

2011 DRAFTING REQUEST

Bill

Received: **08/18/2011**

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

May Contact:

Drafter: **agary**

Subject: **Transportation - motor vehicles**

Addl. Drafters:

Extra Copies: **EVM, RNK, MGG**

Submit via email: **YES**

Requester's email: **Laura.Rose@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|--|------------------------|------------------------|-------------------------|------------------------|-----------------|-----------------|
| /? | | | | | | | |
| /P1 | agary 08/24/2011 | chanaman 09/07/2011 | jfrantze 09/08/2011 | _____ | sbasford 09/08/2011 | | |
| /P2 | agary 10/31/2011 rkite 10/31/2011 | csicilia 10/31/2011 | phenry 10/31/2011 | _____ _____ _____ | mbarman 10/31/2011 | | |
| /1 | agary | csicilia | jfrantze | _____ | ggodwin | ggodwin | |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| | 12/28/2011 | 01/03/2012 | 01/03/2012 | _____ | 01/03/2012 | 01/12/2012 | |

FE Sent For:

<END>

↳ Not Needed

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12
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For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact:

Drafter: agary

Subject: Transportation - motor vehicles

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Topic:

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| /? | | | | | | | |
| /P1 | agary 08/24/2011 | chanaman 09/07/2011 | jfrantze 09/08/2011 | _____ _____ | sbasford 09/08/2011 | | |

FE Sent For:

P2 cjs 10/31/11 Ph

<END>

2011 DRAFTING REQUEST

Bill

Received: 08/18/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

May Contact:

Drafter: agary

Subject: Transportation - motor vehicles

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Requester's email: Laura.Rose@legis.wisconsin.gov

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|--------------|----------------|-----------------|---|----------------|------------------|-----------------|-----------------|
| /? | agary | |  | 9/8 | | | |

FE Sent For:

<END>

Gary, Aaron

From: Rose, Laura
Sent: Thursday, August 18, 2011 1:11 PM
To: Gary, Aaron
Cc: Richter, Anna - DOT
Subject: FW: Law revision drafts: Department of Transportation

Attachments: R1113-11.docx

Hi, Aaron,

Would you please draft one additional request for remedial legislation from DOT? The request is attached, below.

Thanks and let me know if you have any questions.

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Richter, Anna - DOT [<mailto:Anna.Richter@dot.wi.gov>]
Sent: Thursday, August 18, 2011 9:39 AM
To: Rose, Laura
Cc: Young, Tracey
Subject: RE: Law revision drafts: Department of Transportation

Thank you for accepting our late request! I've attached it below. Please let me know if you have any questions.
Anna



R1113-11.docx (18
KB)

From: Rose, Laura [<mailto:Laura.Rose@legis.wisconsin.gov>]
Sent: Thursday, August 18, 2011 8:29 AM
To: Richter, Anna - DOT
Cc: Young, Tracey - LEGIS
Subject: RE: Law revision drafts: Department of Transportation

Hi Anna,

You can definitely do that. Please forward the item to me and I will send it on to the LRB.

Laura

Laura D. Rose, Deputy Director

Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Richter, Anna - DOT [<mailto:Anna.Richter@dot.wi.gov>]
Sent: Thursday, August 18, 2011 7:34 AM
To: Rose, Laura
Cc: Young, Tracey
Subject: RE: Law revision drafts: Department of Transportation

Good morning Deputy Director Rose,

Thank you for forwarding our remedial legislation drafts from the LRB.

I do have one process question. We have identified another potential item that we'd like to address through remedial legislation. It was brought to our attention by the LRB drafters for the DNR. They noted that the definition of "vehicle" is inconsistent between s.340.01(35) and s.340.01(74). One excludes ATVs and one does not. Is it possible to add to our existing request to the Law Revision Committee, or should we table the request and pursue it next session?

Thanks for your help,
Anna

Anna Richter, Chief

Budget and Policy Development Section
Office of Policy, Budget and Finance
Wisconsin Department of Transportation
608-267-7304

From: Young, Tracey [<mailto:Tracey.Young@legis.wisconsin.gov>]
Sent: Tuesday, August 16, 2011 10:44 AM
To: Richter, Anna - DOT
Cc: Rose, Laura - LEGIS; Young, Tracey - LEGIS
Subject: Law revision drafts: Department of Transportation

<< File: 16dot_lrc.doc >>

Anna,

Attached please find correspondence from Laura Rose, Deputy Director, Legislative Council, in regard to drafts your agency submitted to the Law Revision Committee. Please contact Laura with any questions. Thank you.

<< Message: Draft review: LRB 11-0588/P1 Topic: Placement of DOT issued vehicle identification number (R1113 08) >>
<< Message: Draft review: LRB 11-0586/P1 Topic: Cash or securities deposited as proof of financial responsibility (R1113 02) >> << Message: Draft review: LRB 11-0587/P1 Topic: Disqualification action only required when operating privilege is suspended or revoked by the same offense (R1113 04) >> << Message: Draft review: LRB 11-0593/P1 Topic: Extending revocations due to jail time ordered. >> << Message: Draft review: LRB 11-0596/P1 Topic: Repeal notification to DMV for title transfer stops. >> << Message: Draft review: LRB 11-0590/P1 Topic: Repeal obsolete language regarding prorate plates, proportional registration under reciprocal agreements, and single state insurance registration

REMEDIAL LEGISLATIVE PROPOSAL

Wisconsin Department of Transportation

DT1605 10/2006 s.13.83(1)(c)4 Wis. Stats.

Instructions: Complete this form for **Law Revision Committee Remedial Legislative proposal(s)** for which a Division requests Secretary's Office (SO) approval. This form must be signed by the Division Administrator.

| | |
|---|--|
| Short Title of Issue Making definition of "vehicle" consistent in Chapter 340.01. | |
| Date Submitted August 18, 2011 | Division Motor Vehicles |
| Lead Division Contact Person Mitch Warren | Area Code - Telephone Number 608-267-5121 |
| Specific Statutory Change Amend s.340.01 (35) and s.340.01 (74) to be consistent. Amend the last sentence of both to include: <ul style="list-style-type: none">• snowmobile• all-terrain vehicle• personal assistive mobility device | |
| Administrative Problem with Current Statute Section 340.01 has two different definitions of vehicle and motor vehicle: Section 340.01(35) includes a definition of motor vehicle such that: "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by statute. Section 340.01(74) includes a definition such that: "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile or electric personal assistive mobility device shall not be considered a vehicle except for purposes made specifically applicable by statute. To avoid potential confusion, statutes should have a consistent definition. | |
| Justification/Need for Change There is no logical reason for the difference in definition. The discrepancy is a result of a number of legislative changes that occurred over time. | |
| Fiscal Effect, if Any None. | |

(Division Administrator Signature – Brush Script Font If Computer Filled)

(Date)

OPBF Completes: DOT Remedial Legislation Proposal Number
R1113-11



State of Wisconsin
2011 - 2012 LEGISLATURE

soon



LRB-2685/P1

ARG/.....

9/9
cmb

m
8/24

L
cmb

~~PRELIMINARY DRAFT~~ NOT READY FOR INTRODUCTION

§-Note

1 AN ACT ^{regen car} relating to: the definitions of vehicle and motor vehicle (suggested as
2 remedial legislation by the Department of Transportation).

Analysis by the Legislative Reference Bureau

Current law defines "vehicle," for certain purposes, to include any device in, upon, or by which a person or property may be transported or drawn on a highway, but specifically excludes snowmobiles and electric personal assistive mobility devices except when made specifically applicable by statute. Current law also defines "motor vehicle" to include any self-propelled vehicle or vehicle combination, but specifically excludes snowmobiles and all-terrain vehicles except when made specifically applicable by statute.

Under this bill, snowmobiles, all-terrain vehicles, and electric personal assistive mobility devices are not considered a "vehicle" or a "motor vehicle" under the definitions of those terms except when made specifically applicable by statute.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this

bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 340.01 (35) of the statutes is amended to read:

2 **340.01 (35)** “Motor vehicle” means a vehicle, including a combination of 2 or
3 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
4 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
5 commercial motor vehicle or a vehicle which is propelled by electric power obtained
6 from overhead trolley wires but not operated on rails. A snowmobile ~~and~~, an
7 all-terrain vehicle, and an electric personal assistive mobility device shall only be
8 considered motor vehicles for purposes made specifically applicable by statute.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (i); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32.

9 **SECTION 2.** 340.01 (74) of the statutes is amended to read:

10 **340.01 (74)** “Vehicle” means every device in, upon, or by which any person or
11 property is or may be transported or drawn upon a highway, except railroad trains.
12 A snowmobile ~~or~~, an all-terrain vehicle, and an electric personal assistive mobility
13 device shall not be considered a vehicle except for purposes made specifically
14 applicable by statute.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (i); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32.

15 **(END)**

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2685/P1dn

ARG:.....

cmh

date

ATTN: Laura Rose

The attached draft is not complete. Changes to these two definitions will impact numerous statutory provisions. Although the inconsistency between s. 340.01 (35) and s. 340.01 (74) creates confusion and leaves significant room for interpretation, resolving this inconsistency, as is done in the attached draft, may have a substantive effect on numerous provisions, as discussed further below.

Section 340.01 (74) is amended in this draft to add ATVs as an exclusion in the definition of vehicle. This definition is cross-referenced in ss. 30.07 (1) (g), 167.31 (1) (h), 287.81 (1) (b), and 346.62 (1) (d). Section 340.01 (35) is amended in this draft to add electric personal assistive mobility devices (EPAMDs, or "Segways" under a common trade name) as an exclusion in the definition of motor vehicle. This definition is cross-referenced in ss. 30.01 (3w), 77.83 (2) (c), 100.205 (1) (c), 100.21 (1) (d), 100.42 (1) (h), 100.45 (1) (c), 100.51 (5) (a) 1., 110.20 (1) (b), 175.60 (1) (e), 285.30 (1) (b), 422.413 (2g) (intro.), 895.043 (6), 948.605 (1) (am), and 968.20 (3) (a) (b). Moreover, in the hundreds of places where these terms are used in s. 23.33 and chs. 340 to 349 and 351, this draft could have a substantive effect on the statutory provision. I have reviewed numerous provisions that are affected by the definitional changes in this draft, and on the whole I don't believe that the changes are problematic. However, DOT and DNR should review the provisions and they might have a different opinion. The provisions that I do find problematic are discussed below.

Should s. 287.81 (1) (b) be amended to also include ATVs?

This draft may make a substantive change by eliminating ATVs from the scope of s. 30.07 if no treatment of s. 30.07 (1) (g) is added. Should s. 30.07 (1) (g) be treated to include ATVs in the definition of "vehicle"?

The draft should also either amend s. 167.31 (1) (h) to specifically include ATVs (otherwise the reference to ATVs in s. 167.31 (4) (bt) 3. is rendered meaningless) or, alternatively, repeal s. 167.31 (4) (bt) 3. Which option do you prefer?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2685/P1dn
ARG:cmh:jf

September 8, 2011

ATTN: Laura Rose

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Should s. 287.81 (1) (b) be amended to also include ATVs?

This draft may make a substantive change by eliminating ATVs from the scope of s. 30.07 if no treatment of s. 30.07 (1) (g) is added. Should s. 30.07 (1) (g) be treated to include ATVs in the definition of "vehicle"?

The draft should also either amend s. 167.31 (1) (h) to specifically include ATVs (otherwise the reference to ATVs in s. 167.31 (4) (bt) 3. is rendered meaningless) or, alternatively, repeal s. 167.31 (4) (bt) 3. Which option do you prefer?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Rose, Laura
Sent: Friday, October 28, 2011 4:44 PM
To: Gary, Aaron
Subject: FW: Draft review: LRB 11-2685/P1 Topic: Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Hi Aaron,

I wasn't sure if I had sent this to you.

Laura

Laura D. Rose, Deputy Director

Wisconsin Legislative Council

One East Main Street, Suite 401

PO Box 2536

Madison, WI 53701-2536

tel: 608.266.9791

fax: 608.266.3830

laura.rose@legis.wisconsin.gov

10/31

T/c w/ Laura .

- make three

x-ref changes

From: Richter, Anna - DOT [<mailto:Anna.Richter@dot.wi.gov>]
Sent: Tuesday, October 25, 2011 3:24 PM
To: Rose, Laura
Subject: Fw: Draft review: LRB 11-2685/P1 Topic: Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Hi Laura,

Outside of fixing the cross-references DMV does not have any comments on any of the impacted statutes.

From: McGinn, Reed - DOT
Sent: Tuesday, October 25, 2011 02:51 PM
To: Richter, Anna - DOT
Subject: RE: Draft review: LRB 11-2685/P1 Topic: Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Hi Anna, I discussed these questions with Mitch. We agree it makes sense to fix any unintended consequences with this remedial Leg. Aaron's suggestions seem to make sense to us, they will fix the cross-referencing problems and keep the laws as originally intended. However I don't believe DMV can take a position on these statutes, as this really falls outside our scope of expertise.

167.31(1)(h) involves Safeguards/Safe use and transportation of firearms and bows.

30.07(1)(g) involves Navigable Waters, Harbors, and Navigation/Transportation of aquatic plants and animals; placement of objects in navigable waters. This chapter belongs to DNR.

And 287.81 involves Solid Waste/Littering. This chapter belongs to DNR.

Reed McGinn

Legislative Liaison

Division of Motor Vehicles

Wisconsin Department of Transportation

608-266-7857

From: Richter, Anna - DOT

Sent: Tuesday, October 25, 2011 11:15 AM

To: McGinn, Reed - DOT

Subject: FW: Draft review: LRB 11-2685/P1 Topic: Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Hi Reed,

The drafters note has a question in it about ATVs. Can you let me know how you'd like to respond? I need this ASAP!

Thanks,
Anna

From: Rose, Laura [mailto:Laura.Rose@legis.wisconsin.gov]

Sent: Tuesday, October 25, 2011 11:09 AM

To: Richter, Anna - DOT

Subject: RE: Draft review: LRB 11-2685/P1 Topic: Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Hi again. Could you let me know how you'd like to respond to the questions re: ATVs in the drafter's note?

Thanks so much,

Laura

Laura D. Rose, Deputy Director

Wisconsin Legislative Council

10/30/2011

One East Main Street, Suite 401

PO Box 2536

Madison, WI 53701-2536

tel: 608.266.9791

fax: 608.266.3830

laura.rose@legis.wisconsin.gov

From: Rose, Laura

Sent: Wednesday, October 05, 2011 4:07 PM

To: Richter, Anna - DOT

Subject: FW: Draft review: LRB 11-2685/P1 Topic: Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Hi Anna,

I neglected to send this to you; it was in my Inbox. Sorry for the delay. Please let me know if this is okay.

Laura

Laura D. Rose, Deputy Director

Wisconsin Legislative Council

One East Main Street, Suite 401

PO Box 2536

Madison, WI 53701-2536

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laura.rose@legis.wisconsin.gov

From: Basford, Sarah

Sent: Thursday, September 08, 2011 8:40 AM

To: Rose, Laura

10/30/2011

Subject: Draft review: LRB 11-2685/P1 Topic: Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Following is the PDF version of draft LRB 11-2685/P1 and drafter's note.



State of Wisconsin
2011 - 2012 LEGISLATURE

TODAY



in
10/31

LRB-2685/21 PZ
ARG:cmh:jf

stays RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert

& cjs

STW

Gen Cat

1 AN ACT ~~to amend~~ 340.01 (35) and 340.01 (74) of the statutes; **relating to:** the
2 definitions of vehicle and motor vehicle (suggested as remedial legislation by
3 the Department of Transportation).

Analysis by the Legislative Reference Bureau

Current law defines "vehicle," for certain purposes, to include any device in, upon, or by which a person or property may be transported or drawn on a highway, but specifically excludes snowmobiles and electric personal assistive mobility devices except when made specifically applicable by statute. Current law also defines "motor vehicle" to include any self-propelled vehicle or vehicle combination, but specifically excludes snowmobiles and all-terrain vehicles except when made specifically applicable by statute.

Under this bill, snowmobiles, all-terrain vehicles, and electric personal assistive mobility devices are not considered a "vehicle" or a "motor vehicle" under the definitions of those terms except when made specifically applicable by statute.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2685/P2ins
ARG:.....

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INSERT 2-1:

SECTION 1. 30.07 (1) (g) of the statutes is amended to read:

30.07 (1) (g) "Vehicle" has the meaning given in s. 340.01 (74), but includes an all-terrain vehicle, as defined in s. 340.01 (2g).

History: 2009 a. 55 ss. 9, 13, 14.

SECTION 2. 167.31 (1) (h) of the statutes is amended to read:

167.31 (1) (h) "Vehicle" has the meaning given in s. 340.01 (74), and but includes a snowmobile, as defined in s. 340.01 (58a), an all-terrain vehicle, as defined in s. 340.01 (2g), and an electric personal assistive mobility device, as defined in s. 340.01 (15pm), except that for purposes of subs. (4) (c) and (cg) and (4m) "vehicle" has the meaning given for "motor vehicle" in s. 29.001 (57).

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246; 2011 a. 32, 35.

SECTION 3. 287.81 (1) (b) of the statutes is amended to read:

287.81 (1) (b) "Vehicle" has the meaning given in s. 340.01 (74), and but includes an electric personal assistive mobility device, as defined in s. 340.01 (15pm), and an all-terrain vehicle, as defined in s. 340.01 (2g).

History: 1989 a. 335; 1991 a. 19; 1995 a. 227 s. 917; Stats. 1995 s. 287.81; 2001 a. 90; 2009 a. 368.

Gary, Aaron

From: Rose, Laura
Sent: Tuesday, December 27, 2011 8:49 AM
To: Gary, Aaron
Subject: RE: Drafts for jacketing: Law Revision

That's fine, thanks!

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov

From: Gary, Aaron
Sent: Friday, December 23, 2011 1:22 PM
To: Rose, Laura
Subject: RE: Drafts for jacketing: Law Revision

Hi Laura,

For LRB-2685, the second note (after section 5), is the following OK (it varies slightly from yours):

Note: Sections 1, 2, 3, and 5 provide that an all-terrain vehicle is not considered a vehicle, unless a statute specifically provides otherwise.

Thanks. Hope you have a fun and peaceful holiday. Aaron

From: Rose, Laura
Sent: Thursday, December 22, 2011 9:49 AM
To: Mueller, Eric; Gary, Aaron
Subject: Drafts for jacketing: Law Revision

<< File: DOT remedial legislation draft notes.doc >>
Hi, Eric and Aaron,

LRB 2685/P2 and LRB 0595/P2 are ready to be jacketed for introduction in the Assembly.

The word document, attached, contains the SECTION notes for those daafts.

Thanks! Happy holidays,

Laura

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536

DOT remedial legislation draft notes

LRB 0595/1

Note: (After SECTION 1): SECTION 1 provides that a registration plate for a veteran with a disability may be personalized with letters or numbers not exceeding six positions, rather than the four positions allowed under current law.

LRB-2685/P2

NOTE: (AFTER SECTION 4): SECTION 4 provides that an electric personal assistance mobility device is not considered a motor vehicle, unless a statute specifically provides otherwise.

NOTE: (AFTER SECTION 5): SECTIONS 2, 3, and 5 provides that an all-terrain vehicle is not considered a motor vehicle, unless a statute specifically provides otherwise.



400n



in
12/23

KMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

slays

SAN

Gen Cat

1 AN ACT ~~to amend~~ 30.07 (1) (g), 167.31 (1) (h), 287.81 (1) (b), 340.01 (35) and
2 340.01 (74) of the statutes; **relating to:** the definitions of vehicle and motor
3 vehicle (suggested as remedial legislation by the Department of
4 Transportation).

Analysis by the Legislative Reference Bureau

Current law defines "vehicle," for certain purposes, to include any device in, upon, or by which a person or property may be transported or drawn on a highway, but specifically excludes snowmobiles and electric personal assistive mobility devices except when made specifically applicable by statute. Current law also defines "motor vehicle" to include any self-propelled vehicle or vehicle combination, but specifically excludes snowmobiles and all-terrain vehicles except when made specifically applicable by statute.

Under this bill, snowmobiles, all-terrain vehicles, and electric personal assistive mobility devices are not considered a "vehicle" or a "motor vehicle" under the definitions of those terms except when made specifically applicable by statute.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 30.07 (1) (g) of the statutes is amended to read:

2 30.07 (1) (g) "Vehicle" has the meaning given in s. 340.01 (74), but includes an
3 all-terrain vehicle, as defined in s. 340.01 (2g). create a.r. W

4 **SECTION 2.** 167.31 (1) (h) of the statutes is amended to read:

5 167.31 (1) (h) "Vehicle" has the meaning given in s. 340.01 (74), and but
6 includes a snowmobile, as defined in s. 340.01 (58a), an all-terrain vehicle, as defined
7 in s. 340.01 (2g), and an electric personal assistive mobility device, as defined in s.
8 340.01 (15pm), except that for purposes of subs. (4) (c) and (cg) and (4m) "vehicle" has
9 the meaning given for "motor vehicle" in s. 29.001 (57). create a.r. X

10 **SECTION 3.** 287.81 (1) (b) of the statutes is amended to read:

11 287.81 (1) (b) "Vehicle" has the meaning given in s. 340.01 (74), and but
12 includes an electric personal assistive mobility device, as defined in s. 340.01 (15pm),
13 and an all-terrain vehicle, as defined in s. 340.01 (2g). create a.r. Y

14 **SECTION 4.** 340.01 (35) of the statutes is amended to read:

15 340.01 (35) "Motor vehicle" means a vehicle, including a combination of 2 or
16 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
17 operated exclusively on a rail. "Motor vehicle" includes, without limitation, a
18 commercial motor vehicle or a vehicle which is propelled by electric power obtained
19 from overhead trolley wires but not operated on rails. A snowmobile and, an
20 all-terrain vehicle, and an electric personal assistive mobility device shall only be
21 considered motor vehicles for purposes made specifically applicable by statute.

22 **SECTION 5.** 340.01 (74) of the statutes is amended to read: create a.r. Z

1 340.01 (74) "Vehicle" means every device in, upon, or by which any person or
2 property is or may be transported or drawn upon a highway, except railroad trains.
3 A snowmobile ~~or~~ an all-terrain vehicle, and an electric personal assistive mobility
4 device shall not be considered a vehicle except for purposes made specifically
5 applicable by statute.

(END)

insert
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2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2685/1ins
ARG:.....

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INSERT 2-21:

NOTE: SECTION 4 provides that an electric personal assistance mobility device is not considered a motor vehicle, unless a statute specifically provides otherwise.

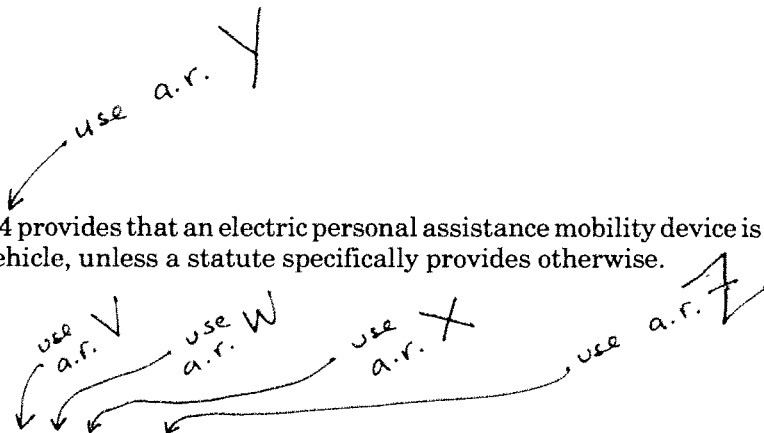
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INSERT 3-5:

NOTE: SECTIONS 1, 2, 3, and 5 provide that an all-terrain vehicle is not considered a vehicle, unless a statute specifically provides otherwise.

5



Godwin, Gigi

From: Rose, Laura
Sent: Thursday, January 12, 2012 3:51 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2685/1 Topic: Making definitions of vehicle and motor vehicle consistent in section 340.01 (R1113 11)

Please Jacket LRB 11-2685/1 for the ASSEMBLY.

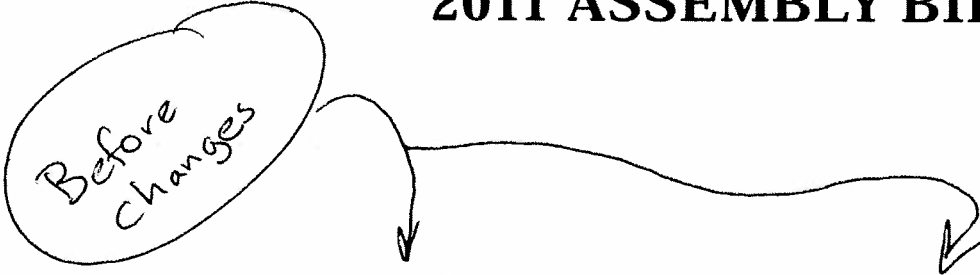


State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2685/1
ARG:cmh&cjs:jf

2011 ASSEMBLY BILL 486



January 24, 2012 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Transportation.

1 **AN ACT** to amend 30.07 (1) (g), 167.31 (1) (h), 287.81 (1) (b), 340.01 (35) and
2 340.01 (74) of the statutes; relating to: the definitions of vehicle and motor
3 vehicle (suggested as remedial legislation by the Department of
4 Transportation).

Analysis by the Legislative Reference Bureau

Current law defines "vehicle," for certain purposes, to include any device in, upon, or by which a person or property may be transported or drawn on a highway, but specifically excludes snowmobiles and electric personal assistive mobility devices except when made specifically applicable by statute. Current law also defines "motor vehicle" to include any self-propelled vehicle or vehicle combination, but specifically excludes snowmobiles and all-terrain vehicles except when made specifically applicable by statute.

Under this bill, snowmobiles, all-terrain vehicles, and electric personal assistive mobility devices are not considered a "vehicle" or a "motor vehicle" under the definitions of those terms except when made specifically applicable by statute.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

REVISION REPORT

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Under Assembly Rule 17d,

Tuesday, January 24, 2012 at 8:11 AM

is considered the official date and time of introduction for the proposals listed in this document.

ASSEMBLY BILL 485 (LRB -0595)

Relating to: personalized registration plates for vehicles registered by certain veterans with a disability that limits the ability to walk (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

Referred to Committee on TRANSPORTATION.

ASSEMBLY BILL 486 (LRB -2685)

Relating to: the definitions of vehicle and motor vehicle (suggested as remedial legislation by the Department of Transportation).

By Law Revision Committee.

Referred to Committee on TRANSPORTATION.

01-25-2012
"corrected copies"
for these two bills
requested by Jeryn
in ACC Office
AMB

Sponsor
changed



01-25-2012
After
changes

2011 ASSEMBLY BILL 486

January 24, 2012 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Transportation.

1 AN ACT *to amend* 30.07 (1) (g), 167.31 (1) (h), 287.81 (1) (b), 340.01 (35) and
2 340.01 (74) of the statutes; **relating to:** the definitions of vehicle and motor
3 vehicle (suggested as remedial legislation by the Department of
4 Transportation).

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Current law defines “vehicle,” for certain purposes, to include any device in, upon, or by which a person or property may be transported or drawn on a highway, but specifically excludes snowmobiles and electric personal assistive mobility devices except when made specifically applicable by statute. Current law also defines “motor vehicle” to include any self-propelled vehicle or vehicle combination, but specifically excludes snowmobiles and all-terrain vehicles except when made specifically applicable by statute.

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For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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