

2011 DRAFTING REQUEST

Bill

Received: 10/18/2011

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Regina Kolbow**

May Contact:

Drafter: **agary**

Subject: **Transportation - motor vehicles**

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Sen.Grothman@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Vehicle registration; former military vehicles

Instructions:

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 10/26/2011	kfollett 10/26/2011		_____			State
/P1			rschluet 10/27/2011	_____	lparisi 10/27/2011		State
/P2	agary 11/08/2011	kfollett 11/11/2011	phenry 11/11/2011	_____	sbasford 11/11/2011		State
/P3	agary	kfollett	jfrantze	_____	ggodwin		State

for senate
→

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	12/23/2011	01/05/2012	01/05/2012	_____	01/05/2012		
/P4	agary 01/31/2012	kfollett 02/01/2012	jmurphy 02/01/2012	_____	sbasford 02/01/2012		State
/1	agary 02/03/2012	mduchek 02/03/2012	jfrantze 02/03/2012	_____	sbasford 02/03/2012	ggodwin 02/07/2012	

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<END>

↳ At Intro.

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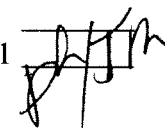
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1/?	agary	1/11/5f 10/26 b2611		19/27 ph/ff			

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Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, October 26, 2011 1:03 PM
To: Kolbow, Regina
Subject: RE: New Bill Draft

Hi Regina,

Thanks for the follow up. That basically gives me what I need to know. I'll proceed with the redraft. There is just one thing that I need to follow up on, in red (your words) and blue (mine) below.

Aaron

Aaron R. Gary
 Attorney, Legislative Reference Bureau
 608.261.6926 (voice)
 608.264.6948 (fax)
 aaron.gary@legis.state.wi.us

From: Kolbow, Regina
Sent: Wednesday, October 26, 2011 12:44 PM
To: Gary, Aaron
Subject: RE: New Bill Draft

Gary,

Our office doesn't want to create any new subsection in 341.10. We want to repeal 341.10(6) and 341.10(6m). All the other reasons you cite for denials will remain. (ie: if you don't have the proper title, if the odometer has been tampered with, if you have too many parking tickets, and so on).

Our office wants to remove FMVSS as a reason for denial of registration. FMVSS is a condition of original title at the time of manufacture or importation, but does not prohibit DMV from issuing a title for a vehicle. 342.10(3)(c) states that the title for a vehicle which did not originally meet FMVSS must be branded "non-USA standard". FMVSS should not be applied as a condition of registration.

WisDOT/DMV does not have the ability to test for compliance of FMVSS, or the federal authority to apply FMVSS, therefore should not be used as an indicator of compliance for registration. Compliance with Chapter 347 should be the indicator of vehicle equipment compliance.

Regarding item 4, a motor vehicle is currently required to meet Chapter 347 in order to be allowed to operate on the highway. When a question or disagreement arises as to whether a vehicle is applicable to be operated on Wisconsin highways, there needs to be a method to have it inspected locally for compliance. red [In the event the vehicle is denied registration from the DMV for a physical requirement of the motor vehicle, the owner should have the option to have the vehicle inspected locally for compliance with Chapter 347. If the vehicle passes such a test, then DMV is required to register the vehicle.] ARG comment: There is no need for an inspection prior registration. Equipment compliance is not a condition of registration and DOT cannot deny registration for lack of equipment compliance. So to say that DOT must register the vehicle if it passes an equipment test is unnecessary - DOT cannot require an equipment test as a condition of registration. So this language should not be in the bill, since you have indicated above that you do not want to add equipment compliance as a condition of registration. blue

10/26/2011

Thank you for your help and if you have any other questions please let me know.

Sincerely,

Regina Kolbow

Office of Senator Grothman
Room 10 South, State Capitol
Phone: 608-266-7513
Toll Free: 1-800-662-1227

Senator Grothman's State of the Family Report

*All communications are subject to open records under Chapter 19, Wis. Stats.

From: Gary, Aaron
Sent: Friday, October 21, 2011 10:16 AM
To: Kolbow, Regina
Subject: RE: New Bill Draft

Sorry, I meant 341.10 below, not 341.10 (6) - based on the instructions, I will repeal 341.10 (6), but I am wondering whether you want me to create a new subsection in 341.10 relating to vehicle equipment standards or not If not, various parts of the instructions will not need to be incorporated. Aaron

From: Gary, Aaron
Sent: Friday, October 21, 2011 10:11 AM
To: Kolbow, Regina
Subject: RE: New Bill Draft

Hi Regina,

I am uncertain about part of the instructions below and want to make sure that we are on the same page as to what the effect of this bill will be. Under current law as it relates to motor vehicles, there are certain restrictions or conditions on registration of the vehicle with DOT and there are certain conditions or restrictions on operation of the vehicle. For example, you can register a vehicle even if you don't have a driver's license, but you cannot operate it on the highways. Also, you can register a vehicle that exceeds length or weight limits, but you cannot operate it on the highways. These are operating restrictions. There are also registration restrictions. You cannot register a vehicle if you don't have the proper title, if the vehicle doesn't comply with federal safety standards (under current law, with exceptions), if the odometer has been tampered with, if you have too many parking tickets, etc.

Under current law, you CAN register a vehicle that does not meet state vehicle equipment standards (unless it is in a small, special category of vehicles, such as passenger buses and "human service vehicles" that require annual safety inspections) - you just can't operate the vehicle on the highway.

I am uncertain whether your intent in this draft is to create a new requirement for vehicle registration that does not exist now - that satisfying state vehicle equipment standards will become a condition of vehicle registration. In particular, I am trying to figure out whether you want any provision in s. 341.10 (6) relating to equipment standards and, if not, what the meaning of item 4) in the attached instructions, as well as the second paragraph at the end of the instructions, would be (since vehicle equipment requirements are usually NOT a condition of registration under current law).

Thanks. Aaron

Aaron R. Gary

10/26/2011

Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Kolbow, Regina
Sent: Tuesday, October 18, 2011 8:07 PM
To: Gary, Aaron
Subject: RE: New Bill Draft

These drafting instructions are from Senator Grothman. If there is a problem please let me know and I will relay the message to the Senator.

Sincerely,

Regina Kolbow
Legislative Aide
Office of Senator Grothman

From: Kolbow, Regina
Sent: Tuesday, October 18, 2011 3:35 PM
To: Gary, Aaron
Subject: New Bill Draft

Dear Mr. Gary,

Could you please draft a new bill with the following instructions. Thank you for your assistance!

Sincerely,

Regina Kolbow
Legislative Aide
Office of Senator Grothman
608-266-7513

Vehicle Registration

1) GOAL: To define "regular" registration, and to clarify the requirements which motor vehicles must meet as a condition of regular registration.

For decades, the U.S. Government has resold surplus vehicles to the public, who have put them to various private and commercial uses throughout the U.S., including Wisconsin.

In recent years, citizens began experiencing difficulty registering their Government Surplus vehicles and older import vehicles in Wisconsin. Repeatedly, these vehicles were being denied registration on the grounds that they were "off-highway" vehicles. [341.10(6)] Several owners had their registrations cancelled, but that action was later overturned in appeal court.

The recent passage of the Historic Military Vehicle (HMV) collector bill seems to have created some additional concerns. The bill was enacted last year to allow vehicles, including those which could not otherwise be registered, to be licensed for limited parade and display functions. For the true Collector, this was a big help. But, as part of this bill, there was a prohibition statute which was created

[341.10(6m)] which requires the Department to refuse registration for military vehicles which do not meet Federal Motor Vehicle Safety Standards (FMVSS). The trouble is, determining FMVSS-compliance is complex, and proving compliance in an older vehicle is nearly impossible.

As a result, under current DOT policy, even FMVSS-compliant vehicles which were previously registered in Wisconsin are now being denied any registration beyond the HMV registration for parades. If the vehicle has been repainted a different color, it is completely banned from any registration whatsoever. This is a big problem for owners who purchased the vehicles for normal uses, as they are essentially being denied registration.

DOT has taken the approach that FMVSS compliance must be proven by the owner for each individual vehicle. But none of their recommended methods for proving compliance are feasible. The methods and information no longer exists.

RECOMMEND: The state of Wisconsin shall recognize the federal exemption of FMVSS for any motor vehicle 25 years old and older and that FMVSS cannot be used as a requirement for registration.

2) GOAL: To clarify the vehicles which are eligible for registration because they meet applicable federal and state equipment standards.

Wisconsin Equipment law is more clear, and sets the standards which are required for motor vehicles to be legally operated. Despite being exempted from FMVSS, even vehicles older than 25 years must meet these state standards. [Ch. 347 / Trans-305]

When a question arises over whether a particular vehicle meets Wis. Equip. Standards, a citizen can have it inspected by local law enforcement for compliance. We already have an inspection process in place and people trained to verify compliance with state equipment standards, administered by the State Patrol and used on salvage repaired vehicles and replica vehicles. This inspection procedure has been in place for decades and considered successful. This provides an owner with a clear method of proving compliance with the standards.

Regardless of whether a vehicle is Government Surplus or not: If the vehicle meets Wis. Equip. Standards, it deserves to be registered.

RECOMMEND: Create a statute that directs DOT to issue regular registration for any motor vehicle upon receiving the application and fees.

3) GOAL: Repeal 341.10(6) due to inaccuracy and unverifiable requirements.

4) GOAL: Clearly identify to citizens what registration requirements are.

Currently, when a registration application is denied, there is no way for the owner to receive an accurate response as to what are the necessary requirements to obtain registration for that year and type of vehicle.

Specifying that DOT must register any vehicle which passes an equipment inspection will provide the owner with a clear method of proving compliance and in the case of a failed inspection, gives the owner clear information as to what is necessary to bring the vehicle into compliance,

RECOMMEND: Create a statute that allows the applicant to have the vehicle inspected for the applicable CH 347 equipment requirements. Upon a passed inspection, direct the Dept. to register the vehicle.

5) GOAL: Repeal s.341.10(6m) due to conflicts with state and federal laws, and to prevent the improper denial of registration for Government Surplus vehicles.

6) GOAL: Clarify which former military vehicles are eligible for Collector registration.

Currently, only four former military vehicles can be registered as Collector vehicles. Under this proposal, any other former military vehicle which meets the regular registration requirements, and also meets the Special Interest vehicle requirements under 341.266, would be eligible for Collector registration.

RECOMMEND: Amend 341.266 to allow former military vehicles which meet the requirements for regular registration to be registered as Collector vehicles. Create a definition such that "Former military vehicle" means a vehicle, including a motorcycle, but excluding a tracked vehicle, that was manufactured for use in any country's military forces." Re-designate the vehicles listed under 341.266(1)(am) as "Specially Exempted Former Military Vehicles".

7) GOAL: Increase DOT efficiency by reducing complexity of registration process.

Currently, DMV is attempting to verify compliance to federal requirements that are no longer applied by the federal government due to the age of the vehicle. DMV is not in possession of the necessary information to verify this compliance, creating a very subjective decision making process. In many cases the required information no longer exists.

By eliminating the distinction between "military" Government Surplus vehicles and all others, and by defining a level of compliance with state equipment standards which can be verified by inspection, DMV can more accurately determine which vehicles to register, and which to deny.

By deferring to the existing equipment inspection process, DOT will eliminate subjective decisions and wasted resources. Furthermore, because this cost of inspections is borne by the applicant, this procedure will result in a net savings for the state.

Wisconsin Regular Registration Proposed Statutory Changes (Desired Wording):

341.068 Requirement that department register vehicles; vehicle inspections. The department shall register any motor vehicle for which the dept. receives an application and fees unless registration of the vehicle is prohibited by s.341.10 or the vehicle is identified in ss 341.055 to 341.058. Registration shall be appropriate to the vehicle type and have no special use restrictions.

If the Dept. refuses registration based on vehicular questions (applicability, equipment requirements or condition) the applicant for registration may have the vehicle inspected by any person authorized to conduct inspections under 342.07. If the inspector determines that the vehicle meets vehicle equipment standards under CH347 and rules provided under CH 347 for the year of original manufacture, the inspector shall issue a certificate of inspection so stating and the department shall accept this certificate and register the vehicle.



State of Wisconsin
2011 - 2012 LEGISLATURE

in 10/26



LRB-~~3267~~-3267/p1
ARG:kjf:ph

wanted
by 10/27
end of day

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to repeal* 341.10 (6m); *to renumber and amend* 341.10 (6), 341.26 (2m)
2 (a) and 341.266 (1) (am); *to amend* 341.266 (2) (e) 2. and 341.269 (5); and *to*
3 *create* 341.068, 341.10 (6) (a) and (b), 341.26 (2m) (a) 1., 341.26 (2m) (c) and
4 341.266 (1) (ag) of the statutes; **relating to:** registration of motor vehicles by
5 the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) must refuse registration of a vehicle under specified circumstances, including all of the following: 1) the applicant for registration has not paid the applicable registration fees; 2) with an exception for leased vehicles, the applicant has not been issued, and is not entitled to, a valid certificate of title for the vehicle; 3) the vehicle is exempt from registration and is not eligible for optional registration; 4) with an exception for former military vehicles eligible for a specific type of registration, the vehicle is originally designed and manufactured for off-highway operation unless the vehicle meets certain federal motor vehicle safety standards; and 5) with an exception for former military vehicles eligible for a specific type of registration, the vehicle was manufactured for use in any country's military forces and does not meet federal motor vehicle safety standards.

Under current law, as created by 2009 Wisconsin Act 135, there is a special category of vehicle registration for former military vehicles, which may be registered but are subject to operating restrictions. Under this registration category, a "former

military vehicle” is a 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. DOT must issue for the vehicle special plates showing it is registered as a historic military vehicle. It is the applicant’s burden to show that a vehicle is eligible for registration as a historic military vehicle. A vehicle may be registered as a historic military vehicle even if the vehicle was originally designed and manufactured for off-highway operation and does not meet federal motor vehicle safety standards. A vehicle registered as a historic military vehicle 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.

Also under current law, as created by 2009 Wisconsin Act 225, DOT may register specific types of former military vehicles as special interest (“collector”) vehicles, which are subject to only very limited operating restrictions, most notably that they cannot be operated on the highways in January. For purposes of collector vehicle registration, the term “former military vehicle” has a different definition, and means all of the following: 1) a Pinzgauer that is at least 25 years old; 2) a Kaiser Jeep M715 that is at least 25 years old; 3) a Humvee that is at least 22 years old; and 4) a Duck that is at least 25 years old. Any of these former military vehicles may be registered as a collector vehicle even if it is originally designed and manufactured for off-highway operation and does not meet certain federal motor vehicle safety standards.

This bill requires DOT to register any motor vehicle for which DOT receives a complete and proper application, unless registration of the vehicle is specifically prohibited by statute or the vehicle is a snowmobile, all-terrain vehicle, or electric personal assistive mobility device (commonly referred to by the tradename “Segway”). The bill eliminates the statutory provision requiring DOT to refuse registration of a vehicle that was manufactured for use in any country’s military forces and that does not meet federal motor vehicle safety standards. The bill also eliminates the statutory provision requiring DOT to refuse registration of a vehicle that is originally designed and manufactured for off-highway operation unless the vehicle meets certain federal motor vehicle safety standards. ~~Instead, the bill~~

~~requires DOT to refuse registration of a vehicle that is any of the following: 1) less than 25 years old at the time of the application for registration and the vehicle does not meet both federal motor vehicle safety standards and state vehicle equipment standards, as applicable to the vehicle on the date of original manufacture; or 2) at least 25 years old at the time of the application for registration and the vehicle does not meet state vehicle equipment standards, as applicable to the vehicle on the date of original manufacture. If DOT refuses registration of a vehicle based on the grounds that the vehicle does not meet state vehicle equipment standards, the applicant for registration may have the vehicle inspected by any person authorized by DOT to conduct salvage vehicle inspections. If the inspector determines that the vehicle meets state vehicle equipment standards, the inspector must issue a~~

motorcycle or

certificate of inspection so stating and DOT must accept this certificate and register the vehicle.

This bill also expands the eligibility of former military vehicles for registration as collector vehicles. Instead of limiting registration to the four specific types of military vehicles listed in 1) to 4) above, the bill allows any former military vehicle to be registered as a collector vehicle. For purposes of collector vehicle registration, 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.

This bill does not change the authorization provided in 2009 Wisconsin Act 135 to register former military vehicles under the special registration category of historic military vehicles.

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:

SECTION 1. 341.068 of the statutes is created to read:

341.068 Requirement that department register vehicles vehicle

inspections. (1) The department shall register any motor vehicle for which the department receives a complete and proper application, unless registration of the vehicle is prohibited for any reason specified in s. 341.10 or the vehicle is identified in ss. 341.055 to 341.058. Registration shall be appropriate to ^{the} vehicle class and type and may not include any operating or special use restrictions except ~~where specified~~ in this chapter. *as specifically authorized and described*

~~(2) If the department refuses registration of a vehicle based on s. 341.10 (6) on the grounds that the vehicle does not meet vehicle equipment standards under ch. 347 or rules promulgated under ch. 347, as described in s. 341.10 (6), the applicant for registration may have the vehicle inspected by any person authorized to conduct inspections under s. 342.07. If the inspector determines that the vehicle meets vehicle equipment standards under ch. 347 and rules promulgated under ch. 347, as~~

~~described in s. 341.10 (6), the inspector shall issue a certificate of inspection so stating and the department shall accept this certificate and register the vehicle.~~

~~SECTION 2. 341.10 (6) of the statutes is renumbered 341.10 (6) (intro.) and amended to read:~~

~~341.10 (6) (intro.) The Except as otherwise authorized by statute, 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), any of the following:~~

~~SECTION 3. 341.10 (6) (a) and (b) of the statutes are created to read:~~

~~341.10 (6) (a) Less than 25 years old at the time of the application for registration and the vehicle does not meet both of the following, as applicable to the vehicle on the date of original manufacture:~~

- ~~1. Federal motor vehicle safety standards.~~
- ~~2. Vehicle equipment standards under ch. 347 or rules promulgated under ch. 347.~~

~~(b) At least 25 years old at the time of the application for registration and the vehicle does not meet vehicle equipment standards under ch. 347 or rules promulgated under ch. 347, as applicable to the vehicle on the date of original manufacture.~~

~~SECTION 4. 341.10 (6m) of the statutes is repealed.~~

(6) and g are

1 **SECTION 5.** 341.26 (2m) (a) of the statutes is renumbered 341.26 (2m) (a) (intro.)
2 and amended to read:

3 341.26 (2m) (a) (intro.) In this subsection, "~~municipality~~,"
4 2. "Municipality" has the meaning given in s. 345.05 (1) (c), except that the term
5 does not include a county.

6 **SECTION 6.** 341.26 (2m) (a) ~~1.~~ of the statutes is created to read:
7 341.26 (2m) (a) 1. "Former military vehicle" has the meaning given in s.
8 341.269 (1).

9 **SECTION 7.** 341.26 (2m) (c) of the statutes is created to read:
10 341.26 (2m) (c) A former military vehicle may be registered under this
11 subsection notwithstanding s. 341.10 (6).

12 **SECTION 8.** 341.266 (1) (ag) of the statutes is created to read: *motorcycle or*
13 341.266 (1) (ag) "Former military vehicle" means a vehicle, including a *motorcycle or* trailer
14 but excluding a tracked vehicle, that was manufactured for use in any country's
15 military forces.

16 **SECTION 9.** 341.266 (1) (am) of the statutes is renumbered 341.266 (1) (d) and
17 341.266 (1) (d) (intro.) and 3., as renumbered, are amended to read:

18 341.266 (1) (d) (intro.) "~~Former~~ Specially exempted former military vehicle"
19 means any of the following former military vehicles if the vehicle is at least 25 years
20 old:

21 3. A high-mobility multipurpose wheeled vehicle originally manufactured for
22 use by the U.S. military forces and commonly known by the name of "Humvee" that,
23 notwithstanding par. (am) (d) (intro.), is at least 22 years old.

24 **SECTION 10.** 341.266 (2) (e) 2. of the statutes is amended to read:

Inst 5-23 →

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3267/P1ins
ARG:.....

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INSERT 5-23:

SECTION 1. 341.266 (2) (a) of the statutes is amended to read:

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). ✓

History: 1971 c. 299; 1985 a. 332 s. 251 (4); 1987 a. 349; 1989 a. 137; 1991 a. 81, 316; 1997 a. 126; 2003 a. 321; 2009 a. 225.

11/8

Regina - Sen. Grothman

- 6-7513
- 11-3267
- make sure that we're not changing collector car rule
 - ~~that~~ ~~that~~ ~~is~~
 - make changes → wants FMV treated like other collector cars → discussed "ripple effect" of this change to C/L
- 342.10 (2)(c) - asked by DOT for docs that they can't produce -
 - locally inspected
 - if local inspector OKs, can't deny registration
- ~~if they~~ relate to what?

- does relate to equip or condition of the vehicle

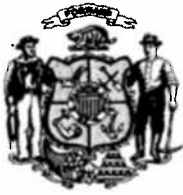
OK



"documentate relate to equipment or condition of the vehicle"?

just registration,
not titling

• but is there a titling problem? 342.10 (3)
answer: no



State of Wisconsin
2011 - 2012 LEGISLATURE

soon

in
11/8



LRB-3267/A PZ
ARG:kjfrs

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to repeal* 341.10 (6) and (6m); *to renumber and amend* 341.266 (1)
2 (am); *to amend* 341.266 (2) (a), 341.266 (2) (e) 2. and 341.269 (5); and *to create*
3 341.068 and 341.266 (1) (ag) of the statutes; **relating to:** registration of motor
4 vehicles by the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) must refuse registration of a vehicle under specified circumstances, including all of the following: 1) the applicant for registration has not paid the applicable registration fees; 2) with an exception for leased vehicles, the applicant has not been issued, and is not entitled to, a valid certificate of title for the vehicle; 3) the vehicle is exempt from registration and is not eligible for optional registration; 4) with an exception for former military vehicles eligible for a specific type of registration, the vehicle is originally designed and manufactured for off-highway operation unless the vehicle meets certain federal motor vehicle safety standards; ~~and~~ 5) with an exception for former military vehicles eligible for a specific type of registration, the vehicle was manufactured for use in any country's military forces and does not meet federal motor vehicle safety standards.

Under current law, as created by 2009 Wisconsin Act 135, there is a special category of vehicle registration for former military vehicles, which may be registered but are subject to operating restrictions. Under this registration category, a "former military vehicle" is a vehicle that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings,

*
*

insert ANAL-A

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. DOT must issue for the vehicle special plates showing it is registered as a historic military vehicle. It is the applicant's burden to show that a vehicle is eligible for registration as a historic military vehicle. A vehicle may be registered as a historic military vehicle even if the vehicle was originally designed and manufactured for off-highway operation and does not meet federal motor vehicle safety standards. A vehicle registered as a historic military vehicle 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.

Also under current law, as created by 2009 Wisconsin Act 225, DOT may register specific types of former military vehicles as special interest ("collector") vehicles, which are subject to only very limited operating restrictions, most notably that they cannot be operated on the highways in January. For purposes of collector vehicle registration, the term "former military vehicle" has a different definition, and means all of the following: 1) a Pinzgauer that is at least 25 years old; 2) a Kaiser Jeep M715 that is at least 25 years old; 3) a Humvee that is at least 22 years old; and 4) a Duck that is at least 25 years old. Any of these former military vehicles may be registered as a collector vehicle even if it is originally designed and manufactured for off-highway operation and does not meet certain federal motor vehicle safety standards.

This bill requires DOT to register any motor vehicle for which DOT receives a complete and proper application, unless registration of the vehicle is specifically prohibited by statute or the vehicle is a snowmobile, all-terrain vehicle, or electric personal assistive mobility device (commonly referred to by the tradename "Segway"). The bill eliminates the statutory provision requiring DOT to refuse registration of a vehicle that was manufactured for use in any country's military forces and that does not meet federal motor vehicle safety standards. The bill also eliminates the statutory provision requiring DOT to refuse registration of a vehicle that is originally designed and manufactured for off-highway operation unless the vehicle meets certain federal motor vehicle safety standards. insert ANAL-B

insert ANAL-C This bill also expands the eligibility of former military vehicles for registration as collector vehicles. Instead of limiting registration to the four specific types of military vehicles listed in 1) to 4) above, the bill allows any former military vehicle to be registered as a collector vehicle. For purposes of collector vehicle registration, the bill defines a "former military vehicle" as a vehicle, including a motorcycle or trailer but excluding a tracked vehicle, that was manufactured for use in any country's military forces.

This bill does not change the authorization provided in 2009 Wisconsin Act 135 to register former military vehicles under the special registration category of historic military vehicles.

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:

SECTION 1. 341.068 of the statutes is created to read:

341.068 Requirement that department register vehicles.

The department shall register any motor vehicle for which the department receives a complete and proper application, unless registration of the vehicle is prohibited for any reason specified in s. 341.10 or the vehicle is identified in ss. 341.055 to 341.058. Registration shall be appropriate to the vehicle class and type and may not include any operating or special use restrictions except as specifically authorized and described in this chapter.

ⓑ; vehicle inspections
ⓑ(1) The

SECTION 2. 341.10 (6) and (6m) of the statutes are repealed.

SECTION 3. 341.266 (1) (ag) of the statutes is created to read:

341.266 (1) (ag) "Former military vehicle" means a vehicle, including a motorcycle or trailer but excluding a tracked vehicle, that was manufactured for use in any country's military forces.

SECTION 4. 341.266 (1) (am) of the statutes is renumbered 341.266 (1) (d) and 341.266 (1) (d) (intro.) and 3., as renumbered, are amended to read:

341.266 (1) (d) (intro.) "~~Former~~ Specially exempted former military vehicle" means any of the following former military vehicles if the vehicle is at least 25 years old:

3. A high-mobility multipurpose wheeled vehicle originally manufactured for use by the U.S. military forces and commonly known by the name of "Humvee" that, notwithstanding par. ~~(am)~~ (d) (intro.), is at least 22 years old.

insert
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1 **SECTION 5.** 341.266 (2) (a) of the statutes is amended to read:

2 341.266 (2) (a) Any person who is the owner of a special interest vehicle that

3 ~~is a former military vehicle, or that is not a former military vehicle~~ and is 20 or more

4 years old at the time of making application for registration or transfer of title of the

5 vehicle, and who, unless the owner is an historical society that is exempt from federal

6 income taxes, owns, has registered in this state, and uses for regular transportation

7 at least one vehicle that has regular registration plates may upon application

8 register the vehicle as a special interest vehicle upon payment of a fee under par. (b).

9 ~~A former military vehicle may be registered under this paragraph notwithstanding~~

10 ~~s. 341.10 (6).~~

11 **SECTION 6.** 341.266 (2) (e) 2. of the statutes is amended to read:

12 341.266 (2) (e) 2. Trucks may not haul material weighing more than 500

13 pounds, not including the weight of a camper, lid or cap that is mounted on the truck

14 or the weight of any persons or pets riding within the driver's compartment, unless

15 the truck is a specialty exempted former military vehicle.

16 **SECTION 7.** 341.269 (5) of the statutes is amended to read:

17 341.269 (5) Unless inconsistent with this section or s. 341.10 (6), the provisions

18 applicable to other motor vehicles apply to vehicles registered under this section as

19 historic military vehicles.

20 **SECTION 8. Initial applicability.**

21 (1) This act first applies to applications for registration received by the

22 department of transportation on the effective date of this subsection.

23 **SECTION 9. Effective date.**

1 **INSERT ANAL-A:**

(no Φ) and 6) the applicant has failed to furnish information or documents required by law or by DOT under authority of law

2 **INSERT ANAL-B:**

(no Φ) In addition, if DOT refuses registration of a vehicle based on the grounds that the applicant for registration has failed to furnish information or documents relating to the vehicle's equipment or condition, the applicant for registration may have the vehicle inspected by any person authorized by DOT to conduct salvage vehicle inspections. If the inspector determines that the vehicle meets state vehicle equipment standards for the vehicle's year of original manufacture, the inspector must issue a certificate of inspection so stating and DOT must accept this certificate and register the vehicle.

3

4 **INSERT ANAL-C:**

(no Φ) changes the eligibility requirements for registering former military vehicles as collector vehicles. Instead of limiting registration to the four specific types of military vehicles listed in 1) to 4) above, the bill allows any former military vehicle to be registered as a collector vehicle, subject to the same requirements applicable to other collector vehicles.

5 **INSERT 3-8:**

6 (2) If the department refuses registration of a vehicle based on s. 341.10 (2) (c) ✓
7 on the grounds that the applicant for registration has failed to furnish information
8 or documents relating to the vehicle's equipment or condition, the applicant for
9 registration may have the vehicle inspected by any person authorized to conduct
10 inspections under s. 342.07. If the inspector determines that the vehicle meets
11 vehicle equipment standards under ch. 347 and rules promulgated under ch. 347 for
12 the vehicle's year of original manufacture, the inspector shall issue a certificate of
13 inspection so stating and the department shall accept this certificate and register the
14 vehicle.

1 **INSERT 4-1:**

2 **SECTION 1.** 341.266 (1) (c) (intro.) and 2. of the statutes are consolidated,
3 renumbered 341.266 (1) (c) and amended to read:

4 341.266 (1) (c) "Special interest vehicle" means ~~any of the following: 2. A~~ a
5 motor vehicle, including a former military vehicle, of any age which has not been
6 altered or modified from original manufacturers specifications and, because of its
7 historic interest, is being preserved by hobbyists.

History: 1971 c. 299; 1985 a. 332 s. 251 (4); 1987 a. 349; 1989 a. 137; 1991 a. 81, 316; 1997 a. 126; 2003 a. 321; 2009 a. 225.

8 **SECTION 2.** 341.266 (1) (c) 1. of the statutes is repealed.

9

Gary, Aaron

From: Kolbow, Regina
Sent: Wednesday, December 21, 2011 10:11 PM
To: Gary, Aaron
Subject: RE: Questions regarding: LRB 11-3267/P2

Item 1

Your suggestion to add the word "documentation" is good, so long as it is clear that this refers to documentation concerning the vehicle, not ownership documentation. The vehicle inspection process is not meant to address problems related to ownership of the vehicle. See red wording below:

1 **SECTION 1.** 341.068 of the statutes is created to read:

2 **341.068 Requirement that department register vehicles; vehicle**

3 **inspections.** (1) The department shall register any motor vehicle for which the

4 department receives a complete and proper application, unless registration of the

5 vehicle is prohibited for any reason specified in s. 341.10 or the vehicle is identified

6 in ss. 341.055 to 341.058. Registration shall be appropriate to the vehicle class and

7 type and may not include any operating or special use restrictions except as

8 specifically authorized and described in this chapter.

9 (2) If the department refuses registration of a vehicle based on ~~s. 341.10 (2) (c)~~

10 ~~on the grounds that the applicant for registration has failed to furnish information~~

11 ~~or documents relating to the vehicle's~~ **vehicle requirements, including equipment, condition,**

12 **or documentation, the applicant for**

13 registration may have the vehicle inspected by any person authorized to conduct

14 inspections under s. 342.07. If the inspector determines that the vehicle meets

15 vehicle equipment standards under ch. 347 and rules promulgated under ch. 347 for

16 the vehicle's year of original manufacture, the inspector shall issue a certificate of

17 inspection so stating and the department shall accept this certificate and register the

 vehicle.

Item 2

12/23/2011

From Pg. 4, Line 3**Current wording:**

341.266(1)(ag) "Former military vehicle" means a vehicle, including a

Change to:

341.266(1)(ag) "Former military vehicle" means a motor vehicle, including a

We want to add "motor". The description of a special interest vehicle refers to a "motor vehicle", as in 341.268(c).

Item 3**From Pg. 4, Line 4****Current wording:**

motorcycle or trailer but excluding a tracked vehicle, that was manufactured for use

Change to:

motorcycle ~~or trailer~~ but excluding a tracked vehicle, that was manufactured for use

We want to remove "or trailers" from Collector rules, because civilian trailers do not qualify for Collector registration.

Item 4 - NEW**New Item:**

Regarding Collector Plates – we would like to insert the word "substantially" to s.341.266(1)(c)2, as shown in red below. We want to maintain the spirit of Special Interest vehicles as an "original" vehicle, but to allow DMV some wiggle room with regard to minor changes from original specifications, including items for safety and convenience purposes, reproduction or aftermarket parts, cosmetic changes such as color of paint.

341.266 Special interest vehicles; registration, plates, use.

(1) In this section:

(a) "Collector" means the owner of one or more special interest vehicles who collects, purchases, acquires, trades or disposes of special interest vehicles or parts thereof for the collector's own use in order to restore, preserve and maintain a special interest vehicle for historic interest.

(am) "Former military vehicle" means any of the following vehicles if the vehicle is at least 25 years old:

1. A high-mobility, all-terrain, 4-wheel or 6-wheel drive vehicle originally manufactured for military use and commonly known by the trade name of "Pinzgauer."
2. A vehicle commonly known by the name of "Kaiser Jeep M715."
3. A high-mobility multipurpose wheeled vehicle originally manufactured for use by the U.S. military forces and commonly known by the name of "Humvee" that, notwithstanding par. (am) (intro.), is at least 22 years old.

4. A 6-wheel drive utility vehicle originally manufactured for use by the U.S. military forces during World War II, known by the acronym of "DUKW" and commonly referred to by the name of "Duck."

(b) "Parts car" means a motor vehicle generally in nonoperable condition which is owned by the collector to furnish parts which will enable the collector to restore, preserve and maintain a special interest vehicle or antique vehicle.

(c) "Special interest vehicle" means any of the following:

1. A former military vehicle.

2. A motor vehicle of any age which has not been **substantially** altered or modified from original manufacturers specifications and, because of its historic interest, is being preserved by hobbyists.

Thank you for your help and have a very Merry Christmas!

Sincerely,

Regina Kolbow

Office of Senator Grothman

Room 10 South, State Capitol

Phone: 608-266-7513

Toll Free: 1-800-662-1227

Senator Grothman's State of the Family Report

*All communications are subject to open records under Chapter 19, Wis. Stats.

From: Gary, Aaron

Sent: Wed 12/7/2011 11:59 AM

To: Kolbow, Regina

Subject: RE: Questions regarding: LRB 11-3267/P2

Hi Regina,

I can make the suggested change, with a couple of caveats. First, I'm not sure what the term "applicability" is meant to capture. If it is applicability of the requirement itself, the term can be omitted - as it is axiomatic that refusing vehicle registration based on vehicle requirements will only occur where DOT considers the requirement applicable and not where the requirement is not applicable. The inspection procedure is not designed as a process to debate the applicability or inapplicability of the asserted requirement, but to avoid having to have such a debate by relying on a successful inspection and satisfaction of ch. 347 instead. So unless I am misconstruing the term "applicability," I think it should be omitted in the statute as superfluous. Second, given the text that is stricken in the suggested changes, I think it would be a good idea to include a reference to documentation. So the new text would refer to refusal of "registration of a vehicle based on vehicle requirements, including equipment, condition, or documentation,"

One last note: In answer to your question, it seems to me that this change would accomplish your intent, but I cannot discern whether the change might be broader than your intent. Keep in mind that the inspection is basically an "all-purpose fix" for a myriad of potential DOT objections to registration arising from some issue relating to the vehicle. The inspection allows a way around the objection without necessarily addressing the objection itself. Will DOT be able to come up with examples where it doesn't seem to make sense to allow a successful ch. 347 inspection to overcome the initial DOT objection to registration because there is an insufficient nexus between the two? I don't know, but that is what I mean when I say that I'm not sure if the provision is overbroad or not.

Do you want me to redraft this bill to a "/P3" making the change in red above?

Thanks. Aaron

Aaron R. Gary

12/23/2011

Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Kolbow, Regina
Sent: Monday, December 05, 2011 9:08 AM
To: Gary, Aaron
Subject: Questions regarding: LRB 11-3267/P2

Aaron,

Quick Question, As I read the most recent draft it is my understanding that the wording **only** allows an inspection if the applicant is denied under 341.10(2)(c). Is that correct?

The reason I ask is because there are other vehicle-related reasons why registration might be denied in which people may want a second opinion via an inspection. Currently, the Dept. can easily refuse registration under 341.08(2)(c) or (e) by saying the applicant has not supplied documents to prove the vehicle is entitled to registration. One example is that the DOT could request some federal document saying the vehicle has headlights, while in reality such a thing doesn't exist. This is something that could be easily verified by an inspection.

As you are aware, the Dept. has already stopped vehicles from registration by marking titles "Not for Highway Use" or "Not Roadworthy." Our goal regarding the inspection is to offer the citizen an avenue to verify his/her vehicle's compliance with the requirements for registration, without having to resort to filing an appeal through DOA. Sen. Grothman's intent is that an inspection can be requested if the department refuses registration of vehicle based on vehicle requirements including applicability, equipment, or condition, and that the inspection would easily determine whether the vehicle meets such requirements.

Do you think the suggested change below accomplishes our intent? Thank you for your help!

Sincerely,

Regina Kolbow
Office of Senator Grothman
Room 10 South, State Capitol
Phone: 608-266-7513
Toll Free: 1-800-662-1227

*All communications are subject to open records under Chapter 19, Wis. Stats.

-
- 1 SECTION 1. 341.068 of the statutes is created to read:
- 2 341.068 Requirement that department register vehicles; vehicle
- 3 inspections. (1) The department shall register any motor vehicle for which the

12/23/2011

4 department receives a complete and proper application, unless registration of the
5 vehicle is prohibited for any reason specified in s. 341.10 or the vehicle is identified
6 in ss. 341.055 to 341.058. Registration shall be appropriate to the vehicle class and
7 type and may not include any operating or special use restrictions except as
8 specifically authorized and described in this chapter.

9 (2) If the department refuses registration of a vehicle based on ~~s. 341.10 (2) (c)~~

10 ~~on the grounds that the applicant for registration has failed to furnish information~~
11 ~~or documents relating to the vehicle's vehicular requirements~~, including applicability,
equipment, or condition, the applicant for

12 registration may have the vehicle inspected by any person authorized to conduct
13 inspections under s. 342.07. If the inspector determines that the vehicle meets
14 vehicle equipment standards under ch. 347 and rules promulgated under ch. 347 for
15 the vehicle's year of original manufacture, the inspector shall issue a certificate of
16 inspection so stating and the department shall accept this certificate and register the
17 vehicle.