

CR 94-16

**CERTIFICATE**

STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF TRANSPORTATION )

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, CHARLES H. THOMPSON, Secretary of the Wisconsin Department of Transportation and custodian of the official records, do hereby certify that the rule, relating to **special identification cards for parking privileges for persons with a physical disability**, was duly approved and adopted by this Department on June 6, 1994.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Transportation at 4802 Sheboygan Avenue, in the City of Madison, Wisconsin, this 6 day of June, 1994.

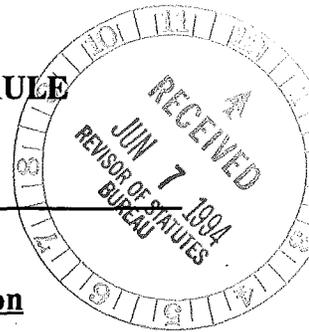
Charles H. Thompson  
CHARLES H. THOMPSON  
Secretary



8-1-94

IN THE MATTER OF an Order Adopting Rule **REPEALING** and **RECREATING** ch. Trans 130, Wisconsin Administrative Code, relating to special identification cards for parking privileges for persons with a physical disability.

**ORDER ADOPTING RULE**



**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.16(1) and 343.51(1) and (2), Stats.

**STATUTES INTERPRETED:** ss. 343.51, 343.52 and 346.50(2a), (h), (j) and (k), (3) and (4), Stats.

**General Summary of Rule.** This rule involves the repeal and recreation of ch. Trans 130, Wisconsin Administrative Code, relating to special identification cards for parking privileges for persons with a physical disability.

The following substantive changes are being made.

1. Define additional words and phrases used in the chapter.
2. Provide for the Department to re-issue a permanent card with a specific expiration date, by means of a periodic renewal process, and to review the validity of a permanent card's usage.
3. Provide for a temporary card to be issued for no more than 6 months, at which time the applicant may re-apply for an extension.
4. Provide for the issuance of both the permanent and temporary card in a style to be hung on the rear-view mirror, to comply with proposed National Highway Traffic Safety Administration Rule, 23 CFR Part 655, being promulgated as a result of Public Law 100-641 (November 9, 1988).
5. Provide for the issuance of a special identification card at selected departmental walk-in counter locations, where a counter service fee is collected, as prescribed by ch. Trans 196, Wisconsin Administrative Code.
6. Increase the cost for the issuance of the cards to \$6 per card.

**Fiscal Estimate.** This rule has no fiscal impact. The revenue generated by issuance fee on the cards which are issued as a result of re-certification would offset the Department's costs to handle the issuance of the cards.

**Final Regulatory Flexibility Analysis.** This rule will have no effect on small businesses.

**Forms Impact.** This rule will result in the revision of the following forms: MV2548 Application for Special Identification Card for Physically Disabled, MV2595 Application By an Organization for Special Identification Card for Physically Disabled, MV2758 Application for Special Plates for a Motorcycle, MV2172 Disabled Veteran Special License Plate Application, MV2162 Disabled Person's Application for Special License Plates, and MV2741 Application Return Notice. This rule will also require the development of a "renewal form" to request information from a person with a permanent disability, or from an organization holding permanent identification cards. The Department anticipates that a renewal process will begin in 1994, at which time the renewal form will be developed.

**Contact Person.** The person to contact regarding this rule is Tara Ayres, Chief, Title and Registration Processing Section, Bureau of Vehicle Services, Division of Motor Vehicles, Department of Transportation, P.O. Box 7907, Madison, Wisconsin, 53707-7907; Room 253, Hill Farms State Transportation Building, 4802 Sheboygan Avenue; (608) 267-2030. Copies of the rule may be obtained upon request, without cost, from the Office of General Counsel, Room 115-B, Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison; (608) 266-8810.

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**TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1) and 343.51(1) and (2), Stats., the department of transportation hereby repeals and recreates a rule interpreting ss. 340.01(43g), 341.14(1), (1a), (1e), (1m), (1q) or (1r)(a), 343.51, 343.52 and 346.50(2a)(h), (j) and (k), (3) and (4), Stats., relating to special identification cards and special registration plates for parking privileges for persons with a physical disability.

**SECTION 1.** Chapter Trans 130 is repealed and recreated to read:

CHAPTER TRANS 130

SPECIAL IDENTIFICATION CARDS AND SPECIAL REGISTRATION  
PLATES FOR PHYSICALLY DISABLED

**Trans 130.01 PURPOSE AND SCOPE.** (1) **STATUTORY AUTHORITY.** As authorized by ss. 85.16(1) and 343.51(1) and (2), Stats., the purpose of this chapter is to

establish the department's administrative interpretation of ss. 340.01(43g), 341.14(1), (1a), (1e), (1m), (1q) or (1r)(a), 343.51, 343.52, and 346.50(2a)(h), (j), and (k), (3) and (4), Stats., relating to the issuance and use of special identification cards and special registration plates for persons with a physical disability and for persons and any organizations that regularly transport persons with a physical disability.

(2) **APPLICABILITY.** This chapter applies to any person with a physical disability, any employer who provides a motor vehicle for the use of an employe who is a person with a physical disability, any licensed driver who has another person with a physical disability regularly dependent on the licensed driver for transportation, any lessor of a motor vehicle who leases the vehicle to a person with a physical disability, and to an organization wishing to obtain an identification card or special registration plates for special parking privileges under ss. 346.50(2) to (4), 346.503 and 346.505, Stats.

**Trans 130.02 DEFINITIONS.** As used in this chapter:

(1) "Card" means a special identification card issued under this chapter and s. 343.51, Stats., to a person or organization for the purpose of obtaining special parking privileges.

(2) "Card holder" means a person or organization who the department has determined is eligible for a card.

(3) "Department" means the Wisconsin department of transportation.

(4) "Health care specialist" means a physician licensed to practice medicine in any state, a chiropractor licensed to practice chiropractic in any state, a Christian science practitioner residing in this state and listed in the Christian science journal, or an authorized representative of the U.S. department of veterans affairs.

(5) "Organization" means a profit or non-profit corporation, any unit of government, a partnership or association, 2 or more persons having a joint or common interest, or any other legal or commercial entity.

(6) "Person" means a person defined under s. 340.01(43g), Stats.

(7) "Special registration plates" means registration plates issued under s. 341.14(1), (1a), (1e), (1m), (1q) or (1r)(a), Stats.

**Trans 130.03 APPLICATION FORM.** (1) APPLICATION BY A PERSON FOR A CARD AND APPLICATION FOR SPECIAL REGISTRATION PLATES. Each application by a person for a permanent or temporary card and each application for special registration plates shall be on a form provided by the department or in a letter, except as allowed in s. Trans 130.10, and shall contain the following information:

(a) The date of the application.

(b) The name and address of the person.

(c) The age, gender and date of birth of the person.

(d) Whether or not the person holds a valid Wisconsin operator's license issued under ch. 343, Stats.

(e) The person's Wisconsin operator's license number, if applicable.

(f) A notification that the person, if he or she holds an operator's license, may be required to demonstrate to the department that the disability does not impair the person's ability to operate a motor vehicle safely.

(g) The signature of the person or, if applicable, the signature of anyone authorized to sign for the applicant.

(h) The relationship of the signer to the disabled person, if signed by someone other than the person.

(i) A statement from a health care specialist including:

1. The date of the health care specialist's statement.
2. A certification that the person is disabled within the meaning of s. 340.01(43g),

Stats.

3. Whether the disability is permanent or temporary.
4. The duration of the disability, not to exceed 6 months, if temporary.
5. Whether or not the health care specialist believes that the person's disability impairs the person's ability to drive safely.
6. The health care specialist's signature, name and address.
7. The health care specialist's medical license number, if applicable, and telephone number.

(j) Any other information necessary to assist the person, the person signing the application, and the health care specialist to understand the requirements and privileges of ss. 340.01(43g), 341.14(1), (1a), (1e), (1m), (1q) or (1r)(a), 343.51, 343.52 and 346.50(2a)(h), (j) and (k), (3) and (4), Stats., and this chapter.

(2) APPLICATION BY AN ORGANIZATION FOR A PERMANENT CARD. Each application for a permanent card by an organization shall be on a form provided by the department or in a letter, and shall contain the following information:

- (a) The date of application.
- (b) The name and address of the organization.
- (c) A certification by the organization that it regularly transports persons as defined in s. Trans 130.02(6).

(d) The total number of motor vehicles operated by or on behalf of the organization to transport persons as defined in s. Trans 130.02(6).

(e) The number of cards being requested.

(f) The printed name, signature and official capacity of the person authorized to sign for the organization.

(g) Any other information necessary to assist the organization to understand the requirements and privileges of ss. 343.51, 343.52 and 346.50(2a)(h), (j) and (k), (3) and (4), Stats., and this chapter.

**Trans 130.04 FEES.** (1) ISSUANCE FEE FOR A CARD. A fee of \$6.00 shall be charged for the issuance of each card, or for the replacement, extension or renewal of a card.

(2) COUNTER SERVICE FEE. A counter service fee, as defined in s. 341.255(2)(b), Stats., relating to registration renewals, shall be charged for each card, or for the replacement, extension or renewal of a card when issued at a counter designated by the department.

**Trans 130.05 USE.** (1) DISPLAY. When in use for a parked vehicle, the card shall be displayed so the information on the card is clearly visible outside of the vehicle. If the card is manufactured so as to be suspended, the card shall be hung from the rear view mirror.

(2) RESTRICTIONS AND LIMITATIONS. (a) No person or organization may duplicate, reproduce or copy any card, unless directed to do so by the department.

(b) A temporary card may not be issued for a period of more than 6 months.

(c) Special registration plates shall only be issued for permanent disabilities.

(d) The certification of a person's eligibility for a card or registration plates by a U.S. department of veterans affairs representative is not to be considered as a claim for veterans affairs benefits.

(e) No organization may be issued a temporary card.

(f) A card issued to an organization shall be used only for a motor vehicle operated by or on behalf of the organization when transporting persons as defined in s. Trans 130.02(6).

This includes the following:

1. A motor vehicle owned or leased by the organization and operated by an authorized employe or volunteer worker.

2. A motor vehicle owned or leased by someone other than the organization, but operated by an authorized employe of the organization or volunteer worker on behalf of the organization.

(g) No organization may be issued more cards than the total number of motor vehicles operated by or on behalf of the organization to regularly transport persons as defined in s. Trans 130.02(6).

(h) A person who has special registration plates issued under s. 341.14(1a), (1m), (1q) or (1r)(a), Stats., may be issued no more than one card.

(i) A person who has no special registration plates issued under s. 341.14(1a), (1e), (1m), (1q) or (1r)(a), Stats., may be issued no more than 2 cards.

**Trans 130.06 CHANGE OF NAME OR ADDRESS.** When the name or address of a card holder is changed, the person or spouse, parent, step-parent, foster parent or guardian of the person, if applicable, or organization shall, within 10 days, notify the department of the card number, the former address and the new address, or the former name and the new name.

**NOTE: Notifications should be sent to the Special Plates Unit/ID, P. O. Box 7306, Madison, WI 53707-7306.**

**Trans 130.07 REPLACEMENT CARD.** (1) WHEN REQUIRED. If a person or organization has a card and the card is mutilated, destroyed, illegible, lost or stolen, or the name of the card holder changes, the card holder may apply to the department for a replacement.

(2) REPORT OF STOLEN CARDS. If the card is lost or stolen, the card holder shall notify the department within 10 days.

(3) APPLICATION. A person or organization applying for a replacement card shall provide the following:

(a) The information required in s. Trans 130.03(1)(a) to (h) for a person or s. Trans 130.03(2)(a) to (c) and (f) for an organization.

(b) Certification by a health care specialist, as prescribed by s. Trans 130.03(1)(i) for a person, if required by the department.

(c) The former name, if changed from that shown on the previous application and card.

(d) The former address, if changed from that shown on the previous application.

(e) One of the following words or phrases to describe the reason a replacement card is required:

1. Lost.
2. Stolen.
3. Destroyed.
4. Mutilated or illegible.
5. Name change.

**Trans 130.08 EXTENSION OF A TEMPORARY CARD.** A person needing an extension of a temporary card because the temporary disability continues beyond the expiration of the previously issued temporary card shall submit a new application as specified in s. Trans 130.03.

**Trans 130.09 RENEWAL OF A PERMANENT CARD AND SPECIAL REGISTRATION PLATES.** The department shall request submittal every 4 years of the information for a person as specified under s. Trans 130.03(1), or for an organization as specified under s. Trans 130.03(2), in order to verify the person or organization's continuing qualifications for a permanent card or special registration plates and to renew the card or special registration plates.

**Trans 130.10 USE OF OTHER STATEMENTS.** At the department's discretion, a statement or application already on file with the department used to establish eligibility for a card, or special registration plates issued under s. 341.14(1), (1a), (1e), (1m), (1q) or (1r) (a), Stats., may be used to establish eligibility for issuance or renewal of a card or special registration plates.

**Trans 130.11 CANCELLATION.** (1) The department may cancel a card or special registration plates in the following instances:

- (a) When the card or plates were issued as a result of fraud or error.
- (b) When the card is replaced, extended or renewed.
- (c) When a person is deceased, or can no longer make proper use of the card or registration plates.
- (d) When the card use is unauthorized under s. 343.52, Stats.
- (e) When the special registration plate use is unauthorized under s. 341.14, Stats.

(f) When the card is reported lost or stolen.

(2) Whenever a card is canceled under sub. (1)(a), the card shall be surrendered to the department.

(3) When special registration plates are cancelled under sub. (1), the department may issue standard registration plates for the remainder of the registration period.

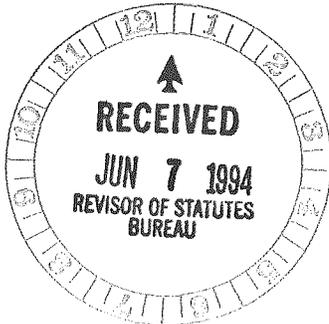
**NOTE: Forms used in administering this chapter are MV2548, Disabled Parking Identification Card for Individuals; MV2595, Disabled Parking Identification Cards for Organizations; MV2162, Disabled Parking License Plates Application; MV2172, U.S. Veteran Disabled Parking License Plates Application; and MV2741, Application Return Notice. Forms may be obtained from the Wisconsin Department of Transportation, Division of Motor Vehicles, Bureau of Vehicle Services, P. O. Box 7907, Room 253, Madison, WI 53707-7907.**

(END OF RULE TEXT)

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**Effective Date:** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this 6 day of June, 1994.



Charles H. Thompson  
Charles H. Thompson  
Secretary  
Wisconsin Department of Transportation



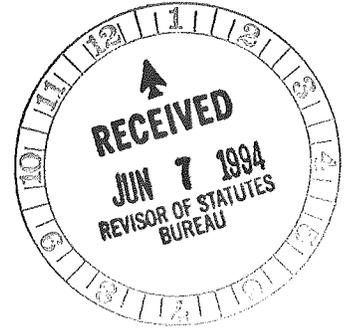
## Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

June 7, 1994



Mr. Gary Poulson  
Deputy Revisor of Statutes  
131 West Wilson Street, Suite 800  
Madison, Wisconsin 53703

RE: **CLEARINGHOUSE RULE 94-16**

In the Matter of the Adoption of **TRANS 130**, Wisconsin Administrative Code, relating to **special identification cards for parking privileges for persons with a physical disability**.

Dear Mr. Poulson:

Enclosed for filing, pursuant to s. 227.20, Wis. Stats., is a certified copy of **CR 94-16**, an administrative rule relating to the above-mentioned matter. This rule is submitted by the Wisconsin Department of Transportation.

Sincerely,

  
Julie A. Johnson  
Paralegal

Enclosures

cc: Tom Walker  
Dorothy Kapke  
Jim McDonnell  
Roger Cross  
Tara Ayres  
Kevin Huggins