



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4084/1
ARG:kjf:rs

2011 ASSEMBLY BILL 580

February 17, 2012 – Introduced by Representatives WYNN, PETROWSKI, STRACHOTA, THIESFELDT, ENDSLEY, KESTELL, KERKMAN, STROEBEL, MARKLEIN, A. OTT and KRUG, cosponsored by Senators GROTHMAN, ERPENBACH and WANGGAARD. Referred to Committee on Transportation.

1 **AN ACT** *to repeal* 341.10 (6) and (6m) and 341.266 (1) (c) 1.; *to renumber and*
2 *amend* 341.266 (1) (am); *to consolidate, renumber and amend* 341.266 (1)
3 (c) (intro.) and 2.; *to amend* 341.266 (2) (a), 341.266 (2) (e) 2. and 341.269 (5);
4 and *to create* 341.068 and 341.266 (1) (ag) of the statutes; **relating to:**
5 registration of motor 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 the provisions of a certain section of the National Traffic and Motor Vehicle Safety Act of 1966, as amended; 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; and 6) the applicant has failed to furnish information or documents required by law or by DOT under authority of law.

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

ASSEMBLY BILL 580

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.

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 the provisions of a certain section of the National Traffic and Motor Vehicle Safety Act of 1966, as amended. In addition, if DOT refuses registration of a vehicle based on vehicle requirements, including equipment or condition of the vehicle or documentation relating to the vehicle, 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.

This bill also 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. For purposes of collector vehicle

ASSEMBLY BILL 580

registration, the bill defines a “former military vehicle” as a motor vehicle, including a motorcycle but excluding a tracked vehicle, that was manufactured for use in any country’s military forces.

The bill also modifies an eligibility requirement for registering any collector vehicle, whether it is a former military vehicle or not. Under current law, a motor vehicle, other than a former military vehicle, may only be registered as a collector vehicle if it has not been altered or modified from original manufacturers specifications. Under this bill, a motor vehicle, including a former military vehicle, may only be registered as a collector vehicle if it has not been *substantially* altered or modified from original manufacturers specifications.

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:

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 vehicle
10 requirements, including equipment or condition of the vehicle or documentation
11 relating to the vehicle, the applicant for registration may have the vehicle inspected
12 by any person authorized to conduct inspections under s. 342.07. If the inspector
13 determines that the vehicle meets vehicle equipment standards under ch. 347 and
14 rules promulgated under ch. 347 for the vehicle’s year of original manufacture, the

ASSEMBLY BILL 580**SECTION 1**

1 inspector shall issue a certificate of inspection so stating and the department shall
2 accept this certificate and register the vehicle.

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

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

5 341.266 (1) (ag) "Former military vehicle" means a motor vehicle, including a
6 motorcycle but excluding a tracked vehicle, that was manufactured for use in any
7 country's military forces.

8 **SECTION 4.** 341.266 (1) (am) of the statutes is renumbered 341.266 (1) (d) and
9 341.266 (1) (d) (intro.) and 3., as renumbered, are amended to read:

10 341.266 (1) (d) (intro.) "~~Former~~ Specially exempted former military vehicle"
11 means any of the following former military vehicles if the vehicle is at least 25 years
12 old:

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

16 **SECTION 5.** 341.266 (1) (c) (intro.) and 2. of the statutes are consolidated,
17 renumbered 341.266 (1) (c) and amended to read:

18 341.266 (1) (c) "Special interest vehicle" means ~~any of the following:~~ ~~2. A~~ a
19 motor vehicle, including a former military vehicle, of any age which has not been
20 substantially altered or modified from original manufacturers specifications and,
21 because of its historic interest, is being preserved by hobbyists.

22 **SECTION 6.** 341.266 (1) (c) 1. of the statutes is repealed.

23 **SECTION 7.** 341.266 (2) (a) of the statutes is amended to read:

24 341.266 (2) (a) Any person who is the owner of a special interest vehicle that
25 ~~is a former military vehicle, or that is not a former military vehicle and is 20 or more~~

ASSEMBLY BILL 580

1 years old at the time of making application for registration or transfer of title of the
2 vehicle, and who, unless the owner is an historical society that is exempt from federal
3 income taxes, owns, has registered in this state, and uses for regular transportation
4 at least one vehicle that has regular registration plates may upon application
5 register the vehicle as a special interest vehicle upon payment of a fee under par. (b).
6 ~~A former military vehicle may be registered under this paragraph notwithstanding~~
7 ~~s. 341.10 (6).~~

8 **SECTION 8.** 341.266 (2) (e) 2. of the statutes is amended to read:

9 341.266 (2) (e) 2. Trucks may not haul material weighing more than 500
10 pounds, not including the weight of a camper, lid or cap that is mounted on the truck
11 or the weight of any persons or pets riding within the driver's compartment, unless
12 the truck is a specially exempted former military vehicle.

13 **SECTION 9.** 341.269 (5) of the statutes is amended to read:

14 341.269 (5) Unless inconsistent with this section ~~or s. 341.10 (6)~~, the provisions
15 applicable to other motor vehicles apply to vehicles registered under this section as
16 historic military vehicles.

17 **SECTION 10. Initial applicability.**

18 (1) This act first applies to applications for registration received by the
19 department of transportation on the effective date of this subsection.

20 **SECTION 11. Effective date.**

21 (1) This act takes effect on the first day of the 3rd month beginning after
22 publication.

23 (END)