



2011 SENATE BILL 445

February 8, 2012 – Introduced by Senators SCHULTZ and KING, cosponsored by Representatives FIELDS, C. TAYLOR, A. OTT, ENDSLEY and BARCA. Referred to Committee on Transportation and Elections.

1 **AN ACT to amend** 341.14 (6r) (b) 1., 341.14 (6r) (c) and 341.14 (6r) (fm) 7.; and
2 **to create** 20.395 (5) (ei), 25.40 (1) (a) 30., 341.14 (6r) (b) 15., 341.14 (6r) (f) 62.
3 and 341.14 (10) of the statutes; **relating to:** special distinguishing registration
4 plates associated with Shriners Hospitals for Children and making an
5 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, any group or organization may apply to the Department of Transportation (DOT) for designation as an authorized special group. If the application is approved, members of the authorized special group may obtain special distinguishing registration plates for certain vehicles, including automobiles and motor homes, that are owned or leased by special group members. 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.

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 enumerated before October 2, 1998.

This bill establishes an authorized special group specifically enumerated in state law for persons interested in obtaining special plates supporting Shriners Hospitals for Children. 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

SENATE BILL 445

plates and a \$25 annual fee that provides funds to Shriners Hospitals for Children for the benefit of the Shriners Hospital for Children - Chicago and the Shriners Hospital for Children - Minneapolis. The bill requires the special plates to display a logo or image associated with Shriners Hospitals for Children and the words "Shriners ... Helping Kids." However, DOT may not issue these special plates until DOT has obtained authority to use any applicable trademark or service mark associated with Shriners Hospitals for Children on these special plates.

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) (ei) of the statutes is created to read:

2 20.395 (5) (ei) *Payments to Shriners Hospitals for Children.* From the general
3 fund, all moneys received under s. 341.14 (6r) (b) 15. for payments to Shriners
4 Hospitals for Children under s. 341.14 (10).

5 **SECTION 2.** 25.40 (1) (a) 30. of the statutes is created to read:

6 25.40 (1) (a) 30. Moneys received under s. 341.14 (6r) (b) 15. that are deposited
7 into the general fund and credited to the appropriation account under s. 20.395 (5)
8 (ei).

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

10 341.14 (6r) (b) 1. Subject to subd. 1m., upon application to register an
11 automobile or motor home, or a motor truck, dual purpose motor home or dual
12 purpose farm truck which has a gross weight of not more than 8,000 pounds, or a
13 farm truck which has a gross weight of not more than 12,000 pounds, by any person
14 who is a resident of this state and a member of an authorized special group, the
15 department shall issue to the person special plates whose colors and design shall
16 indicate that the vehicle is owned by a person who is a member of the applicable
17 special group. The department may not issue any special group plates under par. (f)

SENATE BILL 445

1 55., 60., or 61r. until 6 months after the department has received information
2 sufficient for the department to determine that any approvals required for use of any
3 logo, trademark, trade name or other commercial symbol designating the
4 professional football team or professional baseball team or associated with
5 Harley-Davidson, Inc., have been obtained. Subject to ~~sub.~~ subs. (9) (d) and (10) (d),
6 the department may not issue any special group plates under par. (f) 61m. or 62. until
7 the department has received information sufficient for the department to determine
8 that any license or other approval required for use of any logo, trademark or service
9 mark, trade name or other commercial symbol to be used on or in association with
10 these plates has been obtained. Notwithstanding s. 341.12 (2), if the department of
11 corrections does not have flat-plate technology available for use in manufacturing
12 license plates at quality and cost comparable to that available from the state of
13 Minnesota, the department of transportation may not issue any special group plates
14 under par. (f) 59. unless the department of transportation purchases the plates from
15 the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765,
16 16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the
17 state of Minnesota.

18 **SECTION 4.** 341.14 (6r) (b) 15. of the statutes is created to read:

19 341.14 **(6r)** (b) 15. Subject to sub. (10) (d), a fee of \$25 that is in addition to the
20 fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on
21 an annual basis for the special group specified under par. (f) 62. Subject to sub. (10)
22 (d), a fee of \$50 that is in addition to the fee under subd. 2. shall be charged for the
23 issuance or renewal of a plate issued on the biennial basis for the special group
24 specified under par. (f) 62. if the plate is issued or renewed during the first year of
25 the biennial registration period or \$25 for the issuance or renewal if the plate is

SENATE BILL 445**SECTION 4**

1 issued or renewed during the 2nd year of the biennial registration period. All moneys
2 received under this subdivision, in excess of \$23,700 for the initial costs of production
3 of the special group plate under par. (f) 62., shall be deposited into the general fund
4 and credited to the appropriation under s. 20.395 (5) (ei). To the extent permitted
5 under ch. 71, the fee under this subdivision is deductible as a charitable contribution
6 for purposes of the taxes under ch. 71.

7 **SECTION 5.** 341.14 (6r) (c) of the statutes, as affected by 2011 Wisconsin Act 32,
8 is amended to read:

9 341.14 **(6r)** (c) Special group plates shall display the word “Wisconsin”, the
10 name of the applicable authorized special group, a symbol representing the special
11 group, not exceeding one position, and identifying letters or numbers or both, not
12 exceeding 6 positions and not less than one position. Except as provided in this
13 paragraph, the department shall specify the design for special group plates, but the
14 department shall consult the president of the University of Wisconsin System before
15 specifying the word or symbol used to identify the special groups under par. (f) 35.
16 to 47., the secretary of natural resources before specifying the word or symbol used
17 to identify the special groups under par. (f) 50. and 59., the chief executive officer of
18 the professional football team and an authorized representative of the league of
19 professional football teams described in s. 229.823 to which that team belongs before
20 specifying the design for the applicable special group plate under par. (f) 55., the chief
21 trademark officer of Harley-Davidson Michigan, LLC before specifying the design
22 for the applicable special group plate under par. (f) 61r., the department of veterans
23 affairs before specifying the design for the special group plates under par. (f) 49d.,
24 49h., and 49s., and the department of tourism and chief executive officer of the
25 organization specified in par. (f) 55m. before specifying the design and word or

SENATE BILL 445

1 symbol used to identify the special group name for special group plates under par.
2 (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to
3 regular registration plates in color and design. The department shall make available
4 2 designs for the special group plates under par. (f) 60. The department may not
5 specify any design for the special group plates under par. (f) 60. unless the design is
6 approved by the executive vice president of the Milwaukee Brewers Baseball Club
7 LP. The word or symbol used to identify the special group under par. (f) 59. shall be
8 different from the word or symbol used to identify the special group under par. (f) 50.
9 and the design shall cover the entire plate. Special group plates under par. (f) 61m.
10 shall display a logo or image of the lion associated with the Lions Clubs
11 International. Special group plates under par. (f) 61r. shall display a bar and shield
12 logo associated with Harley-Davidson, Inc., on the left portion of the plates and the
13 words "share the road" on the bottom portion of the plates. Special group plates
14 under par. (f) 62. shall display a logo or image associated with Shriners Hospitals for
15 Children and the words "Shriners ... Helping Kids." Notwithstanding par. (e), special
16 group plates under par. (f) 33m. and 48m. shall be the same color and design that was
17 specified by the department for special group plates under par. (f) 33. and 48.,
18 respectively, immediately prior to January 1, 2007. The design for special group
19 plates under par. (f) 33. and 48. shall be different from the design of special group
20 plates under par. (f) 33m. and 48m., respectively.

21 **SECTION 6.** 341.14 (6r) (f) 62. of the statutes is created to read:

22 341.14 (6r) (f) 62. Persons interested in obtaining a plate supporting Shriners
23 Hospitals for Children.

24 **SECTION 7.** 341.14 (6r) (fm) 7. of the statutes, as affected by 2011 Wisconsin Act
25 32, is amended to read:

SENATE BILL 445**SECTION 7**

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

8 **SECTION 8.** 341.14 (10) of the statutes is created to read:

9 341.14 **(10)** (a) Subject to par. (c), from the appropriation under s. 20.395 (5)
10 (ei), the department shall make payments to Shriners Hospitals for Children, which
11 payments shall be for the benefit of the Shriners Hospital for Children - Chicago and
12 the Shriners Hospital for Children - Minneapolis.

13 (b) For each year in which the department makes payments under par. (a),
14 Shriners Hospitals for Children shall submit to the chief clerk of each house of the
15 legislature for distribution to the appropriate standing committees of the legislature
16 one of the following:

17 1. If the department has made payments under par. (a) for that year of at least
18 \$50,000, an audited financial statement of Shriners Hospitals for Children's use of
19 the payments under par. (a), prepared in accordance with generally accepted
20 accounting principles.

21 2. If the department has made payments under par. (a) for that year of less than
22 \$50,000, a statement describing Shriners Hospitals for Children's use of the
23 payments under par. (a), signed and notarized by the chief executive officer or chief
24 operating officer of Shriners Hospitals for Children.

SENATE BILL 445

1 (c) The department shall discontinue payments to Shriners Hospitals for
2 Children under this subsection if Shriners Hospitals for Children dissolves, becomes
3 insolvent, files a petition for bankruptcy, or is no longer exempt from taxation under
4 section 501 (a) of the Internal Revenue Code.

5 (d) 1. The department may not issue any plates under sub. (6r) (f) 62. unless
6 the approval specified in sub. (6r) (b) 1. for these plates provides for all of the
7 following:

8 a. That the approval is provided without fee and as a condition of receiving
9 payments under par. (a).

10 b. That the approval is irrevocable with respect to all plates issued for vehicles
11 after the plates are issued for these vehicles.

12 c. That, if the approval is withdrawn, the department may continue to renew
13 the registration of vehicles previously issued plates under sub. (6r) (f) 62., without
14 replacing those plates, but the department shall discontinue charging the fee
15 specified in sub. (6r) (b) 15. with respect to these renewals.

16 2. Notwithstanding sub. (6r) (b) 1. and (f) (intro.), if the approval specified in
17 sub. (6r) (b) 1. for plates issued under sub. (6r) (f) 62. is withdrawn, the department
18 shall discontinue issuing plates under sub. (6r) (f) 62. unless additional approval, as
19 specified in sub. (6r) (b) 1. and this paragraph, is obtained by the department.

SECTION 9. Nonstatutory provisions.

20
21 (1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes
22 effect in fiscal year 2012-13, in submitting information under section 16.42 of the
23 statutes for purposes of the 2013-15 biennial budget bill, the department of
24 transportation shall submit information concerning the appropriation under section
25 20.395 (5) (cq) of the statutes as though the total amount appropriated under section

SENATE BILL 445**SECTION 9**

1 20.395 (5) (cq) of the statutes for the 2012-13 fiscal year was \$23,700 less than the
2 total amount that was actually appropriated under section 20.395 (5) (cq) of the
3 statutes for the 2012-13 fiscal year.

4 (2) Upon request by the department of transportation, Shriners Hospitals for
5 Children shall provide to the department of transportation any information
6 determined by the department to be necessary for the department to obtain the
7 approval specified in section 341.14 (6r) (b) 1. of the statutes, as affected by this act,
8 for special plates to be issued under section 341.14 (6r) (f) 62. of the statutes, as
9 created by this act, including the name and location of the owner of any applicable
10 service mark registration.

11 **SECTION 10. Fiscal changes.**

12 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
13 to the department of transportation under section 20.395 (5) (cq) of the statutes, as
14 affected by the acts of 2011, the dollar amount is increased by \$23,700 for the fiscal
15 year in which this subsection takes effect to increase funding for special registration
16 plates associated with Shriners Hospitals for Children.

17 **SECTION 11. Effective date.**

18 (1) This act takes effect on the first day of the 7th month beginning after
19 publication.

20 (END)