

1999 ASSEMBLY BILL 828

March 7, 2000 – Introduced by Representatives SPILLNER, HANDRICK, GRONEMUS, HAHN, PORTER, MUSSER, GOETSCH, PLOUFF and HUNDERTMARK, cosponsored by Senators BRESKE and WELCH. Referred to Committee on Tourism and Recreation.

1 **AN ACT** *to renumber* 100.48 (1) (a); *to renumber and amend* 347.415 (1),
2 350.09 (7) and 350.12 (4) (bg); *to amend* 25.29 (1) (d) 1., 100.48 (1) (b), 100.48
3 (2), 100.48 (3) (a), 100.48 (4) (a), 100.48 (4) (b), 347.415 (2), 347.415 (4), 347.50
4 (1), 347.50 (2), 350.02 (3m), 350.12 (3) (a) 2. and 350.12 (4) (b) (intro.); and *to*
5 **create** 20.370 (5) (cw), 100.48 (1) (ad), 100.48 (1) (ag), 100.48 (1) (c), 100.48 (4)
6 (c), 347.415 (1g), 350.035, 350.09 (7) (b), 350.095, 350.12 (3i), 350.12 (4) (bg) 2.
7 and 350.15 (6) of the statutes; **relating to:** calculating the estimated
8 snowmobile gas tax payment; operation of snowmobiles by law enforcement
9 officers on highways; operation of snowmobiles proceeding in opposite
10 directions; vehicle noise levels for snowmobiles; tampering with odometers of
11 snowmobiles and all-terrain vehicles and with hour meters of boats,
12 snowmobiles and all-terrain vehicles; inspection of equipment on
13 snowmobiles; transfer of snowmobile registration certificates; exempting
14 accidents occurring in certain snowmobile races or derbies from requirements

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- 1 to render aid and from reporting and investigation requirements; use of fees
2 collected for snowmobile trail use stickers for snowmobile trail maintenance
3 costs, granting rule-making authority and making an appropriation.
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Analysis by the Legislative Reference Bureau

This bill consists of various changes to current law governing the operation of snowmobiles, equipment on snowmobiles, snowmobile registration certificates, snowmobile derbies and races and funding for snowmobile trail, safety and enforcement costs. The changes include the following:

1. The bill requires that \$10 of each \$12.25 fee collected for a snowmobile trail use sticker be credited to an appropriation to provide supplemental funding for the maintenance of snowmobile trails. A trail use sticker issued by the department of natural resources (DNR) is required on all snowmobiles that are operated but not registered in this state. Supplemental funding is available for maintenance of trails if the actual cost of maintenance exceeds the amount determined under the trail aids formula which sets a maximum amount per mile of trail.

2. The bill authorizes conservation wardens and other law enforcement officers to stop and inspect a snowmobile to determine whether required equipment is in good working order, and requires the operator to stop and submit the snowmobile to the requested inspection. A snowmobile found to be unsafe for operation or in violation of required equipment standards may be ordered out of operation, except for purposes of removal and repair, until it has been repaired. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits DNR and Indian tribes and bands from registering snowmobiles that failed their most recent equipment inspection until repairs have been made.

3. The bill exempts snowmobile accidents occurring during snowmobile races or derbies that are sponsored by certain entities such as local governmental units or snowmobile clubs from general procedures that must be followed in the event of an snowmobile accident. These procedures include requirements to render aid and to report any accident that involves an injury that requires treatment by a physician to a law enforcement official.

4. The bill prohibits any person from knowingly interfering with the proper operation of the odometer of a snowmobile or all-terrain vehicle and from operating a snowmobile or all-terrain vehicle having a malfunctioning odometer. The bill prohibits any person, with intent to defraud, from interfering with the proper operation of an hour meter on a snowmobile, all-terrain vehicle or boat. An hour meter measures and records the hours that the snowmobile, all-terrain vehicle or boat has been operating. These provisions are similar to ones prohibiting tampering with the odometer of a motor vehicle or with the hour meter of farm equipment. The

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bill contains exceptions to allow a malfunctioning odometer or hour meter to be restored to its proper working order.

5. The bill requires that DNR promulgate rules to establish requirements for testing noise levels of snowmobiles. Current law requires standards for measurement that are established by the society of automotive engineers to be used.

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 (5) (cw) of the statutes is created to read:

2 20.370 (5) (cw) *Recreation aid — supplemental snowmobile trail aids.* As a
3 continuing appropriation, from the snowmobile account in the conservation fund an
4 amount equal to the amount calculated under s. 350.12 (4) (bg) 2. for the purposes
5 specified in s. 350.12 (4) (b).

6 **SECTION 2.** 25.29 (1) (d) 1. of the statutes is amended to read:

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

12 **SECTION 3.** 100.48 (1) (a) of the statutes is renumbered 100.48 (1) (am).

13 **SECTION 4.** 100.48 (1) (ad) of the statutes is created to read:

14 100.48 (1) (ad) “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

15 **SECTION 5.** 100.48 (1) (ag) of the statutes is created to read:

16 100.48 (1) (ag) “Boat” has the meaning given in s. 30.50 (2).

17 **SECTION 6.** 100.48 (1) (b) of the statutes is amended to read:

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1 100.48 (1) (b) “Hour meter” means an instrument ~~on a piece of farm equipment~~
2 that measures and records the actual hours of operation of the ~~piece of farm~~
3 ~~equipment~~ vehicle or device to which the instrument is attached.

4 **SECTION 7.** 100.48 (1) (c) of the statutes is created to read:

5 100.48 (1) (c) “Snowmobile” has the meaning given in s. 350.01 (12).

6 **SECTION 8.** 100.48 (2) of the statutes is amended to read:

7 100.48 (2) No person may, either personally or through an agent, remove,
8 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
9 attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat with the
10 intent to defraud by changing or affecting the number of hours of operation indicated
11 on the hour meter.

12 **SECTION 9.** 100.48 (3) (a) of the statutes is amended to read:

13 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
14 replacement of an hour meter if the number of hours of operation indicated on the
15 hour meter remains the same as before the service, repair or replacement. If an hour
16 meter attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat is
17 incapable of registering the same number of hours of operation as before its service,
18 repair or replacement, the hour meter shall be adjusted to read zero, and a sticker
19 shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which
20 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
21 number of hours of operation recorded on the hour meter prior to its service, repair
22 or replacement and the date on which it was serviced, repaired or replaced. No
23 person who services, repairs or replaces an hour meter attached to farm equipment,
24 a snowmobile, an all-terrain vehicle or a boat that is incapable of registering the
25 same number of hours of operation as before such service, repair or replacement may

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1 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
2 paragraph.

3 **SECTION 10.** 100.48 (4) (a) of the statutes is amended to read:

4 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
5 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned
6 for not more than one year in the county jail, or both, for each violation.

7 **SECTION 11.** 100.48 (4) (b) of the statutes is amended to read:

8 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
9 attached to farm equipment may be required to forfeit not more than \$500 for each
10 violation.

11 **SECTION 12.** 100.48 (4) (c) of the statutes is created to read:

12 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
13 meter attached to a snowmobile, an all-terrain vehicle or a boat may be fined not
14 more than \$5,000 or imprisoned for not more than one year in the county jail, or both,
15 for each violation.

16 **SECTION 13.** 347.415 (1) of the statutes is renumbered 347.415 (1m) and
17 amended to read:

18 347.415 (1m) No person shall may, either personally or through an agent,
19 remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer
20 of any motor vehicle, snowmobile or all-terrain vehicle with the intent to change or
21 affect the number of miles indicated thereon.

22 **SECTION 14.** 347.415 (1g) of the statutes is created to read:

23 347.415 (1g) In this section, “odometer” means an instrument for measuring
24 and recording the actual distance that a motor vehicle, snowmobile or all-terrain
25 vehicle has traveled while in operation, but does not include any auxiliary

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1 instrument designed to be reset to zero to measure and record the actual distance
2 that a motor vehicle, snowmobile or all-terrain vehicle has traveled on trips.

3 **SECTION 15.** 347.415 (2) of the statutes is amended to read:

4 347.415 (2) No person may operate a motor vehicle subject to registration
5 under ch. 341 on any street or highway with knowledge that the odometer is
6 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person
7 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer
8 is removed, disconnected or nonfunctional. An exemption may be provided if parts
9 are on back order to correct a nonfunctional odometer.

10 **SECTION 16.** 347.415 (4) of the statutes is amended to read:

11 347.415 (4) No person shall conspire with any other person to violate sub. (1)
12 (1m), (2) or (3).

13 **SECTION 17.** 347.50 (1) of the statutes is amended to read:

14 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.
15 347.415 ~~(1)~~ (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.
16 347.489, may be required to forfeit not less than \$10 nor more than \$200.

17 **SECTION 18.** 347.50 (2) of the statutes is amended to read:

18 347.50 (2) Any person violating s. 347.415 ~~(1)~~ (1m), (2) and (3) to (5) may be
19 fined not more than \$5,000 or imprisoned for not more than one year in the county
20 jail, or both, for each violation.

21 **SECTION 19.** 350.02 (3m) of the statutes, as created by 1999 Wisconsin Act 9,
22 is amended to read:

23 350.02 (3m) A law enforcement officer may operate a snowmobile on a highway
24 in performance of his or her official duties if the snowmobile is equipped with a

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1 ~~flashing, oscillating or rotating blue light that is red or blue or a combination thereof~~
2 ~~and that is flashing, oscillating or rotating.~~

3 **SECTION 20.** 350.035 of the statutes is created to read:

4 **350.035 Meeting of snowmobiles.** Operators of snowmobiles proceeding in
5 opposite directions shall proceed with caution and pass each other to the right.

6 **SECTION 21.** 350.09 (7) of the statutes is renumbered 350.09 (7) (a) and
7 amended to read:

8 350.09 (7) (a) Every snowmobile manufactured after July 1, 1972, and before
9 July 2, 1975, and offered for sale ~~or, sold, rented or operated~~ in this state shall be so
10 constructed as to limit total vehicle noise to not more than 82 decibels of A sound
11 pressure at 50 feet, as measured ~~by society of automotive engineers standards in the~~
12 manner prescribed under rules promulgated by the department. Every snowmobile
13 manufactured after July 1, 1975, and offered for sale ~~or, sold, rented or operated~~ in
14 this state shall be so constructed as to limit total vehicle noise to not more than 78
15 decibels of A sound pressure, as measured ~~by society of automotive engineers~~
16 standards in the manner prescribed under rules promulgated by the department.
17 No snowmobile shall be modified by any person in any manner that shall amplify or
18 otherwise increase total noise emission above that emitted by the snowmobile as
19 originally constructed, regardless of date of manufacture.

20 **SECTION 22.** 350.09 (7) (b) of the statutes is created to read:

21 350.09 (7) (b) The department shall promulgate rules for purposes of par. (a),
22 and the rules shall include standards for testing total vehicle noise when a
23 snowmobile is stationary.

24 **SECTION 23.** 350.095 of the statutes is created to read:

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1 **350.095 Snowmobile inspection. (1)** No person may operate, or cause or
2 knowingly permit to be operated, on any highway any snowmobile that does not meet
3 the requirements of this section.

4 **(2)** When directed by any law enforcement officer, the operator of any
5 snowmobile shall stop and submit the snowmobile to an inspection and such tests as
6 are necessary to determine whether its required equipment is in proper adjustment
7 or repair, or is in violation of the equipment provisions of s. 350.09 or 350.10 (1) (d)
8 or (e), or rules issued pursuant thereto.

9 **(3)** When any snowmobile is found to be unsafe for operation or in violation of
10 the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules issued pursuant
11 thereto, a law enforcement officer may order the snowmobile removed from the
12 highway and not operated, except for purposes of removal and repair, until it has
13 been repaired pursuant to a repair order as provided in sub. (4).

14 **(4)** In addition to or in lieu of a citation for the violation, when any snowmobile
15 is in violation of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules
16 issued pursuant thereto, a law enforcement officer may issue a repair order, in such
17 form and containing such information as the department prescribes, to the owner or
18 operator of the snowmobile. The owner or operator shall thereupon obtain such
19 repairs as are required.

20 **(5)** No owner or operator of a snowmobile may refuse to submit a snowmobile
21 to any inspection or test that is authorized under this section.

22 **SECTION 24.** 350.12 (3) (a) 2. of the statutes is amended to read:

23 350.12 **(3)** (a) 2. Upon transfer of ownership of a snowmobile for which a
24 registration certificate has been issued by this state or by another state, province or

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1 country, the seller shall, at time of sale, deliver the assigned certificate to the
2 purchaser.

3 **SECTION 25.** 350.12 (3i) of the statutes is created to read:

4 350.12 (3i) REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.
5 Notwithstanding sub. (3) (d) or (3j) (c) or s. 23.35 or 350.122 (2), the department or
6 federally recognized Indian tribe or band in this state shall refuse registration of a
7 snowmobile if the most recent inspection under s. 350.095 indicates that the
8 snowmobile's required equipment is not in proper adjustment or repair, or is in
9 violation of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules
10 issued pursuant thereto.

11 **SECTION 26.** 350.12 (4) (b) (intro.) of the statutes, as affected by 1999 Wisconsin
12 Act 9, is amended to read:

13 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
14 under s. 20.370 (1) (mq) and (5) (cb), (cr) ~~and~~ (cs) and (cw) shall be used for
15 development and maintenance, the cooperative snowmobile sign program, major
16 reconstruction or rehabilitation to improve bridges on existing approved trails, trail
17 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
18 and distributed as follows:

19 **SECTION 27.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and
20 amended to read:

21 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
22 department shall make available in ~~fiscal year 1992-93~~ and each fiscal year
23 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
24 payments to the department or a county under par. (bm) for trail maintenance costs

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1 incurred in the previous fiscal year that exceed the maximum specified under par.
2 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

3 **SECTION 28.** 350.12 (4) (bg) 2. of the statutes is created to read:

4 350.12 (4) (bg) 2. For fiscal year 2000–2001, and for each fiscal year thereafter,
5 the department shall calculate an amount equal to the number of trail use stickers
6 issued under sub. (3j) in the previous fiscal year multiplied by \$10 and shall credit
7 this amount to the appropriation account under s. 20.370 (5) (cw). From the
8 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
9 department or a county for the purposes specified in par. (b). The department shall
10 make payments under par. (bm) for trail maintenance costs that were incurred in the
11 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
12 making payments for any of the other purposes specified in par. (b).

13 **SECTION 29.** 350.15 (6) of the statutes is created to read:

14 350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that
15 occur during a sanctioned race or derby.

16 **SECTION 30. Initial applicability; natural resources.**

17 (1) ODOMETERS AND HOUR METERS ON SNOWMOBILES, ALL-TERRAIN VEHICLES AND
18 BOATS. The treatment of sections 100.48 (1) (b), (2) and (3) (a) and 347.415 (1m) and
19 (2) of the statutes first applies to offenses committed on the effective date of this
20 subsection.

21 (END)