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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (June/2012)

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 392

Relating to: registration of former military vehicles.

By Senators Erpenbach, Holperin, Grothman, Kedzie, S. Fitzgerald, Lassa, Taylor, Hansen, Harsdorf, Sullivan, Schultz and Kreitlow; cosponsored by Representatives Pope-Roberts, Berceau, Kerkman, Kestell, Townsend, Gunderson, Petersen, M. Williams, Mursau, Brooks and Ripp.

November 18, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

January 20, 2010 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Appearances For

- Julie Laundrie — on behalf of Senator Erpenbach
- Paul Underwood, Blue Mounds
- George Stauffer, Blue Mounds
- Jeff Rowsam, Denmark — Military Vehicle Collectors
- Chet Caine, Lowell

Appearances Against

- Paul Nilsen — WI DOT

Appearances for Information Only

- None.

Registrations For

- Don Meinhardt, Wyocena
- Glen Holcomb, Janesville
- Carolyn Simpson, McFarland
- Mike Furgal — VFW
- Tom Landman, Avoca
- Paul Treder, Janesville
- John Capin, Watertown
- Randy Gregory, Blanchardville

Registrations Against

- None.

Registrations for Information Only

- None.

February 4, 2010

EXECUTIVE SESSION HELD

Present: (6) Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Absent: (1) Senator Plale.

Moved by Senator Grothman, seconded by Senator Kedzie that **Senate Amendment 1** be recommended for adoption.

Ayes: (5) Senators Holperin, Sullivan, Hansen, Kedzie and Grothman.

Noes: (1) Senator Leibham.

Absent: (1) Senator Plale.

ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED, Ayes 5, Noes 1

Moved by Senator Grothman, seconded by Senator Kedzie that **Senate Amendment LRB 1471** be recommended for introduction and adoption.

Ayes: (5) Senators Holperin, Sullivan, Hansen, Kedzie and Grothman.

Noes: (1) Senator Leibham.

Absent: (1) Senator Plale.

INTRODUCTION AND ADOPTION OF SENATE AMENDMENT LRB 1471 RECOMMENDED, Ayes 5, Noes 1

Moved by Senator Kedzie, seconded by Senator Grothman that **Senate Bill 392** be recommended for passage as amended.

Ayes: (6) Senators Holperin, Sullivan, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

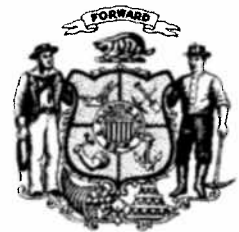
Absent: (1) Senator Plale.

PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 0

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE



Paul Underwood
1736 Barber Road
Blue Mounds, WI 53517

Liz:
File w/ bills. I'm guessing
this guy will show up @ the
public hearing. Dec. 9, 2009

Sen. Jim Holperin
Room 409 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Sen. Holperin,

I am writing today to express my thoughts about the two bills currently before your Committee which concern the registration of Ex-Military Vehicles. I hope you will take the time to review my concerns. If possible, I'd appreciate the opportunity to meet with you about this issue. My troubles with the DOT were the basis for the proposed bill which was introduced by Sen. Erpenbach (AB 589 & SB 392).

As background: I bought my 1976 Pinzgauer from a licensed Motor Vehicle dealer in 2002 as a vehicle to use for various utility functions. It is licensed as a class-C Light Truck and I have operated it without incident since then, with the following exception:

In September, 2007, DMV cancelled the title and registration of every Pinzgauer, citing s. 341.10(6), Wis. Stats., on the grounds that our vehicle was an ex-military vehicle which lacked a label certifying compliance with FMVSS (safety equipment requirements). Ultimately, I appealed the cancelation [DOA Case# TR-08-0027], prevailed, and DOT was ordered to re-issue registration for all Pinzgauers.

However, in June, 2009, DOT began to refuse new registration applications for Pinzgauers. Currently, there are two such owners being denied registration.

The two proposals currently before you are separate attempts to address this issue. Sen. Erpenbach's proposal would allow me to continue to use my Pinzgauer. Rep. Zigmunt's proposal (AB 592 & SB 404) would make it illegal to use any ex-military vehicle, including my Pinzgauer, except for parade functions.

The proposal from Rep. Zigmunt would dis-allow normal registration of ex-military vehicles by private owners, because of safety concerns. The implication is that privately-owned ex-military vehicles are too unsafe to allow them to operate on our roadways. Yet, this bill would allow counties and municipalities to operate these same ex-military vehicles on a daily basis. What justifies allowing such (supposedly) unsafe ex-military vehicles to be routinely operated on our roads, by private citizens employed by counties and municipalities, but not by the citizens privately?

As an antique foreign-marketed vehicle, my Pinzgauer does not have a FMVSS label certifying that it has the required safety equipment. But as a vehicle imported over 25-years old, U.S. DOT/NHTSA regulations exempt it from those requirements. Nonetheless, it seems to have all of the safety equipment required for FMVSS

compliance, and I'm pretty sure it meets the safety equipment requirements under Wis. Stats. Ch. 347 and Wis. Admin. Code Trans305. It doesn't seem reasonable that my Pinzgauer should be limited to parade use, as Rep. Zigmunt's proposal would do.

DOT's decision to cancel my registration seemed to be an arbitrary decision targeting Pinzgauers. There are hundreds of other vehicles which similarly lack labels certifying FMVSS compliance, including all U.S. ex-military vehicles, pre-1968 model vehicles, home-built vehicles, kit cars, and foreign-market imports. Yet DOT evidence introduced during my appeal shows that none of the registrations for these other types of vehicles were similarly canceled. Why not? Why were Pinzgauers selected?

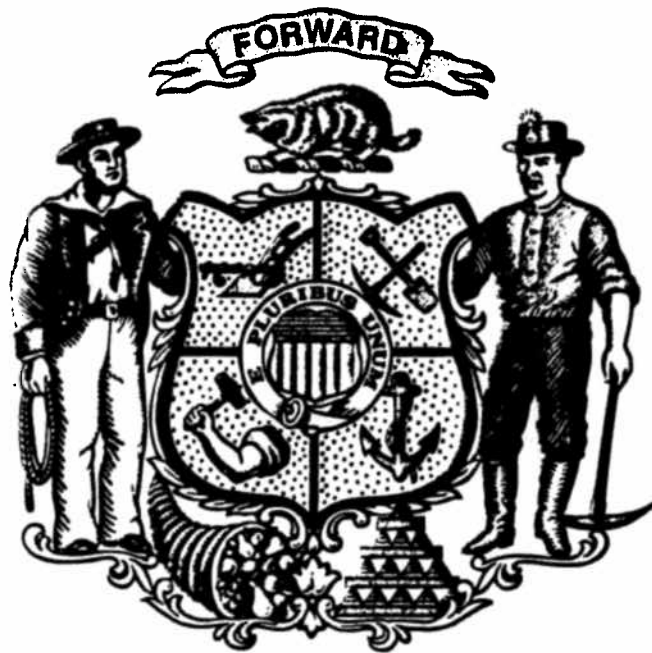
Rep. Zigmunt's proposal will effectively end my ability to use my Pinzgauer for the purposes for which I bought it. I do not wish to be standing in the way of legislation which allows collectors the option of registering their historic military vehicles as some sort of Collector vehicles. But it seems discriminatory to outlaw regular licensing and operation of these vehicles by private owners, if the owner so chooses.

As mentioned, I've got an extensive history with this topic, and would welcome an opportunity to discuss it. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'P.U.', written in a cursive style.

Paul Underwood



SB 392
folder

Three Proposed Changes to AB592 and SB404

January 12, 2010

Registration of Historic Military Vehicles

**Submitted on behalf of the Historic Vehicle Collectors of Wisconsin
By Jeff Rowsam**

Vehicle owners and members of the Wisconsin Senate have voiced concerns that the current assembly bill is too restrictive and needs clarification in several areas.

We have reviewed AB592/SB404 and submit the following change proposal for your review and consideration. We would propose a meeting at the capitol during the week of January 18 with the appropriate individuals from both the assembly and senate offices and several individuals representing HMV collectors. The goal of the meeting is to reach a consensus for revisions or amendments to allow the senate version to move forward.

The current wording and proposed changes in three sections is shown.

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

341.269 Historic military vehicles; registration, plates, use.

(1) In this section, "former military vehicle" means 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.

Change 1) Delete "and markings" and replace with "including a paint color scheme and markings consistent with military service".

(Reason – Collectors and owners point out the current wording may be considered vehicle serial number specific. Current wording makes restoration difficult to replicate or to restore the vehicle to an earlier but period military configuration. Proposed change, clarifies that the configuration must include a military color and marking requirement, but is does not require a serial number specific replication or period.)

Registration of Historic Military Vehicles

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

341.269 Historic military vehicles; registration, plates, use.

(2) (b). The applicant has the burden of providing evidence satisfactory to the department that the vehicle may be registered under this section, including, if applicable, providing documentation demonstrating that a former military vehicle which is less than 25 years old was manufactured for U.S. military forces and was never imported.

Change 2) Change and add to "providing documentation demonstrating that the vehicle model is a former military vehicle which was manufactured for U.S. military forces."

(Reason for change – Better define the need for a general document of vehicle model and not serial number specific document requirement)

Delete the documentation requirement "and was never imported".

(Reason for change – May be interpreted as a serial number specific requirement. Should be model specific. Serial number specific manufacturing history or import history would be impossible for an individual owner to document.)

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

341.269 Historic military vehicles; registration, plates, use.

(3) A vehicle registered under this section may only be used for special occasions such as display and parade purposes, including traveling to and from such events, and for necessary testing, maintenance, and storage purposes.

Change 3) Revise the special event wording to clarify limited use, Change to "used for special events including public parades, patriotic events, displays for the education of the general public and organized preservation and collector club activities".

Add – "Necessary testing and maintenance is to be considered required operation and can include occasional limited private operation for recreational driving, consistent with exercising a historic vehicle. Vehicles registered under this statute may not be operated for primary or daily transportation.

(Reason – Owners voicing resistance to the ambiguous wording and Senate members concerns with the current wording and is too ambiguous and excessively restrictive for owners.)



Jeff Rowsam
Spokesperson representing
Military Vehicle Preservation Association and
Wisconsin Historic Military Vehicle owners

Historic Military Vehicle Collectors wish to submit testimony in favor of registration of former military vehicles:

- 1) Prefer to support SB 392 with amendment.**
- 2) Will support SB 404 with amendment.**

Good Morning,

My name is Jeff Rowsam

I live at 5432 South County Hwy P, Town of New Denmark in Brown County, Wisconsin

I'm speaking today as a historic military vehicle owner and as spokesperson on behalf of the individual members of the Military Vehicle Preservation Association (MVPA) and the Historic Military Vehicle owners groups in Wisconsin.

Our members include The Midwest Military Vehicle Association (MMVA) from Southern WI, MV collectors of the Fox Valley and North East Wisconsin, the Antigo Area MV owners, The Chippewa Valley Military Preservation Association, LLC (CVMPA) and the Red Arrow Chapter of the MVPA from Northwestern Wisconsin. These groups represent some 600 owners statewide with over 1500 Historic Military Vehicles (HMV's). The MVPA represents nearly 10,000 members in North America.

Former military vehicles are known for their heavy duty construction and have been sold as surplus equipment by the US and other governments since the 1920's. Weekly sales continue today. Individuals, municipalities, the DNR, county highway departments, farmers, loggers and utility contractors have a long history of safely and successfully operating former military vehicles in commercial and private on-highway service.

Over the past 20 years, as popularity of WWII history re-emerged, interest by individual preservationists to own and restore these vehicles has evolved and reached the point where it is now a well developed "old car hobby". The purchase and restoration of these vehicles for historic preservation, public displays, car shows and recreational driving is very active throughout the U.S., Canada, South America, Europe and Australia.

Restored Jeeps and other all wheel drive trucks have been regularly driven to public events such as parades on patriotic holidays, club activities, events honoring our military veterans, and historic displays for schools and the general public. As collector vehicles, our owners also display their vehicles at car shows and enjoy occasional local drives as a form of recreation.

While fewer and fewer former military vehicles are operated in daily commercial service, Historic Military Vehicles (HMV's) from WWII and Korea, Vietnam and the Cold War and from Operation Desert Storm now have special interest and increasingly are being purchased and restored to their original historic configuration.

In 2007, owners and collectors in Wisconsin saw an increasing number of applications for titles and registration of HMV's being rejected by the Wisconsin DMV and the DOT. The DMV has been inconsistent. Some registration applications were approved. Others were not. The rejection of applications for models that had been licensed and operated for many years previously has left vehicle owners confused and frustrated.

The Department of Transportation states they are receiving an increasing volume of applications for registration of many different unique vehicles, both foreign and domestic, with a wide variety of ages and designs and they include former military vehicles in that list. They sight a raised concern about what is suitable for safe operation on Wisconsin highways.

The on-highway use of wheeled military vehicles is well known. The historic military vehicles we seek to preserve have the same equipment needed to meet the requirements of Wisconsin Admin Rule Trans 305 which specifies the minimum equipment for any motor vehicle in order to be registered in Wisconsin.

We know of no fatalities in Wisconsin involving privately owned HMV's. There is no data to indicate increased rates of civilian collisions or injuries involving HMV's in Wisconsin and there is no public protest demanding that Historic Military Vehicles be prohibited. The DOT's concern that these vehicles pose a higher risk to public safety than other civilian vehicles is unsupported.

As collectors we place a high value on our historic vehicles, often spend many months and large sums to complete a restoration. They operate with greater caution over limited miles to preserve their value. Most collector owned HMV's operate less than 300 miles per year.

A solution that would allow the continued use of HMV's in Wisconsin is needed. Beginning in 2007, HMV owners give input and listened to legislative contacts and conducted an extensive dialog with DOT administrators to gain understanding of all sides of the issue. This resulted in the creation of SB 404. And its companion bill AB 592.

SB 404 addresses the specific objections of the DOT and creates a bill that would not be opposed by most HMV collectors. The restrictive wording for limiting HMV use to public events and parades and for maintenance is an excessive restriction that is opposed by our membership. Like SB 392, the SB 404 bill would create a needed definition for the preservation of Historic Military Vehicles and would solve registration issues for preservationist owners and resolve many confusing title and registration issues for DMV officials.

SB 404 overcomes the DOT's concern that under collector rules, HMV owners would have unlimited daily vehicle use. Daily use is allowed under collector vehicle registrations. SB 404 creates a new, distinct and separate HMV category with a distinctive plate that could allow continued use of former military vehicles in a historic role and satisfy the DOT's concern for public safety by restricting use to a profile similar to antique vehicle registrations. That is, to limit use of their HMV's to a few hundred miles per year.

SB 404 addresses the needs of Historic Preservation and the DOT concern for public safety by:

- 1) Simplifying registration for vehicle owners and the DMV by providing a single MV category.
- 2) It allows HMV's to be operated with limitations.
The current wording to allow driving for "necessary testing and maintenance" does not meet the collector expectation for occasional short local recreational drives. We recommend that the restriction be amended to a less restrictive profile that allows some type of recreational use.
- 3) Eliminates the previous requirement for U.S. MV's to be specified age or vintage.
 - a. The US military does not recognize model year. Many vehicles are sold by the US government with an incorrect year or notation "date of manufacture unknown" on the documents.
 - b. It retains the 25 year age requirement for imported former military vehicles which is in line with federal regulations that exempt imported vehicles from NHTSA safety rules for imported vehicles more than 25 years old. A DOT issue.
- 4) Under current DOT policy, all MV's are prohibited, including commercial and governmental use. SB 404 creates a provision to allow municipal users to own and operate former MV's in special applications such as rural fire fighting and emergency government, but limits the public exposure by limiting operation to their local areas and low mile use applications.
- 5) The distinctive license plate allows law enforcement to distinguish privately owned HMV's from the active service military fleet.
- 6) Establishes a single HMV data base to track the future safety record of HMV's separate from the general collector car category.

Both SB 392 and SB 404 provide for the continued use of HMV's and both have some restrictions.

The provisions of SB 392 would be easier to implement, would not require the cancelation and transfer of existing registrations and meets the operating profile of collector vehicle owners.
SB 392 would be the preferred legislation with less restrictions for owners.

SB 404 is acceptable legislation but is more restrictive to vehicle owners.

On behalf of the many owners of Historic Military Vehicles through out Wisconsin, we respectfully submit that both SB 392 and SB 404 be given consideration.

Thank You.

For the

Respectfully,

Military Vehicle Preservation Association and
Wisconsin Military Vehicle Collectors





www.mvpa.org

**MILITARY VEHICLE
PRESERVATION ASSOCIATION**

*An International Organization Dedicated to the
Preservation Of Military Transport*

PO Box 520378 Independence, Missouri 64052
Phone: 816 833-MVPA or 800 365-5798

Jeff Rowsam

MVPA Liaison Member

5432 S. County Rd P
Denmark, WI 54208

(920) 863-8656
jerowsam@centurytel.net



Ferus, Jay

From: Jeff Rowsam [jerowsam@centurytel.net]
Sent: Thursday, January 21, 2010 12:15 PM
To: 'Paul Underwood'; Knutson, Tryg; Laundrie, Julie; McCarthy, Tom; Gaston, Geoff; Ferus, Jay; Kolbow, Regina
Cc: 'Tim Scobie'; 'Curt Rymkus'
Subject: RE: SB-392 & SB-404

Speaking for the Military Vehicle Preservation Association members,

I think we would agree that the words "and markings" could be eliminated. Several of our members have also questioned this point.

(from the SB592 draft)

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

341.269 Historic military vehicles; registration, plates, use.

(1) In this section, "former military vehicle" means 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.

We think this came from some general "brain storming" for wording of the original first draft. Or from a similar statute in another state. The intend is to keep the specialist vehicle in its "as built" configurations. I don't think it was a DOT issue? There may have been a concern about advertizing on vehicles used in commercial operation but both bills do not allow commercial use. Eliminating "and markings" could simplify the section, eliminate un-necessary language and has no adverse effect on the bill outcome.

Good Point Paul

Thanks

Jeff Rowsam
5432 South County Road P
Denmark, WI. USA 54208
Home # 920 863 8656
Cell # 920 562 5776

From: Paul Underwood [mailto:undy@mhtc.net]
Sent: Thursday, January 21, 2010 11:23 AM
To: Tryg.Knutson@legis.wi.gov; julie.laundrie@legis.wi.gov; Tom McCarthy; Geoff Gaston; Jay Ferus; Regina Kolbow
Cc: Jeff Rowsam; Tim Scobie; Curt Rymkus
Subject: Re: SB-392 & SB-404

To All,

In the hubbub of the Senate hearing yesterday, there was an additional point which I failed to make: Regardless of which bill moves forward, there should to be some amendment which does away with the "original markings" requirement.

1/27/2010

Color of a vehicle should not be a valid reason to deny registration of an ex-military vehicle. To abuse Shakespeare: Olive drab doth not an ex-military vehicle make.

Safety: Nearly *any* color would be easier for other drivers to see and avoid than olive drab. There is one reason why the military often paints their vehicles in olive drab colors: it makes them more difficult to see. That's why they call it camouflage.

Precedent: Vehicles in Wisconsin, of all makes and sizes, are routinely repainted to different colors, and with any variety of markings. Think of the cars, trucks, vans, semi-trucks, and others which bear the colors and markings of "Geek Squad", "Benjamin Plumbing", "Wal-Mart", etc. Moreover, other "collector" autos are allowed to be repainted in non-original colors. Why should ex-military vehicles be any different?

Identification: DMV & law enforcement will easily know if a vehicle is other than a standard civilian model: the VIN will be nonconforming. Given that various military vehicles were tan, olive drab, blue (Navy), yellow or red (Crash rescue), the color of a vehicle is of no help for these officials. Moreover, unless it is made illegal to paint a civilian model olive drab camouflage, identification based on color is still uncertain. Ex-military vehicles already have Make, Model, and Serial numbers with which to identify them as non-civilian.



Holperin, Jim

From: Meinholz, Susan
Sent: Tuesday, January 26, 2010 2:51 PM
To: Holperin, Jim
Subject: FW: DOT
Attachments: SB-392 Recommendations-1.rtf, ATT5690616.htm

SB 392
folder

From: Knutson, Tryg
Sent: Tuesday, January 26, 2010 2:07 PM
To: Sen.Holperin; Novak, Elizabeth
Subject: FW: DOT

Sen. Holperin and Liz –

Here are recent thought from Paul Underwood on a way to compromise on the military vehicle issue.

I wanted to get to you before our meeting tomorrow at 9:00 a.m.

Thanks much.

Tryg

From: Paul Underwood [mailto:undy@mhtc.net]
Sent: Tuesday, January 26, 2010 1:59 PM
To: Knutson, Tryg
Subject: DOT

Hi Tryg,

As we discussed, there is a potential for Collector car enthusiasts to object to any changes which effect their existing statutes (341.266)nd there are a lot of them. I believe I've got that worry addressed, so long as we don't change any of those existing statutes. In the existing SB-392, some of the Collector statues are renumbered and amended. Not in any way which effects a non-military vehicle owner, but there are changes. If we can do this in a manner which does not change any existing statutes, we may even be able to get the support (or at *least* approval) of several collector car/hot rod leaders.

Okay, here's where you called. Here are my thoughts:



Meinholz, Susan

From: Bill Elkington and Charlene Stevenson [zoanni@charter.net] **Sent:** Mon 2/8/2010 3:31 PM
To: Sen.Holperin
Cc:
Subject: SB404
Attachments:

Dear Senator,

As the owner of a HMV, a 1942 Ford, I have spent many years and thousands of dollars restoring the vehicle. It is shown in Parades and at other Veteran tributes.

I am asking for your support on **SB404**. Please oppose **SB392**.

Your Fellow Wisconsinite,

Bill Elkington

1606 Morgan St
Madison



Date?

Senate Public Hearing SB-392

Paul Underwood 1736 Barber Road Blue Mounds, WI 53517

As you may be aware, Sen. Erpenbach introduced SB-392 on my behalf, in response to the difficulties I have experienced with WisDOT over the registration of my 1976 Pinzgauer, an ex-Swiss Army truck. I want to share some of that with you, to illustrate the need for legislation that spares others this trouble.

I live near Blue Mounds, on land which was part of a family farmstead dating to 1881. It includes a unique ecological area known as "Underwood's Prairie", within the Military Ridge Prairie Heritage Area. I bought my Pinzgauer in 2002, from a licensed Motor Vehicle dealer in Denver, to use for various farm-related chores as well as an occasional vacation. It is about the size of a Toyota pickup truck, and legal to register in all other 49 U.S. states.

In Sept. 2007, after more than 5 years of trouble-free operations, DMV notified me that my truck was illegal to operate, and branded the title as "NON-ROADWORTHY VEHICLE". A letter stated that DMV did not register vehicles which were ex-military, built for off-road operation, or didn't meet safety equipment standards. Despite many complaints from Pinzgauer owners, DMV would offer no help: there was simply no way we could register our vehicles.

In Nov. 2007, I met with Sen. Erpenbach and asked for help. Shortly thereafter, I began to research the actual statutes and codes which pertain to the registration of foreign and ex-military vehicles in Wisconsin, as well as Federal import and certification regulations. I became convinced that DOT was on some fairly shaky legal ground in rescinding my registration.

Other things didn't add up either. As a result of DOT documents released under Open Records requests, I learned that DMV *first* asked WisDOT's Office of General Counsel whether DMV could register Pinzgauers on October 31, 2007, over a month *after* DMV had cancelled our registrations.

In response, WisDOT's attorney wrote that DMV *could legally register* Pinzgauers which were over 25 years old (as mine *was*). But only *4 days later*, at a Capitol meeting with legislative staffers and vehicle collectors, he reportedly told the audience that Pinzgauers *were not legal to register*.

In May, 2008 DMV formally requested a rule change, known as Trans-123. The Statement of Scope indicated that DMV intended to modify its policy to "conform precisely to NHTSA regulations". But instead of conforming precisely, Trans-123 was written so as to specifically exclude the federal exemption from FMVSS for antique foreign vehicles, including, no surprise, Pinzgauers.

I immediately contacted the Dept. of Administration, Division of Hearings and Appeals and requested their help. The appeal was heard July 14, 2008 before Judge Mark Kaiser. The DOT contested my subpoenas, and objected to my evidence. But ultimately the court found that DOT had failed to show that my Pinzgauer was an off-highway vehicle, and therefore, its registration was not prohibited under Wis. Statute 341.10(6). DOT re-issued registration to me and the other effected Pinzgauer owners.

It had taken me 362 days, approximately 800 hours of research, and a court ruling to do it, but I

was finally able to use my truck again. Over the next 6 months, DOT issued registration for 4 new Pinzgauers brought into the state, 2 from other U.S. states, and 2 newly imported from Switzerland. My life seemed to go back to normal.

But in May, 2009, I learned that DOT had just advised a California Motor Vehicle Dealer that DMV would not issue registrations for Pinzgauers.

In June, 2009, DOT emailed me the news that Trans123 would be proceeding. Faced with overwhelming and nearly unanimous opposition at the public hearing, Trans-123 was tabled.

On July 29, 2009, I met with Sen. Erpenbach's and Rep. Pope-Roberts' offices to discuss the ongoing troubles over Pinzgauers. They indicated their desire to set up a meeting between their offices, myself, and a DOT representative.

In August, 2009, DOT replied to my inquiries about the current ban on Pinzgauers. They indicated that my appeal had been a cancellation, so the burden of proof was on DOT. "Consistent with that opinion" they were now denying applications for Pinzgauers. An aggrieved applicant can request a hearing and prove that a Pinzgauer is not made for off-road use. On August 31, the first such aggrieved applicant filed his appeal.

A few days later, still lacking a response after a month of waiting, Sen. Erpenbach's office apparently gave up on meeting with WisDOT, and decided to introduce SB-392.

Since then, 2 more citizens have filed DOA appeals over ex-military vehicle registration denials.

For decades, Wisconsin citizens have been free to register their ex-Military vehicles with the plates they chose, such as "Auto", "Light Truck", "Farm" or others. After more than 2 years, WisDOT has still not shown any accident statistics that indicate a need to remove ex-military vehicles from our roads. There has been no public outcry against our vehicles. WisDOT has spent too much time and money, seeking a ban which we don't seem to need. What I believe we do need is some sort of legislation which will protect Wisconsin citizens rights and shield them from the troubles I've had.

Therefore, I ask you to support SB-392, to ensure that DOT cannot continue to deny registration for ex-military vehicles.

I would further suggest that several of the smallest models, especially those which share a common build with civilian vehicles such as Jeeps, Blazers, Pickups, and Pinzgauers, should remain open to registration with no operating restrictions. To do this, I ask that you consider a simple amendment to SB-392 which would establish that Wis. Stat. 341.10(6) does not apply to ex-military vehicles from any nation's military which ride on pneumatic tires (but not treads), and weigh less than 15,000#. Since this would include my Pinzgauer, I believe such an amendment would finally resolve my problems.

- they enjoy low insurance rates
- bill allows these vehicles to have collector plates. An amendment would allow regular plates.
- 28 pinzgauers on the road... (?)



Senate Committee on Transportation, Tourism, Forestry, and Natural Resources

Written Testimony on Senate Bill 392 and Senate Bill 404

By Robert Raff

5814 Old Coach Road

Wausau, WI 54401

Date?

Thank you Chairman Holperin and committee members for the opportunity to submit written testimony regarding Senate Bill 392 and Senate Bill 404.

Both of these proposed bills are overly restrictive and unnecessary. There is no documented reason to ignore the federal transportation guidelines on US Military Vehicles which allows such "wheeled vehicles" to be registered and exempts them from the federal safety standards since they are generally manufactured to a higher and more extreme standard to protect American troops. Such higher standards include items such as ballistic resistant windows and doors, heavier suspensions and reinforced frame components.

I am the owner of a 1987 Military HMMWV, (High Mobility Multi-purposed Wheeled Vehicle) nicknamed the Hummer or Humvee. My vehicle was already registered in the state of Wisconsin by a previous owner when I purchased it. The vehicle also was previously registered in the state of South Dakota. I am not aware of any neighboring state that restricts registration of these vehicles and personally know owners from Illinois, Indiana and Michigan.

As you may know, the Humvee has served as the workhorse for the US Military and our allies since it's introduction in 1985 and is still the most popular general transportation vehicle in our armed forces. Many of these vehicles are in service and on the roads today in the state of Wisconsin for the National Guard, Active Duty Military Units, the US Forest Service, various state & federal agencies as well as numerous rural fire and rescue teams. The Humvee spawned a full civilian line now known as the Hummer H1 (1994 - 2006) which is essentially identical to the Humvee without the obvious military armaments and with a few more creature comforts.

The Wisconsin DOT has basically classified all US Military Wheeled Vehicles as off-road vehicles due to lack of standardized Vehicle Identification Numbers (VIN) and a manufacturer's consumer safety certification. The military uses a unique serial number system for these vehicles in place of the usual VIN system and again by federal statute they are exempt from passenger vehicle safety standards. The DOT likes to misrepresent this issue by saying they do not meet the standards, but in reality most vehicle owners will tell you they exceed the minimums by far. All Humvees are manufactured in one US plant in Indiana.

The DOT has for some unexplainable reason decided that these vehicles should be in the same class with golf carts, John Deere Gators and even the now famous motorized Bar-Stool example. This just makes no sense. Any person can identify my vehicle as a light duty truck manufactured for US Military use on highways all over the world. The fact that this vehicle also has incredible off-road and severe weather capabilities should be applauded, not used as an excuse to be discriminated against. This vehicle is safer than any similar sized civilian vehicle I have ever driven including my civilian Hummer H2 and my Chevy Silverado Z71 Pick-up.

The proposed bills seek to restrict my vehicle use to parades and car shows, and to stop me from driving it around town or across the state. While this parade use will appease a small but vocal lobbying group of collectors, it leaves the vast majority of military vehicle owners in a real bind. This legislation will damage my ability to use my legally purchased & registered vehicle, it will destroy the substantial investment and value of my vehicle, it will damage the already fragile local economies of these truck owners who typically spend great deals of money each year to service, maintain and restore these vehicles. In my case it will also have a negative financial impact on our local Technical College (NTC) where I have been enrolled in classes to learn how to service my vehicle.

Understanding that the DOT will not stop until they get something passed, I respectfully suggest and request amendments as follows to either bill

#1 – Grandfather Clause - All currently registered vehicles may maintain current registration status for as long as the vehicle is continuously licensed in the state. This allows current owners to maintain their investment and vehicle value by allowing in-state transfers or sales as well as out of state transactions.

#2 – Allow all new former US Military wheeled (or operating on 6 or less pneumatic tires) to be registered either as a regular light duty truck or as an Historical Vehicle based on the choice of the owner. This allows the parade/show trucks to be registered and insured at lower costs but allows daily or weekly users such as myself to use as general transportation.

#3 – Eliminate any language that regulates compliance with original manufacture specifications. The state has no business legislating vehicle color or interior styles and any color is easier to see than standard camouflage.

#4 – Eliminate any language that sets an arbitrary age requirement or age limitation of a former military vehicle, or at least reduce that minimum age to 20 years to allow all currently registered or on the market vehicles to remain legal in the state. My vehicle is currently 23 years old so an arbitrary 25 year minimum would take away my current rights as an owner.

Thank you for the opportunity to address these concerns with the committee and I am available should you have any follow up questions.

Robert Raff
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Date?

Suggestions for amending SB-392

- curb weight
- newer than '68 must meet highway standards

Words in RED are recommended deletions.
 Words in GREEN are recommended insertions.
 Comments follow to explain.

Wording from SB-392, as written:

341.266(1)(am) "Former Military Vehicle" means a vehicle, including a trailer but excluding a tracked vehicle, that is at least 25 years old, that was manufactured for use in any country's military forces and is maintained to accurately represent it's military design and markings, regardless of the vehicle's size or weight.

- 25 years or older exempt

Suggested wording for SB-392:

341.266(1)(am) "Former Military Vehicle" means 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 substantially represent it's military design, regardless of the vehicle's size or weight.

- Newer... imported only if meet stan. dards.

Comments:

Age - Due to ambiguous Model Year designations among U.S. FMVs, an age limit is unworkable. Furthermore, import FMVs under 25 must meet FMVSS, imports which are FMVSS-exempted must, by federal law, be over 25.

Design - "Substantial" is preferable to "Accurately": Any substantial modifications would place such a vehicle into the "Reconstructed Vehicle" definition: s.341.268(1)(d) "a motor vehicle of any age which has been substantially altered or modified from original manufacturers specifications to such an extent that it no longer resembles the original manufactured vehicle".

Markings - As previously discussed.

Wording from SB-392, as written:

341.266(2)(a) Any person who is the owner of a special interest vehicle that is a former military vehicle, or that is not a former military vehicle and is 20 or more years old at the time of making application for registration or transfer of title of the vehicle, and who, unless the owner is an historical society that is exempt from federal income taxes, owns, has registered in this state, and uses for regular transportation at least one vehicle that has regular registration plates may upon application register the vehicle as a special interest vehicle upon payment of a fee under par. (b). A former military vehicle may be registered under this paragraph notwithstanding s.341.10(6).

Suggested wording for SB-392:

341.266(2)(a) Any person who is the owner of a special interest vehicle that is 20 or more years old at the time of making application for registration or transfer of title of the vehicle, and who, unless the owner is an historical society that is exempt from federal income taxes, owns, has registered in this state, and uses for regular transportation at

least one vehicle that has regular registration plates may upon application register the vehicle as a special interest vehicle upon payment of a fee under par. (b).

341.266(2)(am) A former military vehicle of any age may be registered under the provisions of s.341.266(2)(am), notwithstanding s.341.10(6).

Comments:

Representatives of Wisconsin Collector Car groups worked long and hard to get the "Collector Car" statutes passed. To avoid possible conflict, keep the existing statutes intact. Instead, create an additional statute to address ex-mil vehicles.

Wording from SB-392, as written:

341.266(2)(e)2. Trucks may not haul material weighing more than 500 pounds, not including the weight of a camper, lid or cap that is mounted on the truck or the weight of any persons or pets riding within the driver's compartment, unless the truck is a former military vehicle.

Suggested wording for SB-392:

341.266(2)(e)2. Trucks may not haul material weighing more than 500 pounds, not including the weight of a camper, lid or cap that is mounted on the truck or the weight of any persons or pets riding within the driver's compartment.

341.266(2)(e)4. If the truck is a former military vehicle and is registered under s.341.266(2)(am), then s.341.266(2)(e)2. does not apply.

Comments:

Same reasoning as above, to avoid conflict with existing "Collector" statutes.



November 19, 2009

Thursday

9:00 AM - 9:30 AM

MADISON: Dan Kanninen & Matt Sweeney re: MPS (Matt 261-2163)

10:00 AM - 10:30 AM

MADISON: Wayne Haff, 271-9992 -- lives in Oneida County, in Madison for a couple of weeks, his probation officer if you have any questions Kathleen Baldukas 273-5736

12:30 PM - 1:00 PM

MADISON: Gary Goyke, Bruce Stitley (Tomahawk) representing the Wisconsin Trap Shooters, updating about an event the Association is working with the DNR on

Tom Diehl

s. 341.05 ... amphibious vehicles exempt
if operating w/in 2 miles of
domicile



Need 5 miles (going to
Chula Vista
etc.)

- Ducks registered as boats now
- State Patrol has always inspected our shuttle vehicles.
- We need to have that continue.





State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3562/1

- Jeff Rousam
- Organized Military Vehicle owners

- Communities often buy these vehicles for municipal use. ARG:bjk:jf

- SB 392... the 25 year limit
- many vehicles aren't manufac. by model year so take out the 25 year thing.
- 600 members
- 1,500 to 2,000 vehicles...

2009 BILL 392

- Paul Nilson
- DOT opposes
- No good reason for it
- car standards protect the drivers... but also other safety motorists
- ~~these~~ military vehicles are exempt from all these standards
- unrestricted public use of military vehicle
- no accident data
- likes 404

George Stauffer... same story
 Pinzgauer registered in 2002
 2007 DOT cracks down. Says "Pinzgauer are dangerous"
 27 or 28 of em

1 AN ACT to renumber and amend 341.266 (1) (c); to amend 341.266 (2) (a) and
 2 341.266 (2) (e) 2.; and to create 341.266 (1) (am) and 341.266 (1) (c) 1. of the
 3 statutes; relating to: registration of former military vehicles.

Analysis by the Legislative Reference Bureau

Under current law, an owner of a special interest vehicle that is 20 or more years old may, under specified circumstances, register the vehicle as a special interest vehicle. A special interest vehicle, commonly known as a "collector vehicle," is a motor vehicle that has not been changed from its original manufacturer's specifications and that is being preserved for its historic interest. Vehicles registered as special interest vehicles are issued distinctive registration plates, commonly known as "collector plates," that identify the vehicle as a special interest vehicle owned by a Wisconsin vehicle collector and that display the vehicle owner's collector's identification number. A special interest vehicle may be reregistered for no additional fee if, with an exception, the vehicle is not operated on the highways during the month of January. Collector vehicles that are trucks may not haul material weighing more than 500 pounds.

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 as a type of special interest vehicle. The bill defines a former military vehicle as a vehicle, including a



① Highway Safety - non-conforming vehicles

② Registration consistency - is made in 3rd forces
you to use

limit it to Pinzgauer - how is defined, need
to do a weight limit

Foreign import → can be under 25 if brought up to Federal
Safety Standards

When imported, less than 25 years, don't meet Fed standards
Only allowance is ag. use