

1969 Assembly Bill 410

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CHAPTER 394, LAWS OF 1969

AN ACT to renumber and amend 350.04 and 350.09; to amend 23.09 (17) (b), 29.05 (1) and (2), 29.66 (1), 29.68 (1), (2) and (3), 30.81 (1) and (2), 350.02, 350.04 (title), 350.07 and 350.09 (title); to repeal and recreate 350.03; and to create 20.370 (2) (vn) and (x), 23.09 (20), 350.01 (13) to (18), 350.04 (2), 350.09 (2), (3) and (4), 350.12 and 350.13 of the statutes relating to snowmobiles, and making an appropriation.

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

SECTION 1. LEGISLATIVE PURPOSE. It is the intent of the legislature by this act to promote the use of snowmobiles for recreation and commerce in Wisconsin by encouraging their use and development. To this end, it is proposed that trails and facilities be constructed or adapted by the counties and that state aids be provided therefor.

SECTION 2. 20.370 (2) (vn) and (x) of the statutes are created to read:

20.370 (2) (vn) *County forest aids for snowmobile trails and areas.* The moneys allocated under s. 350.12 (4) for state aid to snowmobile trails and areas, to be used exclusively for the development of snowmobile trails and areas on county lands under s. 23.09 (20) or such public lands as the county board by resolution designates.

(x) *Registration of snowmobiles.* A sum sufficient to register snowmobiles under s. 350.12.

SECTION 3. 23.09 (17) (b) of the statutes is amended to read:

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23.09 (17) (b) For the purposes of this subsection outdoor recreational facilities shall mean the development of picnic and camping grounds, nature trails, *snowmobile trails and areas*, beaches and bath houses, toilets, shelters, wells and pumps, and fireplaces. Costs associated with the operation and maintenance of recreational facilities shall not be eligible for aids under this section.

SECTION 4. 23.09 (20) of the statutes is created to read:

23.09 (20) AID TO COUNTIES FOR THE DEVELOPMENT OF SNOWMOBILE TRAILS AND AREAS. State aids granted under this subsection shall be equal to the actual cost of the project. The procedures in sub. (17) (a), (d), (e) and (f) shall apply to this subsection, except that encumbrances and payments shall be in an amount equal to the total cost of the project.

SECTION 5. 29.05 (1) and (2) of the statutes are amended to read:

29.05 (1) The ~~commission~~ *department of natural resources* and its deputies may execute and serve warrants and processes issued under any law relating to wild animals and ss. 29.221, 30.12, 30.125, 30.18, 30.195, 30.50 to 30.80, 346.19, 346.94 (6) and (6m), 350.06, 350.07, 350.12, 940.24, 941.20, 942.22, 947.03 and 947.047 in the same manner as any constable may serve and execute such process; and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of a violation under this chapter or ss. 30.12, 30.18, 30.195, 30.50 to 30.80, 346.19, 346.94 (6) and (6m), 350.06, 350.07, 350.12, 940.24, 941.20, 941.22, 947.03 and 947.047, and to take such person before any court in the county where the offense was committed and make proper complaint. For the purpose of enforcing ss. 30.50 to 30.80, 350.06, 350.07 and 350.12, any such officer may stop and board any boat *and stop any snowmobile*, if he has reasonable cause to believe there is a violation of such sections.

(2) Such officers shall, upon receiving notice or information that this chapter or ss. 30.12, 30.18, 30.195, 346.19, 346.94 (6) and (6m), 350.06, 350.07, 350.12, 940.24, 941.20, 941.22 and 947.03 has been violated, as soon as possible make a thorough investigation thereof, and cause proceedings to be instituted if the proofs at hand warrant it. In any case where the alleged violator holds and claims to be acting under a permit from the public service commission, before instituting any proceeding charging a violation of s. 30.12, 30.18, or 30.195, such officer shall obtain the written consent of the public service commission to the institution of such proceeding.

SECTION 6. 29.66 (1) of the statutes is amended to read:

29.66 (1) A person arrested without a warrant for a violation of this chapter, or any rule of the ~~commission~~ *department of natural resources*, or ss. 134.60, 346.19 ~~and~~, 346.94 (6) and (6m), 350.06, 350.07 and 350.12, for which a mandatory jail sentence is not prescribed, who is not released at the time of arrest or without necessary delay brought before a magistrate or court, shall be allowed to make a deposit of money to the office of the sheriff, city or village police headquarters or precinct stations or to the office of the clerk of the court before whom he is summoned to appear by going in the custody of the arresting officer and making such deposit *in cash or check*.

SECTION 7. 29.68 (1), (2) and (3) of the statutes are amended to read:

29.68 (1) An owner, lessee, or occupant of premises owes no duty to keep the premises safe for entry or use by others for hunting, fishing, trapping, camping, hiking, *snowmobiling*, berry picking, water sports, sightseeing or recreational purposes, or to give warning of any unsafe condition or use of or structure or activity on such premises to persons entering for such purpose, except as provided in sub. (3).

(2) An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, *snowmobile*, sightsee, berry pick or

to proceed with water sports or recreational uses upon such premises does not thereby extend any assurance that the premises are safe for such purpose, or constitute the person to whom permission is granted an invitee to whom a duty of care is owed, or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted, except as provided in sub. (3).

(3) This section does not limit the liability which would otherwise exist for wilful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity; or for injury suffered in any case where permission to hunt, fish, trap, camp, hike, *snowmobile*, sight-see, berry pick or to proceed with water sports or recreational uses was granted for a valuable consideration other than the valuable consideration paid to said landowner by the state; or for injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, *snowmobile*, sightsee, berry pick or to proceed with water sports or recreational uses was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger. As used in this subsection "valuable consideration" shall not include contributions to the sound management and husbandry of natural and agricultural resources of the state resulting directly from the recreational activity.

SECTION 8. 30.81 (1) and (2) of the statutes are amended to read:

30.81 (1) Any town, village or city may by ordinance, in the interest of public health or safety, adopt local regulations not inconsistent with this chapter, relative to the use or operation of boats and other craft, including *snowmobiles and other* motor vehicles, on icebound inland lakes, but no such local regulation is valid unless each town, village and city having jurisdiction over any portion of the lake has enacted an identical local regulation. When such identical local regulations have been enacted, the regulation of any individual town, village or city is in effect on the entire lake, and any law enforcement officer of any such town, village or city shall have the powers of sheriff in enforcing such regulation on any portion of the lake, whether or not such portion of the lake is within the municipality's jurisdiction for other purposes.

(2) Any county may by ordinance, in the interest of public health or safety, adopt local regulations not inconsistent with this chapter, relative to the use or operation of boats and other craft, including *snowmobiles and other* motor vehicles, on any of the icebound inland waters over which it has jurisdiction, except inland icebound lakes which are regulated by valid local ordinances enacted pursuant to sub. (1).

SECTION 9. 350.01 (13) to (18) of the statutes are created to read:

350.01 (13) "Owner" has the meaning designated in s. 30.50 (3).

(14) "Department" means the department of natural resources.

(15) "Board" means the natural resources board.

(16) "Snowmobile dealer" means any person engaged in the sale of snowmobiles for a profit at wholesale or retail.

(17) "Snowmobile manufacturer" means any person engaged in the manufacture of snowmobiles for sale to the public.

(18) "Snowmobile renter" means any person engaged in the rental or leasing of snowmobiles to the public.

SECTION 10. 350.02 of the statutes is amended to read:

350.02 No person shall operate a snowmobile upon any highway or cross any highway, except as provided in s. 350.03, other than to drive directly across ~~a 2- or 3-lane highway~~ 2-, 3 or 4-lane highways, except federal interstate highways, at right angles to the roadway, and then only after stopping and yielding the right of way to all vehicles approaching on the highway.

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SECTION 11. 350.03 of the statutes is repealed and recreated to read:

350.03 OPERATION OF SNOWMOBILES ON OR IN THE VICINITY OF A HIGHWAY. (1) No person shall operate a snowmobile upon a state or federal highway except as permitted under s. 350.02. No person shall operate a snowmobile upon the main traveled portion of any other highway subject to [the] following exceptions:

(a) As set forth in s. 350.02.

(b) Snowmobiles may be operated on highways or town roads which are not maintained for winter wheeled vehicular traffic by the removal of snow.

(c) Snowmobiles may be operated on highways or town roads during periods of emergency when so declared by a police agency having jurisdiction.

(d) Snowmobiles may be operated on highways or town roads when necessary to cross a bridge or culvert.

(e) Snowmobiles may be operated on highways or town roads for special snowmobile events of limited duration which are conducted according to a pre-arranged schedule under permit from the governmental unit having jurisdiction.

(f) Whenever it is impracticable to gain immediate access to an area adjacent to a public highway where a snowmobile is to be operated, the snowmobile may be operated adjacent and parallel to the highway for the purpose of gaining access to and from the area of operation. Loading or unloading of the snowmobile shall be accomplished with due regard to safety at the nearest practical point to the area of operation.

(2) (a) Snowmobiles may be operated adjacent to highways or town roads in the following manner:

1. Along highways or town roads having 10 or more feet of traversible right of way outside the traveled portion of the roadway, snowmobiles shall be operated at a distance of 10 or more feet from the traveled portion of the roadway. Travel on or along the median strip of divided highways is prohibited.

(b) Snowmobiles operated adjacent to highways or town roads shall be operated with due regard to safety and in the following manner:

1. Operation of snowmobiles adjacent to highways or town roads during daylight hours may be in either direction regardless of the flow of vehicular traffic.

2. Operation of snowmobiles adjacent to highways or town roads at night shall conform to the flow of traffic.

SECTION 12. 350.04 (title) of the statutes is amended to read:

350.04 (title) SNOWMOBILE RACES, DERBIES AND ROUTES.

SECTION 13. 350.04 of the statutes is renumbered 350.04 (1) and amended to read:

350.04 (1) Any *county, town or municipality, city or village* may block off the streets of such *county, town or municipality, city or village* for the purpose of allowing snowmobile races or derbies but the *county, town or municipality, city or village* shall not be responsible for any injury suffered by anyone in connection with, or arising out of, any such race or derby unless the injury is caused by the negligence of such *county, town or municipality, city or village*. No state trunk highway or connecting street or part thereof, shall be blocked off by any *county, town or municipality, city or village* for any snowmobile race or derby. Every *county, town or municipality, city or village* shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any snowmobile race or derby which may result in any street or part thereof, of the *county, town or municipality, city or*

village being blocked off. Upon such notice, the local police department shall take such measures as it deems appropriate to protect persons and property and to regulate traffic in the designated area and its vicinity on the day of such race or derby.

SECTION 14. 350.04 (2) of the statutes is created to read:

350.04 (2) Counties, towns, cities and villages may adopt ordinances designating streets, appropriately marked, as snowmobile routes. These routes shall not include state trunk highways.

SECTION 14m. 350.07 of the statutes is amended to read:

350.07 DRIVING BEAR, DEER OR OTHER GAME PROHIBITED. No person shall drive or pursue any deer ~~or~~, bear or other game with a snowmobile.

SECTION 15. 350.09 (title) of the statutes is amended to read:

350.09 (title) HEAD LAMPS, TAIL LAMPS AND BRAKES.

SECTION 16. 350.09 of the statutes is renumbered 350.09 (1) and amended to read:

350.09 (1) Any snowmobile ~~crossing or driving along the right of way~~ operated during the hours of darkness, or operated during daylight hours on or in the vicinity of highways or town roads as provided in ss. 350.02 and 350.03, shall display a lighted head lamp and tail lamp.

SECTION 17. 350.09 (2), (3) and (4) of the statutes are created to read:

350.09 (2) After the effective date of this amendment (1969), the head lamp on a snowmobile may be of the single beam or multiple beam type, but in either case shall comply with the following requirements and limitations:

(a) The head lamp shall be an electric head lamp and the current shall be supplied by a wet battery and electric generator, by a current-generating coil incorporated into the magneto or by a generator driven directly by the motor by means of gears, friction wheel, chain or belt.

(b) The head lamp shall display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 200 feet ahead.

(c) If the snowmobile is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth in par. (b) and the lower most beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead.

(d) If the snowmobile is equipped with a single beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 25 feet ahead, projects higher than the level of the center of the lamp from which it comes.

(3) After the effective date of this amendment (1969), the tail lamp on a snowmobile must display a red light plainly visible during darkness from a distance of 500 feet to the rear.

(4) After the effective date of this amendment (1969), every snowmobile shall be equipped with at least one brake operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 50 feet when traveling at a speed of 20 miles per hour with a 150 pound driver and on hard packed snow. The brake shall be of sound design with the disk or brake drum directly connected or integral with the belt drive shaft and with an internal-expanding brake shoe or engaging discs. The design shall permit simple and easy adjustment to compensate for wear. If the brake control is hand-operated, there shall be no other controls linked to it.

SECTION 18. 350.12 of the statutes is created to read:

350.12 REGISTRATION OF SNOWMOBILES. (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 snowmobile is registered with the department pursuant to this section or is exempt from registration. No political subdivision shall have authority to register or license snowmobiles.

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(2) EXEMPTION. A snowmobile is exempt from registration if it is:

(a) Owned by the United States, ~~a state or a local government unit.~~

(b) Covered by a valid registration in another state, provided there is some identification of registration displayed on the snowmobile and has not been in this state for more than 30 consecutive days.

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~~(c) Operated exclusively on lands owned or under the control of the snowmobile owner.~~

(d) Used for racing on a raceway facility.

(3) APPLICATIONS, ISSUANCES, RENEWALS, FEES. (a) A person shall not operate and an owner shall not give permission for the operation of any snowmobile within this state unless the snowmobile is registered under this section. A registration period shall be for 3 years beginning on September 1 and shall expire on August 31 3 years thereafter. A fee of \$6 shall be paid to the department of natural resources for registration which shall be valid for the 3-year period commencing on September 1 prior to the date of application. However, all initial licenses issued under s. 350.12 shall expire on August 31, 1972.

1. For the issuance of a duplicate registration certificate, a fee of \$1 shall be paid to the department.

2. Upon transfer of ownership of a snowmobile for which a registration certificate has been issued, the seller shall, at time of sale, deliver the assigned certificate to the purchaser.

3. The purchaser shall complete the application for transfer and cause it to be mailed or delivered to the department within 10 days from the date of purchase. A fee of \$1 shall be paid for transfer of a current registration certificate.

4. Whenever a snowmobile is junked, the owner shall return the certificate of registration to the department marked "junked".

5. Snowmobiles owned and operated by this state, or by any county or municipality of this state, must display a registration number. A fee of \$1 shall be paid to the department.

(c) Every person who is a snowmobile manufacturer, dealer or renter or any combination thereof engaged in business in this state shall obtain from the department a registration certificate as a commercial owner. Each snowmobile put in use by a commercial owner shall also be registered. The registration period shall be the same as in par. (a). The registration fees shall be as follows:

1. A fee of \$15 shall be paid to the department for the issuance of a registration certificate as a commercial owner, or renewal thereof, valid for the whole or any part of the registration period.

2. A fee of \$1 shall be paid to the department for the registration of each snowmobile put in use by the commercial owner. For purposes of this section, "put in use" means renting or demonstrating the snowmobile, but shall not include the operation of a snowmobile on land owned or under the control of the snowmobile manufacturer, dealer or renter.

(d) Upon receipt of the required fee and an application on forms prescribed by it, the department shall issue to the applicant a registration certificate stating the registration number, the name and address of the owner, and such other information as the department deems necessary. The department shall also issue one registration sticker or decal per snowmobile owned by an individual owner or put in use by a commercial owner. Such sticker or decal shall be no larger than 2 inches in height and 4 inches

in width and shall contain reference to the state, the department, the registration number and the expiration date of the registration.

(e) If a certificate or registration decal or sticker is lost or destroyed, the owner may apply for a duplicate on forms provided for by the department accompanied by a fee of \$1. Upon receipt of a proper application and the required fee, the department shall issue a duplicate certificate or registration decal or sticker to the owner.

(4) AIDS. All moneys collected from snowmobile registrations under this section shall be deposited into the conservation fund. From the moneys so collected a sum sufficient shall be appropriated to the department of natural resources for the registration of snowmobiles under s. 350.12 and the balance shall be appropriated under s. 20.370 (2) (vn) and ~~(x)~~ as aids to counties for the development of snowmobile trails and areas under s. 23.09 (20) or such public lands as the county board designates.

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(5) NUMBER TO BE DISPLAYED. (a) The owner of the snowmobile shall attach the registration number [to] the snowmobile in a prominent place, and shall maintain such decal or sticker in a legible condition at all times. Numbers shall be not less than 3 inches in height and not less than one-fourth of an inch wide and in sharp contrast to the background to which applied. Numbers to be applied on both sides of the cowling of the snowmobile.

(b) The registration certificate shall be in the possession of the user of the snowmobile at all times, except in the case of snowmobiles put in use by a commercial owner.

(6) CHANGE OF ADDRESS. Whenever the owner of a registered snowmobile changes his address he shall within 15 days thereafter notify the department in writing of his new address and of the registration numbers awarded to him. At the same time he shall endorse his new address on his registration certificates.

SECTION 19. 350.13 of the statutes is created to read:

350.13 RULES. The department of natural resources in cooperation with the department of transportation shall promulgate rules to establish uniform snowmobile trail signs and standards relating to the operation thereon as permitted under s. 350.02 (2).

Approved February 5, 1970.
