

i

1999 DRAFTING REQUEST

Bill

Received: **03/01/2000**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Scott Loomans**

This file may be shown to any legislator: NO

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Intoxicating snowmobiling and speed limit

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Reauired</u> |
|--------------|----------------------|-----------------------|-----------------------|----------------|----------------------------|-------------------------------|-----------------|
| /1 | gibsom 03/06/2000 | gilfokm 03/07/2000 | kfollet 03/07/2000 | _____ | lrb_docadmin 03/07/2000 | | S&L |
| /2 | gibsom 03/07/2000 | gilfokm 03/07/2000 | martykr 03/07/2000 | _____ | lrb_docadmin 03/07/2000 | lrb_docadminS&L 03/08/2000 | |

FE Sent For:

<END>

03-15-00
12"
Per Scott Loomans

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12-3-7-2000 Km7
 Km7 ³ ₇ ^{ck 3} ₇

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| I? | gibsom | 1-3-6-2000 Kmg | Kjf 3/7 | Kjf/jf 3/7 | | | |

FE Sent For:

<END>

seizure 5
973.07(1)(b)

1

1st offense

same as current law

1 yr

2nd offense

same as current law

2nd yr

plus revocation, the privilege
or suspension

343.44

at least
one season

same penalties length for

and subsequent

3rd offense - seize the vehicle
longer revocation

3rd yr

seize and sell as in ch. 29.

to use
or keep it with snowmob safety
program

2

50 miles dusk to dawn

unless ~~low~~ locals are more restrictive
link to "reasonable and prudent" in stats.

does not apply to private property

9th at 10am

also for fleeing from a conservation warden.

1999-2001 Statutory Language Proposal

Division: Enforcement/Science

Bureau: Law Enforcement

Issue/Topic: Snowmobile Law Statutory Changes

Proposed Change:

This section amended to read:

350.02(2)(b)6. *Snowmobiles traveling on or adjacent to a roadway shall observe roadway speed limits.*

This section amended to read:

350.05 *Operation by ~~youth operators~~ age restricted.*

350.05(1) Delete subsection

~~350.05(2) *No person over the age of 12 years but under the age of 16 years born on or after January 1, 1985, may operate a snowmobile unless he or she holds a valid safety certificate or is accompanied by a person 18 years of age or by a person over 14 years of age having holding a safety certificate issued by the department. Any person who is over the age of 12 and under the age of 16 who hold a snowmobile safety certificate required to carry or accompany such a person shall carry the certificate with them when operating a snowmobile and shall display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the Department may operate a snowmobile in an area designated by the Department.*~~

~~350.05(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 the operator's parent or guardian. As used in this section, "leased lands" does not include lands leased by an organization of which said operator or the operator's parent or guardian is a member.*~~

This section is amended in part to read:

350.055

....

~~*A person over the age of 12 but under the age of 16 who holds is required to hold a valid safety certificate under 350.05 may operate in Wisconsin if that person holds a valid snowmobile safety certificate issued by another state, or province of the Dominion of Canada or program recognized by the Department if the course content of the program in such other state or province substantially meets the content which is established by the Department under this section.*~~

346.57

amend
346.02(10)?

Gibson-Glass, Mary

From: Loomans, Scott
Sent: Monday, March 06, 2000 9:23 AM
To: Gibson-Glass, Mary
cc: Simenstad, Josh
Subject: Snowmobiles

The snowmobile council approved the provisions of our bill, plus a couple more that we'd like to add. Could you add the following provisions:

1. Increase registration fee from \$10.00 to \$25.00 (for 2 years \$20 → 50)
2. Make confiscation of the snowmobile an optional penalty for fleeing an officer, instead of mandatory.
3. Give judges the option of requiring community service as another option for penalizing offenders of snowmobiling laws (our concept is that offenders could be required to do trail maintenance). We still want the revocation of snowmobiling provisions to automatic, though.

As always, give me a call with any questions. Thanks,

Scott Loomans, office of Representative DuWayne Johnsrud

apply to ~~drugs~~
intoxicated
snowmobiling
& operating
after revocation

~~343.~~

~~346.2g(1)~~

[346.65 (2g) (a)]

not to apply to antique snowmobiles

93-0492

91-1167



ASAP ~~Trab~~
A.M.

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{Sen Cat.}; relating to: revocation of the privilege to operate snowmobiles for
 2 violations of the intoxicated snowmobiling law, speed restrictions on the
 3 operation of snowmobiles, confiscation of snowmobiles after conviction under
 4 the intoxicated snowmobiling law or for failure to stop a snowmobile in response
 5 to a law enforcement officer, increase ^{ing} in public-use snowmobile registration fee
 6 and providing ^{penalties} ~~for~~ ^{the} conviction for

Analysis by the Legislative Reference Bureau

This bill requires & a court ^{to} revoke a person's privilege to operate a snowmobile for violating the intoxicated snowmobiling law, in addition to imposing the applicable forfeitures or fines and imprisonment under current law. The periods of revocation are as follows: ~~for the first violation is one year and range from one year to 3 years, depending on the number of convictions that occur within a 5-year time frame.~~ The bill also imposes a one year period of revocation for violations of the absolute sobriety requirement that applies to snowmobile operators who are 18 years old or younger.

1. For a period of one year for the first violation or for a subsequent violations, if ^{five} ~~more than 5~~ years after the date of the previous violation.
 2. For a period of ^{two} ~~0~~ years for the ^{second} ~~2nd~~ violation, if the ^{arrest} ~~conviction~~ for the first violation occurred within ^{five} ~~5~~ years after the date of ^{arrest} ~~conviction~~ for the ^{second} ~~2nd~~ violation.
- the arrest for the subsequent violation*

The department of natural resources (DNR) to

3. For a period of ^{three} ~~3~~ years for the ^{conviction for the} ~~3rd~~ or subsequent violation of the ^{second} ~~intoxicated~~ snowmobiling law if the arrest for the ^{third} ~~3rd~~ or subsequent violation occurs within ^{five} ~~3~~ years after the date of the ~~3rd~~ or subsequent violation.

4. For a period of one year for a violation of the absolute sobriety requirement that applies to snowmobile ^{operators} who are 18 years old or younger. The bill also provides a penalty for operating a snowmobile during revocation. Current law does not provide for the revocation of a person's privilege ^{to operate a snowmobile} for violating the intoxicated snowmobiling law. Also, in addition to any forfeiture, fine or period of jail time imposed by a court for ^{the} ~~the~~ violation of the intoxicated snowmobile law for operating a snowmobile during revocation, ^{to use it} the court may order the defendant to perform community service work.

In addition, the bill requires ^{to} that a snowmobile be seized and confiscated if it is used ^{by a person to which the} ~~by a person~~ ^{three} ~~1~~-year period of revocation applies. The bill authorizes ^{that} a snowmobile be seized and confiscated if it is used by a person who fails to stop a snowmobile when requested to do so by a law enforcement officer. The bill allows ^{to} ~~sell~~ any snowmobile confiscated for these snowmobiling violations or allow it to be used in its snowmobile safety program. The bill also allows DNR to use any snowmobile confiscated for violations of the fish and game laws ^{for this program}. DNR ^{already} has ^{the} authority to sell such a snowmobile under current law. ^{to be used in}

Finally, this bill imposes a specific statutory speed limit of 50 miles per hour on the operation of a snowmobile from sunset to sunrise on a snowmobile trail, route and other area that is open to public for the operation of snowmobiles. Under current law, ^{the} the only other specific statutory restrictions ^{apply to the operation of a snowmobile} within a certain distance of a dwelling at nighttime and ^{on the ice within a certain} distance of a fishing shanty or a person on foot. Also, under current law, a snowmobile operator must observe the ^{applicable} roadway speed limit when he or she is riding adjacent to a roadway. This bill expands this requirement to include the roadway itself. ^{AA}

Under current law, the registration fee for a snowmobile that is ^{owner} not an antique and that is not ^{exclusively used} on property owned by the snowmobile operator or his or family is \$20. ^{her} The period of validity for the registration is from 15 months to 24 months depending on when the snowmobile is registered. This bill raises the fee from \$20 to \$50. ^{during a 2-year period}

For further information see the ^{two} 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. 29.934 (1) (a) of the statutes is amended to read:
2 29.934 (1) ^{delete extra space} (a) All wild animals, carcasses or plants that are confiscated by the
3 department and all confiscated vehicles, boats or objects shall, if not destroyed as

1 authorized by law, be sold, except as provided in nar. (cm), at the highest price
 2 obtainable, by the department, or by an agent on commission under supervision of
 3 the department. The net proceeds of sales under this subsection, after deducting the
 4 expense of seizure and sale and any commissions and any amounts owing to holders
 5 of security interests under par. (c) or (d), shall be remitted to the department. The
 6 remittance shall be accompanied by a report of the sales, supported by vouchers for
 7 expenses and commissions, and shall be filed with the department.

8 **History:** 1975 c. 97,199; 1981 c. 98 s. 3; 1993 a. 169; 1995 a. 79, 126, 225; 1997 a. 35; 1997 a 248 ss. 113 to 115; Stats. 1997 s. 29.934; 1997 a 285 s. 1; s. 13.93 (2) (c).
SECTION 2. 29.934 (1) (cm) of the statutes is created to read:

9 29.934 (1) (cm) The department may retain and use a snowmobile confiscated
 10 under this section or under s. 350.113 [✓] for the program of instruction [✓] established
 11 under s. 350.06.

12 **SECTION 3.** 59.54 (14) (g) of the statutes is amended to read:

13 59.54(14)(g) A county may establish extensions of the jail, which need not be
 14 at the county seat, to serve as places of temporary confinement. No person may be
 15 detained in such an extension for more than 24 consecutive hours, except that a court
 16 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c)
 17 or 350.11 (3) (a) 2. or 3. or (b) or (3m) be imprisoned for more than 24 consecutive
 18 hours in such an extension. Jail extensions shall be subject to plans and
 19 specifications approval by the department of corrections and shall conform to other
 20 requirements imposed by law on jails, except that cells may be designed and used for
 21 multiple occupancy

22 **History:** 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35.

23 **SECTION 4.** 350.02 (2) (a) 6. of the statutes is amended to read:

24 350.02 (2) (a) 6. On a portion of the roadway or shoulder of a highway for a
 purpose of residential access or for the purpose of access from lodging if the town, city

1 or village, within which that portion of the highway lies, enacts an ordinance under
 2 s. 350.18 (3) for that portion of the highway. ~~A snowmobile operated on any portion of~~
 3 ~~the roadway or shoulder of a highway under this subdivision shall observe the~~
 4 ~~roadway speed limits.~~

5 History: 1971 c. 277; 1981 c. 295; 1983 a. 47; 1987 a. 232; 1989 a. 51; 1995 a. 61; 1999 a. 9.

SECTION 5. 350.02 (2) (b) 6. of the statutes is repealed.

6 SECTION 6. 350.025 of the statutes is created to read:

7 350.025 ^{Bold} **Speed restrictions.** **(1)** No person may operate a snowmobile at a
 8 rate of speed that is any of the following:

9 (a) Unreasonable or improper under the circumstances.

10 (b) ⁴ In excess of a roadway speed limit established under s. 346.57 or 349.11 if
 11 the person is operating the snowmobile on or adjacent to a roadway.

12 (c) In excess of any speed limit established by a county, town, city or village
 13 under its authority under s. 350.18 (1).

14 (d) In excess of 50 miles per hour if the person is operating the snowmobile
 15 during the period from sunset to sunrise on a snowmobile route, a snowmobile trail
 16 or any other corridor or area that is open to the public for the operation of
 17 snowmobiles.

18 (2) Subsection (1) (b) and (c) does not apply if the person is operating the
 19 snowmobile as part of a special snowmobile event authorized under s. 350.04.

20 SECTION 7. 350.10 (1) (a) of the statutes is repealed.

21 SECTION 8. 350.10 (1) (g) of the statutes is renumbered 350.025 (1) (e) and
 22 amended to read:

1

350.025 (1) (e) ~~Between~~ In excess of 10 miles per hour if the person is operating
 2 the snowmobile between the hours of 10:30 p.m. and 7 a.m. when and within 150 feet
 3 of a dwelling ~~at a rate of speed exceeding 10 miles per hour~~

History: 1971 c. 219,277; 1981 c. 79 s. 17; 1983 a. 459; 1987 a. 399; 1997 a. 34.

4

SECTION 9. 350.10 (1) (i) of the statutes is renumbered 350.025 (1) (f) and
 5 amended to read:

6

350.025 (1) (f) ~~On~~ In excess of 10 miles per hour if the person is operating the
 7 snowmobile on the frozen surface of public waters within 100 feet of a person not in
 8 or upon a vehicle or within 100 feet of a fishing shanty ~~unless operated at a speed of~~
 9 ~~10 miles per hour or less.~~

History: 1971 c. 219,217; 1981 c. 79 s. 17; 1983 a. 459; 1987 a. 399; 1997 a. 34.

10

SECTION 10. 350.1025 of the statutes is amended to read:

11

350.1025 Application of intoxicated snowmobiling law. Except as
 12 provided in this section, the intoxicated snowmobiling law is and the prohibition
 13 under s. 350.11 (3) (bg) are applicable to all property, whether the property is publicly
 14 or privately owned and whether or not a fee is charged for the use of that property.
 15 The intoxicated snowmobiling law does and the prohibition under s. 350.11 (3) (bg)
 16 do not apply to the operation of a snowmobile on private land not designated as a
 17 snowmobile trail unless an accident involving personal injury occurs as the result of
 18 the operation of a snowmobile and the snowmobile was operated on the private land
 19 without the consent of the owner of that land.

History: 1987 a. 399; 1991 a. 91.

20

SECTION 11. 350.11 (3) (a) 1. of the statutes is amended to read:

21

350.11 (3) (a) 1. Except as provided under subds. 2. and 3., a person who violates
 22 s. 350.101 (1) (a) or (b) ~~or s.~~ 350.104 (5) shall forfeit not less than \$400 nor more than
 23 \$550 and shall have his or her privilege to operate a snowmobile revoked for one year.

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119,436; 1995 a. 417,448; 1997 a. 27,283.

SECTION 12. 350.11 (3) (a) 2. of the statutes is amended to read:

350.11 (3) (a) 2. Except as provided under subd. 3., a person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the current violation, was convicted previously under the intoxicated snowmobiling law or the refusal law shall be fined not less than \$300 nor more than \$1,000 and, shall be imprisoned ^{for} not less than 5 days nor more than 6 months and shall have his or her privilege to operate a snowmobile revoked for 2 years.

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119,436; 1995 a. 417,448; 1997 a. 27,283.

SECTION 13. 350.11 (3) (a) 3. of the statutes is amended to read:

350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the current violation, was convicted 2 or more times previously under the intoxicated snowmobiling law or refusal law shall be fined not less than \$600 nor more than \$2,000 and, shall be imprisoned ^{for} not less than 30 days nor more than one year in the county jail and shall have his or her privilege to operate a snowmobile revoked for 3 years.

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119,436; 1995 a. 417,448; 1997 a. 27,283.

SECTION 14. 350.11 (3) (a) 4. of the statutes is amended to read:

350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) or 350.104 (5) and who has not attained the age of 19 shall forfeit not more than \$50 and shall have his or her privilege to operate a snowmobile revoked for one year.

History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a. 399; 1991 a. 269; 1993 a. 119,436; 1995 a. 417,448; 1997 a. 27,283.

SECTION 15. 350.11 (3) (b) of the statutes is amended to read:

350.11 (3) (b) ~~Penalties related to failure to stop, and for causing injury while~~ ^{the} under influence of intoxicants. A person who violates s. 350.101 (2) ~~or 350.17 (2)~~ shall be fined not less than \$300 nor more than \$2,000 ~~and may~~ shall be imprisoned for

score space also

1 not less than 30 days nor more than one year in the county jail and shall have his or
2 her privilege to operate a snowmobile revoked for 2 years.

3 History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a 399; 1991 a 269; 1993 a. 119.436; 1995 a 417.448; 1997 a 27,283.

SECTION 16. 350.11 (3) (bg) of the statutes is created to read:

4 350.11 (3) (bg) Operation *during revocation*. No persons whose operating
5 privilege has been revoked under par. (a) or (b) may operate a snowmobile during the
6 period of revocation. Any person who violates this paragraph shall be fined not more
7 than \$2,500 and shall be imprisoned for not more than one year in the county jail.

8 SECTION 17. 350.11 (3) (bm) of the statutes is amended to read:

9 350.11 (3) (bm) *Sentence of detention*. The legislature intends that courts use
10 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
11 to par. (a) 2. or 3. or (b) or sub. (3m). The use of this option can result in significant
12 cost savings for the state and local governments.

13 History: 1971 c. 277; 1973 c. 218; 1975 c. 365; 1987 a 399; 1991 a 269; 1993 a. 119.436; 1995 a. 417.448; 1997 a 27,283.

SECTION 18. 350.11 (3m) of the statutes is created to read:

14 350.11 (3m) Any person who violates s. 350.17 (2) shall be fined not less than
15 \$300 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more
16 than one year in the county jail.

17 SECTION 19. 350.11 (5) of the statutes is created to read:

18 350.11 (5) In addition to any penalty imposed under sub. (3), the court may
19 order the defendant to perform community service work administered by a public
20 agency or a nonprofit charitable organization approved by the court.

21 SECTION 20. 350.113 of the statutes is created to read:

22 **350.113 Seizure and confiscation of snowmobiles. (1) INTOXICATED**

23 SNOWMOBILING. A law enforcement officer shall seize a snowmobile, and the
24 department shall hold the snowmobile, subject to the order of the circuit court for the

ED

1 county in which the alleged violation was committed, if the law enforcement officer
2 has probable cause to believe that the snowmobile is being used to commit a violation
3 for which a penalty may be imposed under s. 350.11 (3) (a) 3. ^eIf it is proven that
4 within 6 months previous to the seizure the snowmobile was used in such a violation,
5 the court in its order for judgment shall direct that the snowmobile be confiscated.

6 (2) REFUSAL TO STOP. A law enforcement officer may seize a snowmobile, and ⁱ
7 the department shall hold any such snowmobile, subject to the order of the circuit
8 court for the county in which the alleged violation was committed, if the ^elaw
9 enforcement officer has probable cause to believe that the snowmobile is being used
10 to commit a violation ~~or~~ ^es. 350.17 (2). ^eIf it is proven that within 6 months previous
11 to the seizure the snowmobile was used in such a violation, the court in its order for
12 judgment may direct that the snowmobile be confiscated.

13 (3) DISPOSAL. ^ΔIn disposing of a snowmobile confiscated under this section, the
14 department shall follow the requirements for confiscated motor vehicles under s.
15 29.934 (1).[✓]

16 SECTION 21. 350.12 (3) (a) (intro.) of the statutes is amended to read:

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

1 registered for private use. A snowmobile public-use registration certificate is valid
 2 for 2 years beginning the July 1 prior to the date of application if registration is made
 3 prior to April 1 and beginning the July 1 subsequent to the date of application if
 4 registration is made after April 1 and ending on June 30, 2 years thereafter. A
 5 snowmobile private-use registration certificate is valid from the date of issuance
 6 until ownership of the snowmobile is transferred. The fee for the issuance or renewal
 7 of a public-use, registration certificate is ~~\$20~~ \$50 ² ~~except~~ ^{that} the fee is \$5 if it is a
 8 snowmobile owned and operated by a political subdivision of this state. There is no
 9 fee for the issuance of a private-use registration certificate or for the issuance of a
 10 registration certificate to the state.



History: 1971 c. 211,277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34072.2102 (39) 1009 c. 221; 1981
 c. 201, 204, 2939, 269, 3167, 3171, 3177 (16, 405, 436; 2000) a. 158225; 2000 s. 256329, 15802, (39); 1985 a 68,322; 1985 a. 332 ss. 211,253; 1987 a.27, 129, 399; 1989 a. 31,270,

11

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4661/1dn

MGG: f...
king

3. There is no minimum penalty for operating during revocation. ~~OK?~~ See s. 350.11 (3) (bq) ~~OK?~~ OK?

1. Note that the courts are given no discretion in determining the periods of revocation. OK?

2. We did not discuss a period of revocation for a violation of s. 350.101 (2). I made it 2 years. OK?

4. In drafting the speeding restrictions, I assumed that a shoulder of a highway is within the area adjacent to a roadway. OK?

4. For s. 350.025 (1) (d), I modeled the language somewhat on the language found in current law under s. 350.10 (1) (c). Note the exemption under s. 350.10 (2) that applies to s. 350.10 (1) (c). It is my understanding that the effect of s. 350.10 (1) (c) allows the family members of the owners of private land to ignore regulatory signs on their land that they have opened to the public for snowmobiling. Do you want this exemption to apply to s. 350.025 (1) (d)?

5. Are there areas open for public snowmobiling for which a fee is charged? If so, s. 350.025 (1) (d) needs language to specify whether this provision applies to these areas.

7. Do you want a delayed effective date for any of these provisions?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4661/1dn
MGG:kmg:kjf

March 7, 2000

1. Note that the courts are given no discretion in determining the periods of revocation. OK?
2. We did not discuss a period of revocation for a violation of s. 350.101 (2). I made it 2 years. OK?
3. There is no minimum penalty for operating during revocation. See s. 350.11 (3) (bg). OK?
4. In drafting the speeding restrictions, I assumed that a shoulder of a highway is within the area adjacent to a roadway. OK?
5. For s. 350.025 (1) (d), I modeled the language somewhat on the language found in current law under s. 350.10 (1) (c). Note the exemption under s. 350.10 (2) that applies to s. 350.10 (1) (c). It is my understanding that the effect of s. 350.10 (1) (c) allows the family members of the owners of private land to ignore regulatory signs on their land that they have opened to the public for snowmobiling. Do you want this exemption to apply to s. 350.025 (1) (d)?
6. Are there areas open for public snowmobiling for which a fee is charged? If so, s. 350.025 (1) (d) needs language to specify whether this provision applies to these areas.
7. Do you want a delayed effective date for any of these provisions?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Summary of Legislative Changes

Directly addressed by snowmobile recreation council motions

- Snowmobile public use registration - increase fee from \$20 for 2 years to \$50 for 2 years - change in 350.12(3)(a)
- Non-resident trail pass increase from \$12.25 to \$19.25 - change in 350.12(3j)(b)

Need a mechanism to shift \$17.00 of new non-resident trail pass funds to supplemental use. If LRB-4207 becomes law first, we will need a change in LRB-4207 in newly created s. 350.12(4)(bg)2. to reflect a transfer of \$17 to the trail fund rather than \$10; if fee proposal goes first, then 350.12(4)(bg)2. could be created to reflect the \$17 transfer to supplemental purposes.

Need language specifically authorizing an additional 10 FTE of conservation warden.

Appropriations that need to be increased as a result of these changes

- S. 20.370(3)(aq) - snowmobile enforcement/safety training

10 FTE for snowmobile
Tracking
Hot Spot
Pt. Sale Safety

| |
|--------------------|
| \$800,000 |
| \$100,000 |
| \$100,000 |
| \$200,000 |
| <u>\$1,200,000</u> |

new registration fees when

- S. 20.370(5)(cr) - county snowmobile trail aids

| | |
|---|--------------------|
| Replace NR trail pass funds used for supplemental | \$700,000 |
| Trail infrastructure improvements and new trails | <u>\$1,200,000</u> |
| | \$1,900,000 |

Not specifically addressed by motion

The related registration fees

| Stat. | Type | Current Charge | *New(?) | Period |
|----------------|-----------------------|----------------|---------|---------|
| 350.12(3)(a) | Muni registration | \$5 | \$12.50 | 2 year |
| 350.12(3)(a)3 | Transfer | \$5 | \$12.50 | Anytime |
| 350.12(3)(b) | Antique | \$20 | \$50 | 1 time |
| 350.12(3)(c)2. | Commercial owner | \$60 | \$150 | 2 year |
| 350.12(3)(c)2. | Additional comm plate | \$20 | \$50 | 2 year |
| 350.12(3)(e) | Dup decal | \$5 | \$12.50 | Anytime |
| 350.12(3)(e) | Dup certificate | \$5 | \$12.50 | Anytime |

* Increases in muni, transfer or duplicates based on 25% of 2 year registration fee. This percentage is consistent with present law.

plus 15 and younger - RUCOA only for refusing refusal law

Today

1999 BILL

Sen. Cat.

1 **AN ACT to repeal** 350.02 (2) (b) 6. and 350.10 (1) (a); **to renumber and amend**
 2 **350.10 (1) (g) and 350.10 (1) (i); to amend 29.934 (1) (a), 59.54 (14) (g), 350.02**
 3 **(2) (a) 6., 350.1025, 350.11 (3) (a) 1., 350.11 (3) (a) 2., 350.11 (3) (a) 3., 350.11 (3)**
 4 **(a) 4., 350.11 (3) (b), 350.11 (3) (bm) and 350.12 (3) (a) (intro.); and to create**
 5 **29.934 (1) (cm), 350.025, 350.11 (3) (bg), 350.11 (3m), 350.11 (5) and 350.113 of**
 6 **the statutes; relating to:** revocation of the privilege to operate snowmobiles for
 7 violations of the intoxicated snowmobiling law; speed restrictions on the
 8 operation of snowmobiles; confiscation of snowmobiles after conviction under
 9 the intoxicated snowmobiling law or for failure to stop a snowmobile in response
 10 to a law enforcement officer; increasing the public-use snowmobile registration
 11 fee; ~~and~~ ^{and snowmobile trail aids to counties; making appropriations; and} providing penalties.

Analysis by the Legislative Reference Bureau

This bill requires a court to revoke a person's privilege to operate a snowmobile for violating the intoxicated snowmobiling law in addition to imposing the applicable forfeitures or fines and imprisonment under current law. The periods of revocation are as follows:

are as follows

Insert ANL

law, which is the absolute sobriety requirement of the intoxicated snowmobiling law. (P. 19 or 20)

B I L L

- if the violator is*
1. For a period of one year for the first violation or for a subsequent violation, if the arrest for the subsequent violation occurs more than five years after the date of the conviction for the previous violation.
 2. For a period of two years for the second violation, if the arrest for the second violation occurs within five years after the date of the conviction for the first violation.
 3. For a period of three years for the third or subsequent violation if the arrest for the third or subsequent violation occurs within five years after the date of the conviction for the second or subsequent violation.
 4. For a period of one year for a violation of the *refusal law* absolute sobriety requirement that applies to snowmobile operators who are 18 years old or younger.

The bill also provides a penalty for operating a snowmobile during revocation. Current law does not provide for the revocation of a person's privilege to operate a snowmobile for violating the intoxicated snowmobiling law. Also, in addition to any forfeiture, fine or period of jail time imposed by a court for a violation of the intoxicated snowmobiling law or for operating a snowmobile during revocation, under this bill the court may order the defendant to perform community service work.

The bill requires a snowmobile to be seized and confiscated if it is used by a person to which the three-year period of revocation applies and authorizes a snowmobile to be seized and confiscated if it is used by a person who fails to stop a snowmobile when requested to do so by a law enforcement officer. The bill allows the department of natural resources (DNR) to sell any snowmobile confiscated for these snowmobiling violations or to use it in its snowmobile safety program. The bill also allows any snowmobile confiscated for violations of the fish and game laws to be used in this program. DNR already has authority to sell such a snowmobile under current law.

Finally, this bill imposes a specific statutory speed limit of 50 miles per hour on the operation of a snowmobile from sunset to sunrise on a snowmobile trail, route and other area that is open to the public for the operation of snowmobiles. Under current law, the **only** other specific statutory restrictions apply to the operation of a snowmobile within a certain distance of a dwelling at nighttime or on the ice within a certain distance of a fishing shanty, or a person on foot. Also, under current law, a snowmobile operator must observe the roadway speed limit when he or she is riding adjacent to a roadway. This bill expands this requirement to include the roadway itself.

Under current law, the registration fee for a snowmobile that is not an antique and that is not used exclusively on property owned by the snowmobile owner or his or her family is \$20. The period of validity for the registration is from 15 months to 24 months depending on when, during a two-year period, the snowmobile is registered. This bill raises the fee from \$20 to \$50. *The bill also requires that the fee be paid in full at the time of registration.*

function of the fee is to be used for the maintenance of the snowmobile safety program.

BILL

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.** 29.934 (1) (a) of the statutes is amended to read:

2 29.934 (1) (a) All wild animals, carcasses or plants that are confiscated by the
3 department and all confiscated vehicles, boats or objects shall, if not destroyed as
4 authorized by law, be sold, except as provided in par. (cm), at the highest price
5 obtainable, by the department, or by an agent on commission under supervision of
6 the department. The net proceeds of sales under this subsection, after deducting the
7 expense of seizure and sale and any commissions and any amounts owing to holders
8 of security interests under par. (c) or (d), shall be remitted to the department. The
9 remittance shall be accompanied by a report of the sales, supported by vouchers for
10 expenses and commissions, and shall be filed with the department.

11 **SECTION 2.** 29.934 (1) (cm) of the statutes is created to read:

12 29.934 (1) (cm) The department may retain and use a snowmobile confiscated
13 under this section or under s. 350.113 for the program of instruction established
14 under s. 350.055.

15 **SECTION 3.** 59.54 (14) (g) of the statutes is amended to read:

16 59.54 (14) (g) A county may establish extensions of the jail, which need not be
17 at the county seat, to serve as places of temporary confinement. No person may be
18 detained in such an extension for more than 24 consecutive hours, except that a court
19 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c)
20 or 350.11 (3) (a) 2. or 3. or (b) or (3m) be imprisoned for more than 24 consecutive
21 hours in such an extension. Jail extensions shall be subject to plans and

BILL

1 specifications approval by the department of corrections and shall conform to other
2 requirements imposed by law on jails, except that cells may be designed and used for
3 multiple occupancy.

4 **SECTION 4.** 350.02 (2) (a) 6. of the statutes is amended to read:

5 350.02 (2) (a) 6. On a portion of the roadway or shoulder of a highway for a
6 purpose of residential access or for the purpose of access from lodging if the town, city
7 or village, within which that portion of the highway lies, enacts an ordinance under
8 s. 350.18 (3) for that portion of the highway ~~A snowmobile operated on a portion of~~
9 ~~the roadway or shoulder of a highway under this subdivision shall observe the~~
10 ~~roadway speed limits.~~

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

12 **SECTION 6.** 350.025 of the statutes is created to read:

13 **350.025 Speed restrictions. (1) No** person may operate a snowmobile at a
14 rate of speed that is any of the following:

15 (a) Unreasonable or improper under the circumstances.

16 (b) In excess of a roadway speed limit established under s. 346.57 or 349.11 if
17 the person is operating the snowmobile on or adjacent to a roadway.

18 (c) In excess of any speed limit established by a county, town, city or village
19 under its authority under s. 350.18 (1).

20 (d) In excess of 50 miles per hour if the person is operating the snowmobile
21 during the period from sunset to sunrise on a snowmobile route, a snowmobile trail
22 or any other corridor or area that is open to the public for the operation of
23 snowmobiles.

24 (2) Subsection (1) (b) and (c) does not apply if the person is operating the
25 snowmobile as part of a special snowmobile event authorized under s. 350.04.

BILL

1 **SECTION 7.** 350.10 (1) (a) of the statutes is repealed.

2 **SECTION 8.** 350.10 (1) (g) of the statutes is renumbered 350.025 (1) (e) and
3 amended to read:

4 350.025 (1) (e) ~~Between~~ In excess of 10 miles per hour if the person is operating
5 the snowmobile between the hours of 10:30 p.m. and 7 a.m. ~~when and~~ within 150 feet
6 of a dwelling ~~at a rate of speed exceeding~~ 10 miles per hour.

7 **SECTION 9.** 350.10 (1) (i) of the statutes is renumbered 350.025 (1) (f) and
8 amended to read:

9 350.025 (1) (f) ~~On~~ In excess of 10 miles per hour if the person is operating the
10 snowmobile on the frozen surface of public waters within 100 feet of a person not in
11 or upon a vehicle or within 100 feet of a fishing shanty ~~unless operated at a speed of~~
12 10 miles per hour or less.

13 **SECTION 10. 350.1025** of the statutes is amended to read:

14 **350.1025 Application of intoxicated snowmobiling law.** Except as
15 provided in this section, the intoxicated snowmobiling law is and the prohibition
16 under s. 350.11(3)(bg) are applicable to all property, whether the property is publicly
17 or privately owned and whether or not a fee is charged for the use of that property.
18 The intoxicated snowmobiling law ~~does~~ and the prohibition under s. 350.11 (3) (bg)
19 do not apply to the operation of a snowmobile on private land not designated as a
20 snowmobile trail unless an accident involving personal injury occurs as the result of
21 the operation of a snowmobile and the snowmobile was operated on the private land
22 without the consent of the owner of that land.

23 **SECTION 11.** 350.11 (3) (a) 1. of the statutes is amended to read:

BILL

1 350.11 (3) (a) 1. Except as provided under subds. 2. and 3., a person who violates
2 s. 350.101 (1) (a) or (b) ~~or s. 350.104 (5)~~ shall forfeit not less than \$400 nor more than
3 \$550 and shall have his or her privilege to operate a snowmobile revoked for one year.

4 SECTION 12. 350.11 (3) (a) 2. of the statutes is amended to read:

5 350.11 (3) (a) 2. Except as provided under subd. 3., a person who violates s.
6 350.101 (1) (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the
7 current violation, was convicted previously under the intoxicated snowmobiling law
8 or the refusal law shall be fined not less than \$300 nor more than \$1,000 ~~and~~, shall
9 be imprisoned for not less than 5 days nor more than 6 months and shall have his or
10 her privilege to operate a snowmobile revoked for 2 years.

11 SECTION 13. 350.11 (3) (a) 3. of the statutes is amended to read:

12 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and
13 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
14 more times previously under the intoxicated snowmobiling law or refusal law shall
15 be fined not less than \$600 nor more than \$2,000 ~~and~~, shall be imprisoned for not less
16 than 30 days nor more than one year in the county jail and shall have his or her
17 privilege to operate a snowmobile revoked for 3 years.

18 SECTION 14. 350.11 (3) (a) 4. of the statutes is amended to read:

19 350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) ~~or 350.104 (5)~~ and who
20 has not attained the age of 19 shall forfeit not more than \$50 ~~and shall have his or~~
21 privilege to operate a snowmobile revoked for one year. ✓

22 SECTION 15. 350.11 (3) (b) of the statutes is amended to read: ← INS 6-21 ✓

23 350.11 (3) (b) *Penalties related to failure to stop; and for causing injury while*
24 *under the influence of intoxicants.* A person who violates s. 350.101 (2) ~~or 350.17 (2)~~
25 shall be fined not less than \$300 nor more than \$2,000 ~~and may~~, shall be imprisoned

BILL

1 for not less than 30 days nor more than one year in the county jail and shall have his
2 or her privilege to operate a snowmobile revoked for 2 years.

3 SECTION 16. 350.11 (3) (bg) of the statutes is created to read:

4 350.11 (3) (bg) *Operation during revocation.* No person whose operating
5 privilege has been revoked under par. (a) or (b) may operate a snowmobile during the
6 period of revocation. Any person who violates this paragraph shall be fined not more
7 than \$2,500 and imprisoned for not more than one year in the county jail.

8 SECTION 17. 350.11 (3) (bm) of the statutes is amended to read:

9 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use
10 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
11 to par. (a) 2. or 3. or (b) or sub. (3m). The use of this option can result in significant
12 cost savings for the state and local governments.

13 SECTION 18. 350.11 (3m) of the statutes is created to read:

14 350.11 (3m) Any person who violates s. 350.17 (2) shall be fined not less than
15 \$300 nor more than \$2,000 and imprisoned for not less than 30 days nor more than
16 one year in the county jail.

17 SECTION 19. 350.11 (5) of the statutes is created to read:

18 350.11 (5) In addition to any penalty imposed under sub. (3), the court may
19 order the defendant to perform community service work administered by a public
20 agency or a nonprofit charitable organization approved by the court.

21 SECTION 20. 350.113 of the statutes is created to read:

22 **350.113 Seizure and confiscation of snowmobiles. (1) INTOXICATED**
23 **SNOWMOBILING.** A law enforcement officer shall seize a snowmobile, and the
24 department shall hold the snowmobile, subject to the order of the circuit court for the
25 county in which the alleged violation was committed, if the law enforcement officer

BILL

1 has probable cause to believe that the snowmobile is being used to commit a violation
2 for which a penalty may be imposed under s. 350.11 (3) (a) 3. If it is proven that
3 within 6 months previous to the seizure the snowmobile was used in such a violation,
4 the court in its order for judgment shall direct that the snowmobile be confiscated.

5 (2) **REFUSAL TO STOP.** A law enforcement officer may seize a snowmobile, and
6 the department shall hold any such snowmobile, subject to the order of the circuit
7 court for the county in which the alleged violation was committed, if the law
8 enforcement officer has probable cause to believe that the snowmobile is being used
9 to commit a violation of s. 350.17 (2). If it is proven that within 6 months previous
10 to the seizure the snowmobile was used in such a violation, the court in its order for
11 judgment may direct that the snowmobile be confiscated.

12 (3) **DISPOSAL.** In disposing of a snowmobile confiscated under this section, the
13 department shall follow the requirements for confiscated motor vehicles under s.
14 29.934 (1).

15 **SECTION 21.** 350.12 (3) (a) (intro.) of the statutes is amended to read:

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

BILL

1 for 2 years beginning the July 1 prior to the date of application if registration is made
2 prior to April 1 and beginning the July 1 subsequent to the date of application if
3 registration is made after April 1 and ending on June 30, 2 years thereafter. A
4 snowmobile private-use registration certificate is valid from the date of issuance
5 until ownership of the snowmobile is transferred. The fee for the issuance or renewal
6 of a public-use registration certificate is ~~\$20~~ \$50. except that the fee is \$5 if it is a
7 snowmobile owned and operated by a political subdivision of this state. There is no
8 fee for the issuance of a private-use registration certificate or for the issuance of a
9 registration certificate to the state.

10 (END)



INS
ANL

This bill requires a court to revoke a person's privilege to operate a snowmobile for violating the intoxicated snowmobiling law, other than the absolute sobriety requirement for persons ~~aged~~ 18 or younger, and for violating the refusal law. The intoxicated snowmobiling law prohibits the operation of a snowmobile by a person under the influence of alcohol or controlled substances to a degree that he or she cannot operate a snowmobile safely. ~~It~~ also prohibits the operation by a person who has an alcohol concentration of 0.1 or more. The refusal law requires ~~that~~ a person submit to a legal request for a breath, blood or urine sample pursuant to an arrest for violating the intoxicated snowmobiling law.

who are years old

who is
The bill

of a snowmobile

INS 6-21

SECTION 1. 350.11 (3) (a) 5. of the statutes is created to read:

350.11 (3) (a) 5. A person who violates s. 350.104 (5) and who has not attained the age ^{of 19} shall forfeit not more than \$50 and shall have his or her privilege to ^{operate} a snowmobile revoked for one year.

INS 9-10

SECTION 2. Appropriation changes.

(1) SNOWMOBILE LAW ENFORCEMENT AND SAFETY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (aq) of the statutes, as affected by the acts of 1999, the dollar amount is increased by \$1,200,000 for fiscal year 2000-01 to increase the authorized FTE positions for the department by 10.0 SEG conservation warden positions and to increase funding for the purposes for which the appropriation is made.

(2) SNOWMOBILE AIDS TO COUNTIES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (5) (cr) of the statutes, as affected by the acts of 1999, the dollar amount is increased by \$1,900,000 for fiscal year 2000-01 to increase funding for the purposes for which the appropriation is made.

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/07/2000

To: Representative Johnsrud

Relating to LRB drafting number: LRB-4661

Topic

Intoxicating snowmobiling and speed limit

Subject(s)

Nat. Res. - boats snomos ATVs

1. **JACKET** the draft for introduction Johnsrud
in the Senate or **the Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-3215

Handwritten scribble or signature.