

2001 DRAFTING REQUEST

Bill

Received: **01/16/2001**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Joan Wade (608) 266-7746**

By/Representing: **Jason**

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

Drafter: **gibsom**

May Contact:

Alt. Drafters: **fasttn**

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Various snowmobile changes

Instructions:

LRB s0328/2 (ASA to AB 828), same as last session but delete section 15 of sub

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 02/15/2001 fasttn 02/16/2001 gibsom 02/20/2001	jdyer 02/20/2001	kfollet 02/22/2001	_____	lrb_docadmin 02/23/2001	lrb_docadminS&L 03/01/2001	

FE Sent For:

<END>

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/1	gibsom 02/15/2001 fasttn	1 2/20 jld	ly 2/22	ly/lps 2/22			

FE Sent For:

<END>

2001

Date (time) needed _____

LRB - 2084 / 1 / 1 ^{RMR}

BILL

MOU + TNF : jld :

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ;* and *to create . . .* of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

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

SECTION #.

~~ASSEMBLY SUBSTITUTE AMENDMENT~~
~~TO 1999 ASSEMBLY BILL 828~~

~~March 9, 2000 - Offered by COMMITTEE ON TOURISM AND RECREATION~~

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~~AN ACT to repeal 350.02 (2) (b) 6.; to renumber 100.48 (1) (a); to renumber and
amend 347.415 (1), 350.09 (7) and 350.12 (4) (bg); to amend 25.29 (1) (d) 1.,
100.48 (1) (b), 100.48 (2), 100.48 (3) (a), 100.48 (4) (a), 100.48 (4) (b), 347.415 (2),
347.415 (4), 347.50 (1), 347.50 (2), 350.02 (2) (a) 6., 350.02 (3m), 350.12 (3) (a)
2., 350.12 (4) (b) (intro.) and 350.122 (6) (intro.); and to create 20.370 (5) (cw),
100.48 (1) (ad), 100.48 (1) (ag), 100.48 (1) (c), 100.48 (4) (c), 347.415 (1g), 350.02
(2m), 350.035, 350.09 (7) (b), 350.095, 350.12 (3i), 350.12 (4) (bg) 2. and 350.15~~

~~(c) of the statutes, relating to~~ calculating the estimated snowmobile gas tax
payment; operation of snowmobiles by law enforcement officers on highways;
operation of snowmobiles proceeding in opposite directions or in excess of
roadway speed limits; vehicle noise levels for snowmobiles; tampering with
odometers of snowmobiles and all-terrain vehicles and with hour meters of
boats, snowmobiles, and all-terrain vehicles; inspection of equipment on

Insert (A) ✓

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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100.48 (3) (a) Nothing in this section shall prevent the service, repair or replacement of an hour meter if the number of hours of operation indicated on the hour meter remains the same as before the service, repair or replacement. If an hour

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meter attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat is incapable of registering the same number of hours of operation as before its service, repair or replacement, the hour meter shall be adjusted to read zero, and a sticker

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shall be affixed by the owner of the ^{plain} ~~piece of farm equipment~~ vehicle or device to which the hour meter is attached or an agent, in proximity to the hour meter, specifying the

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number of hours of operation recorded on the hour meter prior to its service, repair or replacement and the date on which it was serviced, repaired or replaced. No person who services, repairs or replaces an hour meter attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat that is incapable of registering the same number of hours of operation as before such service, repair or replacement may

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fail to adjust the hour meter to read zero or fail to affix the sticker required by this paragraph.

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

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

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

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

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

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

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

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

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

347.415 (1g) In this section, "odometer" means an instrument for measuring and recording the actual distance that a motor vehicle, snowmobile, or all-terrain vehicle has traveled while in operation, but does not include any auxiliary

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1 instrument designed to be reset to zero to measure and record the actual distance
2 that a motor vehicle, snowmobile, or all-terrain vehicle has traveled on trips.

3 **SECTION 15.** 347.415 (2) of the statutes is amended to read:
4 347.415 (2) No person may operate a motor vehicle subject to registration
5 under ch. 341 on any street or highway with knowledge that the odometer is
6 removed, disconnected or nonfunctional. Notwithstanding s. 347.02 (2), no person
7 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer
8 is removed, disconnected or nonfunctional. An exemption may be provided if parts
9 are on back order to correct a nonfunctional odometer.

10 **SECTION 16.** 347.415 (4) of the statutes is amended to read:
11 347.415 (4) No person shall conspire with any other person to violate sub. (1)
12 (1m), (2) or (3).

13 **SECTION 17.** 347.50 (1) of the statutes is amended to read:
14 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.
15 347.415 (1) (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.48 (2m) or (4) (a) or s.
16 347.489, may be required to forfeit not less than \$10 nor more than \$200.

17 **SECTION 18.** 347.50 (2) of the statutes is amended to read:
18 347.50 (2) Any person violating s. 347.415 (1) (1m), (2) and (3) to (5) may be
19 fined not more than \$5,000 or imprisoned for not more than one year in the county
20 jail, or both, for each violation.

21 **SECTION 19.** 350.02 (2) (a) 6. of the statutes is amended to read:
22 350.02 (2) (a) 6. On a portion of the roadway or shoulder of a highway for a
23 purpose of residential access or for the purpose of access from lodging if the town, city
24 or village, within which that portion of the highway lies, enacts an ordinance under
25 s. 350.18 (3) for that portion of the highway. A snowmobile operated on a portion of

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

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

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

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

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

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

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

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

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

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

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this state shall be so constructed as to limit total vehicle noise to not more than 78 decibels of A sound pressure, as measured ~~by society of automotive engineers standards in the manner prescribed under rules promulgated by the department.~~ No snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the snowmobile as originally constructed, regardless of date of manufacture.

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

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 29. 350.12 (4) (b) (intro.) of the statutes, as affected by 1999 Wisconsin

22 Act 9, is amended to read:

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

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

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

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

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

350.12 (4) (bg) 2. For fiscal year ~~2000-2001~~²⁰⁰²⁻²⁰⁰³, and for each fiscal year thereafter, the department shall calculate an amount equal to the number of trail use stickers issued under sub. (3j) in the previous fiscal year multiplied by \$10 and shall credit this amount to the appropriation account under s. 20.370 (5) (cw). From the appropriation under s. 20.370 (5) (cw), the department shall make payments to the department or a county for the purposes specified in par. (b). The department shall make payments under par. (bm) for trail maintenance costs that were incurred in the previous fiscal year and that exceed the maximum specified under par. (b) 1. before making payments for any of the other purposes specified in par. (b).

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

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

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

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

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

SECTION 34. Initial applicability ~~natural resources~~

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

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

(END)

14

~~ASSEMBLY BILL 228~~

Insert (A) (page 1 of 2)

1 ~~to render aid and from reporting and investigation requirements; use of fees~~
 2 ~~collected for snowmobile trail use stickers for snowmobile trail maintenance~~
 3 ~~costs, granting rule-making authority and making an appropriation~~

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 which sets a maximum amount per mile of trail. *not to be operated*

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 ~~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 DNR and Indian tribes and bands from registering snowmobiles that failed their most recent equipment inspection until repairs have been made. *federally recognized*

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 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 ~~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. 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

Insert A-1 ✓



ASSEMBLY BILL 828

Insert (A) (page 2 of 2)

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

~~6.1a~~ 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.

(end ins A)

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 of the
9 previous fiscal year by 50 gallons and multiplying that product by the excise tax
10 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:

14 100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

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

16 100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).

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

(end of insert)

Insert A-1 (to Ins A)

§ 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.

(end Ins A-1)



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 23, 2001

MEMORANDUM

To: Representative Wade

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-2084 Various snowmobile changes

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3215 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.