

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: 06/24/2002

Received By: agary

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Dyck

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF, PJH**

Submit via email: NO

---

**Pre Topic:**

LFB:.....Dyck - item 9

---

**Topic:**

Registration of homemade and replica vehicles

---

**Instructions:**

Redraft LRBb2429 so it applies only to motorcycles

---

**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>
/?	agary 06/25/2002	kfollet 06/25/2002		_____			
/1			pgreensl 06/26/2002	_____	lrb_docadmin 06/26/2002		

FE Sent For:

<END>

### 2001 Jr2 DRAFTING REQUEST

#### Senate Amendment (SA-SSA1-AB1)

Received: 06/24/2002

Received By: agary

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Dyck

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF, PJH**

Submit via email: NO

---

#### Pre Topic:

LFB:.....Dyck - item 9

---

#### Topic:

Registration of homemade and replica vehicles

---

#### Instructions:

Redraft LRBb2429 so it applies only to motorcycles

---

#### 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?	agary	11 6/25 KJJ	6/26 PS	6/26 PS			

FE Sent For:

<END>

2001 - 2002 LEGISLATURE  
January 2002 Special Session

5000  
inserted in  
6/25

B3076/1  
LRB 02/23/2  
ARG: hhh:pg  
Kyl  
cmh

LFB: ... Dyck Registration of replica and homemade vehicles; eliminating replica vehicle category

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

SA  
to SSA 1  
to AB 1

D-note

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 209, line 22: after that line insert:

3 "SECTION 432e. 341.09 (7) of the statutes is amended to read:

4 341.09 (7) The owner of a special interest vehicle registered under s. 341.266

5 (2) (a) or a reconstructed, replica, street modified, or homemade vehicle registered

6 under s. 341.268 (2) (a) may, upon payment of a fee of \$5 and application to the

7 department, be issued a permit for operation of the vehicle for a period not to exceed

8 5 successive days during the month of January. The permit shall be valid only in the

9 calendar year for which the permit is issued. The department shall prescribe the

10 form of the application and permit and the manner in which the permit shall be

1 displayed. The owner may be issued additional permits in subsequent years upon  
2 application and payment of the required fee.

3 **SECTION 432f.** 341.14 (4r) of the statutes is amended to read:

4 341.14 (4r) For reconstructed, street modified, and homemade vehicles as  
5 specified in s. 341.268.

6 **SECTION 432g.** 341.268 (title) of the statutes is amended to read:

7 **341.268 (title) Reconstructed, replica, street modified, and homemade**  
8 **vehicles; registration, plates, use.**

9 **SECTION 432h.** 341.268 (1) (a) of the statutes is amended to read:

10 341.268 (1) (a) "Hobbyist" means the owner of one or more reconstructed,  
11 replica, street modified, or homemade vehicles who collects, purchases, acquires,  
12 trades, or disposes of reconstructed, replica, street modified, or homemade vehicles  
13 or parts thereof for personal use in order to build, reconstruct, restore, preserve, and  
14 maintain a reconstructed, replica, street modified, or homemade vehicle for historic  
15 or hobby interest.

16 **SECTION 432i.** 341.268 (1) (b) of the statutes is renumbered 341.268 (1) (b)  
17 (intro.) and amended to read:

18 341.268 (1) (b) (intro.) "Homemade vehicle" means a motor vehicle which has  
19 been constructed that is any of the following:

20 1. Constructed or assembled from new or used parts or both using a body and  
21 frame not originating from and not resembling any previously manufactured motor  
22 vehicle.

23 **SECTION 432j.** 341.268 (1) (c) of the statutes is amended to read:

24 341.268 (1) (c) "Parts car" means a motor vehicle generally in nonoperable  
25 condition ~~which~~ that is owned by the hobbyist to furnish parts ~~which~~ that will enable

1 the hobbyist to build, reconstruct, restore, preserve, and maintain a reconstructed,  
2 replica, street modified, or homemade vehicle.

3 **SECTION 432k.** 341.268 (1) (e) of the statutes is renumbered 341.268 (1) (b) 2.  
4 and amended to read:

5 341.268 (1) (b) 2. "~~Replica vehicle~~" means a ~~motor vehicle that is a~~ A  
6 reproduction of a vehicle originally made by another manufacturer and which that  
7 consists of a reproduction body that is combined with a new, used, or replica frame  
8 and drivetrain.

9 **SECTION 432L.** 341.268 (2) (a) (intro.) of the statutes is amended to read:

10 341.268 (2) (a) (intro.) Any person who is the owner of a reconstructed, replica,  
11 street modified, or homemade vehicle and who owns, has registered in this state, and  
12 uses for regular transportation at least one vehicle that has regular registration  
13 plates may upon application register the vehicle as a reconstructed, replica, street  
14 modified, or homemade vehicle upon payment of a fee under par. (b), provided that  
15 the vehicle is one of the following:

16 **SECTION 432m.** 341.268 (2) (a) 2. of the statutes is renumbered 341.268 (2) (a)  
17 5. and amended to read:

18 341.268 (2) (a) 5. A ~~replica vehicle which~~ homemade vehicle under sub. (1) (b)  
19 2. that is a reproduction of a vehicle manufactured 20 years or more prior to the time  
20 of making application for registration or transfer of title of the replica homemade  
21 vehicle.

22 **SECTION 432n.** 341.268 (2) (a) 4. of the statutes is amended to read:

23 341.268 (2) (a) 4. A homemade vehicle under sub. (1) (b) 1.

24 **SECTION 432o.** 341.268 (2) (c) of the statutes ~~is amended to read:~~

Insert  
3-23

1 341.268 (2) (c) The department shall furnish the owner of the vehicle with  
2 registration plates of a distinctive design in lieu of the usual registration plates, and  
3 those plates shall show that the vehicle is a reconstructed, replica, street modified,  
4 or homemade vehicle owned by a Wisconsin hobbyist. Upon application, the owner  
5 may reregister the vehicle without the payment of any additional fee.

6 **SECTION 432p.** 341.268 (2) (d) of the statutes is amended to read:

7 341.268 (2) (d) Each hobbyist applying for reconstructed, replica, street  
8 modified, or homemade vehicle registration plates will be issued a hobbyist's  
9 identification number which will appear on each plate. Second and all subsequent  
10 registrations under this section by the same hobbyist will bear the same hobbyist's  
11 identification number followed by a suffix letter for vehicle identification.

12 **SECTION 432q.** 341.268 (2) (e) 3. of the statutes is amended to read:

13 341.268 (2) (e) 3. Except as provided in s. 341.09 (7), no reconstructed, replica,  
14 street modified, or homemade vehicle may be operated upon any highway of this  
15 state during the month of January unless the owner of the vehicle reregisters the  
16 vehicle under s. 341.25 and replaces the distinctive registration plates issued under  
17 par. (c) with regular registration plates or transfers regular registration plates to the  
18 vehicle.

19 **SECTION 432r.** 341.268 (2) (f) of the statutes is amended to read:

20 341.268 (2) (f) Unless inconsistent with this section, the provisions of this  
21 chapter applicable to other vehicles shall apply to reconstructed, replica, street  
22 modified, and homemade vehicles.

23 **SECTION 432s.** 341.268 (3) of the statutes is amended to read:

24 341.268 (3) In addition to the fee in sub. (2) (b), there shall be an original (first  
25 time only) processing fee of \$50 to defray the cost of issuing the original hobbyist's

1 ~~reconstructed, replica, street modified, or homemade vehicle registration plates and~~  
2 ~~to ensure that each hobbyist will be issued only one hobbyist's identification number.~~

3 **SECTION 432t.** 341.268 (4m) of the statutes is created to read:

4 341.268 (4m) A ~~vehicle~~<sup>motorcycle</sup> registered as a replica vehicle under s. 341.268, 1999  
5 stats., shall be considered a homemade vehicle for purposes of this section and ss.

6 341.09 (7), 341.27 (3) (a), 341.28 (2), and 341.31 (4) (b), except that the owner of the

7 ~~vehicle~~<sup>motorcycle</sup> is not required to replace the distinctive registration plates issued under s.

8 341.268 (2) (c), 1999 stats., showing that the ~~vehicle~~<sup>motorcycle</sup> is a replica vehicle. "1"

9 **SECTION 432u.** 341.27 (3) (a) of the statutes is amended to read:

10 341.27 (3) (a) If the applicant holds current registration plates that were  
11 removed from an automobile that the applicant no longer owns or that has been  
12 junked, is no longer used on the highways or has been registered as a special interest  
13 vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street modified, or  
14 homemade vehicle under s. 341.268 (2) (a), and the plates were issued under the  
15 system of registration prescribed by this section, the department shall register the  
16 automobile ~~which~~ that is the subject of the application for the remainder of the  
17 unexpired registration period.

18 **SECTION 432v.** 341.28 (2) (intro.) of the statutes is amended to read:

19 341.28 (2) (intro.) If the applicant for registration holds current registration  
20 plates ~~which~~ that were removed from an automobile ~~which~~ that the applicant no  
21 longer owns or ~~which~~ that has been junked, is no longer being used on the highways,  
22 or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a  
23 reconstructed, replica, street modified, or homemade vehicle under s. 341.268 (2) (a),  
24 and the plates were issued under the system of registration prescribed by s. 341.27,

1 the applicant is exempt from the payment of a registration fee, except in the following  
2 cases:

3 **SECTION 432w.** 341.31 (4) (b) of the statutes is amended to read:

4 341.31 (4) (b) A person retaining a set of plates removed from a vehicle under  
5 s. 342.15 (4) (a) or 342.34 (1) (c) or (2) (c) and ~~which~~ that was junked or transferred,  
6 is no longer leased to the person or used on the highways or has been registered as  
7 a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street  
8 modified, or homemade vehicle under s. 341.268 (2) (a) may receive credit for the  
9 unused portion of the registration fee paid when registering a replacement vehicle  
10 of the same type and gross weight.”

11 **2.** Page 215, line 7: after that line insert:

12 **SECTION 461m.** 347.02 (7) of the statutes is amended to read:

13 347.02 (7) The vehicle equipment requirements for a street modified vehicle  
14 shall be the same as the vehicle equipment requirements for a vehicle of the same  
15 type and model year that is not a street modified vehicle. The vehicle equipment  
16 requirements for a replica vehicle <sup>or a</sup> homemade vehicle specified in s. 341.268 (1) (b)  
17 2. shall be the same as the vehicle equipment requirements for a vehicle of the same  
18 type and model year as the vehicle used for purposes of the reproduction.”

19 **3.** Page 437, line 21: after that line insert:

20 “(1j) **HOMEMADE AND REPLICA VEHICLES.** The treatment of sections ~~341.09 (7)~~  
21 341.14 (4r), 341.268 ~~(1) (b) (i) and (j)~~ (1) ~~(b) (i) and (j)~~ (e), (2) (a) ~~(i) and (j)~~ and ~~(4) (m)~~  
22 ~~(b) (i) and (j)~~, and (4m), ~~341.27 (2) (a), 341.28 (2) (a), 341.31 (4) (b), and 347.02~~  
23 (7) of the statutes) <sup>apply</sup> first applies to applications for registration received by the  
24 department of transportation on the effective date of this subsection.”

the renumbering and amendment of section 341.268 (1) (b) of the statutes,  
and the creation of section 341.268 (1) (b) 2. of the statutes

Strike  
lines



1  
2  
3  
4  
5  
6  
7

4. Page 448, line 19: after that line insert:

"(2j) HOMEMADE AND REPLICA VEHICLES. The treatment of sections ~~341.09 (7)~~  
341.14 (4r), 341.268 ~~intro~~ (1) ~~intro~~ and (e), (2) (a) ~~intro~~ and <sup>5.</sup> ~~intro~~  
~~intro~~ and (4m), ~~341.27 (3) (a)~~ 341.28 (2) (intro), 341.31 (4) (b) and 347.02  
(7) of the statutes and SECTION 9352 (1j) of this act ~~that~~ take effect on the first day  
of the 3rd month beginning after publication."

(END)

, the renumbering and amendment of section  
341.268 (1)(b) of the statutes, and the  
creation of section 341.268 (1)(b)2. of the statutes

D-note

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb3076/lins  
ARG:.....

INSERT 2-5:

<sup>432g</sup> SECTION ~~??~~ 341.268 (1) (b) of the statutes is renumbered 341.268 (1) (b) (intro.)

and amended to read:

341.268 (1) (b) (intro.) "Homemade vehicle" means ~~a~~ any of the following:

1. A motor vehicle ~~which~~ that has been constructed or assembled from new or used parts or both using a body and frame not originating from and not resembling any previously manufactured motor vehicle.

<sup>432h</sup> SECTION ~~??~~ 341.268 (1) (b) 2. of the statutes is created to read:

341.268 (1) (b) 2. A motorcycle that is a reproduction of a vehicle originally made by another manufacturer and ~~which~~ <sup>Stet.</sup> consists of a reproduction body that is combined with a new, used, or replica frame and drivetrain.

<sup>432i</sup> SECTION ~~??~~ 341.268 (1) (e) of the statutes is amended to read:

341.268 (1) (e) "Replica vehicle" means a motor vehicle, other than a motorcycle, that is a reproduction of a vehicle originally made by another manufacturer and which consists of a reproduction body that is combined with a new, used, or replica frame and drivetrain.

INSERT 3-23:

<sup>432nf</sup> SECTION ~~??~~ 341.268 (2) (a) 5. of the statutes is created to read:

341.268 (2) (a) 5. A homemade vehicle under sub. (1) (b) 2. that is a reproduction of a motorcycle manufactured 20 years or more prior to the time of making application for registration or transfer of title of the homemade vehicle.

(end of insert)

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

LRBb3076/1dn

ARG: *[Signature]*

*Date*

ATTN: Jon Dyck

The attached draft is a modification of LRBb2429/2 (prepared for the Assembly Republican Caucus), which corresponds to Transportation item 9 on p. 337 of the LFB comparative summary, dated April 12, 2002. Pursuant to your instructions, I modified LRBb2429/2 so that it applies only to motorcycles.

LRBb2429/2 modifies the four categories of "hobbyist" vehicles under s. 341.268 so that the category for replica vehicles is subsumed within the category for homemade vehicles. Given the definitions of "replica vehicle" and "homemade vehicle" under s. 341.268, one could plausibly argue that a replica vehicle is just a certain form of homemade vehicle, so that it makes sense to collapse the two categories into one. The attached draft generally leaves in place the two categories for replica vehicles and homemade vehicles, but characterizes a replica motorcycle as a homemade vehicle rather than a replica vehicle. The attached draft makes the law in this area quite awkward and fails to provide the type of statutory "streamlining" present in LRBb2429/2. Is there a more specific, narrow way of addressing the legislative intent here?

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

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

LRBb3076/1dn  
ARG:kjf:pg

June 26, 2002

ATTN: Jon Dyck

The attached draft is a modification of LRBb2429/2 (prepared for the Assembly Republican Caucus), which corresponds to Transportation item 9 on p. 337 of the LFB comparative summary, dated April 12, 2002. Pursuant to your instructions, I modified LRBb2429/2 so that it applies only to motorcycles.

LRBb2429/2 modifies the four categories of "hobbyist" vehicles under s. 341.268 so that the category for replica vehicles is subsumed within the category for homemade vehicles. Given the definitions of "replica vehicle" and "homemade vehicle" under s. 341.268, one could plausibly argue that a replica vehicle is just a certain form of homemade vehicle, so that it makes sense to collapse the two categories into one. The attached draft generally leaves in place the two categories for replica vehicles and homemade vehicles, but characterizes a replica motorcycle as a homemade vehicle rather than a replica vehicle. The attached draft makes the law in this area quite awkward and fails to provide the type of statutory "streamlining" present in LRBb2429/2. Is there a more specific, narrow way of addressing the legislative intent here?

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb3076/1  
ARG:cmh&kjf:pg

LFB:.....Dyck – item 9 Registration of homemade and replica vehicles

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 209, line 22: after that line insert:

3 “**SECTION 432f.** 341.14 (4r) of the statutes is amended to read:

4 341.14 (4r) For reconstructed, replica, street modified, and homemade vehicles  
5 as specified in s. 341.268.

6 **SECTION 432g.** 341.268 (1) (b) of the statutes is renumbered 341.268 (1) (b)  
7 (intro.) and amended to read:

8 341.268 (1) (b) (intro.) “Homemade vehicle” means ~~a~~ any of the following:

1           1. A motor vehicle which that has been constructed or assembled from new or  
2 used parts or both using a body and frame not originating from and not resembling  
3 any previously manufactured motor vehicle.

4           **SECTION 432h.** 341.268 (1) (b) 2. of the statutes is created to read:

5           341.268 (1) (b) 2. A motorcycle that is a reproduction of a vehicle originally  
6 made by another manufacturer and which consists of a reproduction body that is  
7 combined with a new, used, or replica frame and drivetrain.

8           **SECTION 432i.** 341.268 (1) (e) of the statutes is amended to read:

9           341.268 (1) (e) “Replica vehicle” means a motor vehicle, other than a  
10 motorcycle, that is a reproduction of a vehicle originally made by another  
11 manufacturer and which consists of a reproduction body that is combined with a new,  
12 used, or replica frame and drivetrain.

13           **SECTION 432n.** 341.268 (2) (a) 4. of the statutes is amended to read:

14           341.268 (2) (a) 4. A homemade vehicle under sub. (1) (b) 1.

15           **SECTION 432nf.** 341.268 (2) (a) 5. of the statutes is created to read:

16           341.268 (2) (a) 5. A homemade vehicle under sub. (1) (b) 2. that is a reproduction  
17 of a motorcycle manufactured 20 years or more prior to the time of making  
18 application for registration or transfer of title of the homemade vehicle.

19           **SECTION 432t.** 341.268 (4m) of the statutes is created to read:

20           341.268 (4m) A motorcycle registered as a replica vehicle under s. 341.268,  
21 1999 stats., shall be considered a homemade vehicle for purposes of this section and  
22 ss. 341.09 (7), 341.27 (3) (a), 341.28 (2), and 341.31 (4) (b), except that the owner of  
23 the motorcycle is not required to replace the distinctive registration plates issued  
24 under s. 341.268 (2) (c), 1999 stats., showing that the motorcycle is a replica vehicle.”.

1           **2.** Page 215, line 7: after that line insert:

2           **“SECTION 461m.** 347.02 (7) of the statutes is amended to read:

3           347.02 (7) The vehicle equipment requirements for a street modified vehicle  
4 shall be the same as the vehicle equipment requirements for a vehicle of the same  
5 type and model year that is not a street modified vehicle. The vehicle equipment  
6 requirements for a replica vehicle or a homemade vehicle specified in s. 341.268 (1)  
7 (b) 2. shall be the same as the vehicle equipment requirements for a vehicle of the  
8 same type and model year as the vehicle used for purposes of the reproduction.”.

9           **3.** Page 437, line 21: after that line insert:

10           “(1j) **HOMEMADE AND REPLICA VEHICLES.** The treatment of sections 341.14 (4r),  
11 341.268 (1) (e), (2) (a) 4. and 5., and (4m), and 347.02 (7) of the statutes, the  
12 renumbering and amendment of section 341.268 (1) (b) of the statutes, and the  
13 creation of section 341.268 (1) (b) 2. of the statutes first apply to applications for  
14 registration received by the department of transportation on the effective date of this  
15 subsection.”.

16           **4.** Page 448, line 19: after that line insert:

17           “(2j) **HOMEMADE AND REPLICA VEHICLES.** The treatment of sections 341.14 (4r),  
18 341.268 (1) (e), (2) (a) 4. and 5., and (4m), and 347.02 (7) of the statutes, the  
19 renumbering and amendment of section 341.268 (1) (b) of the statutes, and the  
20 creation of section 341.268 (1) (b) 2. of the statutes and **SECTION 9352 (1j)** of this act  
21 take effect on the first day of the 3rd month beginning after publication.”.

22

(END)