2011 ASSEMBLY BILL 465


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

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
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.

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

SECTION 1. 25.29 (1) (d) 1. of the statutes is renumbered 25.29 (1) (d) 1. (intro.) and amended to read:

25.29 (1) (d) 1. (intro.) An For fiscal years 2011−12 and 2012−13, an amount calculated by multiplying the number of snowmobiles registered under s. 350.12 or 350.122 on the last day of March of the previous fiscal year by 50 gallons and
multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day of March of the previous fiscal year. **For fiscal year 2013–14, and for each fiscal year thereafter, an amount calculated by multiplying the sum of the following by 50 gallons and multiplying that product by the excise tax imposed under s. 78.01 on the last day of March of the previous fiscal year:**

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

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

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

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

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

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

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

350.12 (3) (a) 1. Except as provided under subs. (2) and (5) (cm), no person may operate and no owner may give permission for the operation of any snowmobile within this state unless the snowmobile is registered for public use or private use under this paragraph or s. 350.122 or as an antique under par. (b) and has the registration decals displayed as required under sub. (5) or s. 350.122 or unless the
snowmobile has a reflectorized plate attached as required under par. (c) 3. A
snowmobile that is not registered as an antique under par. (b) may be registered for
public use. A snowmobile that is not registered as an antique under par. (b) and that
is used exclusively on private property, as defined under s. 23.33 (1) (n), may be
registered for private use. A snowmobile public-use registration certificate is valid
for 2 years beginning on the July 1 prior to the date of application if registration is
made prior to April 1 and beginning on the July 1 subsequent to the date of
application if registration is made after April 1 and ending on June 30, 2 years
thereafter. A snowmobile or private-use registration certificate is valid from the
date of issuance until ownership of the snowmobile is transferred. The fee for the
issue of renewal of a public-use registration certificate is $30 $15, except that the
fee is $5 if it is a snowmobile owned and operated by a political subdivision of this
state. There is no fee for the issuance of a private-use registration certificate or for
the issuance of a registration certificate to the state.

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

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

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

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

350.12 (3j) (b) 1. In this paragraph, “snowmobile club” means an association
organized in this state the members of which are members of the Association of
Wisconsin Snowmobile Clubs and that meets at least 3 times per year, that has at
least 10 members, and that promotes responsible snowmobiling.
SECTION 9. 350.12 (3j) (b) 3. of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

SECTION 15. 350.12 (4) (bg) 2. of the statutes, as affected by 2011 Wisconsin Act 32, is renumbered 350.12 (4) (bg) 2. a. and amended to read:
350.12 (4) (bg) 2. a. For fiscal years 2011–12, and for each fiscal year thereafter 2012–13, the department shall calculate an amount equal to the number of trail use stickers issued under sub. (3j) in the previous fiscal year multiplied by $32 and shall credit this amount to the appropriation account under s. 20.370 (5) (cw). From the appropriation account under s. 20.370 (5) (cw), the department shall make payments to the department or a county for the purposes specified in par. (b). The department shall make payments under par. (bm) for trail maintenance costs that were incurred in the previous fiscal year and that exceed the maximum specified under par. (b) 1. before making payments for any of the other purposes specified in par. (b).

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

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

SECTION 17. Nonstatutory provisions.

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

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

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

SECTION 18. Effective date.

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

(END)