ASSEMBLY BILL 592 (LRB -3284)

An Act to amend 25.40 (1) (a) 3., 84.59 (2) (b), 341.10 (6), 341.27 (1) and 347.02 (5); and to create 341.10 (6m), 341.14 (4u) and 341.269 of the statutes; relating to: registration of former military vehicles. (FE)

2009

11-20.	A.	Introduced by Representatives **Zigmunt**, **Steinbrink**, **Soletski**, **Berceau**, **Brooks**, **Clark**, **Colon**, **Danou**, **Davis**, **Hraychuck**, **Jorgensen**, **Kerkman**, **Kleefisch**, **Knodl**, **Lothian**, **Molepske Jr.**, **Pasch**, **Petersen**, **Pope-Roberts**, **Ripp**, **Schneider**, **Sinicki**, **Strachota**, **Suder**, **Townsend**, **Turner**, **Van Roy**, **Vruwink**, **M. Williams** and **Ziegelbauer**; cosponsored by Senators **Hansen**, **Plale**, **Holperin**, **Hopper**, **A. Lasee**, **Taylor** and **Wirch**.
11-20.	A.	Read first time and referred to committee on Transportation 527
12-03.	A.	Public hearing held.
12-14.	A.	Fiscal estimate received.

2010

02-11.	A.	Executive action taken.
02-17.	A.	Report passage recommended by committee on Transportation, Ayes 12, Noes 0 666
02-17.	A.	Referred to committee on Rules 666
02-17.	A.	Placed on calendar 2-23-2010 by committee on Rules.
02-23.	A.	Rules suspended to withdraw from calendar and take up 681
02-23.	A.	Read a second time 681
02-23.	A.	Ordered to a third reading 681
02-23.	A.	Rules suspended 681
02-23.	A.	Read a third time and **passed** 681
02-23.	A.	Ordered immediately messaged 681
02-23.	S.	Received from Assembly.
02-23.	S.	Rules suspended to withdraw from committee on Senate Organization and take up.
02-23.	S.	Read a second time.
02-23.	S.	Ordered to a third reading.
02-23.	S.	Rules suspended.
02-23.	S.	Read a third time and **concurred in**, Ayes 32, Noes 0.
02-23.	S.	Ordered immediately messaged.
02-23.	A.	Received from Senate concurred in 681

LP

2009
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 09 3284 / 4

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

2-24-10
Date

Enrolling Drafter

[rev: 1/6/09 2009enroll(fm)]

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB–3284/4
ARG:bjk:md

2009 ASSEMBLY BILL 592

November 20, 2009 – Introduced by Representatives ZIGMUNT, STEINBRINK, SOLETSKI, BERCEAU, BROOKS, CLARK, COLON, DANOU, DAVIS, HRAYCHUCK, JORGENSEN, KERKMAN, KLEEFISCH, KNODL, LOTHIAN, MOLEPSKE JR., PASCH, PETERSEN, POPE-ROBERTS, RIPP, SCHNEIDER, SINICKI, STRACHOTA, SUDER, TOWNSEND, TURNER, VAN ROY, VRUWINK, M. WILLIAMS and ZIEGELBAUER, cosponsored by Senators HANSEN, PLALE, HOLPERIN, HOPPER, A. LASEE, TAYLOR and WIRCH. Referred to Committee on Transportation.

1 AN ACT ***to amend*** 25.40 (1) (a) 3., 84.59 (2) (b), 341.10 (6), 341.27 (1) and 347.02
2 (5); and ***to create*** 341.10 (6m), 341.14 (4u) and 341.269 of the statutes;
3 **relating to:** registration of former military vehicles.

Analysis by the Legislative Reference Bureau

Under current law, an owner of a motor vehicle that is of model year 1945 or earlier may register the vehicle as an antique vehicle. Antique vehicles may be driven only for special occasions such as display and parade purposes or for necessary testing, maintenance, and storage purposes. Also under current law, the Department of Transportation (DOT) must refuse registration of any vehicle that is originally designed and manufactured for off–highway operation unless the vehicle meets certain federal motor vehicle safety standards.

This bill allows former military vehicles to be registered in a manner similar to antique vehicles, with similar operating restrictions. The bill defines a former military vehicle as a vehicle, including a trailer but excluding a tracked vehicle, that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings, regardless of the vehicle's size or weight. A former military vehicle may be registered as a "historic military vehicle" if it is at least 25 years old and has been imported into the United States from another country or if it has not been imported and is of any age. It is the applicant's burden to show that a vehicle is eligible for registration as a historic military vehicle. DOT must issue for the vehicle special plates of a distinctive design that show that the vehicle is registered as a historic military vehicle. The applicant must pay a

one–time $5 registration fee and there is no fee for registration renewal. In addition, the applicant must pay a $25 processing fee, to cover the initial costs of production of special plates, until DOT has recovered $11,800 for its costs of plate development. However, if the vehicle is currently registered by DOT under another registration category, the vehicle may be registered as a historic military vehicle without payment of any fee.

The bill also prohibits DOT from registering any vehicle that was manufactured for use in any country's military forces and that does not meet federal motor vehicle safety standards. However, the bill allows DOT to register a former military vehicle as a historic military vehicle, or as a municipal or county vehicle operated in the public service, even if the vehicle was originally designed and manufactured for off–highway operation, does not meet federal motor vehicle safety standards, and was manufactured for use in a country's military forces.

For further information see the ***state*** 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.** 25.40 (1) (a) 3. of the statutes, as affected by 2009 Wisconsin Act 28,
2 section 669, is amended to read:

3 25.40 **(1)** (a) 3. Revenues collected under ss. 341.09 (2) (d), (2m) (a) 1., (4), and
4 (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1)
5 (a) and (b), (2), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and
6 (c), and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1),
7 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), <u>341.269 (2) (b),</u> 341.30 (3),
8 341.305 (3), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14
9 (1r), that are pledged to any fund created under s. 84.59 (2).

10 **SECTION 2.** 84.59 (2) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
11 section 1927, is amended to read:

12 84.59 **(2)** (b) The department may, under s. 18.562, deposit in a separate and
13 distinct special fund outside the state treasury, in an account maintained by a
14 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),

(2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.269 (2) (b), 341.30 (3), 341.305 (3), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r), and from any payments received with respect to agreements or ancillary arrangements entered into under s. 18.55 (6) with respect to revenue obligations issued under this section. The revenues deposited are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the revenues to the repayment of revenue obligations issued under this section. Revenue obligations issued for the purposes specified in sub. (1) and for the repayment of which revenues are deposited under this paragraph are special fund obligations, as defined in s. 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

SECTION 3. 341.10 (6) of the statutes is amended to read:

341.10 **(6)** The vehicle is originally designed and manufactured for off–highway operation unless the vehicle meets the provisions of s. 114 of the national traffic and motor vehicle safety act of 1966, as amended, except as otherwise authorized by the statutes. This subsection does not apply to former military vehicles, as defined in s. 341.269 (1), for which the department receives an application, and which are eligible, for registration under s. 341.269 or, with respect to a county or municipality, under s. 341.26 (2m).

SECTION 4. 341.10 (6m) of the statutes is created to read:

341.10 **(6m)** The vehicle was manufactured for use in any country's military forces and does not meet federal motor vehicle safety standards. This subsection

1 does not apply to former military vehicles, as defined in s. 341.269 (1), for which the
2 department receives an application, and which are eligible, for registration under s.
3 341.269 or, with respect to a county or municipality, under s. 341.26 (2m).

4 **SECTION 5.** 341.14 (4u) of the statutes is created to read:

5 341.14 **(4u)** For historic military vehicles as specified in s. 341.269. The special
6 plate for a historic military vehicle that is a motorcycle shall be the same size as the
7 usual registration plate for a motorcycle that is not a historic military vehicle.

8 **SECTION 6.** 341.269 of the statutes is created to read:

9 **341.269 Historic military vehicles; registration, plates, use. (1)** In this
10 section, "former military vehicle" means a vehicle, including a trailer but excluding
11 a tracked vehicle, that was manufactured for use in any country's military forces and
12 is maintained to accurately represent its military design and markings, regardless
13 of the vehicle's size or weight.

14 **(2)** (a) Any resident of this state who is the owner of a former military vehicle
15 that is at least 25 years old at the time of making application for registration and has
16 been imported into the United States from another country, or that is any age and
17 has not been imported into the United States, may upon application register the
18 vehicle under this section as a historic military vehicle upon payment of the fees
19 specified in par. (b). The applicant has the burden of providing evidence satisfactory
20 to the department that the vehicle may be registered under this section, including,
21 if applicable, providing documentation demonstrating that a former military vehicle
22 which is less than 25 years old was manufactured for U.S. military forces and was
23 never imported.

1 (b) 1. Except as provided in subd. 3., the fee to register a vehicle under this
2 section is $5. Upon application, the owner may reregister the vehicle under this
3 section without the payment of any additional fee.
4 2. Except as provided in subd. 3., in addition to the fee under subd. 1., an
5 applicant for initial registration under this section shall pay a one–time processing
6 fee of $25 for the initial costs of production of the special plates under par. (c).
7 3. The department may not collect any fee under subd. 1. or 2. if, at the time
8 of application for registration under this section, the vehicle is currently registered
9 under another provision of this chapter. The department shall cease collection of the
10 fee under subd. 2. when the department has collected a total of $11,800 from either,
11 or a combination of both, of the following sources:
12 a. The fee under subd. 2.
13 b. Any gift or contribution received by the department for purposes of funding
14 the initial costs of production of the special plates under par. (c).
15 (c) The department shall furnish the owner of the vehicle registered under this
16 section with registration plates of a distinctive design in lieu of the usual registration
17 plates, and those plates shall show that the vehicle is registered as a historic military
18 vehicle. The department shall specify the design for the registration plates furnished
19 under this paragraph after consulting with a group or organization chartered in this
20 state that is interested in historic military vehicles.
21 **(3)** A vehicle registered under this section may only be used for special
22 occasions such as display and parade purposes, including traveling to and from such
23 events, and for necessary testing, maintenance, and storage purposes.
24 **(4)** A motorcycle may be registered under this section if all of the requirements
25 for registration specified in this section are satisfied.

1 **(5)** Unless inconsistent with this section or s. 341.10 (6), the provisions
2 applicable to other motor vehicles apply to vehicles registered under this section as
3 historic military vehicles.

4 **SECTION 7.** 341.27 (1) of the statutes is amended to read:

5 341.27 **(1)** All automobiles, other than those that may be registered under s.
6 341.26 (2), 341.265, 341.266 ~~or~~, 341.268, or 341.269 or are required by s. 341.29 to be
7 registered on a calendar–year basis, shall be registered by the department according
8 to the system of registration prescribed by this section.

9 **SECTION 8.** 347.02 (5) of the statutes is amended to read:

10 347.02 **(5)** If a vehicle registered under s. 341.25 (1) (a), 341.265 ~~or~~, 341.266,
11 or 341.269 has equipment which was designated by the manufacturer as optional
12 equipment in the model year the vehicle was manufactured, it is not necessary for
13 such equipment to be in operating condition unless it replaces equipment which is
14 required by law to be both present and functioning.

15 **SECTION 9. Nonstatutory provisions.**

16 (1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes
17 effect in fiscal year 2010–11, in submitting information under section 16.42 of the
18 statutes for purposes of the 2011–13 biennial budget bill, the department of
19 transportation shall submit information concerning the appropriation under section
20 20.395 (5) (cq) of the statutes as though the total amount appropriated under section
21 20.395 (5) (cq) of the statutes for the 2010–11 fiscal year was $11,800 less than the
22 total amount that was actually appropriated under section 20.395 (5) (cq) of the
23 statutes for the 2010–11 fiscal year.

24 **SECTION 10. Fiscal changes.**

1 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
2 to the department of transportation under section 20.395 (5) (cq) of the statutes, as
3 affected by the acts of 2009, the dollar amount is increased by $11,800 for the fiscal
4 year in which this subsection takes effect to increase funding for special registration
5 plates associated with historic military vehicles.

6 **SECTION 11. Initial applicability.**

7 (1) This act first applies to applications received by the department of
8 transportation on the effective date of this subsection.

9 **SECTION 12. Effective date.**

10 (1) This act takes effect on the first day of the 7th month beginning after
11 publication.

12 **(END)**