

2001 DRAFTING REQUEST

Bill

Received: **09/22/2000**

Received By: **fasttn**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Grinde**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters: **rkite**

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

Pre Topic:

DOA:.....Grinde -

Topic:

Snowmobile program changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P2	fasttn 10/24/2000		rschluet 10/24/2000	_____			S&L
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FE Sent For:			10-18-00 PG1 11/2	<END>			

2001-2003 Statutory Language Proposals

Division: CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS

Bureau: COMMUNITY FINANCIAL ASSISTANCE

Issue/Topic: SNOWMOBILE PROGRAM STATUTORY LANGUAGE

Proposed Change: Incorporate into the 2001-2003 biennial budget all provisions formerly introduced in the 1999 legislative session in the following bills: AB 828, SB 439, and Senate Amendment (LRBa1949/1) and Senate Amendment 2 (LRBa2124/1) to SB 485. In addition, add language that increases the cost of a commercial snowmobile certificate specified in s. 350.12(3)2 from \$60 to \$120.

In the 1999 legislative session there were 3 snowmobile-related bills that contained a substantial number of language changes affecting the snowmobile program. None of the proposals passed. However it is the desire of the organized snowmobile community that these language proposals be pursued again because of their importance to the snowmobile program. These bills and their respective language can be characterized as follows:

AB 828 – “Clean up”

- changing counting date for gas tax calculation from last day of February to last day of March (Note: bill as drafted contained only one of two necessary changes from February to March)
- operation of snowmobiles on highways by law enforcement officers
- operation of snowmobiles proceeding in opposite directions, i.e. “keep right” language
- establish requirements for testing noise levels of snowmobiles by rule
- prohibition from tampering with snowmobile and ATV odometers and hour meters of boats, snowmobiles and all-terrain vehicles
- authorizing officers to inspect snowmobiles for properly functioning equipment
- transfer of registration certificates
- prohibits registration of snowmobile that failed equipment inspection until repairs have been made
- exempting the requirement of accident reporting in snowmobile races/derbies

SB 485 & Senate Amendments (AB 886 companion) – “Snowmobile safety”

- establishing a nighttime (dusk to dawn) speed limit of 50 mph
- revocation of privilege to operate snowmobile upon conviction of OWI

has amendment

- confiscation of snowmobile after 3rd OWI conviction (mandatory) or for fleeing an officer (discretionary)
- increases the snowmobile registration fee from \$20 to \$40
- increases the nonresident snowmobile trail use sticker from \$12.25 to \$19.25

SB 439 – “Railroad legislation

- makes changes to certain procedures and requirements under current law that apply to snowmobile organizations and to rail authorities that construct or maintain non-road snowmobile trail crossings

Explanatory Note:

The “clean-up” changes were a collection of snowmobile related proposals that had been recommended by the Snowmobile Recreation Council.

The “snowmobile safety” changes were part of a proposal that would have increased registration fees to allow the Department to add additional hours of conservation warden enforcement activity. The Snowmobile Recreation Council also recommended these changes.

The “railroad legislation” was a series of changes to current law for snowmobile trail non-road railroad crossings. These changes were a product of negotiations between railroad interests, the Association of Wisconsin Snowmobile Clubs and the Department to avert further court action on the Soo Line lawsuit against the Department and the Governor.

The increase in the commercial snowmobile certificate is proposed so that it is consistent with other snowmobile registration fee increases. The current certificate entitles the holder to 3 snowmobile decals, hence 3 times \$40 under the new fee proposal or \$120.

Desired Effective Date: Upon passage of the budget

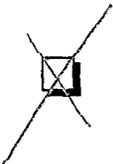
Contact Person: Joy Stewart, 266-2159
Larry Freidig, 266-5897

soon (turned in 10/10)

LRB Number: 0507191

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soon (turned in 10/6)

2001 - 2002 LEGISLATURE

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LRB-0507/12
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DOA:.....Grinde - Snowmobile program changes

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: ~~*99-4175/12~~ the regulation of snowmobile trail

~~crossings; *99-4207/1* - calculating the estimated snowmobile gas tax payment; operation of snowmobiles by law enforcement officers on highways; operation of snowmobiles proceeding in opposite directions; vehicle noise levels for snowmobiles; tampering with odometers of snowmobiles and all-terrain vehicles and with hour meters of boats, snowmobiles and all-terrain vehicles; inspection of equipment on snowmobiles; transfer of snowmobile registration certificates; exempting accidents occurring in certain snowmobile races or derbies from requirements to render aid and from reporting and investigation requirements; use of fees collected for snowmobile trail use stickers for snowmobile trail maintenance costs, granting rule making authority and making an appropriation *99-4667/en* - revocation of the privilege to operate snowmobiles for violations of the intoxicated snowmobiling law; speed restrictions on the operation of snowmobiles; confiscation of snowmobiles after~~

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~~conviction under the intoxicated snowmobiling law or for failure to stop a snowmobile in response to a law enforcement officer; increasing the public-use snowmobile registration fee; increasing the fee for snowmobile trail use stickers; a study on alternative snowmobile registration fee schedules; making appropriations; and providing penalties.~~

Analysis by the Legislative Reference Bureau

~~*ANALYSIS 09-21-75-12~~

Current law regulates snowmobile rail crossings (crossings) that are not located on highways or streets. Under that law, only a snowmobile organization may construct a crossing. Current law defines a "snowmobile organization" as a snowmobile club, a snowmobile alliance, or a county. In order to construct a crossing, the snowmobile organization must obtain a permit from ~~the department of natural resources~~ DNR. Current law also regulates established crossings which are defined as crossings that have been used by snowmobiles for at least five winters of the last ten years. This bill makes changes to certain procedures and requirements under current law that apply to snowmobile organizations and to rail authorities that construct or maintain crossings. Those changes include the following:

1. Under current law, DNR must promulgate rules to establish uniform maintenance standards and uniform design and construction standards for crossings after consulting with the snowmobile recreational council. Under this bill, DNR must instead consult with an established snowmobile association that represents snowmobile clubs and with the office of the commissioner of railroads.

2. The bill requires ~~to~~ each rail authority that has rail lines in this state designate an agent who is authorized on behalf of the rail authority to receive copies of crossing permit applications filed with DNR and ~~to~~ DNR send copies of crossing permit applications to the designated agents of the applicable rail authorities.

requires to

3. Current law requires DNR to approve or deny a crossing permit application within 60 days after receipt and provides that DNR may deny the application only if DNR determines that the proposed crossing does not comply with rules promulgated by DNR. The bill provides that DNR must approve the application within 90 days of sending a copy of the application to the rail authority's designated agent, ~~provide~~ certain conditions are met. The conditions require, among other things, that the permit applicant contact the rail authority to discuss the advisability and feasibility of the proposed crossing, that the application comply with certain rules promulgated by DNR and that the rail authority not object to the application. The bill establishes a hearing procedure that applies if the rail authority does object to the application. The bill requires that the office of the commissioner of railroads give testimony at such a hearing addressing certain issues, including whether the proposed rail crossing could pose a substantial danger to public safety.

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head = NATURAL RESOURCES
sub = RECREATION

4. Under current law, DNR may charge an initial application fee not to exceed \$150. The bill requires that in addition to this fee, an applicant who receives a permit must pay the rail authority \$1,500 to compensate the rail authority for the cost of construction and to pay for the use of the crossing by snowmobile operators.

5. Under current law, a snowmobile organization must maintain liability insurance to indemnify the applicable rail authority for damages resulting from the design, construction, or maintenance of a crossing for which there is a permit. Under the bill, the insurance must also indemnify the rail authority for damages resulting from the existence or use of the crossing. The bill also provides that the snowmobile organization need not maintain the insurance to indemnify the rail authority for injuries sustained by a person engaged in a recreational activity if the rail authority would be immune from liability for those injuries under current law.

6. Under current law, the initial term for a crossing permit is 11 years. The permit may be renewed for additional periods of time not to exceed 11 years per renewal. This bill eliminates the term limit for a crossing permit.

7. Under current law, only DNR is authorized to inspect an established snowmobile rail crossing to determine whether the snowmobile organization is maintaining the crossing in conformance with rules promulgated by DNR and is maintaining required liability insurance. This bill authorizes the office of the commissioner of railroads to also conduct such an inspection.

8. The bill specifies which portion of a crossing for which a permit is issued that the rail authority must construct and which portion of an established crossing that a snowmobile organization must maintain.

9. Current law provides that a rail authority may not close or remove a snowmobile crossing that is subject to permit unless the rail authority first petitions DNR for an order authorizing the rail authority to close or remove the crossing. This bill provides that a rail authority may close or remove a crossing, whether or not the crossing is subject to a permit, if it enters into an agreement with the snowmobile organization to close or remove the crossing. The bill also authorizes a rail authority to petition DNR to close or remove a crossing without first obtaining an agreement from the snowmobile organization.

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pp. 4-5)

the authority
~~ANALYSIS 99-1207/12~~

also makes
This bill ~~consists of~~ various changes to current law governing the operation of snowmobiles, equipment on snowmobiles, snowmobile registration certificates, snowmobile derbies and races, and funding for snowmobile trail, safety, and enforcement costs. The changes include the following:

1. The bill requires that \$10 of each \$12.25 fee collected for a snowmobile trail use sticker be credited to an appropriation to provide supplemental funding for the maintenance of snowmobile trails. A trail use sticker issued by ~~the department of natural resources~~ (DNR) is required on all snowmobiles that are operated but not registered in this state. Supplemental funding is available for maintenance of trails if the actual cost of maintenance exceeds the amount determined under the trail aids formula which sets a maximum amount per mile of trail.

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5.

~~21~~ The bill authorizes conservation wardens and other law enforcement officers to stop and inspect a snowmobile to determine whether required equipment is in good working order, and requires the operator to stop and submit the snowmobile to the requested inspection. A snowmobile found to be unsafe for operation or in violation of required equipment standards may be ordered out of operation, except for purposes of removal and repair, until it has been repaired. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits DNR and Indian tribes and bands from registering snowmobiles that fail ~~to~~ their most recent equipment inspection until repairs ~~are~~ made.

are
 6. ~~2~~ The bill exempts snowmobile accidents occurring during snowmobile races or derbies that are sponsored by certain entities such as local governmental units or snowmobile clubs from general procedures that must be followed in the event of ~~an~~ snowmobile accident. These procedures include requirements to render aid and to report any accident that involves an injury that requires treatment by a physician to a law enforcement official.

a

7. ~~4~~ The bill prohibits any person from knowingly interfering with the proper operation of the odometer of a snowmobile or all-terrain vehicle and from operating a snowmobile or all-terrain vehicle having a malfunctioning odometer. The bill prohibits any person, with intent to defraud, from interfering with the proper operation of an hour meter on a snowmobile, all-terrain vehicle, or boat. An hour meter measures and records the hours that the snowmobile, all-terrain vehicle, or boat has been operating. These provisions are similar to ones prohibiting tampering with the odometer of a motor vehicle or with the hour meter of farm equipment. The bill contains exceptions to allow a malfunctioning odometer or hour meter to be restored to its proper working order.

8. ~~4~~ The bill requires that DNR promulgate rules to establish requirements for testing noise levels of snowmobiles. Current law requires standards for measurement that are established by the society of automotive engineers to be used.

→ FE-S/L
ANALYSIS 99-4667en

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also
This bill requires a court to revoke a person's privilege to operate a snowmobile for violating the intoxicated snowmobiling law, other than the absolute sobriety requirement for persons who are 18 years old or younger, and for violating the refusal law. The intoxicated snowmobiling law prohibits the operation of a snowmobile by a person who is under the influence of alcohol or a controlled substance to a degree that he or she cannot operate a snowmobile safely. ~~The bill also prohibits the operation of a snowmobile~~ by a person who has an alcohol concentration of 0.1 or more. The refusal law requires a person to submit to a legal request for a breath, blood, or urine sample pursuant to an arrest for violating the intoxicated snowmobiling law. The periods of revocation are as follows:

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p. 3)

1. For a period of one year for the first violation or for a subsequent violation, if the arrest for the subsequent violation occurs more than five years after the date of the conviction for the previous violation.
2. For a period of two years for the second violation, if the arrest for the second violation occurs within five years after the date of the conviction for the first violation.
3. For a period of three years for the third or subsequent violation if the arrest for the third or subsequent violation occurs within five years after the date of the conviction for the second or subsequent violation.
4. For a period of one year for a violation of the refusal law if the violator is 18 years old or younger.

The bill ~~also~~ provides a penalty for operating a snowmobile during revocation. Current law does not provide for the revocation of a person's privilege to operate a snowmobile for violating the intoxicated snowmobiling law. Also, in addition to any forfeiture, fine, or period of jail time imposed by a court for a violation of the intoxicated snowmobiling law or for operating a snowmobile during revocation, under this bill the court may order the defendant to perform community service work.

The bill requires a snowmobile to be seized and confiscated if it is used by a person to which the three-year period of revocation applies and authorizes a snowmobile to be seized and confiscated if it is used by a person who fails to stop a snowmobile when requested to do so by a law enforcement officer. The bill allows ~~the department of natural resources~~ ^{DNR's} to sell any snowmobile confiscated for these snowmobiling violations or to use it in ~~the~~ snowmobile safety program. The bill also allows any snowmobile confiscated for violations of the fish and game laws to be used in this program. DNR already has authority to sell such a snowmobile under current law.

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p. 3)

4. ~~Finally, this~~ ^{The} bill imposes a specific statutory speed limit of 50 miles per hour on the operation of a snowmobile from sunset to sunrise on a snowmobile trail, route, and other area that is open to the public for the operation of snowmobiles. Under current law, the only other specific statutory restrictions apply to the operation of a snowmobile within a certain distance of a dwelling at nighttime or on the ice within a certain distance of a fishing shanty or a person on foot. Also, under current law, a snowmobile operator must observe the roadway speed limit when he or she is riding adjacent to a roadway. ~~This~~ ^{The} bill expands this requirement to include the roadway itself.

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2. Under current law, the registration fee for a snowmobile that is not an antique and that is not used exclusively on property owned by the snowmobile owner or his or her family is \$20. The period of validity for the registration is from 15 months to 24 months depending on when, during a two-year period, the snowmobile is registered. ~~This~~ ^{The} bill raises the fee from \$20 to ~~\$50~~ \$40.

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

note: bud

SECTION 1. 20.370 (5) (cw) of the statutes is created to read:

20.370 (5) (cw) ^S Recreation aid — supplemental snowmobile trail aids. As a continuing appropriation, from the snowmobile account in the conservation fund an amount equal to the amount calculated under s. 350.12 (4) (bg) 2. for the purposes specified in s. 350.12 (4) (b).

For fiscal year 2001-02, and for each fiscal year thereafter,

SECTION 2. 25.29 (1) (d) 1. of the statutes is amended to read:

an

25.29 (1) (d) 1. An amount calculated by multiplying the number of snowmobiles registered under s. 350.12 or 350.122 on the last day of February of the previous fiscal year by 50 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day of ~~February~~ March of the previous fiscal year.

SECTION 3. 29.934 (1) (a) of the statutes is amended to read:

29.934 (1) (a) All wild animals, carcasses, or plants that are confiscated by the department and all confiscated vehicles, boats, or objects shall, if not destroyed as authorized by law, be sold, except as provided in par. (cm), at the highest price obtainable, by the department, or by an agent on commission under supervision of the department. The net proceeds of sales under this subsection, after deducting the expense of seizure and sale and any commissions and any amounts owing to holders of security interests under par. (c) or (d), shall be remitted to the department. The remittance shall be accompanied by a report of the sales, supported by vouchers for expenses and commissions, and shall be filed with the department.

SECTION 4. 29.934 (1) (cm) of the statutes is created to read:

29.934 (1) (cm) The department may retain and use a snowmobile confiscated under this section or under s. 350.113 for the program of instruction established under s. 350.055.

1 **SECTION 5.** 59.54 (14) (g) of the statutes is amended to read:

2 59.54 (14) (g) A county may establish extensions of the jail, which need not be
3 at the county seat, to serve as places of temporary confinement. No person may be
4 detained in such an extension for more than 24 consecutive hours, except that a court
5 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c)
6 or 350.11 (3) (a) 2. or 3. or (b) or (3m) be imprisoned for more than 24 consecutive
7 hours in such an extension. Jail extensions shall be subject to plans and
8 specifications approval by the department of corrections and shall conform to other
9 requirements imposed by law on jails, except that cells may be designed and used for
10 multiple occupancy.

11 **SECTION 6.** 100.48 (1) (a) of the statutes is renumbered 100.48 (1) (am).

12 **SECTION 7.** 100.48 (1) (ad) of the statutes is created to read:

13 100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

14 **SECTION 8.** 100.48 (1) (ag) of the statutes is created to read:

15 100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).

16 **SECTION 9.** 100.48 (1) (b) of the statutes is amended to read:

17 100.48 (1) (b) "Hour meter" means an instrument ~~on a piece of farm equipment~~
18 that measures and records the actual hours of operation of the ~~piece of farm~~
19 ~~equipment~~ vehicle or device to which the instrument is attached.

20 **SECTION 10.** 100.48 (1) (c) of the statutes is created to read:

21 100.48 (1) (c) "Snowmobile" has the meaning given in s. 350.01 (12).

22 **SECTION 11.** 100.48 (2) of the statutes is amended to read:

23 100.48 (2) No person may, either personally or through an agent, remove,
24 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
25 attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat with the

1 intent to defraud by changing or affecting the number of hours of operation indicated
2 on the hour meter.

3 **SECTION 12.** 100.48 (3) (a) of the statutes is amended to read:

4 100.48 (3) (a) Nothing in this section shall prevent the service, repair[✓] or
5 replacement of an hour meter if the number of hours of operation indicated on the
6 hour meter remains the same as before the service, repair[✓] or replacement. If an hour
7 meter attached to farm equipment, a snowmobile, an all-terrain vehicle[✓] or a boat is
8 incapable of registering the same number of hours of operation as before its service,
9 repair[✓] or replacement, the hour meter shall be adjusted to read zero, and a sticker
10 shall be affixed by the owner of the ^{main space} piece of farm equipment vehicle or device to which
11 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
12 number of hours of operation recorded on the hour meter prior to its service, repair[✓]
13 or replacement and the date on which it was serviced, repaired[✓] or replaced. No
14 person who services, repairs[✓] or replaces an hour meter attached to farm equipment,
15 a snowmobile, an all-terrain vehicle[✓] or a boat that is incapable of registering the
16 same number of hours of operation as before such service, repair[✓] or replacement may
17 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
18 paragraph.

19 **SECTION 13.** 100.48 (4) (a) of the statutes is amended to read:

20 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
21 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned
22 for not more than one year in the county jail, or both, for each violation.

23 **SECTION 14.** 100.48 (4) (b) of the statutes is amended to read:

1 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
2 attached to farm equipment may be required to forfeit not more than \$500 for each
3 violation.

4 **SECTION 15.** 100.48 (4) (c) of the statutes is created to read:

5 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
6 meter attached to a snowmobile, an all-terrain vehicle[✓] or a boat may be fined not
7 more than \$5,000 or imprisoned for not more than one year in the county jail, or both,
8 for each violation.

9 **SECTION 16.** 195.03 (30) ~~(a)~~ of the statutes is created to read:

(LS) Hearings.

10 195.03 (30) (a) The office shall give testimony at the hearing under s. 350.138
11 (4) (b), or shall submit a written report for introduction into the hearing record, on
12 the factors stated in s. 350.138 (4) (d) 1., 2., 3[✓], and 4. ✓

13 ~~SECTION 17. 195.03 (30) (b) of the statutes is created to read:~~

the office's

14 195.03 (30) (b) The office shall give the department of natural resources ~~its~~
15 opinion on whether the snowmobile crossing should be closed or removed in
16 testimony at the hearing under s. 350.1395 (2) (b) 2. or in a written report for
17 introduction into the hearing record.

18 **SECTION 18.** 195.307 of the statutes is created to read:

19 **195.307 Snowmobile rail crossings.** Sections 195.28, 195.285, 195.286[✓] and
20 195.29 do not apply to snowmobile rail crossings for which a permit is issued under
21 s. 350.138. ✓

22 **SECTION 19.** 347.415 (1) of the statutes is renumbered 347.415 (1m) and
23 amended to read:

24 347.415 (1m) No person shall may, either personally or through an agent,
25 remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer

1 of any motor vehicle, [√]snowmobile or all-terrain vehicle with the intent to change or
2 affect the number of miles indicated thereon.

3 SECTION 20. 347.415 (1g) of the statutes is created to read:

4 347.415 (1g) In this section, "odometer" means an instrument for measuring
5 and recording the actual distance that a motor vehicle, snowmobile,[√] or all-terrain
6 vehicle has traveled while in operation, but does not include any auxiliary
7 instrument designed to be reset to zero to measure and record the actual distance
8 that a motor vehicle, snowmobile,[√] or all-terrain vehicle has traveled on trips.

9 SECTION 21. 347.415 (2) of the statutes is amended to read:

10 347.415 (2) No person may operate a motor vehicle subject to registration
11 under ch. 341 on any street or highway with knowledge that the odometer is
12 removed, disconnected,[√] or nonfunctional. Notwithstanding s. 347.02 (2), no person
13 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer
14 is removed, disconnected,[√] or nonfunctional. An exemption may be provided if parts
15 are on back order to correct a nonfunctional odometer.

16 SECTION 22. 347.415 (4) of the statutes is amended to read:

17 347.415 (4) No person shall conspire with any other person to violate sub. (1)
18 (1m), (2),[√] or (3).

19 SECTION 23. 347.50 (1) of the statutes is amended to read:

20 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.
21 347.415 (1) (1m), (2),[√] and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.
22 347.489, may be required to forfeit not less than \$10 nor more than \$200.

23 SECTION 24. 347.50 (2) of the statutes is amended to read:

1 347.50 (2) Any person violating s. 347.415 (1) [✓](1[✓]m), (2) [✓]and (3) to (5) may be
2 fined not more than \$5,000 or imprisoned for not more than one year in the county
3 jail, or both, for each violation.

4 **SECTION 25.** 350.02 (2) (a) 6. of the statutes is amended to read:

5 350.02 (2) (a) 6. On a portion of the roadway or shoulder of a highway for a
6 purpose of residential access or for the purpose of access from lodging if the town, city, [✓]
7 or village, within which that portion of the highway lies, enacts an ordinance under
8 s. 350.18 (3) for that portion of the highway. ~~A snowmobile operated on a portion of~~
9 ~~the roadway or shoulder of a highway under this subdivision shall observe the~~
10 ~~roadway speed limits.~~

11 **SECTION 26.** 350.02 (2) (b) 6. of the statutes is repealed.

12 **SECTION 27.** 350.02 (3m) of the statutes, ~~as created by 1999 Wisconsin Act 9~~
13 is amended to read:

14 350.02 (3m) A law enforcement officer may operate a snowmobile on a highway
15 in performance of his or her official duties if the snowmobile is equipped with a
16 ~~flashing, oscillating or rotating blue light that is red or blue or a combination thereof~~
17 and that is flashing, oscillating [✓]or rotating.

18 **SECTION 28.** 350.025 of the statutes is created to read:

19 **350.025 Speed restrictions.** (1) No person may operate a snowmobile at a
20 rate of speed that is any of the following:

21 (a) Unreasonable or improper under the circumstances.

22 (b) In excess of a roadway speed limit established under s. 346.57 or 349.11 if [✓]
23 the person is operating the snowmobile on or adjacent to a roadway. [✓]

24 (c) In excess of any speed limit established by a county, town, city, or village [✓]
25 under its authority under s. 350.18 (1). [✓]

1 (d) In excess of 50 miles per hour if the person is operating the snowmobile
2 during the period from sunset to sunrise on a snowmobile route, a snowmobile trail,[✓]
3 or any other corridor or area that is open to the public for the operation of
4 snowmobiles.

5 (2) Subsection (1) (b) and (c) does not apply if the person is operating the
6 snowmobile as part of a special snowmobile event authorized under s. 350.04.[✓]

7 **SECTION 29.** 350.035 of the statutes is created to read:

8 **350.035 Meeting of snowmobiles.** Operators of snowmobiles proceeding in
9 opposite directions shall proceed with caution and pass each other to the right.

10 **SECTION 30.** 350.09 (7) of the statutes is renumbered 350.09 (7) (a) and
11 amended to read:

12 350.09 (7) (a) Every snowmobile manufactured after July 1, 1972, and before
13 July 2, 1975, and offered for sale ~~or, sold,~~ [✓] rented, or operated in this state shall be so
14 constructed as to limit total vehicle noise to not more than 82 decibels of A sound
15 pressure at 50 feet, as measured [✓] ~~by society of automotive engineers standards~~ in the
16 manner prescribed under rules promulgated by the department. Every snowmobile
17 manufactured after July 1, 1975, and offered for sale ~~or, sold,~~ [✓] rented, or operated in
18 this state shall be so constructed as to limit total vehicle noise to not more than 78
19 decibels of A sound pressure, as measured ~~by society of automotive engineers~~
20 standards in the manner prescribed under rules promulgated by the department.
21 No snowmobile shall be modified by any person in any manner that shall amplify or
22 otherwise increase total noise emission above that emitted by the snowmobile as
23 originally constructed, regardless of date of manufacture.

24 **SECTION 31.** 350.09 (7) (b) of the statutes is created to read:

1 350.09 (7) (b) The department shall promulgate rules for purposes of par. (a),
2 and the rules shall include standards for testing total vehicle noise when a
3 snowmobile is stationary.

4 **SECTION 32.** 350.095 of the statutes is created to read:

5 **350.095 Snowmobile inspection.** (1) No person may operate, or cause or
6 knowingly permit to be operated, on any highway any snowmobile that does not meet
7 the requirements of this section.

8 (2) When directed by any law enforcement officer, the operator of any
9 snowmobile shall stop and submit the snowmobile to an inspection and such tests as
10 are necessary to determine whether its required equipment is in proper adjustment
11 or repair, or is in violation of the equipment provisions of s. 350.09 or 350.10 (1) (d)
12 or (e), or rules ~~issued pursuant thereto.~~ *promulgated under those provisions*

13 (3) When any snowmobile is found to be unsafe for operation or in violation of
14 the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules ~~issued pursuant~~
15 ~~thereto.~~ *therein*, a law enforcement officer may order the snowmobile removed from the
16 highway and not operated, except for purposes of removal and repair, until it has
17 been repaired pursuant to a repair order as provided in sub. (4).

18 (4) In addition to or in lieu of a citation for the violation, when any snowmobile
19 is in violation of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules
20 ~~issued pursuant thereto.~~ *issued pursuant thereto*, a law enforcement officer may issue a repair order, in such
21 form and containing such information as the department prescribes, to the owner or
22 operator of the snowmobile. The owner or operator shall thereupon obtain such
23 repairs as are required.

24 (5) No owner or operator of a snowmobile may refuse to submit a snowmobile
25 to any inspection or test that is authorized under this section.

1 **SECTION 33.** 350.10 (1) (a) of the statutes is repealed.

2 **SECTION 34.** 350.10 (1) (g) of the statutes is renumbered 350.025 (1) (e) and
3 amended to read:

4 350.025 (1) (e) ~~Between~~ In excess of 10 miles per hour if the person is operating
5 the snowmobile between the hours of 10:30 p.m. and 7 a.m. ~~when and~~ within 150 feet
6 of a dwelling ~~at a rate of speed exceeding 10 miles per hour.~~

7 **SECTION 35.** 350.10 (1) (i) of the statutes is renumbered 350.025 (1) (f) and
8 amended to read:

9 350.025 (1) (f) ~~On~~ In excess of 10 miles per hour if the person is operating the
10 snowmobile on the frozen surface of public waters within 100 feet of a person not in
11 or upon a vehicle or within 100 feet of a fishing shanty ~~unless operated at a speed of~~
12 ~~10 miles per hour or less.~~

13 **SECTION 36.** 350.1025 of the statutes is amended to read:

14 **350.1025 Application of intoxicated snowmobiling law.** Except as
15 provided in this section, the intoxicated snowmobiling law is and the prohibition
16 under s. 350.11 (3) (bg) are applicable to all property, whether the property is publicly
17 or privately owned and whether or not a fee is charged for the use of that property.
18 The intoxicated snowmobiling law ~~does~~ and the prohibition under s. 350.11 (3) (bg)
19 do not apply to the operation of a snowmobile on private land not designated as a
20 snowmobile trail unless an accident involving personal injury occurs as the result of
21 the operation of a snowmobile and the snowmobile was operated on the private land
22 without the consent of the owner of that land.

23 **SECTION 37.** 350.11 (3) (a) 1. of the statutes is amended to read:

1 350.11 (3) (a) 1. Except as provided under subds. 2. and 3., a person who violates
2 s. 350.101 (1) (a) or (b) or s. 350.104 (5) shall forfeit not less than \$400 nor more than
3 \$550 and shall have his or her privilege to operate a snowmobile revoked for one year.

4 **SECTION 38.** 350.11 (3) (a) 2. of the statutes is amended to read:

5 350.11 (3) (a) 2. Except as provided under subd. 3., a person who violates s.
6 350.101 (1) (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the
7 current violation, was convicted previously under the intoxicated snowmobiling law
8 or the refusal law shall be fined not less than \$300 nor more than \$1,000 and, shall
9 be imprisoned for not less than 5 days nor more than 6 months and shall have his or
10 her privilege to operate a snowmobile revoked for 2 years.

11 **SECTION 39.** 350.11 (3) (a) 3. of the statutes is amended to read:

12 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and
13 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
14 more times previously under the intoxicated snowmobiling law or refusal law shall
15 be fined not less than \$600 nor more than \$2,000 and, shall be imprisoned for not less
16 than 30 days nor more than one year in the county jail and shall have his or her
17 privilege to operate a snowmobile revoked for 3 years.

18 **SECTION 40.** 350.11 (3) (a) 4. of the statutes is amended to read:

19 350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) ~~or 350.104 (5)~~ and who
20 has not attained the age of 19 shall forfeit not more than \$50.

21 **SECTION 41.** 350.11 (3) (a) 5. of the statutes is created to read:

22 350.11 (3) (a) 5. A person who violates s. 350.104 (5) ✓ and who has not attained
23 the age of 19 shall forfeit not more than \$50 and shall have his or her privilege to
24 operate a snowmobile revoked for one year.

25 **SECTION 42.** 350.11 (3) (b) of the statutes is amended to read:

1 350.11 (3) (b) *Penalties related to failure to stop; and for causing injury while*
2 *under the influence of intoxicants.* A person who violates s. 350.101 (2) ~~or 350.17 (2)~~
3 shall be fined not less than \$300 nor more than \$2,000 ~~and may, shall~~ be imprisoned
4 for not less than 30 days nor more than one year in the county jail and shall have his
5 or her privilege to operate a snowmobile revoked for 2 years.

6 **SECTION 43.** 350.11 (3) (bg) of the statutes is created to read:

7 350.11 (3) (bg) *Operation during revocation.* No person whose operating
8 privilege has been revoked under par. (a) or (b) may operate a snowmobile during the
9 period of revocation. Any person who violates this paragraph shall be fined not more
10 than \$2,500 and imprisoned for not more than one year in the county jail.

11 **SECTION 44.** 350.11 (3) (bm) of the statutes is amended to read:

12 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use
13 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
14 to par. (a) 2. or 3. or (b) or sub. (3m). The use of this option can result in significant
15 cost savings for the state and local governments.

16 **SECTION 45.** 350.11 (3m) of the statutes is created to read:

17 350.11 (3m) Any person who violates s. 350.17 (2) [✓] shall be fined not less than
18 \$300 nor more than \$2,000 and imprisoned for not less than 30 days nor more than
19 one year in the county jail.

20 **SECTION 46.** 350.11 (5) of the statutes is created to read:

21 350.11 (5) In addition to any penalty imposed under sub. (3), the court may
22 order the defendant to perform community service work administered by a public
23 agency or a nonprofit charitable organization approved by the court.

24 **SECTION 47.** 350.113 of the statutes is created to read:

1 **350.113 Seizure and confiscation of snowmobiles.** (1) INTOXICATED
2 SNOWMOBILING. A law enforcement officer shall seize a snowmobile, and the
3 department shall hold the snowmobile, subject to the order of the circuit court for the
4 county in which the alleged violation was committed, if the law enforcement officer
5 has probable cause to believe that the snowmobile is being used to commit a violation
6 for which a penalty may be imposed under s. 350.11 (3) (a) 3. If it is proven that
7 within 6 months previous to the seizure the snowmobile was used in such a violation,
8 the court in its order for judgment shall direct that the snowmobile be confiscated.

9 (2) REFUSAL TO STOP. A law enforcement officer may seize a snowmobile, and
10 the department shall hold any such snowmobile, subject to the order of the circuit
11 court for the county in which the alleged violation was committed, if the law
12 enforcement officer has probable cause to believe that the snowmobile is being used
13 to commit a violation of s. 350.17 (2). If it is proven that within 6 months previous
14 to the seizure the snowmobile was used in such a violation, the court in its order for
15 judgment may direct that the snowmobile be confiscated.

16 (3) DISPOSAL. In disposing of a snowmobile confiscated under this section, the
17 department shall follow the requirements for confiscated motor vehicles under s.
18 29.934 (1).

19 **SECTION 48.** 350.12 (3) (a) (intro.) of the statutes is amended to read:

20 350.12 (3) (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person
21 may operate and no owner may give permission for the operation of any snowmobile
22 within this state unless the snowmobile is registered for public use or private use
23 under this paragraph or s. 350.122 or as an antique under par. (b) and has the
24 registration decals displayed as required under sub. (5) or s. 350.122 or unless the
25 snowmobile has a reflectorized plate attached as required under par. (c) 3. A

1 snowmobile that is not registered as an antique under par. (b) may be registered for
 2 public use. A snowmobile that is not registered as an antique under par. (b) and that
 3 is used exclusively on private property, as defined under s. 23.33 (1) (n), may be
 4 registered for private use. A snowmobile public-use registration certificate is valid
 5 for 2 years beginning ^{on} the July 1 prior to the date of application if registration is made
 6 prior to April 1 and beginning ^{on} the July 1 subsequent to the date of application if
 7 registration is made after April 1 and ending ^{on} June 30, 2 years thereafter. A
 8 snowmobile private-use registration certificate is valid from the date of issuance
 9 until ownership of the snowmobile is transferred. The fee for the issuance or renewal
 10 of a public-use registration certificate is \$20 ~~\$40~~, except that the fee is \$5 if it is a
 11 snowmobile owned and operated by a political subdivision of this state. There is no
 12 fee for the issuance of a private-use registration certificate or for the issuance of a
 13 registration certificate to the state.

14 **SECTION 49.** 350.12 (3) (a) 2. of the statutes is amended to read:

15 350.12 (3) (a) 2. Upon transfer of ownership of a snowmobile for which a
 16 registration certificate has been issued by this state or by another state, province, or
 17 country, the seller shall, at ^{The} time of sale, deliver the assigned certificate to the
 18 purchaser.

19 **SECTION 50.** 350.12 (3i) of the statutes is created to read:

20 350.12 (3i) REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.
 21 Notwithstanding sub. (3) (d) or (3j) (c) or s. 23.35 or 350.122 (2), the department or
 22 federally recognized Indian tribe or band in this state shall refuse registration of a
 23 snowmobile if the most recent inspection under s. 350.095 indicates that the
 24 snowmobile's required equipment is not in proper adjustment or repair, or is in

Insert 18-18 ✓

1 violation of the equipment provisions of s. 350.09[✓] or 350.10 (1) (d)[✓] or (e)[✓], or rules
2 issued pursuant thereto.

3 SECTION 51. 350.12 (3j) (b)[✓] of the statutes[✓] ~~as affected by 1999 Wisconsin Act~~

4 ~~is~~ is amended to read:

5 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is
6 exempt from registration under sub. (2) (b) or (bn) is ~~\$12.25~~ \$19.25. A trail use
7 sticker issued for such a snowmobile may be issued only by the department and
8 persons appointed by the department and expires on June 30 of each year.

9 SECTION 52. 350.12 (4) (b) (intro.)[✓] of the statutes[✓] ~~as affected by 1999 Wisconsin~~

10 ~~Act~~ is amended to read:

11 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
12 under s. 20.370 (1) (mq) and (5) (cb), (cr) and (cs) and (cw) shall be used for
13 development and maintenance, the cooperative snowmobile sign program, major
14 reconstruction or rehabilitation to improve bridges on existing approved trails, trail
15 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
16 and distributed as follows:

17 SECTION 53. 350.12 (4) (b) (intro.)[✓] of the statutes[✓] ~~as affected by 1999 Wisconsin~~

18 ~~Act~~ is amended to read:

19 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
20 under s. 20.370 (1) ~~(mq)~~ and (5) (cb), (cr) and (cs) and (cw) shall be used for
21 development and maintenance, the cooperative snowmobile sign program, major
22 reconstruction or rehabilitation to improve bridges on existing approved trails, trail
23 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
24 and distributed as follows:

1 SECTION 54. 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and
2 amended to read:

3 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
4 department shall make available in fiscal year 1992-93 and each fiscal year

5 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
6 payments to the department or a county under par. (bm) for trail maintenance costs
7 incurred in the previous fiscal year that exceed the maximum specified under par.
8 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

9 SECTION 55. 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and
10 amended to read:

11 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
12 department shall make available in fiscal year 1992-93 and each fiscal year
13 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
14 payments to the department or a county under par. (bm) for trail maintenance costs
15 incurred in the previous fiscal year that exceed the maximum specified under par.
16 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

17 SECTION 56. 350.12 (4) (bg) 2. of the statutes is created to read:

18 350.12 (4) (bg) 2. For fiscal year 2001-2002, and for each fiscal year thereafter,
19 the department shall calculate an amount equal to the number of trail use stickers
20 issued under sub. (3j) in the previous fiscal year multiplied by \$10 and shall credit
21 this amount to the appropriation account under s. 20.370 (5) (cw). From the
22 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
23 department or a county for the purposes specified in par. (b). The department shall
24 make payments under par. (bm) for trail maintenance costs that were incurred in the

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1 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
2 making payments for any of the other purposes specified in par. (b).

3 **SECTION 57.** 350.12 (4) (bg) 2. of the statutes is created to read:

4 350.12 (4) (bg) 2. For fiscal year 2000-2001, and for each fiscal year thereafter,
5 the department shall calculate an amount equal to the number of trail use stickers
6 issued under sub. (3j) in the previous fiscal year multiplied by \$17 and shall credit
7 this amount to the appropriation account under s. 20.370 (5) (cw). From the
8 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
9 department or a county for the purposes specified in par. (b). The department shall
10 make payments under par. (bm) for trail maintenance costs that were incurred in the
11 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
12 making payments for any of the other purposes specified in par. (b).

13 **SECTION 58.** 350.137 (1) of the statutes is amended to read:

14 350.137 (1) The department, after having consulted with the snowmobile
15 recreational council each rail authority, as defined in s. 350.138 (1) (b), in this state,
16 that has furnished the department with the information required under s. 350.138
17 (2m), an established snowmobile association that represents snowmobile clubs, as
18 defined in s. 350.138 (1) (e), in this state, and the office of the commissioner of
19 railroads, shall promulgate rules to establish uniform maintenance standards and
20 uniform design and construction standards for snowmobile rail crossings under ss.
21 350.138 and 350.139.

22 **SECTION 59.** 350.137 (2) (a) of the statutes is amended to read:

23 350.137 (2) (a) Preclude the use of a proposed site for a snowmobile rail crossing
24 because the site would be unsafe due to poor visibility of the proposed snowmobile

1 ~~rail crossing from the cab of a railroad engine~~ an approaching train from the position
2 of a snowmobile operator who is stopped on the approach to the proposed crossing.

3 **SECTION 60.** 350.137 (3) of the statutes is repealed.

4 **SECTION 61.** 350.138 (2) of the statutes is amended to read:

5 350.138 (2) PERMIT REQUIRED. No person may construct a snowmobile rail
6 crossing that is not located on a railroad crossing of a ~~public~~ highway or street unless
7 the person is a snowmobile organization and has a permit ~~approved~~ issued under this
8 section. No person may maintain a snowmobile rail crossing that is not located on
9 a railroad crossing of a ~~public~~ highway or street unless the person is a snowmobile
10 organization and either the person has a permit ~~approved~~ issued under this section
11 or the snowmobile rail crossing is an established snowmobile rail crossing. In order
12 to obtain a permit required under this section, a snowmobile organization shall apply
13 to the department. A separate permit is required for each snowmobile rail crossing
14 subject to this section.

15 **SECTION 62.** 350.138 (2m) of the statutes is created to read:

16 350.138 (2m) DESIGNATION OF AGENTS. Each rail authority with rail lines in this
17 state shall furnish the department with the name and address of an agent who is
18 authorized on behalf of the rail authority to receive copies of snowmobile crossing
19 permit applications filed with the department. A rail authority that has rail lines
20 in this state on the effective date of this subsection [revisor inserts date], shall
21 furnish this information to the department within 30 days[✓] of the effective date of this
22 subsection [revisor inserts date].

23 **SECTION 63.** 350.138 (3) of the statutes is amended to read:

24 350.138 (3) ~~CONTENTS OF~~ PROCEDURES FOR PERMIT APPLICATION. An application
25 submitted under sub. (2) shall include adequate descriptions and drawings showing

1 the proposed location of the snowmobile rail crossing, the design of the snowmobile
 2 rail crossing[✓] and the location of snowmobile trails that connect with the snowmobile
 3 rail crossing. The department shall, upon receipt of an application submitted under
 4 sub. (2)[✓], send a copy of the application to the agent designated under sub. (2m)[✓] for
 5 the applicable rail authority and shall, immediately thereafter, send notice to the
 6 applicant that a copy of the application was sent to the designated agent. The notice
 7 to the applicant must include the name and address of the designated agent to whom
 8 the department sent a copy of the application. The department may reject an
 9 application within 15 days after it is submitted if the application is incomplete or is
 10 not sufficiently detailed to determine whether to approve or deny the application.

11 SECTION 64. 350.138 (4) of the statutes is renumbered 350.138 (4) (a) (intro.)
 12 and amended to read:

13 350.138 (4) (a) (intro.) ^{Keep} ~~The~~ Except as provided ~~under~~ par. (e), the department
 14 shall approve ~~or deny~~ an application submitted under sub. (2) ~~within 60 days after~~
 15 ~~receiving a complete and sufficiently detailed application.~~ [✓] The department may
 16 deny an application only within 90 days after sending a copy of the application to the
 17 rail authority's designated agent under sub. (3) if the department determines that
 18 the proposed snowmobile rail crossing does not comply with the rules promulgated
 19 under s. 350.137. all of the following conditions have been met:

20 SECTION 65. 350.138 (4) (a) 1., 2., 3. and 4. of the statutes are created to read:

21 350.138 (4) (a) 1. Within 30 days after the date ~~that~~ ^{on which} the department sent a copy
 22 of the application to the applicable rail authority, the applicant contacted the
 23 applicable rail authority in writing to discuss the advisability and feasibility of the
 24 proposed rail crossing.

1 2. The applicant furnished the department with a copy of the writing by which
2 the applicant contacted the applicable rail authority under subd. 1.

3 3. The rail authority did not file an objection with the department to the
4 application within 60 days after receiving notice under sub. (3) or did not object,
5 within that period, to a modification of the application as agreed to by the rail
6 authority and the applicant.

7 4. The application complies with the rules promulgated under s. 350.137.

8 **SECTION 66.** 350.138 (4) (b) of the statutes is created to read:

9 350.138 (4) (b) The department shall hold a hearing on the application if the
10 conditions under par. (a) 1. and 4. are met, if the rail authority files with the
11 department an objection to the application within 60 days after receiving notice
12 under sub. (3) and the objection contains all of the following:

13 1. A statement that after discussing the advisability and feasibility of the
14 proposed rail crossing with the applicant in good faith, the rail authority opposes the
15 application.

16 2. A statement of the basis for the rail authority's objection.

17 **SECTION 67.** 350.138 (4) (c) of the statutes is created to read:

18 350.138 (4) (c) The department shall give notice of any hearing scheduled
19 under par. (b) to the applicant, the applicable rail authority, and to the office of the
20 commissioner of railroads. The hearing shall be a contested case hearing under ch.
21 227. The department's order is a final order subject to judicial review under ch. 227.

22 **SECTION 68.** 350.138 (4) (d) of the statutes is created to read:

23 350.138 (4) (d) The department shall issue a permit to the applicant after a
24 hearing under par. (b), and after giving substantial weight to the testimony or report
25 given under s. 195.03 (30), if the department finds that the proposed snowmobile

1 crossing is advisable and feasible. In making its finding, the department shall
2 consider, but not be limited to, all of the following factors:

3 1. Whether the proposed snowmobile rail crossing could pose a substantial
4 danger to public safety.

5 2. Whether a snowmobile rail crossing that is located near the proposed
6 snowmobile rail crossing provides an adequate crossing for snowmobiles.

7 3. Whether the proposed snowmobile rail crossing would have a substantial
8 adverse effect on railroad operations.

9 4. Whether the proposed snowmobile rail crossing conforms with the
10 requirements of the rules promulgated under s. 350.137. ✓

11 **SECTION 69.** 350.138 (4) (e) of the statutes is created to read:

12 350.138 (4) (e) If the department issues a permit to an applicant under this
13 section, the rail authority shall construct that portion of the snowmobile rail crossing
14 that is on the track and that portion that extends outward 4 feet from each outer rail.

15 **SECTION 70.** 350.138 (5) of the statutes is renumbered 350.138 (5) (a) and
16 amended to read:

17 350.138 (5) (a) The department may charge an initial application fee not to
18 exceed \$150 for the costs of reviewing a permit application under sub. (4). Neither
19 a rail authority nor the department may charge any other fee or amount for the
20 construction or use of a snowmobile rail crossing or for the use of the right-of-way
21 for the crossing. If the department charges the fee, the applicant must include the
22 fee with the permit application. *plain*

23 **SECTION 71.** 350.138 (5) (b) of the statutes is created to read:

24 350.138 (5) (b) Except as provided under par. (c), if the department issues a
25 permit to an applicant under this section, the applicant shall pay the rail authority

1 \$1,500 within 30 days after the date on which the permit is issued, to compensate the
2 rail authority for the cost of constructing the snowmobile rail crossing and to pay
3 for the use of the snowmobile rail crossing by snowmobile operators.

4 SECTION 72. 350.138 (5) (c) of the statutes is created to read:

5 350.138 (5) (c) Biennially, beginning ^{on} January 1, ~~2002~~ ²⁰⁰⁴, the department shall
6 adjust the fee under par. (b) by a percentage that is equal to the percentage change
7 in the U.S. consumer price index for all urban consumers, U.S. city average for the
8 24-month period ending on December 31 of the previous calendar year.

9 SECTION 73. 350.138 (6) of the statutes is amended to read:

10 350.138 (6) LIABILITY INSURANCE. The department shall require a snowmobile
11 organization to maintain in effect liability insurance to indemnify the applicable rail
12 authority for damages resulting from the design, construction or maintenance,
13 existence or use of a snowmobile rail crossing for which a permit is approved issued
14 under this section, except that the department shall not require the snowmobile
15 organization to maintain in effect liability insurance to indemnify the applicable rail
16 authority for injuries sustained by a person engaged in a recreational activity, if the
17 rail authority would be immune from liability for those injuries under s. 895.52.

18 Regardless of the number of snowmobile rail crossings that the snowmobile
19 organization maintains under this section and s. 350.139, the amount of the liability
20 insurance that is required to be maintained under this subsection shall be at least
21 \$1,000,000 ~~\$2,000,000~~ for each snowmobile organization. ~~Beginning on January 1,~~

22 1997, this minimum amount shall increase to \$2,000,000. The snowmobile
23 organization shall designate the applicable rail authority as a named insured on the
24 policy. ^{plain} Any liability insurance that is required under this subsection for the purpose

25 of indemnifying a rail authority that is a rail transit body shall also indemnify the

1 owners and operators of any railroad using the tracks of the rail transit body.
2 Annually, beginning on the first day of the 3rd month beginning after the effective
3 date of this subsection [revisor inserts date], each snowmobile organization that
4 is required to maintain liability insurance under this subsection shall furnish proof
5 of that insurance to the applicable rail authority and to the department.

6 ~~SECTION 74. 350.138 (8) (title) of the statutes is amended to read:~~

7 ~~350.138 (8) (title)~~ **TERMS REVOCATION OF PERMITS.**

8 SECTION 75. 350.138 (8) (a) of the statutes is repealed.

9 SECTION 76. 350.138 (8) (b) of the statutes is renumbered 350.138 (8) and
10 amended to read:

11 350.138 (8) ~~The department may revoke or refuse to renew a permit that it~~
12 ~~previously approved only issued~~ if the department determines that the snowmobile
13 rail crossing is not constructed or maintained in compliance with the rules
14 promulgated under s. 350.137, ~~the~~. The department must revoke a permit that it
15 issued if the snowmobile organization does not maintain any liability insurance that
16 is required under sub. (6) or the snowmobile rail crossing is not maintained for use
17 by snowmobiles for at least 5 winters in any 10-year period. The 10-year period for
18 purposes of this paragraph subsection shall begin on the first December 15 following
19 the date of the issuance of the permit.

20 SECTION 77. 350.138 (9) of the statutes is amended to read:

21 350.138 (9) INSPECTION AUTHORIZED. The department or the office of the
22 commissioner of railroads may inspect the site of a proposed or snowmobile rail
23 crossing or the site of a snowmobile rail crossing for which a permit has been issued
24 to determine whether there are grounds to refuse to issue a permit under sub. (4) or
25 to revoke a permit under sub. (8) (b).

or refuse to renew
strike

1 **SECTION 78.** 350.139 (1) (a) of the statutes is amended to read:

2 350.139 (1) (a) "Established snowmobile rail crossing" means a snowmobile rail
3 crossing that has been used by snowmobiles, or maintained by a snowmobile
4 organization for use by snowmobiles, for at least 5 winters of the last 10 years.

5 **SECTION 79.** 350.139 (3) of the statutes is amended to read:

6 350.139 (3) CHARGES PROHIBITED. Neither the department nor a rail authority
7 may charge a fee or any other amount for the use of an established snowmobile rail
8 crossing or for the use of a right-of-way for the established snowmobile rail crossing,
9 unless otherwise agreed upon by the rail authority and a snowmobile organization.

10 ~~SECTION 80. 350.139 (4) (title) of the statutes is amended to read:~~

11 ~~350.139 (4) (title)~~ REQUIREMENTS USE AND MAINTENANCE REQUIREMENTS.

12 **SECTION 81.** 350.139 (4) (intro.) of the statutes is amended to read:

13 350.139 (4) (intro.) The department shall require a snowmobile organization
14 that uses or maintains any part of an established snowmobile rail crossing to do all
15 of the following:

16 **SECTION 82.** 350.139 (4) (a) of the statutes is amended to read:

17 350.139 (4) (a) Maintain that portion of the established snowmobile rail
18 crossing ~~in conformance with the rules promulgated under s. 350.137~~ that is outside
19 of the portion of the snowmobile rail crossing that extends outward 4 feet from each
20 outer rail.

21 **SECTION 83.** 350.139 (4) (b) of the statutes is amended to read:

22 350.139 (4) (b) Maintain in effect liability insurance to indemnify the
23 applicable rail authority for damages resulting from the design, construction or,
24 maintenance, existence, [✓]or use of the established snowmobile rail crossing, except
25 that the department shall not require the snowmobile organization to maintain in

1 effect liability insurance to indemnify the applicable rail authority for injuries
2 sustained by a person engaged in a recreation activity, if the rail authority would be
3 immune from liability for those injuries under s. 895.52. Regardless of the number
4 of established snowmobile rail crossings and snowmobile rail crossings under s.
5 350.138 that each snowmobile organization maintains, the amount of the liability
6 insurance that is required to be maintained under this paragraph shall be at least
7 \$1,000,000 \$2,000,000 for each snowmobile organization. Beginning on January 1,
8 1997, ~~this minimum amount shall increase to \$2,000,000.~~ The snowmobile
9 organization shall designate the applicable rail authority as a named insured on the
10 policy. Any liability insurance that is required under this paragraph for the purpose
11 of indemnifying a rail authority that is a rail transit body shall also indemnify the
12 owners and operators of any railroad using the tracks of the rail transit body.
13 Annually, beginning on the first day of the 3rd month beginning after the effective
14 date of this paragraph ... [revisor inserts date], each snowmobile organization that
15 is required to maintain liability insurance under this paragraph shall furnish proof
16 of that insurance to the applicable rail authority and to the department.

17 SECTION 84. 350.139 (5) of the statutes is amended to read:

18 350.139 (5) INSPECTION AUTHORIZED. The department or the office of the
19 commissioner of railroads may inspect an established snowmobile rail crossing to
20 determine whether the snowmobile organization maintaining the crossing is in
21 compliance with the requirements imposed under sub. (4).

22 SECTION 85. 350.1395 (title) of the statutes is amended to read:

23 350.1395 (title) **Snowmobile rail crossings; closing and removal; review**
24 **of rail authorities; insurance rules.**

25 SECTION 86. 350.1395 (1) (a) of the statutes is repealed.

1 SECTION 87. 350.1395 (2) (a) of the statutes is amended to read:

2 350.1395 (2) (a) ~~Except as provided in par. (b), no~~ A rail authority may close
3 or remove a snowmobile rail crossing ~~subject to a permit under s. 350.138 or an~~
4 established snowmobile rail crossing if it enters into a written agreement with the
5 snowmobile organization under which the snowmobile organization agrees to allow
6 the rail authority to close or remove the snowmobile rail crossing. Each rail authority
7 that enters into a written agreement with a snowmobile organization that holds a
8 permit under s. 350.138 or that maintains an established snowmobile rail crossing
9 under s. 350.139 to close or remove a snowmobile rail crossing shall notify the
10 department of the agreement and that the snowmobile rail crossing has been closed
11 or removed.

12 SECTION 88. 350.1395 (2) (b) of the statutes is renumbered 350.1395 (2) (b) 1.
13 and amended to read:

14 350.1395 (2) (b) 1. A rail authority may petition the department to review any
15 failure of a snowmobile organization to comply with any requirements imposed
16 under s. 350.138 or 350.139 (4), and to issue an order authorizing authorize the rail
17 authority to close or remove an established a snowmobile rail crossing. The
18 department shall decide the matter after notice and hearing. The order issued by the
19 department is a final order of the department subject to judicial review under ch. 227.
20 The rail authority may file a petition under this subdivision without requesting or
21 obtaining a written agreement from the snowmobile organization to close or remove
22 the snowmobile rail crossings. *plain*

23 SECTION 89. 350.1395 (2) (b) 2. of the statutes is created to read:

24 350.1395 (2) (b) 2. The department shall hold a hearing on a petition filed under
25 subd. 1. after giving notice of the hearing to the rail authority, snowmobile

the

1 organization[✓] and the office of the commissioner of railroads. The hearing shall be a
2 contested case hearing under ch. 227. The department's order shall be a final order
3 subject to judicial review under ch. 227.

4 SECTION 90. 350.1395 (2) (b) 3. of the statutes is created to read:

5 350.1395 (2) (b) 3. The department shall grant a rail authority's petition under
6 subd. 2. to close or remove a snowmobile rail crossing if, after a hearing under subd.
7 2., and after giving substantial weight to the office of the commissioner of railroads'
8 testimony or report given under s. 195.03 (30) (b),[✓] the department finds that any[✓] of

9 the following ~~apply~~: *applies*

10 a. The snowmobile rail crossing has not been maintained for use for at least 5
11 winters in the 10 years preceding the year in which the petition was filed.

12 b. The snowmobile rail crossing poses a substantial danger to public safety.

13 c. Another snowmobile rail crossing is located near the snowmobile rail
14 crossing that is the subject of the petition and the other snowmobile rail crossing
15 provides a crossing for snowmobiles that is adequate and accessible.

16 d. The snowmobile rail crossing has a substantial adverse effect on the
17 operations of the rail authority.

18 SECTION 91. 350.1395 (3) of the statutes is amended to read:

19 350.1395 (3) REVIEW OF ACTIONS OF RAIL AUTHORITY. A snowmobile organization
20 may request the department to review any failure of the rail authority, and the rail
21 authority may request the department to review any failure of a snowmobile

22 organization, to comply with s. 350.138 ~~or~~ *or* 350.139 ~~or~~,[✓] this section[✓] or rules
23 promulgated under these sections or s. 350.137. The department shall decide the

24 matter after notice and a contested case hearing. If the department finds that the
25 rail authority or snowmobile organization failed to comply with s. 350.138, 350.139,[✓]

plain

or

1 this section or rules promulgated under these sections or s. 350.137, the department
 2 shall issue an order directing the rail authority or snowmobile organization to take
 3 appropriate action in order to comply with ~~this~~ that section. The order issued by the
 4 department is a final order of the department subject to judicial review under ch. 227.

5 **SECTION 92.** 350.1395 (4) (b) of the statutes is amended to read:

6 350.1395 (4) (b) ~~No rule may be promulgated~~ The department may not
 7 promulgate a rule under this subsection without approval of the rule by the public
 8 ~~service commission~~ first consulting with each rail authority in this state, that has
 9 furnished the department with the information required under s. 350.138 (2m), an
 10 established snowmobile association that represents snowmobile clubs, as defined in
 11 s. 350.138 (1) (e), in this state, and the office of the commissioner of railroads.

12 **SECTION 93.** 350.15 (6) of the statutes is created to read:

13 350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that
 14 occur during a sanctioned race or derby.

15 **SECTION 94. Nonstatutory provisions.**

16 (1) **STUDY.** The department of natural resources shall conduct a study on
 17 alternative snowmobile registration fee schedules, including schedules that are
 18 based on the size and value of snowmobiles. The department shall prepare a report
 19 containing the results of the study before October 1, ~~2000~~ ²⁰⁰², and shall submit the
 20 report to the legislature in the manner provided section 13.172 (2) of the statutes.

21 **SECTION 95. Initial applicability; natural resources.**

22 (1) ODOMETERS AND HOUR METERS ON SNOWMOBILES, ALL-TERRAIN VEHICLES, AND
 23 BOATS. The treatment of sections 100.48 (1) (b), (2), and (3) (a) and 347.415 ~~(1a)~~ and
 24 (2) of the statutes first applies to offenses committed on the effective date of this
 25 subsection.

CS
 SNOWMOBILE REGISTRATION FEE

SECTION 96. Appropriation changes.

(3) SNOWMOBILE LAW ENFORCEMENT AND SAFETY. 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 1999, the dollar amount is increased by \$792,000 for fiscal year 2000-01 to increase the authorized FTE positions for the department by 7.0 SEG conservation warden positions and to increase funding for the purposes for which the appropriation is made.

(END)

Insert 18-18 ✓

Section #. 350.12 (3) (c) 2. of the statutes is amended to read:

350.12 (3) (c) 2. The fee for issuing or renewing a commercial snowmobile certificate is ~~\$60~~. Upon receipt of the application form required by the department and the fee required under this subdivision, the department shall issue to the applicant a commercial snowmobile certificate and 3 reflectorized plates. The fee for additional reflectorized plates is \$20 per plate.

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9.

\$120

Insert

C ✓

¶ 3. Under current law, the registration fee for a commercial snowmobile is \$60. The period of validity for the registration is from 15 months to 24 months, depending on when, during a two-year period, the snowmobile is registered. The bill raises the fee from \$60 to \$120.