

CHAPTER 350

SNOWMOBILES

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350.01 Definitions. (1) "Fermented malt beverages" has the meaning designated in s. 66.054 (1) (j).

(2) "Game" has the meaning designated in s. 29.01 (3) (a).

(3) "Head lamp" has the meaning designated in s. 340.01 (21).

(4) "Highway" has the meaning designated in s. 340.01 (22).

(5) "Hours of darkness" has the meaning designated in s. 340.01 (23).

(6) "Intoxicating liquor" has the meaning designated in s. 176.01 (2).

(7) "Controlled substance" has the meaning designated in s. 161.01 (4).

(8) "Roadway" has the meaning designated in s. 340.01 (54).

(9) "Snowmobile" has the meaning designated in s. 340.01 (58a).

(10) "State trunk highway" has the meaning designated in s. 340.01 (60).

(11) "Street" has the meaning designated in s. 340.01 (64).

(12) "Tail lamp" has the meaning designated in s. 340.01 (66).

(13) "Owner" has the meaning designated in s. 30.50 (3).

(14) "Department" means the department of natural resources.

(15) "Board" means the natural resources board.

(16) "Snowmobile dealer" means any person engaged in the sale of snowmobiles for a profit at wholesale or retail.

(17) "Snowmobile manufacturer" means any person engaged in the manufacture of snowmobiles for sale to the public.

(18) "Snowmobile renter" means any person engaged in the rental or leasing of snowmobiles to the public.

(19) "Snowmobile trail" means a marked route on public property or on private lands subject to public easement or lease, designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding highways.

(20) "Snowmobile route" means a highway or sidewalk designated for use by snowmobile operators by the governmental agency having jurisdiction as authorized under this chapter.

History: 1971 c. 219, 277.

350.02 Operation of snowmobiles on or in the vicinity of highways. (1) Snowmobiles shall not be operated upon any part of any freeway including freeways which are a part of the federal system of interstate and defense highways.

(2) (a) Snowmobiles shall not be operated on other highways except in the following manner or as otherwise authorized by law:

1. Directly across any roadway having fewer than 5 lanes, but only after stopping and yielding the right-of-way to all vehicles approaching on the roadway. Crossings under this subdivision may be made only at a place where no obstruction prevents a quick and safe crossing. For purposes of this subdivision, "obstruction" includes but is not limited to impairment of view and dangerous roadway condition.

2. On any roadway which is not normally maintained for other vehicular traffic by the removal of snow.

3. On the roadway of highways to cross a bridge or culvert unless posted by the maintaining authority, but shall yield the right-of-way to all vehicular traffic.

4. On the roadway of county or town highways and city or village streets for special snowmobile events authorized under s. 350.04.

5. On highways which have been designated as routes and which are required to be marked.

(b) Snowmobiles may be operated adjacent to a roadway with due regard to safety in the following manner:

1. Along U. S. numbered highways, state and county highways at a distance of 10 or more feet from the roadway. Travel upon the median of a divided highway is prohibited except to cross.

2. Along town highways outside of the roadway.

3. During daylight hours travel may be in either direction regardless of the flow of vehicular traffic.

4. At night travel shall conform to the direction of traffic in the nearest lane.

5. Whenever it is impracticable to gain immediate access to an area adjacent to a highway, other than a freeway, where a snowmobile is to be operated, the snowmobile may be operated adjacent and parallel to the roadway for the purpose of gaining access to and from the area of operation. Loading or unloading of the snowmobile shall be accomplished with due regard to safety at the nearest practical point to the area of operation.

6. Snowmobiles traveling adjacent to a roadway shall observe roadway speed limits.

(3) Snowmobiles may be operated for emergency purposes on any highway during a period of emergency when so declared by the governmental agency having jurisdiction.

(4) Under no circumstances, except as provided in this section, is a snowmobile to be operated on the main-traveled portion of a highway or on the plowed portion.

History: 1971 c. 277.

350.03 Right-of-way. The operator of a snowmobile shall slow his vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not in or on a snowmobile except as provided in ch. 346 where applicable.

History: 1971 c. 277.

350.04 Snowmobile races, derbies and routes. (1) Any county, town, city or village may block off the highways under its jurisdiction for the purpose of allowing special snowmobile events. No state trunk highway or connecting street or part thereof, shall be blocked off by any county, town, city or village for any snowmobile race or derby. Every county, town, city or village shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of

any snowmobile race or derby which may result in any street or part thereof, of the county, town, city or village being blocked off. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race or derby.

(2) On state trunk bridges equipped with sidewalks on each side of the roadway, one sidewalk may be designated by the town, city or village as a snowmobile route. Towns, cities or villages may adopt ordinances designating highways as snowmobile routes for snowmobile operation, subject to the following limitations:

(a) Snowmobiles shall be operated on the extreme right side of the roadway.

(b) Left turns shall be made as safely as possible from any position depending on snow cover and other prevailing conditions.

(c) Snowmobile operators shall yield right-of-way to other vehicular traffic and pedestrians.

(d) Highways designated for snowmobile operation shall be marked in accordance with s. 350.13.

(e) Snowmobile operation is not permitted on state trunk highways or connecting streets except as provided under s. 350.02.

(3) (a) No county, town, city or village shall be liable for any injury suffered in connection with a race or derby under this section, unless the injury is caused by the negligence of the county, town, city or village.

(b) The county, town, city or village shall post the provisions of par. (a) in a conspicuous place, readily accessible to all contestants and spectators, and shall assist in locating and identifying persons responsible for injuries that may occur.

History: 1971 c. 277.

350.045 Public utility exemption. So that public utilities may effectively carry out their obligations to the public, the restrictions imposed by this chapter relating to use on, near or adjacent to highways shall not apply to snowmobiles operated to fulfill the corporate function of the public utility in those cases where safety does not require strict adherence to the regulations related to snowmobiles in general. However, snowmobiles operated by public utilities must be operated in a safe manner at all times.

History: 1971 c. 277.

350.047 Local ordinance to be filed.

Whenever a town, city or village adopts an ordinance designating a highway as a snowmobile route, and whenever a county, town, city or village adopts an ordinance regulating snowmobiles, its clerk shall immediately send a copy of the ordinance to the department and to the office of the law enforcement agency of the municipality and county having jurisdiction over such street or highway.

History: 1971 c. 277.

350.05 Operation by youthful operators restricted.

(1) **AGE RESTRICTION.** No person under the age of 12 years may operate a snowmobile unless he is accompanied either by a person over 18 years of age or by a person over 14 years of age who holds a snowmobile safety certificate issued by the department under s. 350.055.

(2) **SNOWMOBILE SAFETY PERMIT OR OPERATOR'S LICENSE REQUIRED.** After October 1, 1973, no person over the age of 12 years but under the age of 16 years may operate a snowmobile unless he 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. Persons enrolled in a safety certification program approved by the department may operate a snowmobile in an area designated by the instructor.

(3) **EXCEPTIONS.** This section does not apply to the operation of snowmobiles by an operator under the age of 16 years upon lands owned or leased by his parent or guardian. As used in this section, "leased lands" does not include lands leased by an organization of which said operator or his parent or guardian is a member.

(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.

History: 1971 c. 277.

350.055 Safety certification program established.

The department shall establish a program of instruction on snowmobile laws, regulations, safety and related subjects. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of their duties under this section. Persons satisfactorily completing this program shall receive certification from the department. The department may charge an instruction fee of not to exceed \$2.50

for each person taking a program of instruction under this section. From the fees collected under this section, \$20,000 shall be set aside for the snowmobile safety and accident reporting program and the balance shall be used for law enforcement aids under s. 350.12 (4) (a) 4.

History: 1971 c. 277.

350.06 Firearms and bows. No person shall operate or ride in any snowmobile with any firearm in his possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

Cross Reference: See 29.66 for provision for release from arrest on deposit of money.

350.07 Driving animals. No person shall drive or pursue any animal with a snowmobile, except as a part of normal farming operations involving the driving of livestock.

History: 1971 c. 277.

Cross Reference: See 29.66 for provision for release from arrest on deposit of money.

350.08 Owner permitting operation. No owner or other person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate such snowmobile who is incapable, by reason of age, physical or mental disability, or is under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

History: 1971 c. 219.

350.09 Head lamps, tail lamps and brakes, etc. (1) Any snowmobile operated during the hours of darkness, or operated during daylight hours on or in the vicinity of any highway, shall display a lighted head lamp and tail lamp.

(2) After February 12, 1970, the head lamp on a snowmobile may be of the single beam or multiple beam type, but in either case shall comply with the following requirements and limitations:

(a) The head lamp shall be an electric head lamp and the current shall be supplied by a wet battery and electric generator, by a current-generating coil incorporated into the magnet or by a generator driven directly by the motor by means of gears, friction wheel, chain or belt.

(b) The head lamp shall display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 200 feet ahead.

(c) If the snowmobile is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth

in par. (b) and the lower most beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead.

(d) If the snowmobile is equipped with a single beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 25 feet ahead, projects higher than the level of the center of the lamp from which it comes.

(3) After February 12, 1970, the tail lamp on a snowmobile must display a red light plainly visible during darkness from a distance of 500 feet to the rear.

(4) Every snowmobile shall be equipped with at least one brake operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver on a level, hard-packed snow surface, or capable of locking the track on a level, hard-packed snow surface. The design shall permit simple and easy adjustment to compensate for wear. There shall be no other control linked to the brake which impairs braking operation.

(5) All snowmobiles manufactured after July 1, 1972, and offered for sale or sold in this state shall be equipped with side marker reflectors meeting the visibility requirements of society of automotive engineers standards or reflex material standards in compliance with federal specifications.

(6) No snowmobile shall be manufactured, sold, offered for sale, or operated unless it is equipped with a muffler in good working order, which blends the exhaust noise into the overall engine noise and is in constant operation to prevent excessive or unusual noise.

(7) Every snowmobile manufactured after July 1, 1972, and offered for sale or sold in this state shall be so constructed as to limit total vehicle noise to not more than 82 decibels of A sound pressure at 50 feet, as measured by society of automotive engineers standards. Every snowmobile manufactured after July 1, 1975, and offered for sale or sold in this state shall be so constructed as to limit total vehicle noise to not more than 78 decibels of A sound pressure, as measured by society of automotive engineers standards. No snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the snowmobile as originally constructed, regardless of date of manufacture.

(8) Subsection (7) does not apply to snowmobiles competing in a sanctioned race or derby or to snowmobiles being tested by manufacturers, distributors or dealers on lands under their control.

(9) All snowmobiles competing in a sanctioned race or derby shall be equipped with a device wired into the motor's electrical system that will shut off the motor if the operator falls from the snowmobile or otherwise leaves the operator's position. The device shall be capable of being attached to the body of the operator, and shall be so attached when the snowmobile is being operated.

History: 1971 c. 277.

350.10 Miscellaneous provisions for snowmobile operation. No person shall operate a snowmobile in the following manner:

(1) At a rate of speed that is unreasonable or improper under the circumstances.

(2) In any careless way so as to endanger the person or property of another.

(3) While under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

(4) In such a way that the exhaust of the motor makes an excessive or unusual noise.

(5) Without a functioning muffler.

(6) On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

(7) Between the hours of 10:30 p.m. and 7 a.m. when within 150 feet of a dwelling at a rate of speed exceeding 10 miles per hour.

(8) In any forest nursery, planting area or on public lands posted or reasonably identified as an area of forest or plant reproduction when growing stock may be damaged.

(9) On the frozen surface of public waters within 100 feet of a person not in or upon a vehicle or within 100 feet of a fishing shanty unless operated at a speed of 10 miles per hour or less.

(10) On a slide, ski or skating area except for the purpose of serving the area, crossing at places where marked or after stopping and yielding the right-of-way.

(11) On or across a cemetery, burial ground, school or church property without consent of the owner.

(12) On the lands of an operating airport or landing facility except for personnel in performance of their duties or with consent.

(13) On Indian lands without the consent of the tribal governing body or Indian owner. For purposes of this subsection, "Indian lands" means lands owned by the United States and held for the use or benefit of Indian tribes, bands, or individual Indians and lands owned by Indian tribes, bands, or individual Indians which are subject to restrictions on alienation. Failure to post Indian lands does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

History: 1971 c. 219, 277

350.11 Penalties. Any person who violates any provision of this chapter, except ss. 350.07, 350.08 and 350.10 (3) may be fined not less than \$10 nor more than \$250. Any person who violates s. 350.07 may be fined not less than \$200 nor more than \$500. Any person violating s. 350.08 or 350.10 (3) may be fined not more than \$200 or imprisoned not more than 6 months or both for the first offense and, upon the 2nd or subsequent conviction within 5 years shall be imprisoned not less than 5 days nor more than one year and in addition may be fined not more than \$200.

History: 1971 c. 277.

350.12 Registration of snowmobiles. (1) **REGISTRATION REQUIREMENT.** After January 1, 1970, no person shall operate, and no owner shall give permission for the operation of any snowmobile within this state unless the snowmobile is registered with the department pursuant to this section or is exempt from registration. No political subdivision shall have authority to register or license snowmobiles.

(2) **EXEMPTION.** A snowmobile is exempt from registration if it is:

(a) Owned by the United States, another state or a political subdivision thereof, but such snowmobiles shall display the name of the owner on the cowling thereof.

(b) Covered by a valid registration in another state, province or country, provided there is some identification of registration displayed on the snowmobile and it has not been in this state for more than 15 consecutive days.

(c) Used exclusively for racing on a raceway facility or at special events.

(d) Owned by a political subdivision of the state and used for enforcement or emergency purposes.

(3) **APPLICATIONS, ISSUANCES, RENEWALS, FEES.** (a) A person shall not operate and an owner shall not 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 years beginning on September 1 and shall expire on August 31 3 years thereafter. A fee of \$9 shall be paid to the department of natural resources for registration which shall be valid for the 3-year period commencing on September 1 prior to the date of application if registration is made prior to April 1 and commencing on September 1 subsequent to the date of application if registration is made after April 1.

1. For the issuance of a duplicate registration certificate, a fee of \$1 shall be paid to the department.

2. Upon transfer of ownership of a snowmobile for which a registration certificate has been issued, the seller shall, at time of sale, deliver the assigned certificate to the purchaser.

3. The purchaser shall complete the application for transfer and cause it to be mailed or delivered to the department within 10 days from the date of purchase. A fee of \$1 shall be paid for transfer of a current registration certificate.

4. Whenever a snowmobile is junked, the owner shall return the certificate of registration to the department marked "junked".

5. Snowmobiles owned and operated by this state, or by any county or municipality of this state, must display a registration number. A fee of \$1 shall be paid to the department.

(c) Every person who is a snowmobile manufacturer, dealer, distributor or renter or any combination thereof engaged in business in this state shall obtain from the department a registration certificate as a commercial owner. Each snowmobile put in use by a commercial owner shall also be registered. The registration period shall be the same as in par. (a). The registration fees shall be as follows for the issuance of a registration certificate to a commercial owner, or renewal thereof, valid for the whole registration period:

1. \$25 for dealers and distributors who own and operate snowmobiles for purposes of demonstration or testing;

2. \$25 for manufacturers who own and operate snowmobiles for the purposes of research, testing, experimentation or demonstration;

3. \$25 for commercial owners, except manufacturers, dealers and lessors where the snowmobile will be operated only on lands owned by the manufacturer, dealer or owner;

4. \$15 for snowmobile renters;

5. A fee of \$2 shall be paid to the department for the registration of each snowmobile put in use by the snowmobile renter. 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 registration sticker or decal per snowmobile owned by an individual owner or put in use by a commercial owner. Such sticker or decal 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 per pair. Snowmobile renters shall be issued separate registration stickers or decals for each machine.

(e) If a certificate or registration decal or sticker is lost or destroyed, the owner may apply for a duplicate on forms provided for by the department accompanied by a fee of \$1. Upon receipt of a proper application and the required fee, the department shall issue a duplicate certificate or registration decal or sticker to the owner.

(4) 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 period commencing September 1, 1972, 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 period to be adjusted as needed.

(a) From the sum available for a given year, one-third shall be set aside for the following:

1. Registration costs;
2. The cost of the snowmobile recreational council;
3. The cost of a snowmobile safety and accident reporting program in the sum of \$60,000; and

4. The balance shall be used for law enforcement aids to counties. On or before February 1 a county may file with the department on forms prescribed by the department a detailed statement of the costs incurred by the county in the enforcement of ch. 350 in the preceding year. The department shall audit the statements and determine the county's net costs for enforcement of ch. 350. The department shall compute the state aids on the basis of 75% 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.

(b) From the sum available for a given year, two-thirds shall be appropriated under s. 20.370 (2) (vn) for land acquisition, development and maintenance. State aids for maintenance costs are limited to one-half of the actual cost of maintaining the trail per year up to a \$25 per mile per year maximum. Qualifying trails are those as are approved by the board as snowmobile trails. State aid for the cost of the leasing of land, the acquisition of easements and the purchase of land shall be limited to 75% of acquisition expense with the county furnishing 25% on a matching basis. Development must be commenced 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 1 and 25% upon completion of the project. A county application may include a request for aids for development, maintenance, land acquisition or any one of those categories. Trail routes, sizes and specifications shall be prescribed only by the board.

(c) Funds available under s. 20.370 (2) (vn) not used by September 1, 1972, shall be used for development, maintenance and land acquisition only.

(5) NUMBER TO BE DISPLAYED. (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 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 to be applied on both sides of the cowling of the snowmobile.

(b) The registration certificate shall be in the possession of the user of the snowmobile at all times, except in the case of snowmobiles put in use by a commercial owner.

(6) **CHANGE OF ADDRESS** Whenever the owner of a registered snowmobile changes his address he shall within 15 days thereafter notify the department in writing of his new address and of the registration numbers awarded to him. At the same time he shall endorse his new address on his registration certificates.

History: 1971 c 211, 277.

Cross Reference: See 29.66 for provision for release from arrest on deposit of money.

350.13 Uniform trail signs and standards.

The department of natural resources in cooperation with the department of transportation, after having consulted with the snowmobile recreational council and after public hearing, shall promulgate rules to establish uniform trail and route signs and standards relating to operation thereon as authorized by law. The department of transportation shall place appropriate signs on highways and roadways where authorized snowmobile trails cross.

History: 1971 c 40 s. 93; 1971 c 277.

350.14 Duties of snowmobile recreational council. The snowmobile recreational council shall carry out studies and make recommendations to the legislature, governor, department of natural resources and department of transportation on all matters related to this chapter or otherwise affecting snowmobiles and snowmobiling.

History: 1971 c 277.

350.15 Accidents and accident reports.

(1) **DUTY TO RENDER AID.** Insofar as he is capable of doing, the operator of a snowmobile involved in a snowmobile accident shall render to other persons affected thereby such assistance as is practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his snowmobile to any person injured and to the owner of any property damaged in the accident.

(2) **DUTY TO REPORT.** (a) If the snowmobile accident results in death or injury to any person or total property damage in excess of \$100, every operator of a snowmobile involved in such accident shall, as soon as possible, give notice of the accident to a conservation warden or local law enforcement officer and shall within 10 days after the accident, file a written report thereof with the department on the form prescribed by it.

(b) If the operator of a snowmobile is physi-

cally incapable of making the report required by this subsection and there was another occupant on the snowmobile at the time of the accident capable of making the report he shall make such report.

(3) **TERMS DEFINED.** In this section:

(a) "Snowmobile accident" means a collision accident or other casualty involving a snowmobile.

(b) "Injury" means any injury of a physical nature resulting in the need of attention by a physician or surgeon, whether or not such aid or attention was received.

(c) "Total property damage" means the sum total cost of putting the property damaged in the condition it was in before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing the property.

(4) **REPORTS CONFIDENTIAL.** No report required by this section to be filed with the department shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made.

History: 1971 c. 277.

350.17 Enforcement. (1) Any officer of the state traffic patrol under s. 110.07 (1), inspector under s. 110.07 (3), warden of the department under s. 23.10, county sheriff or municipal peace officer may enforce the provisions of this chapter.

(2) No person operating a snowmobile shall refuse to stop after being requested or signaled to do so by a law enforcement officer.

History: 1971 c. 277.

350.18 Local ordinances. Counties, towns, cities and villages may regulate snowmobile operation on snowmobile trails maintained by or on snowmobile routes designated by the county, city, town or village.

History: 1971 c. 277.

350.19 Liability of landowners. Section 29.68 (1) to (3) applies to this chapter.

History: 1971 c. 277.