

State of Wisconsin



2011 Assembly Bill 81

Date of enactment: **December 7, 2011**
Date of publication*: **December 20, 2011**

2011 WISCONSIN ACT 98

AN ACT *to renumber and amend* 343.52 (1m); *to amend* 343.52 (1) (a) and (b); and *to create* 343.52 (1m) (a), (b) and (c) of the statutes; **relating to:** special identification cards issued by the Department of Transportation providing parking privileges for persons with physical disabilities and providing a penalty.

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

SECTION 1. 343.52 (1) (a) and (b) of the statutes are amended to read:

343.52 (1) (a) ~~Sells or lends~~ 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.

(b) Displays a special identification card issued under s. 343.51 upon a vehicle ~~knowing that the vehicle is not authorized by law to have the card displayed thereon~~ or otherwise fraudulently uses a special identification card issued under s. 343.51 to the person or organization.

SECTION 2. 343.52 (1m) of the statutes is renumbered 343.52 (1m) (intro.) and amended to read:

343.52 (1m) (intro.) Any person or organization that ~~fraudulently procures, makes, alters, reproduces, or~~

~~duplicates a special identification card issued under s. 343.51, except as authorized by the department, does any of the following~~ shall forfeit not less than \$200 nor more than \$500:

SECTION 3. 343.52 (1m) (a), (b) and (c) of the statutes are created to read:

343.52 (1m) (a) Fraudulently procures, makes, alters, reproduces, or duplicates a special identification card issued under s. 343.51, except as authorized by the department.

(b) Fraudulently uses a special identification card issued under s. 343.51 that was not issued to the person or organization by the department.

(c) Sells to another a special identification card issued under s. 343.51.

SECTION 4. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2009-10 : 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].



2011 ASSEMBLY BILL 81

April 7, 2011 – Introduced by Representatives KRUSICK, PETROWSKI, FARROW, BEWLEY, BROOKS, HULSEY, KAUFERT, KESTELL, KNILANS, KOOYENGA, KRUG, MILROY, MOLEPSKE JR, A. OTT, PASCH, PETRYK, RIVARD, SINICKI, SPANBAUER, STEINBRINK, STRACHOTA, THIESFELDT, ZEPNICK and LOUDENBECK, cosponsored by Senators HANSEN, COWLES, S. COGGS, C. LARSON, LASSA and OLSEN, by request of IndependenceFirst, Disability Rights Wisconsin, Survival Coalition of Wisconsin Disability Organizations, Wisconsin Coalition of Independent Living Centers, Sauk County Disabled Parking Enforcement Council, City of Madison Parking Council for People with Disabilities, Wisconsin Council on Physical Disabilities, Access to Independence, and the Arc-Wisconsin Disability Association. Referred to Committee on Transportation.

1 **AN ACT to renumber and amend** 343.52 (1m); **to amend** 343.52 (1) (a) and (b);
2 **and to create** 343.52 (1m) (a), (b) and (c) of the statutes; **relating to:** special
3 identification cards issued by the Department of Transportation providing
4 parking privileges for persons with physical disabilities and providing a
5 penalty.

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) a special identification card (disabled parking card). With limited exceptions, a disabled parking card entitles any motor vehicle parked by or under the direction of the card holder, or any motor vehicle operated by or on behalf of an organization and used to transport a person eligible for a card, to parking privileges. A person or organization may be required to forfeit not less than \$50 nor more than \$300 if the person or organization sells or lends a disabled parking card knowing that the person purchasing or borrowing the card is not authorized by law to use it or displays a disabled parking card on a vehicle knowing that the vehicle is not authorized to have the card displayed on it. In addition, any person or organization that fraudulently procures, makes, alters, reproduces, or duplicates a disabled parking card must forfeit not less than \$200 nor more than \$500.

This bill increases the penalty for selling a disabled parking card to an unauthorized user from a potential forfeiture of not less than \$50 nor more than \$300

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to a mandatory forfeiture of not less than \$200 nor more than \$500. The bill also prohibits fraudulent use of a disabled parking card, which is subject to a potential forfeiture of not less than \$50 nor more than \$300 if the violator was issued the disabled parking card by DOT and a mandatory forfeiture of not less than \$200 nor more than \$500 if the violator was not issued the disabled parking card by DOT. The bill also eliminates the requirement that, to constitute a violation for displaying a disabled parking card on a vehicle not authorized to have the card displayed on it, the violator must know that the vehicle is not authorized to have the card displayed on it.

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

SECTION 1. 343.52 (1) (a) and (b) of the statutes are amended to read:

343.52 (1) (a) ~~Sells or lends~~ 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.

(b) Displays a special identification card issued under s. 343.51 upon a vehicle ~~knowing that the vehicle~~ is not authorized by law to have the card displayed thereon ~~or otherwise fraudulently uses a special identification card issued under s. 343.51 to the person or organization.~~

SECTION 2. 343.52 (1m) of the statutes is renumbered 343.52 (1m) (intro.) and amended to read:

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

SECTION 3. 343.52 (1m) (a), (b) and (c) of the statutes are created to read:

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343.52 **(1m)** (a) Fraudulently procures, makes, alters, reproduces, or duplicates a special identification card issued under s. 343.51, except as authorized by the department.

(b) Fraudulently uses a special identification card issued under s. 343.51 that was not issued to the person or organization by the department.

(c) Sells to another a special identification card issued under s. 343.51, knowing that the person purchasing the card is not authorized by law to use it.

SECTION 4. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection.

(END)



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 81	Assembly Amendment 1
<i>Memo published:</i> July 22, 2011	
<i>Contact:</i> Chadwick Brown, Staff Attorney (266-0922)	

This memorandum describes Assembly Amendment 1 to 2011 Assembly Bill 81, relating to special identification cards issued by the Department of Transportation (DOT) providing parking privileges for persons with physical disabilities and providing a penalty.

Under **current law**, a person with a disability that limits or impairs the ability to walk may apply for and obtain from DOT a special identification card (disabled parking card). A disabled parking card holder who sells or lends the card to someone that party knows is not authorized to use it, or uses a card that party is not authorized to use, is subject to a forfeiture of not less than \$50 and not more than \$300. A person or organization that fraudulently procures, makes, alters, reproduces, or duplicates a disabled parking card must forfeit not less than \$200 or more than \$500.

Assembly Bill 81 raises the forfeiture for fraudulent use of a disabled parking card by someone who was not issued the card to not less than \$200 and not more than \$500. The bill also eliminates the intent element of a violation of the statute prohibiting the unauthorized display of a disabled parking card. It removes the requirement that a violator must know that the vehicle is not authorized to have the card displayed on it.

Assembly Amendment 1 removes the intent element for the offense of selling a disabled parking card.

Legislative History

The Assembly Committee on Transportation introduced Assembly Amendment 1 and recommended adoption of the amendment by a vote of Ayes, 15; Noes, 0. The committee recommended passage of Assembly Bill 81, as amended, by a vote of Ayes, 15; Noes, 0.

CB:ksm



**ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 81**

June 2, 2011 - Offered by COMMITTEE ON TRANSPORTATION.

- At the locations indicated, amend the bill as follows:
1. Page 3, line 6: delete “343.51, knowing” and substitute “343.51.”.
 2. Page 3, line 7: delete that line.
- (END)