



## 2011 SENATE BILL 365

January 5, 2012 – Introduced by Senators OLSEN, HOLPERIN, ERPENBACH, HANSEN, JAUCH, LASEE, LASSA, LEIBHAM, SCHULTZ, TAYLOR and T. CULLEN, cosponsored by Representatives BALLWEG, LOUDENBECK, BERNIER, BROOKS, DANOU, ENDSLEY, JACQUE, KESTELL, KNILANS, KRUG, LEMAHIEU, MARKLEIN, MILROY, NYGREN, A. OTT, RINGHAND, RIPP, SEVERSON, SPANBAUER, THIESFELDT, TRANEL, VAN ROY, WYNN, PETRYK, JORGENSEN and KERKMAN. Referred to Committee on Transportation and Elections.

1     **AN ACT** *to repeal* 350.12 (3j) (d); *to renumber* 350.12 (3j) (b); *to renumber and*  
2           *amend* 25.29 (1) (d) 1., 350.12 (3) (a) (intro.) and 350.12 (4) (bg) 2.; *to amend*  
3           350.12 (1), 350.12 (3j) (a) 2., 350.12 (3j) (e) 2. and 350.12 (3m) (d); and *to create*  
4           25.29 (1) (d) 1. a., 25.29 (1) (d) 1. b., 350.12 (3j) (b) 1., 350.12 (3j) (b) 3., 350.12  
5           (3j) (b) 4., 350.12 (3j) (bg) and 350.12 (4) (bg) 2. b. of the statutes; **relating to:**  
6           snowmobile registration, trail use sticker requirements, calculating the  
7           estimated snowmobile gas tax payment, and funding for supplemental  
8           snowmobile trail aids.

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### ***Analysis by the Legislative Reference Bureau***

Current law prohibits a person from operating a snowmobile in this state unless the snowmobile is covered by a public-use or private-use registration issued by the Department of Natural Resources (DNR) or is exempt from registration. A person who owns a snowmobile is generally exempt from snowmobile registration requirements in this state if the snowmobile is covered by a valid registration in another state or country. A public-use registration is valid for two years and a private-use registration is valid until ownership of the snowmobile is transferred. This bill eliminates the two-year registration period for a public-use registration and provides that a public-use registration is valid until ownership of the

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snowmobile is transferred. The bill also lowers the public-use registration fee from \$30 to \$15.

Under current law, a person who owns a snowmobile that is not registered in this state or is exempt from registration must display a trail use sticker issued by DNR on the snowmobile. The fee for this sticker is \$34.25. This bill requires all snowmobiles to display a trail use sticker, regardless of whether the snowmobile is registered in this state. The bill provides that the fee for a trail use sticker issued for a snowmobile that is registered in this state is \$14.25 if the snowmobile is owned by a snowmobile club member and \$34.25 if the owner does not belong to a snowmobile club.

Under current law, DNR provides funding from the snowmobile account in the conservation fund for snowmobile regulation purposes including aids to counties for activities such as snowmobile trail development and maintenance and law enforcement. Currently, these activities are funded by snowmobile fees and by moneys transferred from the transportation fund to the conservation fund. The amount of this transfer equals the estimated snowmobile gas tax formula. The estimated snowmobile gas tax formula amount is based on an estimate of the amount of excise tax paid on gasoline by operators of all snowmobiles registered in this state. Beginning with fiscal year 2013–14, this bill bases the estimated snowmobile gas tax formula on an estimate of the excise tax paid on gasoline by operators of registered snowmobiles in this state who are issued a trail use sticker.

Current law also requires DNR to calculate an amount equal to the number of trail use stickers issued by DNR in the previous fiscal year multiplied by \$32 and to credit this amount to an appropriation account that funds aids to counties for activities such as trail development and maintenance. This bill changes the basis on which DNR must calculate the amount to be credited to that appropriation. Under the bill, DNR must credit an amount equal to the number of trail use stickers issued in the previous fiscal year to owners of snowmobiles that are exempt from registration multiplied by \$34.25.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 25.29 (1) (d) 1. of the statutes is renumbered 25.29 (1) (d) 1. (intro.)  
2 and amended to read:  
3           25.29 **(1)** (d) 1. (intro.) ~~AN~~ For fiscal years 2011–12 and 2012–13, an amount  
4 calculated by multiplying the number of snowmobiles registered under s. 350.12 or  
5 350.122 on the last day of March of the previous fiscal year by 50 gallons and

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1 multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day  
2 of March of the previous fiscal year. For fiscal year 2013–14, and for each fiscal year  
3 thereafter, an amount calculated by multiplying the sum of the following by 50  
4 gallons and multiplying that product by the excise tax imposed under s. 78.01 on the  
5 last day of March of the previous fiscal year:

6 **SECTION 2.** 25.29 (1) (d) 1. a. of the statutes is created to read:

7 25.29 (1) (d) 1. a. The number of trail use stickers issued under s. 350.12 (3j)  
8 during the 12–month period before the last day of March of the previous fiscal year  
9 to owners of snowmobiles that are registered under s. 350.12 (3).

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

11 25.29 (1) (d) 1. b. The number of snowmobiles registered under s. 350.122 on  
12 the last day of March of the previous fiscal year.

13 **SECTION 4.** 350.12 (1) of the statutes is amended to read:

14 350.12 (1) REGISTRATION REQUIREMENT. After January 1, 1970, no person shall  
15 operate, and no owner shall give permission for the operation of any snowmobile  
16 within this state unless the operation of the snowmobile complies with sub. (3) (a)  
17 (~~intro.~~) 1. or (5) (cm) or is exempt from registration. No political subdivision shall  
18 have authority to register or license snowmobiles.

19 **SECTION 5.** 350.12 (3) (a) (~~intro.~~) of the statutes is renumbered 350.12 (3) (a)  
20 1. and amended to read:

21 350.12 (3) (a) 1. Except as provided under subs. (2) and (5) (cm), no person may  
22 operate and no owner may give permission for the operation of any snowmobile  
23 within this state unless the snowmobile is registered for public use or private use  
24 under this paragraph or s. 350.122 or as an antique under par. (b) and has the  
25 registration decals displayed as required under sub. (5) or s. 350.122 or unless the

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1 snowmobile has a reflectorized plate attached as required under par. (c) 3. A  
2 snowmobile that is not registered as an antique under par. (b) may be registered for  
3 public use. A snowmobile that is not registered as an antique under par. (b) and that  
4 is used exclusively on private property, as defined under s. 23.33 (1) (n), may be  
5 registered for private use. A snowmobile public-use registration certificate is valid  
6 for 2 years beginning on the July 1 prior to the date of application if registration is  
7 made prior to April 1 and beginning on the July 1 subsequent to the date of  
8 application if registration is made after April 1 and ending on June 30, 2 years  
9 thereafter. A snowmobile or private-use registration certificate is valid from the  
10 date of issuance until ownership of the snowmobile is transferred. The fee for the  
11 issuance or renewal of a public-use registration certificate is \$30 \$15, except that the  
12 fee is \$5 if it is a snowmobile owned and operated by a political subdivision of this  
13 state. There is no fee for the issuance of a private-use registration certificate or for  
14 the issuance of a registration certificate to the state.

15 **SECTION 6.** 350.12 (3j) (a) 2. of the statutes is amended to read:

16 350.12 **(3j)** (a) 2. ~~Except as provided in par. (d), no~~ No person who is the owner  
17 of a snowmobile may operate, or give permission for another person to operate, a  
18 snowmobile on a public snowmobile corridor in this state unless a trail use sticker  
19 issued under this subsection is displayed on the snowmobile.

20 **SECTION 7.** 350.12 (3j) (b) of the statutes is renumbered 350.12 (3j) (b) 2.

21 **SECTION 8.** 350.12 (3j) (b) 1. of the statutes is created to read:

22 350.12 **(3j)** (b) 1. In this paragraph, “snowmobile club” means an association  
23 organized in this state the members of which are members of the Association of  
24 Wisconsin Snowmobile Clubs and that meets at least 3 times per year, that has at  
25 least 10 members, and that promotes responsible snowmobiling.

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1           **SECTION 9.** 350.12 (3j) (b) 3. of the statutes is created to read:

2           350.12 **(3j)** (b) 3. The fee for a trail use sticker issued for a snowmobile that is  
3 registered under sub. (3) and that is owned by a person who is a member of a  
4 snowmobile club is \$14.25.

5           **SECTION 10.** 350.12 (3j) (b) 4. of the statutes is created to read:

6           350.12 **(3j)** (b) 4. The fee for a trail use sticker issued for a snowmobile that is  
7 registered under sub. (3) and that is owned by a person who is not a member of a  
8 snowmobile club is \$34.25.

9           **SECTION 11.** 350.12 (3j) (bg) of the statutes is created to read:

10          350.12 **(3j)** (bg) A trail use sticker issued for a snowmobile for which a fee is  
11 charged under this subsection may be issued only by the department and persons  
12 appointed by the department and expires on June 30 of each year.

13          **SECTION 12.** 350.12 (3j) (d) of the statutes is repealed.

14          **SECTION 13.** 350.12 (3j) (e) 2. of the statutes is amended to read:

15          350.12 **(3j)** (e) 2. Any person, including the department, who issues a trail use  
16 sticker shall collect in addition to the fee under par. (b) 2., 3., or 4. an issuing fee of  
17 75 cents. The agent may retain 50 cents of the issuing fee to compensate the agent  
18 for the agent's services in issuing the sticker.

19          **SECTION 14.** 350.12 (3m) (d) of the statutes is amended to read:

20          350.12 **(3m)** (d) *Estimate.* On July 1 of each even-numbered year, the  
21 department shall estimate as accurately as possible the total registration trail use  
22 sticker receipts for a 2-year period and adjust the estimate periodically to reflect  
23 actual receipts.

24          **SECTION 15.** 350.12 (4) (bg) 2. of the statutes, as affected by 2011 Wisconsin Act  
25 32, is renumbered 350.12 (4) (bg) 2. a. and amended to read:

**SENATE BILL 365****SECTION 15**

1           350.12 (4) (bg) 2. a. For fiscal year years 2011–12, and for each fiscal year  
2 thereafter 2012–13, the department shall calculate an amount equal to the number  
3 of trail use stickers issued under sub. (3j) in the previous fiscal year multiplied by  
4 \$32 and shall credit this amount to the appropriation account under s. 20.370 (5)  
5 (cw). From the appropriation account under s. 20.370 (5) (cw), the department shall  
6 make payments to the department or a county for the purposes specified in par. (b).  
7 The department shall make payments under par. (bm) for trail maintenance costs  
8 that were incurred in the previous fiscal year and that exceed the maximum specified  
9 under par. (b) 1. before making payments for any of the other purposes specified in  
10 par. (b).

11           **SECTION 16.** 350.12 (4) (bg) 2. b. of the statutes is created to read:

12           350.12 (4) (bg) 2. b. For fiscal year 2013–14, and for each fiscal year thereafter,  
13 the department shall calculate an amount equal to the number of trail use stickers  
14 issued under sub. (3j) in the previous fiscal year to owners of snowmobiles that are  
15 exempt from registration under sub. (2) multiplied by \$34.25 and shall credit this  
16 amount to the appropriation account under s. 20.370 (5) (cw). From the  
17 appropriation account under s. 20.370 (5) (cw), the department shall make payments  
18 to the department or a county for the purposes specified in par. (b). The department  
19 shall make payments under par. (bm) for trail maintenance costs that were incurred  
20 in the previous fiscal year and that exceed the maximum specified under par. (b) 1.  
21 before making payments for any of the other purposes specified in par. (b).

22           **SECTION 17. Nonstatutory provisions.**

23           (1) (a) In this subsection, “snowmobile club” has the meaning given in section  
24 350.12 (3j) (b) 1. of the statutes, as created by this act.

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1           (b) Notwithstanding the fees specified under section 350.12 (3j) (b) of the  
2 statutes, as affected by this act, in fiscal year 2012–13, the following fees apply for  
3 a trail use sticker issued for a snowmobile that has a registration under section  
4 350.12 (3) of the statutes, as affected by this act, that expires on June 30, 2013:

5           1. If the snowmobile is owned by a person who is a member of a snowmobile  
6 club, there is no fee.

7           2. If the snowmobile is owned by a person who is not a member of a snowmobile  
8 club, the fee is \$19.25.

9           **SECTION 18. Effective date.**

10           (1) This act takes effect on July 1, 2012, or on the day after publication,  
11 whichever is later.

12

(END)