



2005 ASSEMBLY BILL 965

January 31, 2006 – Introduced by Representatives RHOADES, ALBERS, GUNDERSON, HINES, KESTELL, KRAWCZYK, MURSAU, MUSSER, PETROWSKI, SHERIDAN, TURNER and M. WILLIAMS. Referred to Committee on Transportation.

1 **AN ACT to amend** 85.103 (2), 100.51 (5) (b) 1., 343.51 (title) and (1), 343.51 (1m),
2 (2) (a) and (c) and (3), 343.52 (title), (1) (a) and (b), (1m) and (2), 346.50 (2a)
3 (intro.), (h), (j) and (k), (3) and (3m) (b) 1., 346.503 (title) and (1), 346.505 (title)
4 and (2), 349.13 (1m), 349.145 and 756.04 (1) (b); and **to create** 341.16 (1m),
5 341.266 (2) (cm) and 343.51 (1g) of the statutes; **relating to:** decals on special
6 interest vehicles that provide parking privileges for persons with physical
7 disabilities.

Analysis by the Legislative Reference Bureau

Under current law, a person with a disability that limits or impairs the ability to walk may apply for and obtain from the Department of Transportation (DOT) special motor vehicle registration plates or a special identification card, or both, entitling a motor vehicle used by the person with a disability to certain parking privileges, including parking in spaces reserved for use by such vehicles. These parking privileges for a special identification card holder, with limited exceptions, apply to any motor vehicle parked by or under the direction of the card holder or to any motor vehicle operated by or on behalf of a card holder organization and used to transport a person eligible for a card.

Also under current law, an owner of a special interest vehicle that is 20 or more years old may, under specified circumstances, register the vehicle as a special

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interest vehicle. A special interest vehicle, commonly known as a “collector vehicle,” is a motor vehicle that has not been changed from its original manufacturer’s specifications and that is being preserved for its historic interest. Vehicles registered as special interest vehicles are issued distinctive registration plates, commonly known as “collector plates,” that identify the vehicle as a special interest vehicle owned by a Wisconsin vehicle collector and that display the vehicle owner’s collector’s identification number. A special interest vehicle may be reregistered for no additional fee if, with an exception, the vehicle is not operated on the highways during the month of January.

Under this bill, a person who is eligible for a special identification card, whose disability is permanent, and who has registered a special interest vehicle may obtain, in lieu of a special identification card, a special identification decal that may be displayed on a registration plate of the special interest vehicle. The special identification decal provides the same parking privileges as a special identification card. If the decal expires or is otherwise no longer valid and no valid replacement decal is issued, the person must obtain a replacement collector’s plate from DOT that does not bear a decal and destroy the collector’s plate bearing the decal.

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.** 85.103 (2) of the statutes is amended to read:

2 85.103 (2) The department shall include on any form for application for original
3 registration under s. 341.08, for application for renewal of registration under s.
4 341.08, for application for a certificate of title under s. 342.06, for application for a
5 license or identification card or renewal of a license or identification card under s.
6 343.14 and for application for a special identification card or decal under s. 343.51,
7 a place for the individual to designate that the individual’s personal identifiers may
8 not be disclosed in information compiled or maintained by the department that
9 contains the personal identifiers of 10 or more individuals, a statement indicating
10 the effect of making such a designation and a place for an applicant or registrant who
11 has made a designation under this subsection or sub. (3) to reverse the designation.

12 **SECTION 2.** 100.51 (5) (b) 1. of the statutes is amended to read:

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1 100.51 (5) (b) 1. The motor vehicle displays special registration plates issued
2 under s. 341.14 (1), (1a), (1m), (1q) or (1r) (a) or a special identification card or decal
3 issued under s. 343.51 or is a motor vehicle registered in another jurisdiction and
4 displays a registration plate, card, decal, or emblem issued by the other jurisdiction
5 that designates that the vehicle is used by a physically disabled person.

6 **SECTION 3.** 341.16 (1m) of the statutes is created to read:

7 341.16 (1m) Whenever a special identification decal under s. 343.51 (1g)
8 displayed on a registration plate provided under s. 341.266 (2) (c) expires or is
9 otherwise no longer valid and no valid replacement decal is issued by the
10 department, the owner of the vehicle to which the plate is attached shall apply to the
11 department for a replacement plate. Upon satisfactory proof of eligibility for a
12 replacement plate under this subsection, and upon payment of a fee of \$2 for each
13 plate, the department shall issue a replacement plate and the applicant shall
14 destroy, as provided under sub. (3), the plate on which the decal is displayed.

15 **SECTION 4.** 341.266 (2) (cm) of the statutes is created to read:

16 341.266 (2) (cm) Any person issued a special identification decal under s.
17 343.51 (1g) may display the decal on the registration plates provided to the person
18 under par. (c). Notwithstanding s. 341.61 (3), the decal shall be placed on the rear
19 registration plate in the manner directed by the department, except that, if the
20 vehicle is a vehicle described in s. 341.15 (1m) (b), the decal shall be placed on the
21 front registration plate in the manner directed by the department. If the decal
22 expires or is otherwise no longer valid and no valid replacement decal is issued by
23 the department, the person shall apply to the department for a replacement
24 registration plate as provided under s. 341.16 (1m).

25 **SECTION 5.** 343.51 (title) and (1) of the statutes are amended to read:

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1 **343.51** (title) **Special identification cards and decals for physically**
2 **disabled.** (1) Any person who qualifies for registration plates of a special design
3 under s. 341.14 (1), (1a), (1m) or (1q) or any other person with a disability that limits
4 or impairs the ability to walk may request from the department a special
5 identification card that will entitle any motor vehicle, other than a motorcycle,
6 parked by, or under the direction of, the person, or a motor vehicle, other than a
7 motorcycle, operated by or on behalf of the organization when used to transport such
8 a person, to parking privileges under s. 346.50 (2), (2a) and (3). The Subject to sub.
9 (1g), the department shall issue the card at a fee to be determined by the department,
10 upon submission by the applicant, if the applicant is an individual rather than an
11 organization, of a statement from a physician licensed to practice medicine in any
12 state, from an advanced practice nurse licensed to practice nursing in any state, from
13 a physician assistant licensed or certified to practice in any state, from a chiropractor
14 licensed to practice chiropractic in any state or from a Christian Science practitioner
15 residing in this state and listed in the Christian Science journal that the person is
16 a person with a disability that limits or impairs the ability to walk. The statement
17 shall state whether the disability is permanent or temporary and, if temporary, the
18 opinion of the physician, advanced practice nurse, physician assistant, chiropractor
19 or practitioner as to the duration of the disability. The department shall issue the
20 card upon application by an organization on a form prescribed by the department if
21 the department believes that the organization meets the requirements under this
22 subsection.

23 **SECTION 6.** 343.51 (1g) of the statutes is created to read:

24 343.51 (1g) Any person who is eligible for a special identification card under
25 sub. (1), whose disability is permanent, and who maintains registration of a special

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1 interest vehicle under s. 341.266 (2) (a) may request from the department, in lieu of
2 the special identification card specified in sub. (1), a decal to be affixed to a
3 registration plate of the special interest vehicle. The decal entitles the special
4 interest vehicle to the same parking privileges, with the same limitations, described
5 in sub. (1). The fee for a decal shall be the same as the fee established by the
6 department under sub. (1) for a card and, upon request, the department shall issue
7 to an eligible applicant both a decal under this subsection and a card under sub. (1)
8 without charging any fee in addition to the fee specified under sub. (1). A decal issued
9 under this subsection shall be displayed as provided in s. 341.266 (2) (cm). A decal
10 issued under this subsection is not a registration decal for purposes of ch. 341.

11 **SECTION 7.** 343.51 (1m), (2) (a) and (c) and (3) of the statutes are amended to
12 read:

13 343.51 **(1m)** The form for application for a special identification card under sub.
14 (1) or a decal under sub. (1g) shall include the information required under s. 85.103
15 (2).

16 **(2)** (a) The department shall prescribe the form and size of identification cards
17 and decals issued under this section and shall promulgate rules regarding the
18 issuance and use of the cards and decals. The identification cards and decals shall
19 be designed, and the identification cards shall be displayed, so as to enable law
20 enforcement officers to determine that the vehicle, when parked, is entitled to
21 parking privileges under s. 346.50 (2), (2a) and (3), but shall not be unnecessarily
22 conspicuous when the vehicle is operated. ~~The department may establish an~~
23 ~~expiration date for any special identification card issued prior to July 1, 1994. Except~~
24 ~~as provided in par. (b), any special identification card issued after June 30, 1994,~~
25 cards and decals shall be valid for 4 years.

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1 (c) At least 30 days prior to the expiration of the card or decal, the department
2 shall mail a renewal application to the last-known address of each identification
3 card or decal holder. The application shall include all of the information required for
4 issuance of a special identification card under sub. (1) or a decal under sub. (1g). The
5 fee for a renewal identification card or decal shall be the fee established by the
6 department under sub. (1). Except as provided in par. (b), each card or decal shall
7 be valid for 4 years.

8 (3) The department shall disseminate information to all applicants for a special
9 identification card under sub. (1) or a decal under sub. (1g) relating to the parking
10 privileges granted under s. 346.50 (2), (2a) or (3) and their right to request
11 enforcement of s. 346.505.

12 **SECTION 8.** 343.52 (title), (1) (a) and (b), (1m) and (2) of the statutes are
13 amended to read:

14 **343.52 (title) Unlawful use of special identification cards and decals.**

15 (1) (a) Lends to another a special identification card or decal issued under s. 343.51,
16 knowing that the person borrowing the card or decal is not authorized by law to use
17 it; or

18 (b) Displays a special identification card or decal issued under s. 343.51 upon
19 a vehicle which is not authorized by law to have the card or decal displayed thereon.

20 (1m) Any person or organization that fraudulently procures, alters or uses a
21 special identification card or decal issued under s. 343.51 or reproduces by any means
22 whatever a special identification card or decal shall forfeit not less than \$200 nor
23 more than \$500.

24 (2) The department shall cancel the special identification card or decal of any
25 person or organization who improperly uses a card or decal as described in sub. (1)

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1 or who reproduces or fraudulently procures, alters or uses a card or decal under sub.
2 (1m). The department may order a person or organization whose identification card
3 or decal has expired or has been canceled to surrender the card or decal to the
4 department. The department may take possession of any expired identification card
5 or decal or any identification card or decal required to be canceled or may direct any
6 traffic officer to take possession thereof and return it to the department.

7 **SECTION 9.** 346.50 (2a) (intro.), (h), (j) and (k), (3) and (3m) (b) 1. of the statutes
8 are amended to read:

9 346.50 **(2a)** (intro.) Except as provided in sub. (3m), a motor vehicle bearing
10 special registration plates issued under s. 341.14 (1a), (1e), (1m), (1q) or (1r) (a) or
11 a motor vehicle, other than a motorcycle, upon which a special identification card or
12 decal issued under s. 343.51 is displayed or a motor vehicle registered in another
13 jurisdiction upon which is displayed a registration plate, a card, decal, or an emblem
14 issued by the other jurisdiction designating the vehicle as a vehicle used by a
15 physically disabled person is exempt from any ordinance imposing time limitations
16 on parking in any street or highway zone and parking lot, whether municipally
17 owned or leased, or both municipally owned and leased or a parking place owned or
18 leased, or both owned and leased by a municipal parking utility, with one-half hour
19 or more limitation but otherwise is subject to the laws relating to parking. Where
20 the time limitation on a metered stall is one-half hour or more, no meter payment
21 is required. Parking privileges granted by this subsection are limited to the
22 following:

23 (h) A person or organization to whom a special identification card or decal was
24 issued under s. 343.51.

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1 (j) A qualified operator acting under the express direction of a person to whom
2 a special identification card or decal was issued under s. 343.51 when such person
3 is present.

4 (k) A qualified operator of a motor vehicle registered in another jurisdiction
5 upon which is displayed a registration plate, a card, a decal, or an emblem issued by
6 the other jurisdiction designating the vehicle as a vehicle used by a physically
7 disabled person if the vehicle is transporting the disabled person for whom the plate,
8 card, decal, or emblem was issued.

9 **(3)** Except as provided in sub. (3m), a vehicle bearing special registration plates
10 issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a motor vehicle, other
11 than a motorcycle, upon which a special identification card or decal issued under s.
12 343.51 is displayed or a motor vehicle registered in another jurisdiction upon which
13 is displayed a registration plate, a card, a decal, or an emblem issued by the other
14 jurisdiction designating the vehicle as a vehicle used by a person with a physical
15 disability is exempt from s. 346.505 (2) (a) or any ordinance in conformity therewith
16 prohibiting parking, stopping or standing upon any portion of a street, highway or
17 parking facility reserved for persons with physical disabilities by official traffic signs
18 indicating the restriction. Stopping, standing and parking privileges granted by this
19 subsection are limited to the persons listed under subs. (2) and (2a) (a) to (m).

20 **(3m)** (b) 1. Before enactment, the city council seeks the advice and
21 recommendation of a disabled parking council of at least 7 members established by
22 an ordinance of the city or, if the city has established a disabled parking enforcement
23 assistance council under s. 349.145, by that council, and holds a public hearing on
24 the proposal. The majority of the members of any disabled parking council shall be
25 appointed by the city council from among those residents of the city to whom or on

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1 whose behalf the department has issued a special registration plate under s. 341.14
2 (1) to (1r) or a special identification card or decal under s. 343.51.

3 **SECTION 10.** 346.503 (title) and (1) of the statutes are amended to read:

4 **346.503** (title) **Parking spaces for vehicles displaying special**
5 **registration plates or special identification cards or decals.** (1) In this
6 section, “motor vehicle used by a physically disabled person” means a motor vehicle
7 bearing special registration plates issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or
8 (1r) (a) or a motor vehicle, other than a motorcycle, upon which a special
9 identification card or decal issued under s. 343.51 is displayed or a motor vehicle
10 registered in another jurisdiction and displaying a registration plate, card, decal, or
11 emblem issued by the other jurisdiction which designates the vehicle as a vehicle
12 used by a physically disabled person.

13 **SECTION 11.** 346.505 (title) and (2) of the statutes are amended to read:

14 **346.505** (title) **Stopping, standing or parking prohibited in parking**
15 **spaces reserved for vehicles displaying special registration plates or**
16 **special identification cards or decals.**

17 (2) (a) Except for a motor vehicle used by a physically disabled person as
18 defined under s. 346.503 (1), no person may park, stop or leave standing any vehicle,
19 whether attended or unattended and whether temporarily or otherwise, upon any
20 portion of a street, highway or parking facility reserved, by official traffic signs
21 indicating the restriction, for vehicles displaying special registration plates issued
22 under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a special identification card or
23 decal issued under s. 343.51 or vehicles registered in another jurisdiction and
24 displaying a registration plate, card, decal, or emblem issued by the other

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1 jurisdiction which designates the vehicle as a vehicle used by a physically disabled
2 person.

3 (b) No person may park, stop or leave standing any vehicle, whether attended
4 or unattended and whether temporarily or otherwise, upon any portion of a street,
5 highway or parking facility so as to obstruct, block or otherwise limit the use of any
6 portion of a street, highway or parking facility reserved, by official traffic signs
7 indicating the restriction, for vehicles displaying special registration plates issued
8 under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a special identification card or
9 decal issued under s. 343.51 or vehicles registered in another jurisdiction and
10 displaying a registration plate, card, decal, or emblem issued by the other
11 jurisdiction which designates the vehicle as a vehicle used by a physically disabled
12 person.

13 (c) Notwithstanding par. (b), no person may park, stop or leave standing any
14 vehicle, whether attended or unattended and whether temporarily or otherwise,
15 upon any portion of a street, highway or parking facility that is clearly marked as and
16 intended to be an access aisle to provide entry to and exit from vehicles by persons
17 with physical disabilities and which is immediately adjacent to any portion of a
18 street, highway or parking facility reserved, by official traffic signs indicating the
19 restriction, for vehicles displaying special registration plates issued under s. 341.14
20 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a special identification card or decal issued under
21 s. 343.51 or vehicles registered in another jurisdiction and displaying a registration
22 plate, card, decal, or emblem issued by the other jurisdiction which designates the
23 vehicle as a vehicle used by a person with a physical disability.

24 **SECTION 12.** 349.13 (1m) of the statutes is amended to read:

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1 349.13 **(1m)** In addition to the requirements under s. 346.503 (1m), the
2 department, with respect to state trunk highways outside of corporate limits and
3 parking facilities under its jurisdiction, and local authorities, with respect to
4 highways under their jurisdiction including state trunk highways or connecting
5 highways within corporate limits and parking facilities within corporate limits, may,
6 by official traffic signs indicating the restriction, prohibit parking, stopping or
7 standing upon any portion of a street, highway or parking facility reserved for any
8 vehicle bearing special registration plates issued under s. 341.14 (1), (1a), (1e), (1m),
9 (1q) or (1r) (a) or a motor vehicle, other than a motorcycle, upon which a special
10 identification card or decal issued under s. 343.51 is displayed or any vehicle
11 registered in another jurisdiction and displaying a registration plate, card, decal, or
12 emblem issued by the other jurisdiction which designates the vehicle as a vehicle
13 used by a physically disabled person.

14 **SECTION 13.** 349.145 of the statutes is amended to read:

15 **349.145 Authority to establish disabled parking enforcement**
16 **assistance councils.** Any city, village or county may by ordinance or resolution
17 establish a disabled parking enforcement assistance council. The majority of such
18 a council shall be appointed by the local authorities from among those residents of
19 the city, village or county to whom or on whose behalf the department has issued a
20 special registration plate under s. 341.14 (1) to (1r) or a special identification card
21 or decal under s. 343.51. Members of such a council may report violations of s.
22 341.625 (1), 343.52, 346.503 or 346.505 (2) or ordinances in conformity therewith to
23 a traffic officer of the city, village or county as provided in s. 341.625 (2), 343.52 (3),
24 346.503 (5) or 346.505 (3). If a 1st or 2nd class city has enacted an ordinance under
25 s. 346.50 (3m), the council shall perform any duties required by s. 346.50 (3m).

