

2007 DRAFTING REQUEST

Bill

Received: 03/16/2007

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Russell Decker (608) 266-2502

By/Representing: Patrick Walsh

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: YES

Requester's email: Sen.Decker@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Use of all-terrain vehicles with snowplows

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mglass 04/30/2007	lkunkel 05/02/2007	nmatzke 05/03/2007	_____	cduerst 05/03/2007	cduerst 01/22/2008	

for senate per

FE Sent For:

<END>

at intro

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/?	mglass	1/mks/2	nwn 5/2	nwn/rs 5/2			

FE Sent For:

<END>

Warren, Linda

From: skwish@charter.net
Sent: Thursday, July 20, 2006 1:18 PM
To: Sen.Decker
Subject: ATVs and State Statutes

Dear Senator Decker:

Last fall I purchased a \$7000 ATV equipped with a snow plow so I could plow my driveway during the winter. In past years, I had borrowed a friend's truck equipped with snow plow to help a couple of families and elderly folks who were unable to clear their own property due to age or ability. The purchase of the ATV was made, in part, so I could continue to facilitate their needs as well as mine and not have to borrow the other plow.

Before the first snow fall, I checked with local law enforcement to make sure I could ride the ATV with the plow attached to the other properties I was going to plow. Their initial response was they didn't see any difference between an ATV with a plow and a tractor or lawn mower with a snow blower or plow using the roads. But just to make sure, they checked.

After further review, I was informed it was a violation of Chapter 23 of the State Statutes for me to access the roads in our community, cross Highway 64, or technically, to ride down the street to the little old widow lady's driveway to plow the snow from her driveway. The reason was my ATV was not being used for agriculture or "commercial" use.

Given the fact I can mount a revolving yellow light on my 700cc Polaris Twin Sport; given the fact plowing snow is not recreational use; given the fact ATVs are becoming more and more versatile for use in other venues besides agriculture and rental; and finally, given the fact chapter 23 should probably be amended to accommodate the increased utilization of ATVs as work machines; Would you please consider amending the statute to bring it in line with present day ATV utility?

I look forward to your comments and response.

Sincerely,

John Thurmaier
151 Marjorie Lane
Medford, WI 54451

Paul Nielsen 6-8810

ATV's are allowed to cross Hwy's

Unimproved

Farm tractor are exempt cross between farming

346.02(11)

~~32~~ 23.33(4)d - cross the road direct route

343.05 - Farm tractor exempt from registering between fields or between farm & field

Walsh, Patrick

From: Walsh, Patrick
Sent: Thursday, August 10, 2006 4:47 PM
To: 'skwish@charter.net'
Subject: ATV's

Dear Mr. Thurmaier,

I spoke with Senator Decker regarding your desire to update Chapter 23 of the State Statutes thereby making it legal for you to cross Hwy 64 and plow your neighbor's driveway with your ATV. Senator Decker felt you made a good point and directed me to look into the matter.

I spoke to an attorney with the Department of Transportation (DOT) regarding what vehicles are legally permitted to cross state highways. He indicated that in general only vehicles registered with the Department of Transportation are permitted to travel on state roads. However, there are some exceptions. For example, some farm machinery. He indicated that lawn tractors are not permitted to cross or drive on state highways.

I was wondering how far do you have to drive on Hwy 64 to get to your neighbor's house? It might be possible to pass a bill amending Chapter 23 to permit ATV's equipped with a revolving yellow light to cross a state road and travel on the shoulder of the highway for a limited distance. The DOT has never been too receptive to changes like this and granting ATV's access to state highways can be a contentious issue. However, if we can draft the bill very narrowly it may be alright with the DOT.

Thank you.

Patrick Walsh
Legislative Aide
State Senator Russ Decker



soon in 4/30

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

if it has ^a revolving yellow light that is illuminated

GenCat

attached

1 AN ACT ...; relating to: operation of all-terrain vehicles that have snowplows
2 attached on roadways.

Analysis by the Legislative Reference Bureau

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways only in limited circumstances. These include roadways that have designated as ATV routes or trails and roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert.

Under this bill, an ATV may be operated on a roadway of a highway if it has a snowplow attached, ~~if it is being operated to remove snow and if it is on the roadway as little as possible.~~ ^{for the shortest distance}

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:

3 SECTION 1. 23.33 (4) (d) 8. of the statutes is created to read: light

if it has an illuminated yellow revolving light

4 23.33 (4) (d) 8. On roadways if the all-terrain vehicle has a snowplow attached,

5 ~~if it is being operated for the purpose of snow removal, and if it is operated on the~~

and if its operation on the roadway is necessary to travel to or from a site where the snow plow will be used (use 2x) Keep

for the shortest distance

1 roadway as little as possible. Operation of such an all-terrain vehicle is authorized
2 only for the extreme right side of the roadway except that left turns may be made
3 from any part of the roadway where it is safe to do so given prevailing conditions. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481.

4 **SECTION 2. 23.33 (5) (a)** of the statutes is amended to read:

5 **23.33 (5) (a) Age restriction.** No person under 12 years of age may operate an
6 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
7 agricultural purpose and he or she is under the supervision of a person over 18 years
8 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
9 vehicle trail designated by the department and he or she is accompanied by his or her
10 parent. No person who is under 12 years of age may operate an all-terrain vehicle
11 which is an implement of husbandry on a roadway under any circumstances. No
12 person who is under 12 years of age may operate an all-terrain vehicle on a roadway
13 under the authorization provided under sub. (4) (d) 6. or 8. under any circumstances.
14 No person who is under 12 years of age may rent or lease an all-terrain vehicle. For
15 purposes of this paragraph, supervision does not require that the person under 12
16 years of age be subject to continuous direction or control by the person over 18 years
17 of age.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481.

18 (END)