regular registration plates and shall retain  
5 without disbursement any voluntary payment under subd. 8. a. received from the  
6 applicant.

7           c. If the threshold under subd. 3m. a. is not reached within 2 years after the  
8 department first designates the group or organization as an authorized special  
9 group, the department shall rescind this designation and return the payment  
10 received under subd. 2. a. and all voluntary payments received under subd. 8. a. to  
11 the respective applicants.

12           3r. At any time after 2 years from the date that special plates associated with  
13 an authorized special group are first issued under this paragraph, if the department  
14 receives, in a calendar year, fewer than 1,000 applications for registration renewal  
15 for vehicles for which these special plates were issued, the department shall rescind  
16 its designation of the authorized special group and cease issuing special plates  
17 associated with the authorized special group. If the department rescinds its  
18 designation of an authorized special group under this subdivision, upon receiving an  
19 application for registration renewal of a vehicle to which special plates associated  
20 with the authorized special group were issued, the department shall reissue regular  
21 registration plates to replace the special plates. This subdivision does not apply to  
22 any group or organization designated by the department as an authorized special  
23 group prior to the effective date of this subdivision .... [LRB inserts date].

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

25           **SECTION 19.** 341.14 (6r) (fm) 6. of the statutes is amended to read:

1           341.14 (6r) (fm) 6. The department shall establish by rule procedures for the  
2 designation of authorized special groups under this paragraph and for the issuance  
3 or the discontinuation of issuance of special group plates under this subsection to  
4 members of an authorized special group and persons interested in supporting the  
5 authorized special group.

6           **SECTION 20.** 341.14 (6r) (fm) 8. of the statutes is created to read: ✓

7           341.14 (6r) (fm) 8. a. An authorized special group may, as provided in subd. 2.  
8 d., be, or designate a state agency as, the recipient for voluntary payments collected  
9 by the department in connection with the initial issuance or renewal of special plates  
10 associated with the authorized special group. With each initial issuance or renewal,  
11 the voluntary payment shall be \$25 for special plates issued or renewed on an annual  
12 basis and \$50 for special plates issued or renewed on a biennial basis except that, if  
13 the plate is issued or renewed during the 2nd year of a biennial registration period,  
14 the voluntary payment for that year shall be \$25. This voluntary payment is in  
15 addition to any fee collected by the department. If an authorized special group  
16 included a statement under subd. 2. d. in its application, no plate may be issued for  
17 the authorized special group unless the voluntary payment is collected. All moneys  
18 received under this subd. 8. a. shall be deposited into the general fund and credited  
19 to the appropriation under s. 20.395 (5) (ei). To the extent permitted under ch. 71,  
20 the voluntary payment under this subd. 8. a. is deductible as a charitable  
21 contribution for purposes of the taxes under ch. 71.

22           b. Subject to subs. 3m. b. and 8. c., if the department collects voluntary  
23 payments under subd. 8. a., the department shall, from the appropriation under s.  
24 20.395 (5) (ei), make payments of all such moneys collected to the authorized special  
25 groups or designated state agency.

**SECTION 20**

✓

1 c. The department shall cease collecting voluntary payments under subd. 8. a.  
2 if the department has knowledge that the recipient of these moneys has dissolved,  
3 become insolvent, or filed a petition for bankruptcy or that moneys forwarded to the  
4 recipient under subd. 8. b. have been used for any purpose prohibited under subd.  
5 8. d.

6 d. No moneys received under subd. 8. b. may be used for any political purpose,  
7 including for lobbying or campaign activities or to otherwise influence legislation or  
8 assist any political campaign or candidate for public office.

9 **SECTION 21.** 341.145 (1) (c) of the statutes is amended to read:

10 341.145 (1) (c) A registration plate of the same color and design as provided in  
11 s. 341.14 (6r) for a vehicle specified under s. 341.14 (6r), which displays the applicable  
12 symbol of the authorized special group to which the person belongs or supports and  
13 a registration number composed of letters or numbers, or both, not exceeding 6  
14 positions and not less than one position, requested by the applicant.

15 **SECTION 22. Effective date.**

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

18

(END)

**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3469/P1ins  
ARG:...

**INSERT ANAL:**

(no P)

DOT must post notice on DOT's Internet site of a group's application and the notice must identify the group applying for designation as an authorized special group and describe the process by which a person may object to this designation. Within 30 days after this notice, any person may object in writing to this designation. If a timely objection is made, DOT must refer the application to the senate and assembly standing committees for transportation matters for passive review. DOT may then designate the group as an authorized special group only if each standing committee, impliedly or expressly, approves the application under the passive review process.

**INSERT 5-4:**

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 or, with respect to an authorized special group designated by the department under par. (fm), interested in supporting the 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 or supporter 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 subs. (9) (d) and (10) (d), the department may not issue any

special group plates under par. (f) 61m. or 63. 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.

~~NOTE: NOTE: The cross-reference to par. (f) 63. was changed from par. (f) 62. by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 341.14 (6r) (f) 62., as created by 2013 Wis. Act 266.~~NOTE:

**History:** 1971 c. 164 s. 83; 1971 c. 299; 1975 c. 384, 417; 1977 c. 16; 1977 c. 29 ss. 1417, 1418, 1654 (7) (a), (e); 1977 c. 43, 183, 292, 418, 447; 1979 c. 236; 1981 c. 255; 1983 a. 227, 430, 511; 1985 a. 29, 55; 1985 a. 87 ss. 1, 5; 1985 a. 124, 202; 1985 a. 332 ss. 191, 251 (4); 1987 a. 19, 64, 112, 145, 315, 399, 403; 1989 a. 31, 54, 56, 137, 302, 304, 312, 359; 1991 a. 2, 39, 100, 240; 1993 a. 16, 291, 303, 415, 491; 1995 a. 147, 253, 255, 445; 1997 a. 27, 67, 252, 255; 1999 a. 9, 32, 80, 92, 167, 186; 2001 a. 16, 38, 103, 109; 2003 a. 83, 184; 2005 a. 22, 25, 109, 199, 260, 319, 472; 2007 a. 38, 97, 107, 120, 160, 194; 2009 a. 28, 135, 159, 182, 195, 224, 226, 230, 246, 340; 2011 a. 32; 2011 a. 260 ss. 50 to 52, 80; 2013 a. 29, 163, 188, 266, 275; s. 13.92 (1) (bm) 2. and (2) (i).

**INSERT 7-9:**

(no fl)

Upon receiving a complete application under subd. 1., the department shall post a notice of the application on the department's Internet site. The notice shall identify the group or organization applying for designation as an authorized special group, include the date that the notice is posted, and describe the process by which a person may object to designation of the group or organization as an authorized special group and the deadline under subd. 1. b. for submitting the objection.

b. Any person may, within 30 days after the date of the department's notice under subd. 1m. a., object to designation of the group or organization as an

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X



authorized special group by submitting a written objection to the department in the manner prescribed by the department.

\* c. If the department determines that the criteria under subd. 1. are met and no timely objection is received under subd. 1. b., the department may designate the group or organization as an authorized special group. If the department determines that the criteria under subd. 1. are met but the department receives a timely objection under subd. 1. b., the department shall refer the application to the standing committees of each house of the legislature dealing with transportation matters.

\* d. If an application is referred under subd. 1m. c. and the chairperson of each applicable standing committee does not notify the department within 90 days after the date on which the application is referred that the committee has scheduled a meeting for the purpose of reviewing the application, the application is approved. If, within 90 days after the date on which the application is referred by the department, the chairperson of any applicable standing committee notifies the department that the committee has scheduled a meeting for the purpose of reviewing the application, the application is approved only if each standing committee to which the application was referred under subd. 1. c. expressly approves the application.

\* e. After referring an application to the standing committees under subd. 1m. c., the department may not designate the applicant as an authorized special group unless the application is approved under subd. 1m. d.

LRB-3469

11/19/15

T/c with Ben, 6-5400

Wants these changes to the /P1, redrafted into a /P2.

Delete bill sections 9 to 11. No changes to eligibility criteria here.

In bill section 12, part c., take out language related to DOT determining if criteria are met, lines 18 and 20-21. On p. 8, part d. in same section, change 90 days to 14 days.

Take out bill section 14.

Remove provisions that change funding from general fund to transportation fund. Doesn't want to change current law related to where funds go.

Make sure process for fundraising plates and non-fundraising plates is the same – same 14 day passive review process for both.

Needs ASAP.

ARG



State of Wisconsin  
2015 - 2016 LEGISLATURE

in  
11/23

LRB-3469/P1 P2  
ARG:kjf

Wanted Tues.  
11/24

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Regen

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* 341.14 (6r) (b) 1., 341.14 (6r) (b) 3., 341.14 (6r)  
3 (fm) 1. (intro.), 341.14 (6r) (fm) 1. c., 341.14 (6r) (fm) 1. e., 341.14 (6r) (fm) 2. b.,  
4 341.14 (6r) (fm) 6. and 341.145 (1) (c); *to repeal and recreate* 341.14 (6r) (fm)  
5 2. a.; and *to create* 20.395 (5) (eL), 25.40 (1) (a) 32., 85.64, 341.14 (6r) (fm) 1.  
6 g. and h., 341.14 (6r) (fm) 1m., 341.14 (6r) (fm) 2. d. and e., 341.14 (6r) (fm) 3g.,  
7 3m. and 3r. and 341.14 (6r) (fm) 8. of the statutes; **relating to:** special  
8 distinguishing registration plates issued by the Department of Transportation  
9 and making appropriations.

**Analysis by the Legislative Reference Bureau**

Under current law, any group or organization (group) may apply to the Department of Transportation (DOT) for designation as an authorized special group and DOT must designate the group as such if the group: is not organized or operated for profit; is not a political group; is not a church or an organization operating under a creed; does not promote, practice, or encourage hatred or discrimination; and does not carry connotations offensive to good taste or decency or that would be misleading or in conflict with another group. An application for designation by DOT as an

Insert  
ANAL  
\* \*  
9

authorized special group must include a deposit of \$15,500. If the application is denied, this deposit is returned to the group. If the application is approved, the amount of the deposit returned to the group is the lesser of \$12,000 or \$15 times the number of special registration plates (special plates) issued for the group in the first year. An application must also include a certification by the group that any approval required for use of a logo, trademark, or other commercial symbol (trademark approval) related to the group has been obtained and that the group is responsible for any related licensing fees. If DOT denies an application for designation as an authorized special group, DOT must promptly give notice to the group stating the reason for the denial, but DOT's decision is final and not subject to judicial review. If the application is approved, members of the authorized special group may obtain special plates for certain vehicles, including automobiles and motor homes, that are owned or leased by special group members. In addition to the regular registration fee, a fee of \$15 is charged for the issuance or reissuance of these special plates and this fee is deposited into the general fund. DOT may not assist a group in the use of special plates in any fund-raising effort by the group.

Before October 2, 1998, authorized special groups whose members may obtain special plates were specifically enumerated by statute. With certain exceptions, current law provides that statutory enumeration of authorized special groups is limited to those special groups enumerated before October 2, 1998. Current law specifies that, after October 1, 1998, the process described above by which DOT designates groups as authorized special groups is the exclusive method for groups to obtain special plates.

This bill modifies the requirements and process for DOT to designate authorized special groups and issue special plates to group members. The bill creates additional criteria that a group must satisfy to be designated by DOT as an authorized special group, including that the group is based or headquartered in, or has a chapter in, this state; that the group has made broad and significant civic, community, or charitable contributions in this state; and that the group is not affiliated with any form of religion. DOT must post notice on DOT's Internet site of a group's application and the notice must identify the group applying for designation as an authorized special group and describe the process by which a person may object to this designation. Within 30 days after this notice, any person may object in writing to this designation. If a timely objection is made, DOT must refer the application to the senate and assembly standing committees for transportation matters for passive review. DOT may then designate the group as an authorized special group only if each standing committee, impliedly or expressly, approves the application under the passive review process.

Under the bill, after DOT has designated a group as an authorized special group (designated special group), DOT may not issue special plates associated with the designated special group until DOT receives 500 vehicle registration applications from special group members or supporters, with a two-year deadline for meeting this 500-application threshold. After DOT begins issuing special plates associated with a designated special group, if DOT receives, in a calendar year, fewer than 1,000 registration renewal applications for vehicles displaying these special plates and at

least two years have elapsed since DOT first began issuing these special plates, DOT must rescind the special group's designation and cease issuing the special plates.

Under this bill, a designated special group may obtain special plates for which DOT collects a \$25 annual voluntary payment from group members or supporters and directs this money to the designated special group or a designated state agency as a gift. This money may not be used for any political purpose. DOT must cease collecting these voluntary payments if DOT has knowledge that the recipient of the money has dissolved, become insolvent, or filed a petition for bankruptcy or that the money has been used for any political purpose.

The bill also eliminates the requirement under current law that an applicant for designation by DOT as an authorized special group must deposit \$15,500 but is entitled to a partial refund based on the number of special plates issued. Instead, under the bill, an applicant must make payment to DOT of \$15,500 for DOT's initial costs of production of the special plates or \$20,500 if the applicant requests a plate design that covers the entire plate and is not just a decal. This payment is in addition to any applicable registration fee or voluntary payment. DOT must return this payment to the applicant if the application is denied or the designated special group fails to meet the 500-application threshold (discussed above). This payment is deposited in the transportation fund and appropriated for the purpose of producing and issuing the special plates. DOT must specify the design for the special plates after consultation with the designated special group.

The bill also specifies that, if a trademark approval has been obtained by a designated special group but the approval is later revoked or withdrawn, DOT may cease issuing the group's special plates. The bill also provides that the additional \$15 fee for the issuance or reissuance of special plates is deposited into the transportation fund, not the general fund.

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:***

component

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SECTION 1. 20.395 (5) (c) of the statutes is renumbered 20.395 (5) (eq) and

amended to read:

(c)

plain; delete strike

20.395 (5) (eq) *Vehicle registration, special group plates, state funds.* From the

general fund, all All moneys deposited received under s. 341.14 (6r) (b) 3. and (fm)

2., for the purpose of producing and issuing special group plates under s. 341.14 (6r)

(fm) and making returning payments under s. 341.14 (6r) (fm) 2. a. and 3m. c.

Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, there shall lapse from

plain; delete strike

this appropriation account to the transportation fund an amount equal to the amount reported under s. 85.64 (2) during that fiscal year.

SECTION 2. 20.395 (5) (eL) of the statutes is created to read:

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

From the general fund, all moneys from voluntary payments received under s. 341.14 (6r) (fm) 8. a. for payments to authorized special groups or for gifts to state agencies as provided in s. 341.14 (6r) (fm) 8. b. and for returning payments under s. 341.14 (6r) (fm) 3m. c.

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

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

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

SECTION 5. 85.64 of the statutes is created to read:

**85.64 Surplus moneys received in connection with certain special plates.** No later than May 1 of each fiscal year, the department shall do all of the following:

(1) Calculate the amount by which moneys received by the department under s. 341.14 (6r) (fm) 2. a. in the immediately preceding fiscal year exceeded the department's expenditures in the immediately preceding fiscal year associated with production and issuance of the special plates for which these moneys were received.

(2) Report the amount under sub. (1) to the secretary of administration and the cochairpersons of the joint committee on finance.

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

1           341.14 (6r) (b) 1. Subject to subd. 1m., upon application to register an  
2           automobile or motor home, or a motor truck, dual purpose motor home or dual  
3           purpose farm truck which has a gross weight of not more than 8,000 pounds, or a  
4           farm truck which has a gross weight of not more than 12,000 pounds, by any person  
5           who is a resident of this state and a member of an authorized special group or, with  
6           respect to an authorized special group designated by the department under par. (fm),  
7           interested in supporting the authorized special group, the department shall issue to  
8           the person special plates whose colors and design shall indicate that the vehicle is  
9           owned by a person who is a member or supporter of the applicable special group. The  
10          department may not issue any special group plates under par. (f) 55., 60., or 61r. until  
11          6 months after the department has received information sufficient for the  
12          department to determine that any approvals required for use of any logo, trademark,  
13          trade name or other commercial symbol ~~designating the professional football team~~  
14          ~~or professional baseball team or associated with Harley-Davidson, Inc.,~~ have been  
15          obtained. Subject to subs. (9) (d) and (10) (d), the department may not issue any  
16          special group plates under par. (f) 61m. or 63. until the department has received  
17          information sufficient for the department to determine that any license or other  
18          approval required for use of any logo, trademark or service mark, trade name or other  
19          commercial symbol to be used on or in association with these plates has been  
20          obtained. Notwithstanding s. 341.12 (2), if the department of corrections does not  
21          have flat-plate technology available for use in manufacturing license plates at  
22          quality and cost comparable to that available from the state of Minnesota, the  
23          department of transportation may not issue any special group plates under par. (f)  
24          59. unless the department of transportation purchases the plates from the state of  
25          Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765, 16.77, and

1 16.82 do not apply to purchases of plates issued under par. (f) 59. from the state of  
2 Minnesota.

3 ~~SECTION 7. 341.14 (6r) (b) 3. of the statutes is amended to read:~~

4 ~~341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or~~  
5 ~~reissuance of a plate issued for a special group designated by the department under~~  
6 ~~par. (fm). The department shall deposit in the general fund and credit to the~~  
7 ~~appropriation account under s. 20.395 (5) (ej) (eL) all fees collected under this~~  
8 ~~subdivision.~~

9 SECTION 8. 341.14 (6r) (fm) 1. (intro.) of the statutes is amended to read:

10 341.14 (6r) (fm) 1. (intro.) In addition to the special groups specified under par.  
11 (f), any group or organization may apply to the department for designation as an  
12 authorized special group. The Except as provided in subd. 1m., the department shall  
13 designate any group or organization that meets all of the following criteria as an  
14 authorized special group:

15 ~~SECTION 9. 341.14 (6r) (fm) 1. c. of the statutes is amended to read:~~

16 ~~341.14 (6r) (fm) 1. c. The group or organization is not a church, a synagogue,~~  
17 ~~a mosque or, any organization, whether or not organized under ch. 187, that operates~~  
18 ~~under a creed, or otherwise affiliated with any form of religion.~~

19 ~~SECTION 10. 341.14 (6r) (fm) 1. e. of the statutes is amended to read:~~

20 ~~341.14 (6r) (fm) 1. e. The group or organization does not carry connotations~~  
21 ~~offensive to good taste or decency, or that would be misleading, or,~~

22 ~~f. The group or organization is independent and separate from any other group~~  
23 ~~or organization designated as an authorized special group and designation of the~~  
24 ~~group or organization is not in conflict with the enumeration or designation of any~~  
25 ~~other authorized special group.~~



1 **SECTION 11.** 341.14 (6r) (fm) 1. g. and h. of the statutes are created to read:

2 341.14 (6r) (fm) 1. g. The group or organization is based or headquartered in,  
3 or has a chapter in, this state.

4 h. The group or organization has made broad and significant civic, community,  
5 or charitable contributions in this state.

6 **SECTION 12.** 341.14 (6r) (fm) 1m. of the statutes is created to read:

7 341.14 (6r) (fm) 1m. a. Upon receiving a complete application under subd. 1.,  
8 the department shall post a notice of the application on the department's Internet  
9 site. The notice shall identify the group or organization applying for designation as  
10 an authorized special group, include the date that the notice is posted, and describe  
11 the process by which a person may object to designation of the group or organization  
12 as an authorized special group and the deadline under subd. 1m. b. for submitting  
13 the objection.

14 b. Any person may, within 30 days after the date of the department's notice  
15 under subd. 1m. a., object to designation of the group or organization as an  
16 authorized special group by submitting a written objection to the department in the  
17 manner prescribed by the department.

18 c. If the department determines that the criteria under subd. 1. are met and  
19 no timely objection is received under subd. 1m. b., the department may designate the  
20 group or organization as an authorized special group. If the department determines  
21 that the criteria under subd. 1. are met but the department receives a timely  
22 objection under subd. 1m. b., the department shall refer the application to the  
23 standing committees of each house of the legislature dealing with transportation  
24 matters.

1 d. If an application is referred under subd. 1m. c. and the chairperson of each  
2 applicable standing committee does not notify the department within 90 days after  
3 the date on which the application is referred that the committee has scheduled a  
4 meeting for the purpose of reviewing the application, the application is approved.

5 If, within 90 days after the date on which the application is referred by the  
6 department, the chairperson of any applicable standing committee notifies the  
7 department that the committee has scheduled a meeting for the purpose of reviewing  
8 the application, the application is approved only if each standing committee to which  
9 the application was referred under subd. 1m. c. expressly approves the application.

10 e. After referring an application to the standing committees under subd. 1m.  
11 c., the department may not designate the applicant as an authorized special group  
12 unless the application is approved under subd. 1m. d.

13 **SECTION 13.** 341.14 (6r) (fm) 2. a. of the statutes is repealed and recreated to  
14 read:

15 341.14 (6r) (fm) 2. a. A payment to the department of \$15,500 for the  
16 department's initial costs of production of special plates associated with the group  
17 making application under this paragraph, except that, if the applicant includes a  
18 statement under subd. 2. e., the payment shall be \$20,500. This payment may not  
19 be applied to, and is in addition to, any applicable registration fee and any voluntary  
20 payment under subd. 8. a. The department shall return this payment to the  
21 authorized special group making the application if the application is denied or as  
22 provided in subd. 3m. c. All moneys received by the department under this subd. 2.  
23 a. shall be credited to the appropriation under s. 20.395 (5) (eL). (cj)

24 **SECTION 14.** 341.14 (6r) (fm) 2. b. of the statutes is amended to read: e

1 341.14 (6r) (fm) 2. b. A certification by the group or organization that any  
2 approvals required for use of any logo, trademark, trade name, or other commercial  
3 symbol related to the group or organization have been obtained and that the group  
4 or organization shall be responsible for any licensing fees related to the word or  
5 words or the symbol on special group plates for the group or organization. Upon  
6 discovering that any approval provided by the applicant under this subd. 2. b. has  
7 been revoked or withdrawn, the department may cease issuing special plates for the  
8 applicable authorized special group under this paragraph.

9 SECTION 15. 341.14 (6r) (fm) 2. d. and e. of the statutes are created to read:

10 341.14 (6r) (fm) 2. d. If the applicant seeks issuance of special plates that  
11 provide moneys to the authorized special group or gifts to a state agency, a statement  
12 to this effect and identification of the intended recipient of the moneys or gifts.

13 e. If the applicant requests a design for the special plates that covers the entire  
14 plate, a statement to this effect.

15 SECTION 16. 341.14 (6r) (fm) 3g., 3m. and 3r. of the statutes are created to read:

16 341.14 (6r) (fm) 3g. Upon approval of an application under this paragraph, the  
17 department's receipt of the payment under subd. 2. a., and satisfaction of the  
18 requirement under subd. 3m. a., the department shall commence any development  
19 work necessary for issuance of the special plates and shall complete the development  
20 work within one year of its commencement. The development work under this  
21 subdivision shall be funded only from the appropriation under s. 20.395 (5) (eL). The (g)  
22 department shall specify the design for special plates issued under this paragraph  
23 after consultation with the authorized special group. The special plates for each  
24 authorized special group shall be distinguishable from the special plates of any other  
25 authorized special group. The department may use a decal to distinguish between

1 special plates of different authorized special groups except that, if the applicant  
2 includes a statement under subd. 2. e., the special plate design shall cover the entire  
3 plate.

4 3m. a. The department may not commence development work for special plates  
5 associated with an authorized special group designated by the department under  
6 subd. 1. until the department receives 500 completed applications for vehicle  
7 registration, including payment of all applicable fees, from members of the  
8 authorized special group or persons interested in supporting the authorized special  
9 group.

10 b. Until the threshold under subd. 3m. a. is reached, for each vehicle  
11 registration application received by the department from a member of the authorized  
12 special group or person interested in supporting the authorized special group, the  
13 department shall issue to the applicant regular registration plates and shall retain  
14 without disbursement any voluntary payment under subd. 8. a. received from the  
15 applicant.

16 c. If the threshold under subd. 3m. a. is not reached within 2 years after the  
17 department first designates the group or organization as an authorized special  
18 group, the department shall rescind this designation and return the payment  
19 received under subd. 2. a. and all voluntary payments received under subd. 8. a. to  
20 the respective applicants.

21 3r. At any time after 2 years from the date that special plates associated with  
22 an authorized special group are first issued under this paragraph, if the department  
23 receives, in a calendar year, fewer than 1,000 applications for registration renewal  
24 for vehicles for which these special plates were issued, the department shall rescind  
25 its designation of the authorized special group and cease issuing special plates

1 associated with the authorized special group. If the department rescinds its  
2 designation of an authorized special group under this subdivision, upon receiving an  
3 application for registration renewal of a vehicle to which special plates associated  
4 with the authorized special group were issued, the department shall reissue regular  
5 registration plates to replace the special plates. This subdivision does not apply to  
6 any group or organization designated by the department as an authorized special  
7 group prior to the effective date of this subdivision .... [LRB inserts date].

8 **SECTION 17.** 341.14 (6r) (fm) 5. of the statutes is repealed.

9 **SECTION 18.** 341.14 (6r) (fm) 6. of the statutes is amended to read:

10 341.14 **(6r)** (fm) 6. The department shall establish by rule procedures for the  
11 designation of authorized special groups under this paragraph and for the issuance  
12 or the discontinuation of issuance of special group plates under this subsection to  
13 members of an authorized special group and persons interested in supporting the  
14 authorized special group.

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

16 341.14 **(6r)** (fm) 8. a. An authorized special group may, as provided in subd. 2.  
17 d., be, or designate a state agency as, the recipient for voluntary payments collected  
18 by the department in connection with the initial issuance or renewal of special plates  
19 associated with the authorized special group. With each initial issuance or renewal,  
20 the voluntary payment shall be \$25 for special plates issued or renewed on an annual  
21 basis and \$50 for special plates issued or renewed on a biennial basis except that, if  
22 the plate is issued or renewed during the 2nd year of a biennial registration period,  
23 the voluntary payment for that year shall be \$25. This voluntary payment is in  
24 addition to any fee collected by the department. If an authorized special group  
25 included a statement under subd. 2. d. in its application, no plate may be issued for

1 the authorized special group unless the voluntary payment is collected. All moneys  
2 received under this subd. 8. a. shall be deposited into the general fund and credited  
3 to the appropriation under s. 20.395 (5) (eL). To the extent permitted under ch. 71,  
4 the voluntary payment under this subd. 8. a. is deductible as a charitable  
5 contribution for purposes of the taxes under ch. 71.

6 b. Subject to subds. 3m. b. and 8. c., if the department collects voluntary  
7 payments under subd. 8. a., the department shall, from the appropriation under s.  
8 20.395 (5) (eL), make payments of all such moneys collected to the authorized special  
9 groups or designated state agency.

10 c. The department shall cease collecting voluntary payments under subd. 8. a.  
11 if the department has knowledge that the recipient of these moneys has dissolved,  
12 become insolvent, or filed a petition for bankruptcy or that moneys forwarded to the  
13 recipient under subd. 8. b. have been used for any purpose prohibited under subd.  
14 8. d.

15 d. No moneys received under subd. 8. b. may be used for any political purpose,  
16 including for lobbying or campaign activities or to otherwise influence legislation or  
17 assist any political campaign or candidate for public office.

18 **SECTION 20.** 341.145 (1) (c) of the statutes is amended to read:

19 341.145 (1) (c) A registration plate of the same color and design as provided in  
20 s. 341.14 (6r) for a vehicle specified under s. 341.14 (6r), which displays the applicable  
21 symbol of the authorized special group to which the person belongs or supports and  
22 a registration number composed of letters or numbers, or both, not exceeding 6  
23 positions and not less than one position, requested by the applicant.

24 **SECTION 21. Effective date.**



**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3469/P2ins  
ARG:...

**INSERT ANAL:**

This bill modifies the process and requirements for the Department of Transportation (DOT) to designate authorized special groups and issue special motor vehicle registration plates to group members. The bill does not affect special plates for groups enumerated by the legislature.