



2009 SENATE BILL 406

November 20, 2009 - Introduced by Senators HOLPERIN, WIRCH, LEHMAN, COWLES, TAYLOR, ERPENBACH, PLALE, LASSA, SCHULTZ, OLSEN, MILLER, HANSEN and GROTHMAN, cosponsored by Representatives DANOU, RADCLIFFE, ZEPNICK, RIPP, LEMAHIEU, HEBL, STEINBRINK, BIES, KESTELL, A. OTT, M. WILLIAMS, KERKMAN, TURNER, VAN ROY and HILGENBERG. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1 **AN ACT** *to repeal* 350.12 (3j) (d); *to renumber* 350.12 (3j) (b); *to renumber and*
2 *amend* 25.29 (1) (d) 1.; *to amend* 20.370 (1) (mq), 20.370 (3) (aq), 20.370 (3)
3 (aq), 350.10 (1) (gm), 350.101 (1) (c), 350.11 (3) (a) (title), 350.11 (3) (a) 4., 350.12
4 (3) (a) (intro.), 350.12 (3j) (a) 2., 350.12 (3m) (d) and 350.12 (4) (bg) 2.; and *to*
5 *create* 25.29 (1) (d) 1. a., 25.29 (1) (d) 1. b., 350.01 (9j), 350.11 (3) (a) 5., 350.12
6 (3j) (b) 1., 350.12 (3j) (b) 3., 350.12 (3j) (b) 4., 350.12 (3j) (bg), 350.12 (4) (ar) and
7 350.12 (4) (at) of the statutes; **relating to:** snowmobile registration, trail use
8 sticker requirements, intoxicated snowmobiling, snowmobile speed limits,
9 calculating the estimated snowmobile gas tax payment, funding for alcohol
10 education programs and state trails, providing penalties, and making
11 appropriations.

Analysis by the Legislative Reference Bureau

This bill makes the following changes relating to the regulation of snowmobile operation in this state:

1. Current law prohibits a person from operating a snowmobile in this state unless the snowmobile is covered by a public-use or private-use registration issued

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by the Department of Natural Resources (DNR) or is exempt from registration. A person who owns a snowmobile is generally exempt from snowmobile registration requirements in this state if the snowmobile is covered by a valid registration in another state or country. A public-use registration is valid for two years and a private-use registration is valid until ownership of the snowmobile is transferred. This bill eliminates the two-year registration period for a public-use registration and provides that a public-use registration is valid until ownership of the snowmobile is transferred. The bill also lowers the public-use registration fee from \$30 to \$15.

2. Under current law, a person who owns a snowmobile that is not registered in this state or is exempt from registration must display a trail use sticker issued by DNR on the snowmobile. The fee for this sticker is \$35. This bill requires all snowmobiles to display a trail use sticker, regardless of whether the snowmobile is registered in this state. The bill provides that the fee for a trail use sticker issued for a snowmobile that is registered in this state is \$14.25 if the snowmobile is owned by a snowmobile club member and \$34.25 if the owner does not belong to a snowmobile club.

3. Current law requires absolute sobriety for any person operating a snowmobile who is under the age of 19. This bill increases this age so that the absolute sobriety requirement applies to anyone under the age of 21.

4. The bill imposes increased penalties for operating a snowmobile under the influence of an intoxicant or with alcohol concentrations above specified levels if the snowmobile is operated with a passenger under 16 years of age.

5. Current law prohibits a person from operating a snowmobile at night at a rate of speed exceeding 55 miles per hour. Current law sunsets this provision on July 1, 2010. This bill repeals the sunset.

6. Under current law, DNR provides funding from the snowmobile account in the conservation fund for snowmobile regulation purposes including aids to counties for activities such as snowmobile trail development and maintenance and law enforcement. Currently, these activities are funded by snowmobile fees and by moneys transferred from the transportation fund to the conservation fund. The amount of this transfer equals the estimated snowmobile gas tax formula. The estimated snowmobile gas tax formula amount is based on an estimate of the amount of excise tax paid on gasoline by operators of all snowmobiles registered in this state. This bill bases the estimated snowmobile gas tax formula on an estimate of the excise tax paid on gasoline by operators of registered snowmobiles in this state who are issued a trail use sticker.

7. This bill provides additional funding from the snowmobile account in the conservation fund in fiscal years 2010–11 to 2012–13 for alcohol education programs for snowmobilers, for law enforcement, and for the development and maintenance of state trails.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* 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.** 20.370 (1) (mq) of the statutes is amended to read:

2 20.370 (1) (mq) *General program operations — state snowmobile trails and*
3 *areas.* The amounts in the schedule from the snowmobile account in the conservation
4 fund for state snowmobile trails and areas, and beginning in fiscal year 2010-11 and
5 ending in fiscal year 2012-13, for the development and maintenance of state trails
6 under s. 23.175.

7 **SECTION 2.** 20.370 (3) (aq) of the statutes, as affected by 2009 Wisconsin Act 28,
8 section 270m, is amended to read:

9 20.370 (3) (aq) *Law enforcement — snowmobile enforcement and safety.* The
10 amounts in the schedule from the snowmobile account in the conservation fund for
11 state law enforcement operations under ss. 350.055, 350.12 (4) (a) 2m., 3., and 3m.,
12 and 350.155, for safety training and fatality reporting, ~~and~~ for the funding for a
13 snowmobile rail crossing under 2009 Wisconsin Act 28, section 9137 (6x), and
14 beginning in fiscal year 2010-11 and ending in fiscal year 2012-13, for alcohol
15 education programs for snowmobilers under s. 350.108.

16 **SECTION 3.** 20.370 (3) (aq) of the statutes, as affected by 2009 Wisconsin Act 28,
17 section 270p, is amended to read:

18 20.370 (3) (aq) *Law enforcement — snowmobile enforcement and safety*
19 *training.* The amounts in the schedule from the snowmobile account in the
20 conservation fund for state law enforcement operations under ss. 350.055, 350.12 (4)
21 (a) 2m., 3., and 3m., and 350.155 ~~and~~, for safety training and fatality reporting, and

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1 beginning in fiscal year 2010-11 and ending in fiscal year 2012-13, for alcohol
2 education programs for snowmobilers under s. 350.108.

3 **SECTION 4.** 25.29 (1) (d) 1. of the statutes is renumbered 25.29 (1) (d) 1. (intro.)
4 and amended to read:

5 25.29 (1) (d) 1. (intro.) An amount calculated by multiplying the number of
6 snowmobiles registered under s. 350.12 or 350.122 on the last day of March of the
7 previous fiscal year sum of the following by 50 gallons and multiplying that product
8 by the excise tax imposed under s. 78.01 (1) on the last day of March of the previous
9 fiscal year.;

10 **SECTION 5.** 25.29 (1) (d) 1. a. of the statutes is created to read:

11 25.29 (1) (d) 1. a. The number of trail use stickers issued under s. 350.12 (3j)
12 during the 12-month period before the last day of March of the previous fiscal year
13 to owners of snowmobiles that are registered under s. 350.12 (3).

14 **SECTION 6.** 25.29 (1) (d) 1. b. of the statutes is created to read:

15 25.29 (1) (d) 1. b. The number of snowmobiles registered under s. 350.122 on
16 the last day of March of the previous fiscal year.

17 **SECTION 7.** 350.01 (9j) of the statutes is created to read:

18 350.01 (9j) “Legal drinking age” has the meaning given in s. 125.02 (8m).

19 **SECTION 8.** 350.10 (1) (gm) of the statutes is amended to read:

20 350.10 (1) (gm) During the hours of darkness at a rate of speed exceeding 55
21 miles per hour. ~~This paragraph does not apply after July 1, 2010.~~

22 **SECTION 9.** 350.101 (1) (c) of the statutes is amended to read:

23 350.101 (1) (c) *Operating with alcohol concentrations at specified levels; below*
24 *the legal drinking age 19.* If a person has not attained the legal drinking age of 19,

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1 the person may not engage in the operation of a snowmobile while he or she has an
2 alcohol concentration of more than 0.0 but not more than 0.08.

3 **SECTION 10.** 350.11 (3) (a) (title) of the statutes is amended to read:

4 350.11 (3) (a) (title) *Penalties related to prohibited operation of a snowmobile;*
5 *intoxicants; refusal; underage passengers.*

6 **SECTION 11.** 350.11 (3) (a) 4. of the statutes is amended to read:

7 350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) or 350.104 (5) and who
8 has not attained the legal drinking age of 19 shall forfeit not more than \$50.

9 **SECTION 12.** 350.11 (3) (a) 5. of the statutes is created to read:

10 350.11 (3) (a) 5. If there is a passenger under 16 years of age on the snowmobile
11 at the time of a violation that gives rise to a conviction under s. 350.101 (1) (a) or (b),
12 the applicable minimum and maximum forfeitures, fines, and terms of
13 imprisonment under subs. 1. to 3. for the conviction are doubled.

14 **SECTION 13.** 350.12 (3) (a) (intro.) of the statutes is amended to read:

15 350.12 (3) (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person
16 may operate and no owner may give permission for the operation of any snowmobile
17 within this state unless the snowmobile is registered for public use or private use
18 under this paragraph or s. 350.122 or as an antique under par. (b) and has the
19 registration decals displayed as required under sub. (5) or s. 350.122 or unless the
20 snowmobile has a reflectorized plate attached as required under par. (c) 3. A
21 snowmobile that is not registered as an antique under par. (b) may be registered for
22 public use. A snowmobile that is not registered as an antique under par. (b) and that
23 is used exclusively on private property, as defined under s. 23.33 (1) (n), may be
24 registered for private use. A snowmobile public-use registration certificate is valid
25 for 2 years beginning on the July 1 prior to the date of application if registration is

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1 made prior to April 1 and beginning on the July 1 subsequent to the date of
2 application if registration is made after April 1 and ending on June 30, 2 years
3 thereafter. A snowmobile or private-use registration certificate is valid from the
4 date of issuance until ownership of the snowmobile is transferred. The fee for the
5 issuance or renewal of a public-use registration certificate is \$30 \$15, except that the
6 fee is \$5 if it is a snowmobile owned and operated by a political subdivision of this
7 state. There is no fee for the issuance of a private-use registration certificate or for
8 the issuance of a registration certificate to the state.

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

10 350.12 **(3j)** (a) 2. ~~Except as provided in par. (d), no~~ No person who is the owner
11 of a snowmobile may operate, or give permission for another person to operate, a
12 snowmobile on a public snowmobile corridor in this state unless a trail use sticker
13 issued under this subsection is displayed on the snowmobile.

14 **SECTION 15.** 350.12 (3j) (b) of the statutes is renumbered 350.12 (3j) (b) 2.

15 **SECTION 16.** 350.12 (3j) (b) 1. of the statutes is created to read:

16 350.12 **(3j)** (b) 1. In this paragraph, "snowmobile club" means an association
17 organized in this state that is a member of the Association of Wisconsin Snowmobile
18 Clubs and that meets at least 3 times per year, that has at least 10 members, and that
19 promotes responsible snowmobiling.

20 **SECTION 17.** 350.12 (3j) (b) 3. of the statutes is created to read:

21 350.12 **(3j)** (b) 3. The fee for a trail use sticker issued for a snowmobile that is
22 registered under sub. (3) and that is owned by a person who is a member of a
23 snowmobile club is \$14.25.

24 **SECTION 18.** 350.12 (3j) (b) 4. of the statutes is created to read:

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1 350.12 (3j) (b) 4. The fee for a trail use sticker issued for a snowmobile that is
2 registered under sub. (3) and that is owned by a person who is not a member of a
3 snowmobile club is \$34.25.

4 **SECTION 19.** 350.12 (3j) (bg) of the statutes is created to read:

5 350.12 (3j) (bg) A trail use sticker issued for a snowmobile for which a fee is
6 charged under this subsection may be issued only by the department and persons
7 appointed by the department and expires on June 30 of each year.

8 **SECTION 20.** 350.12 (3j) (d) of the statutes is repealed.

9 **SECTION 21.** 350.12 (3m) (d) of the statutes is amended to read:

10 350.12 (3m) (d) *Estimate.* On July 1 of each even-numbered year, the
11 department shall estimate as accurately as possible the total registration trail use
12 sticker receipts for a 2-year period and adjust the estimate periodically to reflect
13 actual receipts.

14 **SECTION 22.** 350.12 (4) (ar) of the statutes is created to read:

15 350.12 (4) (ar) *State trail development aids.* Of the amounts appropriated
16 under s. 20.370 (1) (mq), in fiscal years 2010-11, 2011-12, and 2012-13 the
17 department shall allocate \$30,000 in each of those fiscal years for the development
18 and maintenance of state trails under s. 23.175.

19 **SECTION 23.** 350.12 (4) (at) of the statutes is created to read:

20 350.12 (4) (at) *Alcohol education costs.* Of the amounts appropriated under s.
21 20.370 (3) (aq), in fiscal years 2010-11, 2011-12, and 2012-13 the department shall
22 allocate \$40,000 in each of those fiscal years for alcohol education programs for
23 snowmobilers under s. 350.108.

24 **SECTION 24.** 350.12 (4) (bg) 2. of the statutes is amended to read:

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1 350.12 (4) (bg) 2. For fiscal year ~~2001-02~~ 2009-10, and for each fiscal year
2 thereafter, the department shall calculate an amount equal to the number of trail use
3 stickers issued under sub. (3j) in the previous fiscal year to owners of snowmobiles
4 that are exempt from registration under sub. (2) multiplied by \$~~15~~ \$34.25 and shall
5 credit this amount to the appropriation account under s. 20.370 (5) (cw). From the
6 appropriation account under s. 20.370 (5) (cw), the department shall make payments
7 to the department or a county for the purposes specified in par. (b). The department
8 shall make payments under par. (bm) for trail maintenance costs that were incurred
9 in the previous fiscal year and that exceed the maximum specified under par. (b) 1.
10 before making payments for any of the other purposes specified in par. (b).

SECTION 25. Nonstatutory provisions.

11 (1) (a) In this subsection, “snowmobile club” has the meaning given in section
12 350.12 (3j) (b) 1. of the statutes, as created by this act.

13 (b) Notwithstanding the fees specified under section 350.12 (3j) (b) of the
14 statutes, as affected by this act, in fiscal year 2010-11, the following fees apply for
15 a trail use sticker issued for a snowmobile that has a registration under section
16 350.12 (3) of the statutes, as affected by this act, that expires on June 30, 2011:

17 1. If the snowmobile is owned by a person who is a member of a snowmobile
18 club, there is no fee.

19 2. If the snowmobile is owned by a person who is not a member of a snowmobile
20 club, the fee is \$19.25.

SECTION 26. Fiscal changes.

21 (1) GENERAL PROGRAM OPERATIONS — STATE SNOWMOBILE TRAILS AND AREAS. In the
22 schedule under section 20.005 (3) of the statutes for the appropriation to the
23 department of natural resources under section 20.370 (1) (mq) of the statutes, as
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1 affected by the acts of 2009, the dollar amount is increased by \$30,000 for the second
2 fiscal year of the fiscal biennium in which this subsection takes effect to appropriate
3 funding for the development and maintenance of state trails under section 23.175 of
4 the statutes.

5 (2) LAW ENFORCEMENT — SNOWMOBILE ENFORCEMENT AND SAFETY TRAINING. In the
6 schedule under section 20.005 (3) of the statutes for the appropriation to the
7 department of natural resources under section 20.370 (3) (aq) of the statutes, as
8 affected by the acts of 2009, the dollar amount is increased by \$64,600 for the second
9 fiscal year of the fiscal biennium in which this subsection takes effect to appropriate
10 funding for the purpose for which the appropriation is made.

11 **SECTION 27. Effective dates.** This act takes effect on July 1, 2010, except as
12 follows:

13 (1) The treatment of section 20.370 (3) (aq) (by SECTION 3) of the statutes takes
14 effect on July 1, 2011.

15 (END)