



## Easter Seal Society of Wisconsin, Inc.

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FEB 27 1998

AB-928

*Madison*

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February 26, 1998

Representative Rosemary Potter  
P.O. Box 8953  
Democratic Caucus Chair  
Madison, WI 53708

ATTENTION: Mary Beth

Dear Representative Potter:

Thank you for your letter of February 17 in which you enclosed a copy of the proposed bill relating to prohibiting the parking of vehicles in access aisles adjacent to parking spaces reserved for vehicles used by persons with physical disabilities. Based upon my own experience as a person who uses these accessible spaces as well as anecdotal information I have received from others, I heartily concur with your proposed legislation.

It is unfortunate that there is not clear understanding on the part of ALL drivers and enforcement officials that the parking spaces actually include the required adjacent aisles. This proposed legislation would provide an opportunity for clarification and for some media coverage. I would, however, like to suggest that the words, **or otherwise occupy or block**, be added where appropriate. While a common abuse is by other vehicles, some commercial establishments (especially grocery stores) use these spaces for equipment, such as cart return corrals. I hope that this does not load too much on the bill, but it is an opportunity worth using since I see this happening all too frequently.

Thank you for your responsiveness to this issue. If you or members of your staff have any questions, please call me at 277-8288.

Sincerely,

Cleo Ann Eliason, Vice President  
Client Assistance and Technical Services

CAE:tae

Member of Combined  
Health Appeal of  
Wisconsin

AB928



KENNETH KUEHNL, JR.  
LEGISLATIVE DIRECTOR  
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March 10, 1998

Rosemary Potter  
State Representative  
PO Box 8953  
Madison, WI 53708

Dear Ms. Potter,

A copy of your letter to Dick Marbes, DAV State Adjutant, was forwarded to me. After reviewing the Drafter's Note from the LRB-3967/1dn the DAV is in favor of this legislation. I agree that something must be done about this problem. Disabled people do not seem to understand the inconvenience caused by parking in an access isle. This has been a problem I see often. I applaud your interest in helping to change this law.

Sincerely,

Kenneth L. Kuehnl Jr.  
Legislative Director  
Disabled American Veterans

cc: WDVA  
DAV-Department of Wisconsin



Chartered by an act  
of Congress in 1932.  
NATIONAL HEADQUARTERS  
P.O. BOX 14301  
CINCINNATI, OH 45250-0301  
(608) 441-7300

**Wisconsin Paralyzed Veterans of America**

2401 N. Mayfair Rd. Suite 112, Milwaukee, WI 53226  
(414)-475-7792 Fax (414)-475-9161

March 17, 1998

The Honorable Rosemary Potter  
State of Wisconsin Legislature

Dear Rosemary Potter:

I have reviewed Assembly Bill 928 and have spoken to other members of our chapter regarding this bill. I want to express the urgency we feel is needed to have this bill become law.

I was a police officer for sixteen years for the City of Waukesha, Wisconsin when I was injured in the line of duty. I am a C6 quadriplegic, but this has not stopped me from continuing with a somewhat normal life style. I was injured in 1980 and in the past eighteen years I served as an alderman for the City of Waukesha from 1992 to 1996. From 1996 to present I was hired as Executive Director for the Wisconsin Paralyzed Veterans of America. I am happy to say I was involved with the drafting of our handicap parking law. The Paralyzed Veterans of America our mother chapter first drafted this law on Federal Level. What I have found in today's society of police enforcement is the need to spell out what laws a police officer can and should enforce.

On a local level I have called the police to have vehicles ticketed in the access aisles, only to find that the officers sent did not know it was part of the handicap parking space, under ADA and DILHL Section 69. Because I was a sergeant and past alderman I had some clout, which I don't care to use to force the issuing of a citation.

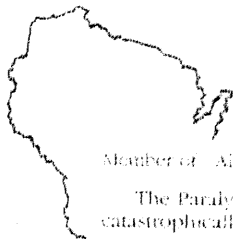
In closing I urge the passage of this bill for all disabled who live here and who are encouraged to visit our great State of Wisconsin.

If you have any questions or need additional information, please contact me at the above address. I can also be contacted by phone at (414) 475-7792, extension 22, or (414) 549-3604.

Sincerely,



Mr. James O. Zepiski,  
Executive Director



Member of: Allied Veterans Council of Milwaukee County, Inc. Wauwatosa Chamber of Commerce V.A. Vietnam Era Veterans Advisory Committee

The Paralyzed Veterans of America is a non profit organization dedicated to furthering the needs of the veteran, his dependents and all catastrophically disabled, through service, education, medical research and the elimination of architectural barriers.



STATE REPRESENTATIVE  
*Rosemary Potter*

Testimony on Assembly Bill 928, Government Operations Committee  
March 17<sup>th</sup>, 1998

Chairman Dobyms, members of the committee, thank you for holding a public hearing on Assembly Bill 928 today. The story that prompted me to introduce it is short:

A constituent of mine who has physical disabilities parked in one of the specially designated stalls in Southridge Mall's parking lot about a year ago. When he returned after finishing his errands, he could not enter his vehicle, because someone else had parked in the access aisle next to the stall.

My constituent alerted the mall's security personnel, who told him the other car could legally park in the striped access aisle. He called my office, asking for the state statute prohibiting parking in the access aisle. At that point, I discovered that state law does not clearly state that this practice is illegal.

Further research showed that though this practice is illegal under federal law and even under state administrative rule, state statutes are basically silent about it. I hope to make state law plain and clear with this statutory clarification: no parking should be allowed in access aisles next to disabled parking stalls.

In order to increase enforcement of this law, AB 928 proposes forfeitures equal to those fines allowed for actually parking in the stall for person with disabilities. Also with the hope of greater enforcement, the bill allows anyone to report illegal parking in an access aisle to law enforcement personnel.

A disabled parking stall is useless without an open access aisle next to it. By passing this brief bill today, you can do a lot to help disabled drivers retain their mobility.

(**\*\*\*Note:** a drafting error was discovered in section three of the bill this morning. As now drafted, the bill mistakenly allows anyone to report any violation of disabled parking laws. The intent of the bill is to allow anyone to report ONLY a violation of this prohibition against parking in the access aisle. The substitute amendment corrects this drafting error).

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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: March 20, 1998  
TO: REPRESENTATIVES JOHN DOBYNS AND FRANK URBAN  
FROM: Richard Sweet, Senior Staff Attorney  
SUBJECT: Coverage of Motorcycles by 1997 Assembly Bill 928 (Parking in Access Aisles)

This memorandum is written in response to a question that was asked at the public hearing of the Assembly Committee on Government Operations on 1997 Assembly Bill 928. The question was whether the Bill would apply to motorcycles. As discussed in this memorandum, the Bill would apply to motorcycles.

Assembly Bill 928 prohibits a person from parking, stopping or leaving standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of a street, highway or parking facility that is clearly marked as and intended to be an *access aisle* to provide entry to and exit from vehicles by persons with physical disabilities and which is immediately adjacent to a parking space reserved for persons with physical disabilities. Although the term "vehicle" is not defined in the Bill, the term is defined in current s. 340.01 (74), Stats., for purposes of several chapters of the statutes, including the chapter in which the prohibition under Assembly Bill 928 would be created. The term "vehicle" is defined in that statute as follows:

340.01 (74) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by statute.

Therefore, the prohibition in Assembly Bill 928 would apply to motorcycles.

Feel free to contact me if I can be of further assistance.

RNS:jt:rv;kjf