



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 06/22/2009 (Per: ARG)



Appendix A

 The 2009 drafting file for LRB-2421/P1 (For: Senator Leibham)

has been copied/added to the drafting file for

2009 LRB-2794 (For: Senator Leibham)

 Are These “Companion Bills” ?? ... No

If yes, who in the initial requestor’s office authorized the copy/transfer of the drafting history (“guts”) from the original file: _____

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2009 drafting file. The drafting file was then returned, intact, to its folder and filed.

2009 DRAFTING REQUEST

Bill

Received: 03/20/2009

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Cullen Werwie

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**
Transportation - traffic laws

Extra Copies: **EVM**

Submit via email: YES

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Lightweight utility vehicles; operation of mini trucks on highways

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>
/?				_____			S&L
/P1	agary 04/15/2009	bkraft 04/17/2009	rschluet 04/17/2009	_____	cduerst 04/17/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 03/20/2009

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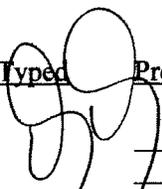
Topic:

Lightweight utility vehicles; operation of mini trucks on highways

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>
1?	agary	/PI bjk y/n					S&L

FE Sent For:

<END>

Gary, Aaron

From: Werwie, Cullen
Sent: Friday, April 10, 2009 10:49 AM
To: Gary, Aaron
Subject: RE: Another Leibham Bill - LUVs

Aaron-

Let's go ahead and do something along the lines of NEV legislation. I don't think we want to steal a bill from Sen. Jauch. Thanks for all the info. I'll keep an eye out and if Sen. Jauch introduces his proposal again this session, perhaps we can amend the bill to ensure it covers minitrucks.

If you have other questions or need any more clarification, let me know. Thanks for your help and work on this issue-

Cullen Werwie
Sen. Leibham's office
(608) 266-2056

From: Gary, Aaron
Sent: Friday, April 10, 2009 10:17 AM
To: Werwie, Cullen
Subject: RE: Another Leibham Bill - LUVs

Hi Cullen,

I started working on this draft and I realized that I will need some more direction.

These mini-trucks are considered a type of "lightweight utility vehicle (LUV)" (similar to the John Deere Gator and Kubota RTV series). The operation of lightweight utility vehicles on highways was given significant attention last session (07-08) and was quite controversial. See 2007 SB-158 and 2007 AB-303. As your constituent's web site points out, these LUVs are not manufactured to meet federal on-highway safety standards and I believe DOT has opposed legislation to allow their operation on highways. Nonetheless, as the materials your provided to me show, many states have allowed their operation and there has been a bipartisan legislative push in Wisconsin to allow their operation. I do not know, however, why 2007 SB-158 and AB-303 last session did not pass - you may want to talk to the bills' sponsors to see what the snag was. That said, last session's budget bill (2007 Act 20) created a limited pilot program allowing local governments in eight counties to authorize the operation of LUVs on ATV routes and trails, which may include certain roadways.

One option for this draft is to prepare something similar to 2007 SB-158, either as is or with modification.

Another approach would be to prepare a draft treating LUVs similar to neighborhood electric vehicles (NEVs), which can operate on certain local roads if a local ordinance allows such operation. (See s. 349.26.) (I should note that, to my understanding, NEVs are manufactured to meet federal safety standards for on-highway operation while LUVs are not.)

Finally, I believe that Larry Konopacki at Leg Council was heavily involved in developing the LUV legislation last session, so if I cannot answer any question you might have, Larry might be a valuable resource.

Please let me know which approach you prefer here - something along the lines of 2007 SB-158 (with or without changes) or something more like the NEV legislation in s. 349.26, stats.

Thanks.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Werwie, Cullen
Sent: Friday, March 20, 2009 11:13 AM
To: Gary, Aaron
Subject: Another Leibham Bill

Aaron-

We have another bill we would like to get drafted up. The below email is from our constituent that explains the type of law we'd like to draft up.

Please let me know if you have any questions.

Thanks again for your help,

Cullen Werwie
Sen. Leibham's office
(608) 266-2056

Dear Senator Leibham,

I am involved in a family business that sells mini-trucks <http://www.badgerlandminitrucks.com>

As a member of the transportation and economic development committees you will find the diversity of these trucks quite interesting. I am hoping that you could introduce a bill to allow the use of mini-trucks on Wisconsin's roads.

Currently there are no laws in Wisconsin regarding the use of mini trucks on Wisconsin's roads. They are classified as all terrain vehicles, restricting the full capabilities of the vehicles. They pass safety, and emission tests, and get over 40 mpg.

Here is a list of states that have enacted legislation for the trucks.
<http://www.iihs.org/laws/minitrucks.aspx>

Here is a law currently in legislation in Indiana for the use of the trucks.
<http://www.in.gov/legislative/bills/2009/HB/HB1043.2.html>

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NEW VIDEO of a Tracked Mini Truck posted on our Media Page!

What is a Mini Truck?

The Japanese Import 4x4 Kei Mini Truck Is an ATV / UTV Off Road, Multi Purpose Utility Vehicle with a resume a mile long. Japanese Mini Trucks are considered "Kei Class" or "K-Class" vehicles. Kei means "light weight".

The Japanese Kei Mini Trucks available for Import to the United States were manufactured from 1990 - 2003. In Japan, the Kei Mini Trucks must pass mandatory inspection and strict EPA emissions standards, the cost of inspections & licensing increase as the vehicle ages, resulting in early trade in.

These inspections keep the vehicles in excellent condition & make them a very good value for importing to the United States.

Heated/locking/enclosed cab, more payload, more horsepower, more fuel efficiency = MORE VERSATILITY!

Compare their ultimate versatility here!

Mini Trucks are THE MORE economical choice to operate...

Most boast fuel efficiencies of 40-50 MPG!

The Japanese 4x4 Kei Mini Trucks are 60+ mph vehicles, but with U.S. Import Regulations they are limited to Off-Road Use and are governed To 25 mph.

Who Uses These Mini Trucks?

These vehicles are IDEAL for hunters, farmers, construction companies, resorts, factories, ranchers, homeowners, property owners, landscapers and hunt club owners. The versatility of these trucks is enormous. These mighty

little utes can take just about any task or job you can throw at them!

For additional information on Mini Trucks, visit our [Specs page](#), then continue on to our [Types & Configurations page](#) to see the wide array of vehicle types available.





Contact us and let us help you select the perfect Mini Truck and accessories to suit your specific needs.

Thank you for visiting our site. We look forward to serving you!

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All vehicles sold by Badgerland Mini Trucks & Equipment comply with Federal Import Regulations.

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sales@badgerlandminitrucks.com

065779

Minitruck state laws

April 2009

Minitrucks are sold as off-road vehicles for farms and construction sites and are far smaller than conventional small trucks sold for on-the-road use. These vehicles go by many names, including Japanese minitruck, Kei truck, microtruck, and utility transportation vehicle.



Typical minitruck vs. typical small truck

Minitrucks have the capacity to reach top speeds of 55 mph or more, but many are sold with governors to limit their speed to 25 mph.

Federal safety standards don't apply to minitrucks because they are sold as off-road vehicles, even though they are permitted on public roads in some states. 11 states (Arkansas, Idaho, Illinois, Kansas, Louisiana, Missouri, North Dakota, Oklahoma, Tennessee, Utah, and Wyoming) now allow minitrucks on specific portions of public roads. In Illinois and Missouri, minitrucks are allowed only by local ordinance. 3 states (Illinois, Kansas, and Tennessee) require minitrucks to comply with federal safety standards for low-speed vehicles.

The table below describes state laws that specifically permit the use of minitrucks on public roads. In some states, minitrucks also may fall under other state laws, such as those on off-road vehicles, which may permit limited uses of minitrucks on public roads.

Table Map: states allowing minitrucks on roads

State	Initial effective date	Where permitted	Speed restrictions	Vehicle classification under state law
Alabama	no state law			
Alaska	no state law			
Arizona	no state law			
Arkansas	7/09 (estimated)	roads with a posted speed limit of 55 mph or less excluding interstate highways and controlled access highways	55 mph	mini-truck
California	no state law			
Colorado	no state law			
Connecticut	no state law			
Delaware	no state law			
District of Columbia	no law			
Florida	no state law			
Georgia	no state law			
Hawaii	no state law			
Idaho	01/01/09	local option	no	utility type vehicle (UTV)
Illinois	08/31/07	roads with a posted speed	25 mph	neighborhood

State	Effective Date	Limit	Speed	Vehicle Type
		limit of less than 35 mph if allowed by local ordinance		vehicle
Indiana	no state law			
Iowa	no state law			
Kansas	07/01/08	public roads except interstate, federal or state highways; within corporate city limits if allowed under local ordinance	no	micro utility truck
Kentucky	no state law			
Louisiana	08/15/08	any road except interstate highways	no	mini-vehicle
Maine	no state law			
Maryland	no state law			
Massachusetts	no state law			
Michigan	no state law			
Minnesota	no state law			
Mississippi	no state law			
Missouri	08/14/08	local option	45 mph	utility vehicle
Montana	no state law			
Nebraska	no state law			
Nevada	no state law			
New Hampshire	no state law			
New Jersey	no state law			
New Mexico	no state law			
New York	no state law			
North Carolina	no state law			
North Dakota	08/01/07	any paved road except highways with a posted speed of more than 65 mph	55 mph	off-highway vehicle
Ohio	no state law			
Oklahoma	11/01/08	any road except interstate highways	no	mini-truck
Oregon	no state law			
Pennsylvania	no state law			
Rhode Island	no state law			
South Carolina	no state law			
South Dakota	no state law			

Tennessee	07/01/08	streets where the posted speed limit is less than 40 mph; a county or municipality may prohibit the operation of medium-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such a prohibition is necessary in the interest of safety	35 mph	medium-speed vehicle
Texas	no state law			
Utah	10/01/08	any road except those with more than one lane in each direction; street within a county of the first class; municipality that is within a county of the first class; or municipality with a population of 7,500 or more people, and streets with a posted limit of 40 mph or more	35 mph	off-highway vehicle
Vermont	no state law			
Virginia	no state law			
Washington	no state law			
West Virginia	no state law			
Wisconsin	no state law			
Wyoming	01/01/08	any road except interstate highways	if a multipurpose vehicle is incapable of achieving the maximum speed allowed on the specific highway, it shall be operated on the extreme right hand edge of the roadway	multipurpose vehicle

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Reprinted

February 10, 2009

HOUSE BILL No. 1043

DIGEST OF HB 1043 (Updated February 9, 2009 1:37 pm - DI 96)

Citations Affected: IC 9-13; IC 9-17; IC 9-18; IC 9-21; noncode.

Synopsis: Mini-trucks and trucks. Authorizes the use of mini-trucks on Indiana roads. Prohibits the operation of a mini-truck on an interstate or state highway. Requires a mini-truck that is operated on a highway to be titled and registered. Requires a dealer of mini-trucks to register as a dealer. Makes conforming amendments. Prohibits a vehicle from operation on a highway with a sign or label on the vehicle indicating that the owner or operator of the vehicle is not responsible for damages from contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle. Provides that a sign or label that is affixed to a vehicle does not condition or limit the civil liability of the owner or operator for damages resulting from the contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle.

Effective: Upon passage; July 1, 2009.

Wolkins, Grubb, Friend, Oxley

January 7, 2009, read first time and referred to Committee on Rules and Legislative Procedures.
January 14, 2009, reassigned to Committee on Roads and Transportation.
February 5, 2009, amended, reported _ Do Pass.
February 9, 2009, read second time, amended, ordered engrossed.

Reprinted

February 10, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1043

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SOURCE: IC 9-13-2-42; (09)HB1043.2.1. --> SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.131-2008, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:
Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. The term includes a person who sells off-road vehicles **and mini-trucks**. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

(1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.

(2) A public officer while performing official duties.

(3) A person who is a dealer solely because of activities as a transfer dealer.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to

the general public for delivery in Indiana at least six (6):

(1) boats; or

(2) trailers:

(A) designed and used exclusively for the transportation of watercraft; and

(B) sold in general association with the sale of watercraft;

per year.

SOURCE: IC 9-13-2-103.1; (09)HB1043.2.2. --> SECTION 2. IC 9-13-2-103.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Sec. 103.1. "Mini-truck" means a truck that:

(1) is powered by an internal combustion engine with a piston or rotor displacement of not less than six hundred sixty (660) cubic centimeters;

- (2) is sixty (60) inches or less in width;
- (3) has an unladen dry weight of one thousand six hundred (1,600) pounds or less;
- (4) can achieve a top speed of not more than sixty (60) miles per hour;
- (5) is manufactured with a locking enclosed cab and a heated interior; and
- (6) is operated on a highway.

SOURCE: IC 9-17-1-1; (09)HB1043.2.3. --> SECTION 3. IC 9-17-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This article does not apply to farm wagons or to a motor vehicle that was designed to have a maximum design speed of not more than twenty-five (25) miles per hour and that was built, constructed, modified, or assembled by a person other than the manufacturer.

(b) IC 9-17-2, IC 9-17-3, IC 9-17-4, IC 9-17-5, and IC 9-17-8 apply to a mini-truck.

SOURCE: IC 9-18-1-2; (09)HB1043.2.4. --> SECTION 4. IC 9-18-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Sec. 2. This article applies to a mini-truck with the exception of the following:

- (1) IC 9-18-7.
- (2) IC 9-18-9 through IC 9-18-11.
- (3) IC 9-18-13.
- (4) IC 9-18-27.

SOURCE: IC 9-21-8-46; (09)HB1043.2.5. --> SECTION 5. IC 9-21-8-46, AS AMENDED BY P.L.210-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Sec. 46. (a) A person may not drive or operate:

- (1) an implement of agriculture designed to be operated primarily

in a farm field or on farm premises; or

- (2) a piece of special machinery; or
- (3) a mini-truck;

upon any part of an interstate highway.

(b) In addition to the prohibition set forth in subsection (a), a mini-truck may not be operated on a highway designated as a part of the state highway system under IC 8-23-4-2.

SOURCE: IC 9-21-8-48; (09)HB1043.2.6. --> SECTION 6. IC 9-21-8-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 48. (a) A vehicle, except:

- (1) a vehicle containing poultry or livestock being transported to market; or
- (2) a highway maintenance vehicle engaged in spreading sand or deicing chemicals;

may not be driven or moved on a highway if the vehicle's contents are dripping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Notwithstanding subsection (a), a vehicle may not be operated on a highway with a sign or label affixed to the vehicle indicating that the owner or the operator of the vehicle is not responsible for damage resulting from contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle.

(c) A sign or label affixed to a vehicle as set forth in subsection (b) does not condition or limit the civil liability of the owner or operator for damages resulting from contents of the vehicle that have dripped, sifted, leaked, or otherwise escaped from the vehicle.

SOURCE: ; (09)HB1043.2.7. --> SECTION 7. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "bureau" means the bureau of motor vehicles created by IC 9-14-1-1.

(b) As used in this SECTION, "mini-truck" has the meaning set forth in IC 9-13-2-103.1, as added by this act.

(c) Before July 1, 2009, in accordance with IC 6-6-5-3(b), the bureau shall determine the true tax value for each make and model of mini-truck, subject to review and adjustment by the department of local government finance.

(d) This SECTION expires December 31, 2010.

SOURCE: ; (09)HB1043.2.8. --> **SECTION 8. An emergency is declared for this act.**



State of Wisconsin
2009 - 2010 LEGISLATURE

in
4/15

LRB-2421/P1

ARG:.....

bjk

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
X-ref

1 AN ACT ^{gen.} ...; relating to: lightweight utility vehicles.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR), in consultation with the Department of Transportation (DOT), administers a pilot program in eight counties to investigate the effects of using lightweight utility vehicles on trails and roadways authorized for all-terrain vehicle (ATV) use. For purposes of the program, a lightweight utility vehicle (LUV) is defined as an engine-driven device having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway. Under the pilot program, any county or municipality within this eight-county area may elect to participate in the program and allow operation of LUVs on authorized ATV routes and trails, which may include designated portions of highways. The pilot program must end by September 30, 2009, and DNR must report the results of its program evaluation by January 1, 2010.

This bill allows a municipality, by ordinance, to authorize the operation of LUVs on the municipality's roadways having a speed limit of 35 miles per hour or less. However, a municipal ordinance may apply to a connecting highway within the municipality, or to an intersection within the municipality where the municipality's roadway crosses a state trunk highway, only if all of the following apply: 1) the municipality provides written notice to DOT of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance will apply; and 2) within 21 days of receiving this notice, DOT consents or fails to object to the operation of LUVs on the connecting highway or through the intersection crossing the state trunk highway.

Under current law, a person may not operate on a highway a motor vehicle required to be registered unless the vehicle is registered. This bill requires that LUVs operated on highways be registered with DOT. The registration fee and biennial registration period are the same as those currently applicable to registration of mopeds and neighborhood electric vehicles.

Current law generally requires the owner of a vehicle subject to registration to apply for a certificate of title for the vehicle. An applicant for a certificate of title must pay a fee of ~~\$28.50~~ plus an environmental impact fee of \$9, plus a supplemental title fee of \$7.50.

Under this bill, the owner of an LUV must apply for a certificate of title, which controls legal ownership of and interests in the vehicle. The owner must pay the certificate of title fee of ~~\$28.50~~ but is not required to pay the environmental impact fee or supplemental title fee.

Current law requires DOT to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by DNR must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. Certain motor vehicles are exempt from emission inspections, including mopeds and neighborhood electric vehicles. This bill exempts LUVs from emission inspections.

For further information see the *state and local* 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.** 285.30 (5) (L) of the statutes is created to read:

2 285.30 (5) (L) A lightweight utility vehicle, as defined in s. 340.01 (25r).

3 **SECTION 2.** 340.01 (25r) of the statutes is created to read:

4 340.01 (25r) "Lightweight utility vehicle" has the meaning given in s. 23.33
5 (11m) (a) 2.

6 **SECTION 3.** 341.10 (6) of the statutes is amended to read:

7 341.10 (6) The vehicle is originally designed and manufactured for
8 off-highway operation unless the vehicle meets the provisions of s. 114 of the
9 national traffic and motor vehicle safety act of 1966, as amended, except as otherwise

1 authorized by the statutes. This subsection does not apply to lightweight utility
2 vehicles.

History: 1973 c. 131; 1975 c. 32; 1977 c. 29 s. 1654 (7) (a); 1979 c. 34; 1979 c. 274; 1981 c. 165; 1983 a. 27, 78, 103, 169, 330; 1987 a. 235; 1989 a. 56, 284; 1991 a. 39, 316; 1993 a. 159, 288; 1995 a. 227; 1997 a. 27, 237; 1999 a. 85; 2003 a. 201, 297.

3 **SECTION 4.** 341.25 (1) (b) of the statutes is amended to read:

4 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
5 or less, except a specially designed vehicle under s. 341.067, which is designed for the
6 transportation of persons rather than property, and for each neighborhood electric
7 vehicle and lightweight utility vehicle, a biennial fee of \$23.

History: 1973 c. 67, 90, 270, 333; 1975 c. 39 s. 734; 1975 c. 136; 1977 c. 29 ss. 1422m to 1430, 1654 (7) (a); 1977 c. 288, 418; 1979 c. 34, 221; 1981 c. 20; 1983 a. 175, 243; 1985 a. 65; 1985 a. 208 ss. 7, 8, 11; 1987 a. 212, 403; 1989 a. 31; 1991 a. 39; 1997 a. 27; 1999 a. 9, 80, 142; 2003 a. 33; 2007 a. 20, 33.

8 **SECTION 5.** 341.297 (1) of the statutes is amended to read:

9 341.297 (1) A motorcycle, moped, ~~or~~ neighborhood electric vehicle, or
10 lightweight utility vehicle, as specified in s. 341.25 (1) (b).

History: 1989 a. 31; 1999 a. 142; 2007 a. 33.

11 **SECTION 6.** 342.14 (1r) of the statutes is amended to read:

12 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
13 impact fee of \$9, by the person filing the application. All moneys collected under this
14 subsection shall be credited to the environmental fund for environmental
15 management. This subsection does not apply after December 31, 2009. This
16 subsection does not apply to an application for a certificate of title for a neighborhood
17 electric vehicle or lightweight utility vehicle.

NOTE: NOTE: Sub. (1r) is shown as affected by 2 acts of the 2007 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i).NOTE:

History: 1975 c. 39, 297, 422; 1977 c. 29 ss. 1452, 1654 (7) (a); 1977 c. 418; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1987 a. 110; 1989 a. 31, 137, 359; 1991 a. 309; 1993 a. 159; 1995 a. 27; 1997 a. 27; 1999 a. 9, 80; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20, 33; s. 13.92 (2) (i).

18 **SECTION 7.** 342.14 (3m) of the statutes is amended to read:

19 342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental
20 title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with
21 respect to an application under sub. (3) for transfer of a decedent's interest in a
22 vehicle to his or her surviving spouse. The fee specified under this subsection is in

1 addition to any other fee specified in this section. This subsection does not apply to
2 an application for a certificate of title for a neighborhood electric vehicle or
3 lightweight utility vehicle.

History: 1975 c. 39, 297, 422; 1977 c. 29 ss. 1452, 1654 (7) (a); 1977 c. 418; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1987 a. 110; 1989 a. 31, 137, 359; 1991 a. 309; 1993 a. 159; 1995 a. 27; 1997 a. 27; 1999 a. 9, 80; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20, 33; s. 13.92 (2) (i).

4 **SECTION 8. 349.27 of the statutes is created to read:**

5 **349.27 Authority to allow the operation of lightweight utility vehicles.**

6 (1) Notwithstanding s. 23.33 (11m), and subject to sub. (2), the governing body of any
7 municipality may by ordinance allow the operation of a lightweight utility vehicle on
8 a roadway that has a speed limit of 35 miles per hour or less and over which the
9 municipality has jurisdiction.

10 (2) (a) An ordinance under sub. (1) may apply to a connecting highway, or to
11 an intersection where the roadway crosses a state trunk highway, within the
12 municipality only if all of the following apply:

13 1. The municipality provides written notice to the department of the ordinance,
14 including identification of any connecting highway or state trunk highway
15 intersection to which the ordinance will apply.

16 2. Within 21 days of receiving the notice under subd. 1., the department has
17 provided written or oral consent to the operation of lightweight utility vehicles on the
18 connecting highway or through the intersection crossing the state trunk highway or
19 has failed to object to the operation of lightweight utility vehicles on the connecting
20 highway or through the intersection crossing the state trunk highway.

21 (b) If the department makes a timely objection under par. (a) 2., no ordinance
22 enacted under this section is valid for that connecting highway or that intersection
23 crossing the state trunk highway.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2421/P1dn
ARG:.....

Lbjk

Date

ATTN: Cullen Werwie

Please review the attached draft carefully to ensure that it is consistent with your intent.

As discussed, I believe the mini-trucks sold by Badgerland Mini Trucks and Equipment are considered lightweight utility vehicles (LUVs) and, rather than taking the approach of 2007 ~~AB~~^S-158, this draft treats LUVs in a manner similar to neighborhood electric vehicles (NEVs). One difference between LUVs and NEVs, I believe, is that LUVs are not manufactured to meet federal on-highway safety standards and therefore I have added a treatment in this draft of s. 341.10 (6). I have also included created s. 349.27 (3) in the draft, which should have been included in the NEV legislation but which I overlooked at the time.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
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E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2421/P1dn
ARG:bjk:rs

April 17, 2009

ATTN: Cullen Werwie

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2421/P1

ARG:bjk:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT to amend** 341.10 (6), 341.25 (1) (b), 341.297 (1), 342.14 (1r) and 342.14
2 (3m); and **to create** 285.30 (5) (L), 340.01 (25r) and 349.27 of the statutes;
3 **relating to:** lightweight utility vehicles.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR), in consultation with the Department of Transportation (DOT), administers a pilot program in eight counties to investigate the effects of using lightweight utility vehicles on trails and roadways authorized for all-terrain vehicle (ATV) use. For purposes of the program, a lightweight utility vehicle (LUV) is defined as an engine-driven device having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway. Under the pilot program, any county or municipality within this eight-county area may elect to participate in the program and allow operation of LUVs on authorized ATV routes and trails, which may include designated portions of highways. The pilot program must end by September 30, 2009, and DNR must report the results of its program evaluation by January 1, 2010.

This bill allows a municipality, by ordinance, to authorize the operation of LUVs on the municipality's roadways having a speed limit of 35 miles per hour or less. However, a municipal ordinance may apply to a connecting highway within the municipality, or to an intersection within the municipality where the municipality's roadway crosses a state trunk highway, only if all of the following apply: 1) the municipality provides written notice to DOT of the ordinance, including

identification of any connecting highway or state trunk highway intersection to which the ordinance will apply; and 2) within 21 days of receiving this notice, DOT consents or fails to object to the operation of LUVs on the connecting highway or through the intersection crossing the state trunk highway.

Under current law, a person may not operate on a highway a motor vehicle required to be registered unless the vehicle is registered. This bill requires that LUVs operated on highways be registered with DOT. The registration fee and biennial registration period are the same as those currently applicable to registration of mopeds and neighborhood electric vehicles.

Current law generally requires the owner of a vehicle subject to registration to apply for a certificate of title for the vehicle. An applicant for a certificate of title must pay a fee of \$53, plus an environmental impact fee of \$9, plus a supplemental title fee of \$7.50.

Under this bill, the owner of an LUV must apply for a certificate of title, which controls legal ownership of and interests in the vehicle. The owner must pay the certificate of title fee of \$53, but is not required to pay the environmental impact fee or supplemental title fee.

Current law requires DOT to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by DNR must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. Certain motor vehicles are exempt from emission inspections, including mopeds and neighborhood electric vehicles. This bill exempts LUVs from emission inspections.

For further information see the *state and local* 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.** 285.30 (5) (L) of the statutes is created to read:
- 2 285.30 (5) (L) A lightweight utility vehicle, as defined in s. 340.01 (25r).
- 3 **SECTION 2.** 340.01 (25r) of the statutes is created to read:
- 4 340.01 (25r) "Lightweight utility vehicle" has the meaning given in s. 23.33
- 5 (11m) (a) 2.
- 6 **SECTION 3.** 341.10 (6) of the statutes is amended to read:

1 341.10 (6) The vehicle is originally designed and manufactured for
2 off-highway operation unless the vehicle meets the provisions of s. 114 of the
3 national traffic and motor vehicle safety act of 1966, as amended, except as otherwise
4 authorized by the statutes. This subsection does not apply to lightweight utility
5 vehicles.

6 **SECTION 4.** 341.25 (1) (b) of the statutes is amended to read:

7 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
8 or less, except a specially designed vehicle under s. 341.067, which is designed for the
9 transportation of persons rather than property, and for each neighborhood electric
10 vehicle and lightweight utility vehicle, a biennial fee of \$23.

11 **SECTION 5.** 341.297 (1) of the statutes is amended to read:

12 341.297 (1) A motorcycle, moped, ~~or~~ neighborhood electric vehicle, or
13 lightweight utility vehicle, as specified in s. 341.25 (1) (b).

14 **SECTION 6.** 342.14 (1r) of the statutes is amended to read:

15 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
16 impact fee of \$9, by the person filing the application. All moneys collected under this
17 subsection shall be credited to the environmental fund for environmental
18 management. This subsection does not apply after December 31, 2009. This
19 subsection does not apply to an application for a certificate of title for a neighborhood
20 electric vehicle or lightweight utility vehicle.

21 **SECTION 7.** 342.14 (3m) of the statutes is amended to read:

22 342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental
23 title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with
24 respect to an application under sub. (3) for transfer of a decedent's interest in a
25 vehicle to his or her surviving spouse. The fee specified under this subsection is in

1 addition to any other fee specified in this section. This subsection does not apply to
2 an application for a certificate of title for a neighborhood electric vehicle or
3 lightweight utility vehicle.

4 **SECTION 8.** 349.27 of the statutes is created to read:

5 **349.27 Authority to allow the operation of lightweight utility vehicles.**

6 (1) Notwithstanding s. 23.33 (11m), and subject to sub. (2), the governing body of any
7 municipality may by ordinance allow the operation of a lightweight utility vehicle on
8 a roadway that has a speed limit of 35 miles per hour or less and over which the
9 municipality has jurisdiction.

10 (2) (a) An ordinance under sub. (1) may apply to a connecting highway, or to
11 an intersection where the roadway crosses a state trunk highway, within the
12 municipality only if all of the following apply:

13 1. The municipality provides written notice to the department of the ordinance,
14 including identification of any connecting highway or state trunk highway
15 intersection to which the ordinance will apply.

16 2. Within 21 days of receiving the notice under subd. 1., the department has
17 provided written or oral consent to the operation of lightweight utility vehicles on the
18 connecting highway or through the intersection crossing the state trunk highway or
19 has failed to object to the operation of lightweight utility vehicles on the connecting
20 highway or through the intersection crossing the state trunk highway.

21 (b) If the department makes a timely objection under par. (a) 2., no ordinance
22 enacted under this section is valid for that connecting highway or that intersection
23 crossing the state trunk highway.

24 (3) Except as provided in subs. (1) and (2) and s. 23.33 (11m), no person may
25 operate a lightweight utility vehicle on a highway.

