

2001 ASSEMBLY BILL 239

March 22, 2001 – Introduced by Representatives WADE, HAHN, D. MEYER, MUSSER, OLSEN, GRONEMUS, M. LEHMAN, NASS, POWERS, LIPPERT, SYKORA, TOWNSEND, BOYLE, SERATTI, MEYERHOFER, ALBERS, PETTIS, GUNDERSON, OTT, PLOUFF, VRAKAS and LEIBHAM, cosponsored by Senators COWLES, SCHULTZ and ROESSLER. Referred to Committee on Tourism and Recreation.

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

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

Analysis by the Legislative Reference Bureau

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

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

2. The bill authorizes conservation wardens and other law enforcement officers to stop and inspect a snowmobile to determine whether required equipment is in good working order, and requires the operator to stop and submit the snowmobile to the requested inspection. A snowmobile found to be unsafe for operation or in violation of required equipment standards may be ordered not to be operated, except for purposes of removal and repair, until it has been repaired. Conservation wardens may issue to the owner or operator of a snowmobile in violation of required equipment standards a repair order requiring the repair of the violating equipment, in addition to or instead of any penalties that apply to violating the equipment standards. The bill prohibits DNR and federally recognized Indian tribes and bands from registering snowmobiles that failed their most recent equipment inspection until repairs have been made.

3. The bill provides that a person operating a snowmobile on or adjacent to any roadway must observe the roadway speed limit unless the person is operating the snowmobile as part of a snowmobile special event authorized by the local governmental unit having jurisdiction over the roadway. 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.

4. The bill exempts snowmobile accidents occurring during snowmobile races or derbies that are sponsored by certain entities such as local governmental units or snowmobile clubs from general procedures that must be followed in the event of an

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snowmobile accident. These procedures include requirements to render aid and to report any accident that involves an injury that requires treatment by a physician to a law enforcement official.

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

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

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

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

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

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

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

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

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

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

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

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

3 100.48 (1) (ag) “Boat” has the meaning given in s. 30.50 (2).

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

5 100.48 (1) (b) “Hour meter” means an instrument ~~on a piece of farm equipment~~
6 that measures and records the actual hours of operation of the ~~piece of farm~~
7 ~~equipment~~ vehicle or device to which the instrument is attached.

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

9 100.48 (1) (c) “Snowmobile” has the meaning given in s. 350.01 (12).

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

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

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

17 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
18 replacement of an hour meter if the number of hours of operation indicated on the
19 hour meter remains the same as before the service, repair or replacement. If an hour
20 meter attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat
21 is incapable of registering the same number of hours of operation as before its service,
22 repair or replacement, the hour meter shall be adjusted to read zero, and a sticker
23 shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which
24 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
25 number of hours of operation recorded on the hour meter prior to its service, repair

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1 or replacement and the date on which it was serviced, repaired or replaced. No
2 person who services, repairs or replaces an hour meter attached to farm equipment,
3 a snowmobile, an all-terrain vehicle, or a boat that is incapable of registering the
4 same number of hours of operation as before such service, repair or replacement may
5 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
6 paragraph.

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

8 100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour
9 meter attached to farm equipment may be fined not more than \$5,000 or imprisoned
10 for not more than one year in the county jail, or both, for each violation.

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

12 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
13 attached to farm equipment may be required to forfeit not more than \$500 for each
14 violation.

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

16 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
17 meter attached to a snowmobile, an all-terrain vehicle, or a boat may be fined not
18 more than \$5,000 or imprisoned for not more than one year in the county jail, or both,
19 for each violation.

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

22 347.415 (1m) No person shall may, either personally or through an agent,
23 remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer
24 of any motor vehicle, snowmobile, or all-terrain vehicle with the intent to change or
25 affect the number of miles indicated thereon.

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

2 347.415 **(1g)** In this section, “odometer” means an instrument for measuring
3 and recording the actual distance that a motor vehicle, snowmobile, or all-terrain
4 vehicle has traveled while in operation, but does not include any auxiliary
5 instrument designed to be reset to zero to measure and record the actual distance
6 that a motor vehicle, snowmobile, or all-terrain vehicle has traveled on trips.

7 **SECTION 15.** 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 16.** 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 17.** 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 18.** 350.02 (2) (a) 6. of the statutes is amended to read:

19 350.02 **(2)** (a) 6. On a portion of the roadway or shoulder of a highway for a
20 purpose of residential access or for the purpose of access from lodging if the town, city
21 or village, within which that portion of the highway lies, enacts an ordinance under
22 s. 350.18 (3) for that portion of the highway. ~~A snowmobile operated on a portion of~~
23 ~~the roadway or shoulder of a highway under this subdivision shall observe roadway~~
24 ~~speed limits.~~

25 **SECTION 19.** 350.02 (2) (b) 6. of the statutes is repealed.

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1 **SECTION 20.** 350.02 (2m) of the statutes is created to read:

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

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

7 350.02 **(3m)** A law enforcement officer may operate a snowmobile on a highway
8 in performance of his or her official duties if the snowmobile is equipped with a
9 ~~flashing, oscillating or rotating blue light~~ that is red or blue or a combination thereof
10 and that is flashing, oscillating, or rotating.

11 **SECTION 22.** 350.035 of the statutes is created to read:

12 **350.035 Meeting of snowmobiles.** Operators of snowmobiles proceeding in
13 opposite directions shall proceed with caution and pass each other to the right.

14 **SECTION 23.** 350.09 (7) of the statutes is renumbered 350.09 (7) (a) and
15 amended to read:

16 350.09 **(7)** (a) Every snowmobile manufactured after July 1, 1972, and before
17 July 2, 1975, and offered for sale ~~or,~~ sold, rented, or operated in this state shall be so
18 constructed as to limit total vehicle noise to not more than 82 decibels of A sound
19 pressure at 50 feet, as measured ~~by society of automotive engineers standards~~ in the
20 manner prescribed under rules promulgated by the department. Every snowmobile
21 manufactured after July 1, 1975, and offered for sale ~~or,~~ sold, rented, or operated in
22 this state shall be so constructed as to limit total vehicle noise to not more than 78
23 decibels of A sound pressure, as measured ~~by society of automotive engineers~~
24 standards in the manner prescribed under rules promulgated by the department.
25 No snowmobile shall be modified by any person in any manner that shall amplify or

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1 otherwise increase total noise emission above that emitted by the snowmobile as
2 originally constructed, regardless of date of manufacture.

3 **SECTION 24.** 350.09 (7) (b) of the statutes is created to read:

4 350.09 (7) (b) The department shall promulgate rules for purposes of par. (a),
5 and the rules shall include standards for testing total vehicle noise when a
6 snowmobile is stationary.

7 **SECTION 25.** 350.095 of the statutes is created to read:

8 **350.095 Snowmobile inspection. (1)** No person may operate and no owner
9 may give permission for the operation of any snowmobile for which the requirements
10 of this section have not been complied with.

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

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

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

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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 26.** 350.12 (3) (a) 2. of the statutes is amended to read:

6 350.12 **(3)** (a) 2. Upon transfer of ownership of a snowmobile for which a
7 registration certificate has been issued by this state or by another state, province, or
8 country, the seller shall, at time of sale, deliver the assigned certificate to the
9 purchaser.

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

11 350.12 **(3i)** REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.
12 Notwithstanding sub. (3) (d) or (3j) (c) or s. 23.35 or 350.122 (2), the department or
13 federally recognized Indian tribe or band in this state shall refuse registration of a
14 snowmobile if s. 350.095 has not been complied with or the snowmobile is in violation
15 of the equipment provisions of s. 350.09 or 350.10 (1) (d) or (e), or rules issued
16 pursuant thereto.

17 **SECTION 28.** 350.12 (4) (b) (intro.) of the statutes is amended to read:

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

24 **SECTION 29.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and
25 amended to read:

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

7 **SECTION 30.** 350.12 (4) (bg) 2. of the statutes is created to read:

8 350.12 (4) (bg) 2. For fiscal year 2002–03, and for each fiscal year thereafter,
9 the department shall calculate an amount equal to the number of trail use stickers
10 issued under sub. (3j) in the previous fiscal year multiplied by \$10 and shall credit
11 this amount to the appropriation account under s. 20.370 (5) (cw). From the
12 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
13 department or a county for the purposes specified in par. (b). The department shall
14 make payments under par. (bm) for trail maintenance costs that were incurred in the
15 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
16 making payments for any of the other purposes specified in par. (b).

17 **SECTION 31.** 350.122 (6) (intro.) of the statutes is amended to read:

18 350.122 (6) APPLICABILITY. (intro.) This section does not apply unless the
19 department and the band have in effect a written agreement under which the band
20 agrees to comply with subs. (2) to (5) and s. 350.12 (3i) and that contains all of the
21 following terms:

22 **SECTION 32.** 350.15 (6) of the statutes is created to read:

23 350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that
24 occur during a sanctioned race or derby.

25 **SECTION 33. Initial applicability.**

