
The Wisconsin Department of Transportation adopts an order to amend TRANS 130.04(1); and create TRANS 130.02(5m), relating to disabled parking placards.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 85.16(1), 227.11(2)(a) and 343.51, Stats.

STATUTES INTERPRETED: s. 343.51, Stats.

General Summary of Rule. The Division of Motor Vehicles accommodates persons who have a disability that limits or impairs the ability to walk. Disabled persons may receive a portable disabled parking identification placard, which allows parking in a specially reserved parking space. Disabled persons pay a fee of \$6 per placard, which is good for 4 years. A number of class action lawsuits have been filed against states (including Wisconsin) that charge a fee for disabled parking identification placards. These lawsuits allege that the practice of charging a fee for disabled parking identification placards violates the Americans with Disabilities Act (ADA). A settlement ended the Wisconsin lawsuit. Judge Nichol signed an order accepting the settlement, ordering DOT to cease collecting any fee for permanent placards after June 30, 2003, and dismissing the case. Jason, et al. v. Wisconsin DOT, Case No. 97-CV-3137, Dane County Circuit Court, April 15, 2002. The Department proposes to discontinue charging any fee for a permanent placard in compliance with the court order. The Department will continue to charge \$6 for temporary placards.

Fiscal Effect. The Transportation Fund will experience an annual revenue loss of approximately \$0.5 million.

Final Regulatory Flexibility Analysis. This rule will have no adverse impact on small businesses.

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Carson Frazier, Department of Transportation, Bureau of Vehicle Services, Room 253, P. O. Box 7911, Madison, WI 53707-7911, or by calling (608) 266-7857. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 85.16(1), 227.11(2)(a) and 343.51, Stats., the department of transportation hereby amends a rule interpreting s. 343.51, Stats., relating to disabled parking placards.

SECTION 1. Trans 130.02(5m) and (8) are created to read:

Trans 130.02(5m) "Permanent card" means a card that is valid for 4 years.

(8) "Temporary card" means a card that is valid for not more than 6 months.

SECTION 2. Trans 130.04(1) is amended to read:

Trans 130.04(1) ISSUANCE FEE FOR A CARD. A fee of \$6.00 shall be charged for the issuance ~~of each card, or for the replacement, or extension or renewal~~ of a temporary card. Effective July 1, 2003, no fee may be charged for the issuance, replacement, extension or renewal of a permanent card.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this ____ day of October, 2002.

THOMAS E. CARLSEN, P.E.
Acting Secretary
Wisconsin Department of Transportation