

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 828**

March 9, 2000 – Offered by COMMITTEE ON TOURISM AND RECREATION.

1 **AN ACT** *to repeal* 350.02 (2) (b) 6.; *to renumber* 100.48 (1) (a); *to renumber and*
2 *amend* 347.415 (1), 350.09 (7) and 350.12 (4) (bg); *to amend* 25.29 (1) (d) 1.,
3 100.48 (1) (b), 100.48 (2), 100.48 (3) (a), 100.48 (4) (a), 100.48 (4) (b), 347.415 (2),
4 347.415 (4), 347.50 (1), 347.50 (2), 350.02 (2) (a) 6., 350.02 (3m), 350.12 (3) (a)
5 2., 350.12 (4) (b) (intro.) and 350.122 (6) (intro.); and *to create* 20.370 (5) (cw),
6 100.48 (1) (ad), 100.48 (1) (ag), 100.48 (1) (c), 100.48 (4) (c), 347.415 (1g), 350.02
7 (2m), 350.035, 350.09 (7) (b), 350.095, 350.12 (3i), 350.12 (4) (bg) 2. and 350.15
8 (6) of the statutes; **relating to:** calculating the estimated snowmobile gas tax
9 payment; operation of snowmobiles by law enforcement officers on highways;
10 operation of snowmobiles proceeding in opposite directions or in excess of
11 roadway speed limits; vehicle noise levels for snowmobiles; tampering with
12 odometers of snowmobiles and all-terrain vehicles and with hour meters of
13 boats, snowmobiles and all-terrain vehicles; inspection of equipment on

1 snowmobiles; transfer of snowmobile registration certificates; exempting
2 accidents occurring in certain snowmobile races or derbies from requirements
3 to render aid and from reporting and investigation requirements; use of fees
4 collected for snowmobile trail use stickers for snowmobile trail maintenance
5 costs, granting rule-making authority and making an appropriation.

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

6 **SECTION 1.** 20.370 (5) (cw) of the statutes is created to read:

7 20.370 (5) (cw) *Recreation aid — supplemental snowmobile trail aids.* As a
8 continuing appropriation, from the snowmobile account in the conservation fund an
9 amount equal to the amount calculated under s. 350.12 (4) (bg) 2. for the purposes
10 specified in s. 350.12 (4) (b).

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

12 25.29 (1) (d) 1. An amount calculated by multiplying the number of
13 snowmobiles registered under s. 350.12 or 350.122 on the last day of ~~February~~ March
14 of the previous fiscal year by 50 gallons and multiplying that product by the excise
15 tax imposed under s. 78.01 (1) on the last day of ~~February~~ March of the previous fiscal
16 year.

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

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

19 100.48 (1) (ad) “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

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

21 100.48 (1) (ag) “Boat” has the meaning given in s. 30.50 (2).

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

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

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

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 (2) (a) 6. of the statutes is amended to read:

22 350.02 (2) (a) 6. On a portion of the roadway or shoulder of a highway for a
23 purpose of residential access or for the purpose of access from lodging if the town, city
24 or village, within which that portion of the highway lies, enacts an ordinance under
25 s. 350.18 (3) for that portion of the highway. ~~A snowmobile operated on a portion of~~

1 ~~the roadway or shoulder of a highway under this subdivision shall observe roadway~~
2 ~~speed limits.~~

3 **SECTION 20.** 350.02 (2) (b) 6. of the statutes is repealed.

4 **SECTION 21.** 350.02 (2m) of the statutes is created to read:

5 350.02 **(2m)** No person may operate a snowmobile on or adjacent to a roadway
6 in excess of the applicable roadway speed limit established under s. 346.57 or 349.11
7 unless the person is operating the snowmobile as part of a special event authorized
8 under s. 350.04.

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

11 350.02 **(3m)** A law enforcement officer may operate a snowmobile on a highway
12 in performance of his or her official duties if the snowmobile is equipped with a
13 ~~flashing, oscillating or rotating blue light~~ that is red or blue or a combination thereof
14 and that is flashing, oscillating or rotating.

15 **SECTION 23.** 350.035 of the statutes is created to read:

16 **350.035 Meeting of snowmobiles.** Operators of snowmobiles proceeding in
17 opposite directions shall proceed with caution and pass each other to the right.

18 **SECTION 24.** 350.09 (7) of the statutes is renumbered 350.09 (7) (a) and
19 amended to read:

20 350.09 **(7)** (a) Every snowmobile manufactured after July 1, 1972, and before
21 July 2, 1975, and offered for sale or, sold, rented or operated in this state shall be so
22 constructed as to limit total vehicle noise to not more than 82 decibels of A sound
23 pressure at 50 feet, as measured ~~by society of automotive engineers standards~~ in the
24 manner prescribed under rules promulgated by the department. Every snowmobile
25 manufactured after July 1, 1975, and offered for sale or, sold, rented or operated in

1 this state shall be so constructed as to limit total vehicle noise to not more than 78
2 decibels of A sound pressure, as measured by ~~society of automotive engineers~~
3 standards in the manner prescribed under rules promulgated by the department.

4 No snowmobile shall be modified by any person in any manner that shall amplify or
5 otherwise increase total noise emission above that emitted by the snowmobile as
6 originally constructed, regardless of date of manufacture.

7 **SECTION 25.** 350.09 (7) (b) of the statutes is created to read:

8 350.09 (7) (b) The department shall promulgate rules for purposes of par. (a),
9 and the rules shall include standards for testing total vehicle noise when a
10 snowmobile is stationary.

11 **SECTION 26.** 350.095 of the statutes is created to read:

12 **350.095 Snowmobile inspection. (1)** No person may operate and no owner
13 may give permission for the operation of any snowmobile for which the requirements
14 of this section have not been complied with.

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

20 **(3)** When any snowmobile is found to be unsafe for operation or in violation of
21 the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules issued pursuant
22 thereto, a law enforcement officer may order that the snowmobile not be operated,
23 except for purposes of removal and repair, until it has been repaired pursuant to a
24 repair order as provided in sub. (4).

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

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

9 **SECTION 27.** 350.12 (3) (a) 2. of the statutes is amended to read:

10 350.12 **(3)** (a) 2. Upon transfer of ownership of a snowmobile for which a
11 registration certificate has been issued by this state or by another state, province or
12 country, the seller shall, at time of sale, deliver the assigned certificate to the
13 purchaser.

14 **SECTION 28.** 350.12 (3i) of the statutes is created to read:

15 350.12 **(3i)** REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.
16 Notwithstanding sub. (3) (d) or (3j) (c) or s. 23.35 or 350.122 (2), the department or
17 federally recognized Indian tribe or band in this state shall refuse registration of a
18 snowmobile if s. 350.095 has not been complied with or the snowmobile is in violation
19 of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules issued
20 pursuant thereto.

21 **SECTION 29.** 350.12 (4) (b) (intro.) of the statutes, as affected by 1999 Wisconsin
22 Act 9, is amended to read:

23 350.12 **(4)** (b) *Trail aids and related costs.* (intro.) The moneys appropriated
24 under s. 20.370 (1) (mq) and (5) (cb), (cr) ~~and~~ (cs) and (cw) shall be used for
25 development and maintenance, the cooperative snowmobile sign program, major

1 reconstruction or rehabilitation to improve bridges on existing approved trails, trail
2 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
3 and distributed as follows:

4 **SECTION 30.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and
5 amended to read:

6 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
7 department shall make available in ~~fiscal year 1992–93~~ and each fiscal year
8 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
9 payments to the department or a county under par. (bm) for trail maintenance costs
10 incurred in the previous fiscal year that exceed the maximum specified under par.
11 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

12 **SECTION 31.** 350.12 (4) (bg) 2. of the statutes is created to read:

13 350.12 (4) (bg) 2. For fiscal year 2000–2001, and for each fiscal year thereafter,
14 the department shall calculate an amount equal to the number of trail use stickers
15 issued under sub. (3j) in the previous fiscal year multiplied by \$10 and shall credit
16 this amount to the appropriation account under s. 20.370 (5) (cw). From the
17 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
18 department or a county for the purposes specified in par. (b). The department shall
19 make payments under par. (bm) for trail maintenance costs that were incurred in the
20 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
21 making payments for any of the other purposes specified in par. (b).

22 **SECTION 32.** 350.122 (6) (intro.) of the statutes is amended to read:

23 350.122 (6) APPLICABILITY. (intro.) This section does not apply unless the
24 department and the band have in effect a written agreement under which the band

1 agrees to comply with subs. (2) to (5) and s. 350.12 (3i) and that contains all of the
2 following terms:

3 **SECTION 33.** 350.15 (6) of the statutes is created to read:

4 350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that
5 occur during a sanctioned race or derby.

6 **SECTION 34. Initial applicability; natural resources.**

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

11 (2) REGISTRATION OF SNOWMOBILES. The treatment of section 350.122 (6) (intro.)
12 of the statutes first applies to an agreement that is entered into, renewed, extended
13 or modified on the effective date of this subsection.

14 (END)