



Today  
State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0056/P50  
RNK&MGG:eev&wlj:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

stays

No changes

2013 BILL

regen

1 AN ACT *to amend* 23.119 (1) (b), 23.45 (1) (d), 23.50 (1), 23.50 (3), 23.53 (1), 23.56  
2 (1), 23.57 (1) (intro.), 23.58, 23.62 (1) (intro.), 25.29 (1) (a), 30.26 (4) (a) (intro.),  
3 30.26 (4) (b), 30.29 (1) (b), 46.03 (18) (f), 59.54 (14) (g), 77.51 (13s), 77.61 (1),  
4 77.73 (2), 78.01 (2) (e), 78.01 (2m) (f), 78.40 (1), 78.75 (1m) (a) 2m., 78.75 (1m)  
5 (a) 3., 110.07 (1) (a) 1., 110.07 (3), 322.111, 345.11 (1r), 346.66 (1) (c), 346.71 (1),  
6 346.71 (2), 800.02 (2) (b), 814.63 (3m) (a), 814.65 (4m) (a), 885.235 (1m), 895.043  
7 (6), 938.17 (1) (intro.), 938.343 (9), 940.09 (1m) (b), 940.09 (3), 940.25 (1m) (b)  
8 and 940.25 (3); and *to create* 15.347 (9), 20.370 (1) (jg), 20.370 (1) (jq), 20.370  
9 (3) (av), 23.37, 25.40 (1) (br), 341.059 and 814.77 (17) of the statutes; **relating**  
10 **to:** regulation of off-highway vehicles, creating an off-highway vehicle council,  
11 granting rule-making authority, requiring the exercise of rule-making  
12 authority, making appropriations, and providing penalties.

**Analysis by the Legislative Reference Bureau**

Under current law, the Department of Natural Resources (DNR) administers the laws regulating the operation and registration of all-terrain vehicles (ATVs) and

utility terrain vehicles (UTVs). This bill establishes requirements for the operation and registration of off-highway vehicles (OHVs) that are similar to the requirements that apply under current law to ATVs and UTVs. The bill defines an OHV as a four-wheel drive vehicle that has a ground clearance of at least seven inches, and that is designed for use off of a highway, regardless of whether it is also designed for use on a highway. The bill defines ground clearance as the distance between the base of an off-highway vehicle tire and the underside of the chassis of the off-highway vehicle. The bill excludes ATVs, UTVs, watercraft, and motorcycles from the definition of an OHV.

### ***OHV trails***

This bill requires DNR to encourage and supervise a system of OHV trails in the same manner that DNR is required under current law to encourage and supervise a system of ATV trails. The bill allows DNR to establish standards and procedures for certifying the designation of OHV trails. As under current law applicable to ATV trails, this bill allows a county, city, village, or town or DNR to designate corridors through land that it owns or controls for use as OHV trails. The bill also requires DNR to prepare maps that identify each OHV trail in this state.

### ***OHV registration***

This bill creates two classes of OHVs. Under the bill, a Class A OHV is an OHV that qualifies for registration by the Department of Transportation (DOT) under the laws that regulate the operation of vehicles on highways. A Class B OHV is generally one that may not be operated on a highway and that does not qualify for registration by DOT. With certain limited exceptions, the bill requires any person who operates an OHV on an OHV trail or other established public off-highway vehicle corridor to register the OHV with DNR and to pay an annual registration fee. The fee for registration of a Class A OHV is \$50 and the fee for registration of a Class B OHV is \$100. The bill also requires a person who is a Class B OHV manufacturer, dealer, distributor, or renter to register with DNR and obtain a commercial OHV certificate. Any person who registers an OHV with DNR must include the name and address of every owner of the OHV.

This bill authorizes DNR to appoint an agent to accept OHV registration applications on behalf of DNR in the same manner as DNR is authorized to appoint agents to register ATVs and UTVs. As with ATV and UTV registration, the agent is entitled to collect, and retain a portion of, a service fee for providing registration services.

Current law establishes a registration program under which the Lac du Flambeau band of Lake Superior Chippewa may issue registration certificates for ATVs and UTVs that are equivalent to the registration certificates issued by DNR. This bill establishes a similar registration program for OHV registration under which the Mole Lake band of Lake Superior Chippewa, in addition to the Lac du Flambeau band, may issue registration certificates that are similar to the OHV registration certificates issued by DNR.

### ***Class B OHV equipment requirements***

This bill prohibits any person from operating a Class B OHV unless the Class B OHV meets certain requirements. Those requirements include having a minimum

of four wheels, being propelled by an electric or internal combustion engine, having a frame-mounted roll cage, having a permanently affixed blaze orange safety flag, and having permanently mounted seats that are equipped with safety belts. The bill also prohibits a person from manufacturing, selling, renting, or operating a Class B OHV in such a manner that it exceeds specified noise limits.

### ***OHV operation***

The bill prohibits any person from operating a Class B OHV, or a Class A OHV that is not registered by DOT, on public property unless the person operates the OHV on an OHV trail. To operate such an OHV on private property, the operator must obtain the consent of the property owner.

Under this bill, a person must obtain an operator's license from DOT to operate an OHV. Current law does not require a person to hold an operator's license to operate an ATV or UTV. The bill also prohibits a person from operating an OHV on an OHV trail at a speed greater than the posted speed limit or, if no speed limit is posted, at a speed greater than 20 miles per hour.

Under this bill, only a person who is at least 16 years old may operate an OHV on an OHV trail. The bill provides that if the operator is 16 or 17 years old, he or she may not operate an OHV on an OHV trail unless he or she is accompanied by another person who is at least 18 years old operating an OHV. Finally, if the operator is a person born on or after December 31, 1993, he or she must hold a valid safety certificate to operate the OHV on an OHV trail. This bill requires DNR to establish a program of instruction on OHV laws and to issue certificates to persons who successfully complete the program. These requirements are similar to the requirements that apply under current law concerning programs of instruction on ATV and UTV laws.

This bill prohibits a person from operating an OHV while under the influence of an intoxicant and requires an OHV operator to submit to certain screening tests if a law enforcement officer has probable cause to believe that the operator is violating or has violated the law prohibiting the intoxicated operation of an OHV. These provisions are similar to the provisions in current law relating to the operation of an ATV or UTV while under the influence of an intoxicant.

### ***OHV council***

This bill creates an OHV council (council) consisting of five members who are knowledgeable in the recreational use of OHVs. The bill requires DNR to distribute any rule that it proposes that affects the operation of OHVs to each member of the council for review and comment. The bill also requires DNR to consult with the council on proposed changes for the succeeding biennium in the appropriations and laws that affect OHVs and requires the council to meet to review the provisions affecting OHVs that are included in each executive budget bill.

### ***OHV grant program and damage claim program***

This bill also requires DNR to establish a program to award grants to organizations that promote the operation of OHV vehicles in a manner that is safe and responsible and that does not harm the environment. An organization that receives a grant under this program must use the grant moneys to promote and provide support to the program of instruction on OHV laws.

Under this bill, DNR must also promulgate rules to establish a damage claim program to pay claims to owners of property damaged by the unauthorized operation of OHVs.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 15.347 (9) of the statutes is created to read:

2           15.347 (9) OFF-HIGHWAY VEHICLE COUNCIL. There is created in the department  
3 of natural resources an off-highway vehicle council consisting of 5 members  
4 appointed for 3-year terms who are knowledgeable in the various recreational uses  
5 of off-highway vehicles.

6           **SECTION 2.** 20.370 (1) (jg) of the statutes is created to read:

7           20.370 (1) (jg) *Off-highway vehicle administration.* From the general fund, a  
8 sum sufficient equal to the amount determined under s. 23.37 (8m) (a) for the  
9 purposes specified under 23.37 (8m) (b), for issuing and renewing off-highway  
10 vehicle registration documentation by the department under s. 23.37 (2) (h), for  
11 grants under s. 23.37 (10), for state law enforcement operations related to  
12 off-highway vehicles, and for the payment of claims under s. 23.37 (11).

13           **SECTION 3.** 20.370 (1) (jq) of the statutes is created to read:

14           20.370 (1) (jq) *Off-highway vehicles; enforcement; trail restoration.* All moneys  
15 received under s. 23.37 (14) (f) for state law enforcement operations related to  
16 off-highway vehicles and for off-highway vehicle trail restoration activities.

17           **SECTION 4.** 20.370 (3) (av) of the statutes is created to read:

1           20.370 (3) (av) *Off-highway vehicle instruction programs*. All moneys remitted  
2 to the department under s. 23.37 (9) (d) for programs or courses of instruction under  
3 s. 23.37 (9) (d).

4           **SECTION 5.** 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,  
7 all-terrain vehicle, ~~or utility terrain vehicle,~~ or off-highway vehicle defined in s.  
8 23.37 (1) (jm).

9           **SECTION 6.** 23.37 of the statutes is created to read:

10           **23.37 Off-highway vehicles. (1) DEFINITIONS.** In this section:

11           (ag) “Alcohol beverage” has the meaning given in s. 125.02 (1).

12           (am) “Alcohol concentration” has the meaning given in s. 340.01 (1v).

13           (ar) “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

14           (aw) “Approved public treatment facility” has the meaning given in s. 51.45 (2)

15           (c).

16           (b) “Class A off-highway vehicle” means an off-highway vehicle that is eligible  
17 for registration under ch. 341.

18           (c) “Class B off-highway vehicle” means an off-highway vehicle that is not  
19 eligible for registration under ch. 341 for the reasons specified under s. 341.10 (6).

20           (cf) “Class B off-highway vehicle dealer” means a person engaged in the sale  
21 of Class B off-highway vehicles for profit at wholesale or retail.

22           (ch) “Class B off-highway vehicle distributor” means a person who sells or  
23 distributes Class B off-highway vehicles to Class B off-highway vehicle dealers or  
24 who maintains distributor representatives.

1 (cm) “Class B off-highway vehicle manufacturer” means a person engaged in  
2 the manufacture of Class B off-highway vehicles for sale to the public.

3 (cp) “Class B off-highway vehicle renter” means a person engaged in the rental  
4 or leasing of Class B off-highway vehicles to the public.

5 (d) “Controlled substance” has the meaning given in s. 961.01 (4).

6 (df) “Controlled substance analog” has the meaning given in s. 961.01 (4m).

7 (dm) “Ground clearance” means the distance between the base of an  
8 off-highway vehicle tire and the underside of the chassis of the off-highway vehicle.

9 (e) “Intoxicant” means any alcohol beverage, controlled substance, controlled  
10 substance analog, or other drug or any combination thereof.

11 (f) “Intoxicated operation of an off-highway vehicle law” means sub. (4c) or a  
12 local ordinance in conformity therewith or, if the operation of an off-highway vehicle  
13 is involved, s. 940.09 or 940.25.

14 (g) “Lac du Flambeau band” has the meaning given in s. 23.33 (1) (id).

15 (h) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c) and  
16 includes a person appointed as a conservation warden by the department under s.  
17 23.10 (1).

18 (i) “Mole Lake band” means the Mole Lake band of Lake Superior Chippewa.

19 (j) “Motorcycle” has the meaning given in s. 340.01 (32).

20 (jm) “Off-highway vehicle” means a 4-wheel drive vehicle that is powered by  
21 an electric or internal combustion engine, that has a ground clearance of at least 7  
22 inches, and that is designed for use off of a highway, regardless of whether it is also  
23 designed for use on a highway. An off-highway vehicle does not include an  
24 all-terrain vehicle, a utility terrain vehicle, a watercraft, or a motorcycle.

1 (k) “Off-highway vehicle club” means a club consisting of individuals that  
2 promotes the recreational use of off-highway vehicles.

3 (L) “Off-highway vehicle trail” means a marked corridor on public property or  
4 on private lands subject to public easement or lease, designated for use by  
5 off-highway vehicle operators by the governmental agency having jurisdiction, but  
6 excluding roadways of highways.

7 (m) “Operate” means to exercise physical control over the speed or direction of  
8 an off-highway vehicle or to physically manipulate or activate any of the controls of  
9 an off-highway vehicle to put it in motion.

10 (mn) “Operation” means the exercise of physical control over the speed or  
11 direction of an off-highway vehicle or the physical manipulation or activation of any  
12 of the controls of an off-highway vehicle necessary to put it in motion.

13 (n) “Operator” means a person who operates an off-highway vehicle, who is  
14 responsible for the operation of an off-highway vehicle, or who is supervising the  
15 operation of an off-highway vehicle.

16 (o) “Owner” means a person who has lawful possession of an off-highway  
17 vehicle by virtue of legal title in the off-highway vehicle that entitles the person to  
18 possession of the off-highway vehicle.

19 (og) “Purpose of authorized analysis” means for the purpose of determining or  
20 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a  
21 person’s blood, breath, or urine.

22 (or) “Refusal law” means sub. (4p) (e) or a local ordinance in conformity  
23 therewith.

24 (p) “Registration documentation” means an off-highway vehicle registration  
25 certificate or a registration decal.

1 (pm) “Restricted controlled substance” means any of the following:

2 1. A controlled substance included in schedule I under ch. 961 other than a  
3 tetrahydrocannabinol.

4 2. A controlled substance analog, as defined in s. 961.01 (4m), of a controlled  
5 substance described in subd. 1.

6 3. Cocaine or any of its metabolites.

7 4. Methamphetamine.

8 5. Delta-9-tetrahydrocannabinol.

9 (q) “Roadway” has the meaning given in s. 340.01 (54).

10 (r) “Snowmobile” has the meaning given in s. 340.01 (58a).

11 (rm) “Test facility” means a test facility or agency prepared to administer tests  
12 under s. 343.305 (2).

13 (s) “Utility terrain vehicle” has the meaning given in s. 23.33 (1) (ng).

14 **(2) REGISTRATION.** (a) *Requirement.* No person may operate, and no owner may  
15 give another person permission to operate, an off-highway vehicle on an  
16 off-highway vehicle trail unless the off-highway vehicle is registered with the  
17 department under this subsection or sub. (2g) or is exempt from registration with the  
18 department under this subsection. No person under the age of 18 may register an  
19 off-highway vehicle under this subsection.

20 (b) *Exemptions.* An off-highway vehicle is exempt from registration under this  
21 subsection if any of the following applies:

22 1. It is owned by this state or a political subdivision of this state and used for  
23 enforcement or emergency purposes.

24 2. It is owned or operated under contract with a utility and operated for the  
25 purpose of utility work.

1           3. It is owned by the United States, another state, or a political subdivision of  
2 that state.

3           (c) *Registration; Class A; fee.* The fee for issuance or renewal of a registration  
4 certificate for a Class A off-highway vehicle is \$50.

5           (d) *Registration; Class B; fee.* The fee for issuance or renewal of a registration  
6 certificate for a Class B off-highway vehicle is \$100.

7           (e) *Registration; commercial owner; fee.* 1. A person who is a Class B  
8 off-highway vehicle manufacturer, Class B off-highway vehicle dealer, Class B  
9 off-highway vehicle distributor, or Class B off-highway vehicle renter or any  
10 combination thereof engaged in business in this state shall register with the  
11 department and obtain from the department a commercial off-highway vehicle  
12 certificate.

13           2. The fee for the issuance or renewal of a commercial off-highway vehicle  
14 certificate is \$50 except that the fee for the issuance or renewal of a commercial  
15 off-highway vehicle certificate to an off-highway vehicle manufacturer is \$150.

16           (f) *Other fees.* The fee for the issuance of a duplicate off-highway vehicle  
17 registration certificate or decal and the fee for transfer of an off-highway vehicle  
18 registration certificate is \$5.

19           (g) *Effective period.* An off-highway vehicle registration certificate is valid for  
20 one year.

21           (h) *Registration; issuers.* For the issuance of original or duplicate registration  
22 documentation and for the transfer or renewal of registration documentation, the  
23 department may do any of the following:

24           1. Directly issue, transfer, or renew the registration documentation with or  
25 without using the procedures specified in par. (j) 1.

1           2. Appoint persons, who are not employees of the department, as agents of the  
2 department to issue, transfer, or renew the registration documentation using either  
3 or both of the procedures specified in par. (j) 1.

4           (i) *Registration; required information.* The department may not issue a  
5 registration certificate under this subsection for an off-highway vehicle unless the  
6 application for the registration certificate includes the name and address of every  
7 owner of the off-highway vehicle.

8           (j) *Registration; methods of issuance.* 1. For the issuance of original or  
9 duplicate registration documentation and for the transfer or renewal of registration  
10 documentation, the department may implement either or both of the following  
11 procedures:

12           a. A procedure under which the department or an agent appointed under par.  
13 (h) 2. accepts applications for registration documentation and issues a validated  
14 registration receipt at the time the applicant submits the application accompanied  
15 by the required fees.

16           b. A procedure under which the department or an agent appointed under par.  
17 (h) 2. may accept applications for registration documentation and issue to each  
18 applicant all or some of the items of the registration documentation at the time the  
19 applicant submits the application accompanied by the required fees.

20           2. Under either procedure under subd. 1., the applicant shall receive any  
21 remaining items of registration documentation directly from the department at a  
22 later date. The items of registration documentation issued at the time of the  
23 submittal of the application under either procedure shall be sufficient to allow the  
24 off-highway vehicle for which the application is submitted to be operated in  
25 compliance with the registration requirements under this subsection. The items of

1 registration documentation issued under subd. 1. b. shall include at least one  
2 registration decal.

3 (k) *Registration; supplemental fees.* 1. In addition to the applicable fee under  
4 par. (c), (d), or (f), each agent appointed under par. (h) 2. shall collect a service fee of  
5 \$3 each time the agent issues a validated registration receipt under par. (j) 1. a. The  
6 agent shall retain the entire amount of each service fee the agent collects.

7 2. In addition to the applicable fee under par. (c), (d), or (f), the department or  
8 the agent appointed under par. (h) 2. shall collect a service fee of \$5 each time the  
9 procedure under par. (j) 1. b. is provided. The agent shall remit to the department  
10 \$1 of each service fee the agent collects.

11 (L) *Display.* A person who is issued a registration decal under par. (j) shall affix  
12 the decal to the registered off-highway vehicle in such a manner that it may not be  
13 removed. The registration decal shall be displayed on the windshield of a registered  
14 Class A off-highway vehicle on the upper right passenger side. The registration  
15 decal shall be displayed within 2 inches of the right rear brake light on a registered  
16 Class B off-highway vehicle.

17 (m) *Rules.* The department may establish by rule additional procedures and  
18 requirements for off-highway vehicle registration.

19 (2g) LAC DU FLAMBEAU BAND AND MOLE LAKE BAND REGISTRATION PROGRAMS. (a)  
20 *Authorization for issuance.* The Lac du Flambeau band and the Mole Lake band may  
21 issue registration certificates for off-highway vehicles that are equivalent to the  
22 registration certificates for off-highway vehicles that are issued by the department.  
23 The Lac du Flambeau band and the Mole Lake band may renew and transfer a  
24 registration certificate that the respective band or the department has issued. The

**SECTION 6**

1 Lac du Flambeau band and the Mole Lake band may issue duplicates of only those  
2 registration certificates that the respective band issues under this subsection.

3 (b) *Requirements for issuance; fees; effective periods.* 1. For issuing or renewing  
4 a registration certificate under this subsection, the Lac du Flambeau band and the  
5 Mole Lake band shall collect the same fee that would be collected for the equivalent  
6 registration certificate under sub. (2) (a). For transferring a registration certificate  
7 or issuing a duplicate registration certificate under this subsection, the Lac du  
8 Flambeau band and the Mole Lake band shall collect the same fee that would be  
9 collected for the equivalent service under sub. (2) (f).

10 2. The Lac du Flambeau band and the Mole Lake band may not issue, renew,  
11 or otherwise process registration certificates under this subsection in conjunction  
12 with discount coupons or as part of a promotion or other merchandising offer.

13 3. For a registration certificate issued, transferred, or renewed under this  
14 subsection, the effective period shall be the same as it would be for the equivalent  
15 registration certificate under sub. (2) (g).

16 4. The Lac du Flambeau band and the Mole Lake band may issue, renew, or  
17 otherwise process registration certificates under this subsection only to applicants  
18 who appear in person on the Lac du Flambeau reservation or the Mole Lake  
19 reservation, respectively.

20 (c) *Requirements for registration applications and decals.* 1. The Lac du  
21 Flambeau band and the Mole Lake band shall use registration applications and  
22 registration certificates that are substantially similar to those under sub. (2) with  
23 regard to length, legibility, and information content.

1           2. The Lac du Flambeau band and the Mole Lake band shall use registration  
2           decals that are substantially similar to those under sub. (2) with regard to color, size,  
3           legibility, information content, and placement on the off-highway vehicle.

4           3. The Lac du Flambeau band and the Mole Lake band shall use a sequential  
5           numbering system that includes a series of letters or initials that identify the Lac du  
6           Flambeau band or the Mole Lake band, respectively, as the issuing authority.

7           (d) *Registration information.* The Lac du Flambeau band and the Mole Lake  
8           band shall provide registration information to the state by establishing a 24-hour  
9           per day data retrieval system, consisting of either a law enforcement agency with  
10          24-hour per day staffing or a computerized data retrieval system to which law  
11          enforcement officials of this state have access at all times.

12          (e) *Reports; records; tax collection.* 1. Before June 1 annually, the Lac du  
13          Flambeau band and the Mole Lake band shall each submit a report to the  
14          department notifying it of the number of each type of registration certificate that the  
15          Lac du Flambeau band and the Mole Lake band, respectively, issued, transferred, or  
16          renewed, for the period beginning on April 1 of the previous year and ending on  
17          March 31 of the year in which the report is submitted.

18          2. For law enforcement purposes, the Lac du Flambeau band and the Mole Lake  
19          band shall each make available for inspection by the department during normal  
20          business hours the Lac du Flambeau band's and the Mole Lake band's respective  
21          records of all registration certificates issued, renewed, or otherwise processed under  
22          this subsection, including copies of all applications made for certificates.

23          3. The Lac du Flambeau band and the Mole Lake band shall ensure that the  
24          record of each registration certificate issued, renewed, or otherwise processed under

1 this subsection, including a copy of each application made, is retained for at least 2  
2 years after the date of expiration of the certificate.

3 4. The Lac du Flambeau band and the Mole Lake band shall collect the sales  
4 and use taxes due under s. 77.61 (1) on any off-highway vehicle registered under this  
5 subsection and make the report in respect to those taxes. On or before the 15th day  
6 of each month, the Lac du Flambeau band and the Mole Lake band shall pay to the  
7 department of revenue all taxes that the Lac du Flambeau band and the Mole Lake  
8 band, respectively, collected in the previous month.

9 (3) DUTIES OF THE OFF-HIGHWAY VEHICLE COUNCIL. (a) The department shall  
10 distribute any rule that it is proposing and that affects the operation of off-highway  
11 vehicles to each member of the off-highway vehicle council for his or her review and  
12 comment at least 20 days before the notice stating that the proposed rule is in final  
13 draft form and is submitted to the legislature in the manner provided under s. 227.19  
14 (2). A member of the off-highway vehicle council may submit his or her written  
15 comments on the proposed rule to the department.

16 (b) 1. Before June 30 of each even-numbered year, the department shall consult  
17 with the off-highway vehicle council on the proposed changes for the succeeding  
18 biennium in the appropriations and laws that affect off-highway vehicles or the  
19 operation of off-highway vehicles.

20 2. A member of the off-highway vehicle council may submit before August 1 of  
21 the even-numbered year his or her written comments on the proposed changes  
22 specified in subd. 1. to the secretary of natural resources.

23 (c) The secretary of natural resources shall submit the written comments that  
24 the secretary receives under par. (b) 2. to the natural resources board and to the

1 secretary of administration with the department's submission of its budget report  
2 under s. 16.42.

3 (d) Before March 1 of each odd-numbered year, the off-highway vehicle council  
4 shall meet and review the provisions that are included in the executive budget bill  
5 or bills that affect off-highway vehicles or the operation of off-highway vehicles. A  
6 member of the off-highway vehicle council may submit his or her written comments  
7 on these provisions to the secretary of natural resources before March 10 of each  
8 odd-numbered year.

9 (e) The secretary of natural resources shall submit the written comments that  
10 he or she receives under par. (b) 2. or (d) before March 10 of the odd-numbered year  
11 to the cochairpersons of the joint committee on finance before March 15 of that  
12 odd-numbered year.

13 **(4) OPERATION OF OFF-HIGHWAY VEHICLES.** (a) *Operator's license required.* No  
14 person may operate an off-highway vehicle unless the person possesses a valid  
15 operator's license issued under ch. 343.

16 (b) *General restrictions.* No person may operate a Class B off-highway vehicle,  
17 and no person may operate a Class A off-highway vehicle that is not registered under  
18 ch. 341, in the following manner:

19 1. On public property except on an off-highway vehicle trail that is posted as  
20 open to the operation of off-highway vehicles.

21 2. On the private property of another without the consent of the owner or lessee.  
22 Failure to post private property does not imply consent for off-highway vehicle use.

23 3. In any careless way so as to endanger the person or property of another.

**SECTION 6**

1           4. On Indian lands without the consent of the tribal governing body or Indian  
2 owner. Failure to post Indian lands does not imply consent for off-highway vehicle  
3 use.

4           5. With any crossbow in his or her possession unless the crossbow is not cocked  
5 or is unloaded and enclosed in a carrying case.

6           6. With any bow in his or her possession unless the bow does not have an arrow  
7 nocked.

8           7. With any firearm in his or her possession unless the firearm is unloaded or  
9 is a handgun, as defined in s. 175.60 (1) (bm). This subdivision does not apply to a  
10 firearm that is placed or possessed on an off-highway vehicle that is stationary, as  
11 defined in s. 167.31 (1) (fg).

12           8. To drive or pursue any animal except as part of normal farming operations  
13 involving the driving of livestock.

14           9. In a manner that violates rules promulgated by the department.

15           (c) *Restrictions on public land; department requirements.* 1. The department  
16 shall establish seasons during which a person may operate an off-highway vehicle  
17 on designated trails in state forest lands.

18           2. On or before the first day of the 7th month beginning after the effective date  
19 of this subdivision .... [LRB inserts date], the department shall prepare maps that  
20 identify each off-highway vehicle trail in this state. The department shall update  
21 the maps at least annually and shall make them available to the public on the  
22 department's Internet site.

23           (d) *Operation on roadway.* A person may operate a Class B off-highway vehicle  
24 on the roadway portion of any highway only in the following situations:

1           1. To cross a roadway. The crossing of a roadway is authorized only if the  
2 crossing is done in the most direct manner practicable, if the crossing is made at a  
3 place where no obstruction prevents a quick and safe crossing, and if the operator  
4 stops the off-highway vehicle prior to the crossing and yields the right-of-way to  
5 other vehicles, pedestrians, and electric personal assistive mobility devices using the  
6 roadway.

7           2. On any roadway that is seasonally not maintained for motor vehicle traffic.  
8 Operation of an off-highway vehicle on this type of roadway is authorized only  
9 during the seasons when no maintenance occurs and only if the roadway is not  
10 officially closed to off-highway vehicle traffic.

11           3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge,  
12 culvert, or railroad right-of-way is not authorized if the roadway is officially closed  
13 to off-highway vehicle traffic. The crossing is authorized only if the crossing is done  
14 in the most direct manner practicable, if the crossing is made at a place where no  
15 obstruction prevents a quick and safe crossing, and if the operator stops the vehicle  
16 prior to the crossing and yields the right-of-way to other vehicles, pedestrians, and  
17 electric personal assistive mobility devices using the roadway.

18           4. On roadways of highways that are off-highway vehicle trails.

19           **(4c) INTOXICATED OPERATION OF AN OFF-HIGHWAY VEHICLE.** (a) *Operation.* 1. No  
20 person may operate an off-highway vehicle while under the influence of an  
21 intoxicant.

22           2. No person may operate an off-highway vehicle while the person has an  
23 alcohol concentration above 0.0.

24           3. No person may operate an off-highway vehicle while the person has a  
25 detectable amount of a restricted controlled substance in his or her blood.

**SECTION 6**

1           4. A person may be charged with and a prosecutor may proceed upon a  
2 complaint based upon a violation of any combination of subd. 1., 2., or 3. for acts  
3 arising out of the same incident or occurrence. If the person is charged with violating  
4 any combination of subd. 1., 2., or 3., the offenses shall be joined. If the person is  
5 found guilty of any combination of subd. 1., 2., or 3. for acts arising out of the same  
6 incident or occurrence, there shall be a single conviction for purposes of sentencing.  
7 Subdivisions 1., 2., and 3. each require proof of a fact for conviction that the others  
8 do not require.

9           5. In an action under subd. 3. that is based on the defendant allegedly having  
10 a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or  
11 delta-9-tetrahydrocannabinol in his or her blood, the defendant has a defense if he  
12 or she proves by a preponderance of the evidence that at the time of the incident or  
13 occurrence he or she had a valid prescription for methamphetamine or one of its  
14 metabolic precursors, gamma-hydroxybutyric acid, or  
15 delta-9-tetrahydrocannabinol.

16           (b) *Causing injury.* 1. No person while under the influence of an intoxicant may  
17 cause injury to another person by the operation of an off-highway vehicle.

18           2. No person who has an alcohol concentration above 0.0 may cause injury to  
19 another person by the operation of an off-highway vehicle.

20           3. No person who has a detectable amount of a restricted controlled substance  
21 in his or her blood may cause injury to another person by the operation of an  
22 off-highway vehicle.

23           4. A person may be charged with and a prosecutor may proceed upon a  
24 complaint based upon a violation of any combination of subd. 1., 2., or 3. for acts  
25 arising out of the same incident or occurrence. If the person is charged with violating

1 any combination of subd. 1., 2., or 3. in the complaint, the crimes shall be joined under  
2 s. 971.12. If the person is found guilty of any combination of subd. 1., 2., or 3. for acts  
3 arising out of the same incident or occurrence, there shall be a single conviction for  
4 purposes of sentencing and counting convictions under sub. (14) (b) 2. and 3.  
5 Subdivisions 1., 2., and 3. each require proof of a fact for conviction that the others  
6 do not require.

7 5. a. In an action under this paragraph, the defendant has a defense if he or she  
8 proves by a preponderance of the evidence that the injury would have occurred even  
9 if he or she had been exercising due care and he or she had not been under the  
10 influence of an intoxicant, did not have an alcohol concentration of more than 0.0, or  
11 did not have a detectable amount of a restricted controlled substance in his or her  
12 blood.

13 b. In an action under subd. 3. that is based on the defendant allegedly having  
14 a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or  
15 delta-9-tetrahydrocannabinol in his or her blood, the defendant has a defense if he  
16 or she proves by a preponderance of the evidence that at the time of the incident or  
17 occurrence he or she had a valid prescription for methamphetamine or one of its  
18 metabolic precursors, gamma-hydroxybutyric acid, or  
19 delta-9-tetrahydrocannabinol.

20 **(4g) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall  
21 provide a sample of his or her breath for a preliminary breath screening test if a law  
22 enforcement officer has probable cause to believe that the person is violating or has  
23 violated the intoxicated operation of an off-highway vehicle law and if, prior to an  
24 arrest, the law enforcement officer requested the person to provide this sample.

1           (b) *Use of test results.* A law enforcement officer may use the results of a  
2 preliminary breath screening test for the purpose of deciding whether or not to arrest  
3 a person for a violation of the intoxicated operation of an off-highway vehicle law or  
4 for the purpose of deciding whether or not to request a chemical test under sub. (4p).  
5 Following the preliminary breath screening test, chemical tests may be required of  
6 the person under sub. (4p).

7           (c) *Admissibility.* The result of a preliminary breath screening test is not  
8 admissible in any action or proceeding except to show probable cause for an arrest,  
9 if the arrest is challenged, or to show that a chemical test was properly required of  
10 a person under sub. (4p).

11           (d) *Refusal.* There is no penalty for a violation of par. (a). Subsection (14) (a)  
12 and the general penalty provision under s. 939.61 do not apply to that violation.

13           (4j) APPLICABILITY OF THE INTOXICATED OPERATION OF AN OFF-HIGHWAY VEHICLE  
14 LAW. The intoxicated operation of an off-highway vehicle law applies to the operation  
15 of an off-highway vehicle on any off-highway vehicle trail.

16           (4L) IMPLIED CONSENT. Any person who engages in the operation of an  
17 off-highway vehicle on any off-highway vehicle trail is deemed to have given consent  
18 to provide one or more samples of his or her breath, blood, or urine for the purpose  
19 of authorized analysis as required under sub. (4p). Any person who engages in the  
20 operation of an off-highway vehicle on any off-highway vehicle trail is considered  
21 to have given consent to submit to one or more chemical tests of his or her breath,  
22 blood, or urine for the purpose of authorized analysis as required under sub. (4p).

23           (4p) CHEMICAL TESTS. (a) *Requirement.* 1. A person shall provide one or more  
24 samples of his or her breath, blood, or urine for the purpose of authorized analysis  
25 if he or she is arrested for a violation of the intoxicated operation of an off-highway

1 vehicle law and if he or she is requested to provide the sample by a law enforcement  
2 officer. A person shall submit to one or more chemical tests of his or her breath, blood,  
3 or urine for the purpose of authorized analysis if he or she is arrested for a violation  
4 of the intoxicated operation of an off-highway vehicle law and if he or she is  
5 requested to submit to the test by a law enforcement officer.

6 2. A law enforcement officer requesting a person to provide a sample or to  
7 submit to a chemical test under subd. 1. shall inform the person of all of the following  
8 at the time of the request and prior to obtaining the sample or administering the test:

9 a. That he or she is deemed to have consented to tests under sub. (4L).

10 b. That a refusal to provide a sample or to submit to a chemical test constitutes  
11 a violation under par. (e) and is subject to the same penalties and procedures as a  
12 violation of sub. (4c) (a) 1.

13 c. That in addition to the designated chemical test under par. (b) 2., he or she  
14 may have an additional chemical test under par. (c) 1.

15 3. A person who is unconscious or otherwise not capable of withdrawing  
16 consent is presumed not to have withdrawn consent under this paragraph, and if a  
17 law enforcement officer has probable cause to believe that the person violated the  
18 intoxicated operation of an off-highway vehicle law, one or more chemical tests may  
19 be administered to the person without a request under subd. 1. and without  
20 providing information under subd. 2.

21 (b) *Chemical tests.* 1. Upon the request of a law enforcement officer, a test  
22 facility shall administer a chemical test of breath, blood, or urine for the purpose of  
23 authorized analysis. A test facility shall be prepared to administer 2 of 3 of these  
24 tests for the purpose of authorized analysis. The department may enter into  
25 agreements for the cooperative use of test facilities.

1           2. A test facility shall designate one chemical test of breath, blood, or urine that  
2 it is prepared to administer first for the purpose of authorized analysis.

3           3. A test facility shall specify another chemical test of breath, blood, or urine,  
4 other than the test designated under subd. 2., that it is prepared to administer for  
5 the purpose of authorized analysis as an additional chemical test.

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

17           5. A test facility that administers a chemical test of breath, blood, or urine for  
18 the purpose of authorized analysis under this subsection shall prepare a written  
19 report, which shall include the findings of the chemical test, the identification of the  
20 law enforcement officer or the person who requested a chemical test, and the  
21 identification of the person who provided the sample or submitted to the chemical  
22 test. The test facility shall transmit a copy of the report to the law enforcement officer  
23 and the person who provided the sample or submitted to the chemical test.

24           (c) *Additional and optional chemical tests.* 1. If a person is arrested for a  
25 violation of the intoxicated operation of an off-highway vehicle law or is the operator

1 of an off-highway vehicle involved in an accident resulting in great bodily harm to  
2 or the death of someone and if the person is requested to provide a sample or to  
3 submit to a test under par. (a) 1., the person may request the test facility to  
4 administer the additional chemical test specified under par. (b) 3. or may request, at  
5 his or her own expense, a reasonable opportunity to have any qualified person  
6 administer a chemical test of his or her breath, blood, or urine for the purpose of  
7 authorized analysis.

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

17 3. A test facility shall comply with a request under this paragraph to  
18 administer any chemical test it is able to perform.

19 4. The failure or inability of a person to obtain a chemical test at his or her own  
20 expense does not preclude the admission of evidence of the results of a chemical test  
21 required and administered under pars. (a) and (b).

22 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical  
23 test required or administered under par. (a), (b), or (c) are admissible in any civil or  
24 criminal action or proceeding arising out of the acts committed by a person alleged  
25 to have violated the intoxicated operation of an off-highway vehicle law on the issue

**SECTION 6**

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

7 (e) *Refusal.* No person may refuse a lawful request to provide one or more  
8 samples of his or her breath, blood, or urine or to submit to one or more chemical tests  
9 under par. (a). A person shall not be considered to have refused to provide a sample  
10 or to submit to a chemical test if it is shown by a preponderance of the evidence that  
11 the refusal was due to a physical inability to provide the sample or to submit to the  
12 test due to a physical disability or disease unrelated to the use of an intoxicant.  
13 Issues in any action concerning violation of par. (a) or this paragraph are limited to  
14 the following:

15 1. Whether the law enforcement officer had probable cause to believe the  
16 person was violating or had violated the intoxicated operation of an off-highway  
17 vehicle law.

18 2. Whether the person was lawfully placed under arrest for violating the  
19 intoxicated operation of an off-highway vehicle law.

20 3. Whether the law enforcement officer requested the person to provide a  
21 sample or to submit to a chemical test and provided the information required under  
22 par. (a) 2. or whether the request and information were unnecessary under par. (a)  
23 3.

24 4. Whether the person refused to provide a sample or to submit to a chemical  
25 test.

1           **(4t) REPORT ARREST TO DEPARTMENT.** If a law enforcement officer arrests a person  
2 for a violation of the intoxicated operation of an off-highway vehicle law or the  
3 refusal law, the law enforcement officer shall notify the department of the arrest as  
4 soon as practicable.

5           **(4x) OFFICER'S ACTION AFTER ARREST FOR OPERATING AN OFF-HIGHWAY VEHICLE**  
6 **WHILE UNDER INFLUENCE OF INTOXICANT.** A person arrested for a violation of sub. (4c)  
7 (a) 1. or 2. or a local ordinance in conformity therewith or sub. (4c) (b) 1. or 2. may  
8 not be released until 12 hours have elapsed from the time of his or her arrest or unless  
9 a chemical test administered under sub. (4p) (a) 1. shows that the person has an  
10 alcohol concentration of 0.05 or less, but the person may be released to his or her  
11 attorney, spouse, relative, or other responsible adult at any time after arrest.

12           **(4z) PUBLIC EDUCATION PROGRAM.** (a) The department shall promulgate rules  
13 to provide for a public education program to do all of the following:

14           1. Inform off-highway vehicle operators of the prohibitions and penalties  
15 included in the intoxicated operation of an off-highway vehicle law.

16           2. Provide for the development of signs briefly explaining the intoxicated  
17 operation of an off-highway vehicle law.

18           (b) The department shall develop and issue an educational pamphlet on the  
19 intoxicated operation of an off-highway vehicle law to be distributed, beginning  
20 within 6 months after the effective date of this paragraph .... [LRB inserts date], to  
21 persons issued off-highway vehicle registration certificates under sub. (2).

22           **(5) EQUIPMENT REQUIREMENTS.** No person may operate a Class B off-highway  
23 vehicle unless it meets all of the following requirements:

24           (a) If it is equipped with an internal combustion engine, it has a complete  
25 exhaust system that includes a muffler and a tailpipe.

1 (b) It has a permanently mounted and attached fuel cell or tank.

2 (c) It has a frame-mounted roll cage that is constructed in a manner specified  
3 by the department by rule and that encloses the operator and each passenger.

4 (d) It has a permanently affixed blaze orange safety flag that is at least 144  
5 square inches in size and that is displayed from a pole that extends at least 8 feet  
6 above the ground on the front passenger side of the off-highway vehicle.

7 (e) It has 2 headlights.

8 (f) It has 2 brake lights.

9 (g) It has front and rear turn signals.

10 (h) It has side markers on the front and rear driver and passenger sides.

11 (i) All of the seats are permanently mounted and equipped with shoulder and  
12 lap safety belts.

13 (j) It does not contain an infant or child seat.

14 (k) It is equipped with an unopened kit that is capable of absorbing, containing,  
15 and collecting a spill of a minimum of 3.75 gallons of petroleum products.

16 (L) It has a battery that is secured in the vehicle in a manner that requires the  
17 use of a wrench or key to remove it.

18 **(6)** NOISE LIMITS. No person may manufacture, sell, rent, or operate a Class B  
19 off-highway vehicle that is constructed in such a manner that noise emitted from the  
20 off-highway vehicle exceeds 96 decibels on the A scale as measured in the manner  
21 prescribed under rules promulgated by the department.

22 **(6m)** SPEED LIMITS. (a) Except as provided in par. (b), no person may operate  
23 an off-highway vehicle on an off-highway vehicle trail at a speed exceeding a posted  
24 speed limit or, if no speed limit is posted, at a speed exceeding 20 miles per hour.

1 (b) No person may operate an off-highway vehicle on an off-highway vehicle  
2 trail when within 150 feet of a dwelling at a speed exceeding 10 miles per hour.

3 (7) ACCIDENTS. If an accident results in the death of any person, in the injury  
4 of any person that requires the treatment of the person by a physician, or in property  
5 damage of \$500 or more, the operator of each off-highway vehicle involved in the  
6 accident shall, within 10 days of the date of the accident, provide a report of the  
7 accident to the department in the form and manner required by the department by  
8 rule.

9 (8) TRAILS. (a) *Department authority.* The department shall encourage and  
10 supervise a system of off-highway vehicle trails. The system shall include trails in  
11 state forests. The department may establish standards and procedures for certifying  
12 the designation of off-highway vehicle trails.

13 (b) *Designation.* A town, village, city, county, or the department may designate  
14 corridors through land that it owns or controls, or for which it obtains leases,  
15 easements, or permission, for use as off-highway vehicle trails.

16 (c) *Restrictions.* The designating authority may specify effective periods for the  
17 use of off-highway vehicle trails and may restrict or prohibit the operation of an  
18 off-highway vehicle during certain periods of the year.

19 (d) *Signs.* The department, in cooperation with the department of  
20 transportation, shall establish uniform off-highway vehicle trail signs and  
21 standards.

22 (e) *Interference with signs and standards prohibited.* 1. No person may  
23 intentionally remove, damage, deface, move, or obstruct any uniform off-highway  
24 vehicle trail sign or standard or intentionally interfere with the effective operation

**SECTION 6**

1 of any uniform off-highway vehicle trail sign or standard if the sign or standard is  
2 legally placed by the state, any municipality, or any authorized individual.

3 2. No person may possess any uniform off-highway vehicle trail sign or  
4 standard of the type established by the department for the warning, instruction, or  
5 information of the public, unless he or she obtained the uniform off-highway vehicle  
6 trail sign or standard in a lawful manner. Possession of a uniform off-highway  
7 vehicle trail sign or standard creates a rebuttable presumption of illegal possession.

8 **(8m) ADMINISTRATION.** (a) Before January 1 of each fiscal year, the department  
9 shall determine the total amount of fees received from the registration of  
10 off-highway vehicles under sub. (2) in the previous fiscal year.

11 (b) The department may use funds appropriated to the department under s.  
12 20.370 (1) (jg) for state off-highway vehicle projects or for aid to towns, villages,  
13 cities, counties, and federal agencies for nonstate off-highway vehicle projects  
14 conducted for any of the following purposes:

15 1. To acquire an easement or land in fee simple for development of an off-  
16 highway vehicle trail.

17 2. To develop or maintain an off-highway vehicle facility, including a parking  
18 area, riding area, shelter, toilet, or other improvement.

19 3. To develop or maintain an off-highway vehicle trail.

20 **(9) AGE RESTRICTIONS FOR OPERATION; SAFETY CERTIFICATE REQUIREMENTS.** (a) No  
21 person under the age of 16 may operate an off-highway vehicle on an off-highway  
22 vehicle trail.

23 (b) No person who is 16 or 17 years of age may operate an off-highway vehicle  
24 on an off-highway vehicle trail unless he or she is subject to the continuous verbal

1 direction and control of a person who is operating another off-highway vehicle and  
2 who is at least 18 years of age.

3 (c) No person who is born on or after December 31, 1993, may operate an  
4 off-highway vehicle on an off-highway vehicle trail unless he or she holds a valid  
5 safety certificate issued under par. (d) or issued by another state or a province of  
6 Canada.

7 (d) The department shall establish or supervise the establishment of a program  
8 of instruction on off-highway vehicle laws, including the intoxicated operation of an  
9 off-highway vehicle law, regulations, safety, and related subjects. The department  
10 shall establish by rule an instruction fee for this program. The department shall  
11 issue certificates to persons successfully completing the program. An instructor  
12 conducting the program of instruction under this paragraph shall collect the fee from  
13 each person who receives instruction. The department may determine the portion  
14 of this fee, which may not exceed 50 percent, that the instructor may retain to defray  
15 expenses incurred by the instructor in conducting the program. The instructor shall  
16 remit the remainder of the fee or, if nothing is retained, the entire fee to the  
17 department. The department shall issue a duplicate certificate of accomplishment  
18 to a person who is entitled to a duplicate certificate of accomplishment and who pays  
19 a fee of \$5.

20 (10) GRANT PROGRAM. (a) The department shall establish a program to award  
21 grants to organizations that meet the eligibility requirements under par. (b).

22 (b) To be eligible for a grant under this subsection, an organization shall meet  
23 all of the following requirements:

24 1. The organization is a nonstock corporation organized in this state.

**SECTION 6**

1           2. The organization promotes the operation of off-highway vehicles in a  
2 manner that is safe and responsible and that does not harm the environment.

3           3. The organization promotes the operation of off-highway vehicles in a  
4 manner that does not conflict with the laws, rules, and departmental policies that  
5 relate to the operation of off-highway vehicles.

6           4. The interest of the organization is limited to the recreational operation of  
7 off-highway vehicles on off-highway vehicle trails and other areas that are off of the  
8 highways.

9           5. The organization has a board of directors that has a majority of members who  
10 are off-highway vehicle enthusiasts and off-highway vehicle trail users.

11           6. The organization provides support to off-highway vehicle clubs.

12           (c) An organization receiving a grant under this subsection shall use the grant  
13 moneys to promote and provide support to the program established under sub. (9) (d)  
14 by conducting activities that include all of the following:

15           1. Collecting data on the recreational operation of off-highway vehicles off of  
16 the highways.

17           2. Providing assistance to the department in locating, recruiting, and training  
18 instructors for the program established under sub. (9) (d).

19           3. Attempting to increase participation by current and future off-highway  
20 vehicle operators and owners in the program established under sub. (9) (d).

21           4. In consultation with the department of natural resources and the  
22 department of tourism, creating an outreach program to inform local communities  
23 of appropriate off-highway vehicle use in their communities and of the economic  
24 benefits that may be gained from promoting tourism to attract off-highway vehicle  
25 operators.

1           5. Attempting to improve and maintain its relationship with the department  
2 of natural resources, the department of tourism, Class B off-highway vehicle  
3 dealers, Class B off-highway vehicle manufacturers, all-terrain vehicle clubs, as  
4 defined in s. 23.33 (1) (bc), utility terrain vehicle clubs, snowmobile clubs, as defined  
5 in s. 350.138 (1) (e), snowmobile alliances, as defined in s. 350.138 (1) (d), and other  
6 organizations that promote the recreational operation of all-terrain vehicles, utility  
7 terrain vehicles, and snowmobiles.

8           6. Recruiting, assisting in the training of, and providing support to a corps of  
9 volunteers that will assist in providing instruction on the safe and responsible  
10 operation of off-highway vehicles that is given in the field to off-highway vehicle  
11 operators.

12           7. Publishing a manual in cooperation with the department to be used to train  
13 volunteers in monitoring the recreational operation of off-highway vehicles for  
14 safety issues and other issues that relate to the responsible operation of off-highway  
15 vehicles.

16           (d) The department shall pay the grants from the appropriation under s. 20.370  
17 (1) (jg).

18           **(11) DAMAGE CLAIM PROGRAM.** The department shall establish, by rule, a  
19 program to pay claims to owners of property damaged by the unauthorized operation  
20 of off-highway vehicles. The rules shall specify eligibility requirements and  
21 procedures for obtaining a payment under the program. The department shall make  
22 payments under this subsection from the appropriation under s. 20.370 (1) (jg).

23           **(12) LOCAL ORDINANCES.** (a) Counties, towns, cities, and villages may enact  
24 ordinances regulating off-highway vehicles on off-highway vehicle trails  
25 maintained or designated by the county, city, town, or village.

1 (b) Any county, town, city, or village may enact an ordinance that is in strict  
2 conformity with this section and rules promulgated by the department under this  
3 section if the ordinance encompasses all aspects encompassed by this section.

4 (13) ENFORCEMENT. (a) An officer of the state traffic patrol under s. 110.07 (1),  
5 inspector under s. 110.07 (3), conservation warden appointed by the department  
6 under s. 23.10, county sheriff, or municipal peace officer has authority and  
7 jurisdiction to enforce this section and ordinances enacted in accordance with this  
8 section.

9 (b) No operator of an off-highway vehicle required to be registered by the  
10 department under this section may refuse to stop after being requested or signaled  
11 to do so by a law enforcement officer or a commission warden, as defined in s. 939.22  
12 (5).

13 (14) PENALTIES. (a) *General penalties.* Except as provided in pars. (b) and (c),  
14 any person who violates this section shall forfeit not less than \$250 nor more than  
15 \$5,000 for a first violation, not less than \$500 nor more than \$10,000 for a 2nd  
16 violation within 10 years of the first violation, and not less than \$1,000 nor more than  
17 \$25,000 for a 3rd or subsequent violation within 10 years of the immediately  
18 preceding violation.

19 (b) *Penalties related to intoxicated operation.* 1. Except as provided in subds.  
20 2. and 3., any person who violates sub. (4c) (a) 1., 2., or 3. or (4p) (e) shall forfeit not  
21 less than \$150 nor more than \$300.

22 2. Except as provided in subd. 3., any person who violates sub. (4c) (a) 1., 2., or  
23 3. or (4p) (e) and who, within 5 years prior to the arrest for the current violation, was  
24 convicted previously under the intoxicated operation of an off-highway vehicle law

1 shall be fined not less than \$300 nor more than \$1,100 and shall be imprisoned not  
2 less than 5 days nor more than 6 months.

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

8 (c) *Penalty related to causing injury; intoxicants.* Any person who violates sub.  
9 (4c) (b) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned  
10 not less than 30 days nor more than one year in the county jail.

11 (d) *Calculation of previous convictions.* In determining the number of previous  
12 convictions under par. (b) 2. and 3., convictions arising out of the same incident or  
13 occurrence shall be counted as one previous conviction.

14 (dm) *Reporting convictions to the department.* Whenever a person is convicted  
15 of a violation of the intoxicated operation of an off-highway vehicle law, the clerk of  
16 the court in which the conviction occurred, or the justice, judge, or magistrate of a  
17 court not having a clerk, shall forward to the department the record of such  
18 conviction. The record of conviction forwarded to the department shall state whether  
19 the offender was involved in an accident at the time of the offense.

20 (e) *Alcohol, controlled substances, or controlled substance analogs; assessment.*  
21 In addition to any other penalty or order, a person who violates sub. (4c) (a) or (b) or  
22 (4p) (e), or who violates s. 940.09 or 940.25 if the violation involves the operation of  
23 an off-highway vehicle, shall be ordered by the court to submit to and comply with  
24 an assessment by an approved public treatment facility for an examination of the  
25 person's use of alcohol, controlled substances, or controlled substance analogs. The

**SECTION 6**

1 assessment order shall comply with s. 343.30 (1q) (c) 1. a. to c. Intentional failure  
2 to comply with an assessment ordered under this paragraph constitutes contempt  
3 of court, punishable under ch. 785.

4 (f) *Surcharge.* If a court imposes a forfeiture for a violation of a provision of this  
5 section, the court shall impose an off-highway vehicle surcharge under ch. 814 in the  
6 amount of \$100.

7 (g) *Safety certificate requirement.* In addition to the penalties under par. (a),  
8 the court shall require any person who violates this section to successfully complete  
9 the program of instruction on off-highway vehicle laws established by the  
10 department under sub. (9) (d), regardless of whether the person has previously  
11 successfully completed the program.

12 (h) *Restoration or replacement of signs and standards.* In addition to any other  
13 penalty, the court may order the defendant to restore or replace any uniform  
14 off-highway vehicle trail sign or standard that the defendant removed, damaged,  
15 defaced, moved, or obstructed.

16 **SECTION 7.** 23.45 (1) (d) of the statutes is amended to read:

17 23.45 (1) (d) “Registration” means any registration documentation, as defined  
18 in s. 23.33 (1) (jn), 23.37 (1) (p), or s. 350.01 (10t), or certification or registration  
19 documentation, as defined in s. 30.50 (3b), issued by the department or its agents.

20 **SECTION 8.** 23.50 (1) of the statutes is amended to read:

21 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit  
22 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,  
23 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),  
24 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2),  
25 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any

1 administrative rules promulgated thereunder, violations specified under s. 280.98  
2 (2) or 285.86, violations of ch. 951 if the animal involved is a captive wild animal,  
3 violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k),  
4 violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances  
5 enacted by any local authority in accordance with s. 23.33 (11) (am), 23.37 (12), or  
6 30.77.

7 **SECTION 9.** 23.50 (3) of the statutes is amended to read:

8 23.50 (3) All actions in municipal court to recover forfeitures, plus costs, fees,  
9 and surcharges imposed under ch. 814, for violations of local ordinances enacted by  
10 any local authority in accordance with s. 23.33 (11) (am), 23.37 (12), or 30.77 shall  
11 utilize the procedure in ch. 800. The actions shall be brought before the municipal  
12 court having jurisdiction. Provisions relating to citations, arrests, questioning,  
13 releases, searches, deposits, and stipulations of no contest in ss. 23.51 (1m), (3), and  
14 (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall apply to violations of such  
15 ordinances.

16 **SECTION 10.** 23.53 (1) of the statutes is amended to read:

17 23.53 (1) The citation created under this section shall, in all actions to recover  
18 forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of  
19 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated  
20 thereunder, and any rule of the Kickapoo reserve management board under s. 41.41  
21 (7) (k) be used by any law enforcement officer with authority to enforce those laws,  
22 except that the uniform traffic citation created under s. 345.11 may be used by a  
23 traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law  
24 enforcement agency of a municipality or county or a traffic officer employed under  
25 s. 110.07 in enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall

1 not be used for violations of ch. 350 relating to highway use. The citation may be used  
2 for violations of local ordinances enacted by any local authority in accordance with  
3 s. 23.33 (11) (am), 23.37 (12), or 30.77.

4 **SECTION 11.** 23.56 (1) of the statutes is amended to read:

5 23.56 (1) A person may be arrested for a violation of those statutes enumerated  
6 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the  
7 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances  
8 enacted by any local authority in accordance with s. 23.33 (11) (am), 23.37 (12), or  
9 30.77, after a warrant that substantially complies with s. 968.04 has been issued.  
10 Except as provided in sub. (2), the person arrested shall be brought without  
11 unreasonable delay before a court having jurisdiction to try the action.

12 **SECTION 12.** 23.57 (1) (intro.) of the statutes is amended to read:

13 23.57 (1) (intro.) A person may be arrested without a warrant when the  
14 arresting officer has probable cause to believe that the person is committing or has  
15 committed a violation of those statutes enumerated in s. 23.50 (1), any  
16 administrative rules promulgated thereunder, any rule of the Kickapoo reserve  
17 management board under s. 41.41 (7) (k), or any local ordinances enacted by any local  
18 authority in accordance with s. 23.33 (11) (am), 23.37 (12), or 30.77; and:

19 **SECTION 13.** 23.58 of the statutes is amended to read:

20 **23.58 Temporary questioning without arrest.** After having identified  
21 himself or herself as an enforcing officer, an enforcing officer may stop a person in  
22 a public place for a reasonable period of time when the officer reasonably suspects  
23 that such person is committing, is about to commit or has committed a violation of  
24 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated  
25 thereunder, any rule of the Kickapoo reserve management board under s. 41.41 (7)

1 (k), or any local ordinances enacted by any local authority in accordance with s. 23.33  
2 (11) (am), 23.37 (12), or 30.77. Such a stop may be made only where the enforcing  
3 officer has proper authority to make an arrest for such a violation. The officer may  
4 demand the name and address of the person and an explanation of the person's  
5 conduct. Such detention and temporary questioning shall be conducted in the  
6 vicinity where the person was stopped.

7 **SECTION 14.** 23.62 (1) (intro.) of the statutes is amended to read:

8 23.62 (1) (intro.) Whenever an enforcing officer has probable cause to believe  
9 that a person subject to his or her authority is committing or has committed a  
10 violation of those statutes enumerated in s. 23.50 (1), any administrative rules  
11 promulgated thereunder, any rule of the Kickapoo reserve management board under  
12 s. 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance  
13 with s. 23.33 (11) (am), 23.37 (12), or 30.77, the officer may proceed in the following  
14 manner:

15 **SECTION 15.** 25.29 (1) (a) of the statutes is amended to read:

16 25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing  
17 to the state for or in behalf of the department under chs. 26, 27, 28, 29, 169, and 350,  
18 subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.35, 23.38 to 23.42, 23.50  
19 to 23.99, 30.50 to 30.55, 70.58, 71.10 (5), 71.30 (10), and 90.21, including grants  
20 received from the federal government or any of its agencies except as otherwise  
21 provided by law.

22 **SECTION 16.** 25.40 (1) (br) of the statutes is created to read:

23 25.40 (1) (br) Moneys received under s. 23.37.

24 **SECTION 17.** 30.26 (4) (a) (intro.) of the statutes is amended to read:

1           30.26 (4) (a) (intro.) The department may not prohibit the crossing of a bridge  
2 over a wild river by an all-terrain vehicle or utility terrain vehicle traveling on an  
3 all-terrain vehicle trail, as defined under s. 23.33 (1) (d), by an off-highway vehicle  
4 traveling on an off-highway vehicle trail, as defined under s. 23.37 (1) (L), or by a  
5 snowmobile traveling on a snowmobile trail, as defined under s. 350.01 (17), that is  
6 constructed in any of the following locations:

7           **SECTION 18.** 30.26 (4) (b) of the statutes is amended to read:

8           30.26 (4) (b) The state shall permit all-terrain vehicles, utility terrain vehicles,  
9 off-highway vehicles, and snowmobiles to travel in a corridor across any state land  
10 that separates an all-terrain vehicle trail, an off-highway vehicle trail, or a  
11 snowmobile trail and the bridges constructed at the locations listed under par. (a).

12           **SECTION 19.** 30.29 (1) (b) of the statutes is amended to read:

13           30.29 (1) (b) “Motor vehicle” includes a utility terrain vehicle, as defined in s.  
14 23.33 (1) (ng), and an all-terrain vehicle, as defined in s. 340.01 (2g), and an  
15 off-highway vehicle, as defined in s. 23.37 (1) (jm).

16           **SECTION 20.** 46.03 (18) (f) of the statutes is amended to read:

17           46.03 (18) (f) Notwithstanding par. (a), any person who submits to an  
18 assessment or airman or driver safety plan under s. 23.33 (13) (e), 23.37 (14) (e), 30.80  
19 (6) (d), 114.09 (2) (bm), 343.16 (5) (a), 343.30 (1q), 343.305 (10) or 350.11 (3) (d) shall  
20 pay a reasonable fee therefor to the appropriate county department under s. 51.42  
21 or traffic safety school under s. 345.60. A county may allow the person to pay the  
22 assessment fee in 1, 2, 3 or 4 equal installments. The fee for the airman or driver  
23 safety plan may be reduced or waived if the person is unable to pay the complete fee,  
24 but no fee for assessment or attendance at a traffic safety school under s. 345.60 may  
25 be reduced or waived. Nonpayment of the assessment fee is noncompliance with the

1 court order that required completion of an assessment and airman or driver safety  
2 plan. Upon a finding that the person has the ability to pay, nonpayment of the  
3 airman or driver safety plan fee is noncompliance with the court order that required  
4 completion of an assessment and airman or driver safety plan.

5 **SECTION 21.** 59.54 (14) (g) of the statutes is amended to read:

6 59.54 (14) (g) A county may establish extensions of the jail, which need not be  
7 at the county seat, to serve as places of temporary confinement. No person may be  
8 detained in such an extension for more than 24 consecutive hours, except that a court  
9 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c),  
10 23.37 (14) (b) 2. or 3., or 350.11 (3) (a) 2. or 3. or (b) be imprisoned for more than 24  
11 consecutive hours in such an extension. Jail extensions shall be subject to plans and  
12 specifications approval by the department of corrections and shall conform to other  
13 requirements imposed by law on jails, except that cells may be designed and used for  
14 multiple occupancy.

15 **SECTION 22.** 77.51 (13s) of the statutes is amended to read:

16 77.51 (13s) “Safety classes” means all classes approved by the department of  
17 natural resources related to hunting, including hunting with a bow, and related to  
18 firearms, all-terrain vehicles, utility terrain vehicles, off-highway vehicles, boats,  
19 and snowmobiles.

20 **SECTION 23.** 77.61 (1) of the statutes is amended to read:

21 77.61 (1) (a) No motor vehicle, boat, snowmobile, recreational vehicle, as  
22 defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain  
23 vehicle, off-highway vehicle, or aircraft shall be registered or titled in this state  
24 unless the registrant presents proof that the sales or use taxes imposed by this  
25 subchapter have been paid.

1 (b) In the case of motor vehicles, boats, snowmobiles, recreational vehicles, as  
2 defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles, utility terrain  
3 vehicles, off-highway vehicles, or aircraft purchased from a retailer, the registrant  
4 shall present proof that the tax has been paid to such retailer.

5 (c) In the case of motor vehicles, boats, snowmobiles, recreational vehicles, as  
6 defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles, utility terrain  
7 vehicles, off-highway vehicles, or aircraft registered or titled, or required to be  
8 registered or titled, in this state purchased from persons who are not retailers, the  
9 purchaser shall file a sales tax return and pay the tax prior to registering or titling  
10 the motor vehicle, boat, snowmobile, recreational vehicle, as defined in s. 340.01  
11 (48r), semitrailer, all-terrain vehicle, utility terrain vehicle, off-highway vehicle, or  
12 aircraft in this state.

13 **SECTION 24.** 77.73 (2) of the statutes is amended to read:

14 77.73 (2) Counties and special districts do not have jurisdiction to impose the  
15 tax under s. 77.71 (2) in regard to items, property, and goods under s. 77.52 (1) (b),  
16 (c), and (d), and tangible personal property, except snowmobiles, trailers,  
17 semitrailers, all-terrain vehicles, ~~and~~ utility terrain vehicles, and Class B  
18 off-highway vehicles purchased in a sale that is consummated in another county or  
19 special district in this state that does not have in effect an ordinance or resolution  
20 imposing the taxes under this subchapter and later brought by the buyer into the  
21 county or special district that has imposed a tax under s. 77.71 (2).

22 **SECTION 25.** 78.01 (2) (e) of the statutes is amended to read:

23 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and  
24 equipment; other than use in a snowmobile, an all-terrain vehicle or utility terrain  
25 vehicle that is not registered for private use under s. 23.33 (2) (d), a Class B

1 off-highway vehicle registered under s. 23.37 (2) (a) or (2g), or a recreational  
2 motorboat; and delivered directly into the consumer's storage tank in an amount of  
3 not less than 100 gallons.

4 **SECTION 26.** 78.01 (2m) (f) of the statutes is amended to read:

5 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than  
6 use in a snowmobile, an all-terrain vehicle or utility terrain vehicle that is not  
7 registered for private use under s. 23.33 (2) (d) or (2g), a Class B off-highway vehicle  
8 registered under s. 23.37 (2) (a) or (2g), or in a recreational motorboat or if no claim  
9 for a refund for the tax on the diesel fuel may be made under s. 78.75 (1m) (a) 3.

10 **SECTION 27.** 78.40 (1) of the statutes is amended to read:

11 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate  
12 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The  
13 tax, with respect to all alternate fuel delivered by an alternate fuel fuels dealer into  
14 supply tanks of motor vehicles in this state, attaches at the time of delivery and shall  
15 be collected by the dealer from the alternate fuels user and shall be paid to the  
16 department. The tax, with respect to alternate fuels acquired by any alternate fuels  
17 user other than by delivery by an alternate fuel fuels dealer into a fuel supply tank  
18 of a motor vehicle, or of a snowmobile, an all-terrain vehicle or utility terrain vehicle  
19 that is not registered for private use under s. 23.33 (2) (d) or (2g), a Class B  
20 off-highway vehicle registered under s. 23.37 (2) (a) or (2g), or a recreational  
21 motorboat, attaches at the time of the use of the fuel and shall be paid to the  
22 department by the user. The department may permit any supplier of alternate fuels  
23 to report and pay to the department the tax on alternate fuels delivered into the  
24 storage facility of an alternate fuels user or retailer which will be consumed for  
25 alternate fuels tax purposes or sold at retail.

1           **SECTION 28.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

2           78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel  
3 upon which has been paid the tax required under this chapter for the purpose of  
4 operating an all-terrain vehicle, as defined under s. 340.01 (2g), or a utility terrain  
5 vehicle, as defined under s. 23.33 (1) (ng), may not be reimbursed or repaid the  
6 amount of tax paid unless the all-terrain vehicle or utility terrain vehicle is  
7 registered for private use under s. 23.33 (2) (d) or (2g). A person who uses motor  
8 vehicle fuel or an alternate fuel upon which has been paid the tax required under this  
9 chapter for the purpose of operating an off-highway vehicle registered under s. 23.37  
10 (2) (a) or (2g) may not be reimbursed or repaid the amount of tax paid.

11           **SECTION 29.** 78.75 (1m) (a) 3. of the statutes is amended to read:

12           78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed. The forms shall  
13 indicate that refunds are not available for motor vehicle fuel or alternate fuels used  
14 for motorboats, except motorboats exempt from registration as motor vehicles under  
15 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle  
16 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile  
17 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and  
18 areas. The forms shall indicate that refunds are not available for motor vehicle fuel  
19 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the  
20 vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall indicate  
21 that estimated all-terrain vehicle or utility terrain vehicle motor vehicle fuel or  
22 alternate fuels tax payments are used for all-terrain vehicle trails and areas. The  
23 forms shall indicate that refunds are not available for motor vehicle fuel or alternate  
24 fuels used for off-highway vehicles registered under s. 23.37 (2) (a) or (2g). The forms

1 shall also indicate that refunds are not available for the tax on less than 100 gallons.

2 The department shall distribute forms in sufficient quantities to each county clerk.

3 **SECTION 30.** 110.07 (1) (a) 1. of the statutes is amended to read:

4 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and  
5 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 23.37, 125.07 (4) (b), 125.085 (3) (b),  
6 167.31 (2) (b) to (d) and 287.81 and ch. 350 where applicable to highways, or orders  
7 or rules issued pursuant thereto.

8 **SECTION 31.** 110.07 (3) of the statutes is amended to read:

9 110.07 (3) The secretary may employ inspectors who may not wear the uniform  
10 of the state patrol, whose duties shall be to enforce and assist in administering s.  
11 346.63, this chapter and chs. 194, 218, 340 to 345 and 347 to 351, ~~ss. 23.33, and~~  
12 23.37, the inspection requirements of s. 121.555 (2) (b) and the requirements under  
13 s. 346.45 (4) for vehicles being used to transport hazardous materials. Such  
14 inspectors, in the performance of these duties, shall have the powers and authority  
15 of state traffic officers. For the purpose of death, disability and retirement coverage,  
16 such inspectors shall be subject to ch. 40 as is the state traffic patrol. Subject to sub.  
17 (5), the secretary may clothe and equip inspectors as the interest of public safety and  
18 their duties require.

19 **SECTION 32.** 322.111 of the statutes is amended to read:

20 **322.111 Article 111 — Drunken or reckless operation of an all-terrain**  
21 **vehicle, utility terrain vehicle, off-highway vehicle, vehicle, snowmobile,**  
22 **aircraft, or vessel.** Any person who violates s. 23.33 (3) (a) or (4c), 23.37 (4) (b) 3.  
23 or (4c), 30.68, 30.681, 114.09, 346.62, 346.63 (1) or (2), 350.10 (1) (b), 350.101, 940.25,  
24 or 940.09 where the offense involved the operation or physical control of an aircraft,  
25 all-terrain vehicle, utility terrain vehicle, Class B off-highway vehicle, snowmobile,

1 vehicle or vessel on or off a highway shall be punished as the court-martial may  
2 direct.

3 **SECTION 33.** 341.059 of the statutes is created to read:

4 **341.059 Off-highway vehicles.** Class B off-highway vehicles, as defined in  
5 s. 23.37 (1) (c), are not required to be registered under this chapter but shall be  
6 registered under s. 23.37 (2) or (2g).

7 **SECTION 34.** 345.11 (1r) of the statutes is amended to read:

8 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall  
9 be used for violations of ~~s. ss. 23.33~~ and 23.37 relating to highway use or ordinances  
10 enacted in accordance with ~~that section~~ those sections if the violation is committed  
11 on a highway, but no points may be assessed against the driving record of the  
12 operator of an all-terrain vehicle ~~or, utility terrain vehicle, or Class B off-highway~~  
13 vehicle. When the uniform traffic citation is used, the report of conviction shall be  
14 forwarded to the department. When the citation form under s. 23.54 is used, the  
15 procedure in ss. 23.50 to 23.85 applies.

16 **SECTION 35.** 346.66 (1) (c) of the statutes is amended to read:

17 346.66 (1) (c) Sections 346.67 to 346.70 do not apply to accidents involving only  
18 snowmobiles, all-terrain vehicles, utility terrain vehicles, Class B off-highway  
19 vehicles, as defined under s. 23.37 (1) (c), or vehicles propelled by human power or  
20 drawn by animals.

21 **SECTION 36.** 346.71 (1) of the statutes is amended to read:

22 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day  
23 of each month, report in writing any accident involving a motor vehicle occurring  
24 within the coroner's or medical examiner's jurisdiction resulting in the death of any  
25 person during the preceding calendar month. If the accident involved an all-terrain

1 vehicle ~~or~~, a utility terrain vehicle, or a Class B off-highway vehicle, as defined in s.  
2 23.37 (1)(c), the report shall be made to the department of natural resources and  
3 shall include the information specified by that department. If the accident involved  
4 any other motor vehicle, the report shall be made to the department and shall include  
5 the information specified by the department. The coroner or medical examiner of the  
6 county where the death occurs, if the accident occurred in another jurisdiction, shall,  
7 immediately upon learning of the death, report it to the coroner or medical examiner  
8 of the county where the accident occurred, as provided in s. 979.01 (1).

9 **SECTION 37.** 346.71 (2) of the statutes is amended to read:

10 346.71 (2) In cases of death involving a motor vehicle in which the decedent was  
11 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or  
12 electric personal assistive mobility device operator 14 years of age or older and who  
13 died within 6 hours of the time of the accident, the coroner or medical examiner of  
14 the county where the death occurred shall require that a blood specimen of at least  
15 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her  
16 death, by the coroner or medical examiner or by a physician so designated by the  
17 coroner or medical examiner or by a qualified person at the direction of the physician.  
18 All funeral directors shall obtain a release from the coroner or medical examiner of  
19 the county where the accident occurred as provided in s. 979.01 (4) prior to  
20 proceeding with embalming any body coming under the scope of this section. The  
21 blood so drawn shall be forwarded to a laboratory approved by the department of  
22 health services for analysis of the alcoholic content of the blood specimen. The  
23 coroner or medical examiner causing the blood to be withdrawn shall be notified of  
24 the results of each analysis made and shall forward the results of each such analysis  
25 to the department of health services. If the death involved a motor vehicle, the

1 department shall keep a record of all such examinations to be used for statistical  
2 purposes only and the department shall disseminate and make public the  
3 cumulative results of the examinations without identifying the individuals involved.  
4 If the death involved an all-terrain vehicle ~~or, a utility terrain vehicle, or a Class B~~  
5 off-highway vehicle, as defined in s. 23.37 (1) (c), the department of natural  
6 resources shall keep a record of all such examinations to be used for statistical  
7 purposes only and the department of natural resources shall disseminate and make  
8 public the cumulative results of the examinations without identifying the  
9 individuals involved.

10 **SECTION 38.** 800.02 (2) (b) of the statutes is amended to read:

11 800.02 (2) (b) Except for parking violations, in traffic regulation actions in  
12 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu  
13 of the citation form specified in par. (ag). In actions for violations of local ordinances  
14 enacted in accordance with s. 23.33 (11) (am), 23.37 (12), or 30.77, the citation form  
15 specified in s. 23.54 shall be used in lieu of the citation form specified in par. (ag).

16 **SECTION 39.** 814.63 (3m) (a) of the statutes is amended to read:

17 814.63 (3m) (a) Except as provided in par. (d), if a defendant is required to  
18 appear in court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the  
19 court shall impose and collect from the defendant any costs charged to or paid by a  
20 law enforcement agency for the withdrawal of the defendant's blood if the court finds  
21 that the defendant violated s. 23.33 (4c), 23.37 (4c), 30.681, 346.63, or 350.101, or a  
22 local ordinance in conformity therewith.

23 **SECTION 40.** 814.65 (4m) (a) of the statutes is amended to read:

24 814.65 (4m) (a) Except as provided in par. (d), if a defendant is required to  
25 appear in municipal court, in addition to any forfeiture, costs, fees, or surcharges it

1 imposes, the municipal court shall impose and collect from the defendant any costs  
2 charged to or paid by a law enforcement agency for the withdrawal of the defendant's  
3 blood if the court finds that the defendant violated a local ordinance in conformity  
4 with s. 23.33 (4c), 23.37 (4c), 30.681, 346.63, or 350.101.

5 **SECTION 41.** 814.77 (17) of the statutes is created to read:

6 814.77 (17) The off-highway vehicle surcharge under s. 23.37 (14) (f).

7 **SECTION 42.** 885.235 (1m) of the statutes is amended to read:

8 885.235 (1m) In any action under s. 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m)  
9 or (7), or 350.101 (1) (c), evidence of the amount of alcohol in the person's blood at the  
10 time in question, as shown by chemical analysis of a sample of the person's blood or  
11 urine or evidence of the amount of alcohol in the person's breath, is admissible on the  
12 issue of whether he or she had an alcohol concentration in the range specified in s.  
13 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m), or 350.101 (1) (c) or an alcohol  
14 concentration above 0.0 under s. 23.37 (4c) (a) 2. or 346.63 (7) if the sample was taken  
15 within 3 hours after the event to be proved. The fact that the analysis shows that  
16 the person had an alcohol concentration of more than 0.0 but not more than 0.08 is  
17 prima facie evidence that the person had an alcohol concentration in the range  
18 specified in s. 23.33 (4c) (a) 3., 30.681 (1) (bn), 346.63 (2m), or 350.101 (1) (c) or an  
19 alcohol concentration above 0.0 under s. 23.37 (4c) (a) 2. or 346.63 (7).

20 **SECTION 43.** 895.043 (6) of the statutes is amended to read:

21 895.043 (6) LIMITATION ON DAMAGES. Punitive damages received by the plaintiff  
22 may not exceed twice the amount of any compensatory damages recovered by the  
23 plaintiff or \$200,000, whichever is greater. This subsection does not apply to a  
24 plaintiff seeking punitive damages from a defendant whose actions under sub. (3)  
25 included the operation of a vehicle, including a motor vehicle as defined under s.

1 340.01 (35), a snowmobile as defined under s. 340.01 (58a), an all-terrain vehicle as  
2 defined under s. 340.01 (2g), a utility terrain vehicle as defined under s. 23.33 (1) (ng),  
3 an off-highway vehicle as defined under s. 23.37 (1) (jm), and a boat as defined under  
4 s. 30.50 (2), while under the influence of an intoxicant to a degree that rendered the  
5 defendant incapable of safe operation of the vehicle. In this subsection, "intoxicant"  
6 has the meaning given in s. 30.50 (4e).

7 **SECTION 44.** 938.17 (1) (intro.) of the statutes is amended to read:

8 938.17 (1) ~~TRAFFIC, BOATING, SNOWMOBILE, ALL-TERRAIN VEHICLE, AND UTILITY~~  
9 ~~TERRAIN VEHICLE, AND CLASS B OFF-HIGHWAY VEHICLE~~ VIOLATIONS. (intro.) Except for  
10 violations of ss. 342.06 (2) and 344.48 (1), and violations of ss. 30.67 (1) and 346.67  
11 (1) when death or injury occurs, courts of criminal and civil jurisdiction have  
12 exclusive jurisdiction in proceedings against juveniles 16 years of age or older for  
13 violations of s. ss. 23.33 and 23.37, of ss. 30.50 to 30.80, of chs. 341 to 351, and of traffic  
14 regulations, as defined in s. 345.20, and nonmoving traffic violations, as defined in  
15 s. 345.28 (1). A juvenile charged with a traffic, boating, snowmobile, all-terrain  
16 vehicle, ~~or~~ utility terrain vehicle, or Class B off-highway vehicle offense in a court  
17 of criminal or civil jurisdiction shall be treated as an adult before the trial of the  
18 proceeding except that the juvenile may be held in secure custody only in a juvenile  
19 detention facility. A juvenile convicted of a traffic, boating, snowmobile, all-terrain  
20 vehicle, ~~or~~ utility terrain vehicle, or Class B off-highway vehicle offense in a court  
21 of criminal or civil jurisdiction shall be treated as an adult for sentencing purposes  
22 except as follows:

23 **SECTION 45.** 938.343 (9) of the statutes is amended to read:

24 938.343 (9) ~~ALL-TERRAIN OR VEHICLE, UTILITY TERRAIN VEHICLE, OR OFF-HIGHWAY~~  
25 VEHICLE SAFETY COURSE. If the violation is one under s. 23.33 or under an ordinance

1 enacted in accordance with s. 23.33 concerning the use of all-terrain vehicles or  
2 utility terrain vehicles, order the juvenile to attend an all-terrain vehicle or utility  
3 terrain vehicle safety course. If the violation is one under s. 23.37 or under an  
4 ordinance enacted in accordance with s. 23.37 (12) concerning the use of off-highway  
5 vehicles, order the juvenile to attend an off-highway vehicle safety course.

6 **SECTION 46.** 940.09 (1m) (b) of the statutes is amended to read:

7 940.09 (1m) (b) If a person is charged in an information with any of the  
8 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
9 971.12. If the person is found guilty of more than one of the crimes so charged for  
10 acts arising out of the same incident or occurrence, there shall be a single conviction  
11 for purposes of sentencing and for purposes of counting convictions under s. 23.33  
12 (13) (b) 2. and 3., under s. 23.37 (14) (b) 2. and 3., under s. 30.80 (6) (a) 2. and 3., under  
13 s. 343.307 (1) or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bm),  
14 (c), (cm), (d), and (e) each require proof of a fact for conviction which the others do not  
15 require, and sub. (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for  
16 conviction which the others do not require.

17 **SECTION 47.** 940.09 (3) of the statutes is amended to read:

18 940.09 (3) An officer who makes an arrest for a violation of this section shall  
19 make a report as required under s. 23.33 (4t), 23.37 (4t), 30.686, 346.635 or 350.106.

20 **SECTION 48.** 940.25 (1m) (b) of the statutes is amended to read:

21 940.25 (1m) (b) If a person is charged in an information with any of the  
22 combinations of crimes referred to in par. (a), the crimes shall be joined under s.  
23 971.12. If the person is found guilty of more than one of the crimes so charged for  
24 acts arising out of the same incident or occurrence, there shall be a single conviction  
25 for purposes of sentencing and for purposes of counting convictions under s. 23.33

1 (13) (b) 2. and 3., under s. 23.37 (14) (b) 2. and 3., under s. 30.80 (6) (a) 2. or 3., under  
2 ss. 343.30 (1q) and 343.305 or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am),  
3 (b), (bm), (c), (cm), (d), and (e) each require proof of a fact for conviction which the  
4 others do not require.

5 **SECTION 49.** 940.25 (3) of the statutes is amended to read:

6 940.25 (3) An officer who makes an arrest for a violation of this section shall  
7 make a report as required under s. 23.33 (4t), 23.37 (4t), 30.686, 346.635 or 350.106.

8 **SECTION 50. Nonstatutory provisions.**

9 (1) Notwithstanding the length of terms specified in section 15.347 (9) of the  
10 statutes, as created by this act, the governor shall appoint one of the initial members  
11 of the off-highway vehicle council for a term expiring on June 30, 2016, 2 of the initial  
12 members of the off-highway vehicle council for terms expiring on June 30, 2017, and  
13 2 of the initial members of the off-highway vehicle council for terms expiring on June  
14 30, 2018.

15 (END)