



2011 SENATE BILL 457

February 10, 2012 - Introduced by Senator ZIPPERER, cosponsored by Representatives KRUSICK, BERCEAU, BEWLEY, MILROY, PETRYK, SINICKI, SPANBAUER and WYNN. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT** *to repeal* 100.51 (5); *to amend* 100.18 (8); and *to create* 134.805 of the
2 statutes; **relating to:** dispensing motor vehicle fuel for persons with
3 disabilities, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a motor vehicle fuel dealer with full-service pumps is required to have an employee dispense motor vehicle fuel for a vehicle that displays registration plates or an identification card that indicates the vehicle is used by a person with a disability. A dealer is required to charge a person receiving such service the same price that the dealer charges at self-service pumps. The current provision applies only to motor vehicle fuel retailers who have been granted a dealership, as defined under current provisions known as the "Wisconsin Fair Dealership Law," not to independent retailers or to retail outlets owned by motor vehicle fuel producers. The provision is enforced by the Department of Agriculture, Trade and Consumer Protection.

This bill expands the current requirements. Under the bill, a retailer of motor vehicle fuel must provide an employee or other attendant to dispense motor vehicle fuel if the vehicle displays registration plates or an identification card indicating the vehicle is used by a person with a disability, the driver sounds the vehicle's horn or requests assistance, and more than one employee or attendant is on duty. The requirements apply to all motor vehicle fuel retailers, not just to retailers who have been granted a dealership, and apply regardless of whether a retailer has full-service pumps. The bill also requires a retailer to post signs designed by the

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Department of Safety and Professional Services indicating that customers with disabilities may obtain assistance in fueling. The bill provides for a \$100 forfeiture for each violation of the bill's requirements and transfers enforcement to the district attorney.

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.** 100.18 (8) of the statutes is amended to read:

2 100.18 (8) Every wholesaler and every other person selling or distributing
3 motor fuel in this state shall keep posted in a conspicuous place, most accessible to
4 the public at his or her place of business, and on every pump from which delivery is
5 made directly into the fuel tank attached to a motor vehicle, a placard showing the
6 net selling price per gallon of all grades of motor fuel and the amount of all taxes per
7 gallon thereon. On pumps or other dispensing equipment from which motor fuel is
8 sold and delivered directly into fuel supply tanks attached to motor vehicles, such
9 posting shall be in figures not less than one inch high, except that no such placard
10 shall be required on a computer pump whereon the total net selling price per gallon
11 including all taxes is legibly shown on its face. Except for sales to drivers of motor
12 vehicles used by ~~physically disabled~~ persons with disabilities under s. ~~100.51 (5)~~
13 134.805, all sales shall be made at the posted price. Delivery slips shall also show
14 the net selling price per gallon of all grades of motor fuel and the amount of all taxes
15 per gallon thereon. If the wholesaler or person has more than one place of business
16 in this state, the wholesaler or person shall post that placard at all of his or her places
17 of business. All prices posted shall remain in effect for at least 24 hours after they
18 are posted. It shall be considered deceptive advertising to advertise or represent in

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1 any manner the price of motor fuel offered for sale at retail to be less than the price
2 so posted on each pump.

3 **SECTION 2.** 100.51 (5) of the statutes is repealed.

4 **SECTION 3.** 134.805 of the statutes is created to read:

5 **134.805 Dispensing motor vehicle fuel; vehicles used by persons with**
6 **disabilities. (1)** In this section:

7 (a) "Department" means the department of safety and professional services.

8 (b) "Motor vehicle" has the meaning given in s. 340.01 (35).

9 **(2)** (a) A motor vehicle fuel retailer shall provide an employee or other
10 attendant to dispense motor vehicle fuel into a motor vehicle at the retailer's place
11 of business, if all of the following apply:

12 1. The driver of the motor vehicle sounds the vehicle's horn or requests
13 assistance.

14 2. The motor vehicle displays special registration plates issued under s. 341.14
15 (1), (1a), (1m), or (1q) or a special identification card issued under s. 343.51 or the
16 vehicle is registered in another jurisdiction and displays a registration plate, card,
17 or emblem issued by that jurisdiction that indicates the vehicle is used by a person
18 with a disability.

19 3. More than one employee or other attendant is on duty.

20 (b) A motor vehicle fuel retailer dispensing fuel under par. (a) may not charge
21 a price that exceeds the price the retailer charges for the fuel at a self-service pump.

22 **(3)** (a) A motor vehicle fuel retailer shall post at the retailer's place of business
23 in a conspicuous location, as defined by the department by rule, a sign that complies
24 with design specifications under par. (b).

