

State of Wisconsin



2003 Assembly Bill 630

Date of enactment: April 5, 2004
Date of publication*: April 19, 2004

2003 WISCONSIN ACT 166

AN ACT *to repeal* 350.02 (2) (b) 6.; *to renumber* 100.48 (1) (a); *to renumber and amend* 347.415 (1); *to amend* 25.29 (1) (d) 1., 100.48 (1) (b), 100.48 (2), 100.48 (3) (a), 100.48 (4) (a), 100.48 (4) (b), 347.415 (4), 347.50 (1), 347.50 (2), 350.02 (2) (a) 6., 350.02 (3m) and 350.12 (3) (a) 2.; and *to create* 100.48 (1) (ad), 100.48 (1) (ag), 100.48 (1) (c), 100.48 (4) (c), 347.415 (1g), 350.02 (2m), 350.035 and 350.15 (6) of the statutes; **relating to:** calculating the estimated snowmobile gas tax payment; operation of snowmobiles by law enforcement officers on highways; operation of snowmobiles proceeding in opposite directions or in excess of roadway speed limits; tampering with odometers of snowmobiles and all-terrain vehicles and with hour meters of boats, snowmobiles, and all-terrain vehicles; transfer of snowmobile registration certificates; exempting accidents occurring in certain snowmobile races or derbies from requirements to render aid and from reporting and investigation requirements; and providing a penalty.

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 amended to read:

25.29 (1) (d) 1. An amount calculated by multiplying the number of snowmobiles registered under s. 350.12 or 350.122 on the last day of ~~February~~ 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 ~~February~~ March of the previous fiscal year.

SECTION 2. 100.48 (1) (a) of the statutes is renumbered 100.48 (1) (am).

SECTION 3. 100.48 (1) (ad) of the statutes is created to read:

100.48 (1) (ad) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).

SECTION 4. 100.48 (1) (ag) of the statutes is created to read:

100.48 (1) (ag) "Boat" has the meaning given in s. 30.50 (2).

SECTION 5. 100.48 (1) (b) of the statutes is amended to read:

100.48 (1) (b) "Hour meter" means an instrument ~~on a piece of farm equipment~~ that measures and records the actual hours of operation of the ~~piece of farm equipment vehicle or device to which the instrument is attached.~~

SECTION 6. 100.48 (1) (c) of the statutes is created to read:

100.48 (1) (c) "Snowmobile" has the meaning given in s. 350.01 (12).

SECTION 7. 100.48 (2) of the statutes is amended to read:

100.48 (2) No person may, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat with the intent to defraud by changing

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

or affecting the number of hours of operation indicated on the hour meter.

SECTION 8. 100.48 (3) (a) of the statutes is amended to read:

100.48 (3) (a) Nothing in this section shall prevent the service, repair or replacement of an hour meter if the number of hours of operation indicated on the hour meter remains the same as before the service, repair or replacement. If an hour meter attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat is incapable of registering the same number of hours of operation as before its service, repair or replacement, the hour meter shall be adjusted to read zero, and a sticker shall be affixed by the owner of the ~~piece of farm equipment vehicle or device to which the hour meter is attached~~ or an agent, in proximity to the hour meter, specifying the number of hours of operation recorded on the hour meter prior to its service, repair or replacement and the date on which it was serviced, repaired or replaced. No person who services, repairs or replaces an hour meter attached to farm equipment, a snowmobile, an all-terrain vehicle, or a boat that is incapable of registering the same number of hours of operation as before such service, repair or replacement may fail to adjust the hour meter to read zero or fail to affix the sticker required by this paragraph.

SECTION 9. 100.48 (4) (a) of the statutes is amended to read:

100.48 (4) (a) Any person who violates sub. (2) or (3) (b) with respect to an hour meter attached to farm equipment may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail, or both, for each violation.

SECTION 10. 100.48 (4) (b) of the statutes is amended to read:

100.48 (4) (b) Any person who violates sub. (3) (a) with respect to an hour meter attached to farm equipment may be required to forfeit not more than \$500 for each violation.

SECTION 11. 100.48 (4) (c) of the statutes is created to read:

100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour meter attached to a snowmobile, an all-terrain vehicle, or a boat may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail, or both, for each violation.

SECTION 12. 347.415 (1) of the statutes is renumbered 347.415 (1m) and amended to read:

347.415 (1m) No person shall may, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any motor vehicle, ~~snowmobile, or all-terrain vehicle~~ with the intent to change or affect the number of miles indicated thereon.

SECTION 13. 347.415 (1g) of the statutes is created to read:

347.415 (1g) In this section, "odometer" means an instrument for measuring and recording the actual distance that a motor vehicle, snowmobile, or all-terrain vehicle has traveled while in operation, but does not include any auxiliary instrument designed to be reset to zero to measure and record the actual distance that a motor vehicle, snowmobile, or all-terrain vehicle has traveled on trips.

SECTION 14. 347.415 (4) of the statutes is amended to read:

347.415 (4) No person shall conspire with any other person to violate sub. ~~(1) (1m)~~, (2) or (3).

SECTION 15. 347.50 (1) of the statutes is amended to read:

347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.413 (1) or s. 347.415 ~~(1) (1m)~~, (2) and (3) to (5) or s. 347.417 (1) or s. 347.475 or s. 347.48 (2m) or (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor more than \$200.

SECTION 16. 347.50 (2) of the statutes is amended to read:

347.50 (2) Any person violating s. 347.415 ~~(1) (1m)~~, (2), and (3) to (5) or 347.475 may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail, or both, for each violation.

SECTION 17. 350.02 (2) (a) 6. of the statutes is amended to read:

350.02 (2) (a) 6. On a portion of the roadway or shoulder of a highway for a purpose of residential access or for the purpose of access from lodging if the town, city or village, within which that portion of the highway lies, enacts an ordinance under s. 350.18 (3) for that portion of the highway. ~~A snowmobile operated on a portion of the roadway or shoulder of a highway under this subdivision shall observe roadway speed limits.~~

SECTION 18. 350.02 (2) (b) 6. of the statutes is repealed.

SECTION 19. 350.02 (2m) of the statutes is created to read:

350.02 (2m) No person may operate a snowmobile on or adjacent to a roadway in excess of the applicable roadway speed limit established under s. 346.57 or 349.11 unless the person is operating the snowmobile as part of a special event authorized under s. 350.04.

SECTION 20. 350.02 (3m) of the statutes is amended to read:

350.02 (3m) A law enforcement officer may operate a snowmobile on a highway in performance of his or her official duties if the snowmobile is equipped with a ~~flashing, oscillating or rotating blue light that is red or blue or a combination thereof and that is flashing, oscillating, or rotating.~~

SECTION 21. 350.035 of the statutes is created to read:

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350.035 Meeting of snowmobiles. Operators of snowmobiles proceeding in opposite directions shall proceed with caution and pass each other to the right.

SECTION 22. 350.12 (3) (a) 2. of the statutes is amended to read:

350.12 (3) (a) 2. Upon transfer of ownership of a snowmobile for which a registration certificate has been issued by this state or by another state, province, or country, the seller shall, at time of sale, deliver the assigned certificate to the purchaser.

SECTION 23. 350.15 (6) of the statutes is created to read:

350.15 (6) EXCEPTION. This section does not apply to snowmobile accidents that occur during a sanctioned race or derby.

SECTION 24. Initial applicability.

(1) ODOMETERS AND HOUR METERS ON SNOWMOBILES, ALL-TERRAIN VEHICLES, AND BOATS. The treatment of sections 100.48 (2) and (3) (a) and 347.415 (1) and (4) of the statutes first applies to offenses committed on the effective date of this subsection.