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Chapter Trans 130

SPECIAL IDENTIFICATION CARDS AND SPECIAL REGISTRATION PLATES FOR PHYSICALLY DISABLED

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Note: Chapter Trans 130 was created by emergency rule effective 6–30–80; Chapter Trans 130 was repealed and recreated by emergency rule effective 7–12–82; Chapter Trans 130 as it existed on November 30, 1982 was repealed and a new chapter Trans 130 was created effective December 1, 1982; Chapter Trans 130 as it existed on July 31, 1994 was repealed and a new chapter Trans 130 was created effective August 1, 1994.

Trans 130.01 Purpose and scope. (1) STATUTORY AUTHORITY. As authorized by ss. 85.16 (1) and 343.51 (1) and (2), Stats., the purpose of this chapter is to establish the department's administrative interpretation of ss. 340.01 (43g), 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a), 343.51, 343.52, 346.50 (1m), (2a) (h), (j), and (k), and (3), Stats., relating to the issuance and use of special identification cards and special registration plates for persons with a physical disability and for persons and any organizations that regularly transport persons with a physical disability.

(2) APPLICABILITY. This chapter applies to any person with a physical disability, any employer who provides a motor vehicle for the use of an employee who is a person with a physical disability, any licensed driver who has another person with a physical disability regularly dependent on the licensed driver for transportation, any lessor of a motor vehicle who leases the vehicle to a person with a physical disability, and to an organization wishing to obtain an identification card or special registration plates for special parking privileges under ss. 346.50 (1m) to (3m), 346.503 and 346.505, Stats.

History: Cr. Register, July, 1994, No. 463, eff. 8–1–94; corrections made under s. 13.93 (2m) (b) 7., Stats., Register November 2002 No. 563.

Trans 130.02 Definitions. As used in this chapter:

(1) "Card" means a special identification card issued under this chapter and s. 343.51, Stats., to a person or organization for the purpose of obtaining special parking privileges.

(2) "Card holder" means a person or organization who the department has determined is eligible for a card.

(3) "Department" means the Wisconsin department of transportation.

(4) "Health care specialist" means a physician licensed to practice medicine in any state, an advanced practice nurse licensed to practice nursing in any state, a physician assistant licensed or certified to practice in any state, a chiropractor licensed to practice chiropractic in any state, a Christian Science practitioner residing in this state and listed in the Christian Science journal, or an authorized representative of the U.S. department of veterans affairs.

(4m) "Individual card" means a special identification card as described in s. Trans 130.03 (1) issued under this chapter and s. 343.51, Stats., to an individual for the purpose of obtaining special parking privileges.

(5) "Organization" means a profit or non-profit corporation, any unit of government, a partnership or association, 2 or more persons having a joint or common interest, or any other legal or commercial entity.

(5g) "Organization card" means a special identification card as described in s. Trans 130.03 (2) issued under this chapter and

s. 343.51, Stats., to an organization for the purpose of obtaining special parking privileges.

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

(6) "Person" means a person defined under s. 340.01 (43g), Stats.

(7) "Special registration plates" means registration plates issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a), Stats.

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

History: Cr. Register, July, 1994, No. 463, eff. 8–1–94; CR02–085: cr. (5m) and (8), Register November 2002 No. 563, eff. 12–1–02; CR 07–072: am. (4), cr. (4m) and (5g), Register November 2007 No. 623, eff. 12–1–07.

Trans 130.03 Application form. (1) APPLICATION BY A PERSON FOR AN INDIVIDUAL CARD AND APPLICATION FOR SPECIAL REGISTRATION PLATES. Each application by a person for a permanent individual or temporary individual card and each application for special registration plates shall be on a form provided by the department or in a letter, except as allowed in s. Trans 130.10, and shall contain the following information:

(a) The date of the application.

(b) The name and address of the person.

(c) The age, gender and date of birth of the person.

(d) Whether or not the person holds a valid Wisconsin operator's license issued under ch. 343, Stats.

(e) The person's Wisconsin operator's license number, if applicable.

(f) A notification that the person, if he or she holds an operator's license, may be required to demonstrate to the department that the disability does not impair the person's ability to operate a motor vehicle safely.

(g) The signature of the person or, if applicable, the signature of anyone authorized to sign for the applicant.

(h) The relationship of the signer to the disabled person, if signed by someone other than the person.

(i) A statement from a health care specialist including:

1. The date of the health care specialist's statement.

2. A certification that the person is disabled within the meaning of s. 340.01 (43g), Stats.

3. Whether the disability is permanent or temporary.

4. The duration of the disability, not to exceed 6 months, if temporary.

5. In an application for a permanent individual card, whether or not the health care specialist believes that the person's disability impairs the person's ability to drive safely.

6. The health care specialist's signature, name and address.

7. The health care specialist's medical license number, if applicable, and telephone number.

(j) Any other information necessary to assist the person, the person signing the application, and the health care specialist to understand the requirements and privileges of ss. 340.01 (43g),

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341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a), 343.51, 343.52 and 346.50 (1m), (2a) (h), (j), and (k), and (3), Stats., and this chapter.

(k) As required by s. 343.51 (1m) (b), Stats., the person making application to the department shall make and retain a copy of the statement from the health care specialist, for the period of time during which the special identification card is valid. The person shall carry the copy of the statement on the person or in the vehicle and shall, upon request by any traffic officer, produce the statement for inspection.

(2) APPLICATION BY AN ORGANIZATION FOR A PERMANENT ORGANIZATION CARD. Each application for a permanent organization card by an organization shall be on a form provided by the department or in a letter, and shall contain the following information:

(a) The date of application.

(b) The name and address of the organization.

(bm) The Federal Employer Identification Number, or FEIN, of the organization.

(c) A certification by the organization that it regularly transports persons as defined in s. Trans 130.02 (6).

(d) The total number of motor vehicles operated by or on behalf of the organization to transport persons as defined in s. Trans 130.02 (6).

(e) The number of organization cards being requested.

(f) The printed name, signature and official capacity of the person authorized to sign for the organization.

(g) Any other information necessary to assist the organization to understand the requirements and privileges of ss. 343.51, 343.52 and 346.50 (1m), (2a) (h), (j) and (k), and (3), Stats., and this chapter.

(h) The organization making application shall make and retain at its regular place of business for the period of time in which the organization card is valid, a copy of the certification by the organization that it regularly transports persons, and shall make the certification available for inspection to a traffic officer upon request.

(i) The organization shall maintain a record of the name of any person to whom the organization has issued one of its organization cards, and the date of issue. Whenever any person no longer operates a vehicle on behalf of the organization, the organization shall make a good faith effort to retrieve the organization card from that person.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; corrections in (1) (j) and (2) (g) made under s. 13.93 (2m) (b) 7., Stats., Register November 2002 No. 563; **CR 07-072: am. (1) (intro.) and (i) 5., (2) (intro.) and (e), cr. (1) (k), (2) (bm), (h) and (f), Register November 2007 No. 623, eff. 12-1-07.**

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

(2) COUNTER SERVICE FEE. A counter service fee, as defined in s. 341.255 (2) (b), Stats., relating to registration renewals, shall be charged for each card, or for the replacement, extension or renewal of a card when issued at a counter designated by the department.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; CR 02-085: am. (1), Register November 2002 No. 563, eff. 12-1-02; **CR 07-072: am. (1), Register November 2007 No. 623, eff. 12-1-07.**

Trans 130.05 Use. (1) DISPLAY. When in use for a parked vehicle, the card shall be displayed so the information on the card is clearly visible outside of the vehicle. If the card is manufactured so as to be suspended, the card shall be hung from the rear view mirror.

(2) RESTRICTIONS AND LIMITATIONS. (a) No person or organization may duplicate, reproduce or copy any card, unless directed to do so by the department.

(b) A temporary individual card may not be issued for a period of more than 6 months.

(c) Special registration plates shall only be issued for permanent disabilities.

(d) The certification of a person's eligibility for an individual card or registration plates by a U.S. department of veterans affairs representative is not to be considered as a claim for veterans affairs benefits.

(e) No organization may be issued a temporary card.

(f) An organization card issued to an organization shall be used only for a motor vehicle operated by or on behalf of the organization when transporting persons as defined in s. Trans 130.02 (6). This includes the following:

1. A motor vehicle owned or leased by the organization and operated by an authorized employee or volunteer worker.

2. A motor vehicle owned or leased by someone other than the organization, but operated by an authorized employee of the organization or volunteer worker on behalf of the organization.

(g) No organization may be issued more organization cards than the total number of motor vehicles operated by or on behalf of the organization to regularly transport persons as defined in s. Trans 130.02 (6).

(h) A person who has special registration plates issued under s. 341.14 (1a), (1m), (1q) or (1r) (a), Stats., may be issued no more than one individual card.

(i) A person who has no special registration plates issued under s. 341.14 (1a), (1e), (1m), (1q) or (1r) (a), Stats., may be issued no more than 2 individual cards.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; **CR 07-072: am. (2) (b), (d), (f) (intro.) and (g) to (i), Register November 2007 No. 623, eff. 12-1-07.**

Trans 130.06 Change of name or address. When the name or address of an individual or organization card holder is changed, the person or spouse, parent, step-parent, foster parent or guardian of the person, if applicable, or organization in the case of organization card shall, within 10 days, notify the department of the individual or organization card number, the former address and the new address, or the former name and the new name.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; **CR 07-072: am., Register November 2007 No. 623, eff. 12-1-07.**

Trans 130.07 Replacement card. (1) WHEN REQUIRED. If a person or organization has a card and the card is mutilated, destroyed, illegible, lost or stolen, the card holder may apply to the department for a replacement.

(2) REPORT OF STOLEN CARDS. If the card is lost or stolen, the card holder shall notify the department within 10 days.

(3) APPLICATION. A person or organization applying for a replacement individual or organization card shall provide the following:

(a) The information required in s. Trans 130.03 (1) (a) to (h) for a person or s. Trans 130.03 (2) (a) to (c) and (f) for an organization.

(b) Certification by a health care specialist, as prescribed by s. Trans 130.03 (1) (i) for a person, if required by the department.

(c) The former name, if changed from that shown on the previous application and card.

(d) The former address, if changed from that shown on the previous application.

(e) One of the following words or phrases to describe the reason a replacement card is required:

1. Lost.
2. Stolen.
3. Destroyed.
4. Mutilated or illegible.

(4) EXCESSIVE REPLACEMENTS. (a) If a person has previously been issued 2 or more replacement individual cards during the 36 months prior to the current application, or if an organization has

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been issued 2 or more replacement organization cards during the 36 months prior to the current application, the person or organization shall also submit to the department a signed, notarized statement as prescribed by the department.

(b) If the person or organization does not submit the signed, notarized statement to the department within 30 days after the department receives the replacement individual or organization card application, the department shall consider the application for replacement individual or organization card withdrawn.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; **CR 07-072: am. (1) and (3) (intro.), r. (3) (e) 5., cr. (4), Register November 2007 No. 623, eff. 12-1-07.**

Trans 130.08 Extension of a temporary card. A person needing an extension of a temporary individual card because the temporary disability continues beyond the expiration of the previously issued temporary individual card shall submit a new application as specified in s. Trans 130.03.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; **CR 07-072: am., Register November 2007 No. 623, eff. 12-1-07.**

Trans 130.09 Renewal of a permanent individual or organization card and special registration plates. The department shall request submittal every 4 years of the information for a person as specified under s. Trans 130.03 (1), or for an organization as specified under s. Trans 130.03 (2), in order to verify the person or organization's continuing qualifications for a permanent individual or organization card or special registration plates and to renew the card or special registration plates.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; **CR 07-072: am., Register November 2007 No. 623, eff. 12-1-07.**

Trans 130.10 Use of other statements. At the department's discretion, a statement or application already on file with the department used to establish eligibility for an individual or organization card, or special registration plates issued under s.

341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a), Stats., may be used to establish eligibility for issuance or renewal of an individual or organization card or special registration plates.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; **CR 07-072: am., Register November 2007 No. 623, eff. 12-1-07.**

Trans 130.11 Cancellation. (1) The department may cancel an individual or organization card or special registration plates in the following instances:

(a) When the card or plates were issued as a result of fraud or error.

(b) When the card is replaced, extended or renewed.

(c) When a person is deceased, or can no longer make proper use of the individual card or registration plates.

(d) When the card use is unauthorized under s. 343.52, Stats.

(e) When the special registration plate use is unauthorized under s. 341.14, Stats.

(f) When the card is reported lost or stolen.

(2) Whenever an individual or organization card is canceled under sub. (1) (a), the card shall be surrendered to the department.

(3) When special registration plates are canceled under sub. (1), the department may issue standard registration plates for the remainder of the registration period.

Note: Forms used in administering this chapter are MV2548, Permanent Disabled Parking Identification Card for Individuals; MV 2933, Temporary Disabled Parking Identification for Individuals; MV2595, Disabled Parking Identification Cards for Organizations; MV2162, Disabled Parking License Plates Application; MV2172, U.S. Veteran Disabled Parking License Plates Application; MV 2752, Important Information for Persons Authorized Disabled Parking Privileges; and MV 2967, Excessive Individual or Organization Replacement Card Notarized Statement. Forms may be obtained from the Wisconsin Department of Transportation, Division of Motor Vehicles, Bureau of Vehicle Services, P. O. Box 7907, Room 253, Madison, WI 53707-7907 or from the department's web site www.dot.state.wi.us.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94; **CR 07-072: am. (1) (intro.), (c) and (2), Register November 2007 No. 623, eff. 12-1-07.**