

State of Wisconsin



2005 Assembly Bill 715

Date of enactment: **May 25, 2006**
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2005 WISCONSIN ACT 455

AN ACT *to repeal* 340.01 (43g) (g); *to renumber and amend* 343.51 (1m); *to amend* 165.755 (1) (b), 302.46 (1) (a), 343.51 (2) (a), 343.51 (2) (b), 343.52 (1), 343.52 (1m), 343.52 (2), 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a) and 814.86 (1); and *to create* 343.51 (1m) (b), 343.51 (2m), 343.52 (1) (c), 343.52 (1) (d) and 343.52 (1r) of the statutes; **relating to:** special identification cards and special registration plates issued by the Department of Transportation providing parking privileges for persons with physical disabilities, requiring the exercise of rule-making authority, and providing a penalty.

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

SECTION 1d. 165.755 (1) (b) of the statutes is amended to read:

165.755 (1) (b) A court may not impose the crime laboratories and drug law enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state law or municipal or county ordinance involving a non-moving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

SECTION 1f. 302.46 (1) (a) of the statutes is amended to read:

302.46 (1) (a) ~~On or after October 1, 1987, if~~ **If** a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s. 23.33

(4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving non-moving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an amount of ~~4%~~ 1 percent of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail surcharge in proportion to the suspension.

SECTION 1m. 340.01 (43g) (g) of the statutes is repealed.

SECTION 1p. 343.51 (1m) of the statutes is renumbered 343.51 (1m) (a) and amended to read:

343.51 (1m) (a) The form for application for a special identification card under sub. (1) shall include the information required under s. 85.103 (2) and shall advise the applicant of the requirement under par. (b).

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 1r. 343.51 (1m) (b) of the statutes is created to read:

343.51 (1m) (b) If the department issues to a person a special identification card under sub. (1), the person shall retain, for the period during which the special identification card is valid, any statement specified in sub. (1) submitted by the person to the department in support of the application. Any time that a special identification card issued under sub. (1) is displayed on a vehicle, the person issued the special identification card shall carry on the person or in the vehicle a copy of this statement and shall, upon request by any traffic officer, produce the statement for inspection.

SECTION 2. 343.51 (2) (a) of the statutes is amended to read:

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

SECTION 3. 343.51 (2) (b) of the statutes is amended to read:

343.51 (2) (b) The department shall issue special identification cards which are valid for limited periods of time if the ~~physician's~~ statement required by sub. (1) indicates that the applicant's disability is temporary.

SECTION 4. 343.51 (2m) of the statutes is created to read:

343.51 (2m) (a) The department may issue only one special identification card under this section to an applicant unless the applicant requests in the application, or subsequently in writing, a 2nd card.

(b) The department shall provide by rule for the issuance of special identification cards to replace special identification cards that have been lost or destroyed.

SECTION 5. 343.52 (1) of the statutes is amended to read:

343.52 (1) Any person or organization who does any of the following may be required to forfeit not ~~less than \$50 nor~~ more than \$200 ~~\$300~~:

(a) ~~Lends Sells or lends~~ to another a special identification card issued under s. 343.51, knowing that the person purchasing or borrowing the card is not authorized by law to use it; ~~or~~

(b) Displays a special identification card issued under s. 343.51 upon a vehicle ~~which~~ knowing that the

vehicle is not authorized by law to have the card displayed thereon.

SECTION 6. 343.52 (1) (c) of the statutes is created to read:

343.52 (1) (c) Knowingly provides information that is false or misleading in any material respect on an application for a special identification card under s. 343.51.

SECTION 7. 343.52 (1) (d) of the statutes is created to read:

343.52 (1) (d) Knowingly provides information that is false or misleading in any material respect in a statement specified in s. 343.51 (1) submitted in support of an application for a special identification card under s. 343.51.

SECTION 8L. 343.52 (1m) of the statutes is amended to read:

343.52 (1m) Any person or organization that fraudulently procures, makes, alters, reproduces, or uses duplicates a special identification card issued under s. 343.51 ~~or reproduces by any means whatever a special identification card shall forfeit not less than \$200 nor more than \$500, except as authorized by the department, shall forfeit not less than \$200 nor more than \$500.~~

SECTION 8m. 343.52 (1r) of the statutes is created to read:

343.52 (1r) Any person who violates s. 343.51 (1m) (b) may be required to forfeit not more than \$10, except that a person charged with violating s. 343.51 (1m) (b) may not be convicted if he or she produces the statement in court or in the office of the officer issuing the citation, within 10 days after the date on which the citation is issued.

SECTION 9. 343.52 (2) of the statutes is amended to read:

343.52 (2) The department shall cancel the special identification card of any person or organization who ~~improperly uses a card as described in sub. (1) or who reproduces or fraudulently procures, alters or uses a card under sub. (1m) violates sub. (1) or (1m).~~ The department may order a person or organization whose identification card has expired or has been canceled to surrender the card to the department. The department may take possession of any expired identification card or any identification card required to be canceled or may direct any traffic officer to take possession thereof and return it to the department.

SECTION 9p. 757.05 (1) (a) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who

committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of ~~25%~~ 25 percent of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

SECTION 9r. 814.63 (1) (c) of the statutes is amended to read:

814.63 (1) (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation ~~of~~ under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m).

SECTION 9t. 814.63 (2) of the statutes is amended to read:

814.63 (2) Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

SECTION 9v. 814.65 (1) of the statutes is amended to read:

814.65 (1) COURT COSTS. In a municipal court action, except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$23 on each separate matter, whether it is on

default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

SECTION 9x. 814.85 (1) (a) of the statutes is amended to read:

814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68 court support services surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

SECTION 9z. 814.86 (1) of the statutes, as affected by [2005 Wisconsin Act 25](#), is amended to read:

814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$12 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

SECTION 10. Initial applicability.

(1) The treatment of sections 340.01 (43g) (g) and 343.51 (1m) (b) and (2m) (a) of the statutes first applies to applications for special identification cards and for vehicle registration received by the department of transportation on the effective date of this subsection.

(2) The treatment of section 343.52 (1r) and (1m) and (2) of the statutes, the amendment of section 343.52 (1) of the statutes, and the creation of section 343.52 (1) (c) and (d) of the statutes first apply to violations committed on the effective date of this subsection.

SECTION 11m. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.