

1973 Senate Bill 598

Date published:
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CHAPTER 298, Laws of 1973
(Vetoed in Part)

AN ACT to amend 23.09 (26) (a) 1, 350.01 (19), 350.05 (1), 350.055, 350.12 (4) (a) 4 and 350.13; to repeal and recreate 350.12 (4) (b); and to create 20.370 (2) (vq) and (vr), 23.09 (26) (a) 5, 350.12 (4) (a) 2m, 350.125 and 350.155 of the statutes, relating to allocation of snowmobile registration moneys for trail maintenance, cooperative sign programs, signing of snowmobile routes, snowmobile noise emission studies, departmental law enforcement and blood specimens of snowmobile fatalities.

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

SECTION 1. At the appropriate place in the schedule under section 20.005 of the statutes, insert the following amounts for the purposes indicated:

	1973-74	1974-75
20.370 Natural resources,		
Department of		
FORESTRY		
(2)		
(vq) Snowmobile fatality blood		
specimens and reports	SEG A	
(vr) Snowmobile law enforcement	SEG A	130,000

SECTION 2. 20.370 (2) (vq) of the statutes is created to read:

20.370 (2) (vq) *Snowmobile fatality blood specimens and reports.* The amounts in the schedule as authorized under ss. 350.12 (4) (a) 2m and 350.155.

SECTION 3. 20.370 (2) (vr) of the statutes is created to read:

20.370 (2) (vr) *Snowmobile law enforcement.* ~~From interest earnings on snowmobile registration, the amounts in the schedule for departmental law enforcement under ch. 350 not to exceed \$130,000 or the amount of interest earned in any fiscal year from snowmobile registration fees, whichever is less.~~ ^{Vetoed in Part}

SECTION 4. 23.09 (26) (a) 1 of the statutes is amended to read:

23.09 (26) (a) 1. Purchase lands or secure easements or leases over, permits or other appropriate agreements, written or oral, permitting use of private property for snowmobile trails, facilities and areas, if such easements, leases, permits or other agreements provide public access to the trail, facility or area. No lands under lease or easement purchased or leases, easements, permits or agreements secured under authority of this section may be acquired by the county through condemnation. Counties shall certify to the department that such lands, easements, leases, permits or other appropriate agreements have been secured. However, when bridges, culverts, toilet facilities, parking lots or shelters are to be constructed under this section and the improvements are estimated to cost in excess of \$3,000, the land underlying such improvements must be purchased by the county or secured by the county by written easements or leases having a term of not less than 3 years.

SECTION 5. 23.09 (26) (a) 5 of the statutes is created to read:

23.09 (26) (a) 5. Purchase liability insurance for snowmobile trails developed or maintained under subd. 3.

SECTION 6. 350.01 (19) of the statutes is amended to read:

350.01 (19) "Snowmobile trail" means a marked route on public property or on private lands subject to public easement or lease, designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding highways except those highways on which the roadway is not normally maintained for other vehicular traffic by the removal of snow.

SECTION 7. 350.05 (1) of the statutes is amended to read:

350.05 (1) AGE RESTRICTION. No person under the age of 12 years may operate a snowmobile unless he is accompanied either by a parent or guardian or by a person over 18 years of age or by a person over 14 years of age who holds a snowmobile safety certificate issued by the department under s. 350.055.

SECTION 8. 350.055 of the statutes is amended to read:

350.055 Safety certification program established. The department shall establish a program of instruction on snowmobile laws, regulations, safety and related subjects. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of their duties under this section. Persons satisfactorily completing

CHAPTER 298

852

this program shall receive certification from the department. The department may charge ~~each person who enrolls in the course~~ an instruction fee of ~~not to exceed \$2.50 for each person taking a program of instruction under this section.~~ From the fees collected under this section, \$20,000 shall be set aside for the snowmobile safety and accident reporting program and the balance shall be used for law enforcement aids under s. 350.12 (4) (a) 4. The department shall authorize instructors conducting such courses meeting standards established by it to retain \$1 of the fee to defray expenses incurred locally to operate the program. The remaining \$1.50 of the fee shall be retained by the department to defray a part of its expenses incurred to operate the safety and accident reporting program. A person over the age of 12 years but under the age of 16 years who holds a valid certificate issued by another state or province of the Dominion of Canada need not obtain a certificate from the department if the course content of the program in such other state or province substantially meets that established by the department under this section.

SECTION 9. 350.12 (4) (a) 2m of the statutes is created to read:

350.12 (4) (a) 2m. The costs incurred by coroners or medical examiners in the submission of reports and blood specimens and by laboratories in the analysis of blood specimens under s. 350.155;

SECTION 10. 350.12 (4) (a) 4 of the statutes is amended to read:

350.12 (4) (a) 4. The balance shall be used for law enforcement aids to counties. On or before February 1 a county may file with the department on forms prescribed by the department a detailed statement of the costs incurred by the county in the enforcement of ch. 350 in the preceding year. The department shall audit the statements and determine the county's net costs for enforcement of ch. 350. The department shall compute the state aids on the basis of ~~75%~~ 100% of such net costs and shall pay such aids on or before April 1. If the state aids payable to counties exceed the moneys available for such purpose, the department shall prorate the payments.

SECTION 11. 350.12 (4) (b) of the statutes is repealed and recreated to read:

350.12 (4) (b) From the sum available for a given year, two-thirds shall be appropriated under s. 20.370 (2) (vn) for land acquisition, development and maintenance, the cooperative snowmobile sign program and the signing of snowmobile routes and allocated as follows:

1. State aids and funds for maintenance costs shall be 100% of the actual cost of maintaining the trail per year up to a \$100 per mile per year maximum. Qualifying trails are those as are approved by the board as snowmobile trails. State aid for the cost of the purchasing or leasing of land and the acquisition of easements, permits or other agreements may equal 100% of acquisition expense. Development shall be commenced the same year the land is acquired. Moneys available for development shall be distributed on a 100% grant basis, 75% at the time of approval but no later than April 1 and 25% upon completion of the project. A county application may include a request for purchasing or leasing land or acquiring easements, permits or other agreements for the use of land, and for aids for development or maintenance of trails. Trail routes, sizes and specifications shall be prescribed only by the board.

2. Not more than \$15,000 annually for a cooperative sign program with snowmobile clubs for club snowmobile trails open to the public and meeting minimum trail construction standards. Clubs may apply to the department for free signs or aids for signs on forms prescribed by the department and submit required documentation as prescribed by departmental rule on or before October 1 of each year.

3. Aids to cities, villages or towns of up to 100% of the cost of initial signing of snowmobile routes which connect authorized trails or which offer entrance to or exit from trails leading to such municipalities. Applications and documentation shall be submitted to the department by February 1 of each year on forms and as prescribed by departmental rule.

SECTION 12. 350.125 of the statutes is created to read:

350.125 Completion of application for registration by snowmobile dealers. (1) When a snowmobile dealer sells a new snowmobile he shall, at the time of sale, require the buyer to complete an application for a registration certificate, collect the required fee and mail the application and fee to the department no later than one day after the date of sale. Combination application and receipt forms shall be provided by the department and the dealer shall furnish the buyer with a completed receipt showing that application for registration has been made. No snowmobile dealer may charge an additional fee to the buyer for performing the service required under this subsection.

(2) Every dealer shall maintain, for 3 years, a record in the form prescribed by the department for each new snowmobile sold. These records shall be open to inspection by the department.

SECTION 13. 350.13 of the statutes is amended to read:

350.13 Uniform trail signs and standards. The department of natural resources in cooperation with the department of transportation, after having consulted with the snowmobile recreational council and after public hearing, shall promulgate rules to establish uniform trail and route signs and standards relating to operation thereon as authorized by law. The department of transportation authority in charge of the maintenance of the highway shall place appropriate signs of a type approved by the department of natural resources and the department of transportation on highways and roadways under its jurisdiction where authorized snowmobile trails cross.

SECTION 14. 350.155 of the statutes is created to read:

350.155 Coroners and medical examiners to report; require blood specimen. (1) Every coroner or medical examiner shall on or before the 10th day of each month report in writing to the department the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a snowmobile and the circumstances of such accidents.

(2) In cases of death involving a snowmobile in which the decedent died within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of the decedent within 12 hours after his death, by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of such physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this section. The blood so drawn shall be forwarded to a laboratory approved by the state health officer for analysis of the alcoholic content of such blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each such analysis to the state health officer. The state health officer shall keep a record of all such examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the state health officer. The department shall reimburse coroners and medical examiners for the costs incurred in submitting reports and taking blood specimens and laboratories for the costs incurred in analyzing blood specimens under this section.

SECTION 15. Natural resources budget program 1975-1977. The department of natural resources shall include in its proposed 1975-77 biennial budget a program for funding from snowmobile registration fees the construction and maintenance of snowmobile trails on state lands.
