

1993 Assembly Bill 1200

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1993 WISCONSIN ACT 436

AN ACT *to repeal* 23.09 (26) (a) 1, 23.09 (26) (c) 2 and 350.11 (2); *to renumber* 23.09 (26) (c) 3, 23.09 (26) (c) 4 and 23.09 (26) (c) 5; *to amend* 340.01 (58a), 345.11 (1m), 345.11 (1r), 350.11 (1), 350.11 (3) (b), 350.12 (4) (b) (intro.), 1 and 4 and 350.18 (2); and *to create* 23.09 (26) (c) 5, 23.09 (26) (cg), 23.09 (26) (cr), 340.01 (58a) (a), 350.09 (8m), 350.12 (4) (am), 350.12 (4) (bc) and 350.12 (4) (be) of the statutes, **relating to:** the definition of a snowmobile; the width of snowmobiles; changes in penalties for snowmobile violations; failing to obey a law enforcement officer's request to stop a snowmobile; local ordinances relating to snowmobile regulation; the use of the natural resources citation for certain snowmobile or all-terrain vehicle violations; aids for snowmobile trails, facilities and areas; funding for the purchase by the department of natural resources of snowmobiles and trailers to carry snowmobiles; making an appropriation; and providing a penalty.

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

SECTION 1. 23.09 (26) (a) 1. of the statutes is repealed.

SECTION 2. 23.09 (26) (c) 2. of the statutes is repealed.

SECTION 3. 23.09 (26) (c) 3. of the statutes is renumbered 23.09 (26) (c) 2.

SECTION 4. 23.09 (26) (c) 4. of the statutes is renumbered 23.09 (26) (c) 3.

SECTION 5. 23.09 (26) (c) 5. of the statutes is renumbered 23.09 (26) (c) 4.

SECTION 6. 23.09 (26) (c) 5. of the statutes is created to read:

23.09 (26) (c) 5. Trail rehabilitation.

SECTION 7. 23.09 (26) (cg) of the statutes is created to read:

23.09 (26) (cg) For the purposes of pars. (am) 3 and (c) 1., maintenance includes the following:

1. The purchase of liability insurance.
2. The acquisition of interests in land, by lease, easement, permit or other agreement if the term of the acquisition is for a period of less than 3 years.

SECTION 8. 23.09 (26) (cr) of the statutes is created to read:

23.09 (26) (cr) For the purposes of pars. (am) 3, (c) 6., (d), (e) and (f), development includes the following:

1. The purchase of land in fee simple.
2. The acquisition of interests in land by lease, easement, permit, or other agreement if the term of the acquisition is for a period of 3 years or longer.

SECTION 9. 340.01 (58a) of the statutes is amended to read:

340.01 (58a) "Snowmobile" means any an engine-driven vehicle of a type that utilizes sled-type runners, or skis, or that is manufactured solely for snowmobiling, that has an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated, and sled-type runners, or skis, to be used in contact with snow but does not include such vehicles a vehicle that are either manually propelled or driven is any of the following:

(b) A vehicle that is driven by a motor of 4 horsepower or less and that are is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.

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SECTION 10. 340.01 (58a) (a) of the statutes is created to read:

340.01 (58a) (a) A vehicle that has inflatable tires.

SECTION 11. 345.11 (1m) of the statutes is amended to read:

345.11 (1m) The uniform traffic citation or the citation form under s. 23.54 shall be used for violations of ch. 350 relating to highway use or ordinances in conformity therewith when committed on the highway, but no points shall may be assessed against the driving record of the operator of a snowmobile. The When the uniform traffic citation is used, the report of conviction shall be forwarded to the department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

SECTION 12. 345.11 (1r) of the statutes is amended to read:

345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall be used for violations of s. 23.33 relating to highway use or ordinances in conformity with that section if the violation is committed on a highway, but no points shall may be assessed against the driving record of the operator of an all-terrain vehicle. The When the uniform traffic citation is used, the report of conviction shall be forwarded to the department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

SECTION 13. 350.09 (8m) of the statutes is created to read:

350.09 (8m) No person may operate, offer for sale or sell a snowmobile that is manufactured after the effective date of the subsection [revisor inserts date], if the width of the snowmobile exceeds 48 inches.

SECTION 14. 350.11 (1) of the statutes, as affected by 1993 Wisconsin Act 119, is amended to read:

350.11 (1) (a) Except as provided in par. (b) and subs. ~~(2)~~ (2m) and (3), any person who violates any provision of this chapter shall forfeit not more than \$250.

(b) Except as provided in subs. ~~(2)~~ (2m) and (3), any person who violates any provision of this chapter and who, within the last ~~2~~ 3 years prior to the ~~arrest conviction~~ for the current violation, was 2 or more times previously convicted for violating a the same provision of this chapter shall forfeit not more than \$500.

SECTION 15. 350.11 (2) of the statutes is repealed.

SECTION 16. 350.11 (3) (b) of the statutes is amended to read:

350.11 (3) (b) (title) *Penalties related to failure to stop; and for causing injury while under influence of intoxicants.* A person who violates s. 350.101 (2) or 350.17 (2) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned for not less than 30 days nor more than one year in the county jail.

SECTION 17. 350.12 (4) (am) of the statutes is created to read:

350.12 (4) (am) *Enforcement aids to department.* Beginning with fiscal year 1993–94, of the amounts appropriated under s. 20.370 (3) (aq), the department shall allocate \$26,000 in each fiscal year to be used exclusively for the purchase of snowmobiles or trailers to carry snowmobiles, or both, to be used in state law enforcement efforts.

SECTION 18. 350.12 (4) (b) (intro.), 1 and 4 of the statutes are amended to read:

350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated under s. 20.370 (1) (mq) and (4) (bs) and (bt) shall be used for ~~land acquisition, development and maintenance, including the purchase of liability insurance,~~ the cooperative snowmobile sign program, major reconstruction or rehabilitation to improve bridges on existing approved trails, trail rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas and distributed as follows:

1. State aids and funds for maintenance costs shall be 100% of the actual cost of maintaining the trail per year up to a \$200 per mile per year maximum, except as provided in pars. (bg) to (br). Qualifying trails are trails approved by the board as snowmobile trails. State aid for ~~the cost of the purchasing or leasing of land and the acquisition of easements, permits or other agreements~~ development may equal 100% of ~~acquisition expense~~ development expenses. Aids for major reconstruction or rehabilitation projects to improve bridges may equal 100% of eligible costs. Aids for trail rehabilitation may equal 100% of eligible costs. Development shall begin the same year the land is acquired. Moneys available for development shall be distributed on a 100% grant basis, 75% at the time of approval but no later than January 1 and 25% upon completion of the project. A county application may include a request ~~for purchasing or leasing land or acquiring easements, permits or other agreements for the use of land, and for aids for development,~~ rehabilitation or maintenance of trails, ~~including the purchase of liability insurance or any combination thereof.~~ Trail routes, sizes and specifications shall be prescribed only by the board.

4. For ~~the acquisition and for the maintenance,~~ rehabilitation and development of snowmobile trails and areas on state lands and for major rehabilitation of snowmobile bridges, 100% of the actual cost for ~~land acquisition and development~~ and rehabilitation and 100% of the actual cost of maintaining the trails per year up to the per mile per year maximum specified under subd. 1. Qualifying trails are those approved by the board. Trail routes, sizes and specifications shall be prescribed only by the board.

SECTION 19. 350.12 (4) (bc) of the statutes is created to read:

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350.12 (4) (bc) *Development costs*. For the purposes of par. (b) (intro.), 1 and 4, development includes the following:

1. The purchase of land in fee simple.
2. The acquisition of interests in land by lease, easement, permit, or other agreement if the term of the acquisition is for a period of 3 years or longer.

SECTION 20. 350.12 (4) (be) of the statutes is created to read:

350.12 (4) (be) *Maintenance costs*. In addition to paying for trail maintenance costs, payments received for maintenance under par. (b) 1. or 4., par. (bg) or (bm) may be used for any of the following:

1. The purchase of liability insurance.
2. The acquisition of interests in land, by lease, easement, permit or other agreement if the term of the acquisition is for a period of less than 3 years.

SECTION 21. 350.18 (2) of the statutes is amended to read:

350.18 (2) Any county, town, city or village may enact an ordinance that is in strict conformity with ss. 350.02 to 350.05, 350.07 to 350.107, 350.11, 350.12, 350.13, 350.135, 350.15 to 350.17, 350.19 and 350.99.

SECTION 9200. Appropriation changes.

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (aq) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$26,000 for fiscal year 1993–94 and the dollar amount is increased by \$26,000 for fiscal year 1994–95 to purchase snowmobiles or trailers to carry snowmobiles, or both, to be used in state law enforcement efforts.

SECTION 9300. Initial applicability.

(1) The treatment of sections 23.53 (1) and 345.11 (1m) and (1r) of the statutes first applies to citations issued on the effective date of this subsection.

(2) The treatment of section 350.11 (1) and (2) of the statutes first applies to violations occurring on the effective date of this subsection, but does not preclude the counting of other violations as previous violations under section 350.11 (1) (b) of the statutes, as affected by this act.

(3) The treatment of section 350.11 (3) (b) of the statutes first applies to violations occurring on the effective date of this subsection.