

May 6, 1999

Robert Ballschmider  
409 Geele Avenue  
Sheboygan, WI 53083

Dear Mr. Ballschmider:

Thank you for requesting legislation relating to malfunctioning mufflers on motorcycles. I have drafted the enclosed piece of legislation that would increase the fine for operating a motorcycle without a functioning muffler to not less than \$100 nor more than \$300.

Please take a moment to review the draft and let me know if it meets with your approval. You can contact me through my toll-free number 1-888-295-8750. If the bill draft is acceptable I will introduce it at your request.

Sincerely,

Jim Baumgart  
State Senator  
9<sup>th</sup> Senate District

JB/ph

Joe Nassi  
50-200

Mini dep \$75 122.90

Subst. Council 147.80

90-196.70

Dep. \$17 - \$30

\$209.

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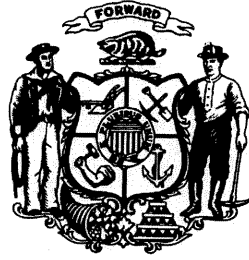
5/10-25, \$75 Subst.

Prng.

Risin  
+  
Stone

add on's

SB222



August 5, 1999

TO: ALL LEGISLATORS  
FROM: SENATOR JIM BAUMGART  
RE: COSPONSORING LRB 1953/2 – relating to malfunctioning mufflers on motorcycles.

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This legislation would increase the fine for operating a motorcycle without a functioning muffler. The current fine is not less than \$10 nor more than \$200. This bill raises the forfeiture to not less than \$100 nor more than \$300. I am introducing this bill at the request of a constituent in order to improve compliance with the requirements for operating a motorcycle. It has been over 30 years since the last increase of this fine.

If you would like to sign on to **LRB 1953/2**, please call my office at **6-2056** by **August 13, 1999**.

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*Analysis by the Legislative Reference Bureau*

Under current law, a person who operates a motorcycle without a functioning muffler may be required to pay a forfeiture of not less than \$10 nor more than \$200. This bill raises the forfeiture for operating a motorcycle without a functioning muffler to not less than \$100 nor more than \$300.

Send short letter to  
Bob BALLS chmidea  
409 GEECE AVE  
SHEB. 53081

Data Report:

~~And A~~

My office did some  
research on motorcycles  
and the requirements for  
mufflers. enclosed is a short  
"Memorandum" of information  
dealing with mufflers. That  
you may find of interest.

~~What~~ The ~~Law~~ Law

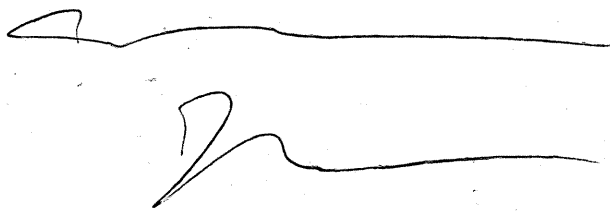
clearly require mufflers ~~and~~  
if the noise is <sup>still</sup> ~~still~~ too  
~~offensive to people~~  
high, they can request that  
their local unit of government  
set noise levels that are  
acceptable to the community.

\*  ~~fines can be imposed if~~  
for motorcycles and fines  
can be imposed ~~to~~ those  
with lack of mufflers or  
none at all

—

~~E AM~~

My ~~att~~ staff is checking  
with to find out how long  
the minimum time has been  
on the books. We ~~are~~ <sup>will</sup> also  
contact the ~~Department~~ Wisconsin  
of Transportation to see if  
they will support raising  
the ~~time and~~ minimum  
time and, if so, ~~how much~~



MEMORANDUM

TO: REP. JIM BAUMGART  
FROM: BILL OF STAFF  
DATE: DECEMBER 9, 1998  
RE: MOTORCYCLES, MOTORBIKES, MOPEDS/MUFFLERS

*New  
Uniform Deposit  
Foreclosure is  
\$30 -  
Fid  
1974 \$40  
\$50  
Actual  
\$166.90*

1. Under ss347.486(3) Motorcycles MUST HAVE functioning mufflers. The penalty for not having a functioning muffler OR NO MUFFLER is between \$10 and \$200.
2. There are no laws governing mufflers on Motorbikes.
3. Mopeds under ss347.488 MUST HAVE mufflers that meet federal noise and pollution regulations, and old mufflers can not be replaced by a muffler not equal to the one required under federal regulations at the time of being manufactured.
4. EXTRA NOTE: NOISE LEVEL RESTRICTIONS ARE LOCAL REQUIREMENTS AS PERMITTED UNDER ss349.135.

Information provided by Bill Ford, Legislative Council Counsel to the Assembly Committee on Transportation and Highways.

*30 166.90  
50 -*

Bicc: 12-6-78

MOTORCYCLE NOISE  
CONVINC

WHAT IS THE

CAUSE - CAN MOTORBIKES

LEGALLY TAKE OFF  
MUTTERS? ETC?

Jim

Joe Maassen 6-7364

*[Faint mirrored text from the reverse side of the page]*

Bill Ford

Motorcycles

- Muffler requirements

\* 347.486(3)

must have muffler  
penalty:

\$10-200

Mopeds - must have

muffler - fed reg

347.488

Noise level restrictions

Gen. 346.94(16)

\* Local reg. 349.135

Admin. liability for violator

346.945



12-9-94

Bill:

Find out how long  
the \$10 fine has been  
on the books. See if DOT  
would accept a bill to  
raise the minimum to  
\$25 or \$30

if so, please have drafted

Bob Robert  
BALLSMIDAL (sp)  
BALLSCHMIDEN  
409 Geale Ave.

10-50  
116 B200+

At Request

8 39

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FAX TRANSMISSION REPORT  
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DATE: 12/10

NUMBER OF PAGES INCLUDING THIS PAGE: 2

PLEASE DELIVER THIS TRANSMISSION TO:

NAME: Bill Cross

ORGANIZATION: Rep. Baumgart

TELEPHONE NO.: \_\_\_\_\_ FAX NO.: 6-7038

FROM: Joe M

NAME: \_\_\_\_\_  
WISCONSIN DEPARTMENT OF TRANSPORTATION - OFFICE OF GENERAL COUNSEL  
P.O. BOX 7910, MADISON, WI 53707-7910  
PHONE: (608) 266-8810 FAX: (608) 267-6734

MESSAGE: \_\_\_\_\_  
\_\_\_\_\_

*LRB Drafter Paul Nilsen  
261-6926*

*Increase min fine (\$10 → \$30) for  
faculty muffers*

**SECTION I**

	<u>DEP</u>	<u>PA</u>	<u>JA</u>	<u>JIF/ CSF*</u>	<u>CC</u>	<u>TOTAL*</u>	<u>DP</u>
347.42 1st offense (150-600) .....	150.00	34.50	10.00	45.00	25.00	264.50	
347.43 (1) Wiper violations (10-200) .....	30.00	6.90	10.00	45.00	25.00	116.90	2
347.43 (2) Driving vehicle w/o safety glass (10-200) .....	30.00	6.90	10.00	45.00	25.00	116.90	
347.44 Sell vehicle w/o safety glass (10-200) .....	30.00	6.90	10.00	45.00	25.00	116.90	
347.45 School bus painting/flashing red signal/unlawful painting violations (10-200) .....	50.00	11.50	10.00	45.00	25.00	141.50	
347.455 Improper/prohibited tire equipment (10-200) .....	30.00	6.90	10.00	45.00	25.00	116.90	
347.46 Modification to height of vehicles (10-200) .....	50.00	11.50	10.00	45.00	25.00	141.50	
347.47 No fenders/mudguards on truck (10-200) .....	50.00	11.50	10.00	45.00	25.00	141.50	2
347.48 (1), (2) Improper drawbar/trailer hitch/mobile home coupling (10-200) .....	50.00	11.50	10.00	45.00	25.00	141.50	2
347.48 (2m) Violation of safety belt requirements (10-200) ..	20.00	4.60	10.00	45.00	25.00	104.60	
(10) Mandatory seatbelts required for driver, passengers and persons at least 4 yrs. of age .....	10.00					10.00	

347.48 (4) Violations of safety belt requirements by a person in a motor vehicle (as below)							
NOTE: Use full statutory reference:							
347.48 (4)(a)1 - Child under 4 yrs. (30-75) .....	30.00	6.90	10.00	45.00	25.00	116.90	
347.48 (4)(a)2 - 4 yrs. but less than 8 yrs. (10-25) .....	10.00	2.30	10.00	45.00	25.00	92.30	
347.48 (4)(a)2 - Second offense, w/in 3 yrs. for child 4-8 only (25-200) .....	50.00	11.50	10.00	45.00	25.00	141.50	
347.48 (4)(a)2 - Three or more offenses, w/in 3 yrs. for child 4-8 only (25-200) .....	100.00	23.00	10.00	45.00	25.00	203.00	
347.485 Violation of motorcycle head/eye protective gear regulations (10-200) .....	30.00	6.90	10.00	45.00	25.00	116.90	Head-0 Eye-2
347.486 (1) Unlawfully high motorcycle handlebars (10-200) .....	30.00	6.90	10.00	45.00	25.00	116.90	
347.486 (2) Defective MC handlebars (10-200) .....	30.00	6.90	10.00	45.00	25.00	116.90	2
347.486 (3) No functioning muffler on MC (10-200) .....	30.00	6.90	10.00	45.00	25.00	116.90	
347.487 Unlawful MC riding/seating equipment (10-200) . (section coded IE is 0 points) .....	30.00	6.90	10.00	45.00	25.00	116.90	2 or 0
347.488 Moped equipment (10-200) .....	50.00	11.50	10.00	45.00	25.00	141.50	2
347.489 Lamps and other equipment on bicycles or motor bicycles (0-20) .....	20.00	4.60	10.00	45.00	25.00	104.60	3 or 0
(only bicycle violations are 0 demerit points)							
347.49 (2) Unlawful transporting of flammable liquids (10-200) ..	50.00	11.50	10.00	45.00	25.00	141.50	

**CHAPTER 348 - SIZE, WEIGHT & LOAD:**

\* Municipal court costs totals are provided at the back of the book.  
 \* An additional \$2.00 is added for violations in Milwaukee County returnable to circuit court.