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**WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO**

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**2009 Wisconsin Act 252**  
[2009 Senate Bill 264]

**Operation of Off-Highway Vehicles  
on Certain Property**

**CURRENT LAW**

Under current law, no person may operate an all-terrain vehicle (ATV) on the *private property* of another without the consent of the owner or lessee (failure to post private property does not imply consent for ATV use). There is a similar provision relating to operating a snowmobile or an off-road vehicle on private land. [ss. 23.33 (3) (c) and 350.10 (1) (f), Stats.]

**2009 WISCONSIN ACT 252**

**2009 Wisconsin Act 252** retains the current provision relating to trespass on private land by ATVs, snowmobiles, and off-road vehicles and creates two new prohibitions. Under the Act:

1. No person may operate an *ATV* on public property that is posted as closed to ATV operation or on which the operation of an ATV is prohibited by law [creates s. 23.33 (3) (cm)].
2. No person may operate a *snowmobile* on public property that is posted as closed to snowmobile operation or on which the operation of a snowmobile is prohibited by law [creates s. 350.10 (1) (fm)].

As with current law, wardens and other law enforcement officers would be authorized to enforce these provisions.

The Act creates a comparable provision for an “*off-highway vehicle*” (defined as “a motor-driven craft or vehicle principally manufactured for off-highway use but does not include a snowmobile or ATV).

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

The Act creates in the conservation chapter, s. 23.119, Consent to Use Certain Off-Highway Vehicles, which provides that:

1. No person may operate an off-highway vehicle on private property without the consent of the owner of the property. Similar language to this is currently found in s. 350.10 (1) (f), Stats. The Act deletes that language in s. 350.10 (1) (f), Stats., and inserts the above language in new s. 23.119.
2. No person may operate an off-highway vehicle on public property that is posted as closed to the operation of off-highway vehicles or on which the operation of an off-highway vehicle is prohibited by law.

***Effective date:*** 2009 Wisconsin Act 252 took effect on May 22, 2010.

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