



State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR

LRB-0196/37  
MGG&PEN:wlj&jlg:jf

soon

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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

DO NOT  
GEN CAT

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.

INS ANL

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

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. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits 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. (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 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: — *WIS 6-12*

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

← INS 7-11 ✓

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

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

9           **SECTION 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. → IN 58-  
23

24           **(END)**



1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0196/4INS  
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Under current law, a minor who is under 12 years old may operate a snowmobile only if the minor is accompanied on the same snowmobile by a parent, guardian or other adult. 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. Snowmobile operators who are at least 16 years old are exempt from being accompanied and from holding a snowmobile safety certificate. INS  
ANL

Under the bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to the provision under current law for minors under 12 years old.

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

350.05 (2) ~~SNOWMOBILE PERSONS AGED 12 TO 16: SNOWMOBILE SAFETY PERMIT OR OPERATOR'S LICENSE REQUIRED CERTIFICATES AND PROGRAM.~~ <sup>plain period</sup> No person ~~ever the age of~~ who is at least 12 years of age but under the age of 16 years of age may operate a snowmobile unless he or she holds a valid snowmobile safety certificate or is accompanied by a person ~~ever who is at least~~ 18 years of age or by a person ~~ever who is at least~~ 14 years of age ~~having~~ <sup>and</sup> who holds a valid snowmobile safety certificate issued by the department. Any person who is ~~over the age of 12 and at least 12 years of age but under the age of 16 years of age and~~ who holds is required to hold a snowmobile safety certificate shall carry it while operating a snowmobile or while accompanying the operator on a snowmobile shall carry the certificate 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 instructor. INS  
6-12

SECTION 350.05 (2) of the statutes, as affected by this 1999 Wisconsin Act, is repealed and recreated to read: (C...)

AGED (CS)

350.05 (2) PERSONS 12 AND OLDER; SNOWMOBILE SAFETY CERTIFICATES AND PROGRAM.

INS  
6-12

(a) No person who is at least 12 years of age and who is born on or after January 1, 1985 may operate a snowmobile unless he or she holds a valid snowmobile safety certificate.

(b) Any person who is required to hold a snowmobile safety certificate while operating a snowmobile <sup>the</sup> on a snowmobile shall carry the certificate and shall display <sup>the certificate</sup> 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 instructor.

SECTION 350.05 (3) of the statutes is amended to read:

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.

(Amend  
ins 6-12)

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

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

INS  
7-11

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



INS  
7-11

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

*as affected by 1999 Wisconsin Act ... (this act),*  
 SECTION 5. 350.055 of the statutes <sup>is</sup> repealed and recreated to read:

**350.055 Safety certification program established.** The department shall establish a program of instruction on snowmobile laws, including the intoxicated snowmobiling law, regulations, safety and related subjects. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of their duties under this section. Each person satisfactorily completing this program shall receive a snowmobile safety certificate from the department. The department may charge each person who enrolls in the course an instruction fee of \$5. The department shall authorize instructors conducting such courses meeting standards established by it to retain \$1 of the fee to defray expenses incurred locally to conduct the program. The remaining \$4 of the fee shall be retained by the department to defray a part of its expenses incurred to conduct the safety and accident reporting program. A person who is required to hold a valid snowmobile safety certificate may



operate a snowmobile in this state if the person holds a valid snowmobile safety certificate issued by another state or province of the Dominion of Canada and if the course content of the program in such other state or province substantially meets that established by the department under this section.

INS  
7-11

end  
ins 7-11

**SECTION 9436. Effective dates; natural resources.**

Auto Number

(1) SNOWMOBILE SAFETY CERTIFICATES. The treatment of section 350.05 (3) of the statutes and the repeal and recreation of sections 350.05 (2) and 350.055 of the statutes take effect on January 1, 2001.

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8-23



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0196/4  
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SOON

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

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**NATURAL RESOURCES**

**RECREATION**

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Under the bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to the provision under current law for minors under 12 years old.

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 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. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits 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.

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

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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.

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

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

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

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

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

1           100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour  
2 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned  
3 for not more than one year in the county jail, or both, for each violation.

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

5           100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter  
6 attached to farm equipment may be required to forfeit not more than \$500 for each  
7 violation.

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

9           100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour  
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15           347.415 (1m) No person shall may, either personally or through an agent,  
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17 of any motor vehicle, snowmobile or all-terrain vehicle with the intent to change or  
18 affect the number of miles indicated thereon.

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

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

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



1           347.415 (2) No person may operate a motor vehicle subject to registration  
2 under ch. 341 on any street or highway with knowledge that the odometer is  
3 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person  
4 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer  
5 is removed, disconnected or nonfunctional. An exemption may be provided if parts  
6 are on back order to correct a nonfunctional odometer.

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

8           347.415 (4) No person shall conspire with any other person to violate sub. (1)  
9 (1m), (2) or (3).

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

11          347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.  
12 347.415 (1) (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.  
13 347.489, may be required to forfeit not less than \$10 nor more than \$200.

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

15          347.50 (2) Any person violating s. 347.415 (1) (1m), (2) and (3) to (5) may be  
16 fined not more than \$5,000 or imprisoned for not more than one year in the county  
17 jail, or both, for each violation.

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

19          350.02 (2) (a) 7. A person operating a snowmobile on a roadway shall observe  
20 roadway speed limits.

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

22          350.02 (3m) A law enforcement officer may operate a snowmobile on a highway  
23 in performance of his or her official duties if the snowmobile is equipped with a  
24 flashing, oscillating or rotating blue light.

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

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

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

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

16           **SECTION 21.** 350.05 (2) of the statutes, as affected by 1999 Wisconsin Act ...  
17 (this act), is repealed and recreated to read:

18           350.05 (2) ~~PERSONS AGED 12 AND OLDER; SNOWMOBILE SAFETY CERTIFICATES AND~~  
19 ~~PROGRAM.~~ (a) No person who is at least 12 years of age and who is born on or after  
20 January 1, 1985, may operate a snowmobile unless he or she holds a valid  
21 snowmobile safety certificate.

22           (b) Any person who is required to hold a snowmobile safety certificate while  
23 operating a snowmobile shall carry the certificate on the snowmobile and shall  
24 display the certificate to a law enforcement officer on request. Persons enrolled in

1 a safety certification program approved by the department may operate a  
2 snowmobile in an area designated by the instructor.

3 **SECTION 22.** 350.05 (3) of the statutes is amended to read:

4 350.05 (3) EXCEPTIONS. This section does not apply to the operation of  
5 snowmobiles by an operator under the age of 16 years upon lands owned or leased  
6 by the operator's parent or guardian. As used in this section, "leased lands" does not  
7 include lands leased by an organization of which said operator or the operator's  
8 parent or guardian is a member.

9 **SECTION 23.** 350.05 (4) of the statutes is amended to read:

10 350.05 (4) DEFINITION. For purposes of this section, "~~accompanied~~" accompany  
11 means being to be on the same snowmobile as the operator.

12 **SECTION 24.** 350.055 of the statutes is amended to read:

13 **350.055 Safety certification program established.** The department shall  
14 establish a program of instruction on snowmobile laws, including the intoxicated  
15 snowmobiling law, regulations, safety and related subjects. The program shall be  
16 conducted by instructors certified by the department. The department may procure  
17 liability insurance coverage for certified instructors for work within the scope of their  
18 duties under this section. ~~Persens~~ Each person satisfactorily completing this  
19 program shall receive ~~certification~~ a snowmobile safety certificate from the  
20 department. The department may charge each person who enrolls in the course an  
21 instruction fee of \$5. The department shall authorize instructors conducting such  
22 courses meeting standards established by it to retain \$1 of the fee to defray expenses  
23 incurred locally to conduct the program. The remaining \$4 of the fee shall be retained  
24 by the department to defray a part of its expenses incurred to conduct the safety and  
25 accident reporting program. A person ~~over the age of 12 years~~ who is at least 12 years

1 of age but under the age of 16 years of age who holds is required to hold a valid  
2 snowmobile safety certificate may operate a snowmobile in this state if the person  
3 holds a valid snowmobile safety certificate issued by another state or province of the  
4 Dominion of Canada ~~need not obtain a certificate from the department~~ and if the  
5 course content of the program in such other state or province substantially meets  
6 that established by the department under this section.

7 **SECTION 25.** 350.055 of the statutes, as affected by 1999 Wisconsin Act ... (this  
8 act), is repealed and recreated to read:

9 **350.055 Safety certification program established.** The department shall  
10 establish a program of instruction on snowmobile laws, including the intoxicated  
11 snowmobiling law, regulations, safety and related subjects. The program shall be  
12 conducted by instructors certified by the department. The department may procure  
13 liability insurance coverage for certified instructors for work within the scope of their  
14 duties under this section. Each person satisfactorily completing this program shall  
15 receive a snowmobile safety certificate from the department. The department may  
16 charge each person who enrolls in the course an instruction fee of \$5. The  
17 department shall authorize instructors conducting such courses meeting standards  
18 established by it to retain \$1 of the fee to defray expenses incurred locally to conduct  
19 the program. The remaining \$4 of the fee shall be retained by the department to  
20 defray a part of its expenses incurred to conduct the safety and accident reporting  
21 program. A person who is required to hold a valid snowmobile safety certificate may  
22 operate a snowmobile in this state if the person holds a valid snowmobile safety  
23 certificate issued by another state or province of the Dominion of Canada and if the  
24 course content of the program in such other state or province substantially meets  
25 that established by the department under this section.

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

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

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

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

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

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

23           **SECTION 27.** 350.12 (3h) of the statutes is created to read:

24           350.12 (3h)       REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.

25       Notwithstanding sub. (3) (d) or (3j) (c) or s. 350.122 (2) the department or Indian tribe

23.35 or ✓

federally  
recognized

1 or band *in this state* shall refuse registration of a snowmobile if the most recent inspection under  
2 s. 350.095 indicates that the snowmobile's required equipment is not in proper  
3 adjustment or repair, or is in violation of the equipment provisions of s. 350.09 or  
4 350.10 (1) (d) or (e), or rules issued pursuant thereto.

5 **SECTION 28.** 350.15 (6) of the statutes is created to read:

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

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

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

13 **SECTION 9436. Effective dates; natural resources.**

14 (1) SNOWMOBILE SAFETY CERTIFICATES. The treatment of section 350.05 (3) of the  
15 statutes and the repeal and recreation of sections 350.05 (2) and 350.055 of the  
16 statutes take effect on January 1, 2001.

17 (END)

-0196/5cln

# This draft adds a reference to  
s. 23.35<sup>3</sup> in proposed s. 350.12(3h)✓

-PEN

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

LRB-0196/5dn  
PEN:wlj&jlg:ijs

January 29, 1999

This draft adds a reference to s. 23.35 in proposed s. 350.12 (3h).

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926





State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR  
LRB-0196/5  
MGG&PEN:wlj&jlg:ijs

1000  
D-Note

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

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

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*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**RECREATION**

Under current law, a minor who is under 12 years old may operate a snowmobile only if the minor is accompanied on the same snowmobile by a parent, guardian or other adult. 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. Snowmobile operators who are at least 16 years old are exempt from being accompanied and from holding a snowmobile safety certificate.

Under the bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to the provision under current law for minors under 12 years old.

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 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. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits 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.

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***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:

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

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

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

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

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

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

1           100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour  
2 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned  
3 for not more than one year in the county jail, or both, for each violation.

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

5           100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter  
6 attached to farm equipment may be required to forfeit not more than \$500 for each  
7 violation.

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

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

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

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

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

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

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

1           347.415 (2) No person may operate a motor vehicle subject to registration  
2 under ch. 341 on any street or highway with knowledge that the odometer is  
3 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person  
4 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer  
5 is removed, disconnected or nonfunctional. An exemption may be provided if parts  
6 are on back order to correct a nonfunctional odometer.

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

8           347.415 (4) No person shall conspire with any other person to violate sub. (1)  
9 (1m), (2) or (3).

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

11          347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.  
12 347.415 ~~(1)~~ (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.  
13 347.489, may be required to forfeit not less than \$10 nor more than \$200.

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

15          347.50 (2) Any person violating s. 347.415 ~~(1)~~ (1m), (2) and (3) to (5) may be  
16 fined not more than \$5,000 or imprisoned for not more than one year in the county  
17 jail, or both, for each violation.

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

19          350.02 (2) (a) 7. A person operating a snowmobile on a roadway shall observe  
20 roadway speed limits.

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

22          350.02 (3m) A law enforcement officer may operate a snowmobile on a highway  
23 in performance of his or her official duties if the snowmobile is equipped with a  
24 flashing, oscillating or rotating blue light.

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

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

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

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

16           **SECTION 21.** 350.05 (2) of the statutes, as affected by 1999 Wisconsin Act ...  
17 (this act), is repealed and recreated to read:

18           350.05 (2) **PERSONS AGED 12 AND OLDER; SNOWMOBILE SAFETY CERTIFICATES AND**  
19 **PROGRAM.** (a) No person who is at least 12 years of age and who is born on or after  
20 January 1, 1985, may operate a snowmobile unless he or she holds a valid  
21 snowmobile safety certificate.

22           (b) Any person who is required to hold a snowmobile safety certificate while  
23 operating a snowmobile shall carry the certificate on the snowmobile and shall  
24 display the certificate to a law enforcement officer on request. Persons enrolled in

1 a safety certification program approved by the department may operate a  
2 snowmobile in an area designated by the instructor.

3 **SECTION 22.** 350.05 (3) of the statutes is amended to read:

4 350.05 (3) EXCEPTIONS. This section does not apply to the operation of  
5 snowmobiles ~~by an operator under the age of 16 years~~ upon lands owned or leased  
6 by the operator's parent or guardian. As used in this section, "leased lands" does not  
7 include lands leased by an organization of which said operator or the operator's  
8 parent or guardian is a member.

9 **SECTION 23.** 350.05 (4) of the statutes is amended to read:

10 350.05 (4) DEFINITION. For purposes of this section, "~~accompanied~~ <sup>accompany</sup>"  
11 means ~~being to be on the same snowmobile~~ as the operator.

12 **SECTION 24.** <sup>Outlets MA</sup> 350.055 of the statutes is amended to read:

13 **350.055 Safety certification program established.** The department shall  
14 establish a program of instruction on snowmobile laws, including the intoxicated  
15 snowmobiling law, regulations, safety and related subjects. The program shall be  
16 conducted by instructors certified by the department. The department may procure  
17 liability insurance coverage for certified instructors for work within the scope of their  
18 duties under this section. ~~Persons~~ Each person satisfactorily completing this  
19 program shall receive ~~certification~~ a snowmobile safety certificate from the  
20 department. The department may charge each person who enrolls in the course an  
21 instruction fee of \$5. The department shall authorize instructors conducting such  
22 courses meeting standards established by it to retain \$1 of the fee to defray expenses  
23 incurred locally to conduct the program. The remaining \$4 of the fee shall be retained  
24 by the department to defray a part of its expenses incurred to conduct the safety and  
25 accident reporting program. A person ~~over the age of 12 years~~ who is at least 12 years

1 of age but under the age of 16 years of age who holds is required to hold a valid  
2 snowmobile safety certificate may operate a snowmobile in this state if the person  
3 holds a valid snowmobile safety certificate issued by another state or province of the  
4 Dominion of Canada need not obtain a certificate from the department and if the  
5 course content of the program in such other state or province substantially meets  
6 that established by the department under this section.

7 **SECTION 25.** 350.055 of the statutes, as affected by 1999 Wisconsin Act .... (this  
8 act), is repealed and recreated to read:

9 **350.055 Safety certification program established.** The department shall  
10 establish a program of instruction on snowmobile laws, including the intoxicated  
11 snowmobiling law, regulations, safety and related subjects. The program shall be  
12 conducted by instructors certified by the department. The department may procure  
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14 duties under this section. Each person satisfactorily completing this program shall  
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17 department shall authorize instructors conducting such courses meeting standards  
18 established by it to retain \$1 of the fee to defray expenses incurred locally to conduct  
19 the program. The remaining \$4 of the fee shall be retained by the department to  
20 defray a part of its expenses incurred to conduct the safety and accident reporting  
21 program. A person who is required to hold a valid snowmobile safety certificate may  
22 operate a snowmobile in this state if the person holds a valid snowmobile safety  
23 certificate issued by another state or province of the Dominion of Canada and if the  
24 course content of the program in such other state or province substantially meets  
25 that established by the department under this section.



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

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

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

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

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

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

23           **SECTION 27.** 350.12 (3h) of the statutes is created to read:

24           **350.12 (3h) REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.**  
25 Notwithstanding sub. (3) (d) or (3j) (c) or s. 23.35 or 350.122 (2), the department or

← <sup>✓</sup> INSERT 9-1

1 federally recognized Indian tribe or band in this state shall refuse registration of a  
2 snowmobile if the most recent inspection under s. 350.095 indicates that the  
3 snowmobile's required equipment is not in proper adjustment or repair, or is in  
4 violation of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules  
5 issued pursuant thereto.

6 **SECTION 28.** 350.15 (6) of the statutes is created to read:

7 350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that  
8 occur during a sanctioned race or derby.

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

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

INSERT 10-15

14 **SECTION 9436. Effective dates; natural resources.**

15 (1) SNOWMOBILE SAFETY ~~APPLICABLE~~ <sup>(b)</sup> PROGRAM. The treatment of section 350.05 (3) of the  
16 statutes and the repeal and recreation of sections 350.05 (2) and 350.055 of the  
17 statutes take effect on January 1, 2001.

← INSERT 10-17

(END)

D-Note

§

Kirsten Hinde:

This draft reconciles LRB-0196/5 and LRB-0197/4.  
Both drafts should continue to appear in the compile.

MU

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0196/6ins  
MGG&PEN:wlj&jlg:ijs

INSERT 9-1

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts with the following LRB numbers: -0196/5 and 0197/4.

SECTION 1. <sup>Autors MB</sup> 350.055 of the statutes, as affected by 1999 Wisconsin Act ... (this act), section <sup>Autors MA</sup> is amended to read:

**350.055 Safety certification program established.** The department shall establish a program of instruction on snowmobile laws, including the intoxicated snowmobiling law, regulations, safety and related subjects. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of their duties under this section. Each person satisfactorily completing this program shall receive a snowmobile safety certificate from the department. The department may charge each person who enrolls in the course shall establish by rule an instruction fee of \$5 for this program. An instructor conducting a program of instruction under this section shall collect the instruction fee from each person who receives instruction. The department shall ~~authorize instructors conducting such courses meeting standards established by it to retain \$1~~ may determine the portion of the this fee, which may not exceed 50%, that the instructor may retain to defray expenses incurred locally to conduct by the instructor in conducting the program. The remaining \$4 of the fee shall be retained by the department to defray a part of its expenses incurred to conduct the safety and accident reporting program. instructor shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department. <sup>plain</sup> A person who is at least 12 years of age but under the 16 years of age who is required to hold a valid snowmobile safety certificate may operate a snowmobile in this state if the person holds a valid snowmobile safety certificate

INS 9-1  
(cont)

issued by another state or province of the Dominion of Canada and if the course content of the program in such other state or province substantially meets that established by the department under this section.

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts with the following LRB numbers: -0196/5 and 0197/4.

SECTION 2. 350.055 of the statutes, as affected by 1999 Wisconsin Act ... (this act), sections ~~and~~ <sup>§ section (auto of MB)</sup> is repealed and recreated to read:

**350.055 Safety certification program established.** The department shall establish a program of instruction on snowmobile laws, including the intoxicated snowmobiling law, regulations, safety and related subjects. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of their duties under this section. Each person satisfactorily completing this program shall receive a snowmobile safety certificate from the department. The department shall establish by rule an instruction fee for this program. An instructor conducting a program of instruction under this section shall collect the instruction fee from each person who receives instruction. The department may determine the portion of this fee, which may not exceed 50%, that the instructor may retain to defray expenses incurred by the instructor in conducting the program. The instructor shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department. A person who is required to hold a valid snowmobile safety certificate may operate a snowmobile in this state if the person holds a valid snowmobile safety certificate issued by another state or province of the Dominion of Canada and if the course content of the program in such other state or province substantially meets that established by the department under this section.



(NS 9-1

(end)

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts with the following LRB numbers: -0196/5 and 0197/4.

INSERT 10-15

*eff date* <sup>RP</sup> <sup>treatment</sup>  
(a) ~~The amendment~~ of section 350.055<sup>✓</sup> (by <sup>CS</sup> SECTION ~~10~~)  
of the statutes takes effect on January 1, 2000, or on the <sup>auto</sup> <sup>ref</sup> <sup>mb</sup>  
day after publication, whichever is earlier.

~~WHERE~~

INSERT 10-17

\*\*\* NOTE: This is the reconciled <sup>delayed</sup> effective dates for  
S. 350.055. <sup>CS</sup> This SECTION has been affected by drafts  
with the following LRB numbers: -0196/5 and -0197K.

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

LRB-0196/6dn  
MGG:wj&jlg:hmh

Wednesday, February 3, 1999

Kirsten Grinde:

This draft reconciles LRB-0196/5 and LRB-0197/4. Both drafts should continue to appear in the compile.

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



Today  
State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR

7

LRB-0196

MGG&PEN:wlj&jlg:hmh

D-Note

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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1

AN ACT <sup>Don't Gen Cat</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**RECREATION**

Under current law, a minor who is under 12 years old may operate a snowmobile only if the minor is accompanied on the same snowmobile by a parent, guardian or other adult. 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. Snowmobile operators who are at least 16 years old are exempt from being accompanied and from holding a snowmobile safety certificate.

Under the bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to the provision under current law for minors under 12 years old.

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 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. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits 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.

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***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:

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

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

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

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

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

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

1           100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour  
2 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned  
3 for not more than one year in the county jail, or both, for each violation.

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

5           100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter  
6 attached to farm equipment may be required to forfeit not more than \$500 for each  
7 violation.

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

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

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

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

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

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

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

1           347.415 (2) No person may operate a motor vehicle subject to registration  
2 under ch. 341 on any street or highway with knowledge that the odometer is  
3 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person  
4 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer  
5 is removed, disconnected or nonfunctional. An exemption may be provided if parts  
6 are on back order to correct a nonfunctional odometer.

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

8           347.415 (4) No person shall conspire with any other person to violate sub. (1)  
9 (1m), (2) or (3).

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

11          347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.  
12 347.415 (~~1~~) (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.  
13 347.489, may be required to forfeit not less than \$10 nor more than \$200.

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

15          347.50 (2) Any person violating s. 347.415 (~~1~~) (1m), (2) and (3) to (5) may be  
16 fined not more than \$5,000 or imprisoned for not more than one year in the county  
17 jail, or both, for each violation.

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

19          350.02 (2) (a) 7. A person operating a snowmobile on a roadway shall observe  
20 roadway speed limits.

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

22          350.02 (3m) A law enforcement officer may operate a snowmobile on a highway  
23 in performance of his or her official duties if the snowmobile is equipped with a  
24 flashing, oscillating or rotating blue light.

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

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

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

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

16           **SECTION 21.** 350.05 (2) of the statutes, as affected by 1999 Wisconsin Act ....  
17 (this act), is repealed and recreated to read:

18           350.05 (2) ~~PERSONS AGED 12 AND OLDER; SNOWMOBILE SAFETY CERTIFICATES AND~~  
19 ~~PROGRAM.~~ (a) No person who is at least 12 years of age and who is born on or after  
20 January 1, 1985, may operate a snowmobile unless he or she holds a valid  
21 snowmobile safety certificate.

22           (b) Any person who is required to hold a snowmobile safety certificate while  
23 operating a snowmobile shall carry the certificate on the snowmobile and shall  
24 display the certificate to a law enforcement officer on request. Persons enrolled in

1 a safety certification program approved by the department may operate a  
2 snowmobile in an area designated by the instructor.

3 **SECTION 22.** 350.05 (3) of the statutes is amended to read:

4 350.05 (3) EXCEPTIONS. This section does not apply to the operation of  
5 snowmobiles ~~by an operator under the age of 16 years~~ upon lands owned or leased  
6 by the operator's parent or guardian. As used in this section, "leased lands" does not  
7 include lands leased by an organization of which said operator or the operator's  
8 parent or guardian is a member.

9 **SECTION 23.** 350.05 (4) of the statutes is amended to read:

10 350.05 (4) DEFINITION. For purposes of this section, "~~accompanied~~"  
11 "accompany" means being to be on the same snowmobile as the operator.

12 **SECTION 24.** 350.055 of the statutes is amended to read:

13 **350.055 Safety certification program established.** The department shall  
14 establish a program of instruction on snowmobile laws, including the intoxicated  
15 snowmobiling law, regulations, safety and related subjects. The program shall be  
16 conducted by instructors certified by the department. The department may procure  
17 liability insurance coverage for certified instructors for work within the scope of their  
18 duties under this section. ~~Persons~~ Each person satisfactorily completing this  
19 program shall receive ~~certification~~ a snowmobile safety certificate from the  
20 department. The department may charge each person who enrolls in the course an  
21 instruction fee of \$5. The department shall authorize instructors conducting such  
22 courses meeting standards established by it to retain \$1 of the fee to defray expenses  
23 incurred locally to conduct the program. The remaining \$4 of the fee shall be retained  
24 by the department to defray a part of its expenses incurred to conduct the safety and  
25 accident reporting program. A person ~~over the age of 12 years~~ who is at least 12 years

1 ~~of age~~ but under the ~~age of~~ 16 years ~~of age~~ who ~~holds~~ is required to hold a valid  
2 snowmobile safety certificate may operate a snowmobile in this state if the person  
3 holds a valid snowmobile safety certificate issued by another state or province of the  
4 Dominion of Canada ~~need not obtain a certificate from the department and~~ and if the  
5 course content of the program in such other state or province substantially meets  
6 that established by the department under this section.

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts  
with the following LRB numbers: -0196/5 and -0197/4.

7 **SECTION 25.** 350.055 of the statutes, as affected by 1999 Wisconsin Act .... (this  
8 act), section 24, is amended to read:

9 **350.055 Safety certification program established.** The department shall  
10 establish a program of instruction on snowmobile laws, including the intoxicated  
11 snowmobiling law, regulations, safety and related subjects. The program shall be  
12 conducted by instructors certified by the department. The department may procure  
13 liability insurance coverage for certified instructors for work within the scope of their  
14 duties under this section. Each person satisfactorily completing this program shall  
15 receive a snowmobile safety certificate from the department. The department ~~may~~  
16 ~~charge each person who enrolls in the course~~ shall establish by rule an instruction  
17 fee of \$5 for this program. An instructor conducting a program of instruction under  
18 this section shall collect the instruction fee from each person who receives  
19 instruction. The department ~~shall authorize instructors conducting such courses~~  
20 ~~meeting standards established by it to retain \$1~~ may determine the portion of the  
21 this fee, which may not exceed 50%, that the instructor may retain to defray expenses  
22 incurred ~~locally to conduct~~ by the instructor in conducting the program. The  
23 remaining ~~\$4~~ of the fee ~~shall be retained by the department to defray a part of its~~

1 ~~expenses incurred to conduct the safety and accident reporting program instructor~~  
2 ~~shall remit the remainder of the fee or, if nothing is retained, the entire fee to the~~  
3 ~~department.~~ A person who is at least 12 years of age but under the 16 years of age  
4 who is required to hold a valid snowmobile safety certificate may operate a  
5 snowmobile in this state if the person holds a valid snowmobile safety certificate  
6 issued by another state or province of the Dominion of Canada and if the course  
7 content of the program in such other state or province substantially meets that  
8 established by the department under this section.

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts  
with the following LRB numbers: -0196/5 and -0197/4.

9 **SECTION 26.** 350.055 of the statutes, as affected by 1999 Wisconsin Act .... (this  
10 act), section 25, is repealed and recreated to read:

11 **350.055 Safety certification program established.** The department shall  
12 establish a program of instruction on snowmobile laws, including the intoxicated  
13 snowmobiling law, regulations, safety and related subjects. The program shall be  
14 conducted by instructors certified by the department. The department may procure  
15 liability insurance coverage for certified instructors for work within the scope of their  
16 duties under this section. Each person satisfactorily completing this program shall  
17 receive a snowmobile safety certificate from the department. The department shall  
18 establish by rule an instruction fee for this program. An instructor conducting a  
19 program of instruction under this section shall collect the instruction fee from each  
20 person who receives instruction. The department may determine the portion of this  
21 fee, which may not exceed 50%, that the instructor may retain to defray expenses  
22 incurred by the instructor in conducting the program. The instructor shall remit the  
23 remainder of the fee or, if nothing is retained, the entire fee to the department. A



1 person who is required to hold a valid snowmobile safety certificate may operate a  
2 snowmobile in this state if the person holds a valid snowmobile safety certificate  
3 issued by another state or province of the Dominion of Canada and if the course  
4 content of the program in such other state or province substantially meets that  
5 established by the department under this section.

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts  
with the following LRB numbers: -0196/5 and -0197/4.

6 **SECTION 27.** 350.095 of the statutes is created to read:

7 **350.095 Snowmobile inspection.** (1) No person may operate, or cause or  
8 knowingly permit to be operated, on any highway any snowmobile that does not meet  
9 the requirements of this section.

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

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

20 (4) In addition to or in lieu of a citation for the violation, when any snowmobile  
21 is in violation of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules  
22 issued pursuant thereto, a law enforcement officer may issue a repair order, in such  
23 form and containing such information as the department prescribes, to the owner or

1 operator of the snowmobile. The owner or operator shall thereupon obtain such  
2 repairs as are required.

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

5 SECTION 28. 350.12 <sup>(3i)</sup> ~~(3i)~~ of the statutes is created to read:

6 350.12 <sup>(3i)</sup> ~~(3i)~~ REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.

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

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

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

16 SECTION 9336. Initial applicability; natural resources.

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

21 SECTION 9436. Effective dates; natural resources.

22 (1) SNOWMOBILE SAFETY PROGRAM.

23 (a) The treatment of section 350.055 (by SECTION 25) of the statutes takes effect  
24 on January 1, 2000, or on the day after publication, whichever is earlier.

1 (b) The treatment of section 350.05 (3) of the statutes and the repeal and  
2 recreation of sections 350.05 (2) and 350.055 of the statutes take effect on January  
3 1, 2001.

\*\*\*\*NOTE: This is the reconciled delayed effective dates for s. 350.055. This SECTION  
has been affected by drafts with the following LRB numbers: -0196/5 and -0197/4.

4

**(END)**

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

Wednesday, February 3, 1999

7dn  
LRB-0196/5  
MGC:wj&jlg:hmh  
RNK:wj:  
+  
jlg

Kirsten Grinde:

In addition to this reconciliation,  
This draft reconciles LRB-0196/5 and LRB-0197/4. ~~Both drafts should continue to appear in the compilation.~~ *this draft also changes the numbering of S. 350.12(34), as created in the previous versions of LRB-0196, to S. 350.12(31) to prevent conflict with*

LRB-0221/4, LRB-0196,

LRB-0197 and LRB-0221

*should all <sup>continue to</sup> appear in the compiled bill.* ✓

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

RNK

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

LRB-0196/7dn  
RNK:wlj&jlg:ijs

February 3, 1999

Kirsten Grinde:

This draft reconciles LRB-0196/5 and LRB-0197/4. In addition to this reconciliation, this draft also changes the numbering of s. 350.12 (3h), as created in the previous versions of LRB-0196, to s. 350.12 (3i) to prevent conflict with LRB-0221/4. LRB-0196, LRB-0197 and LRB-0221 should all appear in the compiled bill.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0196/7  
MGG&PEN:wlj&jlg:ijs

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**RECREATION**

Under current law, a minor who is under 12 years old may operate a snowmobile only if the minor is accompanied on the same snowmobile by a parent, guardian or other adult. 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. Snowmobile operators who are at least 16 years old are exempt from being accompanied and from holding a snowmobile safety certificate.

Under the bill, a person who is at least 12 years old and who is born on or after January 1, 1985, must have a valid snowmobile safety certificate to operate a snowmobile. This change goes into effect on January 1, 2001. The bill makes no changes to the provision under current law for minors under 12 years old.

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 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. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits 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.

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***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:

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

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

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

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

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

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



1           100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour  
2 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned  
3 for not more than one year in the county jail, or both, for each violation.

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

5           100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter  
6 attached to farm equipment may be required to forfeit not more than \$500 for each  
7 violation.

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

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

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

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

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

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

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

1           347.415 (2) No person may operate a motor vehicle subject to registration  
2 under ch. 341 on any street or highway with knowledge that the odometer is  
3 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person  
4 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer  
5 is removed, disconnected or nonfunctional. An exemption may be provided if parts  
6 are on back order to correct a nonfunctional odometer.

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

8           347.415 (4) No person shall conspire with any other person to violate sub. (1)  
9 (1m), (2) or (3).

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

11          347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.  
12 347.415 ~~(1)~~ (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.  
13 347.489, may be required to forfeit not less than \$10 nor more than \$200.

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

15          347.50 (2) Any person violating s. 347.415 ~~(1)~~ (1m), (2) and (3) to (5) may be  
16 fined not more than \$5,000 or imprisoned for not more than one year in the county  
17 jail, or both, for each violation.

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

19          350.02 (2) (a) 7. A person operating a snowmobile on a roadway shall observe  
20 roadway speed limits.

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

22          350.02 (3m) A law enforcement officer may operate a snowmobile on a highway  
23 in performance of his or her official duties if the snowmobile is equipped with a  
24 flashing, oscillating or rotating blue light.

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

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

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

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

16           **SECTION 21.** 350.05 (2) of the statutes, as affected by 1999 Wisconsin Act ....  
17 (this act), is repealed and recreated to read:

18           350.05 (2) PERSONS AGED 12 AND OLDER; SNOWMOBILE SAFETY CERTIFICATES AND  
19 PROGRAM. (a) No person who is at least 12 years of age and who is born on or after  
20 January 1, 1985, may operate a snowmobile unless he or she holds a valid  
21 snowmobile safety certificate.

22           (b) Any person who is required to hold a snowmobile safety certificate while  
23 operating a snowmobile shall carry the certificate on the snowmobile and shall  
24 display the certificate to a law enforcement officer on request. Persons enrolled in

1 a safety certification program approved by the department may operate a  
2 snowmobile in an area designated by the instructor.

3 **SECTION 22.** 350.05 (3) of the statutes is amended to read:

4 350.05 (3) EXCEPTIONS. This section does not apply to the operation of  
5 snowmobiles ~~by an operator under the age of 16 years~~ upon lands owned or leased  
6 by the operator's parent or guardian. As used in this section, "leased lands" does not  
7 include lands leased by an organization of which said operator or the operator's  
8 parent or guardian is a member.

9 **SECTION 23.** 350.05 (4) of the statutes is amended to read:

10 350.05 (4) DEFINITION. For purposes of this section, "accompanied"  
11 "accompany" means being to be on the same snowmobile as the operator.

12 **SECTION 24.** 350.055 of the statutes is amended to read:

13 **350.055 Safety certification program established.** The department shall  
14 establish a program of instruction on snowmobile laws, including the intoxicated  
15 snowmobiling law, regulations, safety and related subjects. The program shall be  
16 conducted by instructors certified by the department. The department may procure  
17 liability insurance coverage for certified instructors for work within the scope of their  
18 duties under this section. ~~Persons~~ Each person satisfactorily completing this  
19 program shall receive ~~certification~~ a snowmobile safety certificate from the  
20 department. The department may charge each person who enrolls in the course an  
21 instruction fee of \$5. The department shall authorize instructors conducting such  
22 courses meeting standards established by it to retain \$1 of the fee to defray expenses  
23 incurred locally to conduct the program. The remaining \$4 of the fee shall be retained  
24 by the department to defray a part of its expenses incurred to conduct the safety and  
25 accident reporting program. A person ~~over the age of 12 years~~ who is at least 12 years

1 ~~of age~~ but under the age of 16 years ~~of age~~ who holds ~~is required to hold~~ a valid  
2 ~~snowmobile safety certificate may operate a snowmobile in this state if the person~~  
3 ~~holds a valid snowmobile safety certificate~~ issued by another state or province of the  
4 Dominion of Canada ~~need not obtain a certificate from the department and~~ if the  
5 course content of the program in such other state or province substantially meets  
6 that established by the department under this section.

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts  
with the following LRB numbers: -0196/5 and -0197/4.

7 **SECTION 25.** 350.055 of the statutes, as affected by 1999 Wisconsin Act .... (this  
8 act), section 24, is amended to read:

9 **350.055 Safety certification program established.** The department shall  
10 establish a program of instruction on snowmobile laws, including the intoxicated  
11 snowmobiling law, regulations, safety and related subjects. The program shall be  
12 conducted by instructors certified by the department. The department may procure  
13 liability insurance coverage for certified instructors for work within the scope of their  
14 duties under this section. Each person satisfactorily completing this program shall  
15 receive a snowmobile safety certificate from the department. The department ~~may~~  
16 ~~charge each person who enrolls in the course~~ shall establish by rule an instruction  
17 fee of \$5 for this program. An instructor conducting a program of instruction under  
18 this section shall collect the instruction fee from each person who receives  
19 instruction. The department ~~shall authorize instructors conducting such courses~~  
20 ~~meeting standards established by it to retain \$1~~ may determine the portion of the  
21 this fee, which may not exceed 50%, that the instructor may retain to defray expenses  
22 incurred ~~locally to conduct~~ by the instructor in conducting the program. The  
23 remaining \$4 of the fee shall be retained by the department ~~to defray a part of its~~

1 ~~expenses incurred to conduct the safety and accident reporting program instructor~~  
2 ~~shall remit the remainder of the fee or, if nothing is retained, the entire fee to the~~  
3 ~~department.~~ A person who is at least 12 years of age but under the 16 years of age  
4 who is required to hold a valid snowmobile safety certificate may operate a  
5 snowmobile in this state if the person holds a valid snowmobile safety certificate  
6 issued by another state or province of the Dominion of Canada and if the course  
7 content of the program in such other state or province substantially meets that  
8 established by the department under this section.

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts  
with the following LRB numbers: -0196/5 and -0197/4.

9       **SECTION 26.** 350.055 of the statutes, as affected by 1999 Wisconsin Act .... (this  
10 act), section 25, is repealed and recreated to read:

11       **350.055 Safety certification program established.** The department shall  
12 establish a program of instruction on snowmobile laws, including the intoxicated  
13 snowmobiling law, regulations, safety and related subjects. The program shall be  
14 conducted by instructors certified by the department. The department may procure  
15 liability insurance coverage for certified instructors for work within the scope of their  
16 duties under this section. Each person satisfactorily completing this program shall  
17 receive a snowmobile safety certificate from the department. The department shall  
18 establish by rule an instruction fee for this program. An instructor conducting a  
19 program of instruction under this section shall collect the instruction fee from each  
20 person who receives instruction. The department may determine the portion of this  
21 fee, which may not exceed 50%, that the instructor may retain to defray expenses  
22 incurred by the instructor in conducting the program. The instructor shall remit the  
23 remainder of the fee or, if nothing is retained, the entire fee to the department. A

1 person who is required to hold a valid snowmobile safety certificate may operate a  
2 snowmobile in this state if the person holds a valid snowmobile safety certificate  
3 issued by another state or province of the Dominion of Canada and if the course  
4 content of the program in such other state or province substantially meets that  
5 established by the department under this section.

\*\*\*\*NOTE: This is reconciled s. 350.055. This SECTION has been affected by drafts  
with the following LRB numbers: -0196/5 and -0197/4.

6 **SECTION 27.** 350.095 of the statutes is created to read:

7 **350.095 Snowmobile inspection.** (1) No person may operate, or cause or  
8 knowingly permit to be operated, on any highway any snowmobile that does not meet  
9 the requirements of this section.

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

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

20 (4) In addition to or in lieu of a citation for the violation, when any snowmobile  
21 is in violation of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules  
22 issued pursuant thereto, a law enforcement officer may issue a repair order, in such  
23 form and containing such information as the department prescribes, to the owner or

1 operator of the snowmobile. The owner or operator shall thereupon obtain such  
2 repairs as are required.

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

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

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

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

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

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

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

21 **SECTION 9436. Effective dates; natural resources.**

22 (1) SNOWMOBILE SAFETY PROGRAM.

23 (a) The treatment of section 350.055 (by SECTION 25) of the statutes takes effect  
24 on January 1, 2000, or on the day after publication, whichever is earlier.



1           (b) The treatment of section 350.05 (3) of the statutes and the repeal and  
2 recreation of sections 350.05 (2) and 350.055 of the statutes take effect on January  
3 1, 2001.

      \*\*\*\*NOTE: This is the reconciled delayed effective dates for s. 350.055. This SECTION  
has been affected by drafts with the following LRB numbers: -0196/5 and -0197/4.

4

(END)