

soon

D-Note

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

FOR 2001-03 BUDGET NOT READY FOR INTRODUCTION

DON'T  
GEN. CAT.

1 AN ACT ...; 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

*Under current law, DNR administers a registration program for snowmobiles. This*

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.

*These laws and the laws*  
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.

The bill requires that ~~one~~ of each ~~two~~ 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

\$15

The bill also increases the fee for a trail use sticker from \$12.25 to \$17.25.

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.

~~Under~~ 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~~ \$30.

~~Under~~ 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 ~~\$100~~ \$90.

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

→ If current law requires DNR, when it issues a commercial snowmobile certificate, to issue ~~3~~ <sup>three</sup> reflectorized plates. This bill raises the fee for additional reflectorized <sup>plates</sup> from \$20 to \$30 per plate.

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 or 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  
9 his 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~~ <sup>\$30</sup> 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~~ <sup>\$90</sup> 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~~<sup>\$30</sup> 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~~<sup>\$17.25</sup> ~~\$10.25~~. 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~~ <sup>\$15</sup> (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 provided to the

1 applicable rail authority a written offer to discuss the advisability and feasibility of  
2 the proposed rail crossing.

3 2. The applicant furnished the department with a copy of the written offer  
4 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., 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  
24 judicial review under ch. 227.

25 **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 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 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 snowmobile rail crossing  
24 or the site of a snowmobile rail crossing for which a permit has been issued to

1 determine whether there are grounds to refuse to issue a permit under sub. (4) or to  
2 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 a~~  
5        ~~snowmobile organization that holds a permit under s. 350.138 or that maintains an~~  
6        ~~established snowmobile rail crossing under s. 350.139 under which the snowmobile~~  
7        ~~organization agrees to allow the rail authority to close or remove the snowmobile rail~~  
8        ~~crossing. Each rail authority that enters into a written agreement with a~~  
9        ~~snowmobile organization under this paragraph to close or remove a snowmobile rail~~  
10       ~~crossing shall notify the department of the agreement and that the snowmobile rail~~  
11       ~~crossing has been closed 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 (1), 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~~

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 the a rail authority, and a 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)

0507/2  
RNK:Kurg

Kirsten Grinde:

I retained the proposed amendment to s. 25.29(1)(d)1. in this redraft. Is this consistent with your intent?

RNK



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

LRB-0507/2dn  
MGG&RNK.kg.pg

January 9, 2001

Kristen Grinde:

I retained the proposed amendment to s. 25.29 (1) (d) 1. in this redraft. Is this consistent with your intent?

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

## Kite, Robin

---

**From:** Grinde, Kirsten  
**Sent:** Tuesday, January 09, 2001 6:41 PM  
**To:** Kite, Robin  
**Subject:** LRB-0507/2

Robin,

In response to your drafter's note question on s. 25.29(1)(d), no, the Governor did not intend to include the change to March. Please remove that section.

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](mailto:kirsten.grinde@doa.state.wi.us)

soon

RmR  
/3

2001 - 2002 LEGISLATURE

LRB-05076  
MGG&RNK:kg:pg

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

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

DON'T  
GEN. CAT.

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

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**RECREATION**

Under current law, DNR administers a registration program for snowmobiles. This bill requires that \$15 of each 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. The bill also increases the fee for a trail use sticker from \$12.25 to \$17.25.

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 \$30.

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 \$90.

Current law requires DNR, when it issues a commercial snowmobile certificate, to issue three reflectorized plates. This bill raises the fee for additional reflectorized plates from \$20 to \$30 per plate. registration

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

13           350.12 (3) (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person  
14 may operate and no owner may give permission for the operation of any snowmobile  
15 within this state unless the snowmobile is registered for public use or private use  
16 under this paragraph or s. 350.122 or as an antique under par. (b) and has the  
17 registration decals displayed as required under sub. (5) or s. 350.122 or unless the  
18 snowmobile has a reflectorized plate attached as required under par. (c) 3. A

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

14 **SECTION 4.** 350.12 (3) (c) 2. of the statutes is amended to read:

15 350.12 (3) (c) 2. The fee for issuing or renewing a commercial snowmobile  
16 certificate is ~~\$60~~ \$90. Upon receipt of the application form required by the  
17 department and the fee required under this subdivision, the department shall issue  
18 to the applicant a commercial snowmobile certificate and 3 reflectorized plates. The  
19 fee for additional reflectorized plates is ~~\$20~~ \$30 per plate.

20 **SECTION 5.** 350.12 (3j) (b) of the statutes is amended to read:

21 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is  
22 exempt from registration under sub. (2) (b) or (bn) is ~~\$12.25~~ \$17.25. A trail use  
23 sticker issued for such a snowmobile may be issued only by the department and  
24 persons appointed by the department and expires on June 30 of each year.

25 **SECTION 6.** 350.12 (4) (b) (intro.) of the statutes is amended to read:





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0507/3  
MGG&RNK:kg:kjf

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

---

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**RECREATION**

Under current law, DNR administers a registration program for snowmobiles. This bill requires that \$15 of each 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. The bill also increases the fee for a trail use sticker from \$12.25 to \$17.25.

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 \$30.

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 \$90.

Current law requires DNR, when it issues a commercial snowmobile registration certificate, to issue three reflectorized plates. This bill raises the fee for additional reflectorized plates from \$20 to \$30 per plate.

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

7           350.12 (3) (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person  
8 may operate and no owner may give permission for the operation of any snowmobile  
9 within this state unless the snowmobile is registered for public use or private use  
10 under this paragraph or s. 350.122 or as an antique under par. (b) and has the  
11 registration decals displayed as required under sub. (5) or s. 350.122 or unless the  
12 snowmobile has a reflectorized plate attached as required under par. (c) 3. A  
13 snowmobile that is not registered as an antique under par. (b) may be registered for  
14 public use. A snowmobile that is not registered as an antique under par. (b) and that  
15 is used exclusively on private property, as defined under s. 23.33 (1) (n), may be  
16 registered for private use. A snowmobile public-use registration certificate is valid  
17 for 2 years beginning on the July 1 prior to the date of application if registration is  
18 made prior to April 1 and beginning on the July 1 subsequent to the date of



1 application if registration is made after April 1 and ending on June 30, 2 years  
2 thereafter. A snowmobile private-use registration certificate is valid from the date  
3 of issuance until ownership of the snowmobile is transferred. The fee for the issuance  
4 or renewal of a public-use registration certificate is ~~\$20~~ \$30, except that the fee is  
5 \$5 if it is a snowmobile owned and operated by a political subdivision of this state.  
6 There is no fee for the issuance of a private-use registration certificate or for the  
7 issuance of a registration certificate to the state.

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

9 350.12 (3) (c) 2. The fee for issuing or renewing a commercial snowmobile  
10 certificate is ~~\$60~~ \$90. Upon receipt of the application form required by the  
11 department and the fee required under this subdivision, the department shall issue  
12 to the applicant a commercial snowmobile certificate and 3 reflectorized plates. The  
13 fee for additional reflectorized plates is ~~\$20~~ \$30 per plate.

14 **SECTION 4.** 350.12 (3j) (b) of the statutes is amended to read:

15 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is  
16 exempt from registration under sub. (2) (b) or (bn) is ~~\$12.25~~ \$17.25. A trail use  
17 sticker issued for such a snowmobile may be issued only by the department and  
18 persons appointed by the department and expires on June 30 of each year.

19 **SECTION 5.** 350.12 (4) (b) (intro.) of the statutes is amended to read:

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

1           **SECTION 6.** 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1. and  
2 amended to read:

3           350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the  
4 department shall make available in fiscal year ~~1992-93~~ 2001-02 and each fiscal year  
5 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make  
6 payments to the department or a county under par. (bm) for trail maintenance costs  
7 incurred in the previous fiscal year that exceed the maximum specified under par.  
8 (b) 1. before expending any of the amount for the other purposes specified in par. (b).

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

10           350.12 (4) (bg) 2. For fiscal year 2001-02, and for each fiscal year thereafter,  
11 the department shall calculate an amount equal to the number of trail use stickers  
12 issued under sub. (3j) in the previous fiscal year multiplied by \$15 and shall credit  
13 this amount to the appropriation account under s. 20.370 (5) (cw). From the  
14 appropriation under s. 20.370 (5) (cw), the department shall make payments to the  
15 department or a county for the purposes specified in par. (b). The department shall  
16 make payments under par. (bm) for trail maintenance costs that were incurred in the  
17 previous fiscal year and that exceed the maximum specified under par. (b) 1. before  
18 making payments for any of the other purposes specified in par. (b).

19

(END)