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1977 Senate Bill 71

Date published: **May 25, 1978**

CHAPTER 402, Laws of 1977

AN ACT to renumber and amend 350.125 (1); to amend 23.09 (26) (b), 350.05 (2) and (4), 350.12 (3) (a) (intro.), (c) 5, (d) and (dm), (4) (intro.), (a) 3, 3m

and 4 and (b) (intro.), 1, 2 and 3 and (5) (a); and to create 23.09 (26) (c) to (f), 350.12 (4) (a) 6 and (5) (c) and 350.125 (1) (b) of the statutes, relating to revising various laws affecting snowmobile registration and the snowmobile aids program.

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

SECTION 1. 23.09 (26) (b) of the statutes is amended to read:

23.09 (26) (b) The county board of any county, which, by resolution, indicates its desire to receive aids under this subsection shall apply to the department on forms prescribed by the department and submit required documentation as set forth by rule on or before ~~February 1~~ April 15, ~~commencing beginning in 1973~~ 1978. A decision on an aid application shall be made by the department on or before ~~April~~ July 1, ~~commencing beginning in 1973~~ 1978. ~~If requests for state aids exceed the funds allotted for this program, the total dollar value of approved aid applications shall be calculated by the department. Funds shall be distributed on the basis of the ratio of the total dollar value of an individual county application to the total dollar value of all approved aid applications applied to the amount of available funds. Any county receiving less than the total dollar value of its application is under no obligation to expend county funds to cover the amount requested and not received. If requests received by February 1 do not exceed allotted funds, the department may grant aids based on requests received after February 1.~~

SECTION 2. 23.09 (26) (c) to (f) of the statutes are created to read:

23.09 (26) (c) Distribution of snowmobile trail funds shall be made on the basis of a priority system according to the following priority-ranked purposes:

1. Maintenance of existing approved trails.
2. Purchase of land rights.
3. Liability insurance.
4. Club signing program.
5. Route signing program.
6. Development of new trails.

(d) Maintenance funds shall be allocated to class I and class II trails in each county first. No county may receive funds for maintaining more than 250 miles of class I and class II trails at the initial allocation of funds. If sufficient funds are available, consideration will be given to maintaining additional county miles (over 250 miles) provided adequate justification is shown. Factors to be considered in providing maintenance funds for trail mileage above the 250-mile limit include: population, registration, snowfall, amount of public land and its importance to regional or statewide trail systems. No class III trails may be funded for maintenance until all necessary funds have been allocated for maintaining class I and class II trails. For purposes of this section, "class I" trail means a trail which provides a primary access route through the county and connects with another county's trail. "Class II" trail means a trail which provides access from the population centers of the county or access points to the regional or state trail system. "Class III" trail means any other trail in the county which is available to the public.

(e) Distribution of snowmobile trail development funds shall be made on the basis of a priority system according to the following priority-ranked criteria:

1. Main trail systems as designated in the county and state snowmobile plan as class I and class II.
2. Trails in counties where there are no funded trails or trails are in short supply in comparison to demand.
3. Trails to be developed on public-owned or long-term easement land.
4. Trails which can be developed to provide more trail miles for less cost.

(f) The maximum amount allowed for general trail development shall be \$300 per mile. The maximum amount allowed for trails that require the construction of permanent bridges shall be \$500 per mile with the additional \$200 per mile expended only for the bridges.

SECTION 3. 350.05 (2) and (4) of the statutes are amended to read:

350.05 (2) SNOWMOBILE SAFETY PERMIT OR OPERATOR'S LICENSE REQUIRED. ~~After October 1, 1973, no~~ No person over the age of 12 years but under the age of 16 years may operate a snowmobile unless he or she holds a valid snowmobile safety certificate or is accompanied by a person over 18 years of age or by a person over 14 years of age having a snowmobile safety certificate issued by the department. Any person who is over the age of 12 and under the age of 16 who holds a snowmobile safety certificate shall carry it while operating a snowmobile and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the department may operate a snowmobile in an area designated by the instructor.

(4) DEFINITION. For purposes of this section, "accompanied" means being on the same snowmobile as the operator ~~or not on the snowmobile but in the immediate vicinity of its operation.~~

SECTION 4. 350.12 (3) (a) (intro.), (c) 5, (d) and (dm) of the statutes are amended to read:

350.12 (3) (a) (intro.) ~~A~~ No person shall ~~not~~ may operate and ~~an~~ no owner shall ~~not~~ may give permission for the operation of any snowmobile within this state unless the snowmobile is registered under this section. A registration period shall be for ~~3~~ 2 years beginning ~~on September~~ July 1 and shall expire on ~~August 31~~ June 30 ~~3~~ 2 years thereafter. A fee of ~~\$9~~ \$12 shall be paid to the department ~~of natural resources~~ for registration which shall be valid for the ~~3-year~~ 2-year period ~~commencing on September~~ beginning July 1 prior to the date of application if registration is made prior to April 1 and ~~commencing on September~~ beginning July 1 subsequent to the date of application if registration is made after April 1.

(c) 5. A fee of \$2 shall be paid to the department for the registration of each snowmobile put in use by the ~~snowmobile renter~~ commercial owner unless 2 dealer's plates are displayed, one on each side of the snowmobile cowling. For purposes of this paragraph "put in use" means renting the snowmobile, but shall not include the operation of a snowmobile on land owned or under the control of the snowmobile renter.

(d) Upon receipt of the required fee and an application on forms prescribed by it, the department shall issue to the applicant a registration certificate stating the registration number, the name and address of the owner, and such other information as the department deems necessary. The department shall also issue ~~one~~ 2 registration ~~sticker~~ stickers ~~or decal~~ decals per snowmobile owned by an individual owner or put in use by a commercial owner. ~~Such sticker~~ The stickers or decal ~~decals~~ shall be no larger than 2 inches in height and 4 inches in width and shall contain reference to the state, the department, ~~the registration number~~ and the expiration date of the registration.

(dm) Upon receipt of the required fee and an application form prescribed by it, the department also shall issue to dealers, manufacturers and distributors 3 pairs of reflectorized plates with additional plates being available for a fee of ~~\$1.50~~ \$2 per pair. Snowmobile renters shall be issued separate registration stickers or decals for each machine.

SECTION 5. 350.12 (4) (intro.) and (a) 3, 3m, as affected by chapter 29, laws of 1977, and 4 of the statutes are amended to read:

350.12 (4) (intro.) AIDS. All moneys collected from snowmobile registrations under this section shall be deposited into the conservation fund. The department shall estimate as accurately as possible the total registration receipts for a ~~3-year~~ 2-year period ~~commencing September~~ beginning July 1, ~~1972~~ 1978, and thereafter, adjusting the estimate each year to reflect funds available. An equal sum shall be set aside for each year of the ~~3-year~~ 2-year period to be adjusted as needed.

(a) 3. The cost of a snowmobile safety and accident reporting program in the sum of \$80,000 annually;

3m. The cost of state law enforcement efforts as appropriated under s. 20.370 (3) (vo); ~~and~~

4. ~~Law~~ An amount necessary, but not to exceed \$100,000, to pay the cost of law enforcement aids to counties as appropriated under s. 20.370 (3) (vp). On or before February 1, a county ~~may shall~~ file with the department on forms prescribed by the department a detailed statement of the costs incurred by the county in the enforcement of this chapter in the preceding year. The department shall audit the statements and determine the county's net costs for enforcement of this chapter. The department shall compute the state aids on the basis of 100% of such net costs and shall pay such aids on or before April 1. If the state aids payable to counties exceed the moneys available for such purpose, the department shall prorate the payments; and

SECTION 6. 350.12 (4) (a) 6 of the statutes is created to read:

350.12 (4) (a) 6. At the close of any registration period, all funds in excess of \$200,000 remaining after all authorized expenditures have been made shall lapse into the appropriation under s. 20.370 (1) (vr).

SECTION 7. 350.12 (4) (b) (intro.), 1, 2 and 3 of the statutes are amended to read:

350.12 (4) (b) (intro.) From the sum available for a given year, two-thirds shall be appropriated under s. 20.370 (1) (vr) and (vs) for land acquisition, liability insurance, development and maintenance, the cooperative snowmobile sign program, signing of snowmobile routes, and state snowmobile trails and areas and allocated as follows:

1. State aids and funds for maintenance costs shall be 100% of the actual cost of maintaining the trail per year up to a \$100 per mile per year maximum. Qualifying trails are ~~those as are~~ trails approved by the board as snowmobile trails. State aid for the cost of the purchasing or leasing of land and the acquisition of easements, permits or other agreements may equal 100% of acquisition expense. Development shall ~~be commenced~~ begin the same year the land is acquired. Moneys available for development shall be distributed on a 100% grant basis, 75% at the time of approval but no later than ~~April~~ July 1 and 25% upon completion of the project. A county application may include a request for purchasing or leasing land or acquiring easements, permits or other agreements for the use of land, and for aids for development or maintenance of trails. Trail routes, sizes and specifications shall be prescribed only by the board.

2. Not more than ~~\$15,000~~ \$30,000 annually for a cooperative sign program with snowmobile clubs for club snowmobile trails open to the public and meeting minimum trail construction standards. Clubs may apply to the department for free signs or aids for signs on forms prescribed by the department and submit required documentation as prescribed by departmental rule on or before October 1 of each year.

3. ~~Aids~~ Not more than \$30,000 for a route signing program of aids to cities, villages or towns of up to 100% of the cost of initial signing of snowmobile routes which connect authorized trails or which offer entrance to or exit from trails leading to such municipalities. Applications and documentation shall be submitted to the department by ~~February 1~~ April 15 of each year on forms ~~and as~~ prescribed by departmental rule.

SECTION 8. 350.12 (5) (a) of the statutes is amended to read:

350.12 (5) (a) The owner of the snowmobile shall attach the registration number to the snowmobile in a prominent place, and shall maintain such ~~decal or sticker~~ registration number and registration decals or stickers in a legible condition at all times. Numbers shall be not less than 3 inches in height and not less than one-fourth of an inch wide and in sharp contrast to the background to which applied. Numbers and registration decals or stickers to be applied on both sides of the cowling of the snowmobile.

SECTION 9. 350.12 (5) (c) of the statutes is created to read:

350.12 (5) (c) The registration certificate shall be exhibited for inspection on the demand of any person authorized to enforce this section as listed in s. 350.17 (1).

SECTION 10. 350.125 (1) of the statutes is renumbered 350.125 (1) (a) and amended to read:

350.125 (1) (a) When a snowmobile dealer sells a new snowmobile the dealer shall, at the time of sale, require the buyer to complete an application for a registration certificate, collect the required fee and mail the application and fee to the department no later than 14 days after the date of sale. Combination application and receipt forms shall be provided by the department and the dealer shall furnish the buyer with a completed receipt showing that application for registration has been made. This completed receipt shall be in the possession of the user of the snowmobile until the registration certificate is received. No snowmobile dealer may charge an additional fee to the buyer for performing the service required under this subsection.

SECTION 11. 350.125 (1) (b) of the statutes is created to read:

350.125 (1) (b) When a snowmobile dealer sells a snowmobile to a person from another state who wishes to register that machine in his or her home state, the dealer shall, at the time of sale, complete an application for a registration certificate and indicate on the application that the machine is to be registered in another state and mail one copy to the department no later than 14 days after the date of sale, furnish the buyer with one copy and retain one copy for the dealer's records.

SECTION 12. **Application.** (1) This act shall take effect on July 1, 1978.

(2) Snowmobile registrations in effect prior to July 1, 1978, shall expire as provided in section 350.12 (3) (a) (intro.), 1975 stats.
