

2009 DRAFTING REQUEST

Bill

Received: **08/14/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Thomas Nelson (608) 266-2418**

By/Representing: **Ben Nerad**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Nelson@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Registration of former military vehicles as collector vehicles

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>
/?				_____			State
/P1	agary 08/18/2009	bkraft 08/19/2009	mduchek 08/19/2009	_____	sbasford 08/19/2009		State
/P2	agary 08/28/2009	bkraft 08/28/2009	jfrantze 09/01/2009	_____	cduerst 09/01/2009		State
	agary 09/01/2009			_____			

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/2			phenry 10/09/2009	_____	mbarman 10/09/2009		State
/3	agary 10/09/2009	bkraft 10/09/2009	jfrantze 10/12/2009	_____	lparisi 10/12/2009		State
/4	emueller 10/27/2009 agary 10/28/2009	bkraft 10/28/2009	mduchek 10/28/2009	_____	lparisi 10/28/2009	mbarman 11/03/2009	

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intro*

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<END> 9/11
8/31

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/?	agary	1/Plbjk 8/19	MD 8/19	_____	_____	_____	State

FE Sent For:

<END>

Gary, Aaron

From: Mueller, Eric
Sent: Friday, August 14, 2009 3:49 PM
To: Gary, Aaron

Aaron,

I just received a call from Ben in Rep. Nelson's office. He wants a draft prepared regarding the use of historical vehicles based on an Ohio statute. Apparently, he wants a draft by ~~some~~ **some time next week** – so I don't think I'll be able to handle this one. I believe he's going to send you some additional material.

Eric Mueller
Attorney, Legislative Reference Bureau
Phone: (608)261-7032
eric.mueller@legis.wisconsin.gov

Gary, Aaron

From: Gary, Aaron
Sent: Friday, August 14, 2009 4:27 PM
To: Nerad, Ben
Subject: RE: Bill draft request -- historical motor vehicles

OK.

I spent a lot of time on this issue last session and DOT's position is that military vehicles that were manufactured for on-road operation can be titled and registered like any other, but those not manufactured for on-road operation that do not meet federal safety standards cannot be titled and registered. Some vehicles have slipped through the cracks of DOT's registration process, but I think DOT has always taken the position that such vehicles are not entitled to registration and operation on the road.

Rather than adopting wholesale the Ohio law, I think I can accomplish your intent by working off of s. 341.265 or 341.266 to authorize the registration of historic military vehicles, regardless of whether they were manufactured for on-road operation.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Nerad, Ben
Sent: Friday, August 14, 2009 4:11 PM
To: Gary, Aaron
Subject: RE: Bill draft request -- historical motor vehicles

This is to address a forthcoming DOT rule that will no longer allow historic military vehicles on the road. In the Ohio bill (and from what I can tell, not the WI bill), these vehicles can not be used for transportation, but only for certain purposes.

From: Gary, Aaron
Sent: Friday, August 14, 2009 4:05 PM
To: Nerad, Ben
Subject: RE: Bill draft request -- historical motor vehicles

Ben,

Is this for a constituent? What is seen as the problems with Wisconsin's "historical" vehicle statutes (341.265 and 341.266 below)?

341.265 Antique motor vehicles; registration, plates, use.

(1) Any person who is a resident of this state and the owner or subsequent transferee of a motor vehicle which has a model year of 1945 or earlier and which has not been altered or modified from the original manufacturer's specifications may upon application register the same as an antique vehicle upon payment of a fee of \$5, and be furnished registration plates of a distinctive design, in lieu of the usual registration plates, which shall show in addition to the registration number that the vehicle is an antique. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee. The vehicle shall only be used for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes. A motorcycle may be registered as an antique vehicle if all of the requirements for registration specified in this subsection are satisfied.

(1m) A person who registers an antique motor vehicle under sub. (1) may furnish and display on the vehicle a historical plate from or representing the model year of the vehicle if the registration and plates issued by the department are

simultaneously carried in or, with respect to an antique motorcycle, with the vehicle and are available for inspection.

(2) Unless inconsistent with this section, the provisions applicable to other motor vehicles apply to antique motor vehicles.

341.266 Special interest vehicles; registration, plates, use.

(1) (intro.) In this section:

(a) "Collector" means the owner of one or more special interest vehicles who collects, purchases, acquires, trades or disposes of special interest vehicles or parts thereof for the collector's own use in order to restore, preserve and maintain a special interest vehicle for historic interest.

(b) "Parts car" means a motor vehicle generally in nonoperable condition which is owned by the collector to furnish parts which will enable the collector to restore, preserve and maintain a special interest vehicle or antique vehicle.

(c) "Special interest vehicle" means a motor vehicle of any age which has not been altered or modified from original manufacturers specifications and, because of its historic interest, is being preserved by hobbyists.

(2) (a) Any person who is the owner of a special interest vehicle that is 20 or more years old at the time of making application for registration or transfer of title of the vehicle and who, unless the owner is an historical society that is exempt from federal income taxes, owns, has registered in this state, and uses for regular transportation at least one vehicle that has regular registration plates may upon application register the vehicle as a special interest vehicle upon payment of a fee under par. (b).

(b) The fee to register a vehicle under par. (a) is twice the regular annual fee under s. 341.25 for the type of vehicle, except that the fee for a vehicle that has a gross weight of more than 8,000 pounds may be no more than twice the annual fee for a similar vehicle that has a gross weight of not more than 8,000 pounds.

(c) The department shall furnish the owner of the vehicle with registration plates of a distinctive design in lieu of the usual registration plates, and those plates shall show that the vehicle is a special interest vehicle owned by a Wisconsin collector. Upon application, the owner may reregister the vehicle without the payment of any additional fee.

(d) Each collector applying for special interest vehicle registration plates will be issued a collector's identification number which will appear on each plate. Second and all subsequent registrations under this section by the same collector will bear the same collector's identification number followed by a suffix letter for vehicle identification.

(e) (intro.) The vehicle may be used as are other vehicles of the same type except that:

1. Motor vehicles may not transport passengers for hire.

2. Trucks may not haul material weighing more than 500 pounds, not including the weight of a camper, lid or cap that is mounted on the truck or the weight of any persons or pets riding within the driver's compartment.

3. Except as provided in s. 341.09 (7), no special interest vehicle may be operated upon any highway of this state during the month of January unless the owner of the vehicle reregisters the vehicle under s. 341.25 and replaces the distinctive registration plates issued under par. (c) with regular registration plates or transfers regular registration plates to the vehicle.

(f) Unless inconsistent with this section, the provisions applicable to other vehicles shall apply to special interest vehicles.

(3) In addition to the fee in sub. (2) (b), there shall be an original (first time only) processing fee of \$50 to defray the cost of issuing the original collector's special interest vehicle registration plates and to ensure that each collector will be issued only one collector's identification number.

(4) A collector may store unlicensed, operable or inoperable, vehicles and parts cars on the collector's property provided the vehicles and parts cars and the outdoor storage area are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

(5) Any person who violates sub. (2) (e) 3. may be required to forfeit not more than \$200.

Aaron

Aaron R. Gary

Attorney, Legislative Reference Bureau

608.261.6926 (voice)

608.264.6948 (fax)

aaron.gary@legis.state.wi.us

From: Nerad, Ben

Sent: Friday, August 14, 2009 3:51 PM
To: Gary, Aaron
Subject: Bill draft request -- historical motor vehicles

Aaron,

I spoke with Eric Mueller about getting the below ohio law drafted into legislation. Please let me know if you have any questions.

Thanks,

Ben

4503.181 Historical motor vehicles.

(A) As used in this section, "historical motor vehicle" means any motor vehicle that is more than twenty-five years old and that is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but in no event is used for general transportation.

(B) In lieu of the annual license tax levied in sections 4503.02 and 4503.04 of the Revised Code, a license fee of ten dollars is levied on the operation of an historical motor vehicle.

(C) A person who owns an historical motor vehicle and applies for license plates under this section shall execute an affidavit that the vehicle for which plates are requested is owned and operated solely for the purposes enumerated in division (A) of this section, and also setting forth in the affidavit that the vehicle has been inspected and found safe to operate on the public roads and highways in the state. A person who owns an historical motor vehicle and desires to display model year license plates on the vehicle as permitted by this section shall execute at the time of registration an affidavit setting forth that the model year license plates the person desires to display on the person's historical motor vehicle are legible and serviceable license plates that originally were issued by this state. No registration issued pursuant to this section need specify the weight of the vehicle.

(D) A vehicle registered under this section may display historical vehicle license plates issued by the registrar of motor vehicles or model year license plates procured by the applicant. Historical vehicle license plates shall not bear a date, but shall bear the inscription "Historical Vehicle — Ohio" and the registration number, which shall be shown thereon. Model year license plates shall be legible and serviceable license plates issued by this state and inscribed with the date of the year corresponding to the model year when the vehicle was manufactured. Notwithstanding section 4503.21 of the Revised Code, only one model year license plate is required to be displayed on the rear of the historical motor vehicle at all times. The registration certificate and the historical vehicle license plates issued by the registrar shall be kept in the vehicle at all times the vehicle is operated on the public roads and highways in this state.

Notwithstanding section 4503.21 of the Revised Code, the owner of an historical motor vehicle that was manufactured for military purposes and that is registered under this section may display the assigned registration number of the vehicle by painting the number on the front and rear of the vehicle. The number shall be painted, in accordance with the size and style specifications established for numerals and letters shown on license plates in section 4503.22 of the Revised Code, in a color that contrasts clearly with the color of the vehicle, and shall be legible and visible at all times. Upon application for registration under this section and payment of the license fee prescribed in division (B) of this section, the owner of such an historical motor vehicle shall be issued historical vehicle license plates. The registration certificate and at least one such license plate shall be kept in the vehicle at all times the vehicle is operated on the public roads and highways in this state. If ownership of such a vehicle is transferred, the transferor shall surrender the historical vehicle license plates or transfer them to

another historical motor vehicle the transferor owns, and remove or obliterate the registration numbers painted on the vehicle.

(E) Historical vehicle and model year license plates are valid without renewal as long as the vehicle for which they were issued or procured is in existence. Historical vehicle plates are issued for the owner's use only for such vehicle unless later transferred to another historical motor vehicle owned by that person. In order to effect such a transfer, the owner of the historical motor vehicle that originally displayed the historical vehicle plates shall comply with division (C) of this section. In the event of a transfer of title, the transferor shall surrender historical vehicle license plates or transfer them to another historical motor vehicle owned by the transferor, but model year license plates may be retained by the transferor. The registrar may revoke license plates issued under this section, for cause shown and after hearing, for failure of the applicant to comply with this section. Upon revocation, historical vehicle license plates shall be surrendered; model year license plates may be retained, but no longer are valid for display on the vehicle.

(F) The owner of an historical motor vehicle bearing historical vehicle license plates may replace them with model year license plates by surrendering the historical vehicle license plates and motor vehicle certificate of registration to the registrar. The owner, at the time of registration, shall execute an affidavit setting forth that the model year plates are legible and serviceable license plates that originally were issued by this state. Such an owner is required to pay the license fee prescribed by division (B) of this section, but the owner is not required to have the historical motor vehicle reinspected under division (C) of this section.

A person who owns an historical motor vehicle bearing model year license plates may replace them with historical vehicle license plates by surrendering the motor vehicle certificate of registration and applying for issuance of historical vehicle license plates. Such a person is required to pay the license fee prescribed by division (B) of this section, but the person is not required to have the historical motor vehicle reinspected under division (C) of this section.

Ben Nerad
Office of Rep. Tom Nelson
Assembly Majority Leader
608-266-2418

H/c w/ Ben 8/14 — use this instead

Gary, Aaron

From: Nerad, Ben
Sent: Friday, August 14, 2009 4:25 PM
To: Gary, Aaron
Subject: RE: Bill draft request -- historical motor vehicles

of Ohio
law

341.266 Special interest vehicles; registration, plates, use. (1) In this section:

(a) "Collector" means the owner of one or more special interest vehicles who collects, purchases, acquires, trades or disposes of special interest vehicles or parts thereof for the collector's own use in order to restore, preserve and maintain a special interest vehicle for historic interest.

(b) "Parts car" means a motor vehicle generally in none operable condition which is owned by the collector to furnish parts which will enable the collector to restore, preserve and maintain a special interest vehicle or antique vehicle.

(c) "Special interest vehicle" means a motor vehicle of any age (ADD) including a former military vehicle which has not been altered or modified from original manufacturers specifications and, because of its historic interest, is being preserved by hobbyists.

Add section D

For purposes of this section, "former military vehicle" means a vehicle, including a military trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to represent its military design and markings accurately. Except that a former military vehicle shall not include a fully tracked vehicle.

From: Gary, Aaron
Sent: Friday, August 14, 2009 4:05 PM
To: Nerad, Ben
Subject: RE: Bill draft request -- historical motor vehicles

Ben,
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(1) Any person who is a resident of this state and the owner or subsequent transferee of a motor vehicle which has a model year of 1945 or earlier and which has not been altered or modified from the original manufacturer's specifications may upon application register the same as an antique vehicle upon payment of a fee of \$5, and be furnished registration plates of a distinctive design, in lieu of the usual registration plates, which shall show in addition to the registration number that the vehicle is an antique. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee. The vehicle shall only be used for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes. A motorcycle may be registered as an antique vehicle if all of the requirements for registration specified in this subsection are satisfied.

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in 8/18

Lbjk

wanted
by 8/21

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

SA
X-ref

1

^{gen.}
AN ACT ...; relating to: registration of former military vehicles.

Analysis by the Legislative Reference Bureau

Under current law, an owner of a special interest vehicle that is 20 or more years old may, under specified circumstances, register the vehicle as a special interest vehicle. A special interest vehicle, commonly known as a "collector vehicle," is a motor vehicle that has not been changed from its original manufacturer's specifications and that is being preserved for its historic interest. Vehicles registered as special interest vehicles are issued distinctive registration plates, commonly known as "collector plates," that identify the vehicle as a special interest vehicle owned by a Wisconsin vehicle collector and that display the vehicle owner's collector's identification number. A special interest vehicle may be reregistered for no additional fee if, with an exception, the vehicle is not operated on the highways during the month of January.

Also under current law, the Department of Transportation (DOT) must refuse registration of any vehicle that is originally designed and manufactured for off-highway operation unless the vehicle meets certain federal motor vehicle safety standards.

This bill allows former military vehicles to be registered as a type of special interest vehicle. The bill defines a former military vehicle as a vehicle, including a trailer but excluding a fully tracked vehicle, that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings, regardless of the vehicle's size, weight, or year of manufacture. A former military vehicle may be registered as a special interest vehicle even if it is originally designed and manufactured for off-highway operation and does not meet certain federal motor vehicle safety standards.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 341.266 (1) (am) of the statutes is created to read:

2 341.266 (1) (am) "Former military vehicle" means a vehicle, including a trailer
3 but excluding a fully tracked vehicle, that was manufactured for use in any country's
4 military forces and is maintained to accurately represent its military design and
5 markings, regardless of the vehicle's size, weight, or year of manufacture.

6 **SECTION 2.** 341.266 (1) (c) of the statutes is renumbered 341.266 (1) (c) (intro.)
7 and amended to read:

8 341.266 (1) (c) (intro.) "Special interest vehicle" means ~~a~~ any of the following:

9 2. A motor vehicle of any age which has not been altered or modified from
10 original manufacturers specifications and, because of its historic interest, is being
11 preserved by hobbyists.

12 **SECTION 3.** 341.266 (1) (c) 1. of the statutes is created to read:

13 341.266 (1) (c) 1. A former military vehicle.

14 **SECTION 4.** 341.266 (2) (a) of the statutes is amended to read:

15 341.266 (2) (a) Any person who is the owner of a special interest vehicle that
16 is a former military vehicle, or that is not a former military vehicle and is 20 or more
17 years old at the time of making application for registration or transfer of title of the
18 vehicle, and who, unless the owner is an historical society that is exempt from federal
19 income taxes, owns, has registered in this state, and uses for regular transportation
20 at least one vehicle that has regular registration plates may upon application
21 register the vehicle as a special interest vehicle upon payment of a fee under par. (b).

1 A former military vehicle may be registered under this paragraph notwithstanding
2 s. 341.10 (6).

3 **SECTION 5. Initial applicability.**

4 (1) This act first applies to applications received by the department of
5 transportation on the effective date of this subsection.

6 **SECTION 6. Effective date.**

7 (1) This act takes effect on the first day of the 3rd month beginning after
8 publication.

9 (END)



A handwritten signature, "D. Note", is written in cursive and enclosed within a hand-drawn oval shape in the lower right quadrant of the page.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3284/P1dn
ARG:.....

Lbjk

Date

ATTN: Ben Nerad

Please review the attached draft carefully to ensure that it is consistent with your intent.

I could not directly incorporate the suggested change because a trailer is not a "motor vehicle" and I believe the suggested change is also incomplete. I have assumed that you want former military vehicles to be eligible for registration regardless of age, even if they are less than 20 years old. Please advise if your intent was to allow registration only if the former military vehicle is at least 20 years old.

As discussed by e-mail, I believe that DOT's position is that most former military vehicles cannot be registered because they were not manufactured for on-highway operation. See s. 341.10 (6). Accordingly, this draft incorporates an exception to s. 341.10 (6). I am unaware of whether there are consequences to the state under federal law if this state registers and allows operation of vehicles that do not conform to federal motor vehicle safety standards. I recommend that you consult DOT on this issue.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3284/P1dn
ARG:bjk:md

August 19, 2009

ATTN: Ben Nerad

Please review the attached draft carefully to ensure that it is consistent with your intent.

I could not directly incorporate the suggested change because a trailer is not a "motor vehicle" and I believe the suggested change is also incomplete. I have assumed that you want former military vehicles to be eligible for registration regardless of age, even if they are less than 20 years old. Please advise if your intent was to allow registration only if the former military vehicle is at least 20 years old.

As discussed by e-mail, I believe that DOT's position is that most former military vehicles cannot be registered because they were not manufactured for on-highway operation. See s. 341.10 (6). Accordingly, this draft incorporates an exception to s. 341.10 (6). I am unaware of whether there are consequences to the state under federal law if this state registers and allows operation of vehicles that do not conform to federal motor vehicle safety standards. I recommend that you consult DOT on this issue.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Nerad, Ben
Sent: Wednesday, August 26, 2009 5:21 PM
To: Gary, Aaron
Subject: Historic Military Vehicle

Aaron,

Per my voicemail, below is suggested changes to LRB 3284.

Therefore, rather than placing these vehicles into the Collector vehicle category, the appropriate placement is in the **Antique** vehicle category s.341.265. We also believe that former military vehicles must be defined as 25 years old or older, to be consistent with NHTSA exemption for importation purposes. We are currently developing drafting instructions that would add to the antique vehicle registration category "former military vehicles" defined somewhat similar to your draft but specifying 25 years old or older and also excluding any tracked vehicles. This would also allow this special registration without adding a cost to DMV which would be untenable for us. Even though these vehicles would be in the Antique registration category and have an Antique registration plate, s.341.265 already allows display of a "period" registration plate as long as the antique plate issued by DMV is carried in the vehicle. I'd ask you to take a look at s.341.265.

Ben Nerad
Office of Rep. Tom Nelson
Assembly Majority Leader
608-266-2418

- 3284
8/26 - f/c w/ Ben

6-2401

- wants to move draft toward DOT approach - wants to move quickly - will send DOT comments



State of Wisconsin
2009 - 2010 LEGISLATURE

11/8/28
wanted
by 9/2

LRB-3284/PZ
ARG:bjk:md stays
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
K-ref

regen.

1 **AN ACT to renumber and amend** 341.266 (1) (c); **to amend** 341.266 (2) (a); and
2 **to create** 341.266 (1) (am) and 341.266 (1) (c) 1. of the statutes; **relating to:**
3 registration of former military vehicles.

Analysis by the Legislative Reference Bureau

Insert
ANAC-A

~~Under current law, an owner of a special interest vehicle that is 20 or more years old may, under specified circumstances, register the vehicle as a special interest vehicle. A special interest vehicle, commonly known as a "collector vehicle," is a motor vehicle that has not been changed from its original manufacturer's specifications and that is being preserved for its historic interest. Vehicles registered as special interest vehicles are issued distinctive registration plates, commonly known as "collector plates," that identify the vehicle as a special interest vehicle owned by a Wisconsin vehicle collector and that display the vehicle owner's collector's identification number. A special interest vehicle may be reregistered for no additional fee if, with an exception, the vehicle is not operated on the highways during the month of January.~~

Also under current law, the Department of Transportation (DOT) must refuse registration of any vehicle that is originally designed and manufactured for off-highway operation unless the vehicle meets certain federal motor vehicle safety standards.

Insert

~~This bill allows former military vehicles to be registered as a type of special interest vehicle.~~ The bill defines a former military vehicle as a vehicle, including a trailer but excluding a tracked vehicle, that was manufactured for use in any country's military forces and is maintained to accurately represent its military

is at least 25 years old

an antique

- * design and markings, regardless of the vehicle's size, weight, or year of manufacture.
- * A former military vehicle may be registered as ~~a special interest~~ vehicle even if it is originally designed and manufactured for off-highway operation and does not meet certain federal motor vehicle safety standards.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

insert 2-1

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SECTION 1. 341.266 (1) (am) of the statutes is created to read:

341.266 (1) (am) "Former military vehicle" means a vehicle, including a trailer but excluding a fully tracked vehicle, that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings, regardless of the vehicle's size, weight, or year of manufacture.

SECTION 2. 341.266 (1) (c) of the statutes is renumbered 341.266 (1) (c) (intro.) and amended to read:

341.266 (1) (c) (intro.) "Special interest vehicle" means ~~a~~ any of the following:

2. A motor vehicle of any age which has not been altered or modified from original manufacturers specifications and, because of its historic interest, is being preserved by hobbyists.

SECTION 3. 341.266 (1) (c) 1. of the statutes is created to read:

341.266 (1) (c) 1. A former military vehicle.

SECTION 4. 341.266 (2) (a) of the statutes is amended to read:

341.266 (2) (a) Any person who is the owner of a special interest vehicle that is a former military vehicle, or that is not a former military vehicle and is 20 or more years old at the time of making application for registration or transfer of title of the vehicle, and who, unless the owner is an historical society that is exempt from federal income taxes, owns, has registered in this state, and uses for regular transportation

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~~at least one vehicle that has regular registration plates may upon application register the vehicle as a special interest vehicle upon payment of a fee under par. (b).
A former military vehicle may be registered under this paragraph notwithstanding s. 341.10 (6).~~

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SECTION 5. Initial applicability.

(1) This act first applies to applications received by the department of transportation on the effective date of this subsection.

SECTION 6. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.

(END)

1 **INSERT ANAL-A:**

Under current law, an owner of a motor vehicle that is of model year 1945 or earlier may register the vehicle as an antique vehicle. Antique vehicles may be driven only for special occasions such as display and parade purposes or for necessary testing, maintenance, and storage purposes.

2 **INSERT ANAL-B:**

3 ^a This bill allows former military vehicles to be registered as antique vehicles, with the same operation restrictions.

3

4 **INSERT 2-1:**

5 **SECTION 1.** 341.01 (2) (a) of the statutes is renumbered 341.01 (2) (ar).

6 **SECTION 2.** 341.01 (2) (am) of the statutes is created to read:

7 341.01 (2) (am) "Former military vehicle" means a vehicle, including a trailer
8 but excluding a tracked vehicle, that is at least 25 years old, was manufactured for
9 use in any country's military forces, and is maintained to accurately represent its
10 military design and markings, regardless of the vehicle's size or weight.

11 **SECTION 3.** 341.265 (1) of the statutes is amended to read:

12 341.265 (1) Any person who is a resident of this state and the owner or
13 subsequent transferee of a motor vehicle ~~which~~ that has a model year of 1945 or
14 earlier and ~~which~~ that has not been altered or modified from the original
15 manufacturer's specifications, or that is a former military vehicle, may upon
16 application register the same as an antique vehicle upon payment of a fee of \$5, and
17 be furnished registration plates of a distinctive design, in lieu of the usual
18 registration plates, which shall show in addition to the registration number that the
19 vehicle is an antique vehicle. The registration shall be valid while the vehicle is

1 owned by the applicant without the payment of any additional fee. The vehicle shall
2 only be used for special occasions such as display and parade purposes or for
3 necessary testing, maintenance and storage purposes. A motorcycle may be
4 registered as an antique vehicle if all of the requirements for registration specified
5 in this subsection are satisfied.

History: 1979 c. 146; 1985 a. 96, 105, 332; 1987 a. 210, 349, 403; 1997 a. 27.

6 **SECTION 4. 341.265 (3)** of the statutes is created to read:

7 **341.265 (3)** A former military vehicle may be registered under sub. (1)
8 notwithstanding s. 341.10 (6).

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, September 01, 2009 12:59 PM
To: Nerad, Ben
Subject: RE: Drafting instructions, former military vehicles added to antique registration type

Ben,

I looked this over again when I started preparing the /P3 draft, and I think the /P2 should suffice. The /P2 draft does everything requested by DOT except one narrow area where DOT is actually asking for more than is necessary under the circumstances. The very first item of DOT's instructions, 1., goes beyond what DOT actually needs here. In the /P2 draft, I created s. 341.256 (3) (p. 3, lines 1 and 2) to allow these former military vehicles to be registered as *antique vehicles* regardless of whether or not they were made for on-highway operation ("street legal"). The /P2 draft essentially creates a narrow exception to accomplish the purposes of the draft. What DOT has asked for in 1. is that you create a new proclamation saying former military vehicles are not street legal - this goes way beyond what is necessary for your draft and seems inconsistent with what the bill is trying to accomplish (to my knowledge).

There is more than one way to prepare this draft, but I think that the /P2 you already have meets all of DOT's concerns and should be satisfactory unless DOT sees this draft as the "vehicle" to push a broader agenda. I think the /P2 is ready to send back to DOT as conforming to their instructions. Let me know if you think otherwise.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

9/1 Hc with Ben
• discussed this 5
• B satisfied that /P2 meets their intent
• wants P2 → /1

From: Nerad, Ben
Sent: Monday, August 31, 2009 3:05 PM
To: Gary, Aaron
Subject: FW: Drafting instructions, former military vehicles added to antique registration type

Aaron,

Here are the drafting instructions from DOT on the historic military vehicle bill for changes to the bill you've been working on. Please let me know if you have any questions.

Thanks,

Ben

Ben Nerad
Office of Rep. Tom Nelson
Assembly Majority Leader
608-266-2401

-----Original Message-----

From: Frazier, Carson - DOT
Sent: Monday, August 31, 2009 2:12 PM
To: Klein, Christopher - DOT; Meier, Joan - DOT
Cc: Nilsen, Paul - DOT; Frazier, Carson - DOT; Biermeier, Anna - DOT; Lewis, Linda - DOT; O'Brien, Andrea - DOT; Galbraith, Timothy - DOT
Subject: Drafting instructions, former military vehicles added to antique registration type

This DOT proposal adds to the antique vehicle registration category former military vehicles age 25 or older. The proposal addresses concerns of former military vehicle owners who want to operate their vehicles for occasional display in shows and parades.

A former military vehicle that does not meet Federal Motor Vehicle Safety Standards and yet may be exceedingly large, heavy, and may even have been constructed for use in combat is potentially dangerous when operated along with other vehicles on the highway. Virtually unlimited operation that is available under regular or collector registration presents significant safety concerns for the travelling public. Registration under the antique vehicle registration category allows the operation that vehicle owners desire while minimizing risk to the travelling public.

The antique vehicle registration category is the appropriate category because it allows limited operation “for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes,” for a one-time fee of \$5 and the registration does not expire as long as the vehicle is owned by this person. If the vehicle is sold, the new owner may obtain antique vehicle registration for a one-time fee of \$5 and the registration does not expire as long as the vehicle is owned by this person.

The antique vehicle registration category also allows a vehicle owner to display a “historical” plate from the era that the vehicle is from, if the department-issued plate is carried in the vehicle. Thus, former military vehicle owners can display a plate suitable to the former military vehicle, while carrying the DOT-issued plate.

By incorporating former military vehicles into the antique registration category, DMV will incur no additional cost that would be incurred to create a new registration and license plate type.

Statutory changes as follows:

1. Create s.341.10(6r) “The vehicle is a former military vehicle of any age except as provided in s.341.265.”
2. Amend s.341.265 title to read “Antique motor vehicles and former military vehicles; registration, plates, use.”
3. Add an introductory sentence in s.341.265 to say “In this section, former military vehicle means a vehicle, including a trailer but excluding any tracked vehicle, regardless of the vehicle’s size or weight, that was manufactured for use in any country’s military forces and is 25 or more years old and is maintained to represent its military design and markings accurately.”
4. Amend s.341.265(1) to say “Any person who is a resident of this state and the owner or subsequent transferee of a motor vehicle which has a model year of 1945 or earlier or a former military vehicle and which has not been modified from the original

manufacturer's specifications may upon application register the same as an antique vehicle upon payment of a fee of \$5, and be furnished registration plates of a distinctive design, in lieu of the usual registration plates, which shall show in addition to the registration number that the vehicle is an antique. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee. The vehicle shall only be used for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes. A motorcycle may be registered as an antique vehicle if all the requirements for registration specified in this subsection are satisfied."

5. Amend .341.265(1m) to say "A person who registers an antique motor vehicle or a former military vehicle under sub. (1) may furnish and display on the vehicle a historical plate from or representing the model year of the vehicle if the registration and plates issued by the department are simultaneously carried in or, with respect to an antique or a former military vehicle motorcycle, with the vehicle and are available for inspection."
6. Amend s.341.265(2) to say "Unless inconsistent with this section, the provisions applicable to other motor vehicles apply to antique motor vehicles and former military vehicles."



Soon

in 9/1

stage RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

SA-

regen.

1 AN ACT *to renumber* 341.01 (2) (a); *to amend* 341.265 (1); and *to create* 341.01
2 (2) (am) and 341.265 (3) of the statutes; **relating to:** registration of former
3 military vehicles.

Analysis by the Legislative Reference Bureau

Under current law, an owner of a motor vehicle that is of model year 1945 or earlier may register the vehicle as an antique vehicle. Antique vehicles may be driven only for special occasions such as display and parade purposes or for necessary testing, maintenance, and storage purposes. Also under current law, the Department of Transportation must refuse registration of any vehicle that is originally designed and manufactured for off-highway operation unless the vehicle meets certain federal motor vehicle safety standards.

This bill allows former military vehicles to be registered as antique vehicles, with the same operation restrictions. The bill defines a former military vehicle as a vehicle, including a trailer but excluding a tracked vehicle, that is at least 25 years old, was manufactured for use in any country's military forces, and is maintained to accurately represent its military design and markings, regardless of the vehicle's size or weight. A former military vehicle may be registered as an antique vehicle even if it is originally designed and manufactured for off-highway operation and does not meet certain federal motor vehicle safety standards.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 341.01 (2) (a) of the statutes is renumbered 341.01 (2) (ar).

2 **SECTION 2.** 341.01 (2) (am) of the statutes is created to read:

3 341.01 (2) (am) "Former military vehicle" means a vehicle, including a trailer
4 but excluding a tracked vehicle, that is at least 25 years old, was manufactured for
5 use in any country's military forces, and is maintained to accurately represent its
6 military design and markings, regardless of the vehicle's size or weight.

7 **SECTION 3.** 341.265 (1) of the statutes is amended to read:

8 341.265 (1) Any person who is a resident of this state and the owner or
9 subsequent transferee of a motor vehicle ~~which~~ that has a model year of 1945 or
10 earlier and ~~which~~ that has not been altered or modified from the original
11 manufacturer's specifications, or that is a former military vehicle, may upon
12 application register the same as an antique vehicle upon payment of a fee of \$5, and
13 be furnished registration plates of a distinctive design, in lieu of the usual
14 registration plates, which shall show in addition to the registration number that the
15 vehicle is an antique vehicle. The registration shall be valid while the vehicle is
16 owned by the applicant without the payment of any additional fee. The vehicle shall
17 only be used for special occasions such as display and parade purposes or for
18 necessary testing, maintenance and storage purposes. A motorcycle may be
19 registered as an antique vehicle if all of the requirements for registration specified
20 in this subsection are satisfied.

21 **SECTION 4.** 341.265 (3) of the statutes is created to read:

HMV Bill Meeting 10/1/09

Carson Frazier & Paul Nilsen of DOT, Jeff Rowsam representing HMV owners, Ben Nerad of Rep. Thomas Nelson's office, Jay Ferus of Rep. Ted Zigmunt's office

Meeting Goal: To review the Historic Military Vehicle draft proposal and resolve outstanding issues so that a final draft can be completed and introduced in the current session.

Items to be addressed:

- 1) Modification of existing "Antique" vehicle statute to include Historic Military Vehicles (current draft) or creating a new category for "Historic Military Vehicles"
 - a. HMV's do not fit into "Antique" category.
 - b. Creating an HMV category provides a single destination for all HMV registrations (Preferred by HMV collectors)
- 2) How does Trans 123 admin rule proposal interface with the HMV proposal ?
 - a. Pre 1968 VS Post 1968 vehicles affected?
- 3) Eliminate "25 year" requirement. Discuss reasons why.
 - a. Model year of Gov vehicles is often non existent or inaccurate which creates conflicts.
- 4) Creating a distinctive license plate for HMV category.
 - a. Public Safety Issue, Not a "feel good" support "XYZ" plate
 - b. Identifies vehicle as private owner not active military
 - c. Cost of plate development.
 - i. Fee schedule for HMV registrations.
- 5) Implementation of new category and conversion of existing registrations? How to?
 - a. Current MV registrations under collector plate?
 - b. Former military vehicles not identified in current DOT database?
 - c. Penalties for non compliance?

400 NE

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Meeting w/ Jay ~~Feras~~ (Zigant),
Ben Nevad, Paul Nilser, Carson Frazier,
Andrea O'Brien, ARG

400NE 10/1

~~\$10,000~~ \$11,800

want a new category

~~either~~ " ~~former~~ Military Vehicle (title)
Historic

def. = former

title → Historic

def. → Former

Trans 123 -

def. : 25 years old

• military doesn't use model year

~~25 yrs old~~

• 25 yrs, unless applicant shows that it was produced for use by the U.S. military

• originally purchased from the US govt. for use in/by US military

10/8 flc from Ben - make sure it is explicit that they can travel to and from these events

Gary, Aaron

From: Nerad, Ben
Sent: Thursday, October 01, 2009 3:54 PM
To: Gary, Aaron
Subject: Changes to LRB 3284, Historic Military Vehicles

Aaron,

Below are changes to LRB 3284, following up on our meeting from earlier today. Please let me know if you have any questions.

Thanks,

Ben

- Pg 2, line 4: Indicate that former/historic military vehicle is either an imported vehicle that is at least 25 years old, or a non-imported US military vehicle of any age. The HMV owner would be required to provide documentation indicating that it is a non-imported US military vehicle.
- General: indicate that antique registration provision under 342.265(1m) would not apply to HMVs.
- General: these title for this section is Historic Military Vehicle
- Add to new **341.10(6m)** The vehicle was manufactured for use in any country's military forces and does not meet federal motor vehicle safety standards, except as provided in s. 341.265 or 341.35.
- Provide funding for new license plate design and administrative set up (\$11,800) with a \$25 surcharge – only for new HMV registrations – in addition to the regular \$5 registration fee. In addition, allow for the \$11,800 to be paid by gifts and grants.

Ben Nerad
Office of Rep. Tom Nelson
Assembly Majority Leader
608-266-2401

10/08/2009

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, October 06, 2009 3:56 PM
To: Nerad, Ben
Subject: RE: Changes to LRB 3284, Historic Military Vehicles

Thanks for the clarification. Regarding s. 341.35 (wheel tax), I'll have to revise this a bit, but now I get the intent.

Aaron

From: Nerad, Ben
Sent: Tuesday, October 06, 2009 3:21 PM
To: Gary, Aaron
Subject: RE: Changes to LRB 3284, Historic Military Vehicles

Aaron,

You are correct that the draft should include a new registration category. My answers are under your questions below.

Ben

Ben Nerad
608-266-2401

From: Gary, Aaron
Sent: Tuesday, October 06, 2009 3:01 PM
To: Nerad, Ben
Subject: RE: Changes to LRB 3284, Historic Military Vehicles

Hi Ben,

I started working on this drafting request and need to follow up with a few items.

First, when I left the meeting, the idea was to create a new registration category. Accordingly, I will put the historic military vehicle registration in a new statutory section number, created section 341.269.

The rest of the follow ups are inserted next to the drafting instructions below.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Nerad, Ben

10/06/2009

Sent: Thursday, October 01, 2009 3:54 PM
To: Gary, Aaron
Subject: Changes to LRB 3284, Historic Military Vehicles

Aaron,

Below are changes to LRB 3284, following up on our meeting from earlier today. Please let me know if you have any questions.

Thanks,

Ben

- Pg 2, line 4: Indicate that former/historic military vehicle is either an imported vehicle that is at least 25 years old, or a non-imported US military vehicle of any age. The HMV owner would be required to provide documentation indicating that it is a non-imported US military vehicle.
- General: indicate that antique registration provision under 342.265(1m) would not apply to HMVs.

Question: When I left the meeting, there had been discussion that s. 341.265 (1m) (ability to put historical plates on the vehicle) would apply. This instruction says that it will NOT apply. I just want to make sure I am properly understanding this instruction.

Answer: The instruction is correct – 341.265(1m) would not apply to this new HMV section.

- General: these title for this section is Historic Military Vehicle
- Add to new **341.10(6m)** The vehicle was manufactured for use in any country's military forces and does not meet federal motor vehicle safety standards, except as provided in s. 341.265 or 341.35.

Question: Because of the way the intro. to s. 341.10 is worded, adding a new s. 341.10 (6m) with this text isn't going to work. I can treat s. 341.10 (6) and also create this new s. 341.10 (6m), which is what I'm planning to do unless I hear otherwise from you. Since the historic military vehicle provision will now be s. 341.269, I will only refer to that section. (I'm also not sure why 341.35, the "wheel tax," is mentioned in the instructions.)

Answer: creating the new 341.10(6m) is fine. The intent of referencing 341.35 was to exempt municipal vehicle from these requirements. Apparently, a number of municipalities currently use historic military vehicles for municipal purposes, and we'd like to allow for that exemption. Paul Nielsen sent me the language. Does it need to be drafted otherwise?

- Provide funding for new license plate design and administrative set up (\$11,800) with a \$25 surcharge – only for new HMV registrations – in addition to the regular \$5 registration fee. In addition, allow for the \$11,800 to be paid by gifts and grants.

Question: Do you want to sunset the \$25 surcharge? The instructions would require the \$25 fee to be paid forever, even after DOT has recovered its \$11,800 costs, with the extra money ultimately available for any use by DOT. This is fine if it is consistent with your intent, but I just want to make sure that it is.

Answer: yes, the surcharge should be sunset once DOT/DMV has sufficient funds (\$11,800) for the new HMV plate.

Thanks. Aaron

Ben Nerad
Office of Rep. Tom Nelson
Assembly Majority Leader
608-266-2401

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3284/2dn
ARG:.....

Lbjk

Date

ATTN: Ben Nerad

Please review the attached draft carefully to ensure that it is consistent with your intent. As you can see, the attached draft is significantly different from the "/1" version.

The funding issues in this draft are more complex than might appear at first blush (especially considering the relatively small amount involved). The funding mechanism in the draft is imperfect but I could not think of any way to improve it. I think it is good enough, but perhaps DOT will have some suggestions.

There are two small problems with the funding mechanism here:

1. The \$25 fee will be of little use in covering the costs of plate development unless this money gets into DMV's hands. Accordingly, I have included an appropriation increase for DMV of \$11,800 for the year in which the bill takes effect. However, to the extent DOT receives gifts or contributions, that money will flow through appropriation account s. 20.395 (4) (ch) to DMV. For this reason, the \$11,800 appropriation increase would be too much if gifts or contributions are received, but there is no way of knowing whether and in what amount these gifts or contributions will materialize.

2. The \$11,800 is appropriated from the transportation fund this fiscal biennium. However, there is no way of knowing whether the increased \$11,800 in revenues from the bill will materialize this fiscal biennium or further into the future. If the full amount of revenues does not materialize this fiscal biennium, there will be a slight effect on the transportation fund deficit. Also, as with other registration fees, the revenues generated from this draft are first pledged for repayment of revenue bonds and, if not needed for this purpose, return to the transportation fund.

Please let me know if you would like any changes made to the attached draft or if you have any questions. AA

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