



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3469/1
ARG:kjf&ahe

2015 SENATE BILL 538

January 8, 2016 – Introduced by Senators LAZICH, PETROWSKI, VUKMIR, MILLER, GUDEx, WANGGAARD and BEWLEY, cosponsored by Representatives MURPHY, RIPP, KOoyENGA, TAUCHEN and KREMER. Referred to Committee on Transportation and Veterans Affairs.

1 **AN ACT** *to repeal* 341.14 (6r) (fm) 5.; *to renumber and amend* 341.14 (6r) (fm)
2 1. (intro.), 341.14 (6r) (fm) 1. a., 341.14 (6r) (fm) 1. b., 341.14 (6r) (fm) 1. c., 341.14
3 (6r) (fm) 1. d. and 341.14 (6r) (fm) 1. e.; *to amend* 20.395 (5) (cj), 341.14 (6r) (b)
4 1., 341.14 (6r) (fm) 2. c., 341.14 (6r) (fm) 4., 341.14 (6r) (fm) 6. and 341.145 (1)
5 (c); *to repeal and recreate* 341.14 (6r) (fm) 2. a.; and *to create* 20.395 (5) (eL),
6 25.40 (1) (a) 32., 341.14 (6r) (fm) 1m., 341.14 (6r) (fm) 1r. (intro.), 341.14 (6r) (fm)
7 2. d., e. and f., 341.14 (6r) (fm) 3g. and 3m. and 341.14 (6r) (fm) 8. of the statutes;
8 **relating to:** special distinguishing registration plates issued by the
9 Department of Transportation and making appropriations.

Analysis by the Legislative Reference Bureau

This bill modifies the process and requirements for the Department of Transportation to designate authorized special groups and issue special motor vehicle registration plates to group members. The bill does not affect special plates for groups enumerated by the legislature.

Under current law, any group or organization (group) may apply to DOT for designation as an authorized special group and DOT must designate the group as such if the group: is not organized or operated for profit; is not a political group; is

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not a church or an organization operating under a creed; does not promote, practice, or encourage hatred or discrimination; and does not carry connotations offensive to good taste or decency or that would be misleading or in conflict with another group. An application for designation by DOT as an authorized special group must include a deposit of \$15,500. If the application is denied, this deposit is returned to the group. If the application is approved, the amount of the deposit returned to the group is the lesser of \$12,000 or \$15 times the number of special registration plates (special plates) issued for the group in the first year. An application must also include a certification by the group that any approval required for use of a logo, trademark, or other commercial symbol (trademark approval) related to the group has been obtained and that the group is responsible for any related licensing fees. If DOT denies an application for designation as an authorized special group, DOT must promptly give notice to the group stating the reason for the denial, but DOT's decision is final and not subject to judicial review. If the application is approved, members of the authorized special group may obtain special plates for certain vehicles, including automobiles and motor homes, that are owned or leased by special group members. In addition to the regular registration fee, a fee of \$15 is charged for the issuance or reissuance of these special plates. DOT may not assist a group in the use of special plates in any fund-raising effort by the group.

Before October 2, 1998, authorized special groups whose members may obtain special plates were specifically enumerated by statute. With certain exceptions, current law provides that statutory enumeration of authorized special groups is limited to those special groups enumerated before October 2, 1998. Current law specifies that, after October 1, 1998, the process described above by which DOT designates groups as authorized special groups is the exclusive method for groups to obtain special plates.

This bill modifies the process and requirements for DOT to designate authorized special groups and issue special plates to group members. DOT must post notice on DOT's Internet site of a group's application and the notice must identify the group applying for designation as an authorized special group and describe the process by which a person may object to this designation. Within 30 days after this notice, any person may object in writing to this designation. If a timely objection is made, DOT must refer the application to the senate and assembly standing committees for transportation matters for passive review. DOT may then designate the group as an authorized special group only if each standing committee, impliedly or expressly, approves the application under the passive review process. If no timely objection is made, DOT must designate the group as an authorized special group. The bill eliminates the current law criteria under which DOT designates a group as an authorized special group and requires DOT to make such a designation if no timely objection is made, but allows an objection to be based on these current law criteria.

Under the bill, a group's application for designation as an authorized special group must include the signatures of at least 500 Wisconsin residents who affirm their intent to obtain special plates associated with the group when these special plates become available. The bill also eliminates the requirement under current law

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that an applicant for designation by DOT as an authorized special group must deposit \$15,500 but is entitled to a partial refund based on the number of special plates issued. Instead, under the bill, an applicant must make payment to DOT of \$15,500 for DOT's initial costs of production of the special plates. This payment is in addition to any applicable registration fee or voluntary payment. DOT must return this payment to the applicant if the application is denied. DOT must specify the design for the special plates after consultation with the designated special group.

Under this bill, a designated special group may obtain special plates for which DOT collects a \$25 annual voluntary payment from group members or supporters and directs this money to the designated special group or a designated state agency as a gift. This money may not be used for any political purpose. DOT must cease collecting these voluntary payments if DOT has knowledge that the recipient of the money has dissolved, become insolvent, or filed a petition for bankruptcy or that the money has been used for any political purpose.

Under the bill, if fewer than 500 special plates associated with the group have been issued and are valid for currently registered vehicles after the third year following the date the special plates were first issued, or in any year thereafter, DOT must give notice to the group that it will rescind its designation and cease issuing the special plates unless, within one year after this notice, this 500-plate threshold is met. If one year elapses after this notice and the 500-plate threshold is still not met, DOT must rescind the group's designation and, with an exception, cease accepting new applications for issuance of the special plates, but may continue to renew the special plates that have already been issued.

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) (c) of the statutes is amended to read:

2 20.395 (5) (c) *Vehicle registration, special group plates, state funds.* From the
3 general fund, all moneys ~~deposited~~ received under s. 341.14 (6r) (b) 3. and (fm) 2., for
4 the purpose of producing and issuing special group plates under s. 341.14 (6r) (fm)
5 and ~~making~~ returning payments under s. 341.14 (6r) (fm) 2. a.

6 **SECTION 2.** 20.395 (5) (eL) of the statutes is created to read:

7 20.395 (5) (eL) *Payments resulting from the issuance of certain special plates.*
8 From the general fund, all moneys from voluntary payments received under s. 341.14

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1 (6r) (fm) 8. a. for payments to authorized special groups or for gifts to state agencies
2 as provided in s. 341.14 (6r) (fm) 8. b.

3 **SECTION 3.** 25.40 (1) (a) 32. of the statutes is created to read:

4 25.40 (1) (a) 32. Moneys received under s. 341.14 (6r) (fm) 8. a. that are
5 deposited into the general fund and credited to the appropriation account under s.
6 20.395 (5) (eL).

7 **SECTION 4.** 341.14 (6r) (b) 1. of the statutes is amended to read:

8 341.14 (6r) (b) 1. Subject to subd. 1m., upon application to register an
9 automobile or motor home, or a motor truck, dual purpose motor home or dual
10 purpose farm truck which has a gross weight of not more than 8,000 pounds, or a
11 farm truck which has a gross weight of not more than 12,000 pounds, by any person
12 who is a resident of this state and a member of an authorized special group or, with
13 respect to an authorized special group designated under par. (fm) that includes the
14 statement under par. (fm) 2. e., interested in supporting the authorized special
15 group, the department shall issue to the person special plates whose colors and
16 design shall indicate that the vehicle is owned by a person who is a member, or if
17 applicable a supporter, of the applicable special group. The department may not
18 issue any special group plates under par. (f) 55., 60., or 61r. until 6 months after the
19 department has received information sufficient for the department to determine that
20 any approvals required for use of any logo, trademark, trade name or other
21 commercial symbol ~~designating the professional football team or professional~~
22 ~~baseball team or associated with Harley-Davidson, Inc.,~~ have been obtained.
23 Subject to subs. (9) (d) and (10) (d), the department may not issue any special group
24 plates under par. (f) 61m. or 63. until the department has received information
25 sufficient for the department to determine that any license or other approval

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1 required for use of any logo, trademark or service mark, trade name or other
2 commercial symbol to be used on or in association with these plates has been
3 obtained. Notwithstanding s. 341.12 (2), if the department of corrections does not
4 have flat-plate technology available for use in manufacturing license plates at
5 quality and cost comparable to that available from the state of Minnesota, the
6 department of transportation may not issue any special group plates under par. (f)
7 59. unless the department of transportation purchases the plates from the state of
8 Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765, 16.77, and
9 16.82 do not apply to purchases of plates issued under par. (f) 59. from the state of
10 Minnesota.

11 **SECTION 5.** 341.14 (6r) (fm) 1. (intro.) of the statutes is renumbered 341.14 (6r)
12 (fm) 1. and amended to read:

13 341.14 **(6r)** (fm) 1. In addition to the special groups specified under par. (f), any
14 group or organization may apply to the department for designation as an authorized
15 special group. The Except as provided in subd. 1m., after the department has
16 received a complete application and the requisite period under subd. 1m. has
17 elapsed, the department shall designate any the group or organization that meets
18 all of the following criteria as an authorized special group:

19 **SECTION 6.** 341.14 (6r) (fm) 1. a. of the statutes is renumbered 341.14 (6r) (fm)
20 1r. a. and amended to read:

21 341.14 **(6r)** (fm) 1r. a. The group or organization is not organized or operated
22 for profit.

23 **SECTION 7.** 341.14 (6r) (fm) 1. b. of the statutes, as affected by 2015 Wisconsin
24 Act 117, is renumbered 341.14 (6r) (fm) 1r. b. and amended to read:

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1 341.14 **(6r)** (fm) 1r. b. The group or organization is not a committee, as defined
2 in s. 11.0101 (6).

3 **SECTION 8.** 341.14 (6r) (fm) 1. c. of the statutes is renumbered 341.14 (6r) (fm)
4 1r. c. and amended to read:

5 341.14 **(6r)** (fm) 1r. c. The group or organization is not a church, a synagogue,
6 a mosque, or any organization, whether or not organized under ch. 187, that operates
7 under a creed.

8 **SECTION 9.** 341.14 (6r) (fm) 1. d. of the statutes is renumbered 341.14 (6r) (fm)
9 1r. d. and amended to read:

10 341.14 **(6r)** (fm) 1r. d. The group or organization ~~does not promote, practice or~~
11 ~~encourage~~ promotes, practices, or encourages hatred or any form of discrimination.

12 **SECTION 10.** 341.14 (6r) (fm) 1. e. of the statutes is renumbered 341.14 (6r) (fm)
13 1r. e. and amended to read:

14 341.14 **(6r)** (fm) 1r. e. The group or organization ~~does not carry~~ carries
15 connotations offensive to good taste or decency, or that would be misleading, or in
16 conflict with the enumeration or designation of any other authorized special group.

17 **SECTION 11.** 341.14 (6r) (fm) 1m. of the statutes is created to read:

18 341.14 **(6r)** (fm) 1m. a. Upon receiving a complete application and payment
19 under subd. 2., the department shall post a notice of the application on the
20 department's Internet site. The notice shall identify the group or organization
21 applying for designation as an authorized special group, include the date that the
22 notice is posted, and describe the process by which a person may object to designation
23 of the group or organization as an authorized special group and the deadline under
24 subd. 1m. b. for submitting the objection.

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1 b. Subject to subd. 1r., any person may, within 30 days after the date of the
2 department's notice under subd. 1m. a., object to designation of the group or
3 organization as an authorized special group by submitting a written objection to the
4 department in the manner prescribed by the department.

5 c. If no timely objection is received under subd. 1m. b., the department shall
6 designate the group or organization as an authorized special group. If the
7 department receives a timely objection under subd. 1m. b., the department shall
8 refer the application to the standing committees of each house of the legislature
9 dealing with transportation matters.

10 d. If an application is referred under subd. 1m. c. and the chairperson of each
11 applicable standing committee does not notify the department within 14 days after
12 the date on which the application is referred that the committee has scheduled a
13 meeting for the purpose of reviewing the application, the application is approved.
14 If, within 14 days after the date on which the application is referred by the
15 department, the chairperson of any applicable standing committee notifies the
16 department that the committee has scheduled a meeting for the purpose of reviewing
17 the application, the application is approved only if each standing committee to which
18 the application was referred under subd. 1m. c. expressly approves the application.

19 e. After referring an application to the standing committees under subd. 1m.
20 c., the department shall designate the applicant as an authorized special group only
21 if the application is approved under subd. 1m. d.

22 **SECTION 12.** 341.14 (6r) (fm) 1r. (intro.) of the statutes is created to read:

23 341.14 **(6r)** (fm) 1r. (intro.) An objection under subd. 1m. b. to designation of
24 a group or organization as an authorized special group may be made only by a

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1 resident of this state and may be based on any of the following grounds or other
2 grounds:

3 **SECTION 13.** 341.14 (6r) (fm) 2. a. of the statutes is repealed and recreated to
4 read:

5 341.14 (6r) (fm) 2. a. A payment to the department of \$15,500 for the
6 department's initial costs of production of special plates associated with the group
7 making application under this paragraph. This payment may not be applied to, and
8 is in addition to, any applicable registration fee and any voluntary payment under
9 subd. 8. a. The department shall return this payment to the authorized special group
10 making the application if the application is denied. All moneys received by the
11 department under this subd. 2. a. shall be credited to the appropriation under s.
12 20.395 (5) (cj).

13 **SECTION 14.** 341.14 (6r) (fm) 2. c. of the statutes is amended to read:

14 341.14 (6r) (fm) 2. c. Any other information that the department reasonably
15 requires to determine whether the group or organization is entitled by law to
16 designation as an authorized special group.

17 **SECTION 15.** 341.14 (6r) (fm) 2. d., e. and f. of the statutes are created to read:

18 341.14 (6r) (fm) 2. d. If the applicant seeks issuance of special plates that
19 provide moneys to the authorized special group or gifts to a state agency, a statement
20 to this effect and identification of the intended recipient of the moneys or gifts.

21 e. If the applicant wishes to allow issuance of special plates to supporters of the
22 group or organization in addition to members of the group or organization, a
23 statement to this effect.

24 f. On a form prescribed by the department and attached to the application, the
25 signatures of at least 500 residents of this state who affirm their intent to obtain

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1 special plates associated with the applicant when these special plates become
2 available.

3 **SECTION 16.** 341.14 (6r) (fm) 3g. and 3m. of the statutes are created to read:

4 341.14 **(6r)** (fm) 3g. Upon receiving a complete application and payment under
5 subd. 2., and upon satisfaction of all requirements under subds. 1. and 1m., the
6 department shall commence any development work necessary for issuance of the
7 special plates and shall complete the development work within one year of its
8 commencement. The development work under this subdivision shall be funded only
9 from the appropriation under s. 20.395 (5) (cj). The department shall specify the
10 design for special plates issued under this paragraph after consultation with the
11 authorized special group. The special plates for each authorized special group shall
12 be distinguishable from the special plates of any other authorized special group. The
13 department may use a decal to distinguish between special plates of different
14 authorized special groups.

15 3m. a. If, at any time after 3 years from the date that special plates associated
16 with an authorized special group are first issued under this paragraph, there are
17 fewer than 500 motor vehicles registered for which these special plates have been
18 issued and are valid for the motor vehicles' then current registration period, the
19 department shall give notice to the authorized special group that it will rescind its
20 designation of the authorized special group and cease issuing special plates
21 associated with the authorized special group unless, within one year after the date
22 of this notice, this threshold of at least 500 currently registered vehicles displaying
23 these special plates is met.

24 b. If one year elapses after the department has given notice under subd. 3m.
25 a. and the threshold under subd. 3m. a. is still not met, the department shall rescind

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1 its designation of the authorized special group and, except as provided in subd. 3m.
2 c., cease issuing special plates associated with the authorized special group.

3 c. After rescinding its designation of an authorized special group under subd.
4 3m. b., the department may continue issuing special plates associated with the
5 authorized special group until the department's inventory of these special plates is
6 depleted and the department may continue to renew registrations of vehicles
7 displaying these special plates and continue to collect the involuntary payment
8 under subd. 8. a. After the department's inventory of these special plates is depleted,
9 the department may not accept applications for initial issuance of these special
10 plates or issue these special plates as replacement plates, but may continue to renew
11 registrations of vehicles displaying these special plates and may continue to collect
12 the involuntary payment under subd. 8. a. in connection with these registration
13 renewals.

14 d. This subdivision does not apply to any group or organization designated by
15 the department as an authorized special group prior to the effective date of this subd.
16 3m. d. [LRB inserts date].

17 **SECTION 17.** 341.14 (6r) (fm) 4. of the statutes is amended to read:

18 341.14 **(6r)** (fm) 4. If the application for designation as an authorized special
19 group is denied, the department shall promptly ~~return the application to the group~~
20 ~~or organization, together with a provide notice stating the reason for of the denial.~~
21 All actions and decisions of the department and the legislature with respect to
22 applications under this paragraph shall be final and not subject to judicial review
23 under ch. 227.

24 **SECTION 18.** 341.14 (6r) (fm) 5. of the statutes is repealed.

25 **SECTION 19.** 341.14 (6r) (fm) 6. of the statutes is amended to read:

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1 341.14 (6r) (fm) 6. The department shall establish by rule procedures for the
2 designation of authorized special groups under this paragraph and for the issuance
3 or the discontinuation of issuance of special group plates under this subsection to
4 members of an authorized special group and, as applicable, persons interested in
5 supporting the authorized special group.

6 **SECTION 20.** 341.14 (6r) (fm) 8. of the statutes is created to read:

7 341.14 (6r) (fm) 8. a. An authorized special group may, as provided in subd. 2.
8 d., be, or designate a state agency as, the recipient for voluntary payments collected
9 by the department in connection with the initial issuance or renewal of special plates
10 associated with the authorized special group. With each initial issuance or renewal,
11 the voluntary payment shall be \$25 for special plates issued or renewed on an annual
12 basis and \$50 for special plates issued or renewed on a biennial basis except that, if
13 the plate is issued or renewed during the 2nd year of a biennial registration period,
14 the voluntary payment for that year shall be \$25. This voluntary payment is in
15 addition to any fee collected by the department. If an authorized special group
16 included a statement under subd. 2. d. in its application, no plate may be issued for
17 the authorized special group unless the voluntary payment is collected. All moneys
18 received under this subd. 8. a. shall be deposited into the general fund and credited
19 to the appropriation under s. 20.395 (5) (eL). To the extent permitted under ch. 71,
20 the voluntary payment under this subd. 8. a. is deductible as a charitable
21 contribution for purposes of the taxes under ch. 71.

22 b. Subject to subd. 8. c., if the department collects voluntary payments under
23 subd. 8. a., the department shall, from the appropriation under s. 20.395 (5) (eL),
24 make payments of all such moneys collected to the authorized special groups or
25 designated state agency.

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1 c. The department shall cease collecting voluntary payments under subd. 8. a.
2 if the department has knowledge that the recipient of these moneys has dissolved,
3 become insolvent, or filed a petition for bankruptcy or that moneys forwarded to the
4 recipient under subd. 8. b. have been used for any purpose prohibited under subd.
5 8. d.

6 d. No moneys received under subd. 8. b. may be used for any political purpose,
7 including for lobbying or campaign activities or to otherwise influence legislation or
8 assist any political campaign or candidate for public office.

9 **SECTION 21.** 341.145 (1) (c) of the statutes is amended to read:

10 341.145 (1) (c) A registration plate of the same color and design as provided in
11 s. 341.14 (6r) for a vehicle specified under s. 341.14 (6r), which displays the applicable
12 symbol of the authorized special group to which the person belongs or supports and
13 a registration number composed of letters or numbers, or both, not exceeding 6
14 positions and not less than one position, requested by the applicant.

15 **SECTION 22. Effective date.**

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

18

(END)