

1993 Senate Bill 435

Date of enactment: **March 18, 1994**

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## 1993 WISCONSIN ACT 165

AN ACT *to repeal* 341.268 (2) (intro.); *to renumber and amend* 341.268 (2) (a); *to amend* 341.09 (7), 341.268 (title), 341.268 (1) (a), 341.268 (1) (b), 341.268 (1) (c), 341.268 (1) (d), 341.268 (3), 341.27 (3) (a), 341.28 (2) (intro.) and (b), 341.31 (4) (b), 342.06 (1) (f), 342.30 (1m) and 347.455 (1) and (2); *to repeal and recreate* 341.268 (2) (b); and *to create* 341.268 (1) (e) and (f), 341.268 (2) (a), 341.268 (2) (c), (e) and (f), 341.268 (5), 347.02 (7) and 347.455 (4) of the statutes, **relating to:** the registration and operation of reconstructed, replica, street modified and homemade vehicles and providing a penalty.

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

**SECTION 1.** 341.09 (7) of the statutes is amended to read:

341.09 (7) The owner of a special interest vehicle registered under s. 341.266 (2) (a) or a reconstructed, replica, street modified or homemade vehicle registered under s. 341.268 (2) (a) may, upon payment of a fee of \$5 and application to the department, be issued a permit for operation of the vehicle for a period not to exceed 5 successive days during the month of January. The permit shall be valid only in the calendar year for which the permit is issued. The department shall prescribe the form of the application and permit and the manner in which the permit shall be displayed. The owner may be issued additional permits in subsequent years upon application and payment of the required fee.

**SECTION 2.** 341.268 (title) of the statutes is amended to read:

**341.268 (title) Reconstructed, replica, street modified and homemade vehicles; registration, plates, use.**

**SECTION 3.** 341.268 (1) (a) of the statutes is amended to read:

341.268 (1) (a) "Hobbyist" means the owner of one or more reconstructed, replica, street modified or homemade vehicles who collects, purchases, acquires, trades

or disposes of reconstructed, replica, street modified or homemade vehicles or parts thereof for personal use in order to build, reconstruct, restore, preserve and maintain a reconstructed, replica, street modified or homemade vehicle for historic or hobby interest.

**SECTION 4.** 341.268 (1) (b) of the statutes is amended to read:

341.268 (1) (b) "Homemade vehicle" means a motor vehicle which has been constructed or assembled from new or used parts or both using a body and frame not originating from and not resembling any previously manufactured motor vehicle.

**SECTION 5.** 341.268 (1) (c) of the statutes is amended to read:

341.268 (1) (c) "Parts car" means a motor vehicle generally in nonoperable condition which is owned by the hobbyist to furnish parts which will enable the hobbyist to build, reconstruct, restore, preserve and maintain a reconstructed, replica, street modified or homemade vehicle.

**SECTION 6.** 341.268 (1) (d) of the statutes is amended to read:

341.268 (1) (d) "Reconstructed vehicle" means a motor vehicle of any age which has been substantially altered or modified from original manufacturers specifications to such an extent that it no longer resembles the original manufactured vehicle.

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**SECTION 7.** 341.268 (1) (e) and (f) of the statutes are created to read:

341.268 (1) (e) "Replica vehicle" means a motor vehicle that is a reproduction of a vehicle originally made by another manufacturer and which consists of a reproduction body that is combined with a new, used or replica frame and drivetrain.

(f) "Street modified vehicle" means a motor vehicle of any age which has been modified from original manufacturers specifications, but does not include any reconstructed vehicle as defined under par. (d).

**SECTION 8.** 341.268 (2) (intro.) of the statutes is repealed.

**SECTION 9.** 341.268 (2) (a) of the statutes is renumbered 341.268 (2) (d) and amended to read:

341.268 (2) (d) Each hobbyist applying for reconstructed, replica, street modified or homemade vehicle registration plates will be issued a hobbyist's identification number which will appear on each plate. Second and all subsequent registrations under this section by the same hobbyist will bear the same hobbyist's identification number followed by a suffix letter for vehicle identification.

**SECTION 10.** 341.268 (2) (a) of the statutes is created to read:

341.268 (2) (a) Any person who is the owner of a reconstructed, replica, street modified or homemade vehicle and who 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 reconstructed, replica, street modified or homemade vehicle upon payment of a fee under par. (b), provided that the vehicle is one of the following:

1. A reconstructed vehicle assembled from a vehicle manufactured 20 years or more prior to the time of making application for registration or transfer of title of the vehicle.

2. A replica vehicle which is a reproduction of a vehicle manufactured 20 years or more prior to the time of making application for registration or transfer of title of the replica vehicle.

3. A street modified vehicle which is 20 or more years old at the time of making application for registration or transfer of title of the vehicle.

4. A homemade vehicle.

**SECTION 11.** 341.268 (2) (b) of the statutes is repealed and recreated to read:

341.268 (2) (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.

**SECTION 12.** 341.268 (2) (c), (e) and (f) of the statutes are created to read:

341.268 (2) (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 reconstructed, replica, street modified or homemade vehicle owned by a Wisconsin hobbyist. Upon application, the owner may reregister the vehicle without the payment of any additional fee.

(e) 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.

3. Except as provided in s. 341.09 (7), no reconstructed, replica, street modified or homemade 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 of this chapter applicable to other vehicles shall apply to reconstructed, replica, street modified and homemade vehicles.

**SECTION 13.** 341.268 (3) of the statutes is amended to read:

341.268 (3) In addition to the fee in sub. (2) ~~(b)~~, there shall be an original (first time only) processing fee of \$20 \$50 to defray the cost of issuing the original hobbyist's reconstructed, replica, street modified or homemade vehicle registration plates and to ensure that each hobbyist will be issued only one hobbyist's identification number.

**SECTION 14.** 341.268 (5) of the statutes is created to read:

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

**SECTION 15.** 341.27 (3) (a) of the statutes is amended to read:

341.27 (3) (a) Except as provided in s. 341.28 (2) (c), if the applicant holds current registration plates which were removed from an automobile which the applicant no longer owns or which has been junked, is no longer used on the highways or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street modified or homemade vehicle under s. 341.268 (2) (a), and the plates were issued under the monthly series system, the department shall register the automobile which is the subject of the application for the remainder of the unexpired registration period.

**SECTION 16.** 341.28 (2) (intro.) and (b) of the statutes are amended to read:

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341.28 (2) (intro.) If the applicant for registration holds current registration plates which were removed from an automobile which the applicant no longer owns or which has been junked, is no longer being used on the highways or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street modified or homemade vehicle under s. 341.268 (2) (a), and the plates were issued under the monthly series system, the applicant is exempt from the payment of a registration fee, except in the following cases:

(b) If the automobile which is the subject of the application was owned by the applicant at the time of and on or before the 15th day of the month in which the transfer, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a) of the other automobile occurred and was not currently registered at the time of such transfer, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a), the applicant shall pay a fee to be computed as provided in subs. (3) to (5) but shall receive a credit for the unused portion of the current registration. The credit shall be computed on the basis of one-twelfth of the annual fee paid for the vehicle from which the plates were removed multiplied by the number of months remaining in the registration period represented by the removed plates, including the month during which the applicant transferred, discontinued to use on the highways, junked or registered under s. 341.266 (2) (a) or 341.268 (2) (a) the automobile from which the plates were removed if the transfer, discontinuance of use on the highways, junking or registration under s. 341.266 (2) (a) or 341.268 (2) (a) occurred on or before the 15th day of the month.

**SECTION 17.** 341.31 (4) (b) of the statutes is amended to read:

341.31 (4) (b) A person retaining a set of plates removed from a vehicle under s. 342.15 (4) (a) or 342.34 (1) (c) or (2) (c) and which was junked or transferred, is no longer used on the highways or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street modified or homemade vehicle under s. 341.268 (2) (a) may receive credit for the unused portion of the registration fee paid when registering a replacement vehicle of the same type and gross weight.

**SECTION 18.** 342.06 (1) (f) of the statutes is amended to read:

342.06 (1) (f) If the identification number of the vehicle has been removed, obliterated or altered, or if the original casting has been replaced, or if the vehicle has not been numbered by the manufacturer, the application for certificate of title shall so state. If the identification number of the vehicle was originally based on an engine number and the engine number is no longer pertinent to

the vehicle because of subsequent engine changes and no other manufacturer's identification number, chassis number or serial number exists, the department shall assign a new identification number for the vehicle under s. 342.30 (1m).

**SECTION 19.** 342.30 (1m) of the statutes is amended to read:

342.30 (1m) When the department is satisfied as to the ownership of a vehicle subject to registration which has not been numbered by the manufacturer or on which the original number has been removed, obliterated or altered or on which the original casting has been replaced or on which a new identification number is required under s. 342.06 (1) (f), the department shall assign a new identification number for each such vehicle.

**SECTION 20.** 347.02 (7) of the statutes is created to read:

347.02 (7) The vehicle equipment requirements for a street modified vehicle shall be the same as the vehicle equipment requirements for a vehicle of the same type and model year that is not a street modified vehicle. The vehicle equipment requirements for a replica vehicle shall be the same as the vehicle equipment requirements for a vehicle of the same type and model year as the vehicle used for purposes of the reproduction.

**SECTION 21.** 347.455 (1) and (2) of the statutes are amended to read:

347.455 (1) Except as further provided in this section, no person may operate any vehicle on a highway if modifications have been made to the suspension system, axles or chassis of the vehicle which cause any portion of the vehicle to ride more than 4 inches above ~~or below~~ the height of the vehicle specified by the manufacturer. The height of the vehicle shall be measured from the level surface on which the vehicle stands.

(2) If the modification is for the purpose of strengthening or improving handling, modifications may be made to the suspension system, axles or chassis of a 4-wheel drive vehicle or a motor truck which has a gross weight of not more than 8,000 pounds which cause the vehicle to ride 5 or less inches above ~~or below~~ the height of the vehicle specified by the manufacturer. The height of the vehicle shall be measured from the level surface on which the vehicle stands.

**SECTION 22.** 347.455 (4) of the statutes is created to read:

347.455 (4) No person may operate any vehicle on a highway if modifications have been made to the suspension system, axles, chassis or exhaust system of the vehicle which cause any portion of the vehicle, except the tires, to extend below lines drawn from the bottom of each wheel rim to the points of contact between the tires on the opposite side and opposite end of the vehicle and the level surface on which the vehicle stands.

**SECTION 23. Effective date.** This act takes effect on the first day of the 6th month beginning after publication.

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