



State of Wisconsin
1999 - 2000 LEGISLATURE

Final

LRB-4667/en

MGG:kmg:jf

Enrolled

1999 SENATE BILL 485

March 21, 2000 – Introduced by Senators DECKER, BURKE, MOEN, PLACHE, ROESSLER and HUELSMAN, cosponsored by Representatives JOHNSRUD, HUTCHISON, J. LEHMAN, KELSO, VRAKAS and F. LASEE. Referred to Committee on Agriculture, Environmental Resources and Campaign Finance Reform.

1 **AN ACT** *to repeal* 350.02 (2) (b) 6. and 350.10 (1) (a); *to renumber and amend*
2 350.10 (1) (g) and 350.10 (1) (i); *to amend* 29.934 (1) (a), 59.54 (14) (g), 350.02
3 (2) (a) 6., 350.1025, 350.11 (3) (a) 1., 350.11 (3) (a) 2., 350.11 (3) (a) 3., 350.11 (3)
4 (a) 4., 350.11 (3) (b), 350.11 (3) (bm) and 350.12 (3) (a) (intro.); and *to create*
5 29.934 (1) (cm), 350.025, 350.11 (3) (a) 5., 350.11 (3) (bg), 350.11 (3m), 350.11 (5)
6 and 350.113 of the statutes; **relating to:** revocation of the privilege to operate
7 snowmobiles for violations of the intoxicated snowmobiling law; speed
8 restrictions on the operation of snowmobiles; confiscation of snowmobiles after
9 conviction under the intoxicated snowmobiling law or for failure to stop a
10 snowmobile in response to a law enforcement officer; increasing the public-use
11 snowmobile registration fee; increasing the fee for snowmobile trail use

SENATE BILL 485

1 stickers; a study on alternative snowmobile registration fee schedules; making
2 appropriations; and providing penalties.

Analysis by the Legislative Reference Bureau

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

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

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

8 **SECTION 1m.** 29.934 (1) (a) of the statutes is amended to read:

9 29.934 (1) (a) All wild animals, carcasses or plants that are confiscated by the
10 department and all confiscated vehicles, boats or objects shall, if not destroyed as
11 authorized by law, be sold, except as provided in par. (cm), at the highest price
12 obtainable, by the department, or by an agent on commission under supervision of
13 the department. The net proceeds of sales under this subsection, after deducting the
14 expense of seizure and sale and any commissions and any amounts owing to holders
15 of security interests under par. (c) or (d), shall be remitted to the department. The
16 remittance shall be accompanied by a report of the sales, supported by vouchers for
17 expenses and commissions, and shall be filed with the department.

18 **SECTION 2.** 29.934 (1) (cm) of the statutes is created to read:

19 29.934 (1) (cm) The department may retain and use a snowmobile confiscated
20 under this section or under s. 350.113 for the program of instruction established
21 under s. 350.055.

SENATE BILL 485

1 **SECTION 3.** 59.54 (14) (g) of the statutes is amended to read:

2 59.54 (14) (g) A county may establish extensions of the jail, which need not be
3 at the county seat, to serve as places of temporary confinement. No person may be
4 detained in such an extension for more than 24 consecutive hours, except that a court
5 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c)
6 or 350.11 (3) (a) 2. or 3. or (b) or (3m) be imprisoned for more than 24 consecutive
7 hours in such an extension. Jail extensions shall be subject to plans and
8 specifications approval by the department of corrections and shall conform to other
9 requirements imposed by law on jails, except that cells may be designed and used for
10 multiple occupancy.

11 **SECTION 4.** 350.02 (2) (a) 6. of the statutes is amended to read:

12 350.02 (2) (a) 6. On a portion of the roadway or shoulder of a highway for a
13 purpose of residential access or for the purpose of access from lodging if the town, city
14 or village, within which that portion of the highway lies, enacts an ordinance under
15 s. 350.18 (3) for that portion of the highway. ~~A snowmobile operated on a portion of~~
16 ~~the roadway or shoulder of a highway under this subdivision shall observe the~~
17 ~~roadway speed limits.~~

18 **SECTION 5.** 350.02 (2) (b) 6. of the statutes is repealed.

19 **SECTION 6.** 350.025 of the statutes is created to read:

20 **350.025 Speed restrictions.** (1) No person may operate a snowmobile at a
21 rate of speed that is any of the following:

22 (a) Unreasonable or improper under the circumstances.

23 (b) In excess of a roadway speed limit established under s. 346.57 or 349.11 if
24 the person is operating the snowmobile on or adjacent to a roadway.

SENATE BILL 485**SECTION 6**

1 (c) In excess of any speed limit established by a county, town, city or village
2 under its authority under s. 350.18 (1).

3 (d) In excess of 50 miles per hour if the person is operating the snowmobile
4 during the period from sunset to sunrise on a snowmobile route, a snowmobile trail
5 or any other corridor or area that is open to the public for the operation of
6 snowmobiles.

7 (2) Subsection (1) (b) and (c) does not apply if the person is operating the
8 snowmobile as part of a special snowmobile event authorized under s. 350.04.

9 **SECTION 7.** 350.10 (1) (a) of the statutes is repealed.

10 **SECTION 8.** 350.10 (1) (g) of the statutes is renumbered 350.025 (1) (e) and
11 amended to read:

12 350.025 (1) (e) ~~Between~~ In excess of 10 miles per hour if the person is operating
13 the snowmobile between the hours of 10:30 p.m. and 7 a.m. ~~when~~ and within 150 feet
14 of a dwelling at a rate of speed ~~exceeding 10 miles per hour.~~

15 **SECTION 9.** 350.10 (1) (i) of the statutes is renumbered 350.025 (1) (f) and
16 amended to read:

17 350.025 (1) (f) ~~On~~ In excess of 10 miles per hour if the person is operating the
18 snowmobile on the frozen surface of public waters within 100 feet of a person not in
19 or upon a vehicle or within 100 feet of a fishing shanty ~~unless operated at a speed of~~
20 ~~10 miles per hour or less.~~

21 **SECTION 10.** 350.1025 of the statutes is amended to read:

22 **350.1025 Application of intoxicated snowmobiling law.** Except as
23 provided in this section, the intoxicated snowmobiling law ~~is~~ and the prohibition
24 under s. 350. 11 (3) (bg) are applicable to all property, whether the property is publicly
25 or privately owned and whether or not a fee is charged for the use of that property.

SENATE BILL 485

1 The intoxicated snowmobiling law ~~does~~ and the prohibition under s. 350.11 (3) (bg)
2 do not apply to the operation of a snowmobile on private land not designated as a
3 snowmobile trail unless an accident involving personal injury occurs as the result of
4 the operation of a snowmobile and the snowmobile was operated on the private land
5 without the consent of the owner of that land.

6 **SECTION 11.** 350.11 (3) (a) 1. of the statutes is amended to read:

7 350.11 (3) (a) 1. Except as provided under subds. 2. and 3., a person who violates
8 s. 350.101 (1) (a) or (b) or s. 350.104 (5) shall forfeit not less than \$400 nor more than
9 \$550 and shall have his or her privilege to operate a snowmobile revoked for one year.

10 **SECTION 12.** 350.11 (3) (a) 2. of the statutes is amended to read:

11 350.11 (3) (a) 2. Except as provided under subd. 3., a person who violates s.
12 350.101 (1) (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the
13 current violation, was convicted previously under the intoxicated snowmobiling law
14 or the refusal law shall be fined not less than \$300 nor more than \$1,000 ~~and~~, shall
15 be imprisoned for not less than 5 days nor more than 6 months and shall have his or
16 her privilege to operate a snowmobile revoked for 2 years.

17 **SECTION 13.** 350.11 (3) (a) 3. of the statutes is amended to read:

18 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and
19 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
20 more times previously under the intoxicated snowmobiling law or refusal law shall
21 be fined not less than \$600 nor more than \$2,000 ~~and~~, shall be imprisoned for not less
22 than 30 days nor more than one year in the county jail and shall have his or her
23 privilege to operate a snowmobile revoked for 3 years.

24 **SECTION 14.** 350.11 (3) (a) 4. of the statutes is amended to read:

SENATE BILL 485

1 350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) ~~or 350.104 (5)~~ and who
2 has not attained the age of 19 shall forfeit not more than \$50.

3 **SECTION 15.** 350.11 (3) (a) 5. of the statutes is created to read:

4 350.11 (3) (a) 5. A person who violates s. 350.104 (5) and who has not attained
5 the age of 19 shall forfeit not more than \$50 and shall have his or her privilege to
6 operate a snowmobile revoked for one year.

7 **SECTION 16.** 350.11 (3) (b) of the statutes is amended to read:

8 350.11 (3) (b) ~~Penalties related to failure to stop; and for causing injury while~~
9 ~~under the influence of intoxicants.~~ A person who violates s. 350.101 (2) ~~or 350.17 (2)~~
10 shall be fined not less than \$300 nor more than \$2,000 ~~and may, shall~~ be imprisoned
11 for not less than 30 days nor more than one year in the county jail and shall have his
12 or her privilege to operate a snowmobile revoked for 2 years.

13 **SECTION 17.** 350.11 (3) (bg) of the statutes is created to read:

14 350.11 (3) (bg) *Operation during revocation.* No person whose operating
15 privilege has been revoked under par. (a) or (b) may operate a snowmobile during the
16 period of revocation. Any person who violates this paragraph shall be fined not more
17 than \$2,500 and imprisoned for not more than one year in the county jail.

18 **SECTION 18.** 350.11 (3) (bm) of the statutes is amended to read:

19 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use
20 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
21 to par. (a) 2. or 3. or (b) or sub. (3m). The use of this option can result in significant
22 cost savings for the state and local governments.

23 **SECTION 19.** 350.11 (3m) of the statutes is created to read:

SENATE BILL 485

1 350.11 (3m) Any person who violates s. 350.17 (2) shall be fined not less than
2 \$300 nor more than \$2,000 and imprisoned for not less than 30 days nor more than
3 one year in the county jail.

4 **SECTION 20.** 350.11 (5) of the statutes is created to read:

5 350.11 (5) In addition to any penalty imposed under sub. (3), the court may
6 order the defendant to perform community service work administered by a public
7 agency or a nonprofit charitable organization approved by the court.

8 **SECTION 21.** 350.113 of the statutes is created to read:

9 **350.113 Seizure and confiscation of snowmobiles.** (1) INTOXICATED
10 SNOWMOBILING. A law enforcement officer shall seize a snowmobile, and the
11 department shall hold the snowmobile, subject to the order of the circuit court for the
12 county in which the alleged violation was committed, if the law enforcement officer
13 has probable cause to believe that the snowmobile is being used to commit a violation
14 for which a penalty may be imposed under s. 350.11 (3) (a) 3. If it is proven that
15 within 6 months previous to the seizure the snowmobile was used in such a violation,
16 the court in its order for judgment shall direct that the snowmobile be confiscated.

17 (2) REFUSAL TO STOP. A law enforcement officer may seize a snowmobile, and
18 the department shall hold any such snowmobile, subject to the order of the circuit
19 court for the county in which the alleged violation was committed, if the law
20 enforcement officer has probable cause to believe that the snowmobile is being used
21 to commit a violation of s. 350.17 (2). If it is proven that within 6 months previous
22 to the seizure the snowmobile was used in such a violation, the court in its order for
23 judgment may direct that the snowmobile be confiscated.

SENATE BILL 485

1 **(3) DISPOSAL.** In disposing of a snowmobile confiscated under this section, the
2 department shall follow the requirements for confiscated motor vehicles under s.
3 29.934 (1).

4 **SECTION 22.** 350.12 (3) (a) (intro.) of the statutes is amended to read:

5 350.12 **(3)** (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person
6 may operate and no owner may give permission for the operation of any snowmobile
7 within this state unless the snowmobile is registered for public use or private use
8 under this paragraph or s. 350.122 or as an antique under par. (b) and has the
9 registration decals displayed as required under sub. (5) or s. 350.122 or unless the
10 snowmobile has a reflectorized plate attached as required under par. (c) 3. A
11 snowmobile that is not registered as an antique under par. (b) may be registered for
12 public use. A snowmobile that is not registered as an antique under par. (b) and that
13 is used exclusively on private property, as defined under s. 23.33 (1) (n), may be
14 registered for private use. A snowmobile public-use registration certificate is valid
15 for 2 years beginning the July 1 prior to the date of application if registration is made
16 prior to April 1 and beginning the July 1 subsequent to the date of application if
17 registration is made after April 1 and ending on June 30, 2 years thereafter. A
18 snowmobile private-use registration certificate is valid from the date of issuance
19 until ownership of the snowmobile is transferred. The fee for the issuance or renewal
20 of a public-use registration certificate is ~~\$20~~ \$40, except that the fee is \$5 if it is a
21 snowmobile owned and operated by a political subdivision of this state. There is no
22 fee for the issuance of a private-use registration certificate or for the issuance of a
23 registration certificate to the state.

24 **SECTION 22f.** 350.12 (3j) (b) of the statutes, as affected by 1999 Wisconsin Act
25 9, is amended to read:

SENATE BILL 485

1 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is
2 exempt from registration under sub. (2) (b) or (bn) is ~~\$12.25~~ \$19.25. A trail use
3 sticker issued for such a snowmobile may be issued only by the department and
4 persons appointed by the department and expires on June 30 of each year.

5 **SECTION 22m.** 350.12 (4) (b) (intro.) of the statutes, as affected by 1999
6 Wisconsin Act 9, is amended to read:

7 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
8 under s. 20.370 (1) (mq) and (5) (cb), (cr) ~~and~~, (cs) and (cw) shall be used for
9 development and maintenance, the cooperative snowmobile sign program, major
10 reconstruction or rehabilitation to improve bridges on existing approved trails, trail
11 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
12 and distributed as follows:

13 **SECTION 22r.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and
14 amended to read:

15 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
16 department shall make available in ~~fiscal year 1992-93 and~~ each fiscal year
17 ~~thereafter~~ an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
18 payments to the department or a county under par. (bm) for trail maintenance costs
19 incurred in the previous fiscal year that ~~exceed~~ the maximum specified under par.
20 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

21 **SECTION 22t.** 350.12 (4) (bg) 2. of the statutes is created to read:

22 350.12 (4) (bg) 2. For fiscal year 2000-2001, and for each fiscal year thereafter,
23 the department shall calculate an amount equal to the number of trail use stickers
24 issued under sub. (3j) in the previous fiscal year multiplied by \$17 and shall credit
25 this amount to the appropriation account under s. 20.370 (5) (cw). From the

SENATE BILL 485

1 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
2 department or a county for the purposes specified in par. (b). The department shall
3 make payments under par. (bm) for trail maintenance costs that were incurred in the
4 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
5 making payments for any of the other purposes specified in par. (b).

SECTION 22r. Nonstatutory provisions.

6
7 (1q) STUDY. The department of natural resources shall conduct a study on
8 alternative snowmobile registration fee schedules, including schedules that are
9 based on the size and value of snowmobiles. The department shall prepare a report
10 containing the results of the study before October 1, 2000, and shall submit the
11 report to the legislature in the manner provided section 13.172 (2) of the statutes.

SECTION 23. Appropriation changes.

12
13 (1) SNOWMOBILE LAW ENFORCEMENT AND SAFETY. In the schedule under section
14 20.005 (3) of the statutes for the appropriation to the department of natural
15 resources under section 20.370 (3) (aq) of the statutes, as affected by the acts of 1999,
16 the dollar amount is increased by \$792,000 for fiscal year 2000–01 to increase the
17 authorized FTE positions for the department by 7.0 SEG conservation warden
18 positions and to increase funding for the purposes for which the appropriation is
19 made.

20 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa2134/2
MGG&RNK:kmg&cjs:jf

**SENATE AMENDMENT 3,
TO 1999 SENATE BILL 485**

March 29, 2000 – Offered by Senator RUDE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 11: after “counties,” insert “a study on alternative snowmobile
3 registration fee schedules;”.

4 **2.** Page 9, line 17: after that line insert:

5 **“SECTION 22r. Nonstatutory provisions.**

6 (1q) STUDY. The department of natural resources shall conduct a study on
7 alternative snowmobile registration fee schedules, including schedules that are
8 based on the size and value of snowmobiles. The department shall prepare a report
9 containing the results of the study before October 1, 2000, and shall submit the
10 report to the legislature in the manner provided section 13.172 (2) of the statutes.”.

11

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa2124/1
MGG:cjs&kmg:kjf

**SENATE AMENDMENT 2,
TO 1999 SENATE BILL 485**

March 28, 2000 – Offered by Senator DECKER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 11: after “fee;” insert “increasing the fee for snowmobile trail
3 use stickers;”.

4 **2.** Page 3, line 1: before that line insert:

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

6 20.370 (5) (cw) *Recreation aid — supplemental snowmobile trail aids.* As a
7 continuing appropriation, from the snowmobile account in the conservation fund an
8 amount equal to the amount calculated under s. 350.12 (4) (bg) 2. for the purposes
9 specified in s. 350.12 (4) (b).”.

10 **3.** Page 3, line 1: substitute “SECTION 1m” for “SECTION 1”.

11 **4.** Page 9, line 17: after that line insert:

12 “SECTION 22f. 350.12 (3j) (b) of the statutes, as affected by 1999 Wisconsin Act
13 9, is amended to read:

1 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is
2 exempt from registration under sub. (2) (b) or (bn) is ~~\$12.25~~ \$19.25. A trail use
3 sticker issued for such a snowmobile may be issued only by the department and
4 persons appointed by the department and expires on June 30 of each year.

5 **SECTION 22m.** 350.12 (4) (b) (intro.) of the statutes, as affected by 1999
6 Wisconsin Act 9, is amended to read:

7 350.12 (4) (b) *Trail aids and related costs.* (intro.) The moneys appropriated
8 under s. 20.370 (1) (mq) and (5) (cb), (cr) ~~and~~, (cs) ~~and~~ (cw) shall be used for
9 development and maintenance, the cooperative snowmobile sign program, major
10 reconstruction or rehabilitation to improve bridges on existing approved trails, trail
11 rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
12 and distributed as follows:

13 **SECTION 22r.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and
14 amended to read:

15 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
16 department shall make available in ~~fiscal year 1992-93 and~~ each fiscal year
17 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
18 payments to the department or a county under par. (bm) for trail maintenance costs
19 incurred in the previous fiscal year that exceed the maximum specified under par.
20 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

21 **SECTION 22t.** 350.12 (4) (bg) 2. of the statutes is created to read:

22 350.12 (4) (bg) 2. For fiscal year 2000-2001, and for each fiscal year thereafter,
23 the department shall calculate an amount equal to the number of trail use stickers
24 issued under sub. (3j) in the previous fiscal year multiplied by \$17 and shall credit
25 this amount to the appropriation account under s. 20.370 (5) (cw). From the

1 appropriation under s. 20.370 (5) (cw), the department shall make payments to the
2 department or a county for the purposes specified in par. (b). The department shall
3 make payments under par. (bm) for trail maintenance costs that were incurred in the
4 previous fiscal year and that exceed the maximum specified under par. (b) 1. before
5 making payments for any of the other purposes specified in par. (b).”

6

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1949/1
RNK&MGG:cmh:hmh

SENATE AMENDMENT 1,
TO 1999 SENATE BILL 485

March 28, 2000 - Offered by COMMITTEE ON INSURANCE, TOURISM, TRANSPORTATION
AND CORRECTIONS.

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 9, line 14: substitute "\$40." for "\$50.".
- 3 2. Page 9, line 22: substitute "\$792,000" for "\$1,200,000".
- 4 3. Page 9, line 23: substitute "7.0" for "10.0".
- 5 4. Page 10, line 4: substitute "\$1,200,000" for "\$1,900,000".

6

(END)

*par: TAKEN out
by AAC*



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0507/P22

NSF:kg:rs

soon
(10/25/00)

MGG & RNK

DOA:.....Grinde - Snowmobile program changes

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ^{DON'T GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

RECREATION

Current law regulates snowmobile rail crossings (crossings) that are not located on highways or streets. Under that law, only a snowmobile organization may construct a crossing. Current law defines a "snowmobile organization" as a snowmobile club, a snowmobile alliance, or a county. In order to construct a crossing, the snowmobile organization must obtain a permit from DNR. Current law also regulates established crossings which are defined as crossings that have been used by snowmobiles for at least five winters of the last ten years. This bill makes changes to certain procedures and requirements under current law that apply to snowmobile organizations and to rail authorities that construct or maintain crossings. Those changes include the following:

1. Under current law, DNR must promulgate rules to establish uniform maintenance standards and uniform design and construction standards for crossings after consulting with the snowmobile recreational council. Under this bill, DNR must instead consult with an established snowmobile association that represents snowmobile clubs and with the office of the commissioner of railroads.

2. The bill requires each rail authority that has rail lines in this state to designate an agent who is authorized on behalf of the rail authority to receive copies of crossing permit applications filed with DNR and requires DNR to send copies of

crossing permit applications to the designated agents of the applicable rail authorities.

3. Current law requires DNR to approve or deny a crossing permit application within 60 days after receipt and provides that DNR may deny the application only if DNR determines that the proposed crossing does not comply with rules promulgated by DNR. The bill provides that DNR must approve the application within 90 days of sending a copy of the application to the rail authority's designated agent, if certain conditions are met. The conditions require, among other things, that the permit applicant contact the rail authority to discuss the advisability and feasibility of the proposed crossing, that the application comply with certain rules promulgated by DNR and that the rail authority not object to the application. The bill establishes a hearing procedure that applies if the rail authority does object to the application. The bill requires that the office of the commissioner of railroads give testimony at such a hearing addressing certain issues, including whether the proposed rail crossing could pose a substantial danger to public safety.

4. Under current law, DNR may charge an initial application fee not to exceed \$150. The bill requires that in addition to this fee an applicant who receives a permit must pay the rail authority \$1,500 to compensate the rail authority for the cost of construction and to pay for the use of the crossing by snowmobile operators.

5. Under current law, a snowmobile organization must maintain liability insurance to indemnify the applicable rail authority for damages resulting from the design, construction, or maintenance of a crossing for which there is a permit. Under the bill, the insurance must also indemnify the rail authority for damages resulting from the existence or use of the crossing. The bill also provides that the snowmobile organization need not maintain the insurance to indemnify the rail authority for injuries sustained by a person engaged in a recreational activity if the rail authority would be immune from liability for those injuries under current law.

6. Under current law, the initial term for a crossing permit is 11 years. The permit may be renewed for additional periods of time not to exceed 11 years per renewal. This bill eliminates the term limit for a crossing permit.

7. Under current law, only DNR is authorized to inspect an established snowmobile rail crossing to determine whether the snowmobile organization is maintaining the crossing in conformance with rules promulgated by DNR and is maintaining required liability insurance. This bill authorizes the office of the commissioner of railroads to also conduct such an inspection.

8. The bill specifies which portion of a crossing for which a permit is issued that the rail authority must construct and which portion of an established crossing that a snowmobile organization must maintain.

9. Current law provides that a rail authority may not close or remove a snowmobile crossing that is subject to permit unless the rail authority first petitions DNR for an order authorizing the rail authority to close or remove the crossing. This bill provides that a rail authority may close or remove a crossing, whether or not the crossing is subject to a permit, if the authority enters into an agreement with the snowmobile organization to close or remove the crossing. The bill also authorizes a

rail authority to petition DNR to close or remove a crossing without first obtaining an agreement from the snowmobile organization.

This bill also requires a court to revoke a person's privilege to operate a snowmobile for violating the intoxicated snowmobiling law, other than the absolute sobriety requirement for persons who are 18 years old or younger, and for violating the refusal law. The intoxicated snowmobiling law prohibits the operation of a snowmobile by a person who is under the influence of alcohol or a controlled substance to such a degree that he or she cannot operate a snowmobile safely or by a person who has an alcohol concentration of 0.1 or more. The refusal law requires a person to submit to a legal request for a breath, blood, or urine sample pursuant to an arrest for violating the intoxicated snowmobiling law. The periods of revocation are as follows:

1. For a period of one year for the first violation or for a subsequent violation, if the arrest for the subsequent violation occurs more than five years after the date of the conviction for the previous violation.

2. For a period of two years for the second violation, if the arrest for the second violation occurs within five years after the date of the conviction for the first violation.

3. For a period of three years for the third or subsequent violation if the arrest for the third or subsequent violation occurs within five years after the date of the conviction for the second or subsequent violation.

4. For a period of one year for a violation of the refusal law if the violator is 18 years old or younger.

The bill provides a penalty for operating a snowmobile during revocation. Current law does not provide for the revocation of a person's privilege to operate a snowmobile for violating the intoxicated snowmobiling law. Also, in addition to any forfeiture, fine, or period of jail time imposed by a court for a violation of the intoxicated snowmobiling law or for operating a snowmobile during revocation, under this bill the court may order the defendant to perform community service work.

The bill requires a snowmobile to be seized and confiscated if it is used by a person to which the three-year period of revocation applies and authorizes a snowmobile to be seized and confiscated if it is used by a person who fails to stop a snowmobile when requested to do so by a law enforcement officer. The bill allows DNR to sell any snowmobile confiscated for these snowmobiling violations or to use it in DNR's snowmobile safety program. The bill also allows any snowmobile confiscated for violations of the fish and game laws to be used in this program. DNR already has authority to sell such a snowmobile under current law.

This bill also makes 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 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.

2. Under current law, the registration fee for a snowmobile that is not an antique and that is not used exclusively on property owned by the snowmobile owner or his or her family is \$20. The period of validity for the registration is from 15 months to 24 months depending on when, during a two-year period, the snowmobile is registered. The bill raises the fee from \$20 to \$40.

3. Under current law, the registration fee for a commercial snowmobile is \$60. The period of validity for the registration is from 15 months to 24 months, depending on when, during a two-year period, the snowmobile is registered. The bill raises the fee from \$60 to \$120.

4. The bill imposes a specific statutory speed limit of 50 miles per hour on the operation of a snowmobile from sunset to sunrise on a snowmobile trail, route, and other area that is open to the public for the operation of snowmobiles. Under current law, the only other specific statutory restrictions apply to the operation of a snowmobile within a certain distance of a dwelling at nighttime or on the ice within a certain distance of a fishing shanty or a person on foot. Also, under current law, a snowmobile operator must observe the roadway speed limit when he or she is riding adjacent to a roadway. The bill expands this requirement to include the roadway itself.

5. 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 fail their most recent equipment inspection until repairs are made.

6. 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 a 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.

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

8. 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 aids — 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).

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

7 25.29 (1) (d) 1. ~~An~~ For fiscal year 2001–02, and for each fiscal year thereafter,
8 an amount calculated by multiplying the number of snowmobiles registered under
9 s. 350.12 or 350.122 on the last day of February of the previous fiscal year by 50
10 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on
11 the last day of ~~February~~ March of the previous fiscal year.

12 **SECTION 3.** 29.934 (1) (a) of the statutes is amended to read:

13 29.934 (1) (a) All wild animals, carcasses, or plants that are confiscated by the
14 department and all confiscated vehicles, boats, or objects shall, if not destroyed as
15 authorized by law, be sold, except as provided in par. (cm), at the highest price
16 obtainable, by the department, or by an agent on commission under supervision of

1 the department. The net proceeds of sales under this subsection, after deducting the
2 expense of seizure and sale and any commissions and any amounts owing to holders
3 of security interests under par. (c) or (d), shall be remitted to the department. The
4 remittance shall be accompanied by a report of the sales, supported by vouchers for
5 expenses and commissions, and shall be filed with the department.

6 **SECTION 4.** 29.934 (1) (cm) of the statutes is created to read:

7 29.934 (1) (cm) The department may retain and use a snowmobile confiscated
8 under this section or under s. 350.113 for the program of instruction established
9 under s. 350.055.

10 **SECTION 5.** 59.54 (14) (g) of the statutes is amended to read:

11 59.54 (14) (g) A county may establish extensions of the jail, which need not be
12 at the county seat, to serve as places of temporary confinement. No person may be
13 detained in such an extension for more than 24 consecutive hours, except that a court
14 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c)
15 or 350.11 (3) (a) 2. or 3. or (b) or (3m) be imprisoned for more than 24 consecutive
16 hours in such an extension. Jail extensions shall be subject to plans and
17 specifications approval by the department of corrections and shall conform to other
18 requirements imposed by law on jails, except that cells may be designed and used for
19 multiple occupancy.

20 **SECTION 6.** 100.48 (1) (a) of the statutes is renumbered 100.48 (1) (am).

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

22 100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

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

24 100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).

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

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

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

5 100.48 (1) (c) “Snowmobile” has the meaning given in s. 350.01 (12).

6 **SECTION 11.** 100.48 (2) of the statutes is amended to read:

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

12 **SECTION 12.** 100.48 (3) (a) of the statutes is amended to read:

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

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

3 **SECTION 13.** 100.48 (4) (a) of the statutes is amended to read:

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

7 **SECTION 14.** 100.48 (4) (b) of the statutes is amended to read:

8 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
9 attached to farm equipment may be required to forfeit not more than \$500 for each
10 violation.

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

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

16 **SECTION 16.** 195.03 (30) of the statutes is created to read:

17 195.03 (30) HEARINGS. (a) The office shall give testimony at the hearing under
18 s. 350.138 (4) (b), or shall submit a written report for introduction into the hearing
19 record, on the factors stated in s. 350.138 (4) (d) 1., 2., 3., and 4.

20 (b) The office shall give the department of natural resources the office's opinion
21 on whether the snowmobile crossing should be closed or removed in testimony at the
22 hearing under s. 350.1395 (2) (b) 2. or in a written report for introduction into the
23 hearing record.

24 **SECTION 17.** 195.307 of the statutes is created to read:

1 **195.307 Snowmobile rail crossings.** Sections 195.28, 195.285, 195.286, and
2 195.29 do not apply to snowmobile rail crossings for which a permit is issued under
3 s. 350.138.

4 **SECTION 18.** 347.415 (1) of the statutes is renumbered 347.415 (1m) and
5 amended to read:

6 347.415 (1m) No person shall may, either personally or through an agent,
7 remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer
8 of any motor vehicle, snowmobile, or all-terrain vehicle with the intent to change or
9 affect the number of miles indicated thereon.

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

11 347.415 (1g) In this section, “odometer” means an instrument for measuring
12 and recording the actual distance that a motor vehicle, snowmobile, or all-terrain
13 vehicle has traveled while in operation, but does not include any auxiliary
14 instrument designed to be reset to zero to measure and record the actual distance
15 that a motor vehicle, snowmobile, or all-terrain vehicle has traveled on trips.

16 **SECTION 20.** 347.415 (2) of the statutes is amended to read:

17 347.415 (2) No person may operate a motor vehicle subject to registration
18 under ch. 341 on any street or highway with knowledge that the odometer is
19 removed, disconnected, or nonfunctional. Notwithstanding s. 347.02 (2), no person
20 may operate a snowmobile or all-terrain vehicle with knowledge that the odometer
21 is removed, disconnected, or nonfunctional. An exemption may be provided if parts
22 are on back order to correct a nonfunctional odometer.

23 **SECTION 21.** 347.415 (4) of the statutes is amended to read:

24 347.415 (4) No person shall conspire with any other person to violate sub. (1)
25 (1m), (2), or (3).

1 **SECTION 22.** 347.50 (1) of the statutes is amended to read:

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

5 **SECTION 23.** 347.50 (2) of the statutes is amended to read:

6 347.50 (2) Any person violating s. 347.415 ~~(1)~~ (1m), (2), and (3) to (5) may be
7 fined not more than \$5,000 or imprisoned for not more than one year in the county
8 jail, or both, for each violation.

9 **SECTION 24.** 350.02 (2) (a) 6. of the statutes is amended to read:

10 350.02 (2) (a) 6. On a portion of the roadway or shoulder of a highway for a
11 purpose of residential access or for the purpose of access from lodging if the town, city,
12 or village, within which that portion of the highway lies, enacts an ordinance under
13 s. 350.18 (3) for that portion of the highway. ~~A snowmobile operated on a portion of~~
14 ~~the roadway or shoulder of a highway under this subdivision shall observe the~~
15 ~~roadway speed limits.~~

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

17 **SECTION 26.** 350.02 (3m) of the statutes is amended to read:

18 350.02 (3m) A law enforcement officer may operate a snowmobile on a highway
19 in performance of his or her official duties if the snowmobile is equipped with a
20 ~~flashing, oscillating or rotating blue light that is red or blue or a combination thereof~~
21 and that is flashing, oscillating, or rotating.

22 **SECTION 27.** 350.025 of the statutes is created to read:

23 **350.025 Speed restrictions.** (1) No person may operate a snowmobile at a
24 rate of speed that is any of the following:

25 (a) Unreasonable or improper under the circumstances.

1 (b) In excess of a roadway speed limit established under s. 346.57 or 349.11 if
2 the person is operating the snowmobile on or adjacent to a roadway.

3 (c) In excess of any speed limit established by a county, town, city, or village
4 under its authority under s. 350.18 (1).

5 (d) In excess of 50 miles per hour if the person is operating the snowmobile
6 during the period from sunset to sunrise on a snowmobile route, a snowmobile trail,
7 or any other corridor or area that is open to the public for the operation of
8 snowmobiles.

9 (2) Subsection (1) (b) and (c) does not apply if the person is operating the
10 snowmobile as part of a special snowmobile event authorized under s. 350.04.

11 **SECTION 28.** 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 29.** 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

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

3 **SECTION 30.** 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 31.** 350.095 of the statutes is created to read:

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

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 promulgated under those provisions.

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 promulgated
18 under those provisions, a law enforcement officer may order the snowmobile
19 removed from the highway and not operated, except for purposes of removal and
20 repair, until it has been repaired pursuant to a 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 promulgated under those provisions, a law enforcement officer may issue a repair
24 order, in such form and containing such information as the department prescribes,

1 to the owner or operator of the snowmobile. The owner or operator shall thereupon
2 obtain such 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 32.** 350.10 (1) (a) of the statutes is repealed.

6 **SECTION 33.** 350.10 (1) (g) of the statutes is renumbered 350.025 (1) (e) and
7 amended to read:

8 350.025 (1) (e) ~~Between~~ In excess of 10 miles per hour if the person is operating
9 the snowmobile between the hours of 10:30 p.m. and 7 a.m. ~~when~~ and within 150 feet
10 of a dwelling ~~at a rate of speed exceeding 10 miles per hour.~~

11 **SECTION 34.** 350.10 (1) (i) of the statutes is renumbered 350.025 (1) (f) and
12 amended to read:

13 350.025 (1) (f) ~~On~~ In excess of 10 miles per hour if the person is operating the
14 snowmobile on the frozen surface of public waters within 100 feet of a person not in
15 or upon a vehicle or within 100 feet of a fishing shanty ~~unless operated at a speed of~~
16 ~~10 miles per hour or less.~~

17 **SECTION 35.** 350.1025 of the statutes is amended to read:

18 **350.1025 Application of intoxicated snowmobiling law.** Except as
19 provided in this section, the intoxicated snowmobiling law ~~is~~ and the prohibition
20 under s. 350. 11 (3) (bg) are applicable to all property, whether the property is publicly
21 or privately owned and whether or not a fee is charged for the use of that property.
22 The intoxicated snowmobiling law ~~does~~ and the prohibition under s. 350.11 (3) (bg)
23 do not apply to the operation of a snowmobile on private land not designated as a
24 snowmobile trail unless an accident involving personal injury occurs as the result of

1 the operation of a snowmobile and the snowmobile was operated on the private land
2 without the consent of the owner of that land.

3 **SECTION 36.** 350.11 (3) (a) 1. of the statutes is amended to read:

4 350.11 (3) (a) 1. Except as provided under subds. 2. and 3., a person who violates
5 s. 350.101 (1) (a) or (b) or ~~s.~~ 350.104 (5) shall forfeit not less than \$400 nor more than
6 \$550 and shall have his or her privilege to operate a snowmobile revoked for one year.

7 **SECTION 37.** 350.11 (3) (a) 2. of the statutes is amended to read:

8 350.11 (3) (a) 2. Except as provided under subd. 3., a person who violates s.
9 350.101 (1) (a) or (b) or 350.104 (5) and who, within 5 years prior to the arrest for the
10 current violation, was convicted previously under the intoxicated snowmobiling law
11 or the refusal law shall be fined not less than \$300 nor more than \$1,000 ~~and~~, shall
12 be imprisoned for not less than 5 days nor more than 6 months and shall have his or
13 her privilege to operate a snowmobile revoked for 2 years.

14 **SECTION 38.** 350.11 (3) (a) 3. of the statutes is amended to read:

15 350.11 (3) (a) 3. A person who violates s. 350.101 (1) (a) or (b) or 350.104 (5) and
16 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
17 more times previously under the intoxicated snowmobiling law or refusal law shall
18 be fined not less than \$600 nor more than \$2,000 ~~and~~, shall be imprisoned for not less
19 than 30 days nor more than one year in the county jail and shall have his or her
20 privilege to operate a snowmobile revoked for 3 years.

21 **SECTION 39.** 350.11 (3) (a) 4. of the statutes is amended to read:

22 350.11 (3) (a) 4. A person who violates s. 350.101 (1) (c) ~~or 350.104 (5)~~ and who
23 has not attained the age of 19 shall forfeit not more than \$50.

24 **SECTION 40.** 350.11 (3) (a) 5. of the statutes is created to read:

1 350.11 (3) (a) 5. A person who violates s. 350.104 (5) and who has not attained
2 the age of 19 shall forfeit not more than \$50 and shall have his or her privilege to
3 operate a snowmobile revoked for one year.

4 **SECTION 41.** 350.11 (3) (b) of the statutes is amended to read:

5 350.11 (3) (b) ~~Penalties related to failure to stop; and for causing injury while~~
6 ~~under the influence of intoxicants.~~ A person who violates s. 350.101 (2) ~~or 350.17 (2)~~
7 shall be fined not less than \$300 nor more than \$2,000 ~~and may, shall~~ be imprisoned
8 for not less than 30 days nor more than one year in the county jail and shall have his
9 or her privilege to operate a snowmobile revoked for 2 years.

10 **SECTION 42.** 350.11 (3) (bg) of the statutes is created to read:

11 350.11 (3) (bg) *Operation during revocation.* No person whose operating
12 privilege has been revoked under par. (a) or (b) may operate a snowmobile during the
13 period of revocation. Any person who violates this paragraph shall be fined not more
14 than \$2,500 and imprisoned for not more than one year in the county jail.

15 **SECTION 43.** 350.11 (3) (bm) of the statutes is amended to read:

16 350.11 (3) (bm) *Sentence of detention.* The legislature intends that courts use
17 the sentencing option under s. 973.03 (4) whenever appropriate for persons subject
18 to par. (a) 2. or 3. or (b) or sub. (3m). The use of this option can result in significant
19 cost savings for the state and local governments.

20 **SECTION 44.** 350.11 (3m) of the statutes is created to read:

21 350.11 (3m) Any person who violates s. 350.17 (2) shall be fined not less than
22 \$300 nor more than \$2,000 and imprisoned for not less than 30 days nor more than
23 one year in the county jail.

24 **SECTION 45.** 350.11 (5) of the statutes is created to read:

1 350.11 (5) In addition to any penalty imposed under sub. (3), the court may
2 order the defendant to perform community service work administered by a public
3 agency or a nonprofit charitable organization approved by the court.

4 **SECTION 46.** 350.113 of the statutes is created to read:

5 **350.113 Seizure and confiscation of snowmobiles.** (1) INTOXICATED
6 SNOWMOBILING. A law enforcement officer shall seize a snowmobile, and the
7 department shall hold the snowmobile, subject to the order of the circuit court for the
8 county in which the alleged violation was committed, if the law enforcement officer
9 has probable cause to believe that the snowmobile is being used to commit a violation
10 for which a penalty may be imposed under s. 350.11 (3) (a) 3. If it is proven that
11 within 6 months previous to the seizure the snowmobile was used in such a violation,
12 the court in its order for judgment shall direct that the snowmobile be confiscated.

13 (2) REFUSAL TO STOP. A law enforcement officer may seize a snowmobile, and
14 the department shall hold any such snowmobile, subject to the order of the circuit
15 court for the county in which the alleged violation was committed, if the law
16 enforcement officer has probable cause to believe that the snowmobile is being used
17 to commit a violation of s. 350.17 (2). If it is proven that within 6 months previous
18 to the seizure the snowmobile was used in such a violation, the court in its order for
19 judgment may direct that the snowmobile be confiscated.

20 (3) DISPOSAL. In disposing of a snowmobile confiscated under this section, the
21 department shall follow the requirements for confiscated motor vehicles under s.
22 29.934 (1).

23 **SECTION 47.** 350.12 (3) (a) (intro.) of the statutes is amended to read:

24 350.12 (3) (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person
25 may operate and no owner may give permission for the operation of any snowmobile

1 within this state unless the snowmobile is registered for public use or private use
2 under this paragraph or s. 350.122 or as an antique under par. (b) and has the
3 registration decals displayed as required under sub. (5) or s. 350.122 or unless the
4 snowmobile has a reflectorized plate attached as required under par. (c) 3. A
5 snowmobile that is not registered as an antique under par. (b) may be registered for
6 public use. A snowmobile that is not registered as an antique under par. (b) and that
7 is used exclusively on private property, as defined under s. 23.33 (1) (n), may be
8 registered for private use. A snowmobile public-use registration certificate is valid
9 for 2 years beginning on the July 1 prior to the date of application if registration is
10 made prior to April 1 and beginning on the July 1 subsequent to the date of
11 application if registration is made after April 1 and ending on June 30, 2 years
12 thereafter. A snowmobile private-use registration certificate is valid from the date
13 of issuance until ownership of the snowmobile is transferred. The fee for the issuance
14 or renewal of a public-use registration certificate is ~~\$20~~ \$40, except that the fee is
15 \$5 if it is a snowmobile owned and operated by a political subdivision of this state.
16 There is no fee for the issuance of a private-use registration certificate or for the
17 issuance of a registration certificate to the state.

18 **SECTION 48.** 350.12 (3) (a) 2. of the statutes is amended to read:

19 350.12 (3) (a) 2. Upon transfer of ownership of a snowmobile for which a
20 registration certificate has been issued by this state or by another state, province, or
21 country, the seller shall, at the time of sale, deliver the assigned certificate to the
22 purchaser.

23 **SECTION 49.** 350.12 (3) (c) 2. of the statutes is amended to read:

24 350.12 (3) (c) 2. The fee for issuing or renewing a commercial snowmobile
25 certificate is ~~\$60~~ \$120. Upon receipt of the application form required by the

1 department and the fee required under this subdivision, the department shall issue
2 to the applicant a commercial snowmobile certificate and 3 reflectorized plates. The
3 fee for additional reflectorized plates is \$20 per plate.

4 **SECTION 50.** 350.12 (3i) of the statutes is created to read:

5 350.12 (3i) REGISTRATION OF CERTAIN SNOWMOBILES PROHIBITED.

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

12 **SECTION 51.** 350.12 (3j) (b) of the statutes is amended to read:

13 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is
14 exempt from registration under sub. (2) (b) or (bn) is ~~\$12.25~~ \$19.25. A trail use
15 sticker issued for such a snowmobile may be issued only by the department and
16 persons appointed by the department and expires on June 30 of each year.

17 **SECTION 52.** 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 53.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and
25 amended to read:

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~~ [✓]2001-02 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 54.** 350.12 (4) (bg) 2. of the statutes is created to read:

8 350.12 (4) (bg) 2. For fiscal year 2001-02, 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 55.** 350.137 (1) of the statutes is amended to read:

18 350.137 (1) The department, after having consulted with ~~the snowmobile~~
19 ~~recreational council~~ each rail authority, as defined in s. 350.138 (1) (b), in this state,
20 that has furnished the department with the information required under s. 350.138
21 (2m), an established snowmobile association that represents snowmobile clubs, as
22 defined in s. 350.138 (1) (e), in this state, and the office of the commissioner of
23 railroads, shall promulgate rules to establish uniform maintenance standards and
24 uniform design and construction standards for snowmobile rail crossings under ss.
25 350.138 and 350.139.

1 **SECTION 56.** 350.137 (2) (a) of the statutes is amended to read:

2 350.137 (2) (a) Preclude the use of a proposed site for a snowmobile rail crossing
3 because the site would be unsafe due to poor visibility of ~~the proposed snowmobile~~
4 ~~rail crossing from the cab of a railroad engine~~ an approaching train from the position
5 of a snowmobile operator who is stopped on the approach to the proposed crossing.

6 **SECTION 57.** 350.137 (3) of the statutes is repealed.

7 **SECTION 58.** 350.138 (2) of the statutes is amended to read:

8 350.138 (2) PERMIT REQUIRED. No person may construct a snowmobile rail
9 crossing that is not located on a railroad crossing of a ~~public~~ highway or street unless
10 the person is a snowmobile organization and has a permit ~~approved~~ issued under this
11 section. No person may maintain a snowmobile rail crossing that is not located on
12 a railroad crossing of a ~~public~~ highway or street unless the person is a snowmobile
13 organization and either the person has a permit ~~approved~~ issued under this section
14 or the snowmobile rail crossing is an established snowmobile rail crossing. In order
15 to obtain a permit required under this section, a snowmobile organization shall apply
16 to the department. A separate permit is required for each snowmobile rail crossing
17 subject to this section.

18 **SECTION 59.** 350.138 (2m) of the statutes is created to read:

19 350.138 (2m) DESIGNATION OF AGENTS. Each rail authority with rail lines in this
20 state shall furnish the department with the name and address of an agent who is
21 authorized on behalf of the rail authority to receive copies of snowmobile crossing
22 permit applications filed with the department. A rail authority that has rail lines
23 in this state on the effective date of this subsection [revisor inserts date], shall
24 furnish this information to the department within 30 days of the effective date of this
25 subsection [revisor inserts date].

1 **SECTION 60.** 350.138 (3) of the statutes is amended to read:

2 350.138 (3) ~~CONTENTS OF PROCEDURES FOR PERMIT APPLICATION.~~ An application
3 submitted under sub. (2) shall include adequate descriptions and drawings showing
4 the proposed location of the snowmobile rail crossing, the design of the snowmobile
5 rail crossing, and the location of snowmobile trails that connect with the snowmobile
6 rail crossing. The department shall, upon receipt of an application submitted under
7 sub. (2), send a copy of the application to the agent designated under sub. (2m) for
8 the applicable rail authority and shall, immediately thereafter, send notice to the
9 applicant that a copy of the application was sent to the designated agent. The notice
10 to the applicant must include the name and address of the designated agent to whom
11 the department sent a copy of the application. The department may reject an
12 application within 15 days after it is submitted if the application is incomplete or is
13 not sufficiently detailed to determine whether to approve or deny the application.

14 **SECTION 61.** 350.138 (4) of the statutes is renumbered 350.138 (4) (a) (intro.)
15 and amended to read:

16 350.138 (4) (a) (intro.) ~~The~~ Except as provided under par. (e), the department
17 shall approve or deny an application submitted under sub. (2) within 60 days after
18 receiving a complete and sufficiently detailed application. The department may
19 deny an application only within 90 days after sending a copy of the application to the
20 rail authority's designated agent under sub. (3) if the department determines that
21 the proposed snowmobile rail crossing does not comply with the rules promulgated
22 under s. 350.137. all of the following conditions have been met:

23 **SECTION 62.** 350.138 (4) (a) 1., 2., 3. and 4. of the statutes are created to read:

24 350.138 (4) (a) 1. Within 30 days after the date on which the department sent
25 a copy of the application to the applicable rail authority, the applicant ~~contacted~~ the

provided to

1 applicable rail authority ^{a written offer} in writing to discuss the advisability and feasibility of the
2 proposed rail crossing.

3 2. The applicant furnished the department with a copy of the ~~writing by which~~
4 ~~the applicant contacted~~ ^{written offer provided to} the applicable rail authority under subd. 1.

5 3. The rail authority did not file an objection with the department to the
6 application within 60 days after receiving notice under sub. (3) or did not object,
7 within that period, to a modification of the application as agreed to by the rail
8 authority and the applicant.

9 4. The application complies with the rules promulgated under s. 350.137.

10 **SECTION 63.** 350.138 (4) (b) of the statutes is created to read:

11 350.138 (4) (b) The department shall hold a hearing on the application if the
12 conditions under par. (a) 1. ^(1, 2) and 4. are met, if the rail authority files with the
13 department an objection to the application within 60 days after receiving notice
14 under sub. (3), and if the objection contains all of the following:

15 1. A statement that, after discussing the advisability and feasibility of the
16 proposed rail crossing with the applicant in good faith, the rail authority opposes the
17 application.

18 2. A statement of the basis for the rail authority's objection.

19 **SECTION 64.** 350.138 (4) (c) of the statutes is created to read:

20 350.138 (4) (c) The department shall give notice of any hearing scheduled
21 under par. (b) to the applicant, to the applicable rail authority, and to the office of the
22 commissioner of railroads. The hearing shall be a contested case hearing under ch.
23 227. The department's order ^{issuing or denying a permit} is a final order subject to judicial review under ch. 227.

24 **SECTION 65.** 350.138 (4) (d) of the statutes is created to read:

1 350.138 (4) (d) The department shall issue a permit to the applicant after a
2 hearing under par. (b), and after giving substantial weight to the testimony or report
3 given under s. 195.03 (30), if the department finds that the proposed snowmobile
4 crossing is advisable and feasible. In making its finding, the department shall
5 consider, but not be limited to, all of the following factors:

6 1. Whether the proposed snowmobile rail crossing could pose a substantial
7 danger to public safety.

8 2. Whether a snowmobile rail crossing that is located near the proposed
9 snowmobile rail crossing provides an adequate crossing for snowmobiles.

10 3. Whether the proposed snowmobile rail crossing would have a substantial
11 adverse effect on railroad operations.

12 4. Whether the proposed snowmobile rail crossing conforms with the
13 requirements of the rules promulgated under s. 350.137.

14 **SECTION 66.** 350.138 (4) (e) of the statutes is created to read:

15 350.138 (4) (e) If the department issues a permit to an applicant under this
16 section, the rail authority shall construct that portion of the snowmobile rail crossing
17 that is on the track and that portion that extends outward 4 feet from each outer rail.

18 **SECTION 67.** 350.138 (5) of the statutes is renumbered 350.138 (5) (a) and
19 amended to read:

20 350.138 (5) (a) The department may charge an initial application fee not to
21 exceed \$150 for the costs of reviewing a permit application under sub. (4). ~~Neither~~
22 ~~a rail authority nor the department may charge any other fee or amount for the~~
23 ~~construction or use of a snowmobile rail crossing or for the use of the right-of-way~~
24 ~~for the crossing~~ If the department charges the fee, the applicant must include the fee
25 with the permit application.

1 **SECTION 68.** 350.138 (5) (b) of the statutes is created to read:

2 350.138 (5) (b) Except as provided under par. (c), if the department issues a
3 permit to an applicant under this section, the applicant shall pay the rail authority
4 \$1,500 within 30 days after the date on which the permit is issued, to compensate the
5 rail authority for the cost of constructing the snowmobile rail crossing and to pay for
6 the use of the snowmobile rail crossing by snowmobile operators.

7 **SECTION 69.** 350.138 (5) (c) of the statutes is created to read:

8 350.138 (5) (c) Biennially, beginning on January 1, 2004, the department shall
9 adjust the fee under par. (b) by a percentage that is equal to the percentage change
10 in the U.S. consumer price index for all urban consumers, U.S. city average, for the
11 24-month period ending on December 31 of the previous calendar year.

12 **SECTION 70.** 350.138 (6) of the statutes is amended to read:

13 350.138 (6) LIABILITY INSURANCE. The department shall require a snowmobile
14 organization to maintain in effect liability insurance to indemnify the applicable rail
15 authority for damages resulting from the design, construction ~~or~~ maintenance,
16 existence, or use of a snowmobile rail crossing for which a permit is approved issued
17 under this section, except that the department ~~shall~~ ^{may} not require the snowmobile
18 organization to maintain in effect liability insurance to indemnify the applicable rail
19 authority for injuries sustained by a person engaged in a recreational activity, if the
20 rail authority would be immune from liability for those injuries under s. 895.52.
21 Regardless of the number of snowmobile rail crossings that the snowmobile
22 organization maintains under this section and s. 350.139, the amount of the liability
23 insurance that is required to be maintained under this subsection shall be at least
24 \$1,000,000 \$2,000,000 for each snowmobile organization. ~~Beginning on January 1,~~
25 ~~1997, this minimum amount shall increase to \$2,000,000~~ The snowmobile

1 organization shall designate the applicable rail authority as a named insured on the
2 policy. Any liability insurance that is required under this subsection for the purpose
3 of indemnifying a rail authority that is a rail transit body shall also indemnify the
4 owners and operators of any railroad using the tracks of the rail transit body.
5 Annually, beginning on the first day of the 3rd month beginning after the effective
6 date of this subsection ... [revisor inserts date], each snowmobile organization that
7 is required to maintain liability insurance under this subsection shall furnish proof
8 of that insurance to the applicable rail authority and to the department.

9 **SECTION 71.** 350.138 (8) (a) of the statutes is repealed.

10 **SECTION 72.** 350.138 (8) (b) of the statutes is renumbered 350.138 (8) and
11 amended to read:

12 350.138 (8) ~~TERMS REVOCATION OF PERMITS.~~ The department may revoke or
13 ~~refuse to renew~~ a permit that it ~~previously approved only~~ issued if the department
14 determines that the snowmobile rail crossing is not constructed or maintained in
15 compliance with the rules promulgated under s. 350.137, the. The department ~~must~~ ^{shall}
16 revoke a permit that it issued if the snowmobile organization does not maintain any
17 liability insurance that is required under sub. (6) or the snowmobile rail crossing is
18 not maintained for use by snowmobiles for at least 5 winters in any 10-year period.
19 The 10-year period for purposes of this ~~paragraph~~ subsection shall begin on the first
20 December 15 following the date of the issuance of the permit.

21 **SECTION 73.** 350.138 (9) of the statutes is amended to read:

22 350.138 (9) **INSPECTION AUTHORIZED.** The department or the office of the
23 commissioner of railroads may inspect the site of a proposed ~~the~~ snowmobile rail
24 crossing or the site of a snowmobile rail crossing for which a permit has been issued

1 to determine whether there are grounds to refuse to issue a permit under sub. (4) or
2 to revoke ~~or refuse to renew~~ a permit under sub. (8) (b).

3 **SECTION 74.** 350.139 (1) (a) of the statutes is amended to read:

4 350.139 (1) (a) “Established snowmobile rail crossing” means a snowmobile rail
5 crossing that has been used by snowmobiles, or maintained by a snowmobile
6 organization for use by snowmobiles, for at least 5 winters of the last 10 years.

7 **SECTION 75.** 350.139 (3) of the statutes is amended to read:

8 350.139 (3) CHARGES PROHIBITED. Neither the department nor a rail authority
9 may charge a fee or any other amount for the use of an established snowmobile rail
10 crossing or for the use of a right-of-way for the established snowmobile rail crossing,
11 unless otherwise agreed upon by the rail authority and a snowmobile organization.

12 **SECTION 76.** 350.139 (4) (intro.) of the statutes is amended to read:

13 350.139 (4) ~~REQUIREMENTS~~ USE AND MAINTENANCE REQUIREMENTS. (intro.) The
14 department shall require a snowmobile organization that uses or maintains any part
15 of an established snowmobile rail crossing to do all of the following:

16 **SECTION 77.** 350.139 (4) (a) of the statutes is amended to read:

17 350.139 (4) (a) Maintain that portion of the established snowmobile rail
18 crossing ~~in conformance with the rules promulgated under s. 350.137~~ that is outside
19 of the portion of the snowmobile rail crossing that extends outward 4 feet from each
20 outer rail.

21 **SECTION 78.** 350.139 (4) (b) of the statutes is amended to read:

22 350.139 (4) (b) Maintain in effect liability insurance to indemnify the
23 applicable rail authority for damages resulting from the design, construction ~~or,~~
24 maintenance, existence, or use of the established snowmobile rail crossing, except
25 that the department shall not require the snowmobile organization to maintain in

1 effect liability insurance to indemnify the applicable rail authority for injuries
2 sustained by a person engaged in a recreational activity, if the rail authority would
3 be immune from liability for those injuries under s. 895.52. Regardless of the number
4 of established snowmobile rail crossings and snowmobile rail crossings under s.
5 350.138 that each snowmobile organization maintains, the amount of the liability
6 insurance that is required to be maintained under this paragraph shall be at least
7 ~~\$1,000,000~~ \$2,000,000 for each snowmobile organization. ~~Beginning on January 1,~~
8 ~~1997, this minimum amount shall increase to \$2,000,000~~ The snowmobile
9 organization shall designate the applicable rail authority as a named insured on the
10 policy. Any liability insurance that is required under this paragraph for the purpose
11 of indemnifying a rail authority that is a rail transit body shall also indemnify the
12 owners and operators of any railroad using the tracks of the rail transit body.
13 Annually, beginning on the first day of the 3rd month beginning after the effective
14 date of this paragraph [revisor inserts date], each snowmobile organization that
15 is required to maintain liability insurance under this paragraph shall furnish proof
16 of that insurance to the applicable rail authority and to the department.

17 **SECTION 79.** 350.139 (5) of the statutes is amended to read:

18 350.139 (5) **INSPECTION AUTHORIZED.** The department or the office of the
19 commissioner of railroads may inspect an established snowmobile rail crossing to
20 determine whether the snowmobile organization maintaining the crossing is in
21 compliance with the requirements imposed under sub. (4).

22 **SECTION 80.** 350.1395 (title) of the statutes is amended to read:

23 **350.1395 (title) Snowmobile rail crossings; closing and removal; review**
24 **of rail authorities; insurance rules.**

25 **SECTION 81.** 350.1395 (1) (a) of the statutes is repealed.

1 **SECTION 82.** 350.1395 (2) (a) of the statutes is amended to read:

2 350.1395 (2) (a) ~~Except as provided in par. (b), no A~~ rail authority may close
3 or remove a snowmobile rail crossing subject to a permit under s. 350.138 or an
4 ~~established snowmobile rail crossing if it enters into a written agreement with~~
5 ~~the~~ ^a snowmobile organization under which the snowmobile organization agrees to allow
6 the rail authority to close or remove the snowmobile rail crossing. Each rail authority
7 that enters into a written agreement with a snowmobile organization ~~that holds a~~
8 ~~permit under s. 350.138 or that maintains an established snowmobile rail crossing~~
9 ~~under s. 350.138~~ ^{under this paragraph} to close or remove a snowmobile rail crossing shall notify the
10 department of the agreement and that the snowmobile rail crossing has been closed
11 or removed.

12 **SECTION 83.** 350.1395 (2) (b) of the statutes is renumbered 350.1395 (2) (b) 1.
13 and amended to read:

14 350.1395 (2) (b) 1. A rail authority may petition the department to review any
15 failure of a snowmobile organization to comply with any requirements imposed
16 under s. 350.138 or 350.139 (4), and to issue an order authorizing authorize the rail
17 authority to close or remove an established a snowmobile rail crossing. The
18 department shall decide the matter after notice and hearing. The order issued by the
19 department is a final order of the department subject to judicial review under ch. 227
20 rail authority may file a petition under this subdivision without requesting or
21 obtaining a written agreement from the snowmobile organization to close or remove
22 the snowmobile rail crossing.

23 **SECTION 84.** 350.1395 (2) (b) 2. of the statutes is created to read:

24 350.1395 (2) (b) 2. The department shall hold a hearing on a petition filed under
25 subd. 1. after giving notice of the hearing to the rail authority, the snowmobile

that holds a permit under s. 350.138 or that maintains
an established snowmobile rail crossing under s. 350.139

1 organization, and the office of the commissioner of railroads. The hearing shall be
2 a contested case hearing under ch. 227. The department's order shall be a final order
3 subject to judicial review under ch. 227.

4 **SECTION 85.** 350.1395 (2) (b) 3. of the statutes is created to read:

5 350.1395 (2) (b) 3. The department shall grant a rail authority's petition under
6 subd. 2. to close or remove a snowmobile rail crossing if, after a hearing under subd.
7 2., and after giving substantial weight to the office of the commissioner of railroads'
8 testimony or report given under s. 195.03 (30) (b), the department finds that any of
9 the following applies:

10 a. The snowmobile rail crossing has not been maintained for use for at least 5
11 winters in the 10 years preceding the year in which the petition was filed.

12 b. The snowmobile rail crossing poses a substantial danger to public safety.

13 c. Another snowmobile rail crossing is located near the snowmobile rail
14 crossing that is the subject of the petition and the other snowmobile rail crossing
15 provides a crossing for snowmobiles that is adequate and accessible.

16 d. The snowmobile rail crossing has a substantial adverse effect on the
17 operations of the rail authority.

18 **SECTION 86.** 350.1395 (3) of the statutes is amended to read:

19 350.1395 (3) REVIEW OF ACTIONS OF RAIL AUTHORITY. A snowmobile organization
20 may request the department to review any failure of ^athe rail authority, and ^athe rail
21 authority may request the department to review any failure of a snowmobile
22 organization, to comply with s. 350.138 or 350.139 or, this section, or rules
23 promulgated under these sections or s. 350.137. The department shall decide the
24 matter after notice and a contested case hearing. If the department finds that the
25 rail authority or snowmobile organization failed to comply with s. 350.138 or

1 350.139, this section, or rules promulgated under these sections or s. 350.137, the
2 department shall issue an order directing the rail authority or snowmobile
3 organization to take appropriate action in order to comply with ~~this~~ that section. The
4 order issued by the department is a final order of the department subject to judicial
5 review under ch. 227.

6 **SECTION 87.** 350.1395 (4) (b) of the statutes is amended to read:

7 350.1395 (4) (b) ~~No rule may be promulgated~~ The department may not
8 promulgate a rule under this subsection without approval of the rule by the public
9 service commission first consulting with each rail authority in this state, that has
10 furnished the department with the information required under s. 350.138 (2m), an
11 established snowmobile association that represents snowmobile clubs, as defined in
12 s. 350.138 (1) (e), in this state, and the office of the commissioner of railroads.

13 **SECTION 88.** 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 9137. Nonstatutory provisions; natural resources.**

17 (1) SNOWMOBILE REGISTRATION FEE STUDY. The department of natural resources
18 shall conduct a study on alternative snowmobile registration fee schedules,
19 including schedules that are based on the size and value of snowmobiles. The
20 department shall prepare a report containing the results of the study before October
21 1, 2002, and shall submit the report to the legislature in the manner provided section
22 13.172 (2) of the statutes.

23 **SECTION 9337. Initial applicability; natural resources.**

24 (1) ODOMETERS AND HOUR METERS ON SNOWMOBILES, ALL-TERRAIN VEHICLES, AND
25 BOATS. The treatment of sections 100.48 (1) (b), (2), and (3) (a) and 347.415 (1), (1g),

1 and (2) of the statutes first applies to offenses committed on the effective date of this
2 subsection.

3 (END)

Kite, Robin

From: Grinde, Kirsten
Sent: Monday, January 08, 2001 7:01 PM
To: Gibson-Glass, Mary; Kite, Robin
Subject: LRB-0507/1 -- Snowmobile Program Changes

Mary and Robin,

Please make the following changes to LRB-0507/1:

- Retain only the language associated with the fee increases.
- Modify the fee increase language to make the fees for:
 - ✓ public use fee to be \$30, rather than \$40
 - ✓ commercial certificate to be \$90, rather than \$120; with the fee for additional reflectorized plates to be \$30
 - ✓ trail use sticker to be \$17.25, rather than \$19.25
- ✓ • Modify Section 54 (page 19, line 10) to change the \$10 to \$15.
- Remove Section 9137 (page 30, lines 16-22) relating to a snowmobile registration fee study.

Let me know if you have any questions.

Thanks,

Kirsten

State Budget Office
Department of Administration
101 E. Wilson St., 10th floor
Madison, WI 53707-7864

voice: (608) 266-7973
fax: (608) 267-0372
e-mail: kirsten.grinde@doa.state.wi.us