

1987 Senate Bill 326

Date of enactment: April 13, 1988
Date of publication: April 21, 1988

1987 Wisconsin Act 260

AN ACT to renumber 346.505; to amend 346.503 (1m) (a) (intro.) and 346.56 (2); and to create 101.13 (2) (f), 346.503 (1m) (g), 346.505 (1), 346.505 (3) and 349.145 of the statutes, relating to parking reserved for vehicles used by physically disabled persons, providing for enforcement councils and liability for violations reported by members of enforcement councils.

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

SECTION 1. 101.13 (2) (f) of the statutes is created to read:

101.13 (2) (f) 1. Except as provided in subd. 2, no governmental unit may issue any authorization to occupy any place of employment or public building prescribed in pars. (a) to (d) unless the owner thereof files with that governmental unit a true certification of compliance with the rules under par. (e) applicable to that place of employment or public building relating to the reservation and marking of parking spaces for use by a motor vehicle used by a physically disabled person.

2. An authorization to occupy a place of employment or public building prescribed in pars. (a) to (d) may be issued prior to the completion of parking facilities for that place of employment or public building if the owner files a true certification that upon completion of any parking facility for that place of employment or public building that parking facility shall comply with the rules under par. (e) applicable to that place of employment or public building as specified in subd. 1.

SECTION 2. 346.503 (1m) (a) (intro.) of the statutes is amended to read:

346.503 (1m) (a) (intro.) ~~The owner or lessee of any public building or place of employment, the initial construction of which is commenced on or after May 27, 1976, or which is remodeled as provided in s. 101.13 (6), shall reserve parking spaces for use by a motor vehicle used by a physically disabled person in accordance with rules promulgated by the department of industry, labor and human relations under s. 101.13.~~ The owner or lessee of any other public building or place of employment and the owner or lessee of any parking facility which offers parking to the public shall reserve at least the following number of spaces for use by a motor vehicle used by a physically disabled person as follows:

SECTION 3. 346.503 (1m) (g) of the statutes is created to read:

346.503 (1m) (g) This subsection does not affect the authority under s. 101.13 of the department of industry, labor and human relations to require by rule the reservation of parking spaces for use by a motor vehicle used by a physically disabled person.

SECTION 4. 346.505 of the statutes is renumbered 346.505 (2).

SECTION 5. 346.505 (1) of the statutes is created to read:

346.505 (1) The legislature finds that parking facilities which are open to use by the public without a permit, whether publicly or privately owned, are public places. By enacting this section the legislature intends to ensure that people who are physically disabled have clear and reasonable access to public places. The legislature, therefore, urges the police, sheriff's and traffic departments of every unit of government and each authorized department of the state to enforce this section vigorously and see that all violations of this section are promptly prosecuted.

SECTION 6. 346.505 (3) of the statutes is created to read:

346.505 (3) (a) The owner of a vehicle involved in a violation of sub. (2) shall be liable for the violation as provided in this subsection.

(b) A member of a disabled parking enforcement assistance council under s. 349.145 who observes a violation of sub. (2) may prepare a written report indicating that a violation has occurred. The report shall contain the following information:

1. The time and location at which the violation occurred.

2. The license number and color of the vehicle involved in the violation.

3. Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.

(c) Within 24 hours after observing the violation, the member may deliver the report to a traffic officer of the political subdivision in which the violation occurred. A report which does not contain all of the information in par. (b) shall nevertheless be delivered and shall be maintained by the political subdivision for statistical purposes.

(d) 1. Within 48 hours after receiving a report containing all of the information in par. (b), the traffic officer may prepare a uniform traffic citation under s. 345.11 for the violation and may personally serve it upon the owner of the vehicle.

2. If with reasonable diligence the owner cannot be served under subd. 1 or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address.

(e) 1. Except as provided in subd. 2, it shall be no defense to a violation of sub. (2) that the owner was

not in control of the vehicle at the time of the violation.

2. The following are defenses to a violation of sub. (2).

a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

b. If the owner of the vehicle provides a traffic officer with the name and address of the person who was in control of the vehicle at the time of the violation and the person so named admits having the vehicle under his or her control at the time of the violation, then that person and not the owner shall be charged with the violation.

c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer with the information required under s. 343.46 (3), then the lessee and not the lessor shall be charged with the violation.

d. If the vehicle is owned by a dealer as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was under the control of any person on a trial run, and if the dealer provides a traffic officer with the name, address and operator's license number of that person, then that person and not the dealer shall be charged with the violation.

SECTION 7. 346.56 (2) of the statutes is amended to read:

346.56 (2) Any person violating s. 346.505 (2), 346.51 or 346.55 (1) or (2) may be required to forfeit not less than \$30 nor more than \$300.

SECTION 8. 349.145 of the statutes is created to read:

349.145 Authority to establish disabled parking enforcement assistance councils. Any city, village or county may by ordinance or resolution establish a disabled parking enforcement assistance council. The majority of such a council shall be appointed by the local authorities from among those residents of the city, village or county to whom or on whose behalf the department has issued a special registration plate under s. 341.14 (1) to (1r) or a special identification card under s. 343.51. Members of such a council may report violations of parking regulations under s. 346.505 (2) or ordinances in conformity therewith to a traffic officer of the city, village or county as provided in s. 346.505 (3).