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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

~~Soon
in 3-13~~

3/21
10:00 a.m.

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Regen

1 **AN ACT** to repeal 23.33 (8) (f) (title); to renumber 23.115 (2), 23.33 (4z) (a) 1.,
2 23.33 (5m) (a), 23.33 (5m) (b) (intro.), 23.33 (5m) (b) 1. and 23.33 (5m) (d); to
3 renumber and amend 23.115 (3), 23.33 (4z) (title), 23.33 (4z) (a) 2., 23.33 (4z)
4 (b), 23.33 (5) (d), 23.33 (5m) (title), 23.33 (5m) (b) 2., 23.33 (5m) (b) 3., 23.33 (5m)
5 (b) 4., 23.33 (5m) (b) 5., 23.33 (5m) (b) 6., 23.33 (5m) (c) (intro.), 23.33 (5m) (c)
6 1., 23.33 (5m) (c) 2., 23.33 (5m) (c) 3., 23.33 (5m) (c) 4., 23.33 (5m) (c) 5., 23.33
7 (5m) (c) 6., 23.33 (5m) (c) 7., 23.33 (8) (e), 23.33 (8) (f) 1., 23.33 (8) (f) 2., 23.33
8 (13) (am), 23.33 (13) (cg), 23.33 (13) (f) and 23.45 (1) (d); to amend 20.370 (3)
9 (at), 20.370 (5) (cx), 23.09 (23) (a), 23.115 (title), 23.119 (1) (b), 23.33 (5) (title),
10 23.33 (9) (c), 23.33 (13) (a), 23.35 (1) (intro.), 23.35 (1) (a), 23.35 (1) (b), 23.35 (1)
11 (e), 23.35 (2), 23.50 (1), 23.50 (3), 23.53 (1), 23.56 (1), 23.57 (1) (intro.), 23.58,
12 23.62 (1) (intro.), 25.29 (1) (b), 25.40 (3) (b) 14., 30.26 (4) (title), 30.26 (4) (a)
13 (intro.), 30.26 (4) (b), 30.29 (1) (b), 46.03 (18) (f), 59.54 (14) (g), 71.05 (6) (b) 44.,
14 71.26 (1) (g), 71.45 (1) (b), 77.51 (13s), 77.73 (2), 78.01 (2) (e), 78.01 (2m) (f), 78.40
15 (1), 78.75 (1m) (a) 1., 78.75 (1m) (a) 3., 110.07 (1) (a) 1., 110.07 (3), 322.111,

1 341.057, 344.61 (1), 345.11 (1r), 346.02 (11), 346.66 (1) (c), 346.71 (1), 346.71 (2),
 2 346.94 (1), 350.12 (3) (a) 1., 800.02 (2) (b), 814.63 (3m) (a), 814.65 (4m) (a),
 3 885.235 (1m), 885.235 (4), 895.049, 901.053, 938.17 (1) (intro.), 938.343 (9),
 4 940.09 (1m) (b), 940.09 (3), 940.25 (1m) (b), 940.25 (3), 973.06 (1) (j), 973.09 (2)
 5 (a) 1. d. and 973.09 (2) (a) 1. d.; and **to create** 20.370 (1) (mw), 20.370 (3) (au),
 6 20.370 (5) (cz), 20.370 (5) (et), 20.370 (5) (ev), 20.370 (5) (gs), 20.855 (4) (vm),
 7 23.115 (2) (b), 23.119 (1) (at), 23.335, 23.336 (title), 23.336 (1), 23.336 (5) (d) 1.,
 8 23.45 (1) (d) 3., 25.29 (1) (dt), 78.75 (1m) (a) 2r. and 343.05 (4) (b) 1m. of the
 9 statutes; **relating to:** operation of off-highway motorcycles, granting
 10 rule-making authority, providing penalties, and making appropriations.

Analysis by the Legislative Reference Bureau

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

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

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

11 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
 12 the following amounts for the purposes indicated:

	2013-14	2014-15
14 20.370 Natural resources, department of		
15 (1) LAND		
16 (mw) <i>General program operations —</i>		
17 <i>state off-highway motorcycle</i>		
18 <i>projects</i>	SEG A	-0- -0-

1 (3) ENFORCEMENT AND SCIENCE

2 (au) *Law enforcement — off-highway*3 *motorcycle enforcement*

SEG A

-0-

-0-

4 (5) CONSERVATION AIDS

5 (cz) *Recreation aids — off-highway*6 *motorcycle landowner incentive*7 *program*

SEG B

-0-

-0-

8 (et) *Enforcement aids — off-highway*9 *motorcycle enforcement*

SEG A

-0-

-0-

10 (ev) *Recreation aids — off-highway*11 *motorcycle project aids*

SEG C

-0-

-0-

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

13 20.370 (1) (mw) *General program operations — state off-highway motorcycle*
14 *projects.* The amounts in the schedule from moneys received from off-highway
15 motorcycle fees under s. 23.335 (4) and (5) for state off-highway motorcycle projects.

16 **SECTION 3.** 20.370 (3) (at) of the statutes is amended to read:

17 20.370 (3) (at) *Education and safety programs.* For The amounts in the
18 schedule for programs or courses of instruction under ss. 23.33 (5) (d) 23.336 (2),
19 29.591, 30.74 (1) (a) and 350.055 (1). All moneys remitted to the department under
20 ss. 23.33 (5) (d) 23.336 (2), 29.563 (12) (c) 2., 29.591 (3), 30.74 (1) (b), and 350.055 (1)
21 shall be credited to this appropriation.

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

23 20.370 (3) (au) *Law enforcement — off-highway motorcycle enforcement.* The
24 amounts in the schedule from moneys received from off-highway motorcycle fees

1 under s. 23.335 (4) and (5) for state law enforcement operations related to
 2 off-highway motorcycles, including actual enforcement, safety training, accident
 3 reporting, and similar activities.

4 SECTION 5. 20.370 (5) (cx) of the statutes is amended to read:

5 20.370 (5) (cx) *Recreation aids — ~~all-terrain off-highway~~ vehicle safety*
 6 *program.* The amounts in the schedule for grants ~~to organizations to assist with the~~
 7 ~~all-terrain vehicle safety program under s. 23.33 (5m) (d) under the~~ recreational
 8 ~~off-highway~~ vehicle safety grant program under s. 23.336 (3).

9 SECTION 6. 20.370 (5) (cz) of the statutes is created to read:

10 20.370 (5) (cz) *Recreation aids — off-highway motorcycle landowner incentive*
 11 *program.* Biennially, the amounts in the schedule from the moneys received by the
 12 department under s. 23.335 (6) for incentive payments to landowners for
 13 off-highway motorcycle corridors under s. 23.335 (13). (14) ✓ ← 14

14 SECTION 7. 20.370 (5) (et) of the statutes is created to read:

15 20.370 (5) (et) *Enforcement aids — off-highway motorcycle enforcement.* The
 16 amounts in the schedule from moneys received from off-highway motorcycle fees
 17 under s. 23.335 (4) and (5) for local law enforcement aids.

18 SECTION 8. 20.370 (5) (ev) of the statutes is created to read:

19 20.370 (5) (ev) *Recreation aids — off-highway motorcycle project aids.* As a
 20 continuing appropriation, the amounts in the schedule from moneys received from
 21 off-highway motorcycle fees under s. 23.335 (4) and (5) to provide aid to towns,
 22 villages, cities, counties, and federal agencies for nonstate off-highway motorcycle
 23 projects.

24 SECTION 9. 20.370 (5) (gs) of the statutes is created to read:

1 20.370 (5) (gs) *Recreation aids — off-highway motorcycle project aids; gas tax*
2 *payment.* As a continuing appropriation, an amount equal to the estimated
3 off-highway motorcycle gas tax payment to provide aid to towns, villages, cities,
4 counties, and federal agencies for nonstate off-highway motorcycle projects.

5 **SECTION 10.** 20.855 (4) (vm) of the statutes is created to read:

6 20.855 (4) (vm) *Transfer to conservation fund; utility terrain vehicle* ^{*off-highway motorcycle*} formula.

7 From the transportation fund, a sum sufficient in an amount equal to the amount to
8 be paid into the conservation fund as determined under s. 25.29 (1) (dt). The amounts
9 may be paid at such intervals during each fiscal year as the secretary of
10 administration deems appropriate or necessary.

11 **SECTION 11.** 23.09 (23) (a) of the statutes is amended to read:

12 23.09 (23) (a) In this subsection, “approval” means any type of approval or
13 authorization issued by the department under ch. 29, subch. V. of ch. 30, or s. 23.33
14 (2), 23.335 (3) or (5), 27.01, or 350.12, including a license, permit, certificate, stamp,
15 tag, registration, or vehicle admission receipt.

16 **SECTION 12.** 23.115 (title) of the statutes is amended to read:

17 **23.115 (title) Designation of and signage for certain trails, etc and**
18 **routes.**

19 **SECTION 13.** 23.115 (2) of the statutes is renumbered 23.115 (2) (a).

20 **SECTION 14.** 23.115 (2) (b) of the statutes is created to read:

21 23.115 (2) (b) Paragraph (a) does not apply to off-highway vehicle trails, as
22 defined in s. 23.336 (1) (i), that are on land under the control of the department but
23 that are maintained by off-highway associations, as defined in s. 23.336 (1) (d).

24 **SECTION 15.** 23.115 (3) of the statutes is renumbered 23.115 (2) (c) and amended
25 to read:

1 23.115 (2) (c) ~~Subsection (2) Paragraph (a)~~ does not apply to snowmobile trails,
2 as defined in s. 350.01 (17), that are on land under the control of the department but
3 that are maintained by snowmobile clubs ~~or other nonprofit organizations~~
4 associations, as defined in s. 23.336 (1) (k).

5 **SECTION 16.** 23.119 (1) (at) of the statutes is created to read:

6 23.119 (1) (at) "Off-highway motorcycle" has the meaning given in s. 23.335
7 (1) (p).

8 **SECTION 17.** 23.119 (1) (b) of the statutes is amended to read:

9 23.119 (1) (b) "Off-highway vehicle" means a motor-driven craft or vehicle
10 principally manufactured for off-highway use but does not include a snowmobile, an
11 all-terrain vehicle, or utility terrain vehicle, or an off-highway motorcycle.

12 **SECTION 18.** 23.33 (4z) (title) of the statutes is renumbered 23.336 (4) (title) and
13 amended to read:

14 23.336 (4) (title) PUBLIC EDUCATION PROGRAM REGARDING INTOXICATED OPERATION.

15 **SECTION 19.** 23.33 (4z) (a) 1. of the statutes is renumbered 23.336 (4) (a) 1.

16 **SECTION 20.** 23.33 (4z) (a) 2. of the statutes is renumbered 23.336 (4) (a) 2. and
17 amended to read:

18 23.336 (4) (a) 2. Provide for the development of signs briefly explaining the
19 intoxicated operation of an all-terrain vehicle or utility terrain vehicle law and the
20 intoxicated operation of an off-highway motorcycle law.

21 **SECTION 21.** 23.33 (4z) (b) of the statutes is renumbered 23.336 (4) (b) and
22 amended to read:

23 23.336 (4) (b) The department shall develop and issue an educational pamphlet
24 on the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law to
25 be distributed, ~~beginning in 1989,~~ to persons issued all-terrain vehicle or utility

1 terrain vehicle registration certificates under subs. s. 23.33 (2) and or (2g) or
2 off-highway motorcycle registration certificates under s. 23.335 (3).

3 SECTION 22. 23.33 (5) (title) of the statutes is amended to read:

4 23.33 (5) (title) AGE RESTRICTIONS; ~~SAFETY CERTIFICATION PROGRAM.~~

5 SECTION 23. 23.33 (5) (d) of the statutes is renumbered 23.336 (2) and amended
6 to read:

7 23.336 (2) SAFETY CERTIFICATION PROGRAM ESTABLISHED. The department shall
8 establish or supervise the establishment of a program of instruction on ~~all-terrain~~
9 ~~vehicle and utility terrain vehicle~~ laws, including the intoxicated operation of an
10 ~~all-terrain vehicle or utility terrain vehicle~~ law, regulations, safety relating to the
11 safe operation of off-highway vehicles and other related subjects. The department

12 shall establish by rule an instruction fee for this program. The department shall
13 issue certificates to persons successfully completing the program. An instructor
14 conducting ^{classroom instruction} the program of instruction under this ~~paragraph~~ subsection shall collect
15 the fee from each person who receives instruction. The department may determine
16 the portion of this fee, which may not exceed 50%, that the instructor may retain to
17 defray expenses incurred by the instructor in conducting the program. The
18 instructor shall remit the remainder of the fee or, if nothing is retained, the entire
19 fee to the department. The department shall issue a duplicate certificate of
20 accomplishment to a person who is entitled to a duplicate certificate of
21 accomplishment and who pays a fee of \$2.75.

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22 SECTION 24. 23.33 (5m) (title) of the statutes is renumbered 23.336 (3) (title)
23 and amended to read:

24 23.336 (3) (title) SAFETY GRANT PROGRAM.

25 SECTION 25. 23.33 (5m) (a) of the statutes is renumbered 23.336 (3) (a).

1 SECTION 26. 23.33 (5m) (b) (intro.) of the statutes is renumbered 23.336 (3) (b)
2 (intro.).

3 SECTION 27. 23.33 (5m) (b) 1. of the statutes is renumbered 23.336 (3) (b) 1.

4 SECTION 28. 23.33 (5m) (b) 2. of the statutes is renumbered 23.336 (3) (b) 2. and
5 amended to read:

6 23.336 (3) (b) 2. The organization promotes the operation of ~~all-terrain~~ one or
7 more types of off-highway vehicles in a manner that is safe and responsible and that
8 does not harm the environment.

9 SECTION 29. 23.33 (5m) (b) 3. of the statutes is renumbered 23.336 (3) (b) 3. and
10 amended to read:

11 23.336 (3) (b) 3. The organization promotes the operation of ~~all-terrain~~ one or
12 more types of off-highway vehicles in a manner that does not conflict with the laws,
13 rules, and departmental policies that ~~relate~~ are applicable to the operation of
14 ~~all-terrain~~ those types of off-highway vehicles.

15 SECTION 30. 23.33 (5m) (b) 4. of the statutes is renumbered 23.336 (3) (b) 4. and
16 amended to read:

17 23.336 (3) (b) 4. The interest of the organization is limited to the recreational
18 operation of ~~all-terrain~~ off-highway vehicles on ~~all-terrain vehicle~~ off-highway
19 routes, off-highway trails, and other areas that are off the highways.

*change
component*

20 SECTION 31. 23.33 (5m) (b) 5. of the statutes is renumbered 23.336 (3) (b) 5. and
21 amended to read: ~~repealed.~~

22 23.336 (3) (b) 5. The organization has a board of directors that has a majority
23 of members who are representatives of ~~all-terrain vehicle clubs~~ off-highway
24 associations.

1 **SECTION 32.** 23.33 (5m) (b) 6. of the statutes is renumbered 23.336 (3) (b) 6. and
2 amended to read:

3 23.336 (3) (b) 6. The organization provides support to ~~all-terrain vehicle clubs~~
4 off-highway associations.

5 **SECTION 33.** 23.33 (5m) (c) (intro.) of the statutes is renumbered 23.336 (3) (c)
6 (intro.) and amended to read:

7 23.336 (3) (c) (intro.) An organization receiving a grant under this subsection
8 shall use the grant moneys to promote and provide support to the safety certification
9 program established under sub. ~~(5)~~ (2) by conducting activities that include all any
10 of the following:

11 **SECTION 34.** 23.33 (5m) (c) 1. of the statutes is renumbered 23.336 (3) (c) 1. and
12 amended to read:

13 23.336 (3) (c) 1. Collecting data on the recreational operation of ~~all-terrain~~
14 off-highway vehicles off the highways.

15 **SECTION 35.** 23.33 (5m) (c) 2. of the statutes is renumbered 23.336 (3) (c) 2. and
16 amended to read:

17 23.336 (3) (c) 2. Providing assistance to the department in locating, recruiting,
18 and training instructors for the safety certification program established under sub.
19 ~~(5)~~ (d) (2).

20 **SECTION 36.** 23.33 (5m) (c) 3. of the statutes is renumbered 23.336 (3) (c) 3. and
21 amended to read:

22 23.336 (3) (c) 3. Attempting to increase participation by current and future
23 ~~all-terrain vehicle~~ operators and owners in the safety certification program
24 established under sub. ~~(5)~~ (d) (2).

1 **SECTION 37.** 23.33 (5m) (c) 4. of the statutes is renumbered 23.336 (3) (c) 4. and
2 amended to read:

3 23.336 (3) (c) 4. Assisting the department of natural resources and the
4 department of tourism in creating an outreach program to inform local communities
5 of ~~appropriate all-terrain vehicle~~ what is appropriate use in their communities of the
6 types of off-highway vehicles for which the organization was formed and of the
7 economic benefits that may be gained from promoting tourism to attract ~~all-terrain~~
8 ~~vehicle~~ recreational operators of these vehicles.

9 **SECTION 38.** 23.33 (5m) (c) 5. of the statutes is renumbered 23.336 (3) (c) 5. and
10 amended to read:

11 23.336 (3) (c) 5. Attempting to improve and maintain ~~its~~ the organization's
12 relationship with the department of natural resources, the department of tourism,
13 ~~all-terrain off-highway associations, off-highway~~ vehicle dealers, ~~all-terrain~~
14 ~~off-highway~~ vehicle manufacturers, ~~snowmobile clubs, as defined in s. 350.138 (1)~~
15 ~~(e), snowmobile alliances, as defined in s. 350.138 (1) (d), and other organizations~~
16 ~~that promote the recreational operation of snowmobiles~~ and snowmobile
17 associations.

18 **SECTION 39.** 23.33 (5m) (c) 6. of the statutes is renumbered 23.336 (3) (c) 6. and
19 amended to read:

20 23.336 (3) (c) 6. Recruiting, assisting in the training of, and providing support
21 to a corps of volunteers that will assist in providing safety instruction ~~on the safe and~~
22 ~~responsible operation of all-terrain vehicles~~ that is given in the field to ~~all-terrain~~
23 ~~vehicle operators~~ of off-highway vehicles.

24 **SECTION 40.** 23.33 (5m) (c) 7. of the statutes is renumbered 23.336 (3) (c) 7. and
25 amended to read:

1 23.336 (3) (c) 7. ~~Publishing~~ Assisting the department in publishing a manual
2 ~~in cooperation with the department that shall~~ that will be used to train volunteers
3 in monitoring the recreational operation of ~~all-terrain~~ off-highway vehicles for
4 safety issues and other issues that relate to the responsible operation of ~~all-terrain~~
5 off-highway vehicles.

6 **SECTION 41.** 23.33 (5m) (d) of the statutes is renumbered 23.336 (3) (d).

7 **SECTION 42.** 23.33 (8) (e) of the statutes is renumbered 23.336 (5) (a) and
8 amended to read:

9 23.336 (5) (a) ~~Signs.~~ The department, in cooperation with the department of
10 transportation, shall establish uniform ~~all-terrain vehicle route and trail~~ signs and
11 standards ~~and uniform signs and standards~~ for the operation of ~~utility terrain~~
12 off-highway vehicles on ~~all-terrain vehicle~~ off-highway routes and off-highway
13 trails. The standards may not require that any additional signs be placed on
14 all-terrain vehicle routes concerning the operation of all-terrain vehicles or utility
15 terrain vehicles with snow removal devices attached.

16 **SECTION 43.** 23.33 (8) (f) (title) of the statutes is repealed.

17 **SECTION 44.** 23.33 (8) (f) 1. of the statutes is renumbered 23.336 (5) (b) and
18 amended to read:

19 23.336 (5) (b) No person may intentionally remove, damage, deface, move,
20 obstruct, or interfere with the effective operation of any ~~uniform all-terrain vehicle~~
21 ~~route or trail sign or standard or any uniform sign or standard for relating to the~~
22 operation of ~~a utility terrain~~ an off-highway vehicle on an ~~all-terrain~~ off-highway
23 vehicle route or an off-highway vehicle trail if the sign or standard is legally placed
24 by the state, any municipality or any authorized individual.

1 **SECTION 45.** 23.33 (8) (f) 2. of the statutes is renumbered 23.336 (5) (c) and
2 amended to read:

3 23.336 (5) (c) No person may possess any ~~uniform all-terrain vehicle route or~~
4 ~~trail sign or standard, or any uniform sign or standard for relating to the operation~~
5 of ~~a utility terrain an-off highway vehicle on an all-terrain off-highway vehicle~~
6 route or an off-highway vehicle trail, of the type established by the department for
7 the purpose of warning, instruction or information of instructing, or informing the
8 public, unless he or she obtained the uniform sign or standard in a lawful manner.
9 Possession of ~~a uniform all-terrain vehicle route or trail sign or standard or uniform~~
10 such a sign or standard for the operation of a utility terrain vehicle on an all-terrain
11 ~~vehicle route or trail~~ creates a rebuttable presumption of illegal possession.

12 **SECTION 46.** 23.33 (9) (c) of the statutes is amended to read:

13 23.33 (9) (c) *Signs.* In addition to the projects listed in par. (b), the department
14 may provide aid under this subsection to a town, village, city or county for up to 100%
15 of the cost of placing signs that relate to the intoxicated operation of an all-terrain
16 vehicle or utility terrain vehicle law and that are developed under sub. (4z) s. 23.336
17 (4) (a) 2.

18 **SECTION 47.** 23.33 (13) (a) of the statutes is amended to read:

19 23.33 (13) (a) *Generally.* Except as provided in pars. ~~(am)~~ (ar) to (e), any person
20 who violates this section shall forfeit not more than \$250.

21 **SECTION 48.** 23.33 (13) (am) of the statutes is renumbered 23.336 (5) (d) 2. and
22 amended to read:

23 23.336 (5) (d) 2. ~~Penalty related to interference with signs and standards.~~
24 Except as provided in par. ~~(eg)~~, a subd. 3., any person who violates sub. (8) (f) par.
25 (b) or (c) and who, within the last 2 years prior to the arrest for the current violation,

1 was 2 or more times previously convicted for violating ~~a provision of this chapter par.~~
2 (b) or (c) shall forfeit not more than \$500.

3 SECTION 49. 23.33 (13) (cg) of the statutes is renumbered 23.336 (5) (d) 3. and
4 amended to read:

5 23.336 (5) (d) 3. ~~Penalties related to causing death or injury; interference with~~
6 ~~signs and standards.~~ A Any person who violates sub. (8) (f) 1. par. (b) is guilty of a
7 Class H felony if the violation causes the death or injury, as defined in s. 30.67 (3) (b),
8 of another person.

9 SECTION 50. 23.33 (13) (f) of the statutes is renumbered 23.336 (6) and amended
10 to read:

11 23.336 (6) ~~Restoration or replacement of signs and standards.~~ In addition to
12 any other penalty imposed for a violation of sub. (5) (b), the court may order the
13 defendant to restore or replace any ~~uniform all-terrain vehicle route or trail sign or~~
14 ~~standard, or any uniform sign or standard for the operation of a utility terrain vehicle~~
15 ~~on an all-terrain vehicle route or trail~~, that the defendant removed, damaged,
16 defaced, moved, or obstructed.

17 SECTION 51. 23.335 of the statutes is created to read:

18 **23.335 Off-highway motorcycles. (1) DEFINITIONS.** In this section:

19 (a) "Agricultural purpose" has the meaning given in s. 23.33 (1) (ag).

20 (a) ~~(b)~~ "Alcohol beverages" has the meaning specified under s. 125.02 (1).

21 (b) ~~(c)~~ "Alcohol concentration" has the meaning given in s. 340.01 (1v).

22 (c) ~~(d)~~ "Approved public treatment facility" has the meaning specified under s.
23 51.45 (2) (c).

24 (d) ~~(e)~~ "Controlled substance" has the meaning specified under s. 961.01 (4).

25 (e) ~~(f)~~ "Controlled substance analog" has the meaning given in s. 961.01 (4m).

def of highway or pub highway

1 (f) ~~(g)~~ "Electric personal assistive mobility device" has the meaning given in s.
2 340.01 (15pm).

← INSERT 14-2

3 (g) ~~(h)~~ "Immediate family" means persons who are related as spouses, who are
4 related as siblings, or who are related as parent and child.

5 (i) "Intoxicant" means any alcohol beverage, controlled substance, controlled
6 substance analog, or other drug or any combination thereof.

7 (j) "Intoxicated operation of an off-highway motorcycle law" means sub. ^{(12) ✓} ~~(11)~~ (a)
8 or (b) or a local ordinance in conformity therewith or, if the operation of an
9 off-highway motorcycle is involved, s. 940.09 or 940.25.

10 (k) "Junked" means dismantled for parts or scrapped.

11 (L) "Land under the management and control of the person's immediate family"
12 means land owned or leased by the person or a member of the person's immediate
13 family over which the owner or lessee has management and control. This term
14 excludes land owned or leased by an organization of which the person or a member
15 of the person's immediate family is a member.

16 (m) "Law enforcement officer" means an officer of the state traffic patrol under
17 s. 110.07 (1), inspector under s. 110.07 (3), a conservation warden appointed by the
18 department under s. 23.10, a county sheriff, or a municipal peace officer.

19 (n) "Limited use off-highway motorcycle" means an off-highway motorcycle
20 that is not registered by the department of transportation for use on highways.

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etc*

21 (o) "Local governmental unit" means a city, village, town, or county.

22 (p) "Off-highway motorcycle" means a two-wheeled motor vehicle that is
23 straddled by the operator, that is equipped with handlebars, and that is designed for
24 use off of a highway, regardless of whether it is also designed for use on a highway.

*(p) Off-highway area: means an off-highway motorcycle
trail, ... road ... consider page 7-15?*

for the operation of off-highway motorcycles for recreational purposes

1 (q) "Off-highway motorcycle corridor" means an off-highway motorcycle trail
2 or other established off-highway motorcycle corridor that is open to the public but
3 does not include an off-highway motorcycle route.

4 (r) "Off-highway motorcycle dealer" means a person who is engaged in this
5 state in the sale of off-highway motorcycles for a profit at retail.

6 (s) "Off-highway motorcycle route" means a highway or sidewalk designated
7 *recreational*
8 for use by operators of off-highway motorcycles by the governmental agency having
9 jurisdiction *(as authorized under this section)*

10 (t) "Off-highway motorcycle trail" means a marked corridor on public property
11 or on private lands subject to public easement or lease, designated for *recreational*
12 use by operators of off-highway motorcycles by the governmental agency having
13 jurisdiction.

14 (u) "Operate" means to exercise physical control over the speed or direction of
15 an off-highway motorcycle or to physically manipulate or activate any of the controls
16 of an off-highway motorcycle necessary to put it in motion.

17 (v) "Operation" means the exercise of physical control over the speed or
18 direction of an off-highway motorcycle or the physical manipulation or activation of
19 any of the controls of off-highway motorcycle necessary to put it in motion.

20 (w) "Operator" means a person who operates an off-highway motorcycle, who
21 is responsible for the operation of an off-highway motorcycle, or who is supervising
22 the operation of an off-highway motorcycle.

23 (x) "Owner" means a person who has lawful possession of an off-highway
24 motorcycle by virtue of legal title or equitable interest in the off-highway motorcycle
which entitles the person to possession of the off-highway motorcycle.

1 (y) "Purpose of authorized analysis" means for the purpose of determining or
2 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
3 person's blood, breath, or urine.

4 (z) "Refusal law" means sub. (11) (h) or a local ordinance in conformity
5 therewith.

6 (zc) (zb) "Small off-highway motorcycle" means an off-highway motorcycle that
7 has either an engine certified by the manufacturer at not more than 100 cubic
8 centimeters or an equivalent power unit.

9 (zd) (zc) "Test facility" means a test facility or agency prepared to administer tests
10 under s. 343.305 (2).

11 (2) REGISTRATION. (a) Requirement. No person may operate and no owner may
12 give permission for the operation of an off-highway motorcycle on an off-highway
13 motorcycle trail, on an off-highway motorcycle route, or on an off-highway
14 motorcycle corridor, unless the off-highway motorcycle is registered under this
15 subsection or has a plate or sign attached in the manner authorized under sub. (5)

16 (c) transportation and use of off-highway motorcycles
17 (b) Exemptions. An off-highway motorcycle is exempt from the registration
18 requirement under par. (a) if any of the following applies:

- 19 1. The off-highway motorcycle is owned by this state or by a local governmental
20 unit or other political subdivision of this state, is used for enforcement or emergency
21 purposes, and has displayed on its exterior a legible decal that is clearly visible.
- 22 2. The off-highway motorcycle is owned by the United States, by another state,
23 or by a local governmental unit or other political subdivision of another state, and
24 the name of the owner is displayed in a clearly visible manner on its exterior.

(12) ✓

← INSERT 16-5

← INSERT 16-14

1 1. ~~3.~~ The off-highway motorcycle is covered by a valid registration of a federally
2 recognized American Indian tribe or band, and all of the following apply:

3 a. The registration program of the tribe or band is covered by an agreement
4 under s. 23.35.

5 b. The off-highway motorcycle displays the registration decal required by the 17
6 tribe or band.

7 3.A. ~~4.~~ The off-highway motorcycle is operated exclusively in racing on a raceway
8 facility. ← INSERT 17-6

9 4. ~~5.~~ The off-highway motorcycle is present in this state, for a period not to exceed
10 15 days, and is used exclusively as part of an advertisement being made for the
11 manufacturer of the off-highway motorcycle. ← INSERT 17-8

12 5. ~~6.~~ The off-highway motorcycle is specified as exempt from registration by
13 department rule. recreational

14 (3) REGISTRATION; APPLICATION PROCESS. (a) *Public or private use.* Any
15 off-highway motorcycle may be registered for public use. (Only the department may
16 register off-highway motorcycles for off-highway operation.) Only an off-highway
17 motorcycle that will be operated exclusively for agricultural purposes or will be
18 operated exclusively by the owner of the motorcycle or a member of his or her
19 immediate family on land owned or leased by the owner or a member of his or her
20 immediate family may be registered for private use.

21 (b) *Registration process; sales*
Sales by dealers. If the seller of an off-highway motorcycle is an
22 off-highway motorcycle dealer, the dealer shall require each buyer to whom he sells
23 an off-highway motorcycle to complete an application for registration for public or private use and
24 collect the applicable fee required under sub. (4) (d) at the time of the sale. The
25 department shall provide application and registration receipt forms to off-highway

if the off-highway motorcycle will be operated for recreational purposes or off the highways in this state

STEP 4. stays in

*Each
Each registration*

****NOTE: The April/March time frame is needed because of the use of "the last day of February" in s. 25.29 (1) (dt) 1.

1 2. For renewals of registration certificates for public use, the department shall
2 notify each owner of the upcoming date of expiration at least 2 weeks before that date.

****NOTE: I thought a time frame was necessary for this provision.

3 (b) *Content of certificate.* The certificate shall contain the registration number,
4 the name and address of the owner, and any other information that the department
5 determines is necessary.

6 (c) *Decal required.* 1. Each registration certificate issued under sub. (3) shall
7 be accompanied by a registration decal. No person may operate an off-highway
8 motorcycle for which a registration decal is required without having the decal so
9 affixed except as provided in subd. 4.

10 2. The decal shall contain a reference to the state and to the department, the
11 vehicle identification number, and the expiration date of the registration, if the
12 off-highway motorcycle is being registered for public use.

13 3. The person required to register an off-highway motorcycle shall affix the
14 registration decal with its own adhesive in a position on the exterior of the motorcycle
15 where it is clearly visible and shall maintain the decal so that it is in legible condition.

16 4. A person may operate an off-highway motorcycle without having a
17 registration decal affixed if the owner has been issued a validated registration
18 receipt that shows that an application and the required fees for a registration
19 certificate have been submitted to the department, and the person operating the
20 off-highway motorcycle has the receipt in his or her possession. The person shall
21 exhibit the receipt, upon demand, to any law enforcement officer.

22 (d) *Fees for certificates and decals.* 1. The fee for the issuance or renewal of a
23 registration certificate for public use and ^{the} accompanying decals is \$30. *decal*

1 2. The fee for the issuance or renewal of a registration certificate for private use
2 and ^{the} accompanying ~~decals~~ ^{decal} is \$15.

3 3. The fee for the issuance of a decal required under sub. (2) (b) 1. to a local
4 governmental unit or other political subdivision is \$5. There is no fee for the issuance
5 of the decal to the state.

6 3. 4. The fee for transferring a certificate issued under sub. (3) (e) is \$5.

7 (e) *Duplicate certificates and decals.* 1. If a registration certificate or decal that
8 was issued under par. (a) or (c) is lost or destroyed, the holder of the certificate or
9 decal may apply for a duplicate on a form provided by the department. Upon receipt
10 of the application and the fee required under subd. 2., the department shall issue a
11 duplicate certificate or decal to the applicant.

12 2. The fee for the issuance of a duplicate certificate for public or private use is
13 \$5, and the fee for a duplicate decal is \$5.

14 (i) ~~(j)~~ ^(k) *Junked motorcycles.* If an off-highway motorcycle is junked, the owner shall
15 return the certificate of registration to the department marked "junked."

16 (5) **REGISTRATION OF OFF-HIGHWAY MOTORCYCLE DEALERS.** (a) A person who is an
17 off-highway motorcycle dealer shall register with the department and obtain from
18 the department a commercial off-highway motorcycle certificate. Upon receipt of
19 the required fee under par. (e) and an application form provided by the department,
20 the department shall issue the applicant a commercial registration certificate and
21 3 accompanying decals.

22 (b) A commercial registration certificate is valid for 2 years.

23 (c) A person who is required to obtain an off-highway motorcycle certificate
24 under par. (a) shall attach in a clearly visible place a plate or sign that is removable
25 and temporarily but firmly mounted to any off-highway motorcycle that the person

← INSERT 20-13

1 offers for sale or otherwise allows to be used whenever the off-highway motorcycle
2 is being operated. A registration decal issued by the department shall be affixed to
3 the plate or sign.

4 (d) If a registration certificate or decal that was issued under par. (a) is lost or
5 destroyed, the holder of the certificate or decal may apply for a duplicate on a form
6 provided by the department. Upon receipt of the application and the required fee
7 under par. (e), the department shall issue a duplicate certificate or decal to the
8 applicant.

9 (e) The fee for the issuance or renewal of a commercial off-highway motorcycle
10 certificate with 3 accompanying decals is \$90. The fee for additional commercial
11 registration decals is \$30 for each decal. The fee for the issuance of a duplicate
12 commercial off-highway motorcycle certificate is \$5. The fee for each duplicate decal
13 is \$2.

*more to ***
add page
after line 10*
****NOTE: I rearranged the fee structure above to give the dealer the option to
replace the number of decals that were lost or destroyed instead of having to pay for 3
decals
Trades; registration required.

14 (f) An off-highway motorcycle dealer may not accept a limited use off-highway
15 motorcycle in trade unless the off-highway motorcycle is currently registered by the
16 department or is exempt from being registered by the department under sub. (2) (b). *made*

17 (g) A commercial off-highway motorcycle certificate may not be transferred.

18 (6) NONRESIDENT TRAIL PASSES. (a) Except as provided in par. (b), no person may
19 operate an off-highway motorcycle on an off-highway motorcycle *corridor* trail or on an
20 off-highway motorcycle route in this state unless a nonresident trail pass issued by
21 the department under this subsection is permanently affixed on the exterior of the
22 motorcycle where it is clearly visible.

1 (b) An off-highway motorcycle that is registered under sub. (3) or that is
 2 exempt from registration under sub. (2) (b) 1, 2, 4, or 5 is exempt from having a
 3 nonresident trail pass. The department may promulgate a rule to provide additional
 4 exemptions from the requirement of being issued a nonresident trail pass or from
 5 having to pay a fee for the pass. The department may promulgate a rule to exempt
 6 off-highway motorcycles that are exempt from registration under sub. (2) (b) 5 from
 7 having nonresident trail passes affixed as required under par. (a) or may promulgate
 8 a rule to exempt owners of such vehicles from having to pay any applicable
 9 nonresident trail pass fee.

10 (c) There is no fee for a nonresident trail pass issued for an off-highway
 11 motorcycle that is registered under s. 23.35. The department or Indian tribe or band
 12 shall issue a nonresident trail pass for such an off-highway motorcycle when it
 13 issues the registration certificate for the motorcycle. The department shall provide
 14 Indian tribes or bands that register off-highway motorcycles under s. 23.35 with a
 15 supply of trail passes.

16 (d) The fee for an annual nonresident trail pass is ~~\$35~~ ^{\$19.25}. The fee for a 5-day
 17 nonresident trail pass is ~~\$20~~ ^{\$19.25}. Only the department may issue trail passes. Annual
 18 trail passes expire on March 31 of each year.

****NOTE: Do you want to authorize issuing agents for these passes? If so, do you
 want part of the total fee to include an issuing fee? See s. 23.33 (2j) (c) 2. and (f).

****NOTE: Do you want any restrictions on leasing OHMs that will be used
 off-highway? See s. 23.33 (2m).

19 (8) ~~(7)~~ USE OF PROTECTIVE HEADGEAR. (a) No person under the age of 18 may operate
 20 or be a passenger on an off-highway motorcycle that is being operated on an
 21 off-highway motorcycle trail or an off-highway motorcycle route without wearing
 22 protective headgear of a type that is approved by the department.

← INSERT
22-18

Operate the off-highway motorcycle

who is operating an off-highway motorcycle for recreational purposes off the highways within this state

(b) No person may operate or be a passenger on an off-highway motorcycle that is being operated on an off-highway motorcycle trail or on an off-highway motorcycle route without wearing glasses, wearing goggles, or wearing a protective face shield that is attached to headgear approved by the department.

do any of the following

(9) ~~(8)~~ RULES OF OPERATION. (a) No person may operate an off-highway motorcycle

1. ~~In~~ In any careless way so as to endanger another person or the property of another.

2. ~~At~~ At a rate of speed that is unreasonable under the circumstances.

3. ~~On~~ On private property without the consent of the owner or lessee. Failure to post private property does not imply consent for off-highway motorcycle use.

4. ~~On~~ On public property that is posted as closed to off-highway motorcycle operation or on which the operation of an off-highway motorcycle is prohibited by law.

5. ~~On~~ On Indian lands without the consent of the tribal governing body or Indian owner. Failure to post Indian lands does not imply consent for off-highway motorcycle use.

***NOTE: I added subd. 4. and 5. relating to operation on public property and Indian lands because I thought they are necessary.

in order
6. ~~To~~ drive or pursue any animal ~~except~~ as a part of normal farming operations involving the driving of livestock.

6. ~~At~~ At a speed exceeding 10 miles per hour, if the off-highway motorcycle is within 100 feet of a fishing shanty.

7, 8. ~~At~~ At a speed exceeding 10 miles per hour, if the off-highway motorcycle is within 150 feet of a dwelling.

Operate the off-highway motorcycle

a local governmental unit

1 §. 9. Within 100 feet of a person who is not in or on an all-terrain vehicle, a utility
2 terrain vehicle, a snowmobile, or a motorcycle, if the off-highway motorcycle is being
3 operated on the frozen surface of public waters.

4 9.10. In a manner which violates rules promulgated by the department. (1)(g) s.

5 (b) The speed restriction under par. (a) ^{16.} does not apply to a race or derby
6 sponsored by a local governmental unit, ^{by} an off-highway association, as defined in s.
7 23.336 (1) (d), ^{by} or a similar organization that is approved by the department if the
8 sponsor of the race or derby marks the race or derby route or track to warn spectators
9 from entering the route or track.

10 (c) ^{1.} The distance restriction under par. (a) ^{8. ✓} does not apply to persons who are
11 assisting in directing a race or derby sponsored by a local governmental unit, ^{by} an
12 off-highway association, as defined in s. 23.336 (1) (d), ^{by} or a similar organization that
13 is approved by the department ^{approved by a local governmental unit}

INSERT 24-13

14 (10) OPERATION ON HIGHWAYS; LIMITED USE MOTORCYCLES. (a) Generally. No person
15 may operate a limited use off-highway motorcycle on the roadway portion of any
16 highway unless one of the following applies:

17 1. Operation on the roadway is necessary to cross the roadway. The crossing
18 of a roadway is authorized only if the crossing is done in the most direct manner
19 practicable, if the crossing is made at a place where no obstruction prevents a quick
20 and safe crossing, and if the operator stops the limited use off-highway motorcycle
21 prior to entering the crossing and yields the right-of-way to any other vehicles,
22 pedestrians, or electric personal assistive mobility devices that are using the
23 roadway.

24 2. Operation is necessary to cross a bridge, culvert, or railroad right-of-way.
25 The crossing of a bridge, culvert, or railroad right-of-way is not authorized if the

1 roadway is officially closed to off-highway motorcycle traffic. The crossing is
2 authorized only if the crossing is done in the most direct manner practicable, if the
3 crossing is made at a place where no obstruction prevents a quick and safe crossing,
4 and if the operator stops the limited use off-highway motorcycle prior to entering the
5 crossing and yields the right-of-way to any other vehicles, pedestrians, or electric
6 personal assistive mobility devices that are using the roadway.

7 3. Operation is on a roadway which is seasonally not maintained for motor
8 vehicle traffic. Such operation is authorized only during the seasons when no
9 maintenance occurs and only if the roadway is not officially closed to off-highway
10 motorcycle traffic.

11 4. Operation is on a roadway that is an off-highway motorcycle route. Such
12 operation is authorized only for the extreme right side of the roadway except that left
13 turns may be made from any part of the roadway which is safe given prevailing
14 conditions.

15 5. Operation is exclusively for agricultural purposes and the limited use
16 off-highway motorcycle is registered for private use under sub. (3). Such operation
17 is authorized only for the extreme right side of the roadway except that left turns may
18 be made from any part of the highway which is safe given prevailing conditions

19 ~~5. 8.~~ The operator of the limited use off-highway motorcycle is a person who holds
20 a Class A permit or a Class B permit under s. 29.193 (2) and who is traveling for the
21 purpose of hunting or is otherwise engaging in an activity authorized by the permit.

22 (c) ~~(b)~~ Freeways. No person may operate a limited use off-highway motorcycle on
23 any part of any freeway which is a part of the federal system of interstate and defense
24 highways under any circumstances. No person may operate a limited use
25 off-highway motorcycle on any part of any other freeway unless the department of

INSERT
25-21

1 transportation authorizes the use of limited use off-highway motorcycles on that
2 freeway.

***NOTE: This draft does not contain a provision that is similar to the one found in s. 23.33 (4) (c) 2., which deals with operating OHMs during derbies, races, and special events. Please let me know if you want this provision included.

***NOTE: I did not include a provision that is similar to the one found in s. 23.33 (4) (d) 7., which deals with operation on roadways that are trails. By definition, a roadway is never a trail unless it is seasonally not maintained, and that scenario is covered under par. (a) 3. above.

- 3 (ii) ~~(10)~~ OPERATION ADJACENT TO ROADWAY. (a) *Location of operation*. 1. A person
4 may operate an off-highway motorcycle *for recreational purposes* adjacent to a roadway of a town highway
5 that is designated as an off-highway motorcycle route or an off-highway motorcycle
6 trail without any restriction on how close the *limited use* off-highway motorcycle is to the
7 roadway.
- 8 2. A person may operate an *limited use* off-highway motorcycle *for recreational purposes* adjacent to a roadway of
9 a U.S. numbered highway, a state highway, or a county highway that is designated
10 an off-highway motorcycle route or an off-highway motorcycle trail provided that
11 the operation occurs at a distance of 10 or more feet from the roadway. Travel on the
12 median of a divided highway is prohibited except to cross.
- 13 (b) *Direction of operation*. 1: Except as provided in subd. 2., a person may
14 operate *a limited use* an off-highway motorcycle on an off-highway motorcycle route or
15 off-highway motorcycle trail adjacent to a road only in the same direction as motor
16 vehicle traffic in the nearest lane.
- 17 2. A person may operate *a limited use* the off-highway motorcycle in either direction if any
18 of the following applies:
- 19 a. The off-highway motorcycle is being operated during hours of daylight.

1 b. The off-highway motorcycle is being operated during hours of darkness and
2 the off-highway motorcycle route or off-highway motorcycle trail is located at least
3 40 feet from the roadway or is separated from the roadway by a head lamp barrier.

4 (c) *Other limitation.* A person operating an ^{a limited use} off-highway motorcycle on an
5 off-highway motorcycle route adjacent to a roadway shall comply with the speed
6 limits of the adjacent roadway and with rules promulgated by the department and
7 approved by the department of ^{transportation} ~~administration~~.

****NOTE: I found s. 23.33 (4) (e), which deals with operation adjacent to a roadway, to be quite confusing. Also note that it was amended in 2011 Wisconsin Act 208. I redrafted this to make it clearer. Please review carefully with current law, as amended by Act 208, and let me know if you want any changes.

8 (12) (11) **INTOXICATED OPERATION.** (a) *Operation.* 1. No person may operate an
9 off-highway motorcycle while under the influence of an intoxicant to a degree which
10 renders him or her incapable of safe operation of the off-highway motorcycle.

11 2. No person may engage in the operation of an off-highway motorcycle while
12 the person has an alcohol concentration of 0.08 or more.

13 3. If a person has not attained the age of 21, the person may not engage in the
14 operation of an off-highway motorcycle while he or she has an alcohol concentration
15 of more than 0.0 but not more than 0.08.

16 4. A person may be charged with and a prosecutor may proceed upon a
17 complaint based upon a violation of any combination of subd. 1. or 2. for acts arising
18 out of the same incident or occurrence. If the person is charged with violating any
19 combination of subd. 1. or 2., the offenses shall be joined. If the person is found guilty
20 of any combination of subd. 1. or 2. for acts arising out of the same incident or
21 occurrence, there shall be a single conviction for purposes of sentencing and for
22 purposes of counting convictions under sub. (20) (c) 2. and 3. Subdivisions 1. and 2.
23 each require proof of a fact for conviction which the others do not require.

1 (b) *Operation causing injury.* 1. No person while under the influence of an
2 intoxicant to a degree which renders him or her incapable of safe operation of an
3 off-highway motorcycle may cause injury to another person by the operation of an
4 off-highway motorcycle.

5 2. No person who has an alcohol concentration of 0.08 or more may cause injury
6 to another person by the operation of an off-highway motorcycle.

7 3. A person may be charged with and a prosecutor may proceed upon a
8 complaint based upon a violation of any combination of subd. 1. or 2. for acts arising
9 out of the same incident or occurrence. If the person is charged with violating any
10 combination of subd. 1. or 2. in the complaint, the crimes shall be joined under s.
11 971.12. If the person is found guilty of any combination of subd. 1. or 2. for acts
12 arising out of the same incident or occurrence, there shall be a single conviction for
13 purposes of sentencing and for purposes of counting convictions under sub. (20) (c)²¹
14 2. and 3. Subdivisions 1. and 2. each require proof of a fact for conviction which the
15 others do not require.

16 4. In an action under this paragraph, the defendant has a defense if he or she
17 proves by a preponderance of the evidence that the injury would have occurred even
18 if he or she had been exercising due care and even if he or she did not have an alcohol
19 concentration of 0.08 or more.

20 (c) *Implied consent.* Any person who engages in the operation of an
21 off-highway motorcycle upon the public highways of this state, or in those areas
22 enumerated in par. (d), is considered to have given consent to provide one or more
23 samples of his or her breath, blood, or urine for the purpose of authorized analysis
24 as required under pars. (f) and (g). Any person who engages in the operation of an
25 off-highway motorcycle within this state is considered to have given consent to

1 submit to one or more chemical tests of his or her breath, blood, or urine for the
2 purpose of authorized analysis as required under pars. (f) and (g).

3 (d) *Applicability of law.* The intoxicated operation of an off-highway
4 motorcycle law applies to all of the following:

5 1. The operation of an off-highway motorcycle on any off-highway motorcycle
6 trail or any off-highway motorcycle route. *area could be*

7 2. The operation of any off-highway motorcycle on other premises or areas held
8 out to the public for *the recreational* use of off-highway motorcycles whether such premises or areas
9 are publicly or privately owned and whether or not a fee is charged for the use of an
10 off-highway motorcycle.

11 3. The operation of a limited use off-highway motorcycle on a highway as
12 authorized under sub. *(9)*. *(10)* ✓

13 4. The operation of an off-highway motorcycle adjacent to a highway as
14 authorized under sub. *(10)*. *(11)* ✓

15 (e) *Preliminary breath screening.* 1. A person shall provide a sample of his or
16 her breath for a preliminary breath screening test if a law enforcement officer has
17 probable cause to believe that the person is violating or has violated the intoxicated
18 operation of an off-highway motorcycle law and if, prior to an arrest, the law
19 enforcement officer requested the person to provide this sample.

20 2. A law enforcement officer may use the results of a preliminary breath
21 screening test for the purpose of deciding whether or not to arrest a person for a
22 violation of the intoxicated operation of an off-highway motorcycle law or for the
23 purpose of deciding whether or not to request a chemical test under par. (f).
24 Following the preliminary breath screening test, chemical tests may be required of
25 the person under par. (f).

1 3. The result of a preliminary breath screening test is not admissible in any
2 action or proceeding except to show probable cause for an arrest, if the arrest is
3 challenged, or to show that a chemical test was properly required of a person under
4 par. (f).

5 4. There is no penalty for a violation of subd. 1. Subsection (20) (a) and the
6 general penalty provision under s. 939.61 do not apply to the violation.

7 (f) *Chemical tests; requirement.* 1. A person shall provide one or more samples
8 of his or her breath, blood, or urine for the purpose of authorized analysis if he or she
9 is arrested for a violation of the intoxicated operation of an off-highway motorcycle
10 law and if he or she is requested to provide the sample by a law enforcement officer.
11 A person shall submit to one or more chemical tests of his or her breath, blood, or
12 urine for the purpose of authorized analysis if he or she is arrested for a violation of
13 the intoxicated operation of an off-highway motorcycle law and if he or she is
14 requested to submit to the test by a law enforcement officer.

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

18 a. That he or she is deemed to have consented to tests under par. (c).

19 b. That a refusal to provide a sample or to submit to a chemical test constitutes
20 a violation under par. (h) and is subject to the same penalties and procedures as a
21 violation of par. (a) 1.

22 c. That in addition to the designated chemical test under par. (g) 2., he or she
23 may have an additional chemical test under par. (g) 4.

24 3. A person who is unconscious or otherwise not capable of withdrawing
25 consent is presumed not to have withdrawn consent under this paragraph, and if a

1 law enforcement officer has probable cause to believe that the person violated the
2 intoxicated operation of an off-highway motorcycle law, one or more chemical tests
3 may be administered to the person without a request under subd. 1. and without
4 providing information under subd. 2.

5 (g) *Chemical tests; procedures.* 1. Upon the request of a law enforcement officer,
6 a test facility shall administer a chemical test of breath, blood, or urine for the
7 purpose of authorized analysis. A test facility shall be prepared to administer 2 out
8 of 3 of these tests for the purpose of authorized analysis. The department may enter
9 into agreements for the cooperative use of test facilities.

10 2. A test facility shall designate one chemical test of breath, blood, or urine
11 which it is prepared to administer first as the primary test for the purpose of
12 authorized analysis.

13 3. A test facility shall designate another chemical test of breath, blood, or urine,
14 other than the test designated under subd. 2., which it is prepared to administer as
15 an additional chemical test for the purpose of authorized analysis.

16 4. If a person is arrested for a violation of the intoxicated operation of an
17 off-highway motorcycle law or is the operator of an off-highway motorcycle involved
18 in an accident resulting in great bodily harm to or the death of someone and if the
19 person is requested to provide a sample or to submit to a test under par. (f) 1., the
20 person may request the test facility to administer the additional chemical test
21 specified under subd. 3.. or, at his or her own expense, reasonable opportunity to have
22 any qualified person administer a chemical test of his or her breath, blood or urine
23 for the purpose of authorized analysis.

24 5. If a person is arrested for a violation of the intoxicated operation of an
25 off-highway motorcycle law and if the person is not requested to provide a sample

1 or to submit to a test under par. (f) 1., the person may request the test facility to
2 administer a chemical test of his or her breath or may request, at his or her own
3 expense, a reasonable opportunity to have any qualified person administer a
4 chemical test of his or her breath, blood, or urine for the purpose of authorized
5 analysis. If a test facility is unable to perform a chemical test of breath, the person
6 may request the test facility to administer the chemical test designated under par.
7 (f) 2. or the additional chemical test designated under par. (f) 3.

8 6. A test facility shall comply with a request under this paragraph to
9 administer any chemical test it is able to perform.

10 7. The failure or inability of a person to obtain a chemical test at his or her own
11 expense does not preclude the admission of evidence of the results of a chemical test
12 required and administered under par. (f) or (g).

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

24 9. A test facility which administers a chemical test of breath, blood, or urine
25 for the purpose of authorized analysis under pars. (f) and (g) shall prepare a written

1 report which shall include the findings of the chemical test, the identification of the
2 law enforcement officer or the person who requested a chemical test, and the
3 identification of the person who provided the sample or submitted to the chemical
4 test. The test facility shall transmit a copy of the report to the law enforcement officer
5 and the person who provided the sample or submitted to the chemical test.

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

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

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

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

22 4. Whether the person refused to provide a sample or to submit to a chemical
23 test.

24 (i) *Chemical tests; effect of test results.* The results of a chemical test required
25 or administered under par. (f) or (g) are admissible in any civil or criminal action or

1 proceeding arising out of the acts committed by a person alleged to have violated the
2 intoxicated operation of an off-highway motorcycle law on the issue of whether the
3 person was under the influence of an intoxicant or the issue of whether the person
4 had alcohol concentrations at or above specified levels. Results of these chemical
5 tests shall be given the effect required under s. 885.235. Paragraphs (f) to (h) do not
6 limit the right of a law enforcement officer to obtain evidence by any other lawful
7 means.

8 (j) *Report of arrest to department.* If a law enforcement officer arrests a person
9 for a violation of the intoxicated operation of an off-highway motorcycle law or the
10 refusal law, the law enforcement officer shall notify the department of the arrest as
11 soon as practicable.

12 (k) *Release of persons arrested.* 1. A person arrested for a violation of the
13 intoxicated operation of the off-highway motorcycle law may not be released until
14 12 hours have elapsed from the time of his or her arrest or unless a chemical test
15 administered under par. (a) 1. or 2. shows that the person has an alcohol
16 concentration of 0.05 or less, except as provided in subd 2.

17 2. A person arrested for a violation of the intoxicated operation of the
18 off-highway motorcycle law may be released to his or her attorney, spouse, relative,
19 or other responsible adult at any time after arrest.

20 (13) (12) AGE RESTRICTIONS; SAFETY CERTIFICATE REQUIREMENTS.. (a) *Under 12 years*
21 *of age.* No person under 12 years of age may operate an off-highway motorcycle on
22 a roadway under any circumstances and may not operate an off-highway motorcycle
23 off a roadway unless one of the following applies:

24 1. He or she is operating an off-highway motorcycle for an agricultural purpose
25 and he or she is under the supervision of a person over 18 years of age.

no 4

1 2. He or she is operating a small off-highway motorcycle and he or she is
2 accompanied by a parent or guardian or by a person who is at least 18 years of age
3 who has been designated by the parent or guardian.

****NOTE: Note that the operation of a small OHM is not limited to an OHM trail.
OK?

4 (b) Type of supervision. For purposes of par. (a) 1., supervision does not require
5 that the person under 12 years of age be subject to continuous direction or control by
6 the person over 18 years of age.

7 (b) ~~(c)~~ At least 12 years of age. No person who is at least 12 years of age and born *a limited use*
8 after January 1, 1998, may operate an off-highway motorcycle on an off-highway
9 motorcycle trail or off-highway motorcycle route unless the person holds a valid
10 certificate issued by the department or by another state or a province of Canada.

11 (c) ~~(d)~~ Exemptions. 1. The restrictions under pars. (a) and ~~(c)~~ do not apply to a *(b)*
12 person who is operating an off-highway motorcycle on land under the management *of a restriction*
13 and control of the person's immediate family.

14 2. The restriction under par. ~~(c)~~ *(a)* does not apply to a person who is operating an
15 off-highway motorcycle at a *an off-highway motorcycle event* demonstration event sponsored by a local governmental
16 unit, *by* an off-highway association, as defined in s. 23.336 (1) (d), or *by* a similar
17 organization that is approved by *a local governmental unit* the department, who is wearing protective
18 headgear in compliance with sub. ~~(7)~~ *(8)* (a), and who is accompanied by *a person who is* a parent or
19 guardian *at least 18 years of age or*

****NOTE: Note that the parent or guardian requirement above is more restrictive
than the one found in sub. (12) (a) 1.

****NOTE: As drafted, a driver's license issued by DOT may not be used in lieu of
a safety certificate for the use of an off-highway motorcycle on OHM trails and routes.
OK?

****NOTE: Any child under the age of 12 is not subject to the safety certificate
requirement. OK?

← INSERT 35-19

⑤
 1 (14) ~~(13)~~ LANDOWNER INCENTIVE PAYMENT PROGRAM. (a) In this subsection "public

2 off-highway motorcycle corridor" means an off-highway motorcycle trail or other
 3 established off-highway motorcycle corridor that is open to the public but does not
 4 include an off-highway motorcycle route.

****NOTE: I defined "public off-highway motorcycle corridor" based on the
 definition found in s. 23.33 (2j).

5 ~~no ff~~ (a) ~~(b)~~ The department shall establish a program to make incentive payments to
 6 private landowners who permit public off-highway motorcycle corridors on their
 7 lands and who apply for the payments.

8 (b) ~~(a)~~ An application is not considered complete until the forester or another
 9 employee of each county in which the public off-highway motorcycle corridor is
 10 located measures the length of the corridor in that county for the purpose of
 11 calculating the payment.

12 (c) ~~(a)~~ The department shall allocate a certain amount for the incentive payments
 13 under this program for each fiscal year and shall promulgate rules to determine the
 14 amount of the individual incentive payments. If the total amount of incentive
 15 payments made in a given fiscal year would exceed the amount available for the
 16 payments, the department shall establish a system to prorate the payments.

17 (d) ~~(b)~~ The department shall make the incentive payments under this subsection
 18 from the appropriation under s. 20.370 (1) (is). *a limited use*

19 (15) ~~(14)~~ EQUIPMENT REQUIREMENTS. (a) No person may operate ~~an~~ off-highway
 20 motorcycle during hours of darkness unless it is equipped with a lighted headlamp
 21 and a lighted tail lamp. The headlamp is required to display a white light of sufficient
 22 illuminating power to reveal any person, vehicle, or substantial object at a distance

1 of at least 200 feet ahead of the off-highway motorcycle. The tail lamp is required
2 to display a red light plainly visible from a distance of 500 feet to the rear.

3 (b) No person may ^{operate} ~~who~~ ^{operate} ~~an~~ ^{of a limited use} off-highway motorcycle unless it is equipped
4 with all of the following:

- 5 1. At least one brake operated either by hand or by foot.
- 6 2. Foot rests or pegs for the operator and any passenger.
- 7 3. A functioning spark arrester of a type approved by the U.S. forest service.
- 8 4. A functioning muffler unless the off-highway motorcycle is ~~propelled by~~
9 electric power. ^{limited use}

10 (c) No person may operate ^{a limited use} ~~an~~ off-highway motorcycle unless the ~~off-highway~~
11 motorcycle is constructed in such a manner that noise emitted from the ~~off-highway~~
12 motorcycle does not exceed 96 decibels on the A scale as measured in the manner
13 required under rules promulgated by the department.

14 (d) Paragraphs (a) to (c) do not apply to the operation of an off-highway
15 motorcycle by the owner of the motorcycle or a ~~member~~ of his or her immediate family
16 on land owned or leased by the owner or a ~~member~~ of his or her immediate family.

17 (16) (15) ACCIDENTS. (a) If an operator of an off-highway motorcycle is involved in ^{INSE}
18 an accident ^{that occurs off the highways within this state} that results in the death of any person, the operator of each off-highway ³⁷⁻¹⁶
19 motorcycle involved in the accident shall give notice of the accident to a conservation
20 warden or local law enforcement officer as soon as possible and shall file a written
21 report of the accident with the department on the form provided by it within 10 days
22 after the accident. ^{This paragraph applies only if the off-}
23 ^{highway motorcycle was being operated for recreational}

24 (b) If the operator of an off-highway motorcycle is involved in an accident that
25 occurs on an off-highway motorcycle trail, an off-highway motorcycle route, or on
other property that is open to the public for the ^{recreational} use of off-highway motorcycles, the

^{purpose} at the time of the accident.

1 operator of each off-highway motorcycle involved shall give notice as provided in par.

2 (a).

3 (c) If the operator of an off-highway motorcycle is physically incapable of
4 making the report required under par. (a) or (b) and there was another witness to the
5 accident capable of making the report, the witness may make the report.

6 ~~(16)~~ TRAILS AND ROUTES. (a) *Department authority.* The department shall
7 encourage and supervise a system of off-highway motorcycle trails and off-highway
8 motorcycle routes. The department may establish standards and procedures for
9 designating off-highway motorcycle ~~(trails)~~^{corridor} and off-highway motorcycle routes.

*under
the
jurisdiction
of the
depart
ment*

10 (b) *Trails.* A local governmental unit or the department may designate
11 corridors through land which it owns or controls, or for which it obtains leases,
12 easements, or permission, for use as off-highway motorcycle trails. A designation
13 may include all or a portion of an all-terrain vehicle trail.

14 (c) *Routes.* A local governmental unit may designate highways as off-highway
15 motorcycle routes. No state trunk highway or connecting highway may be
16 designated as an off-highway motorcycle route unless the department of
17 transportation approves the designation.

18 (d) *Restrictions.* The designating local governmental unit may specify effective
19 periods for the use of off-highway motorcycle trails and off-highway motorcycle
20 routes and may restrict or prohibit the operation of off-highway motorcycles during
21 certain periods of the year.

22 ~~(17)~~ ENFORCEMENT ACTIVITIES AND PROJECTS; FUNDING. (a) *Enforcement*
23 *activities.* The department may utilize moneys received as fees under subs. (4) and
24 (5) for off-highway motorcycle registration aids administration and for state and

1 local law enforcement operations related to off-highway motorcycles, including
2 actual enforcement, accident reporting, and similar activities.

3 (b) *Off-highway motorcycle projects.* The department may use funding from
4 the appropriation under s. 20.370 (1) (is) for off-highway motorcycle projects that are

5 undertaken by the state or by local governmental units. Any of the following ^{types}

6 of off-highway motorcycle projects are eligible for funding as either project is
7 undertaken:

8 1. Acquisition of an easement or land in fee simple.

9 2. An off-highway motorcycle facility such as a parking area, riding area,
10 shelter, toilets, or other improvement.

11 3. Development of off-highway motorcycle routes or off-highway motorcycle
12 trails.

13 4. Development or maintenance of an all-terrain vehicle trail, route, or facility
14 or a snowmobile trail, route, or facility, if the trail, route, or facility is open for use
15 by off-highway motorcycles.

16 5. Maintenance of off-highway motorcycle trails and off-highway motorcycle
17 routes.

18 6. Purchase of liability insurance.

19 (d) ^{types of} ~~(a)~~ Signs. In addition to the projects listed in par. (b), the department may
20 provide ^{funding} aid ~~under this~~ subsection to a local governmental unit for up to 100 percent
21 of the cost of placing signs developed under s. 23.336 (4) (a) 2.

← INSERT 39-18

22 (e) ~~(d)~~ Charging of fees. A local governmental unit that has not received funding
23 under par. (b) in the prior fiscal year may charge a seasonal or daily use fee for an
24 off-highway motorcycle area operated by the local governmental unit.

1 (18) LOCAL ORDINANCES. (a) Any local governmental unit may enact an
2 ordinance which is in strict conformity with this section and rules promulgated by
3 the department under this section, if the ordinance encompasses all aspects
4 encompassed by this section.

5 (b) If a local governmental unit enacts an ordinance regulating off-highway
6 motorcycles, its clerk shall immediately send a copy of the ordinance to the
7 department and to the office of any law enforcement agency of the local governmental
8 unit having jurisdiction over any highway designated as an off-highway motorcycle
9 route.

10 (19) ENFORCEMENT. (a) A law enforcement officer has the authority and
11 jurisdiction to enforce this section and ordinances enacted in accordance with this
12 section.

13 (b) No operator of an off-highway motorcycle may refuse to stop after being
14 requested or signaled to do so by a law enforcement officer.

15 (20) PENALTIES. (a) *Generally*. Except as provided in pars. (b) to (e), any person
16 who violates this section shall forfeit not more than \$250.

17 (b) *Penalty related to nonresident trail passes*. Any person who violates sub.
18 (6) (a) shall forfeit not more than \$1,000.

19 (c) *Penalties related to intoxicated operation*. 1. Except as provided under
20 subds. 2. and 3., a person who violates sub. (11)(a) ⁽¹²⁾ 1. or 2. or (h) shall forfeit not less
21 than \$150 nor more than \$300.

22 2. Except as provided under subd. 3., a person who violates sub. (11)(a) ⁽¹²⁾ 1. or
23 2. or (h) 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 motorcycle

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

3 3. A person who violates sub. ⁽¹²⁾~~(11)~~(a) 1. or 2. or (h) and who, within 5 years prior
4 to the arrest for the current violation, was convicted 2 or more times previously under
5 the intoxicated operation of an off-highway motorcycle law shall be fined not less
6 than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days nor
7 more than one year in the county jail. ⁽¹²⁾

8 4. A person who violates sub. ~~(11)~~(a) 3. or (h) and who has not attained the age
9 of 21 shall forfeit not more than \$50.

****NOTE: Section 23.33 has a penalty enhancer for intoxicated operation when there is an underage passenger involved. Do you want a similar provision? See s. 23.33 (13) (bg).

****NOTE: Section 23.33 has penalty enhancers that doubled, triple, and quadruple the fine depending on the level of the alcohol concentration of the operator. Do you want a similar provision? See. s. 23.33 (13) (br).

10 ⁽¹²⁾ (d) *Penalty related to causing injury; intoxicants.* A person who violates sub.
11 ~~(11)~~ (b) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned
12 not less than 30 days nor more than one year in the county jail.

13 (e) *Calculation of previous convictions.* In determining the number of previous
14 convictions under par. (c) 2. and 3., convictions arising out of the same incident or
15 occurrence shall be counted as one previous conviction.

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

1 (g) *Intoxicants; assessment.* In addition to any other penalty or order, a person
 2 who violates sub. ⁽¹²⁾ ~~(1h)~~ (a), (b), or (h) shall be ordered by the court to submit to and
 3 comply with an assessment by an approved public treatment facility for an
 4 examination of the person's use of an intoxicant. The assessment order shall comply
 5 with s. 343.30 (1q) (c) 1. Intentional failure to comply with an assessment ordered
 6 under this paragraph constitutes contempt of court, punishable under ch. 785.

7 SECTION 52. 23.336 (title) of the statutes is created to read:

8 23.336 (title) ~~Recreational~~ ^{Off-highway} vehicles; safety/programs; signage.

9 SECTION 53. 23.336 (1) of the statutes is created to read:

10 23.336 (1) DEFINITIONS. In this section:

- 11 (a) "All-terrain vehicle" has the meaning given in s. 340.01 (2g).
 12 (b) "All-terrain vehicle route" has the meaning given in s. 23.33 (1) (c).
 13 (c) "All-terrain vehicle trail" has the meaning given in s. 23.33 (1) (d).
 14 (d) "Off-highway association" means a club or other association consisting of
 15 individuals that promotes the recreational operation of any combination of the
 16 following:

- 17 1. All-terrain vehicles.
 18 2. Off-highway motorcycles.
 19 3. Utility terrain vehicles.
 20 (e) "Off-highway motorcycle" has the meaning given in s. 23.335 (1) (p).
 21 (f) "Off-highway motorcycle route" has the meaning given in s. 23.335 (1) (s).
 22 (g) "Off-highway motorcycle trail" has the meaning given in s. 23.335 (1) (t).
 23 (h) "Off-highway route" means an all-terrain vehicle route or an off-highway
 24 motorcycle ^{route} trail.

1 (i) "Off-highway trail" means an all-terrain vehicle trail or an off-highway
2 motorcycle trail.

3 (j) "Off-highway vehicle" means an all-terrain vehicle, an off-highway
4 motorcycle, or a utility terrain vehicle.

5 (k) "Snowmobile association" means a snowmobile club, as defined in s. 350.138
6 (1) (e) or a snowmobile alliance, as defined in s. 350.138 (1) (f), or other association
7 consisting of individuals that promotes the recreational operation of snowmobiles.

8 (L) "Utility terrain vehicle" has the meaning given in s. 23.33 (1) (ng).

9 **SECTION 54.** 23.336 (5) (d) 1. of the statutes is created to read:

10 23.336 (5) (d) 1. Except as provided in subds. 2. and 3., any person who violates
11 par. (a) or (b) shall forfeit not more than \$250.

12 **SECTION 55.** 23.35 (1) (intro.) of the statutes is amended to read:

13 23.35 (1) (intro.) The secretary shall enter into a reciprocal agreement with a
14 federally recognized American Indian tribe or band in this state to exempt, from the
15 registration and certification requirements of this state, boats, snowmobiles,
16 all-terrain vehicles, and utility terrain vehicles, and off-highway motorcycles that
17 are owned by tribal or band members and registered under a registration program
18 established by the tribe or band if the tribe or band requests the agreement and if
19 the registration program does all of the following:

20 **SECTION 56.** 23.35 (1) (a) of the statutes is amended to read:

21 23.35 (1) (a) Requires that boats, snowmobiles, all-terrain vehicles, and utility
22 terrain vehicles, and off-highway motorcycles display decals or identification
23 numbers showing valid registration by the tribe or band.

24 **SECTION 57.** 23.35 (1) (b) of the statutes is amended to read:

1 23.35 (1) (b) Employs registration decals and certificates of number that are
2 substantially similar to those employed by the registration or certification programs
3 of this state with regard to size, legibility, information content and placement on the
4 boat, snowmobile, all-terrain vehicle, ~~or~~ utility terrain vehicle, or off-highway
5 motorcycle.

6 **SECTION 58.** 23.35 (1) (e) of the statutes is amended to read:

7 23.35 (1) (e) Provides reciprocal exemptions, from the tribe's or band's
8 registration requirements, for boats, snowmobiles, all-terrain vehicles, ~~and~~ utility
9 terrain vehicles, and off-highway motorcycles that are registered or certified by this
10 state that are substantially as favorable as the exemptions enjoyed by the tribe or
11 the band under the agreement. In this paragraph, "reciprocal exemption" means an
12 exemption under the agreement that exempts from a tribe's or band's registration
13 requirements, for operation within the boundaries of the tribe's or band's
14 reservation, a boat, snowmobile, all-terrain vehicle, ~~or~~ utility terrain vehicle, or
15 off-highway motorcycle that is owned by a person who is not a member of the tribe
16 or band and that is registered or certified by this state to the same extent that the
17 agreement exempts from state registration and certification requirements, for the
18 operation outside the boundaries of the tribe's or band's reservation, a boat,
19 snowmobile, all-terrain vehicle, ~~or~~ utility terrain vehicle, or off-highway motorcycle
20 that is registered by the tribe or band.

21 **SECTION 59.** 23.35 (2) of the statutes is amended to read:

22 23.35 (2) An agreement entered into under sub. (1) may cover a registration
23 program for boats, snowmobiles, all-terrain vehicles, ~~or~~ utility terrain vehicles, or
24 off-highway motorcycles, or any combination thereof.

1 **SECTION 60.** 23.45 (1) (d) of the statutes is renumbered 23.45 (1) (d) (intro.) and
2 amended to read:

3 23.45 (1) (d) (intro.) "Registration" means any registration of the following:

4 1. Any registration documentation, as defined in s. 23.33 (1) (jn) or s. 350.01
5 (10t), ~~or~~ that is issued by the department or its agents.

6 2. Any certification or registration documentation, as defined in s. 30.50 (3b),
7 that is issued by the department or its agents.

8 **SECTION 61.** 23.45 (1) (d) 3. of the statutes is created to read:

9 23.45 (1) (d) 3. Any certificate issued by the department under s. 23.335 (3).

10 **SECTION 62.** 23.50 (1) of the statutes is amended to read:

11 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
12 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
13 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
14 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2),
15 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any
16 administrative rules promulgated thereunder, violations specified under s. 280.98
17 (2) or 285.86, violations of ch. 951 if the animal involved is a captive wild animal,
18 violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k),
19 violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances
20 enacted by any local authority in accordance with s. 23.33 (11) (am), 23.335 (19) (a),
21 or 30.77.

22 **SECTION 63.** 23.50 (3) of the statutes is amended to read:

23 23.50 (3) All actions in municipal court to recover forfeitures, plus costs, fees,
24 and surcharges imposed under ch. 814, for violations of local ordinances enacted by
25 any local authority in accordance with s. 23.33 (11) (am), 23.335 (18) (a), or 30.77

1 shall utilize the procedure in ch. 800. The actions shall be brought before the
2 municipal court having jurisdiction. Provisions relating to citations, arrests,
3 questioning, releases, searches, deposits, and stipulations of no contest in ss. 23.51
4 (1m), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall apply to
5 violations of such ordinances.

6 **SECTION 64.** 23.53 (1) of the statutes is amended to read:

7 23.53 (1) The citation created under this section shall, in all actions to recover
8 forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of
9 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
10 thereunder, and any rule of the Kickapoo reserve management board under s. 41.41
11 (7) (k) be used by any law enforcement officer with authority to enforce those laws,
12 except that the uniform traffic citation created under s. 345.11 may be used by a
13 traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law
14 enforcement agency of a municipality or county or a traffic officer employed under
15 s. 110.07 in enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall
16 not be used for violations of ch. 350 relating to highway use. The citation may be used
17 for violations of local ordinances enacted by any local authority in accordance with
18 s. 23.33 (11) (am), 23.335 (18)(a), or 30.77.

19 **SECTION 65.** 23.56 (1) of the statutes is amended to read:

20 23.56 (1) A person may be arrested for a violation of those statutes enumerated
21 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the
22 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances
23 enacted by any local authority in accordance with s. 23.33 (11) (am), 23.335 (18)(a),
24 or 30.77, after a warrant that substantially complies with s. 968.04 has been issued.

1 Except as provided in sub. (2), the person arrested shall be brought without
2 unreasonable delay before a court having jurisdiction to try the action.

3 **SECTION 66.** 23.57 (1) (intro.) of the statutes is amended to read:

4 23.57 (1) (intro.) A person may be arrested without a warrant when the
5 arresting officer has probable cause to believe that the person is committing or has
6 committed a violation of those statutes enumerated in s. 23.50 (1), any
7 administrative rules promulgated thereunder, any rule of the Kickapoo reserve
8 management board under s. 41.41 (7) (k), or any local ordinances enacted by any local
9 authority in accordance with s. 23.33 (11) (am), ~~23.335 (18) (a)~~^{23.335 (19) (a)}, or 30.77; and:

10 **SECTION 67.** 23.58 of the statutes is amended to read:

11 **23.58 Temporary questioning without arrest.** After having identified
12 himself or herself as an enforcing officer, an enforcing officer may stop a person in
13 a public place for a reasonable period of time when the officer reasonably suspects
14 that such person is committing, is about to commit or has committed a violation of
15 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
16 thereunder, any rule of the Kickapoo reserve management board under s. 41.41 (7)
17 (k), or any local ordinances enacted by any local authority in accordance with s. 23.33
18 (11) (am), ~~23.335 (18) (a)~~^{23.335 (19) (a)}, or 30.77. Such a stop may be made only where the enforcing
19 officer has proper authority to make an arrest for such a violation. The officer may
20 demand the name and address of the person and an explanation of the person's
21 conduct. Such detention and temporary questioning shall be conducted in the
22 vicinity where the person was stopped.

23 **SECTION 68.** 23.62 (1) (intro.) of the statutes is amended to read:

24 23.62 (1) (intro.) Whenever an enforcing officer has probable cause to believe
25 that a person subject to his or her authority is committing or has committed a

1 violation of those statutes enumerated in s. 23.50 (1), any administrative rules
2 promulgated thereunder, any rule of the Kickapoo reserve management board under
3 s. 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance
4 with s. 23.33 (11) (am), 23.335 (18) (a)⁽¹⁹⁾, or 30.77, the officer may proceed in the
5 following manner:

6 **SECTION 69.** 25.29 (1) (b) of the statutes is amended to read:

7 25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on
8 all-terrain vehicles, utility terrain vehicles, off-highway motorcycles, boats, and
9 snowmobiles collected under ss. 23.33, 23.335, 30.52 (4), 350.12 and 350.122.

10 **SECTION 70.** 25.29 (1) (dt) of the statutes is created to read:

11 25.29 (1) (dt) 1. For fiscal year 2014-15, and for each fiscal year thereafter, the
12 estimated all-terrain vehicle ^{off-highway motorcycle} gas tax payment is calculated by multiplying the total
13 amount calculated under subd. 2. by 50 gallons and multiplying that product by the
14 excise tax imposed under s. 78.01 (1) on the last day of February of the previous fiscal
15 year.

16 2. For purposes of subd 1., the total amount shall be the sum of all of the
17 following:

18 a. The number of off-highway motorcycles registered for public use under s.
19 23.335 (3) on the last day of February of the previous fiscal year.

20 b. The number of off-highway motorcycle registration decals issued under s.
21 23.335 (5) (a) during the previous fiscal year.

22 c. The number of nonresident trail passes issued under s. 23.335 (6) during the
23 previous fiscal year.

24 **SECTION 71.** 25.40 (3) (b) 14. of the statutes is amended to read:

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

4 **SECTION 72.** 30.26 (4) (title) of the statutes is amended to read:

5 30.26 (4) (title) ~~SNOWMOBILES, ALL TERRAIN VEHICLES, AND UTILITY TERRAIN~~
6 OFF-HIGHWAY VEHICLES.

7 **SECTION 73.** 30.26 (4) (a) (intro.) of the statutes is amended to read:

8 30.26 (4) (a) (intro.) The department may not prohibit the crossing of a bridge
9 over a wild river by an all-terrain vehicle ~~or~~, utility terrain vehicle, or off-highway
10 motorcycle, as defined in s. 23.335 (1) (p), traveling on an all-terrain vehicle trail,
11 as defined under s. 23.33 (1) (d), or by a snowmobile traveling on a snowmobile trail,
12 as defined under s. 350.01 (17) that is constructed in any of the following locations:

13 **SECTION 74.** 30.26 (4) (b) of the statutes is amended to read:

14 30.26 (4) (b) The state shall permit all-terrain vehicles, utility terrain vehicles,
15 off-highway motorcycles, and snowmobiles to travel in a corridor across any state
16 land that separates an all-terrain vehicle trail or a snowmobile trail and the bridges
17 constructed at the locations listed under par. (a).

18 **SECTION 75.** 30.29 (1) (b) of the statutes is amended to read:

19 30.29 (1) (b) "Motor vehicle" includes a utility terrain vehicle, as defined in s.
20 23.33 (1) (ng), ~~and~~ an all-terrain vehicle, as defined in s. 340.01 (2g), and an
21 off-highway motorcycle, as defined in s. 23.335 (1) (p).

22 **SECTION 76.** 46.03 (18) (f) of the statutes is amended to read:

23 46.03 (18) (f) Notwithstanding par. (a), any person who submits to an
24 assessment or airman or driver safety plan under s. 23.33 (13) (e), 23.335 (2g),
25 30.80 (6) (d), 114.09 (2) (bm), 343.16 (5) (a), 343.30 (1q), 343.305 (10) or 350.11 (3) (d)

1 shall pay a reasonable fee therefor to the appropriate county department under s.
 2 51.42 or traffic safety school under s. 345.60. A county may allow the person to pay
 3 the assessment fee in 1, 2, 3 or 4 equal installments. The fee for the airman or driver
 4 safety plan may be reduced or waived if the person is unable to pay the complete fee,
 5 but no fee for assessment or attendance at a traffic safety school under s. 345.60 may
 6 be reduced or waived. Nonpayment of the assessment fee is noncompliance with the
 7 court order that required completion of an assessment and airman or driver safety
 8 plan. Upon a finding that the person has the ability to pay, nonpayment of the
 9 airman or driver safety plan fee is noncompliance with the court order that required
 10 completion of an assessment and airman or driver safety plan.

11 **SECTION 77.** 59.54 (14) (g) of the statutes is amended to read:

12 59.54 (14) (g) A county may establish extensions of the jail, which need not be
 13 at the county seat, to serve as places of temporary confinement. No person may be
 14 detained in such an extension for more than 24 consecutive hours, except that a court
 15 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c),
 16 23.335 (20) (c) 2. or 3. or (d), or 350.11 (3) (a) 2. or 3. or (b) be imprisoned for more than
 17 24 consecutive hours in such an extension. Jail extensions shall be subject to plans
 18 and specifications approval by the department of corrections and shall conform to
 19 other requirements imposed by law on jails, except that cells may be designed and
 20 used for multiple occupancy.

← INSERT 50-20

21 **SECTION 78.** 71.05 (6) (b) 44. of the statutes is amended to read:

22 71.05 (6) (b) 44. For taxable years beginning after December 31, 2006, the
 23 amount of any incentive payment received by an individual under s. 23.33 (5r) or
 24 23.335 (14) (18) in the taxable year to which the claim relates.

25 **SECTION 79.** 71.26 (1) (g) of the statutes is amended to read:

1 71.26 (1) (g) For taxable years beginning after December 31, 2006, the amount
2 of any incentive payment received by ~~an individual~~ any person under s. 23.33 (5r) or
3 23.335 (13)⁽¹⁴⁾ in the taxable year to which the claim relates.

4 **SECTION 80.** 71.45 (1) (b) of the statutes is amended to read:

5 71.45 (1) (b) For taxable years beginning after December 31, 2006, the amount
6 of any incentive payment received by an ~~individual~~ insurer under s. 23.33 (5r) or
7 23.335 (13)⁽¹⁴⁾ in the taxable year to which the claim relates.

8 **SECTION 81.** 77.51 (13s) of the statutes is amended to read:

9 77.51 (13s) "Safety classes" means all classes approved by the department of
10 natural resources related to hunting, including hunting with a bow, and related to
11 firearms, all-terrain vehicles, utility terrain vehicles, off-highway motorcycles,
12 boats, and snowmobiles.

13 **SECTION 82.** 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, limited use off-highway motorcycles, as defined in s. 23.335 (1) (n),
18 all-terrain vehicles, and utility terrain vehicles, purchased in a sale that is
19 consummated in another county or special district in this state that does not have
20 in effect an ordinance or resolution imposing the taxes under this subchapter and
21 later brought by the buyer into the county or special district that has imposed a tax
22 under s. 77.71 (2).

23 **SECTION 83.** 78.01 (2) (e) of the statutes is amended to read:

24 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and
25 equipment; other than use in a snowmobile, in an off-highway motorcycle that is not

1 registered for private use under s. 23.335 (3) (a) 1, in an all-terrain vehicle or utility
2 terrain vehicle that is not registered for private use under s. 23.33 (2) (d), or in a
3 recreational motorboat; and delivered directly into the consumer's storage tank in
4 an amount of not less than 100 gallons.

5 **SECTION 84.** 78.01 (2m) (f) of the statutes is amended to read:

6 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than
7 use in a snowmobile, in an off-highway motorcycle that is not registered for private
8 use under s. 23.335 (3) (a) 1, in an all-terrain vehicle or utility terrain vehicle that
9 is not registered for private use under s. 23.33 (2) (d) or (2g), or in a recreational
10 motorboat or if no claim for a refund for the tax on the diesel fuel may be made under
11 s. 78.75 (1m) (a) 3.

12 **SECTION 85.** 78.40 (1) of the statutes is amended to read:

13 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
14 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The
15 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply
16 tanks of motor vehicles in this state, attaches at the time of delivery and shall be
17 collected by the dealer from the alternate fuels user and shall be paid to the
18 department. The tax, with respect to alternate fuels acquired by any alternate fuels
19 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a
20 motor vehicle, ~~or of a snowmobile,~~ of an off-highway motorcycle that is not registered
21 for private use under s. 23.335 (3) (a) 1, of an all-terrain vehicle or utility terrain
22 vehicle that is not registered for private use under s. 23.33 (2) (d) or (2g), or of a
23 recreational motorboat, attaches at the time of the use of the fuel and shall be paid
24 to the department by the user. The department may permit any supplier of alternate
25 fuels to report and pay to the department the tax on alternate fuels delivered into the

1 storage facility of an alternate fuels user or retailer which will be consumed for
2 alternate fuels tax purposes or sold at retail.

3 **SECTION 86.** 78.75 (1m) (a) 1. of the statutes is amended to read:

4 78.75 (1m) (a) 1. Except as provided under subds. 2. ~~and 2m.~~ to 2r., a person
5 who uses motor vehicle fuel or an alternate fuel upon which has been paid the tax
6 required under this chapter, for the purpose of operating a taxicab for the
7 transportation of passengers, for the purpose of operating a motorboat exempt from
8 registration as a motor vehicle under s. 341.05 (20) on privately owned land or for any
9 purpose other than operating a motor vehicle upon the public highways, shall be
10 reimbursed and repaid the amount of the tax paid upon making and filing a claim
11 if the claim is for the tax on 100 gallons or more.

12 **SECTION 87.** 78.75 (1m) (a) 2r. of the statutes is created to read:

13 78.75 (1m) (a) 2r. A person who uses motor vehicle fuel or an alternate fuel upon
14 which has been paid the tax required under this chapter for the purpose of operating
15 an off-highway motorcycle, as defined under s. 23.335 (1) (p), may not be reimbursed
16 or repaid the amount of tax paid unless the off-highway motorcycle is registered for
17 private use under s. 23.335 (3) (a) ^e(1).

18 **SECTION 88.** 78.75 (1m) (a) 3. of the statutes is amended to read:

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

1 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the
2 vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall indicate
3 that estimated all-terrain vehicle or utility terrain vehicle motor vehicle fuel or
4 alternate fuels tax payments are used for all-terrain vehicle trails and areas. The
5 forms shall indicate that refunds are not available for motor vehicle fuel or alternate
6 fuels used for off-highway motorcycles unless the motorcycle is registered for private
7 use under s. 23.335 (3) (a) and shall indicate that estimated off-highway motorcycle
8 fuel or alternate fuels tax payments are used for off-highway motorcycle trails and
9 areas. The forms shall also indicate that refunds are not available for the tax on less
10 than 100 gallons. The department shall distribute forms in sufficient quantities to
11 each county clerk.

12 → *insert 54-11*
SECTION 89. 110.07 (1) (a) 1. of the statutes is amended to read:

13 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
14 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 23.335, 125.07 (4) (b), 125.085 (3)
15 (b), 167.31 (2) (b) to (d) and 287.81 and ch. 350 where applicable to highways, or
16 orders or rules issued pursuant thereto.

17 SECTION 90. 110.07 (3) of the statutes is amended to read:

18 110.07 (3) The secretary may employ inspectors who may not wear the uniform
19 of the state patrol, whose duties shall be to enforce and assist in administering ~~s.~~ ss.
20 23.33, 23.335, 346.63, this chapter and chs. 194, 218, 340 to 345 and 347 to 351, ~~s.~~
21 23.33, the inspection requirements of s. 121.555 (2) (b) and the requirements under
22 s. 346.45 (4) for vehicles being used to transport hazardous materials. Such
23 inspectors, in the performance of these duties, shall have the powers and authority
24 of state traffic officers. For the purpose of death, disability and retirement coverage,
25 such inspectors shall be subject to ch. 40 as is the state traffic patrol. Subject to sub.

1 (5), the secretary may clothe and equip inspectors as the interest of public safety and
2 their duties require.

3 SECTION 91. 322.111 of the statutes is amended to read:

4 **322.111 Article 111 — Drunken or reckless operation of an all-terrain**
5 **vehicle, utility terrain vehicle, vehicle, snowmobile, aircraft, or vessel**
6 **certain vehicles, snowmobiles, vessels, and aircraft.** Any person who violates
7 s. 23.33 (3) (a) or (4c), 30.68, 30.681, 114.09, 346.62, 346.63 (1) or (2), 350.10 (1) (b),
8 350.101, 940.25, or 940.09 where the offense involved the operation or physical
9 control of ~~an aircraft, all-terrain vehicle, utility terrain vehicle, snowmobile, vehicle~~
10 ~~or vessel~~ a vehicle, including an all-terrain vehicle, utility terrain vehicle, or
11 snowmobile; a vessel; or an aircraft on or off a highway shall be punished as the
12 court-martial may direct.

13 SECTION 92. 341.057 of the statutes is amended to read:

14 **341.057 All-terrain vehicles and, utility terrain vehicles, and**
15 **off-highway motorcycles.** All-terrain vehicles and utility terrain vehicles are not
16 required to be registered under this chapter but shall be registered under s. 23.33 (2)
17 or (2g). All motorcycles that are only being operated in accordance with s. 23.335 are
18 not required to be registered under this chapter but shall be registered as required
19 under s. 23.335 (2).

20 SECTION 93. 343.05 (4) (b) 1m. of the statutes is created to read:

21 343.05 (4) (b) 1m. A person while operating a limited use off-highway
22 motorcycle, as defined in s. 23.335 (1) (n).

23 SECTION 94. 344.61 (1) of the statutes is amended to read:

1 344.61 (1) Notwithstanding s. 344.01 (2) (b), “motor vehicle” does not include
2 trailers, semitrailers, all-terrain vehicles, and utility terrain vehicles, or limited
3 off-highway motorcycles, as defined in s. 23.335 (1) (n).

4 **SECTION 95.** 345.11 (1r) of the statutes is amended to read:

5 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
6 be used for violations of s. 23.33 relating or 23.335 that relate to highway use or
7 ordinances enacted in accordance with that section if the violation is committed on
8 a highway, but no points may be assessed against the driving record of the operator
9 of an all-terrain vehicle ~~or~~, utility terrain vehicle, or a limited use off-highway
10 motorcycle, as defined in s. 23.335 (1) (n). When the uniform traffic citation is used,
11 the report of conviction shall be forwarded to the department. When the citation
12 form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

13 **SECTION 96.** 346.02 (11) of the statutes is amended to read:

14 346.02 (11) ~~APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN~~
15 ~~OFF-HIGHWAY VEHICLES.~~ The operator of an all-terrain vehicle ~~or~~, a utility terrain
16 vehicle, or a limited use off-highway motorcycle, as defined in s. 23.335 (1) (n), on a
17 roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20,
18 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44,
19 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71,
20 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9) but is not
21 subject to any other provision of this chapter.

22 **SECTION 97.** 346.66 (1) (c) of the statutes is amended to read:

23 346.66 (1) (c) Sections 346.67 to 346.70 do not apply to accidents involving only
24 snowmobiles, all-terrain vehicles, utility terrain vehicles, limited use off-highway

1 motorcycles, as defined in s. 23.335 (1) (n), that were being operated in accordance
2 with s. 23.335, or vehicles propelled by human power or drawn by animals.

3 **SECTION 98.** 346.71 (1) of the statutes is amended to read:

4 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day
5 of each month, report in writing any accident involving a motor vehicle occurring
6 within the coroner's or medical examiner's jurisdiction resulting in the death of any
7 person during the preceding calendar month. If the accident involved an all-terrain
8 vehicle or utility terrain vehicle, the report shall be made to the department of
9 natural resources and shall include the information specified by that department.
10 If the accident involved an off-highway motorcycle, as defined in s. 23.335 (1) (p), the
11 report shall be made to the department of natural resources and the department of
12 transportation and shall include the information specified by each department. If
13 the accident involved any other motor vehicle, the report shall be made to the
14 department of transportation and shall include the information specified by ~~the~~ that
15 department. The coroner or medical examiner of the county where the death occurs,
16 if the accident occurred in another jurisdiction, shall, immediately upon learning of
17 the death, report it to the coroner or medical examiner of the county where the
18 accident occurred, as provided in s. 979.01 (1).

19 **SECTION 99.** 346.71 (2) of the statutes is amended to read:

20 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
21 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
22 electric personal assistive mobility device operator 14 years of age or older and who
23 died within 6 hours of the time of the accident, the coroner or medical examiner of
24 the county where the death occurred shall require that a blood specimen of at least
25 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her

1 death, by the coroner or medical examiner or by a physician so designated by the
2 coroner or medical examiner or by a qualified person at the direction of the physician.
3 All funeral directors shall obtain a release from the coroner or medical examiner of
4 the county where the accident occurred as provided in s. 979.01 (4) prior to
5 proceeding with embalming any body coming under the scope of this section. The
6 blood so drawn shall be forwarded to a laboratory approved by the department of
7 health services for analysis of the alcoholic content of the blood specimen. The
8 coroner or medical examiner causing the blood to be withdrawn shall be notified of
9 the results of each analysis made and shall forward the results of each such analysis
10 to the department of health services. If the death involved a motor vehicle, the
11 department shall keep a record of all such examinations to be used for statistical
12 purposes only and the department shall disseminate and make public the
13 cumulative results of the examinations without identifying the individuals involved.
14 If the death involved an all-terrain vehicle ~~or~~, utility terrain vehicle, or an
15 off-highway motorcycle that was being operated in accordance with s. 23.335, the
16 department of natural resources shall keep a record of all such examinations to be
17 used for statistical purposes only and the department of natural resources shall
18 disseminate and make public the cumulative results of the examinations without
19 identifying the individuals involved.

20 **SECTION 100.** 346.94 (1) of the statutes is amended to read:

21 346.94 (1) DRIVING ON SIDEWALK. Except as authorized in s. 23.33 (4) (f) or when
22 the sidewalk is an all-terrain vehicle route, as defined in s. 23.33 (1) (c) or an
23 off-highway motorcycle route, as defined in s. 23.335 (1) (s), the operator of a vehicle
24 shall may not drive upon any sidewalk area except at a permanent or temporarily
25 established driveway unless permitted to do so by the local authorities.

1 **SECTION 101.** 350.12 (3) (a) 1. of the statutes is amended to read:

2 350.12 (3) (a) 1. Except as provided under subs. (2) and (5) (cm), no person may
3 operate and no owner may give permission for the operation of any snowmobile
4 within this state unless the snowmobile is registered for public use or private use
5 under this paragraph or s. 350.122 or as an antique under par. (b) and has the
6 registration decals displayed as required under sub. (5) or s. 350.122 or unless the
7 snowmobile has a reflectorized plate attached as required under par. (c) 3. A
8 snowmobile that is not registered as an antique under par. (b) may be registered for
9 public use. A snowmobile that is not registered as an antique under par. (b) and that
10 is ~~used exclusively on private property, as defined under s. 23.33 (1) (n),~~ exclusively
11 operated by the snowmobile owner or a member of his or her immediate family on
12 land that is owned or leased by the snowmobile owner or his or her immediate family
13 may be registered for private use. A snowmobile public-use registration certificate
14 is valid for 2 years beginning on the July 1 prior to the date of application if
15 registration is made prior to April 1 and beginning on the July 1 subsequent to the
16 date of application if registration is made after April 1 and ending on June 30, 2 years
17 thereafter. A snowmobile private-use registration certificate is valid from the date
18 of issuance until ownership of the snowmobile is transferred. The fee for the issuance
19 or renewal of a public-use registration certificate is \$30, except that the fee is \$5 if
20 it is a snowmobile owned and operated by a political subdivision of this state. There
21 is no fee for the issuance of a private-use registration certificate or for the issuance
22 of a registration certificate to the state.

23 **SECTION 102.** 800.02 (2) (b) of the statutes is amended to read:

24 800.02 (2) (b) Except for parking violations, in traffic regulation actions in
25 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu

1 of the citation form specified in par. (ag). In actions for violations of local ordinances
2 enacted in accordance with s. 23.33 (11) (am), ~~23.335 (6) (a)~~, or 30.77, the citation
3 form specified in s. 23.54 shall be used in lieu of the citation form specified in par. (ag).

4 **SECTION 103.** 814.63 (3m) (a) of the statutes is amended to read:

5 814.63 (3m) (a) Except as provided in par. (d), if a defendant is required to
6 appear in court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the
7 court shall impose and collect from the defendant any costs charged to or paid by a
8 law enforcement agency for the withdrawal of the defendant's blood if the court finds
9 that the defendant violated s. 23.33 (4c), ~~23.335 (11) (a) or (b)~~, 30.681, 346.63, or
10 350.101, or a local ordinance in conformity therewith.

11 **SECTION 104.** 814.65 (4m) (a) of the statutes is amended to read:

12 814.65 (4m) (a) Except as provided in par. (d), if a defendant is required to
13 appear in municipal court, in addition to any forfeiture, costs, fees, or surcharges it
14 imposes, the municipal court shall impose and collect from the defendant any costs
15 charged to or paid by a law enforcement agency for the withdrawal of the defendant's
16 blood if the court finds that the defendant violated a local ordinance in conformity
17 with s. 23.33 (4c), ~~23.335 (11) (a) or (b)~~, 30.681, 346.63, or 350.101.

18 **SECTION 105.** 885.235 (1m) of the statutes is amended to read:

19 885.235 (1m) In any action under s. 23.33 (4c) (a) 3., ~~23.335 (11) (a) 3.~~, 30.681
20 (1) (bn), 346.63 (2m) or (7), or 350.101 (1) (c), evidence of the amount of alcohol in the
21 person's blood at the time in question, as shown by chemical analysis of a sample of
22 the person's blood or urine or evidence of the amount of alcohol in the person's breath,
23 is admissible on the issue of whether he or she had an alcohol concentration in the
24 range specified in s. 23.33 (4c) (a) 3., ~~23.335 (11) (a) 3.~~, 30.681 (1) (bn), 346.63 (2m),
25 or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7) if the

1 sample was taken within 3 hours after the event to be proved. The fact that the
2 analysis shows that the person had an alcohol concentration of more than 0.0 but not
3 more than 0.08 is prima facie evidence that the person had an alcohol concentration
4 in the range specified in s. 23.33 (4c) (a) 3., ~~23.335 (1b) (a) 3.~~⁽¹²⁾ 30.681 (1) (bn), 346.63
5 (2m), or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7).

6 **SECTION 106.** 885.235 (4) of the statutes is amended to read:

7 885.235 (4) The provisions of this section relating to the admissibility of
8 chemical tests for alcohol concentration or intoxication or for determining whether
9 a person had a detectable amount of a restricted controlled substance in his or her
10 blood shall not be construed as limiting the introduction of any other competent
11 evidence bearing on the question of whether or not a person was under the influence
12 of an intoxicant, had a detectable amount of a restricted controlled substance in his
13 or her blood, had a specified alcohol concentration, or had an alcohol concentration
14 in the range specified in s. 23.33 (4c) (a) 3., ~~23.335 (1b) (a) 3.~~⁽¹²⁾ 30.681 (1) (bn), 346.63
15 (2m), or 350.101 (1) (c).

16 **SECTION 107.** 895.049 of the statutes is amended to read:

17 **895.049 Recovery by a person who fails to use protective headgear**
18 **while operating certain motor vehicles.** Notwithstanding s. 895.045, failure by
19 a person who operates or is a passenger on a utility terrain vehicle, as defined in s.
20 23.33 (1) (ng), a motorcycle, as defined in s. 340.01 (32), an all-terrain vehicle, as
21 defined in s. 340.01 (2g), or a snowmobile, as defined in s. 340.01 (58a), on or off a
22 highway, to use protective headgear shall not reduce recovery for injuries or damages
23 by the person or the person's legal representative in any civil action. This section
24 does not apply to any person required to wear protective headgear under s. 23.33 (3g),
25 ~~23.335 (7) (a),~~⁽⁸⁾ or 347.485 (1).

1 **SECTION 108.** 901.053 of the statutes is amended to read:

2 **901.053 Admissibility of evidence relating to use of protective**
3 **headgear while operating certain motor vehicles.** Evidence of use or nonuse
4 of protective headgear by a person, other than a person required to wear protective
5 headgear under s. 23.33 (3g), ~~23.335 (7)(a)~~⁽⁸⁾, or 347.485 (1), who operates or is a
6 passenger on a utility terrain vehicle, as defined in s. 23.33 (1) (ng), a motorcycle, as
7 defined in s. 340.01 (32), an all-terrain vehicle, as defined in s. 340.01 (2g), or a
8 snowmobile, as defined in s. 340.01 (58a), on or off a highway, is not admissible in any
9 civil action for personal injury or property damage. This section does not apply to
10 the introduction of such evidence in a civil action against the manufacturer or
11 producer of the protective headgear arising out of any alleged deficiency or defect in
12 the design or manufacture of the protective headgear or, with respect to such use of
13 protective headgear, in a civil action on the sole issue of whether the protective
14 headgear contributed to the personal injury or property damage incurred by another
15 person.

16 **SECTION 109.** 938.17 (1) (intro.) of the statutes is amended to read:

17 938.17 (1) **TRAFFIC, BOATING, SNOWMOBILE, ALL-TERRAIN VEHICLE, AND UTILITY**
18 **TERRAIN VEHICLE, AND LIMITED OFF-HIGHWAY MOTORCYCLE VIOLATIONS.** (intro.) Except
19 for violations of ss. 342.06 (2) and 344.48 (1), and violations of ss. 30.67 (1) and 346.67
20 (1) when death or injury occurs, courts of criminal and civil jurisdiction have
21 exclusive jurisdiction in proceedings against juveniles 16 years of age or older for
22 violations of s. 23.33, of s. 23.335, of ss. 30.50 to 30.80, of chs. 341 to 351, and of traffic
23 regulations, as defined in s. 345.20, and nonmoving traffic violations, as defined in
24 s. 345.28 (1). A juvenile charged with a traffic, boating, snowmobile, all-terrain
25 vehicle, or utility terrain vehicle, or limited off-highway motorcycle offense in a court

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

7 **SECTION 110.** 938.343 (9) of the statutes is amended to read:

8 938.343 (9) ~~ALL TERRAIN OR UTILITY TERRAIN~~ OFF-HIGHWAY VEHICLE SAFETY
9 COURSE PROGRAM REQUIREMENT. If the violation is one under s. 23.33 or 23.335 or under
10 an ordinance enacted in accordance with s. 23.33 or 23.335 concerning the use of
11 ~~all-terrain vehicles or utility terrain vehicles~~ an off-highway vehicle, as defined in
12 s. 23.336 (1) (j), order the juvenile to attend an all-terrain vehicle or utility terrain
13 vehicle safety course a safety certification program as specified under s. 23.336 (2).

14 **SECTION 111.** 940.09 (1m) (b) of the statutes is amended to read:

15 940.09 (1m) (b) If a person is charged in an information with any of the
16 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
17 971.12. If the person is found guilty of more than one of the crimes so charged for
18 acts arising out of the same incident or occurrence, there shall be a single conviction
19 for purposes of sentencing and for purposes of counting convictions under s. 23.33
20 (13) (b) 2. and 3., under s. 23.335 (2) (c) 2. and 3., under s. 30.80 (6) (a) 2. and 3., under
21 s. 343.307 (1) or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bm),
22 (c), (cm), (d), and (e) each require proof of a fact for conviction which the others do not
23 require, and sub. (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for
24 conviction which the others do not require.

25 **SECTION 112.** 940.09 (3) of the statutes is amended to read:

1 940.09 (3) An officer who makes an arrest for a violation of this section shall
2 make a report as required under s. 23.33 (4t), 23.335 (11) (j), 30.686, 346.635 or
3 350.106.

4 **SECTION 113.** 940.25 (1m) (b) of the statutes is amended to read:

5 940.25 (1m) (b) If a person is charged in an information with any of the
6 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
7 971.12. If the person is found guilty of more than one of the crimes so charged for
8 acts arising out of the same incident or occurrence, there shall be a single conviction
9 for purposes of sentencing and for purposes of counting convictions under s. 23.33
10 (13) (b) 2. and 3., under s. 23.335 (20) (c) 2. and 3., under s. 30.80 (6) (a) 2. or 3., under
11 ss. 343.30 (1q) and 343.305 or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am),
12 (b), (bm), (c), (cm), (d), and (e) each require proof of a fact for conviction which the
13 others do not require.

14 **SECTION 114.** 940.25 (3) of the statutes is amended to read:

15 940.25 (3) An officer who makes an arrest for a violation of this section shall
16 make a report as required under s. 23.33 (4t), 23.335 (12) (j), 30.686, 346.635 or
17 350.106.

18 **SECTION 115.** 973.06 (1) (j) of the statutes is amended to read: (12)

19 973.06 (1) (j) If the defendant violated s. 23.33 (4c), 23.335 (11) (a), (b) or (h),
20 30.681, 346.63, 350.101, 940.09 (1), or 940.25, any costs charged to or paid by a law
21 enforcement agency for the withdrawal of the defendant's blood, except that the court
22 may not impose on the defendant any cost for an alternative test provided free of
23 charge as described in s. 343.305 (4). If at the time the court finds that the defendant
24 committed the violation, the law enforcement agency has not paid or been charged
25 with the costs of withdrawing the person's blood, the court shall impose and collect

1 the costs the law enforcement agency reasonably expects to be charged for the
2 withdrawal, based on the current charges for this procedure. Notwithstanding sub.
3 (2), the court may not remit these costs.

4 **SECTION 116.** 973.09 (2) (a) 1. d. of the statutes is amended to read: (12)
5 973.09 (2) (a) 1. d. A misdemeanor under s. 23.33 (4c) or (4p) (e), ~~23.335 (1)~~
6 (a), (b), or (h), 30.681, 30.684 (5), 350.101, 350.104 (5), or 350.17 or a misdemeanor
7 under s. 346.63 to which s. 973.09 (1) (d) applies.

8 **SECTION 117.** 973.09 (2) (a) 1. d. of the statutes is amended to read: (12)
9 973.09 (2) (a) 1. d. A misdemeanor under s. 23.33 (4c) or (4p) (e), ~~23.335 (1)~~
10 (a), (b), or (i), 30.681, 30.684 (5), 350.101, 350.104 (5), or 350.17 or a misdemeanor
11 under s. 346.63 to which s. 973.09 (1) (d) applies.

12 **SECTION 118. Effective date.**

13 (1) This act takes effect on the first day of the 7th month beginning after
14 publication, or on the 2nd day after publication of the 2013-15 budget act, whichever
15 is later.

16 (END)