

1999 DRAFTING REQUEST

Bill

Received: **09/16/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Grinde**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact: **See attached**

Alt. Drafters: **nilsepe**

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

Extra Copies:

Topic:

DOA:.....Grinde - Various snowmobile law changes

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>Required</u>
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Statutory Language Proposals

Division: ENFORCEMENT & SCIENCE

Subprograms: LAW ENFORCEMENT

Issue/Topic: SNOWMOBILE LAW 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 older, or by a person over 14 years of age holding a safety certificate issued by the Department. Any person who is over the age of 12, and under the age of 16 who holds 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 or 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.

These sections are created to read:

Find parallel language * 350.09(10) If a conservation warden or law enforcement officer has reasonable grounds to believe a violation of 350.09(1-11), 350.10(4) or 350.10(5) has occurred, in addition to or instead of any penalty prescribed in 350.11, the officer may order the defective equipment to be brought into compliance within a reasonable time period.

Find parallel language * 350.09(11) Refusal to Allow Testing. No operator or owner of any snowmobile may deny inspection of or refuse to operate his or her snowmobile in a manner prescribed by the law enforcement officer who reasonably suspects a violation of snowmobile equipment requirements spelled out in Chapter 350 or Administrative Rule addressing such requirements.

350.15(6) Snowmobile accident does not include an accident that results from a snowmobile race or derby as defined in 350.04 or administrative rule.

350.02(4) Law Enforcement snowmobiles equipped with emergency lights may be operated on a highway in performance of official duties.

Draft 347.415 Under this section "motor vehicle" includes snowmobile, ATV, boat^{30.50} or other motorized vehicle equipped with an odometer or meter indicating miles or hours of use.

Explanatory Note: This request would make several changes to the regulation of snowmobiling that would provide for phased-in mandatory snowmobile safety education, make snowmobiling safer, and reduce complaints.

Desired Effective Date: July 1, 1999 or the effective date of the 1999-01 Biennial Budget.

Contact Person: Eric Thompson (6-8251) or Tom Thoresen (6-7820)

CHAPTER 13

Inspection of Vehicles

Uniform
Vehicle Code.
See 110.075 Wis
STATS.

§ 13-101—Vehicles without required equipment or in unsafe condition

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this act and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person or property.

§ 13-102—Inspection by officers

(a) Uniformed police officers may at any time upon reasonable cause to believe that a motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate. (REVISED, 1975.)

(b) In the event a vehicle is found to be in unsafe condition or any required part or equipment is not present or in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy to the department. Said notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment (as soon as practicable), specifying the particulars with reference thereto, and shall require that an official certificate of inspection and approval be obtained within 10 days.

(c) In the event any such vehicle is, in the reasonable judgment of the officer, in such condition that further operation would be hazardous, the officer may require in addition that the vehicle not be operated under its own power or that it be driven to the nearest garage or other place of safety.

(d) Every owner or driver shall comply with the notice and secure an official certificate of inspection and approval within 10 days or the vehicle shall not be operated on the highways of this State.¹

¹ Subsections (b) to (d) of this section supplement the authority of a police officer detecting equipment violations and the notice required therein is intended to serve as an additional means of encouraging maintenance of vehicles in safe operating condition. The notice issued to the driver should describe any defects and should require repairs to be made either as soon as practicable or within such other time as may be specified therein by the officer. Depending on the nature of the defect, the notice might also mention the consequences that may result from continued operation of a vehicle that is not equipped as required by law. In any event, a certificate of inspection and approval must be obtained within 10 days.

Subsection (d) requires compliance with the notice and contemplates that the vehicle will be repaired within the time specified or not be driven on the highways; and further contemplates that a certificate of inspection and approval must be obtained within 10 days or the vehicle may not be operated on the highways even though

§ 13-103—Owners and drivers to comply with inspection laws

No owner or driver shall refuse to submit a vehicle to any inspection and test that is authorized or required by the provisions of this chapter.

§ 13-104—Periodic inspection required²

(a) Every motor vehicle, trailer, semitrailer or pole trailer registered in this State (except house trailers not operated upon the highways) shall be inspected periodically, but at least annually, and an official certificate of inspection and approval shall be obtained for each such vehicle. Such inspections shall be made and such certificates obtained with respect to such items of equipment as the commissioner shall designate.³ Inspections

of the vehicle may already display a certificate issued under a program of periodic inspection pursuant to §§ 13-104 *et seq.*

Subsection (c) provides that when operation of the vehicle would be hazardous, the officer may, in addition to issuing a notice, restrict further driving by requiring that the vehicle not be moved under its own power or that it be driven to the nearest garage or other place of safety. In these circumstances, it is recommended that the notice indicate any such special instructions given by the officer.

² The Federal Highway Safety Act contemplates that each state will have a comprehensive highway safety program meeting uniform standards approved by the Secretary of Transportation. Under the Act, such standards are to include provisions for vehicle inspection. 80 Stat. 731 (1966) 23 USCA § 402(a) (Supp. 1967). However, it should be noted that the standard on inspection issued by the Secretary on June 27, 1967, does not necessarily require states to have an inspection program of a type specified by this or ensuing sections of the *Uniform Vehicle Code*. The pertinent portion of Highway Safety Program Standard 4.4.1 provides:

Each State shall have a program for periodic inspection of all registered vehicles or other experimental, pilot, or demonstration program approved by the Secretary, to reduce the number of vehicles with existing or potential conditions which cause or contribute to accidents or increase the severity of accidents which do occur, and shall require the owner to correct such conditions.

I. The program shall provide, as a minimum, that:

A. Every vehicle registered in the State is inspected either at the time of initial registration and at least annually thereafter, or at such other time as may be designated under an experimental, pilot, or demonstration program approved by the Secretary.

³ 33 *Federal Register* 16560 (Nov. 14, 1968); 23 *Code of Federal Regulations* § 204.4. This is noted only for the purpose of alerting states to the need for considering inspection laws within the context of current federal requirements for approval of highway safety programs and is not intended to diminish the longstanding and continuing recommendation of the National Committee for periodic inspection of all registered vehicles.

³ It is recommended that the commissioner specify the items of equipment to be inspected that will be appropriate for different types or categories of vehicles. For most motor vehicles, these items should include at least the brakes, lights, reflectors, steering, glazing, mirrors, exhaust systems, windshield wipers, tires and vehicle emission control systems. The items specified for all types of vehicles should also reflect equipment required under state laws comparable to



State of Wisconsin
1999 - 2000 LEGISLATURE

1 RMR

LRB-0196/PD

MGG

+PEN

due Thurs

D-Note

(Handwritten initials)

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

WPO-SORT DRAFT

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DO NOT
GEN CAT

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES ✓

minors who are

RECREATION ✓

and

if

Under current law, a minor under the age of 12 may operate a snowmobile if his or her parent or guardian or other person who is over the age of 18 is accompanying the minor on the snowmobile. Under this bill, a minor under the age of 12 may not operate a snowmobile under any circumstances.

Under current law, a minor who is 12, 13, 14 or 15 years old may operate a snowmobile only if he or she holds a valid snowmobile safety certificate or he or she is accompanied on the same snowmobile by a person who is over the age of 18 or by a person who is over the age of 14 and who has a valid snowmobile safety certificate. Under this bill, only 12, 13, 14 and 15³ year old minors, who are born on or after January 1, 1985, are subject to these restrictions.

Under current law, a person operating a snowmobile adjacent to a roadway or on certain roadways that are open to snowmobiles for access to lodging or residences must observe the roadway speed limits. This bill expands this requirement to cover all roadways upon which snowmobiles are operated.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

← INSERT
ANALYSIS 1

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

← [INS 2-1] ✓

1 SECTION 1. 350.02 (2) (a) 7. of the statutes is created to read:

2 350.02 (2) (a) 7. ✓ A person operating a snowmobile on a roadway shall observe
3 roadway speed limits.

4 SECTION 2. 350.02 (3m) ✓ of the statutes is created to read:

5 350.02 (3m) A law enforcement officer may operate a snowmobile on a highway
6 in performance of his or her official duties if the snowmobile is equipped with
7 emergency lights that meet requirements established by rule by the ✓ department.

8 SECTION 3. 350.05 (1) ✓ of the statutes is amended to read:

9 350.05 (1) ✓ ~~AGE RESTRICTION PERSONS UNDER 12.~~ ✓ No person under the age of 12
10 years may operate a snowmobile ✓ ~~unless the person is accompanied either by a parent~~
11 ~~or guardian or by a person over 18 years of age.~~

History: 1971 c. 277; 1973 c. 298; 1977 c. 402; 1991 a. 316. ✓

12 SECTION 4. 350.05 (2) of the statutes is amended to read:

13 350.05 (2) ~~SNOWMOBILE PERSONS AGED 12 TO 16; SNOWMOBILE SAFETY PERMIT OR~~ ✓
14 ~~OPERATOR'S LICENSE REQUIRED CERTIFICATES AND PROGRAM.~~ No person over the age of 12.
15 years but under the age of 16 years and who is born on or after January 1, 1985, ✓ may
16 operate a snowmobile unless he or she holds a valid snowmobile safety certificate or
17 is accompanied by a person over 18 years of age or by a person over 14 years of age
18 having and who holds a valid snowmobile safety certificate issued by the
19 ~~department.~~ ✓ Any person who is over the age of 12 and under the age of 16 years who
20 holds is required to hold a snowmobile safety certificate shall carry it the certificate
21 while operating a snowmobile or while accompanying the operator on a snowmobile
22 and shall display it to a law enforcement officer on request. Persons enrolled in a
23 safety certification program approved by the department may operate a snowmobile
24 in an area designated by the instructor.

1 SECTION 5. 350.05 (4) of the statutes is amended to read:

2 350.05 (4) DEFINITION. For purposes of this section, "accompanied" accompany
3 means being to be on the same snowmobile as the operator.

4 SECTION 6. 350.055 of the statutes is amended to read:

5 **350.055 Safety certification program established.** The department shall
6 establish a program of instruction on snowmobile laws, including the intoxicated
7 snowmobiling law, regulations, safety and related subjects. The program shall be
8 conducted by instructors certified by the department. The department may procure
9 liability insurance coverage for certified instructors for work within the scope of their
10 duties under this section. ~~Persons~~ Each person satisfactorily completing this
11 program shall receive ~~certification~~ a snowmobile safety certificate from the
12 department. The department may charge each person who enrolls in the course an
13 instruction fee of \$5. The department shall authorize instructors conducting such
14 courses meeting standards established by it to retain \$1 of the fee to defray expenses
15 incurred locally to conduct the program. The remaining \$4 of the fee shall be retained
16 by the department to defray a part of its expenses incurred to conduct the safety and
17 accident reporting program. A person over the age of 12 years but under the age of
18 16 years who holds ~~WM~~ is required to hold a valid snowmobile safety certificate may
19 operate a snowmobile in this state if the person holds a valid snowmobile safety
20 certificate issued by another state or province of the Dominion of Canada need not
21 ~~obtain a certificate from the department~~ and if the course content of the program in
22 such other state or province substantially meets that established by the department
23 under this section.

24 History: 1971 c. 277; 1973 c. 298; 1987 a. 27, 399; 1991 a. 39.

SECTION 7. 350.15 (6) of the statutes is created to read:

“
”

plain space

← INS 3-23

1 350.15 (6) EXCEPTION. [✓]This section does not apply to snowmobile accidents that
2 occur during a sanctioned race or derby.

3 History: 1971 c. 277; 1973 c. 298; 1977 c. 402; 1991 a. 316.

(END)

← INS 4-2

¶ Current law prohibits tampering with the odometer of a motor vehicle and with the hour meter of farm equipment. An odometer measures and records the distance that a motor vehicle has traveled while in operation. An hour meter measures and records the hours of operation.

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

¶ This 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



(insert
Analysis
(Cobt))

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 ~~to~~ out of operation, except for purposes^s of
removal and repair, until it has been repaired^o. The owner or
operator of a snowmobile in violation of required equipment
standards may be issued a repair order requiring the repair
of the violating equipment, in addition to any
penalties^s that apply to violating the equipment standards^o.

(end insert)

Sec. #. RN; 100.48 (1) (a)[✓]; 100.48 (1) (am)^x

Sec. # CR; 100.48 (1) (ad)

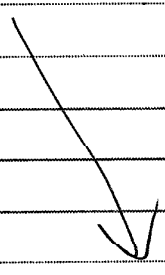
100.48 (1) (ad)[ⓑ] "All-terrain vehicle" has the
meaning given in S. 340.01 (2g)[✓].

Sec. #. CR; 100.48 (1) (ag)

100.48 (1) (ag)[ⓑ] "Boat" has the meaning given in
S. 30.50 (2)[✓].

Sec. #. CR; 100.48 (1) (c)[✓]

100.48 (1) (c)[ⓑ] "Snowmobile" has the
meaning given in S. 350.01 (12)[✓].



the instrument

Sec. #. AM 100.48(1)(b)

100.48(1)(b) "Hour meter" means an instrument on a piece of farm equipment that measures and records

(B) the actual hours of operation of the ~~piece of farm equipment~~ vehicle or device to which is attached

Sec. #. AM 100.48(2)

100.48(2) No person may, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter with the intent to defraud by changing or affecting the number of hours of operation indicated on the hour meter.

Sec. #. AM 100.48(3)(a)

100.48(3)(a) Nothing in this section shall prevent the service, repair or replacement of an hour meter if the number of hours of operation indicated on the hour meter remains the same as before the service, repair or replacement. If an hour meter is incapable of registering the same number of hours of operation as before its service, repair or replacement, the hour meter shall be adjusted to read zero, and a sticker shall be affixed by the owner of the ^{plain sense} ~~piece of farm equipment~~ or an agent, in proximity to the hour meter, specifying the number of hours of operation recorded on the hour meter prior to its service, repair or replacement and the date on which it was serviced, repaired or replaced. No person who services, repairs or replaces an hour meter that is incapable of registering the same number of hours of operation as before such service, repair or replacement may fail to adjust the hour meter to read zero or fail to affix the sticker required by this paragraph.

attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat

vehicle or device to which the hour meter is attached

Sec. #. AM 100.48(4)(a)

100.48(4)(a) Any person who violates sub. (2) or (3) (b) may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail, or both, for each violation.

plain with respect to an hour meter attached to farm equipment

Sec. #. AM 100.48(4)(b)

100.48(4)(b) Any person who violates sub. (3) (a) may be required to forfeit not more than \$500 for each violation.

plain



Sec. #. CR; 100.48(4)(c) ✓

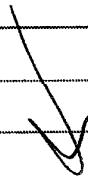
100.48(4)(c) Any person who violates sub. (2) or (3) ✓
ⓑ

with respect to an hour meter attached to
a snowmobile, ^{an} all-terrain vehicle or ^a boat

may be fined not more than \$5,000 or

imprisoned for not more than one year in

the county jail, or both, for each violation.



100.48(1)(b)
 (b) "Hour meter" means an instrument on a piece of farm equipment that measures and records the actual hours of operation of the piece of farm equipment.

100.48(2)
 (2) No person may, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter with the intent to defraud by changing or affecting the number of hours of operation indicated on the hour meter.

100.48(3)(a)
 (a) Nothing in this section shall prevent the service, repair or replacement of an hour meter if the number of hours of operation indicated on the hour meter remains the same as before the service, repair or replacement. If an hour meter is incapable of registering the same number of hours of operation as before its service, repair or replacement, the hour meter shall be adjusted to read zero, and a sticker shall be affixed by the owner of the piece of farm equipment or an agent, in proximity to the hour meter, specifying the number of hours of operation recorded on the hour meter prior to its service, repair or replacement and the date on which it was serviced, repaired or replaced. No person who services, repairs or replaces an hour meter that is incapable of registering the same number of hours of operation as before such service, repair or replacement may fail to adjust the hour meter to read zero or fail to affix the sticker required by this paragraph.

100.48(4)(a)
 (a) Any person who violates sub. (2) or (3) (b) may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail, or both, for each violation.

100.48(4)(b)
 (b) Any person who violates sub. (3) (a) may be required to forfeit not more than \$500 for each violation.

Sec. #. ch. 347.415(1g) ✓ In this section,
~~347.415(1g)~~ ~~347.415(1g)~~ "Odometer" means an instrument for measuring and recording the actual distance that a motor vehicle has traveled while in operation, but does not include any auxiliary instrument designed to be reset to zero to measure and record the actual distance that a motor vehicle has traveled on trips. snowmobile or all-terrain vehicle

347.415(1)
 (1) No person shall, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any motor vehicle with the intent to change or affect the number of miles indicated thereon.

347.415(2)
 (2) No person may operate a motor vehicle subject to registration under ch. 341 on any street or highway with knowledge that the odometer is removed, disconnected or nonfunctional. An

100.48(1)(b)

(b) "**Hour meter**" means an instrument on a piece of farm equipment that measures and records the actual hours of operation of the piece of farm equipment.

100.48(2)

(2) No person may, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect, an **hour meter** with the intent to defraud by changing or affecting the number of hours of operation indicated on the **hour meter**.

100.48(3)(a)

(a) Nothing in this section shall prevent the service, repair or replacement of an **hour meter** if the number of hours of operation indicated on the **hour meter** remains the same as before the service, repair or replacement. If an **hour meter** is incapable of registering the same number of hours of operation as before its service, repair or replacement, the **hour meter** shall be adjusted to read zero, and a sticker shall be affixed by the owner of the piece of farm equipment or an agent, in proximity to the **hour meter**, specifying the number of hours of operation recorded on the **hour meter** prior to its service, repair or replacement and the date on which it was serviced, repaired or replaced. No person who services, repairs or replaces an **hour meter** that is incapable of registering the same number of hours of operation as before such service, repair or replacement may fail to adjust the **hour meter** to read zero or fail to affix the sticker required by this paragraph.

100.48(4)(a)

(a) Any person who violates sub. (2) or (3) (b) may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail, or both, for each violation.

100.48(4)(b)

(b) Any person who violates sub. (3) (a) may be required to forfeit not more than \$500 for each violation.

Sec. # RA; 347.415(1); 347.415 (1m) may

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

Snowmobile or all-terrain vehicle
plain

Sec. # AM; 347.415(2)

347.415 (2) No person may operate a motor vehicle subject to registration under ch. 341 on any street or highway with knowledge that the odometer is removed, disconnected or nonfunctional. An exemption may be provided if parts are on back order to correct a nonfunctional odometer.

Notwithstanding s. 347.02(2), no person may operate a snowmobile or all-terrain vehicle with knowledge that the odometer is removed, disconnected or nonfunctional.

may

INS
2-1
cont

SEC. # AM;

Strike

(1m) ✓

347.15 → 347.415(4)
(4) No person shall conspire with any other person to violate sub. ~~(1)~~, (2) or (3).

SEC. # AM;

(1m) ✓

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

SEC. # AM;

strike

(1m) ✓

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

(end ins)
2-1

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0196/P1ins
PEN.....

INS 3-23

SECTION 1. 350.095 of the statutes is created to read:

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

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

(3) When any snowmobile is found to be unsafe for operation or in violation of the equipment provisions of s. 350.09 or 350.10 (1) or (2), a law enforcement officer may order the snowmobile removed from the highway and not operated, except for purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in sub. (4).

(4) When any snowmobile is in violation of the equipment provisions of s. 350.09 or 350.10 (1) or (2), a law enforcement officer may issue a repair order, in such form and containing such information as the department prescribes, to the owner or operator of the snowmobile. The owner or operator shall thereupon obtain such repairs as are required. A repair order issued under this section is in addition to any penalties imposed under s. 350.11.

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

1999

1NSA-2

LRB HMS 1

Nonstat File Sequence: **EEE**

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "___" or "()" only if a "frozen" number is needed.

SECTION # 193 3 6 1 **Initial applicability;**

natural resources (CS)

(#1) Mix { odometers and hour meters, on snowmobiles,
all-terrain vehicles and boats. The treatment of sections ..

100.48(1)(b), (2) and (3)(a) and 347.415(1m) and
(2)

..... of the statutes
 first applies to offenses committed on the effective date
of this subsection.

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "___" or "()" only if a "frozen" number is needed.

SECTION # ____ . **Initial applicability;**

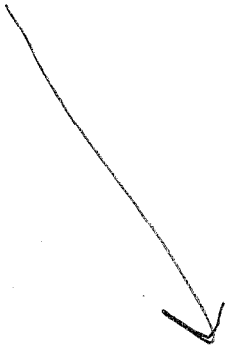
(#1) () This act first ap-
 plies to

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0196/PYdn
MGG, [initials] + jlg
EPEN

1. Please review this entire draft carefully, particularly ss. 350.05 (1) and (2) and 350.055. The instructions were not totally clear.
2. Regarding s. 350.02 (3m): note the rule-making requirement. OK?
3. In reviewing s. 350.15(6), note that "sanctioned race or derby" is a defined term. See s. 350.01 (11m).

Mary Gibson-Glass
Senior Legislative Attorney
267-3215



4. Do you want ^{all or part} s. 350.095 to be cross-referenced in s. 350.18(2)?

more

-0196/Pldn
(cont.)

#1. Do you want to exempt snowmobiles that pass inspection to be exempted from ^s some future inspections? See s. 110.075(3), Stats, exempting motor vehicles from ~~its~~ subsequent inspection within ^{one} a year.

#2. Your request for snowmobile inspections suggests you want to allow repair orders to be issued instead of (or in addition to) the penalties under s. 350.11, Stats. The penalties under s. 350.11 are mandatory. Do you want to change ^{s. 350} s. 350.11 to allow repair orders to be issued in lieu of ~~mandatory~~ penalties under s. 350.11?

#3. Do boats themselves have hour meters, or just the engines or motors, which ~~is~~ can be ^{movable} ~~movable~~ from boat to boat? If the latter, the changes to s. 100.48 should be rerafted to apply directly to the engine or motor.
→

-0196/Pldu (cont.)
(cont.)

P4

3. The penalties under proposed ^{s.} 100.48 (4)(c) ✓
for hour meter violations are the same as
penalties under ^{s.} 347.50 (2) ✓ for odometer
tampering.

P5

Do you want to prohibit the registration
of snowmobiles that fail an inspection and that
cannot show that the defect has been repaired? See
~~s.~~ 341.10 (12)(b) ✓, prohibiting registration of such
motor vehicles.

-PEN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0196/1dn
MGG&PEN:wjl&jlg:hmh

Tuesday, December 8, 1998

1. Please review this entire draft carefully, particularly ss. 350.05 (1) and (2) and 350.055. The instructions were not totally clear.
2. Regarding s. 350.02 (3m): note the rule-making requirement. OK?
3. In reviewing s. 350.15 (6), note that "sanctioned race or derby" is a defined term. See s. 350.01 (11m).
4. Do you want all or part of s. 350.095 to be cross-referenced in s. 350.18 (2)?

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

1. Do you want to exempt snowmobiles that pass inspection to be exempted from some future inspections? See s. 110.075 (3), stats., exempting motor vehicles from subsequent inspection within one year.
2. Your request for snowmobile inspections suggests you want to allow repair orders to be issued instead of (or in addition to) the penalties under s. 350.11, stats. The penalties under s. 350.11 are mandatory. Do you want to change s. 350.11 to allow repair orders to be issued in lieu of penalties under s. 350.11?
3. Do boats themselves have hour meters, or just the engines or motors, which can be movable from boat to boat? If the latter, the changes to s. 100.48 should be redrafted to apply directly to the engine or motor.
4. The penalties under proposed s. 100.48 (4) (c) for hour meter violations are the same as penalties under s. 347.50 (2) for odometer tampering.
5. Do you want to prohibit the registration of snowmobiles that fail an inspection and that cannot show that the defect has been repaired? See s. 341.10 (12) (b), prohibiting registration of such motor vehicles.

Paul E. Nilsen
Legislative Attorney
261-6926

Gibson-Glass, Mary

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Monday, December 28, 1998 3:40 PM
To: Gibson-Glass, Mary; Nilsen, Paul
Subject: LRB 0196/1

Mary and Paul,

DNR called with the following responses to your drafters' note questions:

Mary:

- 1) These sections are okay.
- 2) In s. 350.02(3m) include a reference to s. 30.64, which describes the type of lights.
- 3) This is okay.
- 4) Cross reference all of s. 350.095.

Paul:

- 1) Do not exempt snowmobiles from future inspections because snowmobiles can easily be modified.
- 2) DNR does not want to have repair orders issued in lieu of penalties, but the issue was presented to and approved by the Governor as an "instead of or in addition to" proposal. Therefore, change s. 350.11 to allow repair orders to be issued instead of, or in addition to, the penalties under s. 350.11.
- 3) Bill Engfer is not in this week; DNR will be getting back to me with an answer.
- 4) This is okay.
- 5) Yes, prohibit registration of non-compliant snowmobiles.

If necessary to share an updated draft with DNR, please make the Governor's recommended change in Paul's second question after DNR's review.

Let me know if you have any questions.

Thanks,

Kirsten

Gibson-Glass, Mary

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Monday, December 21, 1998 2:16 PM
To: Gibson-Glass, Mary
Cc: Nilsen, Paul
Subject: LRB 0196/1 Snowmobile changes

Mary,

For the final version of LRB 0196, please remove section 19 [page 5, lines 22-25] prohibiting operation of a snowmobile by a person under the age of 12.

This change is not to be shared with the department. If you or Paul need to have questions answered by DNR, please make this change after your questions are answered or have all changes come through me.

Let me know if you have any questions.

Thanks,

Kirsten

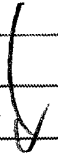
13
1111111
19
21

insert
8-8

Sec. # ~~CR; 350.11 (1m)~~^x

~~350.11 (1m) A person who violates
S. 350.095^v may be required to
forfeit ^v\$250. CA forfeiture imposed under this subsection^v is
in addition to
~~the amount of~~ a repair order
issued under S. 350.095 (4)^v, if any.~~

~~Adm. Code~~





State of Wisconsin
1999 - 2000 LEGISLATURE

RMR

LRB-0196/A 2

MGG&PEN:wlj;jlg:hmh

SOON
O-N

DOA:.....Grinde - Various snowmobile law changes

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 *do not gen*
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

RECREATION

~~Under current law, a minor under the age of 12 may operate a snowmobile if his or her parent or guardian or other person who is over the age of 18 is accompanying the minor on the snowmobile. Under this bill, a minor under the age of 12 may not operate a snowmobile under any circumstances.~~

Under current law, a minor who is 12, 13, 14 or 15 years old may operate a snowmobile only if he or she holds a valid snowmobile safety certificate or if he or she is accompanied on the same snowmobile by a person who is over the age of 18 or by a person who is over the age of 14 and who has a valid snowmobile safety certificate. Under this bill, only minors who are 12, 13, 14 and 15 years old and who are born on or after January 1, 1985, are subject to these restrictions.

Under current law, a person operating a snowmobile adjacent to a roadway or on certain roadways that are open to snowmobiles for access to lodging or residences must observe the roadway speed limits. This bill expands this requirement to cover all roadways upon which snowmobiles are operated.

Current law prohibits tampering with the odometer of a motor vehicle and with the hour meter of farm equipment. An odometer measures and records the distance that a motor vehicle has traveled while in operation. An hour meter measures and records the hours of operation.

(Not) The bill prohibits (DNR) and Indian tribes and bands from registering snowmobiles that failed their most recent ~~ASPCA~~ equipment inspection until repairs have been made.

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

This 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. The owner or operator of a snowmobile in violation of required equipment standards may be issued a repair order requiring the repair of the violating equipment, in addition to any penalties that apply to violating the equipment standards.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill. or instead of

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

- 1 **SECTION 1.** 100.48 (1) (a) of the statutes is renumbered 100.48 (1) (am).
- 2 **SECTION 2.** 100.48 (1) (ad) of the statutes is created to read:
- 3 100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).
- 4 **SECTION 3.** 100.48 (1) (ag) of the statutes is created to read:
- 5 100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).
- 6 **SECTION 4.** 100.48 (1) (b) of the statutes is amended to read:
- 7 100.48 (1) (b) "Hour meter" means an instrument ~~on a piece of farm equipment~~
- 8 that measures and records the actual hours of operation of the ~~piece of farm~~
- 9 equipment vehicle or device to which the instrument is attached.
- 10 **SECTION 5.** 100.48 (1) (c) of the statutes is created to read:
- 11 100.48 (1) (c) "Snowmobile" has the meaning given in s. 350.01 (12).
- 12 **SECTION 6.** 100.48 (2) of the statutes is amended to read:

1 100.48 (2) No person may, either personally or through an agent, remove,
2 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
3 attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat with the
4 intent to defraud by changing or affecting the number of hours of operation indicated
5 on the hour meter.

6 **SECTION 7.** 100.48 (3) (a) of the statutes is amended to read:

7 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
8 replacement of an hour meter if the number of hours of operation indicated on the
9 hour meter remains the same as before the service, repair or replacement. If an hour
10 meter attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat is
11 incapable of registering the same number of hours of operation as before its service,
12 repair or replacement, the hour meter shall be adjusted to read zero, and a sticker
13 shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which
14 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
15 number of hours of operation recorded on the hour meter prior to its service, repair
16 or replacement and the date on which it was serviced, repaired or replaced. No
17 person who services, repairs or replaces an hour meter attached to farm equipment,
18 a snowmobile, an all-terrain vehicle or a boat that is incapable of registering the
19 same number of hours of operation as before such service, repair or replacement may
20 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
21 paragraph.

22 **SECTION 8.** 100.48 (4) (a) of the statutes is amended to read:

23 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
24 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned
25 for not more than one year in the county jail, or both, for each violation.

1 **SECTION 9.** 100.48 (4) (b) of the statutes is amended to read:

2 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
3 attached to farm equipment may be required to forfeit not more than \$500 for each
4 violation.

5 **SECTION 10.** 100.48 (4) (c) of the statutes is created to read:

6 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
7 meter attached to a snowmobile, an all-terrain vehicle or boat may be fined not more
8 than \$5,000 or imprisoned for not more than one year in the county jail, or both, for
9 each violation.

10 **SECTION 11.** 347.415 (1) of the statutes is renumbered 347.415 (1m) and
11 amended to read:

12 347.415 (1m) No person ~~shall~~ may, either personally or through an agent,
13 remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer
14 of any motor vehicle, snowmobile or all-terrain vehicle with the intent to change or
15 affect the number of miles indicated thereon.

16 **SECTION 12.** 347.415 (1g) of the statutes is created to read:

17 347.415 (1g) In this section, “odometer” means an instrument for measuring
18 and recording the actual distance that a motor vehicle, snowmobile or all-terrain
19 vehicle has traveled while in operation, but does not include any auxiliary
20 instrument designed to be reset to zero to measure and record the actual distance
21 that a motor vehicle, snowmobile or all-terrain vehicle has traveled on trips.

22 **SECTION 13.** 347.415 (2) of the statutes is amended to read:

23 347.415 (2) No person may operate a motor vehicle subject to registration
24 under ch. 341 on any street or highway with knowledge that the odometer is
25 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person

1 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer
2 is removed, disconnected or nonfunctional. An exemption may be provided if parts
3 are on back order to correct a nonfunctional odometer.

4 **SECTION 14.** 347.415 (4) of the statutes is amended to read:

5 347.415 (4) No person shall conspire with any other person to violate sub. (1)
6 (1m), (2) or (3).

7 **SECTION 15.** 347.50 (1) of the statutes is amended to read:

8 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.
9 347.415 ~~(1)~~ (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.
10 347.489, may be required to forfeit not less than \$10 nor more than \$200.

11 **SECTION 16.** 347.50 (2) of the statutes is amended to read:

12 347.50 (2) Any person violating s. 347.415 ~~(1)~~ (1m), (2) and (3) to (5) may be
13 fined not more than \$5,000 or imprisoned for not more than one year in the county
14 jail, or both, for each violation.

15 **SECTION 17.** 350.02 (2) (a) 7. of the statutes is created to read:

16 350.02 (2) (a) 7. A person operating a snowmobile on a roadway shall observe
17 roadway speed limits.

18 **SECTION 18.** 350.02 (3m) of the statutes is created to read:

19 350.02 (3m) A law enforcement officer may operate a snowmobile on a highway
20 in performance of his or her official duties if the snowmobile is equipped with
21 ~~emergency lights that meet requirements established by rule by the department.~~
as flashing, oscillating or rotating blue light.

22 **SECTION 19.** 350.05 (1) ^(title) of the statutes is amended to read:

23 ^(title) 350.05 (1) ~~AGE RESTRICTION PERSONS UNDER 12.~~ *None* No person under the age of 12
24 years may operate a snowmobile unless the person is accompanied either by a parent
25 or guardian or by a person over 18 years of age.

1 **SECTION 20.** 350.05 (2) of the statutes is amended to read:

2 350.05 (2) ~~SNOWMOBILE PERSONS AGED 12 TO 16; SNOWMOBILE SAFETY PERMIT OR~~
3 ~~OPERATOR'S LICENSE REQUIRED CERTIFICATES AND PROGRAM.~~ No person over the age of 12
4 years but under the age of 16 years and who is born on or after January 1, 1985, may
5 operate a snowmobile unless he or she holds a valid snowmobile safety certificate or
6 is accompanied by a person over 18 years of age or by a person over 14 years of age
7 having and who holds a valid snowmobile safety certificate issued by the
8 department. Any person who is over the age of 12 and under the age of 16 years who
9 holds is required to hold a snowmobile safety certificate shall carry it the certificate
10 while operating a snowmobile or while accompanying the operator on a snowmobile
11 and shall display it to a law enforcement officer on request. Persons enrolled in a
12 safety certification program approved by the department may operate a snowmobile
13 in an area designated by the instructor.

14 **SECTION 21.** 350.05 (4) of the statutes is amended to read:

15 350.05 (4) DEFINITION. For purposes of this section, ~~“accompanied”~~ accompany
16 means being to be on the same snowmobile as the operator.

17 **SECTION 22.** 350.055 of the statutes is amended to read:

18 **350.055 Safety certification program established.** The department shall
19 establish a program of instruction on snowmobile laws, including the intoxicated
20 snowmobiling law, regulations, safety and related subjects. The program shall be
21 conducted by instructors certified by the department. The department may procure
22 liability insurance coverage for certified instructors for work within the scope of their
23 duties under this section. ~~Persons~~ Each person satisfactorily completing this
24 program shall receive ~~certification~~ a snowmobile safety certificate from the
25 department. The department may charge each person who enrolls in the course an

1 instruction fee of \$5. The department shall authorize instructors conducting such
2 courses meeting standards established by it to retain \$1 of the fee to defray expenses
3 incurred locally to conduct the program. The remaining \$4 of the fee shall be retained
4 by the department to defray a part of its expenses incurred to conduct the safety and
5 accident reporting program. A person over the age of 12 years but under the age of
6 16 years who ~~holds~~ is required to hold a valid snowmobile safety certificate ~~may~~
7 operate a snowmobile in this state if the person holds a valid snowmobile safety
8 certificate issued by another state or province of the Dominion of Canada ~~need not~~
9 ~~obtain a certificate from the department~~ and if the course content of the program in
10 such other state or province substantially meets that established by the department
11 under this section.

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

13 **350.095 Snowmobile inspection.** (1) No person may operate, or cause or
14 knowingly permit to be operated, on any highway any snowmobile that does not meet
15 the requirements of this section.

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

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

1 (4) ~~When~~ any snowmobile is in violation of the equipment provisions of s.
 2 350.09 or 350.10 (1) (d) or (e), a law enforcement officer may issue a repair order, in
 3 such form and containing such information as the department prescribes, to the
 4 owner or operator of the snowmobile. The owner or operator shall thereupon obtain
 5 such repairs as are required. [✓] A repair order issued under this section is in addition
 6 to any penalties imposed under s. 350.11.

In addition to
 or in
 lieu of a
 citation
 for the
 equipment
 violation,

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.

insert
 8-8

9 **SECTION 24.** 350.15 (6) of the statutes is created to read:

10 350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that
 11 occur during a sanctioned race or derby.

12 **SECTION 9336. Initial applicability; natural resources.**

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

17 (END)

INSEA 8-8
(1/1/11)

Section #. CR; 350.12(3h) ✓

350.12(3h) ^(B) REGISTRATION OF CERTAIN ^(CS)
^(CS) SNOWMOBILES PROHIBITED. Notwithstanding

sub. (3)(d) ✓ or (3)(c) ✓ or s. 350.122(2) ✓

the department ^{or Indian tribe or band} shall refuse

registration of a snowmobile if

the most recent inspection

under s. 350.095 ✓ indicates that the

^(S) snowmobile's required equipment is not in proper

adjustment or repair, or is in violation of

the equipment provisions of s. 350.09 ^{350.09} ✓ or

350.10 (1)(d) ✓ or (e) ✓, or rules issued pursuant

therefo.

(end insert)

D-NOTE

Kuisten:

On reviewing this draft, I realize that there will be 13, 14 and 15 year olds who ~~do not have~~ will not be subject to any restrictions. Does this comply with your intent?

MGG

This draft gives DNR discretion to issue a citation for an equipment violation, or a repair order, or both. If DNR issues a citation, the ~~proposed~~ mandatory fine under s. 350.11(1)(a) applies. ok? Proposed s. 350.12(3h) prohibits the

Department of Natural Resources from registering nonconforming snowmobiles, in addition to prohibiting the department of natural resources.

ok?

-PEN

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0196/2dn
MGG&PEN:wj&jlg:jf

January 4, 1999

Kristen:

In reviewing this draft, I realize that there will be 13, 14 and 15 year olds who will not be subject to any restrictions. Does this comply with your intent?

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

This draft gives DNR discretion to issue a citation or a repair order, or both, for an equipment violation. If DNR issues a citation, the mandatory forfeiture under s. 350.11 (1) (a) applies. OK?

Proposed s. 350.12 (3h) prohibits Indian tribes or bands from registering nonconforming snowmobiles, in addition to prohibiting the department of natural resources. OK?

Paul E. Nilsen
Legislative Attorney
261-6926



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0196/2
MGG&PEN:wj&jlg:jf

SOON

3

DOA:.....Grinde - Various snowmobile law changes

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

Note

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

RECREATION

Under current law, a minor who is 12, 13, 14 or 15 years old may operate a snowmobile only if he or she holds a valid snowmobile safety certificate or if he or she is accompanied on the same snowmobile by a person who is over the age of 18 or by a person who is over the age of 14 and who has a valid snowmobile safety certificate. Under this bill, only minors who are 12, 13, 14 and 15 years old and who are born on or after January 1, 1985, are subject to these restrictions.

Under current law, a person operating a snowmobile adjacent to a roadway or on certain roadways that are open to snowmobiles for access to lodging or residences must observe the roadway speed limits. This bill expands this requirement to cover all roadways upon which snowmobiles are operated.

Current law prohibits tampering with the odometer of a motor vehicle and with the hour meter of farm equipment. An odometer measures and records the distance that a motor vehicle has traveled while in operation. An hour meter measures and records the hours of operation.

This 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

^{#26} Conservation wardens may issue to

operation of an hour meter on a snowmobile, all-terrain vehicle or boat. The bill contains exceptions to allow a malfunctioning odometer or hour meter to be restored to its proper working order.

This 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. ~~The owner or operator of a snowmobile in violation of required equipment standards may be issued~~ 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 the department of natural resources (DNR) and Indian tribes and bands from registering snowmobiles that failed their most recent equipment inspection until repairs have been made.

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

2 **SECTION 2.** 100.48 (1) (ad) of the statutes is created to read:

3 100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

4 **SECTION 3.** 100.48 (1) (ag) of the statutes is created to read:

5 100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).

6 **SECTION 4.** 100.48 (1) (b) of the statutes is amended to read:

7 100.48 (1) (b) "Hour meter" means an instrument ~~on a piece of farm equipment~~
8 that measures and records the actual hours of operation of the ~~piece of farm~~
9 equipment vehicle or device to which the instrument is attached.

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

11 100.48 (1) (c) "Snowmobile" has the meaning given in s. 350.01 (12).

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

1 100.48 (2) No person may, either personally or through an agent, remove,
2 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
3 attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat with the
4 intent to defraud by changing or affecting the number of hours of operation indicated
5 on the hour meter.

6 **SECTION 7.** 100.48 (3) (a) of the statutes is amended to read:

7 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
8 replacement of an hour meter if the number of hours of operation indicated on the
9 hour meter remains the same as before the service, repair or replacement. If an hour
10 meter attached to farm equipment, a snowmobile, an all-terrain vehicle or a boat is
11 incapable of registering the same number of hours of operation as before its service,
12 repair or replacement, the hour meter shall be adjusted to read zero, and a sticker
13 shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which
14 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
15 number of hours of operation recorded on the hour meter prior to its service, repair
16 or replacement and the date on which it was serviced, repaired or replaced. No
17 person who services, repairs or replaces an hour meter attached to farm equipment,
18 a snowmobile, an all-terrain vehicle or a boat that is incapable of registering the
19 same number of hours of operation as before such service, repair or replacement may
20 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
21 paragraph.

22 **SECTION 8.** 100.48 (4) (a) of the statutes is amended to read:

23 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
24 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned
25 for not more than one year in the county jail, or both, for each violation.

1 **SECTION 9.** 100.48 (4) (b) of the statutes is amended to read:

2 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
3 attached to farm equipment may be required to forfeit not more than \$500 for each
4 violation.

5 **SECTION 10.** 100.48 (4) (c) of the statutes is created to read:

6 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
7 meter attached to a snowmobile, an all-terrain vehicle or boat may be fined not more
8 than \$5,000 or imprisoned for not more than one year in the county jail, or both, for
9 each violation.

10 **SECTION 11.** 347.415 (1) of the statutes is renumbered 347.415 (1m) and
11 amended to read:

12 347.415 (1m) No person ~~shall~~ may, either personally or through an agent,
13 remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer
14 of any motor vehicle, snowmobile or all-terrain vehicle with the intent to change or
15 affect the number of miles indicated thereon.

16 **SECTION 12.** 347.415 (1g) of the statutes is created to read:

17 347.415 (1g) In this section, “odometer” means an instrument for measuring
18 and recording the actual distance that a motor vehicle, snowmobile or all-terrain
19 vehicle has traveled while in operation, but does not include any auxiliary
20 instrument designed to be reset to zero to measure and record the actual distance
21 that a motor vehicle, snowmobile or all-terrain vehicle has traveled on trips.

22 **SECTION 13.** 347.415 (2) of the statutes is amended to read:

23 347.415 (2) No person may operate a motor vehicle subject to registration
24 under ch. 341 on any street or highway with knowledge that the odometer is
25 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person

1 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer
2 is removed, disconnected or nonfunctional. An exemption may be provided if parts
3 are on back order to correct a nonfunctional odometer.

4 **SECTION 14.** 347.415 (4) of the statutes is amended to read:

5 347.415 (4) No person shall conspire with any other person to violate sub. (4)
6 (1m), (2) or (3).

7 **SECTION 15.** 347.50 (1) of the statutes is amended to read:

8 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.
9 347.415 (4) (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.
10 347.489, may be required to forfeit not less than \$10 nor more than \$200.

11 **SECTION 16.** 347.50 (2) of the statutes is amended to read:

12 347.50 (2) Any person violating s. 347.415 (4) (1m), (2) and (3) to (5) may be
13 fined not more than \$5,000 or imprisoned for not more than one year in the county
14 jail, or both, for each violation.

15 **SECTION 17.** 350.02 (2) (a) 7. of the statutes is created to read:

16 350.02 (2) (a) 7. A person operating a snowmobile on a roadway shall observe
17 roadway speed limits.

18 **SECTION 18.** 350.02 (3m) of the statutes is created to read:

19 350.02 (3m) A law enforcement officer may operate a snowmobile on a highway
20 in performance of his or her official duties if the snowmobile is equipped with a
21 flashing, oscillating or rotating blue light.

22 **SECTION 19.** 350.05 (1) (title) of the statutes is amended to read:

23 350.05 (1) (title) ~~AGE RESTRICTION~~ PERSONS UNDER 12.

24 **SECTION 20.** 350.05 (2) of the statutes is amended to read:

1 350.05 (2) ~~SNOWMOBILE PERSONS AGED 12 TO 16; SNOWMOBILE SAFETY PERMIT OR~~
2 ~~OPERATOR'S LICENSE REQUIRED CERTIFICATES AND PROGRAM.~~ No person over the age of 12
3 years but under the age of 16 years and who is born on or after January 1, 1985, may
4 operate a snowmobile unless he or she holds a valid snowmobile safety certificate or
5 is accompanied by a person over 18 years of age or by a person over 14 years of age
6 having and who holds a valid snowmobile safety certificate issued by the
7 ~~department.~~ Any person who is over the age of 12 and under the age of 16 years who
8 holds is required to hold a snowmobile safety certificate shall carry it the certificate
9 while operating a snowmobile or while accompanying the operator on a snowmobile
10 and shall display it to a law enforcement officer on request. Persons enrolled in a
11 safety certification program approved by the department may operate a snowmobile
12 in an area designated by the instructor.

13 **SECTION 21.** 350.05 (4) of the statutes is amended to read:

14 350.05 (4) DEFINITION. For purposes of this section, “~~accompanied~~” accompany
15 means being to be on the same snowmobile as the operator.

16 **SECTION 22.** 350.055 of the statutes is amended to read:

17 **350.055 Safety certification program established.** The department shall
18 establish a program of instruction on snowmobile laws, including the intoxicated
19 snowmobiling law, regulations, safety and related subjects. The program shall be
20 conducted by instructors certified by the department. The department may procure
21 liability insurance coverage for certified instructors for work within the scope of their
22 duties under this section. ~~Persons~~ Each person satisfactorily completing this
23 program shall receive ~~certification~~ a snowmobile safety certificate from the
24 department. The department may charge each person who enrolls in the course an
25 instruction fee of \$5. The department shall authorize instructors conducting such

1 courses meeting standards established by it to retain \$1 of the fee to defray expenses
2 incurred locally to conduct the program. The remaining \$4 of the fee shall be retained
3 by the department to defray a part of its expenses incurred to conduct the safety and
4 accident reporting program. A person over the age of 12 years but under the age of
5 16 years who ~~holds~~ is required to hold a valid snowmobile safety certificate may
6 operate a snowmobile in this state if the person holds a valid snowmobile safety
7 certificate issued by another state or province of the Dominion of Canada ~~need not~~
8 ~~obtain a certificate from the department~~ and if the course content of the program in
9 such other state or province substantially meets that established by the department
10 under this section.

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

12 **350.095 Snowmobile inspection.** (1) No person may operate, or cause or
13 knowingly permit to be operated, on any highway any snowmobile that does not meet
14 the requirements of this section.

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), ^Ya law enforcement officer
22 may order the snowmobile removed from the highway and not operated, except for
23 purposes of removal and repair, until it has been repaired pursuant to a repair order
24 as provided in sub. (4).

✓
or rules issued pursuant thereto,

for rules issued pursuant thereto,

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), a law
3 enforcement officer may issue a repair order, in such form and containing such
4 information as the department prescribes, to the owner or operator of the
5 snowmobile. The owner or operator shall thereupon obtain such repairs as are
6 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 24. 350.12 (3h) of the statutes is created to read:

10 350.12 (3h) REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.
11 Notwithstanding sub. (3)(d) or (3j)(c) or s. 350.122 (2) the department or Indian tribe
12 or band shall refuse registration of a snowmobile if the most recent inspection under
13 s. 350.095 indicates that the snowmobile's required equipment is not in proper
14 adjustment or repair, or is in violation of the equipment provisions of s. 350.09 or
15 350.10 (1) (d) or (e), or rules issued pursuant thereto.

16 SECTION 25. 350.15 (6) of the statutes is created to read:

17 350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that
18 occur during a sanctioned race or derby.

19 SECTION 9336. Initial applicability; natural resources.

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

24 (END)

D-NOTE
↓

- 0196/3dn

Kristen:

This version adds language to proposed s. 350.095 (3) and (4) to allow law enforcement officers to order ~~a~~ a snowmobile out of operation and to issue repair orders ~~for~~ for violations of rules promulgated under the equipment provisions of s. 350.09 or s. 350.10 (1) (d) or (e). This change is consistent with proposed s. 350.095 (2), ^{which} allows a law enforcement officer to inspect a snowmobile for violations of those rules, and s. 350.12 (3h), ^{350.12} which prohibits registration of a snowmobile that violates those rules. OK?

-PEN

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0196/3dn
PEN:wlj&jlg:jf

January 11, 1999

Kristen:

This version adds language to proposed s. 350.095 (3) and (4) to allow law enforcement officers to order a snowmobile out of operation and to issue repair orders for violations of rules promulgated under the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e). This change is consistent with proposed s. 350.095 (2), which allows a law enforcement officer to inspect a snowmobile for violations of those rules, and s. 350.12 (3h), which prohibits registration of a snowmobile that violates those rules. OK?

Paul E. Nilsen
Legislative Attorney
261-6926

Gibson-Glass, Mary

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Saturday, January 09, 1999 12:40 PM
To: Gibson-Glass, Mary
Subject: LRB 0196/2

Mary,

Thanks for raising the question on the teenagers that will fall through the cracks created by this draft language.

After talking to DNR and considering the Governor's intent, I would suggest the following changes to LRB 0196/2:

Page 6, lines 1-12: modify line 3 to remove "but under the age of 16 years" and retain the January 1, 1985 amended language.
 modify line 7 to remove "and under the age of 16"
 modify line 1 to give the section an appropriate title

Have these changes be effective January 1, 2001. All changes made in this section (the clean-up language as well as the timing language) should be able to have this later effective date, unless you think that the clean-up language should be effective earlier.

DNR wants to require any person born after January 1, 1985, to take a snowmobile education course before operating a snowmobile. The Governor wants to retain the under 12 language as is. I think the above changes and delayed effective date accomplishes both.

Does the language "over the age of 12 years" address 12-year-olds or is there a gap in the statutes?

Let me know if you have any questions.

Thanks,

Kirsten