



State of Wisconsin  
2011 - 2012 LEGISLATURE



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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D-Note

In  
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1 AN ACT ~~...~~ relating to: regulating utility terrain vehicles and making  
2 appropriations.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

INS.  
1-2 →

3 SECTION 1. 20.370 (5) (gq) of the statutes is created to read:  
4 20.370 (5) (gq) *Utility terrain vehicle aids.* All moneys received as utility  
5 terrain vehicle fees under s. 23.33 (2) (c) and (2j) (c) to provide aid to towns, villages,  
6 cities, counties, and federal agencies for local law enforcement on, and for  
7 maintenance or improvement of, all-terrain vehicle trails on which the operation of  
8 a utility terrain vehicle is permitted.

9 SECTION 2. 20.370 (9) (hw) of the statutes is created to read:

1           20.370 (9) (hw) *Utility terrain vehicle fees.* All moneys received by the  
2           department as provided under s. 23.33 (2) (om) for issuing and renewing utility  
3           terrain vehicle certificates and registrations by the department under s. 23.33 (2) (i).

INS  
2-3 →  
4           **SECTION 3.** 23.119 (1) (b) of the statutes is amended to read:

5           23.119 (1) (b) "Off-highway vehicle" means a motor-driven craft or vehicle  
6           principally manufactured for off-highway use but does not include a snowmobile or  
7           ~~all-terrain~~ terrain vehicle.

History: 2009 a. 252.

8           **SECTION 4.** 23.119 (1) (d) of the statutes is created to read:

9           23.119 (1) (d) "Terrain vehicle" has the meaning given in s. 23.33 (1) (jr).

10          **SECTION 5.** 23.33 (title) of the statutes is amended to read:

11          **23.33 (title) All-terrain Terrain vehicles.**

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

12          **SECTION 6.** 23.33 (1) (bc) of the statutes is repealed.

13          **SECTION 7.** 23.33 (1) (ic) of the statutes is amended to read:

14          23.33 (1) (ic) "Intoxicated operation of an ~~all-terrain~~ a terrain vehicle law"  
15          means sub. (4c) or a local ordinance in conformity therewith or, if the operation of an  
16          ~~all-terrain~~ a terrain vehicle is involved, s. 940.09 or 940.25.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

17          **SECTION 8.** 23.33 (1) (ir) of the statutes is amended to read:

18          23.33 (1) (ir) "Operate" means to exercise physical control over the speed or  
19          direction of an ~~all-terrain~~ a terrain vehicle or to physically manipulate or activate  
20          any of the controls of an ~~all-terrain~~ a terrain vehicle necessary to put it in motion.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

21          **SECTION 9.** 23.33 (1) (it) of the statutes is amended to read:

1           23.33 (1) (it) "Operation" means the exercise of physical control over the speed  
2           or direction of ~~an all-terrain~~ a terrain vehicle or the physical manipulation or  
3           activation of any of the controls of ~~an all-terrain~~ a terrain vehicle necessary to put  
4           it in motion.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

5           **SECTION 10.** 23.33 (1) (iw) of the statutes is amended to read:

6           23.33 (1) (iw) "Operator" means a person who operates ~~an all-terrain~~ a terrain  
7           vehicle, who is responsible for the operation of ~~an all-terrain~~ a terrain vehicle or who  
8           is supervising the operation of ~~an all-terrain~~ a terrain vehicle.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

9           **SECTION 11.** 23.33 (1) (j) of the statutes is amended to read:

10           23.33 (1) (j) "Owner" means a person who has lawful possession of ~~an~~  
11           ~~all-terrain~~ a terrain vehicle by virtue of legal title or equitable interest in the  
12           ~~all-terrain~~ terrain vehicle which entitles the person to possession of the ~~all-terrain~~  
13           terrain vehicle.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

14           **SECTION 12.** 23.33 (1) (jn) of the statutes is amended to read:

15           23.33 (1) (jn) "Registration documentation" means ~~an all-terrain~~ a terrain  
16           vehicle registration certificate, a validated registration receipt, or a registration  
17           decal.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

18           **SECTION 13.** 23.33 (1) (jr) of the statutes is created to read:

19           23.33 (1) (jr) "Terrain vehicle" means an all-terrain vehicle or a utility terrain  
20           vehicle.

21           **SECTION 14.** 23.33 (1) (km) of the statutes is created to read:

1           23.33 (1) (km) ~~“Terrain vehicle route” means an all-terrain vehicle route that~~  
2           ~~is open for use by any terrain vehicle.~~

3           **SECTION 15.** 23.33 (1) (n) of the statutes is amended to read:

4           23.33 (1) (n) “Used exclusively on private property” means use of ~~an all-terrain~~  
5           a terrain vehicle by the owner of the ~~all-terrain~~ terrain vehicle or a member of his  
6           or her immediate family only on land owned or leased by the ~~all-terrain~~ terrain  
7           vehicle owner or a member of his or her immediate family.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

8           **SECTION 16.** 23.33 (1) (nc) of the statutes is created to read:

9           23.33 (1) (nc) “Utility terrain vehicle dealer” means a person engaged in ~~the~~ <sup>the</sup> sale  
10          of utility terrain vehicles for a profit at wholesale or retail.

11          **SECTION 17.** 23.33 (1) (nd) of the statutes is created to read:

12          23.33 (1) (nd) “Utility terrain vehicle distributor” means a person who sells or  
13          distributes utility terrain vehicles to utility terrain vehicle dealers or who maintains  
14          distrib<sup>+</sup>uor <sup>^</sup>representatives.

15          **SECTION 18.** 23.33 (1) (nh) of the statutes is created to read:

16          23.33 (1) (nh) “Utility terrain vehicle manufacturer” means a person engaged  
17          in the manufacture of utility terrain vehicles for sale to the public.

18          **SECTION 19.** 23.33 (1) (np) of the statutes is created to read:

19          23.33 (1) (np) “Utility terrain vehicle renter” means a person engaged in the  
20          rental or leasing of utility terrain vehicles to the public.

21          **SECTION 20.** 23.33 (1m) of the statutes is created to read:

22          23.33 (1m) UTILITY TERRAIN VEHICLE PROGRAM. (a) In this subsection:

23          1. “Federal agency” means a federal agency that receives state aid for a  
24          nonstate terrain vehicle project under sub. (9) (b).

1           2. "Municipality" means a city, village, or town.

2           (b) The department or a federal agency, county, or municipality may designate  
3 any of the following located within their respective jurisdictions:

4           1. All-terrain vehicle routes and trails that may be used by operators of utility  
5 terrain vehicles.

6           2. All-terrain vehicle routes and trails upon which utility terrain vehicle use  
7 is prohibited.

8           (c) No person may operate a utility terrain vehicle on an all-terrain vehicle  
9 route or trail unless the all-terrain vehicle route or trail is designated as an  
10 all-terrain vehicle route or trail that may be used by operators of utility terrain  
11 vehicles as provided under this subsection.

12           **SECTION 21.** 23.33 (2) (am)<sup>√</sup> of the statutes is created to read:

13           23.33 (2) (am) *Display.* A person who is required to register a terrain vehicle  
14 for public use shall attach front and rear plates to the terrain vehicle. Each plate  
15 shall be 4 inches in height and 7 inches in width, shall be clearly visible, and shall  
16 be at least 12 inches from the ground. The plates shall display the registration  
17 number for the terrain vehicle and a registration decal issued by the department.  
18 The person required to register the terrain vehicle shall maintain the plates and  
19 decal so that they are in legible condition.

20           **SECTION 22.** 23.33 (2) (c)<sup>√</sup> of the statutes is amended to read:

21           23.33 (2) (c) *Registration; public use; fee.* Any ~~all-terrain~~ terrain vehicle may  
22 be registered for public use. The fee for the issuance or renewal of a registration  
23 certificate for public use for an all-terrain vehicle is \$30. The fee for the issuance or  
24 renewal of a registration certificate for public use for a utility terrain vehicle is \$60.  
25 The department shall impose an additional late fee of \$5 for the renewal of a

1 registration certificate under this paragraph that is filed after the expiration date  
2 of the registration certificate.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

3 **SECTION 23.** 23.33 (2) (dm) 1. of the statutes is amended to read:

4 23.33 (2) (dm) 1. Every person who is an all-terrain vehicle manufacturer,  
5 all-terrain vehicle dealer, all-terrain vehicle distributor ~~or~~ all-terrain vehicle  
6 renter, utility terrain vehicle manufacturer, utility vehicle dealer, utility vehicle  
7 distributor, or utility vehicle renter, or any combination thereof engaged in business  
8 in this state shall register with the department and obtain from the department a  
9 commercial ~~all-terrain~~ terrain vehicle certificate.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

10 **SECTION 24.** 23.33 (2) (dm) 2. of the statutes is amended to read:

11 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial ~~all-terrain~~  
12 terrain vehicle certificate is \$90. Upon receipt of the application form required by  
13 the department and the fee required under this subdivision, the department shall  
14 issue to the applicant a commercial ~~all-terrain~~ terrain vehicle certificate and 3  
15 reflectorized plates. The fee for additional reflectorized plates is \$30 per plate.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

16 **SECTION 25.** 23.33 (2) (dm) 3. of the statutes is amended to read:

17 23.33 (2) (dm) 3. A person who is required to obtain a commercial ~~all-terrain~~  
18 terrain vehicle certificate under subd. 1. shall attach in a clearly visible place a  
19 reflectorized plate to any ~~all-terrain~~ terrain vehicle that the person leases, rents,  
20 offers for sale or otherwise allows to be used whenever the ~~all-terrain~~ terrain vehicle  
21 is being operated.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

1 SECTION 26. 23.33 (2) (dm) 3m. of the statutes is created to read:

2 23.33 (2) (dm) 3m. For the renewal of a commercial terrain vehicle certificate  
3 issued to a utility terrain vehicle manufacturer, utility terrain vehicle dealer, utility  
4 terrain vehicle distributor, or utility terrain vehicle renter, the department may  
5 issue renewal stickers to be attached to reflectorized plates issued upon original  
6 registration of the utility terrain vehicle.

7 SECTION 27. 23.33 (2) (dm) 4. of the statutes is amended to read:

8 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial  
9 ~~all-terrain terrain~~ vehicle certificates or reflectorized plates.

*INS.*  
*7-9* → **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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

10 SECTION 28. 23.33 (2) (f) 1. of the statutes is renumbered 23.33 (2) (f) and  
11 amended to read:

12 23.33 (2) (f) ~~Except as provided under subd. 2., an all-terrain a terrain~~ vehicle  
13 public-use registration certificate is valid for a 2-year period beginning on April 1  
14 or the date of issuance or renewal and ending March 1 of the second year following  
15 the date of issuance or renewal.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

16 SECTION 29. 23.33 (2) (f) 2. of the statutes is repealed.

17 SECTION 30. 23.33 (2) (gm) of the statutes is amended to read:

18 23.33 (2) (gm) *Effective period; commercial owners.* 1. Except as provided  
19 under subd. 2., a commercial ~~all-terrain terrain~~ vehicle certificate is valid for a  
20 2-year period.

21 2. The department may specify by rule an annual expiration date for  
22 commercial ~~all-terrain terrain~~ vehicle certificates and may reduce the effective

1 period of a commercial ~~all-terrain~~ terrain vehicle certificate so it expires on that  
2 date.

INS. 8-2  
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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

3 SECTION 31. 23.33 (2) (o) of the statutes is amended to read:

4 23.33 (2) (o) *Receipt of all-terrain vehicle fees.* All fees remitted to or collected  
5 by the department under par. (ir) for services provided regarding all-terrain vehicles  
6 shall be credited to the appropriation account under s. 20.370 (9) (hu).

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

7 SECTION 32. 23.33 (2) (om) of the statutes is created to read:

8 (I) Receipt of utility terrain vehicle fees.

8 23.33 (2) (om) All fees remitted to or collected by the department under par. (ir)  
9 for services provided regarding utility terrain vehicles shall be credited to the  
10 appropriation account under s. 20.370 (9) (hw).

11 SECTION 33. 23.33 (2) (p) 2. of the statutes is amended to read:

12 23.33 (2) (p) 2. The department may establish by rule additional procedures  
13 and requirements for all-terrain terrain vehicle registration.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

14 SECTION 34. 23.33 (2g) (b) 3. of the statutes is amended to read:

15 23.33 (2g) (b) 3. For a registration certificate issued, transferred or renewed  
16 under this subsection, the effective period shall be the same as it would be for the  
17 equivalent registration certificate under sub. (2) (f) 1. or (g) ~~or under a rule~~  
18 ~~promulgated under sub. (2) (f) 2.~~ Keep plain period

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

19 SECTION 35. 23.33 (2j) (a) of the statutes is amended to read:

20 23.33 (2j) (a) In this subsection, "public all-terrain terrain vehicle corridor"  
21 means an all-terrain terrain vehicle trail or other established all-terrain terrain

1 ~~vehicle corridor that is open to the public but does not include an all-terrain vehicle~~  
2 ~~route.~~

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

3 **SECTION 36.** 23.33 (2j) (b) of the statutes is amended to read:

4 23.33 (2j) (b) Except as provided in par. (e), ~~no person~~ <sup>no strike = plain</sup> may operate an  
5 ~~all-terrain vehicle~~ a terrain vehicle on a public ~~all-terrain~~ terrain vehicle corridor  
6 in this state unless a nonresident trail pass issued under this subsection is displayed  
7 on the ~~all-terrain~~ terrain vehicle.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

8 **SECTION 37.** 23.33 (2j) (c) of the statutes is amended to read:

9 23.33 (2j) (c) The fee for a nonresident trail pass issued for an ~~all-terrain~~ <sup>no strike = plain</sup> a  
10 terrain vehicle that is exempt from registration under sub. (2) (b) 2. is \$34.25. A  
11 nonresident trail pass issued for such an ~~all-terrain~~ <sup>no strike = plain</sup> a terrain vehicle may be issued  
12 only by the department and persons appointed by the department and expires on  
13 ~~June 30~~ March 31 of each year.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

14 **SECTION 38.** 23.33 (2j) (e) of the statutes is amended to read:

15 23.33 (2j) (e) ~~An all-terrain~~ A terrain vehicle that is registered under sub. (2)  
16 ~~(a) or~~ <sup>an all-terrain vehicle</sup> that is exempt from registration under sub. (2) (b) 1., 3., 3m., or 4. is exempt  
17 from having a nonresident trail pass displayed as required under par. (b). The  
18 department may promulgate a rule to exempt ~~all-terrain~~ <sup>no strike = plain</sup> terrain vehicles that are  
19 exempt from registration under sub. (2) (b) 5. from having nonresident trail passes  
20 displayed as required under par. (b) or may promulgate a rule to exempt owners of

no strike = plain  
terrain

1 such ~~all-terrain~~ terrain vehicles from having to pay any applicable nonresident trail  
2 pass fee.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

3 SECTION 39. 23.33 (2m) (title) of the statutes is amended to read:

4 23.33 (2m) (title) RENTAL OF ~~ALL-TERRAIN~~ TERRAIN VEHICLES.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

5 SECTION 40. 23.33 (2m) (a) (intro.) of the statutes is amended to read:

6 23.33 (2m) (a) (intro.) No person who is engaged in the rental or leasing of  
7 ~~all-terrain~~ terrain vehicles to the public may do any of the following:

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

8 SECTION 41. 23.33 (2m) (a) 1. of the statutes is amended to read:

9 23.33 (2m) (a) 1. Rent or lease ~~an all-terrain~~ a terrain vehicle for operation by  
10 a person who will be operating ~~an all-terrain~~ a terrain vehicle for the first time  
11 unless the person engaged in the rental or leasing gives the person instruction on  
12 how to operate ~~an all-terrain~~ a terrain vehicle.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

13 SECTION 42. 23.33 (2m) (a) 2. of the statutes is amended to read:

14 23.33 (2m) (a) 2. Rent or lease ~~an all-terrain~~ a terrain vehicle to a person under  
15 16 years 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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

16 SECTION 43. 23.33 (2m) (a) 3. of the statutes is amended to read:

17 23.33 (2m) (a) 3. Rent or lease ~~an all-terrain~~ a terrain vehicle without first  
18 ascertaining that any person under the age of 18 who will be on the ~~all-terrain~~  
19 terrain vehicle has protective headgear of the type required under s. 347.485 (1) (a).

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

20 SECTION 44. 23.33 (2m) (b) of the statutes is amended to read:

1           23.33 (2m) (b) A person who is engaged in the rental or leasing of ~~all-terrain~~  
2     terrain vehicles to the public shall have clean, usable protective headgear available  
3     for rent in sufficient quantity to provide headgear to all persons under the age of 18  
4     who will be on ~~all-terrain~~ terrain vehicles that the person rents or leases.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

5           **SECTION 45.** 23.33 (3) (intro.) of the statutes is amended to read:

6           23.33 (3) RULES OF OPERATION. (intro.) No person may operate ~~an all-terrain~~  
7     a terrain vehicle:

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

8           **SECTION 46.** 23.33 (3) (c) of the statutes is amended to read:

9           23.33 (3) (c) On the private property of another without the consent of the  
10     owner or lessee. Failure to post private property does not imply consent for  
11     ~~all-terrain~~ terrain vehicle use.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

12          **SECTION 47.** 23.33 (3) (cm) of the statutes is amended to read:

13          23.33 (3) (cm) On public property that is posted as closed to ~~all-terrain~~ terrain  
14     vehicle operation or on which the operation of ~~an all-terrain~~ terrain vehicle is  
15     prohibited by law.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

16          **SECTION 48.** 23.33 (3) (d) of the statutes is amended to read:

17          23.33 (3) (d) On Indian lands without the consent of the tribal governing body  
18     or Indian owner. Failure to post Indian lands does not imply consent for ~~all-terrain~~  
19     terrain vehicle use.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

20          **SECTION 49.** 23.33 (3) (em) of the statutes is created to read:

1           23.33 (3) (em) With a passenger in the cargo box or dump box of a utility terrain  
2 vehicle.

3           **SECTION 50.** 23.33 (3) (h) of the statutes is amended to read:

4           23.33 (3) (h) On the frozen surface of public waters within 100 feet of a person  
5 not in or on an ~~all-terrain~~ a terrain vehicle or motor vehicle or within 100 feet of a  
6 fishing shanty at a speed exceeding 10 miles per hour.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

7           **SECTION 51.** 23.33 (3g) (intro.) of the statutes is amended to read:

8           23.33 (3g) USE OF HEADGEAR. (intro.) No person may operate or be a passenger  
9 on an ~~all-terrain~~ a terrain vehicle without wearing protective headgear of the type  
10 required under s. 347.485 (1) (a) and with the chin strap properly fastened, unless  
11 one of the following applies:

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

12           **SECTION 52.** 23.33 (3g) (c) of the statutes is amended to read:

13           23.33 (3g) (c) The ~~all-terrain~~ terrain vehicle is being operated for an  
14 agricultural purpose.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

15           **SECTION 53.** 23.33 (3g) (d) of the statutes is amended to read:

16           23.33 (3g) (d) The ~~all-terrain~~ terrain vehicle is being operated by a person on  
17 land under the management and control of the person's immediate family.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

18           **SECTION 54.** 23.33 (4) (a) of the statutes is amended to read:

19           23.33 (4) (a) *Freeways.* No person may operate an ~~all-terrain~~ a terrain vehicle  
20 upon any part of any freeway which is a part of the federal system of interstate and  
21 defense highways. No person may operate an ~~all-terrain~~ a terrain vehicle upon any

1 part of any other freeway unless the department of transportation authorizes  
 2 ~~all-terrain~~ terrain vehicle use on that freeway. No person may operate ~~an all-terrain~~  
 3 a terrain vehicle with a snow removal device attached upon any part of any freeway  
 4 under any circumstances.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

5 **SECTION 55.** 23.33 (4) (b) of the statutes is amended to read:

6 23.33 (4) (b) *Other highways; operation restricted.* No person may operate ~~an~~  
 7 ~~all-terrain~~ a terrain vehicle on a highway except as authorized under pars. (d), (e),  
 8 and (f) and sub. (11) (am) 2. or as authorized by rules promulgated by the department  
 9 and approved by the department of transportation.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

10 **SECTION 56.** 23.33 (4) (c) 1. of the statutes is amended to read:

11 23.33 (4) (c) 1. Paragraphs (a) and (b) do not apply to the operator of ~~an~~  
 12 ~~all-terrain~~ a terrain vehicle owned by a municipality, state agency, or public utility,  
 13 or by the Great Lakes Indian Fish and Wildlife Commission, while the operator is  
 14 engaged in an emergency or in the operation of ~~an all-terrain~~ a terrain vehicle  
 15 directly related to the functions of the municipality, state agency, or public utility, or  
 16 of the Great Lakes Indian Fish and Wildlife Commission, if safety does not require  
 17 strict adherence to these restrictions.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

18 **SECTION 57.** 23.33 (4) (c) 1m. of the statutes is amended to read:

19 23.33 (4) (c) 1m. Paragraphs (a) and (b) do not apply to the operator of ~~an~~  
 20 ~~all-terrain~~ a terrain vehicle who is engaged in land surveying operations, if safety  
 21 does not require strict adherence to the restrictions under pars. (a) and (b).

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

1           **SECTION 58.** 23.33 (4) (c) 2. of the statutes is amended to read:

2           23.33 (4) (c) 2. Paragraph (b) does not apply to a highway blocked off for special  
3 ~~all-terrain~~ terrain vehicle events. A county, town, city or village may block off  
4 highways under its jurisdiction for the purpose of allowing special ~~all-terrain~~ terrain  
5 vehicle events. No state trunk highway or connecting highway, or part thereof, may  
6 be blocked off by any county, town, city or village for any ~~all-terrain~~ terrain vehicle  
7 race or derby. A county, town, city or village shall notify the local police department  
8 and the county sheriff's office at least one week in advance of the time and place of  
9 any ~~all-terrain~~ terrain vehicle race or derby which may result in any street, or part  
10 thereof, of the county, town, city or village being blocked off.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

11           **SECTION 59.** 23.33 (4) (d) (intro.) of the statutes is amended to read:

12           23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an  
13 ~~all-terrain~~ a terrain vehicle on the roadway portion of any highway only in the  
14 following situations:

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

15           **SECTION 60.** 23.33 (4) (d) 1. of the statutes is amended to read:

16           23.33 (4) (d) 1. To cross a roadway. The crossing of a roadway is authorized only  
17 if the crossing is done in the most direct manner practicable, if the crossing is made  
18 at a place where no obstruction prevents a quick and safe crossing, and if the operator  
19 stops the ~~all-terrain~~ terrain vehicle prior to the crossing and yields the right-of-way  
20 to other vehicles, pedestrians, and electric personal assistive mobility devices using  
21 the roadway.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

22           **SECTION 61.** 23.33 (4) (d) 2. of the statutes is amended to read:

1           23.33 (4) (d) 2. On any roadway which is seasonally not maintained for motor  
 2           vehicle traffic. Operation of an ~~all-terrain~~ <sup>a</sup> terrain vehicle on this type of roadway  
 3           is authorized only during the seasons when no maintenance occurs and only if the  
 4           roadway is not officially closed to ~~all-terrain~~ terrain vehicle traffic.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

5           **SECTION 62.** 23.33 (4) (d) 3. of the statutes is amended to read:

6           23.33 (4) (d) 3. To cross a bridge, culvert, or railroad right-of-way. The crossing  
 7           of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is  
 8           officially closed to ~~all-terrain~~ terrain vehicle traffic. The crossing is authorized only  
 9           if the crossing is done in the most direct manner practicable, if the crossing is made  
 10          at a place where no obstruction prevents a quick and safe crossing, and if the operator  
 11          stops the ~~all-terrain~~ terrain vehicle prior to the crossing, pedestrians, and electric  
 12          personal assistive mobility devices using the roadway.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

13          **SECTION 63.** 23.33 (4) (d) 4. of the statutes is amended to read:

14          23.33 (4) (d) 4. On roadways which are designated as ~~all-terrain~~ terrain vehicle  
 15          routes. Operation of ~~all-terrain~~ terrain vehicles on a roadway which is an ~~all-terrain~~  
 16          <sup>a</sup> terrain vehicle route is authorized only for the extreme right side of the roadway  
 17          except that left turns may be made from any part of the roadway which is safe given  
 18          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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

19          ~~**SECTION 64.** 23.33 (4) (d) 5. of the statutes is amended to read:~~

20          ~~23.33 (4) (d) 5. On roadways if the ~~all-terrain~~ terrain vehicle is an implement  
 21          of husbandry, if the ~~all-terrain~~ terrain vehicle is used exclusively for agricultural  
 22          purposes and if the ~~all-terrain~~ terrain vehicle is registered for private use under sub.~~

SECTION 64

1 (~~2~~)(d) or (2g). Operation of ~~an all-terrain~~ a terrain vehicle which is an implement  
 2 of husbandry ~~on a roadway~~ is authorized only for the extreme right side of the  
 3 roadway except that left turns may ~~be made from any part of the roadway~~ which is  
 4 safe 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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

5 SECTION 65. 23.33 (4) (d) 6. of the statutes is amended to read:

6 23.33 (4) (d) 6. On roadways if the operator of the ~~all-terrain~~ terrain vehicle  
 7 is a person who holds a Class A permit or a Class B permit under s. 29.193 (2) and  
 8 who is traveling for the purposes of hunting or is otherwise engaging in an activity  
 9 authorized by the permit.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

10 SECTION 66. 23.33 (4) ~~(d)~~ 7. of the statutes is amended to read:

11 23.33 (4) (d) 7. On roadways of highways that are ~~all-terrain~~ terrain vehicle  
 12 trails.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

13 SECTION 67. 23.33 (4) (e) (intro.) of the statutes is amended to read:

14 23.33 (4) (e) *Operation adjacent to roadway.* (intro.) A person may operate an  
 15 ~~all-terrain~~ <sup>a</sup> terrain vehicle adjacent to a roadway on ~~an all-terrain~~ <sup>no strike</sup> terrain vehicle <sup>= plain</sup>  
 16 route or trail if the person operates the ~~all-terrain~~ terrain vehicle in the following  
 17 manner:

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

18 SECTION 68. 23.33 (4) (f) of the statutes is amended to read:

19 23.33 (4) (f) *Operation with snow removal device attached.* Except as prohibited  
 20 under par. (a), and subject to ordinances enacted under sub. (11) (am) 2., a person  
 21 may operate ~~an all-terrain~~ a terrain vehicle with a snow removal device attached on

1 a roadway or adjacent to a roadway or on a public sidewalk during the period  
 2 beginning on October 1 and ending on April 30 of each year for the purpose of  
 3 removing snow if such operation is necessary to travel to or from a site where the  
 4 snow removal device will be used. The travel necessary to or from the site may not  
 5 exceed 2 miles. Operation of such ~~an all-terrain~~ a terrain vehicle on a roadway or  
 6 adjacent to a roadway is authorized only if the applicable roadway speed limit is 45  
 7 miles per hour or less. Operation on a roadway of such ~~an all-terrain~~ a terrain  
 8 vehicle is authorized only for the extreme right side of the roadway except that left  
 9 turns may be made from any part of the roadway where it is safe to do so given  
 10 prevailing conditions. Operation adjacent to a roadway of such ~~an all-terrain~~ a  
 11 terrain vehicle shall comply with the applicable speed limit and with par. (e) 1., 2.,  
 12 3., and 5.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

13 **SECTION 69.** 23.33 (4c) (title) of the statutes is amended to read:

14 **23.33 (4c)** (title) INTOXICATED OPERATION OF ~~AN ALL-TERRAIN~~ A TERRAIN VEHICLE.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

15 **SECTION 70.** 23.33 (4c) (a) 1. of the statutes is amended to read:

16 **23.33 (4c)** (a) 1. 'Operating while under the influence of an intoxicant.' No  
 17 person may operate ~~an all-terrain~~ a terrain vehicle while under the influence of an  
 18 intoxicant to a degree which renders him or her incapable of safe operation of ~~an~~

19 ~~all-terrain~~ a terrain vehicle.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

20 **SECTION 71.** 23.33 (4c) (a) 2. of the statutes is amended to read:

1           23.33 (4c) (a) 2. 'Operating with alcohol concentrations at or above specified  
2 levels.' No person may engage in the operation of ~~an all-terrain~~ a terrain vehicle  
3 while the person has an alcohol concentration of 0.08 or more.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

4           **SECTION 72.** 23.33 (4c) (a) 2m. of the statutes is amended to read:

5           23.33 (4c) (a) 2m. 'Operating with a restricted controlled substance.' No person  
6 may engage in the operation of ~~an all-terrain~~ a terrain vehicle while the person has  
7 a detectable amount of a restricted controlled substance in his or her blood.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

8           **SECTION 73.** 23.33 (4c) (a) 3. of the statutes is amended to read:

9           23.33 (4c) (a) 3. 'Operating with alcohol concentrations at specified levels;  
10 below age 19.' If a person has not attained the age of 19, the person may not engage  
11 in the operation of ~~an all-terrain~~ a terrain vehicle while he or she has an alcohol  
12 concentration of more than 0.0 but not more than 0.08.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

13           **SECTION 74.** 23.33 (4c) (b) 1. of the statutes is amended to read:

14           23.33 (4c) (b) 1. 'Causing injury while under the influence of an intoxicant.'  
15 No person while under the influence of an intoxicant to a degree which renders him  
16 or her incapable of safe operation of ~~an all-terrain~~ a terrain vehicle may cause injury  
17 to another person by the operation of ~~an all-terrain~~ a terrain vehicle.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

18           **SECTION 75.** 23.33 (4c) (b) 2. of the statutes is amended to read:

1           23.33 (4c) (b) 2. 'Causing injury with alcohol concentrations at or above  
2           specified levels.' No person who has an alcohol concentration of 0.08 or more may  
3           cause injury to another person by the operation of ~~an all-terrain~~ a terrain vehicle.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

4           **SECTION 76.** 23.33 (4c) (b) 2m. of the statutes is amended to read:

5           23.33 (4c) (b) 2m. 'Causing injury while operating with a restricted controlled  
6           substance.' No person who has a detectable amount of a restricted controlled  
7           substance in his or her blood may cause injury to another person by the operation of  
8           ~~an all-terrain~~ a terrain vehicle.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

9           **SECTION 77.** 23.33 (4g) (a) of the statutes is amended to read:

10          23.33 (4g) (a) *Requirement.* A person shall provide a sample of his or her breath  
11          for a preliminary breath screening test if a law enforcement officer has probable  
12          cause to believe that the person is violating or has violated the intoxicated operation  
13          of ~~an all-terrain~~ <sup>a</sup>terrain vehicle law and if, prior to an arrest, the law enforcement  
14          officer requested the person to provide this sample.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

15          **SECTION 78.** 23.33 (4g) (b) of the statutes is amended to read:

16          23.33 (4g) (b) *Use of test results.* A law enforcement officer may use the results  
17          of a preliminary breath screening test for the purpose of deciding whether or not to  
18          arrest a person for a violation of the intoxicated operation of ~~an all-terrain~~ a terrain  
19          vehicle law or for the purpose of deciding whether or not to request a chemical test  
20          under sub. (4p). Following the preliminary breath screening test, chemical tests may  
21          be required of the person under sub. (4p).

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

1           **SECTION 79.** 23.33 (4j) of the statutes is amended to read:

2           23.33 (4j) APPLICABILITY OF THE INTOXICATED OPERATION OF AN ALL-TERRAIN  
 3           TERRAIN VEHICLE LAW. In addition to being applicable upon highways, the intoxicated  
 4           operation of an all-terrain a terrain vehicle law is applicable upon all premises held  
 5           out to the public for use of their all-terrain terrain vehicles, whether such premises  
 6           are publicly or privately owned and whether or not a fee is charged for the use thereof.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

7           **SECTION 80.** 23.33 (4L) of the statutes is amended to read:

8           23.33 (4L) IMPLIED CONSENT. Any person who engages in the operation of an  
 9           all-terrain terrain vehicle upon the public highways of this state, or in those areas  
 10           enumerated in sub. (4j), is deemed to have given consent to provide one or more  
 11           samples of his or her breath, blood or urine for the purpose of authorized analysis as  
 12           required under sub. (4p). Any person who engages in the operation of an all-terrain  
 13           a terrain vehicle within this state is deemed to have given consent to submit to one  
 14           or more chemical tests of his or her breath, blood or urine for the purpose of  
 15           authorized analysis as required under sub. (4p).

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

16           **SECTION 81.** 23.33 (4p) (a) 1. of the statutes is amended to read:

17           23.33 (4p) (a) 1. 'Samples; submission to tests.' A person shall provide one or  
 18           more samples of his or her breath, blood or urine for the purpose of authorized  
 19           analysis if he or she is arrested for a violation of the intoxicated operation of an  
 20           all-terrain a terrain vehicle law and if he or she is requested to provide the sample  
 21           by a law enforcement officer. A person shall submit to one or more chemical tests of  
 22           his or her breath, blood or urine for the purpose of authorized analysis if he or she  
 23           is arrested for a violation of the intoxicated operation of an all-terrain a terrain

1 vehicle law and if he or she is requested to submit to the test by a law enforcement  
2 officer.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

3 **SECTION 82.** 23.33 (4p) (a) 3. of the statutes is amended to read:

4 23.33 (4p) (a) 3. 'Unconscious person.' A person who is unconscious or  
5 otherwise not capable of withdrawing consent is presumed not to have withdrawn  
6 consent under this paragraph, and if a law enforcement officer has probable cause  
7 to believe that the person violated the intoxicated operation of ~~an all-terrain~~ a  
8 terrain vehicle law, one or more chemical tests may be administered to the person  
9 without a request under subd. 1. and without providing information under subd. 2.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

10 **SECTION 83.** 23.33 (4p) (b) 4. of the statutes is amended to read:

11 23.33 (4p) (b) 4. 'Validity; procedure.' A chemical test of blood or urine  
12 conducted for the purpose of authorized analysis is valid as provided under s. 343.305  
13 (6). The duties and responsibilities of the laboratory of hygiene, department of  
14 health services and department of transportation under s. 343.305 (6) apply to a  
15 chemical test of blood or urine conducted for the purpose of authorized analysis  
16 under this subsection. Blood may be withdrawn from a person arrested for a  
17 violation of the intoxicated operation of ~~an all-terrain~~ a terrain vehicle law only by  
18 a physician, registered nurse, medical technologist, physician assistant or person  
19 acting under the direction of a physician and the person who withdraws the blood,  
20 the employer of that person and any hospital where blood is withdrawn have  
21 immunity from civil or criminal liability as provided under s. 895.53

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

22 **SECTION 84.** 23.33 (4p) (c) 1. of the statutes is amended to read:

1           23.33 (4p) (c) 1. 'Additional chemical test.' If a person is arrested for a violation  
2 of the intoxicated operation of an ~~all-terrain~~ a terrain vehicle law or is the operator  
3 of an ~~all-terrain~~ a terrain vehicle involved in an accident resulting in great bodily  
4 harm to or the death of someone and if the person is requested to provide a sample  
5 or to submit to a test under par. (a) 1., the person may request the test facility to  
6 administer the additional chemical test specified under par. (b) 3. or, at his or her own  
7 expense, reasonable opportunity to have any qualified person administer a chemical  
8 test of his or her breath, blood or urine for the purpose of authorized analysis.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

9           **SECTION 85.** 23.33 (4p) (c) 2. of the statutes is amended to read:

10           23.33 (4p) (c) 2. 'Optional test.' If a person is arrested for a violation of the  
11 intoxicated operation of an ~~all-terrain~~ a terrain vehicle law and if the person is not  
12 requested to provide a sample or to submit to a test under par. (a) 1., the person may  
13 request the test facility to administer a chemical test of his or her breath or, at his  
14 or her own expense, reasonable opportunity to have any qualified person administer  
15 a chemical test of his or her breath, blood or urine for the purpose of authorized  
16 analysis. If a test facility is unable to perform a chemical test of breath, the person  
17 may request the test facility to administer the designated chemical test under par.  
18 (b) 2. or the additional chemical test under par. (b) 3.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

19           **SECTION 86.** 23.33 (4p) (d) of the statutes is amended to read:

20           23.33 (4p) (d) *Admissibility; effect of test results; other evidence.* The results  
21 of a chemical test required or administered under par. (a), (b) or (c) are admissible  
22 in any civil or criminal action or proceeding arising out of the acts committed by a  
23 person alleged to have violated the intoxicated operation of an ~~all-terrain~~ a terrain

1 vehicle law on the issue of whether the person was under the influence of an  
2 intoxicant or the issue of whether the person had alcohol concentrations at or above  
3 specified levels or a detectable amount of a restricted controlled substance in his or  
4 her blood. Results of these chemical tests shall be given the effect required under s.  
5 885.235. This subsection does not limit the right of a law enforcement officer to  
6 obtain evidence by any other lawful means.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

7 **SECTION 87.** 23.33 (4p) (e) 1. of the statutes is amended to read:

8 23.33 (4p) (e) 1. Whether the law enforcement officer had probable cause to  
9 believe the person was violating or had violated the intoxicated operation of an  
10 ~~all-terrain~~ a terrain vehicle law.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

11 **SECTION 88.** 23.33 (4p) (e) 2. of the statutes is amended to read:

12 23.33 (4p) (e) 2. Whether the person was lawfully placed under arrest for  
13 violating the intoxicated operation of ~~an all-terrain~~ a terrain vehicle law.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

14 **SECTION 89.** 23.33 (4x) (title) of the statutes is amended to read:

15 23.33 (4x) (title) OFFICER'S ACTION AFTER ARREST FOR OPERATING AN ~~ALL-TERRAIN~~  
16 A TERRAIN VEHICLE WHILE UNDER INFLUENCE OF INTOXICANT.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

17 **SECTION 90.** 23.33 (4z) (a) 1. of the statutes is amended to read:

18 23.33 (4z) (a) 1. Inform ~~all-terrain~~ terrain vehicle operators of the prohibitions  
19 and penalties included in the intoxicated operation of ~~an all-terrain~~ a terrain vehicle  
20 law.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

1 SECTION 91. 23.33 (4z) (a) 2. of the statutes is amended to read:

2 23.33 (4z) (a) 2. Provide for the development of signs briefly explaining the  
3 intoxicated operation of an ~~all-terrain~~ a terrain vehicle law.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

4 SECTION 92. 23.33 (4z) (b) of the statutes is amended to read:

5 23.33 (4z) (b) The department shall develop and issue an educational pamphlet  
6 on the intoxicated operation of an ~~all-terrain~~ a terrain vehicle law to be distributed,  
7 beginning in 1989, to persons issued ~~all-terrain~~ terrain vehicle registration  
8 certificates under subs. (2) and (2g).

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

9 SECTION 93. 23.33 (5) (title) of the statutes is amended to read:

10 23.33 (5) (title) ~~AGE ALL-TERRAIN VEHICLE AGE RESTRICTIONS; SAFETY~~  
11 CERTIFICATION PROGRAM.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

12 SECTION 94. 23.33 (5) (am) of the statutes is created to read:

13 23.33 (5) (am) *Utility terrain vehicles; age and operation restrictions*. 1. Except  
14 as provided in subd. 2., no person may operate, rent, or lease a utility terrain vehicle  
15 unless he or she has an operator's license under ch. 343 and is at least 16 years of age.

16 2. A person who is under 16 years of age may operate a utility terrain vehicle  
17 without an operator's license if the person operates the utility terrain vehicle for an  
18 agricultural purpose and he or she is under the supervision of a person over 18 years  
19 of age. For purposes of this subdivision, supervision does not require that the person  
20 under 16 years of age be subject to continuous direction or by the person over 18 years  
21 of age.

22 SECTION 95. 23.33 (5) (b) of the statutes is amended to read:

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1           23.33 (5) (b) ~~All-terrain~~ Terrain vehicle safety certificate. 1. No person who is  
2 at least 12 years of age and who is born on or after January 1, 1988, may operate ~~an~~  
3 ~~all-terrain~~ terrain vehicle unless he or she holds a valid safety certificate.

4           2. Any person who is required to hold ~~an all-terrain~~ a terrain vehicle safety  
5 certificate while operating ~~an all-terrain~~ a terrain vehicle shall carry the certificate  
6 on the ~~all-terrain~~ terrain vehicle and shall display the certificate to a law  
7 enforcement officer on request. Persons enrolled in a safety certification program  
8 approved by the department may operate ~~an all-terrain~~ a terrain vehicle in an area  
9 designated by the instructor.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

10           **SECTION 96.** 23.33 (5) (c) of the statutes is amended to read:

11           23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who  
12 operates ~~an all-terrain~~ a terrain vehicle exclusively on land under the management  
13 and control of the person's immediate family. Paragraphs (a) and (b) do not apply to  
14 the operation of an all-terrain vehicle by a person at least 12 years of age but under  
15 16 years of age who holds a valid certificate issued by another state or a province of  
16 Canada.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

17           **SECTION 97.** 23.33 (5) (d) of the statutes is amended to read:

18           23.33 (5) (d) *Safety certification program established.* The department shall  
19 establish or supervise the establishment of a program of instruction on ~~all-terrain~~  
20 terrain vehicle laws, including the intoxicated operation of ~~an all-terrain~~ terrain  
21 vehicle law, regulations, safety and related subjects. The department shall establish  
22 by rule an instruction fee for this program. The department shall issue certificates  
23 to persons successfully completing the program. An instructor conducting the

1 program of instruction under this paragraph shall collect the fee from each person  
2 who receives instruction. The department may determine the portion of this fee,  
3 which may not exceed 50%, that the instructor may retain to defray expenses  
4 incurred by the instructor in conducting the program. The instructor shall remit the  
5 remainder of the fee or, if nothing is retained, the entire fee to the department. The  
6 department shall issue a duplicate certificate of accomplishment to a person who is  
7 entitled to a duplicate certificate of accomplishment and who pays a fee of \$2.75.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

8 **SECTION 98.** 23.33 (6) (a), (b), (c), (d), (e) and (h) of the statutes are amended  
9 to read:

10 23.33 (6) (a) A person who operates an ~~all-terrain~~ a terrain vehicle during  
11 hours of darkness or during daylight hours on any highway right-of-way is required  
12 to display a lighted headlamp and tail lamp on the ~~all-terrain~~ terrain vehicle.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

13 (b) The headlamp on an ~~all-terrain~~ a terrain vehicle is required to display a  
14 white light of sufficient illuminating power to reveal any person, vehicle or  
15 substantial object at a distance of at least 200 feet ahead of the ~~all-terrain~~ terrain  
16 vehicle.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

17 (c) The tail lamp on an ~~all-terrain~~ a terrain vehicle is required to display a red  
18 light plainly visible during hours of darkness from a distance of 500 feet to the rear.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

19 (d) Every ~~all-terrain~~ terrain vehicle is required to be equipped with at least one  
20 brake operated either by hand or by foot.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

1 (e) Every ~~all-terrain~~ terrain vehicle is required to be equipped with a  
2 functioning muffler to prevent excessive or unusual noise and with a functioning  
3 spark arrester of a type approved by the U.S. forest service.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

4 (h) A person who operates ~~an all-terrain~~ a terrain vehicle with a snow removal  
5 device attached as authorized under s. 23.33 (4) (f) is required to display at least one  
6 or more flashing or rotating amber or yellow lights, and at least one of these lights  
7 shall be visible from every direction.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

8 **SECTION 99.** 23.33 (6) (i) of the statutes is created to read:

9 23.33 (6) (i) No person may operate a utility terrain vehicle unless each  
10 passenger is wearing a safety belt approved by the department and fastened in a  
11 manner prescribed by the manufacturer of the safety belt which permits the safety  
12 belt to act as a body restraint.

13 **SECTION 100.** 23.33 (6m) of the statutes is amended to read:

14 23.33 (6m) NOISE LIMITS. No person may manufacture, sell, rent or operate ~~an~~  
15 ~~all-terrain~~ a terrain vehicle that is constructed in such a manner that noise emitted  
16 from the ~~all-terrain~~ terrain vehicle exceeds 96 decibels on the A scale as measured  
17 in the manner prescribed under rules promulgated by the department.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

18 **SECTION 101.** 23.33 (7) of the statutes is amended to read:

19 23.33 (7) ACCIDENTS. (a) If an accident results in the death of any person or in  
20 the injury of any person which requires the treatment of the person by a physician,  
21 the operator of each ~~all-terrain~~ terrain vehicle involved in the accident shall give  
22 notice of the accident to a conservation warden or local law enforcement officer as

1 soon as possible and shall file a written report of the accident with the department  
2 on the form provided by it within 10 days after the accident.

3 (b) If the operator of an ~~all-terrain~~ a terrain vehicle is physically incapable of  
4 making the report required by this subsection and there was another witness to the  
5 accident capable of making the report, the witness may make the report.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

6 **SECTION 102.** 23.33 (8) (a) of the statutes is amended to read:

7 23.33 (8) (a) *Department authority.* The department shall encourage and  
8 supervise a system of ~~all-terrain vehicle routes and~~ terrain vehicle trails. The  
9 department may establish standards and procedures for certifying the designation  
10 of ~~all-terrain vehicle routes and~~ terrain vehicle trails.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

11 **SECTION 103.** 23.33 (8) (c) of the statutes is amended to read:

12 23.33 (8) (c) *Trails.* A town, village, city, county or the department may  
13 designate corridors through land which it owns or controls, or for which it obtains  
14 leases, ~~easements or permission,~~ for use as ~~all-terrain~~ terrain vehicle trails.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

15 **SECTION 104.** 23.33 (8) (d) of the statutes is amended to read:

16 23.33 (8) (d) *Restrictions.* The designating authority may specify effective  
17 periods for the use of all-terrain vehicle routes and terrain vehicle trails and may  
18 restrict or prohibit the operation of an ~~all-terrain~~ a terrain vehicle during certain  
19 periods of the year.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

20 **SECTION 105.** 23.33 (8) (e) of the statutes is amended to read:

1           23.33 (8) (e) *Signs.* The department, in cooperation with the department of  
 2 transportation, shall establish uniform all-terrain vehicle route and terrain vehicle  
 3 trail signs and standards. The standards may not require that any additional signs  
 4 be placed on all-terrain vehicle routes concerning the operation of all-terrain  
 5 vehicles with snow removal devices attached.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

6           **SECTION 106.** 23.33 (8) (f) of the statutes is amended to read:

7           23.33 (8) (f) *Interference with signs and standards prohibited.* 1. No person  
 8 may intentionally remove, damage, deface, move or <sup>3</sup>obstruct or interfere with the  
 9 effective operation of any uniform all-terrain vehicle route or trail sign or standard  
 10 or any uniform terrain vehicle trail sign or standard or intentionally interfere with  
 11 the effective operation of any uniform all-terrain vehicle route or trail sign or  
 12 standards if the sign or standard is legally placed by the state, any municipality or  
 13 any authorized individual.

14           2. No person may possess any uniform all-terrain vehicle route or trail sign or  
 15 standard or any uniform terrain vehicle trail sign or standard of the type established  
 16 by the department for the warning, instruction or information of the public, unless  
 17 he or she obtained the uniform all-terrain vehicle route or trail sign or standard in  
 18 a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or  
 19 standard or of a uniform terrain vehicle trail sign creates a rebuttable presumption  
 20 of illegal possession.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

21           **SECTION 107.** 23.33 (9) (a) of the statutes is amended to read:

22           23.33 (9) (a) *Enforcement.* The department may utilize moneys received under  
 23 sub. (2) for all-terrain terrain vehicle registration aids administration and for the

## SECTION 107

1 purposes specified under s. 20.370 (3) (as) and (5) (er) including costs associated with  
2 enforcement, safety education, accident reports and analysis, law enforcement aids  
3 to counties, and other similar costs in administering and enforcing this section.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

4 SECTION 108. 23.33 (9) (bg) of the statutes is created to read:

5 23.33 (9) (bg) *Terrain vehicle projects.* A project to improve or maintain  
6 all-terrain vehicle trails for use by utility terrain vehicles is eligible for aid from the  
7 appropriation account under s. 20.370 (5) (gq).

8 SECTION 109. 23.33 (11) (a) of the statutes is amended to read:

9 23.33 (11) (a) Counties, towns, cities and villages may enact ordinances  
10 regulating ~~all-terrain~~ terrain vehicles on all-terrain vehicle trails maintained by or  
11 on all-terrain vehicle routes designated by the county, city, town or village.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

12 SECTION 110. 23.33 (11) (am) 2. of the statutes is amended to read:

13 23.33 (11) (am) 2. For a roadway, or for a portion of a roadway, that is located  
14 within the territorial boundaries of a city, village, or town, the city, village, or town  
15 may enact an ordinance to authorize the operation of ~~all-terrain~~ terrain vehicles  
16 with snow removal devices attached on the roadway, or adjacent to the roadway, if  
17 the applicable roadway speed limit is greater than 45 miles per hour, and regardless  
18 of whether the city, village, or town has jurisdiction over the roadway.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

19 SECTION 111. 23.33 (11) (b) of the statutes is amended to read:

20 23.33 (11) (b) If a county, town, city or village adopts an ordinance regulating  
21 all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send  
22 a copy of the ordinance to the department and to the office of any law enforcement

1 agency of the municipality or county having jurisdiction over any highway  
2 designated as an all-terrain vehicle route.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

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**SECTION 112.** 23.33 (11p) (title) of the statutes is repealed.

~~SECTION #.~~ RP; 23.33 (11p) (a) (intro.)

**SECTION 113.** 23.33 (11p) (a) 1. of the statutes is repealed.

5 **SECTION 114.** 23.33 (11p) (a) 2. of the statutes is renumbered 23.33 (1) (fm). ✓

6 **SECTION 115.** 23.33 (11p) (a) 3. of the statutes is renumbered 23.33 (1) (ij). ✓

7 **SECTION 116.** 23.33 (11p) (a) 4. of the statutes is renumbered 23.33 (1) (im). ✓

8 **SECTION 117.** 23.33 (11p) (a) 5. of the statutes is repealed.

9 **SECTION 118.** 23.33 (11p) (a) 6. of the statutes is renumbered 23.33 (1) (ng). ✓

10 **SECTION 119.** 23.33 (11p) (b) to (i) of the statutes are repealed.

11 **SECTION 120.** 23.33 (12) (b) of the statutes is amended to read:

12 23.33 (12) (b) No operator of an all-terrain a terrain vehicle may refuse to stop  
13 after being requested or signaled to do so by a law enforcement officer or a  
14 commission warden, as defined in s. 939.22 (5).

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

15 **SECTION 121.** 23.33 (13) (b) (title) of the statutes is amended to read:

16 23.33 (13) (b) (title) *Penalties related to intoxicated operation of ~~an all-terrain~~*  
17 *a terrain vehicle.*

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

18 **SECTION 122.** 23.33 (13) (b) 2. of the statutes is amended to read:

19 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.  
20 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the  
21 current violation, was convicted previously under the intoxicated operation of ~~an~~  
22 all-terrain a terrain vehicle law or the refusal law shall be fined not less than \$300

1 nor more than \$1,100 and shall be imprisoned not less than 5 days nor more than 6  
2 months.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

3 SECTION 123. 23.33 (13) (b) 3. of the statutes is amended to read:

4 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
5 who, within 5 years prior to the arrest for the current violation, was convicted 2 or  
6 more times previously under the intoxicated operation of ~~an all-terrain~~ a terrain  
7 vehicle law or refusal law shall be fined not less than \$600 nor more than \$2,000 and  
8 shall be imprisoned not less than 30 days nor more than one year in the county jail.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

9 SECTION 124. 23.33 (13) (bg) of the statutes is amended to read:

10 23.33 (13) (bg) *Penalties related to intoxicated operation of ~~an all-terrain~~ a*  
11 *terrain vehicle; underage passengers.* If there is a passenger under 16 years of age  
12 on the ~~all-terrain~~ terrain vehicle at the time of a violation that gives rise to a  
13 conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and  
14 maximum forfeitures, fines, and terms of imprisonment under pars. (b) 1., 2., and 3.  
15 for the conviction are doubled.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

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16 SECTION 125. 23.33 (13) (dm) of the statutes is amended to read:

17 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person  
18 is convicted of a violation of the intoxicated operation of ~~an all-terrain~~ a terrain  
19 vehicle law, the clerk of the court in which the conviction occurred, or the justice,  
20 judge or magistrate of a court not having a clerk, shall forward to the department the

1 record of such conviction. The record of conviction forwarded to the department shall  
2 state whether the offender was involved in an accident at the time of the offense.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

3 **SECTION 126.** 23.33 (13) (f) of the statutes is amended to read:  
4 ~~23.33 (13) (f) Restoration or replacement of signs and standards. In addition~~  
5 ~~to any other penalty, the court may order the defendant to restore or replace any~~  
6 ~~uniform ~~all-terrain~~ terrain vehicle route or ~~trail~~ <sup>all-terrain</sup> sign or standard that the defendant~~  
7 ~~removed, damaged, defaced, moved or obstructed.~~

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

INS.  
33-7

8 **SECTION 127.** 25.29 (1) (b) of the statutes is amended to read:  
9 25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on  
10 ~~all-terrain~~ terrain vehicles, boats and snowmobiles collected under ss. 23.33, 30.52  
11 (4), 350.12 and 350.122.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248; 1999 a. 9; 2001 a. 16, 56, 105; 2003 a. 166; 2007 a. 204; 2009 a. 28.

12 **SECTION 128.** 25.29 (1) (dm) of the statutes is amended to read:  
13 25.29 (1) (dm) For fiscal year ~~1991-92~~ 2012-13 and for each fiscal year  
14 thereafter, an amount equal to the estimated ~~all-terrain~~ terrain vehicle gas tax  
15 payment. The estimated ~~all-terrain~~ terrain vehicle gas tax payment is calculated  
16 by multiplying the sum of the number of ~~all-terrain~~ terrain vehicles registered for  
17 public use under s. 23.33 (2) (c) or (2g) and the number of reflectorized plates issued  
18 under s. 23.33 (2) (dm) on the last day of February of the previous fiscal year by 25  
19 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on  
20 the last day of February of the previous fiscal year.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248; 1999 a. 9; 2001 a. 16, 56, 105; 2003 a. 166; 2007 a. 204; 2009 a. 28.

21 **SECTION 129.** 25.40 (3) (b) 14. of the statutes is amended to read:

1 25.40 (3) (b) 14. Transfers to the conservation fund for motor fuel tax collections  
2 on the use of fuel by snowmobiles, ~~all-terrain~~ terrain vehicles, and motorboats.

History: 1971 c. 125, 211; 1973 c. 90, 333; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 199; 1977 c. 29, 274, 418, 447; 1979 c. 34; 1979 c. 361 s. 113; 1981 c. 20; 1981 c. 347 s. 80 (2), (4); 1983 a. 27, 538; 1985 a. 16 s. 15; 1985 a. 29 ss. 638p, 3202 (51); 1985 a. 120 ss. 66, 3202 (56); 1985 a. 332; 1987 a. 3, 27, 110, 399, 403; 1989 a. 31, 102, 105, 359; 1991 a. 39, 104, 189, 269, 309, 315; 1993 a. 16, 123, 205, 253, 415, 437, 491; 1995 a. 27, 113, 201, 269, 280, 445; 1997 a. 27, 35, 41, 135, 237, 255; 1999 a. 9, 32, 92, 167; 2001 a. 16; 2003 a. 33, 139; 2005 a. 25, 45, 85, 179, 199, 260, 319; 2007 a. 42, 97, 107; 2009 a. 28, 100, 135, 224, 226; s. 13.92 (2) (i).

3 SECTION 130. 77.51 (13s) of the statutes is amended to read:

4 77.51 (13s) "Safety classes" means all classes approved by the department of  
5 natural resources related to hunting, including hunting with a bow, and related to  
6 firearms, ~~all-terrain~~ utility terrain vehicles, boats, and snowmobiles.

History: 1973 c. 333; 1975 c. 39, 41, 99, 224; 1975 c. 413 s. 18; 1977 c. 29, 418; 1979 c. 1 ss. 57 to 59, 61, 62; 1979 c. 174; 1981 c. 20; 1981 c. 79 s. 17; 1983 a. 23, 27; 1983 a. 189 ss. 92 to 108, 329 (12); 1983 a. 510, 538; 1983 a. 544 ss. 13 to 46, 47 (1) (b); 1985 a. 29, 332; 1987 a. 27, 399; 1989 a. 31, 335, 336; 1991 a. 39, 269, 316; 1993 a. 16, 112, 184; 1997 a. 27, 237; 1999 a. 9, 83; 2001 a. 45, 102; 2003 a. 48; 2005 a. 25, 327, 441, 479; 2007 a. 11, 20, 130; 2009 a. 2 ss. 225 to 345, 389; 2009 a. 12 s. 18; 2009 a. 28 ss. 1830b to 1836h, 1844 to 1846; 2009 a. 276, 330.

stet

7 SECTION 131. 78.01 (2) (e) of the statutes is amended to read:

8 ~~78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and  
9 equipment; other than use in a snowmobile, an ~~all-terrain~~ terrain vehicle that is  
10 not registered for private use under s. 23.33 (2) (d) or a recreational motorboat; and  
11 delivered directly into the consumer's storage tank in an amount of not less than 100  
12 gallons.~~

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 153; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 316; 1993 a. 16, 437; 1995 a. 113; 1997 a. 27, 237; 2009 a. 401.

13 SECTION 132. 78.01 (2m) (f) of the statutes is amended to read:

14 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than  
15 use in a snowmobile, an ~~all-terrain~~ <sup>a</sup> terrain vehicle that is not registered for private  
16 use under s. 23.33 (2) (d) or (2g) or in a recreational motorboat or if no claim for a  
17 refund for the tax on the diesel fuel may be made under s. 78.75 (1m) (a) 3.

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 153; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 316; 1993 a. 16, 437; 1995 a. 113; 1997 a. 27, 237; 2009 a. 401.

18 SECTION 133. 78.40 (1) of the statutes is amended to read:

19 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate  
20 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The  
21 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply

1 tanks of motor vehicles in this state, attaches at the time of delivery and shall be  
2 collected by the dealer from the alternate fuels user and shall be paid to the  
3 department. The tax, with respect to alternate fuels acquired by any alternate fuels  
4 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a  
5 motor vehicle, or of a snowmobile, ~~an all-terrain~~ a terrain vehicle that is not  
6 registered for private use under s. 23.33 (2) (d) or (2g) or a recreational motorboat,  
7 attaches at the time of the use of the fuel and shall be paid to the department by the  
8 user. The department may permit any supplier of alternate fuels to report and pay  
9 to the department the tax on alternate fuels delivered into the storage facility of an  
10 alternate fuels user or retailer which will be consumed for alternate fuels tax  
11 purposes or sold at retail.

History: 1979 c. 11, 221; 1981 c. 20; 1983 a. 27; 1985 a. 302; 1987 a. 27; 1987 a. 312 s. 17; 1991 a. 39; 1993 a. 16; 1995 a. 113; 1997 a. 27.

12 **SECTION 134.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

13 78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel  
14 upon which has been paid the tax required under this chapter for the purpose of  
15 operating ~~an all-terrain~~ terrain vehicle, as defined under s. 340.01 (2g), may not be  
16 reimbursed or repaid the amount of tax paid unless the ~~all-terrain~~ terrain vehicle  
17 is registered for private use under s. 23.33 (2) (d) or (2g).

History: 1973 c. 33; 1977 c. 29; 1979 c. 221; 1981 c. 390 s. 252; 1983 a. 189 s. 329 (33); 1985 a. 29; 1987 a. 27; 1989 a. 31; 1993 a. 16, 437; 1995 a. 113, 408; 1997 a. 27, 291.

18 **SECTION 135.** 78.75 (1m) (a) 3. of the statutes is amended to read:

19 78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed. The forms shall  
20 indicate that refunds are not available for motor vehicle fuel or alternate fuels used  
21 for motorboats, except motorboats exempt from registration as motor vehicles under  
22 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle  
23 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile  
24 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and

**SECTION 135**

1 areas. The forms shall indicate that refunds are not available for motor vehicle fuel  
 2 or alternate fuels used for ~~all-terrain~~ terrain vehicles unless the ~~all-terrain~~ terrain  
 3 vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall indicate  
 4 that estimated ~~all-terrain~~ terrain vehicle motor vehicle fuel or alternate fuels tax  
 5 payments are used for all-terrain vehicle trails and areas. The forms shall also  
 6 indicate that refunds are not available for the tax on less than 100 gallons. The  
 7 department shall distribute forms in sufficient quantities to each county clerk.

History: 1973 c. 33; 1977 c. 29; 1979 c. 221; 1981 c. 390 s. 252; 1983 a. 189 s. 329 (33); 1985 a. 29; 1987 a. 27; 1989 a. 31; 1993 a. 16, 437; 1995 a. 113, 408; 1997 a. 27, 291.

8 **SECTION 136.** 322.111 of the statutes is amended to read:

9 **322.111 Article 111 — Drunken or reckless operation of ~~an all-terrain~~**  
 10 **a terrain vehicle, vehicle, snowmobile, aircraft, or vessel.** Any person who violates s.  
 11 23.33 (3) (a) or (4c), 30.68, 30.681, 114.09, 346.62, 346.63 (1) or (2), 350.10 (1) (b),  
 12 350.101, 940.25, or 940.09 where the offense involved the operation or physical  
 13 control of an aircraft, ~~all-terrain~~ terrain vehicle, snowmobile, vehicle or vessel on or  
 14 off a highway shall be punished as the court-martial may direct.

History: 2007 a. 200.

15 **SECTION 137.** 885.235 (1g) (intro.) of the statutes is amended to read:

16 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove  
 17 that a person was under the influence of an intoxicant or had a prohibited alcohol  
 18 concentration or a specified alcohol concentration while operating or driving a motor  
 19 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating  
 20 a motorboat, except a sailboat operating under sail alone, while operating a  
 21 snowmobile, while operating ~~an all-terrain~~ a terrain vehicle or while handling a  
 22 firearm, evidence of the amount of alcohol in the person's blood at the time in  
 23 question, as shown by chemical analysis of a sample of the person's blood or urine or  
 24 evidence of the amount of alcohol in the person's breath, is admissible on the issue

1 of whether he or she was under the influence of an intoxicant or had a prohibited  
2 alcohol concentration or a specified alcohol concentration if the sample was taken  
3 within 3 hours after the event to be proved. The chemical analysis shall be given  
4 effect as follows without requiring any expert testimony as to its effect:

5 **SECTION 138.** 885.235 (1k) of the statutes is amended to read:

6 885.235 (1k) In any action or proceeding in which it is material to prove that  
7 a person had a detectable amount of a restricted controlled substance in his or her  
8 blood while operating or driving a motor vehicle or, if the vehicle is a commercial  
9 motor vehicle, on duty time, while operating a motorboat, except a sailboat operating  
10 under sail alone, while operating a snowmobile, while operating an ~~all-terrain~~ a  
11 terrain vehicle, or while handling a firearm, if a chemical analysis of a sample of the  
12 person's blood shows that the person had a detectable amount of a restricted  
13 controlled substance in his or her blood, the court shall treat the analysis as prima  
14 facie evidence on the issue of the person having a detectable amount of a restricted  
15 controlled substance in his or her blood without requiring any expert testimony as  
16 to its effect.

*INS.*  
*37-16* → **History:** 1971 c. 40; 1973 c. 102; 1981 c. 20, 184; 1983 a. 74, 459; 1985 a. 146, 8; 1985 a. 331, 337; 1987 a. 3, 399; 1989 a. 105; 1991 a. 277; 1995 a. 436, 448; 1997 a. 35, 198; 2003 a. 30, 97; 2005 a. 8.

17 **SECTION 139.** 938.17 (1) (intro.) of the statutes is amended to read:

18 938.17 (1) ~~TRAFFIC, BOATING, SNOWMOBILE AND ALL-TERRAIN~~ TERRAIN VEHICLE  
19 VIOLATIONS. (intro.) Except for violations of ss. 342.06 (2) and 344.48 (1), and  
20 violations of ss. 30.67 (1) and 346.67 (1) when death or injury occurs, courts of  
21 criminal and civil jurisdiction have exclusive jurisdiction in proceedings against  
22 juveniles 16 years of age or older for violations of s. 23.33, of ss. 30.50 to 30.80, of chs.  
23 341 to 351, and of traffic regulations, as defined in s. 345.20, and nonmoving traffic  
24 violations, as defined in s. 345.28 (1). A juvenile charged with a traffic, boating,

1 snowmobile, or ~~all-terrain~~ terrain vehicle offense in a court of criminal or civil  
2 jurisdiction shall be treated as an adult before the trial of the proceeding except that  
3 the juvenile may be held in secure custody only in a juvenile detention facility. A  
4 juvenile convicted of a traffic, boating, snowmobile, or ~~all-terrain~~ terrain vehicle  
5 offense in a court of criminal or civil jurisdiction shall be treated as an adult for  
6 sentencing purposes except as follows:

7 History: 1995 a. 77, 352, 448; 1997 a. 205, 239, 258; 1999 a. 9; 2001 a. 16; 2005 a. 190, 344; 2007 a. 97; 2009 a. 103.

**SECTION 140. 938.343 (9)** of the statutes is amended to read:

8 **938.343 (9) ALL-TERRAIN TERRAIN** VEHICLE SAFETY COURSE. If the violation is one  
9 under s. 23.33 or under an ordinance enacted in accordance with s. 23.33 concerning  
10 the use of ~~all-terrain~~ terrain vehicles, order the juvenile to attend an ~~all-terrain a~~  
11 terrain vehicle safety course.

12 History: 1995 a. 77, 352, 448; 1997 a. 84, 183, 197, 198, 205, 248; 1999 a. 9, 32, 185; 2001 a. 16; 2005 a. 344; 2009 a. 103, 367.

**SECTION 141. Fiscal changes.**

13 (1) The unencumbered balance in the appropriation account under section  
14 20.370 (1) (iv) of the statutes is transferred to the appropriation account under  
15 section 20.370 (5) (gq) of the statutes, as created by this act.

16 (END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2489/P1ins.2  
RNK:.....

INSERT 1-2

1 SECTION ~~#~~ 20.370 (1) (iv) of the statutes is repealed.

INSERT 2-3

2 SECTION ~~#~~ 20.855 (4) (u) of the statutes is amended to read:

3 20.855 (4) (u) *Transfer to conservation fund; ~~all-terrain~~ terrain vehicle*  
4 *formula.* From the transportation fund, a sum sufficient in an amount equal to the  
5 amount to be paid into the conservation fund as determined under s. 25.29 (1) (dm).  
6 The amounts may be paid at such intervals during each fiscal year as the secretary  
7 of administration deems appropriate or necessary.

History: 1971 c. 215; 1973 c. 26, 27, 90, 331; 1975 c. 39, 164; 1977 c. 29 ss. 367 to 374m, 1657 (50); 1977 c. 107, 272, 418; 1979 c. 34 s. 613, 643, 644 to 666m; 1979 c. 221; 1981 c. 1, 20; 70 Atty. Gen. 154; 1981 c. 93, 317, 346; 1983 a. 3; 1983 a. 27 ss. 475, 491 to 497, 525; 1983 a. 300; 1985 a. 29, 120; 1987 a. 27, 142; 1987 a. 312 s. 17; 1989 a. 31, 335; 1991 a. 39; 1993 a. 16, 496; 1995 a. 27, 404; 1997 a. 27, 63; 1999 a. 4, 9; 2001 a. 16, 109; 2003 a. 33; 2005 a. 25, 45; 2007 a. 20; 2009 a. 28, 89; 2011 a. 32.

INSERT 7-9

8 SECTION ~~#~~ 23.33 (2) (e) of the statutes is amended to read:

9 23.33 (2) (e) *Other fees.* The fee for the transfer of ~~an all-terrain~~ a terrain  
10 vehicle registration certificate is \$5. The fee for the issuance of a duplicate  
11 ~~all-terrain~~ terrain vehicle registration certificate, duplicate commercial ~~all-terrain~~  
12 terrain vehicle certificate or duplicate registration decals is \$5. The fee for the  
13 issuance of registration decals to a county or municipality is \$5. There is no fee for  
14 the issuance of registration decals to the state.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 8-2

15 SECTION ~~#~~ 23.33 (2) (ig) 2. of the statutes is amended to read:

1           23.33 (2) (ig) 2. Under either procedure under subd. 1., the applicant shall  
 2 receive any remaining items of registration documentation directly from the  
 3 department at a later date. The items of registration documentation issued at the  
 4 time of the submittal of the application under either procedure shall be sufficient to  
 5 allow the ~~all-terrain~~ terrain vehicle for which the application is submitted to be  
 6 operated in compliance with the registration requirements under this subsection.  
 7 The items of registration documentation issued under subd. 1. b. shall include at  
 8 least one registration decal.

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 24-11

9           SECTION ~~#~~ 23.33 (5) (a) (title) of the statutes is amended to read:  
 10           23.33 (5) (a) (title) *Age All-terrain vehicles; age restriction.*

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 32-15

11           SECTION ~~#~~ 23.33 (13) (br) (title) of the statutes is amended to read:  
 12           23.33 (13) (br) (title) *Penalties related to intoxicated operation of ~~an all-terrain~~*  
 13           *vehicle; enhancers.* <sup>(I)</sup> a terrain

**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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 33-7

14           SECTION ~~#~~ 23.33 (13) (e) of the statutes is amended to read:

1           23.33 (13) (e) *Alcohol, controlled substances or controlled substance analogs;*  
 2           *assessment.* In addition to any other penalty or order, a person who violates sub. (4c)  
 3           (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the  
 4           operation of ~~an all-terrain~~ a terrain vehicle, shall be ordered by the court to submit  
 5           to and comply with an assessment by an approved public treatment facility for an  
 6           examination of the person's use of alcohol, controlled substances or controlled  
 7           substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a.  
 8           to c. Intentional failure to comply with an assessment ordered under this paragraph  
 9           constitutes contempt of court, punishable under ch. 785.

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; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 37-16

10           SECTION ~~8~~ 895.049 of the statutes is amended to read:  
 11           **895.049 Recovery by a person who fails to use protective headgear**  
 12           **while operating certain motor vehicles.** Notwithstanding s. 895.045, failure by  
 13           a person who operates or is a passenger on a terrain vehicle, as defined in s. 23.33  
 14           (1) (jr),<sup>✓</sup> a motorcycle, as defined in s. 340.01 (32), ~~an all-terrain vehicle, as defined~~  
 15           in s. 340.01 (2g), or a snowmobile, as defined in s. 340.01 (58a), on or off a highway,  
 16           to use protective headgear shall not reduce recovery for injuries or damages by the  
 17           person or the person's legal representative in any civil action. This section does not  
 18           apply to any person required to wear protective headgear under s. 23.33 (3g) or  
 19           347.485 (1).

History: 2003 a. 148.

20           SECTION ~~8~~ 895.52 (1) (g) of the statutes is amended to read:

1           895.52 (1) (g) "Recreational activity" means any outdoor activity undertaken  
 2 for the purpose of exercise, relaxation or pleasure, including practice or instruction  
 3 in any such activity. "Recreational activity" includes hunting, fishing, trapping,  
 4 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,  
 5 bird-watching, motorcycling, operating an ~~all-terrain~~ a terrain vehicle, ballooning,  
 6 hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing,  
 7 skating, water sports, sight-seeing, rock-climbing, cutting or removing wood,  
 8 climbing observation towers, animal training, harvesting the products of nature,  
 9 sport shooting and any other outdoor sport, game or educational activity.  
 10 "Recreational activity" does not include any organized team sport activity sponsored  
 11 by the owner of the property on which the activity takes place.

History: 1983 a. 418; 1985 a. 29; 1989 a. 31; 1995 a. 27, 223, 227; 1997 a. 242.

12           **SECTION ~~II~~ 895.525 (2)** of the statutes is amended to read:

13           895.525 (2) DEFINITION. In this section, "recreational activity" means any  
 14 activity undertaken for the purpose of exercise, relaxation or pleasure, including  
 15 practice or instruction in any such activity. "Recreational activity" includes hunting,  
 16 fishing, trapping, camping, bowling, billiards, picnicking, exploring caves, nature  
 17 study, dancing, bicycling, horseback riding, horseshoe-pitching, bird-watching,  
 18 motorcycling, operating an ~~all-terrain~~ a terrain vehicle, ballooning, curling,  
 19 throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding,  
 20 snowmobiling, skiing, skating, participation in water sports, weight and fitness  
 21 training, sight-seeing, rock-climbing, cutting or removing wood, climbing  
 22 observation towers, animal training, harvesting the products of nature, sport  
 23 shooting and any other sport, game or educational activity.

History: 1987 a. 377; 1995 a. 223, 447; 1997 a. 242; 2005 a. 155.

24           **SECTION ~~II~~ 901.053** of the statutes is amended to read:

1           **901.053 Admissibility of evidence relating to use of protective**  
2 **headgear while operating certain motor vehicles.** Evidence of use or nonuse  
3 of protective headgear by a person, other than a person required to wear protective  
4 headgear under s. 23.33 (3g) or 347.485 (1), who operates or is a passenger on a  
5 terrain vehicle, as defined in s. 23.33 (1) (jr), a motorcycle, as defined in s. 340.01 (32),  
6 ~~an all-terrain vehicle, as defined in s. 340.01 (2g),~~ or a snowmobile, as defined in s.  
7 340.01 (58a), on or off a highway, is not admissible in any civil action for personal  
8 injury or property damage. This section does not apply to the introduction of such  
9 evidence in a civil action against the manufacturer or producer of the protective  
10 headgear arising out of any alleged deficiency or defect in the design or manufacture  
11 of the protective headgear or, with respect to such use of protective headgear, in a civil  
12 action on the sole issue of whether the protective headgear contributed to the  
13 personal injury or property damage incurred by another person.

History: 2003 a. 148.

14           ~~SECTION 12-~~ 938.17 (title) of the statutes is amended to read:  
15           **938.17 (title) Jurisdiction over traffic, boating, snowmobile, and**  
16 **~~all-terrain~~ terrain vehicle violations and over civil law and ordinance**  
17 **violations.**

History: 1995 a. 77, 352, 448; 1997 a. 205, 239, 258; 1999 a. 9; 2001 a. 16; 2005 a. 190, 344; 2007 a. 97; 2009 a. 103.

18           ~~SECTION 13-~~ **Effective date.**  
19           (1) This act takes effect on June 30, 2012, or on the day after publication,  
20 whichever is later.

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

LRB-2489/P1dn

RNK: /:....

WLy

Date

This draft is in preliminary form. Because the instructions for this draft were made in the form of draft language, I had to make certain assumptions about the intent of the request where that intent was not clear from the language provided. Consequently, please review the draft very closely to ensure that it is consistent with your intent. Also, please note the following questions and comments:

1. The draft language provided to me included a request to add a definition of "utility terrain vehicle club" that is similar to the definition of "all-terrain vehicle club" in current law. The term "all-terrain vehicle club" is no longer used at all in s. 23.33 in current law, so instead of creating a parallel definition, I repealed the definition of "all-terrain vehicle club" \*

2. The draft does not include UTVs in the registration exemptions under s. 23.33 (2) (b), stats. Should there be similar exemptions for UTVs under that provision? ✓

3. Under current law, there are certain additional fees imposed under s. 23.33 (3) (e), stats. Do you want to include UTVs in that provision? ✓

4. Current law authorizes DNR to enter into an agreement with an Indian tribe or band with regard to certain laws concerning ATVs (see s. 23.35, stats.). Do you want to include UTVs under s. 23.35, stats.? Should the draft include ATVs in the Lac du Flambeau registration program under s. 23.33 (2g), stats.? ✓ UTVs

5. The use of the term "all-terrain vehicle" throughout the statutes, other than in s. 23.33, stats., creates some problems. For example, current law defines "motor vehicle" under s. 29.001, stats., to mean "a self-propelled vehicle, including a combination of 2 or more vehicles or an articulated vehicle." The definition also specifically includes an all-terrain vehicle although, because an ATV is a "self-propelled vehicle" (see the definition of vehicle under s. 29.001 (87), stats.), I think that an ATV would be a "motor vehicle" under this definition even if it was not specifically included by the additional language. But the fact that ATVs are specifically included in the definition, even though the inclusion seems unnecessary, raises the question of whether this provision should also specifically mention UTVs. The problem is further complicated by the fact that the term "all-terrain vehicle" is used in other statutes in which there is no definition of an ATV at all. These definitions, or lack thereof, raise the question of

(1)

whether a reference to UTVs should be included in those statutes that specifically refer to ATVs. Please review all of the following statutes which you may want amended to specifically refer to UTVs: /ss. 30.29 (1), 77.51 (1)(3) (am), 77.54 (7) (b), 77.61 (1)(a) and (c), 77.78, 78.40 (1), 323.20, 340.01 (32) and (35), 341.057, 344.61 (1), 345.11 (1r), 346.02 (11), 346.66 (1) (c), 346.71 (1) and (2), 347.24 (1) (c), 347.415 (1g) and (1m), and 895.043 (6).

\*

6. Section 30.26 (4), stats., provides that DNR may not prohibit the crossing of a bridge over a wild river by an ATV traveling on an ATV trail that is constructed in certain locations. Do you want to amend this provision to include UTVs?

7. Section 70.11 (45), stats., provides a property tax exemption for trail groomers owned by an ATV club that is exempt from taxation. Do you want to amend this provision to include trail groomers owned by a UTV club that is exempt from taxation, if any?

8. Section 100.48, stats., prohibits tampering with an hour meter on an ATV. Should this provision include UTVs?

9. Revenue for the ATV program under current law comes from a variety of sources including registration fees, trail pass fees, and a transfer of gas tax revenues. These revenues are used to fund grants to local governments for various ATV projects, to fund the landowner incentive program, to fund state trail projects, and for other ATV-related programs. Because this draft allows UTVs to be used only on certain ATV trails, the funding for the UTV program under this draft does not mirror the method for funding the ATV program. I made certain assumptions when drafting this part of the draft and, consequently, expect that additional changes will be needed before the draft is finalized.

\*

Please feel free to contact me if you would like to discuss any of these issues or if you have any questions about the draft.

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

LRB-2489/P1dn  
RNK:wlj:rs

August 16, 2011

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Sen Zeibhan  
155 - Lucas Moench

Don't use "terrain" vehicle

also add in private registrations

wants to fund FTEs w/ gas tax -  
will discuss later

UTV - will have old <sup>dealer</sup> plates  
phase in dealer sticker  $\frac{2}{3}$  in 2014

OK to keep use of "ATV" trails  
as long as make sure UTV concept  
is incorp. - especially re: "LIP"  
program and signage