



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3811/1
ARG:emw&ahe

2015 SENATE BILL 388

November 12, 2015 - Introduced by Senators WANGGAARD, OLSEN, LAZICH, L. TAYLOR and WIRCH, cosponsored by Representatives VOS, PETRYK, KRUG, ROHRKASTE, MACCO, KITCHENS, HORLACHER, BRANDTJEN, TITTL, MURSAU, VANDERMEER, JORGENSEN, A. OTT, CONSIDINE, OHNSTAD, T. LARSON, KAHL and BERNIER. Referred to Committee on Transportation and Veterans Affairs.

1 **AN ACT to amend** 341.14 (6r) (b) 1., 341.14 (6r) (c), 341.14 (6r) (fm) 7. and 341.145
2 (1) (c); and **to create** 20.395 (5) (eL), 25.40 (1) (a) 32., 341.14 (6r) (b) 1m. c.,
3 341.14 (6r) (b) 17., 341.14 (6r) (f) 65. and 341.14 (11) of the statutes; **relating**
4 **to:** special registration plates associated with the Boy Scouts of America,
5 registration numbers on special registration plates, and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

This bill allows the Department of Transportation (DOT) to create motor vehicle special registration plates expressing support, and providing funding, for the Boy Scouts of America if the cost of initial production of these plates is covered by donations. The bill also allows the registration number on special plates to include up to seven characters.

Under current law, a group or organization that meets certain criteria may apply to DOT for designation as an authorized special group. If the application is approved, members of the authorized special group may obtain special registration plates for certain vehicles, including automobiles and motor homes, that are owned or leased by special group members. Before October 2, 1998, authorized special groups whose members may obtain special plates were specifically enumerated in state law. With certain exceptions, current law provides that specific enumeration in state law of authorized special groups is limited to those special groups

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enumerated before October 2, 1998. A fee, in addition to the regular registration fee for the particular kind of vehicle, is charged for the issuance or reissuance of most special plates. For some special plates, members of the applicable special group pay an additional fee with each registration renewal that provides funding to a specified organization, and this additional fee is tax deductible as a charitable contribution to the extent permitted by law.

This bill establishes an authorized special group specifically enumerated in state law for persons interested in obtaining special plates expressing support for the Boy Scouts of America. In addition to the regular vehicle registration fee, special group members are required to pay a \$15 fee for issuance or reissuance of the special plates and to annually include payment of \$25 that provides funds to the Boy Scouts of America National Foundation for distribution to local councils located in this state. The bill requires the special plates to display the words "Scouting Alumni" and, at the option of the vehicle owner, either a logo or symbol associated with the Boy Scouts of America or a logo or symbol associated with the Eagle Scouts. DOT may not issue these special plates until DOT has obtained authority to use any applicable trademark or service mark associated with the Boy Scouts of America on these special plates and until DOT receives a contribution from any interested person or group in the amount of the initial costs of production of these special plates or \$23,700, whichever is less.

Under current law, the identifying letters or numbers (registration number) appearing on special plates issued to special group members, including personalized special plates, may not exceed six positions. This bill allows special plates to have a registration number of up to seven positions.

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.** 20.395 (5) (eL) of the statutes is created to read:

2 20.395 (5) (eL) *Payments to the Boy Scouts of America National Foundation.*

3 From the general fund, all moneys received under s. 341.14 (6r) (b) 17. for payments
4 to the Boy Scouts of America National Foundation under s. 341.14 (11) (a).

5 **SECTION 2.** 25.40 (1) (a) 32. of the statutes is created to read:

6 25.40 (1) (a) 32. Moneys received under s. 341.14 (6r) (b) 17. that are deposited
7 into the general fund and credited to the appropriation account under s. 20.395 (5)
8 (eL).

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1 **SECTION 3.** 341.14 (6r) (b) 1. of the statutes is amended to read:

2 341.14 **(6r)** (b) 1. Subject to subd. 1m., upon application to register an

3 automobile or motor home, or a motor truck, dual purpose motor home or dual

4 purpose farm truck which has a gross weight of not more than 8,000 pounds, or a

5 farm truck which has a gross weight of not more than 12,000 pounds, by any person

6 who is a resident of this state and a member of an authorized special group, the

7 department shall issue to the person special plates whose colors and design shall

8 indicate that the vehicle is owned by a person who is a member of the applicable

9 special group. The department may not issue any special group plates under par. (f)

10 55., 60., or 61r. until 6 months after the department has received information

11 sufficient for the department to determine that any approvals required for use of any

12 logo, trademark, trade name or other commercial symbol designating the

13 professional football team or professional baseball team or associated with

14 Harley-Davidson, Inc., have been obtained. Subject to subs. (9) (d) ~~and~~, (10) (d), and

15 (11) (d), the department may not issue any special group plates under par. (f) 61m.

16 ~~or~~, 63., or 65. until the department has received information sufficient for the

17 department to determine that any license or other approval required for use of any

18 logo, trademark or service mark, trade name or other commercial symbol to be used

19 on or in association with these plates has been obtained. Notwithstanding s. 341.12

20 (2), if the department of corrections does not have flat-plate technology available for

21 use in manufacturing license plates at quality and cost comparable to that available

22 from the state of Minnesota, the department of transportation may not issue any

23 special group plates under par. (f) 59. unless the department of transportation

24 purchases the plates from the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75,

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1 16.752 to 16.755, 16.765, 16.77, and 16.82 do not apply to purchases of plates issued
2 under par. (f) 59. from the state of Minnesota.

3 **SECTION 4.** 341.14 (6r) (b) 1m. c. of the statutes is created to read:

4 341.14 **(6r)** (b) 1m. c. Upon receipt of a contribution totaling an amount equal
5 to the department's final estimate of the initial costs of production of the special
6 group plates under par. (f) 65. or \$23,700, whichever is less, from any person or group
7 interested in the special group plates under par. (f) 65., the department shall
8 commence any development work necessary to implement the provisions of par. (f)
9 65. and related provisions under this subsection and shall complete the development
10 work within one year of its commencement. As soon as possible, the department
11 shall post notice on the department's Internet site of its final estimate of the initial
12 costs of production of the special group plates under par. (f) 65. The development
13 work under this subd. 1m. c. shall be funded only from the appropriation under s.
14 20.395 (4) (ch) from the contribution received by the department for purposes of this
15 subd. 1m. c. No contribution received by the department under this subd. 1m. c. may
16 be applied to any fee established under subd. 2. The department may not issue any
17 special group plates under par. (f) 65. until the department has completed the
18 development work specified in this subd. 1m. c.

19 **SECTION 5.** 341.14 (6r) (b) 17. of the statutes is created to read:

20 341.14 **(6r)** (b) 17. Subject to sub. (11) (d), a voluntary payment of \$25 that is
21 in addition to the fee under subd. 2. shall be collected in connection with the issuance
22 or renewal of a plate issued on an annual basis for the special group specified under
23 par. (f) 65. Subject to sub. (11) (d), a voluntary payment of \$50 that is in addition to
24 the fee under subd. 2. shall be collected in connection with the issuance or renewal
25 of a plate issued on a biennial basis for the special group specified under par. (f) 65.

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1 if the plate is issued or renewed during the first year of the biennial registration
2 period or \$25 for the issuance or renewal if the plate is issued or renewed during the
3 2nd year of the biennial registration period. No plate may be issued for the special
4 group specified under par. (f) 65. unless the voluntary payment under this
5 subdivision is collected. All moneys received under this subdivision shall be
6 deposited into the general fund and credited to the appropriation under s. 20.395 (5)
7 (eL). To the extent permitted under ch. 71, the voluntary payment under this
8 subdivision is deductible as a charitable contribution for purposes of the taxes under
9 ch. 71.

10 **SECTION 6.** 341.14 (6r) (c) of the statutes is amended to read:

11 341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the
12 name of the applicable authorized special group, a symbol representing the special
13 group, not exceeding one position, and identifying letters or numbers or both, not
14 exceeding ~~6~~ 7 positions and not less than one position. Except as provided in this
15 paragraph, the department shall specify the design for special group plates, but the
16 department shall consult the president of the University of Wisconsin System before
17 specifying the word or symbol used to identify the special groups under par. (f) 35.
18 to 47., the secretary of natural resources before specifying the word or symbol used
19 to identify the special groups under par. (f) 50. and 59., the chief executive officer of
20 the professional football team and an authorized representative of the league of
21 professional football teams described in s. 229.823 to which that team belongs before
22 specifying the design for the applicable special group plate under par. (f) 55., the chief
23 trademark officer of Harley-Davidson Michigan, LLC before specifying the design
24 for the applicable special group plate under par. (f) 61r., the department of veterans
25 affairs before specifying the design for the special group plates under par. (f) 49d.,

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1 49h., and 49s., and the department of tourism and chief executive officer of the
2 organization specified in par. (f) 55m. before specifying the design and word or
3 symbol used to identify the special group name for special group plates under par.
4 (f) 55m., and the Three Harbors Council, Boy Scouts of America NESAs License
5 Committee before specifying the designs for the initial special group plates under
6 par. (f) 65. Special group plates under par. (f) 50. shall be as similar as possible to
7 regular registration plates in color and design. Special group plates issued under
8 par. (f) 62. shall display the words "In God We Trust". The department shall make
9 available 2 designs for the special group plates under par. (f) 60. The department
10 may not specify any design for the special group plates under par. (f) 60. unless the
11 design is approved by the executive vice president of the Milwaukee Brewers
12 Baseball Club LP. The word or symbol used to identify the special group under par.
13 (f) 59. shall be different from the word or symbol used to identify the special group
14 under par. (f) 50. and the design shall cover the entire plate. Special group plates
15 under par. (f) 61m. shall display a logo or image of the lion associated with the Lions
16 Clubs International. Special group plates under par. (f) 61r. shall display a bar and
17 shield logo associated with Harley-Davidson, Inc., on the left portion of the plates
18 and the words "share the road" on the bottom portion of the plates. Special group
19 plates under par. (f) 63. shall display the words "Trout Unlimited." Special group
20 plates under par. (f) 65. shall display the words "Scouting Alumni" and, at the option
21 of the vehicle owner, either a logo or symbol associated with the Boy Scouts of
22 America or a logo or symbol associated with the Eagle Scouts. Notwithstanding par.
23 (e), special group plates under par. (f) 33m. and 48m. shall be the same color and
24 design that was specified by the department for special group plates under par. (f)
25 33. and 48., respectively, immediately prior to January 1, 2007. The design for

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1 special group plates under par. (f) 33. and 48. shall be different from the design of
2 special group plates under par. (f) 33m. and 48m., respectively.

3 **SECTION 7.** 341.14 (6r) (f) 65. of the statutes is created to read:

4 341.14 **(6r)** (f) 65. Persons interested in obtaining a plate expressing support
5 for the Boy Scouts of America.

6 **SECTION 8.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

7 341.14 **(6r)** (fm) 7. After October 1, 1998, additional authorized special groups
8 may only be special groups designated by the department under this paragraph. The
9 authorized special groups enumerated in par. (f) shall be limited solely to those
10 special groups specified under par. (f) on October 1, 1998. This subdivision does not
11 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,
12 15m., 15n., 15o., 15p., 15q., 19m., 33m., 48m., 49d., 49h., 49s., 54., 55., 55m., 56., 57.,
13 58., 59., 60., 61., 61m., 61r., and 62. and, 63. and, 64., and 65.

14 **SECTION 9.** 341.14 (11) of the statutes is created to read:

15 341.14 **(11)** (a) Subject to par. (c), from the appropriation under s. 20.395 (5)
16 (eL), the department shall make payments to the Boy Scouts of America National
17 Foundation for distribution by the National Foundation to local councils of the Boy
18 Scouts of America located in this state. All payments made under this paragraph
19 shall be distributed by the National Foundation to these local councils in accordance
20 with an agreement entered into between the National Foundation and the local
21 councils.

22 (b) For each year in which the department makes payments under par. (a), any
23 local council receiving funds from the National Foundation under par. (a) shall
24 submit to the presiding officer of each house of the legislature a financial statement

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1 of its use of the payments received under par. (a), prepared in accordance with
2 generally accepted accounting principles.

3 (c) The department shall discontinue payments to the Boy Scouts of America
4 National Foundation under par. (a) if the Boy Scouts of America dissolves, becomes
5 insolvent, files a petition for bankruptcy, or is no longer exempt from taxation under
6 section 501 (a) of the Internal Revenue Code. The agreement under par. (a) between
7 the National Foundation and local councils shall require that the National
8 Foundation discontinue the distribution of payments to any local council that
9 dissolves, becomes insolvent, files a petition for bankruptcy, or is no longer exempt
10 from taxation under section 501 (a) of the Internal Revenue Code.

11 (d) 1. If the special group plates under sub. (6r) (f) 65. will display any logo,
12 trademark or service mark, trade name, or other commercial symbol associated with
13 the Boy Scouts of America, the department may not issue any plates under sub. (6r)
14 (f) 65. unless the approval specified in sub. (6r) (b) 1. for these plates provides for all
15 of the following:

16 a. That the approval is irrevocable with respect to all plates issued for vehicles
17 after the plates are issued for these vehicles.

18 b. That, if the approval is withdrawn, the department may continue to renew
19 the registration of vehicles previously issued plates under sub. (6r) (f) 65., without
20 replacing those plates, but the department shall discontinue collecting the voluntary
21 payment specified in sub. (6r) (b) 17. with respect to these renewals.

22 2. Notwithstanding sub. (6r) (b) 1. and (f) (intro.), if the approval specified in
23 sub. (6r) (b) 1. for plates issued under sub. (6r) (f) 65. is withdrawn, the department
24 shall discontinue issuing plates under sub. (6r) (f) 65. for which the approval had

