

2003 ASSEMBLY BILL 630

October 29, 2003 – Introduced by Representatives PETTIS, LEMAHIEU, BIES, GUNDERSON, TOWNS, VAN ROY, OTT, HAHN, HINES, SERATTI and WEBER, cosponsored by Senators HARSDORF, LASSA and STEPP. Referred to Committee on Tourism.

1 **AN ACT** *to repeal* 350.02 (2) (b) 6.; *to renumber* 100.48 (1) (a); *to renumber and*
2 *amend* 347.415 (1); *to amend* 25.29 (1) (d) 1., 100.48 (1) (b), 100.48 (2), 100.48
3 (3) (a), 100.48 (4) (a), 100.48 (4) (b), 347.415 (4), 347.50 (1), 347.50 (2), 350.02
4 (2) (a) 6., 350.02 (3m) and 350.12 (3) (a) 2.; and *to create* 100.48 (1) (ad), 100.48
5 (1) (ag), 100.48 (1) (c), 100.48 (4) (c), 347.415 (1g), 350.02 (2m), 350.035 and
6 350.15 (6) of the statutes; **relating to:** calculating the estimated snowmobile
7 gas tax payment; operation of snowmobiles by law enforcement officers on
8 highways; operation of snowmobiles proceeding in opposite directions or in
9 excess of roadway speed limits; tampering with odometers of snowmobiles and
10 all-terrain vehicles and with hour meters of boats, snowmobiles, and
11 all-terrain vehicles; transfer of snowmobile registration certificates;
12 exempting accidents occurring in certain snowmobile races or derbies from

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1 requirements to render aid and from reporting and investigation requirements;
2 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill consists of various changes to current law governing the operation of snowmobiles, equipment on snowmobiles, snowmobile registration certificates, snowmobile derbies and races, and funding for snowmobile trail, safety, and enforcement costs. The changes include the following:

1. The bill provides that a person operating a snowmobile on or adjacent to any roadway must observe the roadway speed limit unless the person is operating the snowmobile as part of a snowmobile special event authorized by the local governmental unit having jurisdiction over the roadway. Under current law, a person operating a snowmobile adjacent to a roadway or on certain roadways that are open to snowmobiles for access to lodging or residences must observe the roadway speed limits.

2. 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.

3. The bill prohibits any person from knowingly interfering with the proper operation of the odometer of a snowmobile or all-terrain vehicle. 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.

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:

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

4 25.29 (1) (d) 1. An amount calculated by multiplying the number of
5 snowmobiles registered under s. 350.12 or 350.122 on the last day of ~~February~~ March
6 of the previous fiscal year by 50 gallons and multiplying that product by the excise

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1 tax imposed under s. 78.01 (1) on the last day of ~~February~~ March of the previous fiscal
2 year.

3 **SECTION 2.** 100.48 (1) (a) of the statutes is renumbered 100.48 (1) (am).

4 **SECTION 3.** 100.48 (1) (ad) of the statutes is created to read:

5 100.48 (1) (ad) “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

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

7 100.48 (1) (ag) “Boat” has the meaning given in s. 30.50 (2).

8 **SECTION 5.** 100.48 (1) (b) of the statutes is amended to read:

9 100.48 (1) (b) “Hour meter” means an instrument ~~on a piece of farm equipment~~
10 that measures and records the actual hours of operation of the ~~piece of farm~~
11 ~~equipment~~ vehicle or device to which the instrument is attached.

12 **SECTION 6.** 100.48 (1) (c) of the statutes is created to read:

13 100.48 (1) (c) “Snowmobile” has the meaning given in s. 350.01 (12).

14 **SECTION 7.** 100.48 (2) of the statutes is amended to read:

15 100.48 (2) No person may, either personally or through an agent, remove,
16 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
17 attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat with the
18 intent to defraud by changing or affecting the number of hours of operation indicated
19 on the hour meter.

20 **SECTION 8.** 100.48 (3) (a) of the statutes is amended to read:

21 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
22 replacement of an hour meter if the number of hours of operation indicated on the
23 hour meter remains the same as before the service, repair or replacement. If an hour
24 meter attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat
25 is incapable of registering the same number of hours of operation as before its service,

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1 repair or replacement, the hour meter shall be adjusted to read zero, and a sticker
2 shall be affixed by the owner of the ~~piece of farm equipment~~ vehicle or device to which
3 the hour meter is attached or an agent, in proximity to the hour meter, specifying the
4 number of hours of operation recorded on the hour meter prior to its service, repair
5 or replacement and the date on which it was serviced, repaired or replaced. No
6 person who services, repairs or replaces an hour meter attached to farm equipment,
7 a snowmobile, an all-terrain vehicle, or a boat that is incapable of registering the
8 same number of hours of operation as before such service, repair or replacement may
9 fail to adjust the hour meter to read zero or fail to affix the sticker required by this
10 paragraph.

11 **SECTION 9.** 100.48 (4) (a) of the statutes is amended to read:

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

15 **SECTION 10.** 100.48 (4) (b) of the statutes is amended to read:

16 100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter
17 attached to farm equipment may be required to forfeit not more than \$500 for each
18 violation.

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

20 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
21 meter attached to a snowmobile, an all-terrain vehicle, or a boat may be fined not
22 more than \$5,000 or imprisoned for not more than one year in the county jail, or both,
23 for each violation.

24 **SECTION 12.** 347.415 (1) of the statutes is renumbered 347.415 (1m) and
25 amended to read:

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

5 **SECTION 13.** 347.415 (1g) of the statutes is created to read:

6 347.415 **(1g)** In this section, “odometer” means an instrument for measuring
7 and recording the actual distance that a motor vehicle, snowmobile, or all-terrain
8 vehicle has traveled while in operation, but does not include any auxiliary
9 instrument designed to be reset to zero to measure and record the actual distance
10 that a motor vehicle, snowmobile, or all-terrain vehicle has traveled on trips.

11 **SECTION 14.** 347.415 (4) of the statutes is amended to read:

12 347.415 **(4)** No person shall conspire with any other person to violate sub. ~~(1)~~
13 (1m), (2) or (3).

14 **SECTION 15.** 347.50 (1) of the statutes is amended to read:

15 347.50 **(1)** Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s.
16 347.415 ~~(1)~~ (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.475 or s. 347.48 (2m) or
17 (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200.

18 **SECTION 16.** 347.50 (2) of the statutes is amended to read:

19 347.50 **(2)** Any person violating s. 347.415 ~~(1)~~ (1m), (2), and (3) to (5) or 347.475
20 may be fined not more than \$5,000 or imprisoned for not more than one year in the
21 county jail, or both, for each violation.

22 **SECTION 17.** 350.02 (2) (a) 6. of the statutes is amended to read:

23 350.02 **(2)** (a) 6. On a portion of the roadway or shoulder of a highway for a
24 purpose of residential access or for the purpose of access from lodging if the town, city
25 or village, within which that portion of the highway lies, enacts an ordinance under

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1 s. 350.18 (3) for that portion of the highway. ~~A snowmobile operated on a portion of~~
2 ~~the roadway or shoulder of a highway under this subdivision shall observe roadway~~
3 ~~speed limits.~~

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

5 **SECTION 19.** 350.02 (2m) of the statutes is created to read:

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

10 **SECTION 20.** 350.02 (3m) of the statutes is amended to read:

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

15 **SECTION 21.** 350.035 of the statutes is created to read:

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

18 **SECTION 22.** 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 time of sale, deliver the assigned certificate to the
22 purchaser.

23 **SECTION 23.** 350.15 (6) of the statutes is created to read:

24 350.15 **(6)** EXCEPTION. This section does not apply to snowmobile accidents that
25 occur during a sanctioned race or derby.

