

1991 Assembly Bill 676

Date of enactment: April 27, 1992

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1991 WISCONSIN ACT 239

AN ACT to repeal 342.13 (2); to renumber 85.20 (1) (a) and 85.22 (2) (a); to renumber and amend 85.20 (1) (c), 85.21 (2) (f) and 85.22 (2) (c); and to amend 20.395 (1) (cq), (cr), (cv) and (cx), 85.20 (1) (g), 85.20 (3) (b) 2, 85.21 (1) and (2) (b), 85.21 (2) (g) and (4) (a) and (d), 85.22 (1), 85.22 (3) (c), 121.53 (3) (c), 340.01 (23g) (a), 340.01 (56) (am), 341.11 (4), 341.15 (1) (a) and (1m) (b), 342.16 (2m) (a), 342.17 (4) (b) 4 and 346.50 (3) of the statutes, relating to: displaying the certificate of registration or registration plate for certain motor vehicles, vehicle transfer by affidavit, issuing new certificates of title to motor vehicle dealers and changing statutory references from handicapped to disabled (suggested as remedial legislation by the department of transportation).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of transportation and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 20.395 (1) (cq), (cr), (cv) and (cx) of the statutes are amended to read:

20.395 (1) (cq) (title) *Elderly and disabled capital aids, state funds.* The amounts in the schedule for specialized transportation capital assistance for the elderly and ~~handicapped~~ disabled under s. 85.22.

(cr) (title) *Elderly and disabled county aids, state funds.* The amounts in the schedule for specialized transportation assistance for the elderly and ~~handicapped~~ disabled under s. 85.21.

(cv) (title) *Elderly and disabled aids, local funds.* All moneys received from any local unit of government or other source for specialized transportation assistance for the elderly and ~~handicapped~~ disabled, for such purposes.

(cx) (title) *Elderly and disabled aids, federal funds.* All moneys received from the federal government for specialized transportation assistance for the elderly and ~~handicapped~~ disabled, for such purposes.

SECTION 2. 85.20 (1) (a) of the statutes is renumbered 85.20 (1) (am).

SECTION 3. 85.20 (1) (c) of the statutes is renumbered 85.20 (1) (ag) and amended to read:

85.20 (1) (ag) “~~Handicapped~~ Disabled persons” means individuals who, by reason of illness, injury, age, congenital malfunction, or other temporary or permanent incapacity or disability, are unable without special planning or design to use mass transit facilities and services as effectively as persons who are not so affected.

SECTION 4. 85.20 (1) (g) of the statutes is amended to read:

85.20 (1) (g) “Operating expenses” mean costs accruing to an urban mass transit system by virtue of its operations, including costs to subsidize fares paid by ~~handicapped~~ disabled persons for transportation within the urban area of the eligible applicant. For a publicly owned system, operating expenses do not include profit, return on investment or depreciation as costs. If a local public body contracts for the services of a privately owned system on the basis of competitive bids, operating expenses may include as costs depreciation on the facilities and equipment that the privately owned system acquired without benefit of public financial assistance, profit and return on investment. If a local public body contracts for the services of a privately owned system on the basis of negotiated procurement, operating expenses may include

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as costs depreciation on the facilities and equipment that the privately owned system acquired without benefit of public financial assistance. In an urban area which is served exclusively by shared-ride taxicab systems, operating expenses may include costs to subsidize reasonable fares paid by all users for transportation within the urban area of the eligible applicant.

SECTION 5. 85.20 (3) (b) 2. of the statutes is amended to read:

85.20 (3) (b) 2. The participating urban mass transit system provides reduced fare programs for elderly and ~~handicapped~~ disabled persons during nonpeak hours. Such reduced fares may not exceed one-half of the full adult cash fare applicable during peak hours of operation; and

SECTION 6. 85.21 (1) and (2) (b) of the statutes are amended to read:

85.21 (1) **PURPOSE.** The purpose of this section is to promote the general public health and welfare by providing financial assistance to counties providing transportation services for ~~the elderly and handicapped~~ disabled persons, and to thereby improve and promote the maintenance of human dignity and self-sufficiency by affording the benefits of transportation services to those people who would not otherwise have an available or accessible method of transportation.

(2) (b) "County proportionate share" means the amount allocated to a county under this section which is based on the total amount appropriated for purposes of this section during the current fiscal year multiplied by the ratio of the number of elderly and ~~handicapped~~ disabled persons in the county to the total number of elderly and ~~handicapped~~ disabled persons in this state and which provides for a minimum base amount for each county, as determined by the department.

SECTION 7. 85.21 (2) (f) of the statutes is renumbered 85.21 (2) (cm) and amended to read:

85.21 (2) (cm) "~~Handicapped~~ Disabled person" means any individual who, because of any temporary or permanent physical or mental condition or institutional residence is unable without special facilities or special planning or design to use available transportation facilities and services as effectively as persons who are not so affected.

SECTION 8. 85.21 (2) (g) and (4) (a) and (d) of the statutes are amended to read:

85.21 (2) (g) "Specialized transportation service" means a transportation system, either publicly or privately owned, which provides to elderly or ~~handicapped~~ disabled persons general or special service on a regular and continuing basis in a designated service area.

(4) (a) The county may establish the transportation of elderly and ~~handicapped~~ disabled persons to medical, nutritional and work-related activities as the priority for the specialized transportation services.

(d) A county may not use aids provided under this section to support the regular route services of an urban mass transit system receiving state aids under s. 85.20. A county may use aids provided under this section to support subsystems of urban mass transit systems that provide special services to ~~the elderly or the handicapped~~ disabled persons.

SECTION 9. 85.22 (1) of the statutes is amended to read:

85.22 (1) **PURPOSE.** The purpose of this section is to promote the general public health and welfare by providing capital assistance to private, nonprofit organizations providing transportation services to elderly and ~~handicapped people~~ disabled persons.

SECTION 10. 85.22 (2) (a) of the statutes is renumbered 85.22 (2) (am).

SECTION 11. 85.22 (2) (c) of the statutes is renumbered 85.22 (2) (ag) and amended to read:

85.22 (2) (ag) "~~Handicapped~~ Disabled person" means any individual who, because of any temporary or permanent physical or mental condition or institutional residence is unable without special facilities or special planning or design to use available transportation facilities and services as effectively as persons who are not so affected.

SECTION 12. 85.22 (3) (c) of the statutes is amended to read:

85.22 (3) (c) To make and execute agreements with eligible applicants to provide for the undertaking of transportation services to ~~the elderly or the handicapped~~ disabled persons.

SECTION 13. 121.53 (3) (c) of the statutes is amended to read:

121.53 (3) (c) When the school bus is used as specified in s. 340.01 (56) (am) for the purpose of transporting elderly or ~~handicapped~~ disabled persons in connection with a transportation assistance program for such persons.

SECTION 14. 340.01 (23g) (a) of the statutes is amended to read:

340.01 (23g) (a) Means a motor vehicle which is not painted in accordance with s. 347.44 (1) and which is used for the purpose of transporting ~~handicapped~~ disabled persons as defined in s. 85.21 (2) (~~cm~~) or elderly persons as defined in s. 85.22 (2) (b) in connection with any transportation assistance program for elderly or ~~handicapped~~ disabled persons.

SECTION 15. 340.01 (56) (am) of the statutes is amended to read:

340.01 (56) (am) Means a motor vehicle which is painted in accordance with s. 347.44 (1) and is used for the purpose of transporting ~~handicapped~~ disabled persons as defined in s. 85.21 (2) (~~cm~~) or elderly persons as defined in s. 85.22 (2) (b) in connection with any trans-

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portation assistance program for elderly or handicapped disabled persons.

SECTION 16. 341.11 (4) of the statutes is amended to read:

341.11 (4) In the case of a vehicle registered on the basis of gross weight for which special registration plates have been issued under s. 341.14 (2), (6), (6m) or (6r) or for which personalized registration plates have been issued under s. 341.145, ~~or motor homes, dual purpose motor homes, farm trucks or dual purpose farm trucks for which special registration plates have been issued under s. 341.14 (2), or dual purpose farm trucks for which special registration plates have been issued under s. 341.14 (6)~~ or any motor bus, motor home, dual purpose motor home, motor truck, truck tractor or road tractor, the certificate of registration shall be displayed in a prominent place in the driver's compartment of the vehicle to which the certificate refers. Any person who operates and any person in whose name the vehicle is registered who consents to the operation of any such vehicle without the certificate of registration being so displayed may be required to forfeit not more than \$200.

NOTE: This amendment requires motor trucks to display the certificate of registration issued by the department of transportation in a prominent place in the driver's compartment. The requirement corrects an error of omission created when 1987 Wisconsin Act 112 inadvertently omitted a reference to motor trucks in s. 341.11 (4), stats. Availability of the registration certificate in the driver's compartment facilitates the determination by law enforcement personnel of the type of operation of the motor truck and the fees which have been paid.

SECTION 17. 341.15 (1) (a) and (1m) (b) of the statutes are amended to read:

341.15 (1) (a) If the vehicle is a truck tractor or road tractor ~~or a motor truck issued the plate under s. 341.405 (2)~~, to the front.

NOTE: The amendment requires that the base plate issued under the international registration plan (IRP) be attached to the front of the motor truck. Trucks registered under IRP often tow large trailers that obscure the rear-placed plates from view, which may cause enforcement questions and unnecessary delays when the motor trucks operate outside this state.

(1m) (b) Any registration decal or tag issued by the department for a truck tractor, road tractor or motor truck under sub. (1) (a) or for any other vehicle which may bear a registration plate attached to the front as provided in sub. (1) (b) shall be placed on the front registration plate of the vehicle in the manner directed by the department.

SECTION 18. 342.13 (2) of the statutes is repealed.

NOTE: This repeal eliminates the 15-day delay imposed by statute on the issuance of a duplicate certificate of title by the department of transportation to the owner of a vehicle or his or her legal representative or to a dealer when the original certificate of title is lost, stolen, mutilated or destroyed or becomes illegible. The 15-day delay did not affect the integrity of the vehicle title or deter auto theft or fraudulent sales,

but did complicate the title transfer procedure and create unnecessary problems for vehicle sellers and purchasers.

SECTION 19. 342.16 (2m) (a) of the statutes is amended to read:

342.16 (2m) (a) Notwithstanding the provisions of s. 342.13, upon the application of a dealer for the issuance of a certificate of title naming the dealer as owner of a vehicle purchased by the dealer and held for resale, the department shall issue the certificate of title to the dealer ~~as soon as practicable after receipt of the application.~~ If the original certificate of title is unavailable to the dealer at the time the dealer obtains possession of the vehicle for resale because of any of the reasons stated in s. 342.13, the dealer shall obtain from the prior owner, on a form prescribed by the department, such prior owner's certification of the security interests presently existing in the vehicle and submit such certification to the department with the application. The dealer shall be liable to any person who shall incur damages by reason that a certificate of title issued pursuant to this subsection fails to disclose a presently existing security interest.

SECTION 20. 342.17 (4) (b) 4. of the statutes is amended to read:

342.17 (4) (b) 4. The limit in subd. 3 does not apply if the surviving spouse is proceeding under s. 867.03 (1) and the total value of the decedent's ~~solely owned~~ solely owned property in the state, including the vehicles transferred under this paragraph, does not exceed \$5,000 \$10,000.

NOTE: This amendment increases the maximum value of vehicles which may be transferred to the surviving spouse by the department of transportation by an affidavit under s. 867.03 (1), stats., if the total value of the decedent's solely owned property in Wisconsin, including the vehicles, does not exceed \$10,000. The increased limit for affidavit transfers of vehicles is consistent with the limit provided under s. 867.03 (1) (intro.), stats., on transfers by affidavit if the decedent's solely owned property in Wisconsin does not exceed \$10,000.

SECTION 21. 346.50 (3) of the statutes is amended to read:

346.50 (3) A vehicle bearing special registration plates issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a motor vehicle, other than a motorcycle, upon which a special identification card issued under s. 343.51 is displayed or a motor vehicle registered in another jurisdiction upon which is displayed a registration plate, a card or an emblem issued by the other jurisdiction designating the vehicle as a vehicle used by a physically disabled person is exempt from s. 346.505 or any ordinance in conformity therewith prohibiting parking, stopping or standing upon any portion of a street, highway or parking facility reserved for handicapped physically disabled persons by official traffic signs indicating the restriction. Stopping, standing and parking privileges granted by this subsection are limited to the persons listed under subs. (2) and (2a) (a) to (m).