



2003 ASSEMBLY BILL 463

August 7, 2003 – Introduced by Representatives PETTIS, LOTHIAN, ALBERS, HINES and SERATTI, cosponsored by Senator STEPP. Referred to Committee on Tourism.

1 **AN ACT** *to amend* 23.33 (5) (c); and *to create* 23.33 (1) (jg), 23.33 (1) (jo), 23.33
2 (3) (gm), 23.33 (7) (c) and 23.33 (10m) of the statutes; **relating to:** all-terrain
3 vehicle racing and the operation of all-terrain vehicles by juveniles.

Analysis by the Legislative Reference Bureau

Under current law, operators of all-terrain vehicles are prohibited from operating those vehicles in certain specified ways, including in a careless way so as to endanger a person, with a firearm unless it is unloaded and in a carrying case, or within 150 feet of a dwelling at a speed exceeding ten miles per hour. This bill prohibits the operation of an all-terrain vehicle at a speed exceeding ten miles per hour within 100 feet of an individual who is not on an all-terrain vehicle. This new prohibition does not apply to the operation of an all-terrain vehicle in a sanctioned race or derby.

Current law prohibits an individual under the age of 12 from operating an all-terrain vehicle unless he or she is operating the vehicle for agricultural purposes under the supervision of a person over the age of 18 or unless he or she is operating the vehicle on an all-terrain vehicle trail and is accompanied by a parent. Currently an individual age 12 to 16 has limits on his or her operation of an all-terrain vehicle, including a prohibition from operating an all-terrain vehicle unless he or she has an all-terrain vehicle safety certificate or is accompanied by an individual over the age of 18. These prohibitions do not apply to the operation of an all-terrain vehicle on land under the management and control of the individual's immediate family. This bill changes the applicability of these prohibitions so that those prohibitions do not

ASSEMBLY BILL 463

apply to the operation of an all-terrain vehicle on private property or during a sanctioned race or derby.

If an accident involving an all-terrain vehicle results in the death of any individual or an injury that requires treatment by a physician, the operator of each all-terrain vehicle involved in the accident must notify a conservation warden or law enforcement officer of the accident and file a written report with the Department of Natural Resources. This bill exempts operators of all-terrain vehicles from this reporting requirement if the accident occurs during a sanctioned race or derby.

This bill defines a sanctioned race or derby and requires the sponsor of such a race or derby to obtain any required permits, give timely notice of the event to the local conservation warden or law enforcement agency, mark the raceway with fencing or signs that meet certain standards, and remove those fences and signs after the sanctioned race or derby ends.

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.** 23.33 (1) (jg) of the statutes is created to read:

2 23.33 (1) (jg) “Raceway facility” means an area on private or public land,
3 including the frozen surface of public waters, that is designated by the sponsor of a
4 sanctioned race or derby for the purpose of conducting a sanctioned race or derby and
5 that may include a marked warm-up and testing area and crew pits.

6 **SECTION 2.** 23.33 (1) (jo) of the statutes is created to read:

7 23.33 (1) (jo) “Sanctioned race or derby” means a competitive all-terrain
8 vehicle event that is conducted at a raceway facility, that is sponsored by a county,
9 city, town, or village, chamber of commerce, all-terrain vehicle club, promoter, or
10 similar organization, and for which any required permits have been obtained.

11 **SECTION 3.** 23.33 (3) (gm) of the statutes is created to read:

12 23.33 (3) (gm) At a speed exceeding 10 miles per hour when within 100 feet of
13 an individual who is not on an all-terrain vehicle. This paragraph does not apply

ASSEMBLY BILL 463

1 to an individual racing an all-terrain vehicle in a sanctioned race or to an individual
2 operating an all-terrain vehicle in a sanctioned derby.

3 **SECTION 4.** 23.33 (5) (c) of the statutes is amended to read:

4 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who
5 operates an all-terrain vehicle exclusively on land ~~under the management and~~
6 ~~control of the person's immediate family private property or during a sanctioned race~~
7 ~~or derby.~~ Paragraphs (a) and (b) do not apply to a person at least 12 years of age but
8 under 16 years of age who holds a valid certificate issued by another state or a
9 province of Canada.

10 **SECTION 5.** 23.33 (7) (c) of the statutes is created to read:

11 23.33 (7) (c) This subsection does not apply to accidents that occur during a
12 sanctioned race or derby.

13 **SECTION 6.** 23.33 (10m) of the statutes is created to read:

14 23.33 (10m) OPERATION OF SANCTIONED RACE OR DERBY. (a) The sponsor of a
15 sanctioned race or derby shall do all of the following:

- 16 1. Obtain any permits required to operate the race or derby.
- 17 2. Not less than 7 days before the race or derby, give notice in writing of the race
18 or derby to the local conservation warden or law enforcement agency having
19 jurisdiction over the raceway facility involved in the race or derby.
- 20 3. When conducting a race or derby on public land, including the frozen surface
21 of public waters, clearly mark the raceway facility by signs or exclusion fencing
22 warning that a sanctioned race or derby is taking place.
- 23 4. If using warning signs, the signs must meet all of the following requirements:
 - 24 a. Be placed not more than 100 feet apart.

