

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0082/P3ins  
MGG:.....

1 **Insert 7-13**

2 All or part of this program may be conducted by means of online instruction.

3 **Insert 14-2**

4 (g) "Highway" has the meaning given in s. 340.01 (22).

5 **Insert 16-5**

6 (zb) "Registration documentation" means an off-highway motorcycle  
7 registration certificate, a validated registration receipt, or a registration decal.

8 **Insert 16-16**

9 (2) REGISTRATION. (a) *Requirement.* No person may operate an off-highway  
10 motorcycle for recreational purposes, and no owner may give permission for the  
11 operation of an off-highway motorcycle for recreational purposes, off the highways  
12 within this state unless the off-highway motorcycle is registered under this section.

13 **Insert ~~17-8~~ 17-6**

14 2. ~~B.~~ The off-highway motorcycle displays a plate or sign attached in the manner  
15 authorized under sub. (5) (c).

16 **Insert 18-8**

17 the buyer or transferee shall complete an application for registration for public  
18 or private use if the buyer or transferee intends to operate the off-highway  
19 motorcycle off the highways in this state for recreational purposes.

20 **Insert 18-18**

21 if the transferee intends to operate the off-highway motorcycle off the  
22 highways in this state for recreational purposes.

23 **Insert 20-13**

LPS: 20  
check  
spacing

1 (f) *Registration issuers.* For the issuance of original or duplicate registration  
2 documentation and for the transfer or renewal of registration documentation, the  
3 department may do any of the following:

4 1. Directly issue, transfer, or renew the registration documentation with or  
5 without using the service specified in par. (g) 1.

6 2. Appoint persons who are not employees of the department as agents of the  
7 department to issue, transfer, or renew the registration documentation using either  
8 or both of the services specified in par. (g) 1.

9 (g) *Methods of issuance.* 1. For the issuance of original or duplicate registration  
10 documentation and for the transfer or renewal of registration documentation, the  
11 department may implement either or both of the following procedures to be provided  
12 by the department and any agents appointed under par. (f) 2.:

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

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

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

1 registration requirements under this subsection. The items of registration  
2 documentation issued under subd. 1. b. shall include a registration decal.

3 (h) *Issuing service fees.* 1. In addition to any applicable fee under par. (d) 1.,  
4 2., or <sup>3</sup>4. or (e) 2., an agent appointed under par. (f) 2. who accepts an application to  
5 issue, renew, or transfer registration documentation in person and issues a validated  
6 registration receipt under par. (g) 1. a. shall collect a service fee of \$3 each time the  
7 agent issues the receipt. The agent shall retain the entire amount of each service fee  
8 the agent collects.

9 2. In addition to any applicable fee under par. (d) 1., 2., or <sup>3</sup>4. or <sup>e</sup>5. 2., the  
10 department or the agent appointed under par. (f) 2. shall collect a service fee of \$5  
11 each time the service under par. (g) 1. b. is provided. The agent shall remit to the  
12 department \$1 of each service fee the agent collects.

13 **Insert 22-18**

14 (e) 1. The department may appoint any person who is not an employee of the  
15 department as the department's agent to issue nonresident trail passes and collect  
16 the fees for these passes.

17 2. Any person, including the department, who issues a nonresident trail pass  
18 shall collect in addition to the fee under <sup>Sub. (6)</sup>par. (d) an issuing fee of 75 cents. An agent  
19 appointed under subd. 1. may retain 50 cents of the issuing fee to compensate the  
20 agent for the agent's services in issuing the pass.

21 3. The department shall establish, by rule, procedures for issuing nonresident  
22 trail passes, and the department may promulgate rules regulating the activities of  
23 persons who are appointed to be agents under this paragraph.

1

23.33(7)

RENTAL OF LIMITED USE OFF-HIGHWAY MOTORCYCLES. (a) No person who

2 is engaged in the rental or leasing of limited use off-highway motorcycles to the  
3 public may do any of the following:

4

1. Rent or lease a limited use off-highway motorcycle for operation by a person  
5 who will be operating the limited use off-highway motorcycle for the first time unless  
6 the person engaged in the rental or leasing gives the person instruction on how to  
7 operate the limited use off-highway motorcycle.

8 2. Rent or lease a limited use off-highway motorcycle to a person under 16  
9 years of age.

i

\*\*\*NOTE: There is a conflict under current ATV law regarding whether a person  
must be 12 or 16 to lease an ATV. Compare s. 23.33 (2m) (a) 2. and (5) (a) 1. Let me know  
if you want this age changed to 12.

10 3. Rent or lease a limited use off-highway motorcycle without first ascertaining  
11 that any person under the age of 18 who will be on the vehicle has protective  
12 headgear of the type required under s. 347.485 (1) (a).

13 (b) A person who is engaged in the rental or leasing of limited use off-highway  
14 motorcycles to the public shall have clean, usable protective headgear available for  
15 rent in sufficient quantity to provide headgear to all persons under the age of 18 who  
16 will be on the limited use off-highway motorcycles that the person rents or leases.

17 (c) The department may promulgate rules to establish minimum standards for  
18 the instruction given under par. (a) 1.

19  
20

**Insert 24-13**

2. The distance restriction under par. (a) 9. does not apply if the person who is  
21 not on the snowmobile or off-highway vehicle, as defined in s. 23.336 (1) (j), gives  
22 his or her consent to have the person operating the off-highway motorcycle at a closer  
23 distance.

6

1 **Insert 25-21**

2

2. The roadway part of the highway is blocked off for a special off-highway motorcycle event as authorized under par. (b).

4 (b) *Off-highway motorcycle events.* A local governmental unit may block off highways under its jurisdiction for the purpose of allowing special off-highway motorcycle events. No state trunk highway or connecting highway, or part thereof, may be blocked off by any local governmental unit for any off-highway motorcycle race or derby. A local governmental unit shall notify the local police department and the county sheriff's office at least one week in advance of the time and place of any off-highway motorcycle race or derby which may result in any street, or part thereof, of the local governmental unit being blocked off.

12 **Insert 35-13**

13

1. (c) *Exemptions.* The restrictions under pars. (a) and (b) do not apply to the operation of a limited use off-highway motorcycle on private property if the owner of the property has given consent for the operation and does not hold the property out to the public for use of off-highway motorcycles.

17 **Insert 35-19**

\*\*\*\*NOTE: This exemption in sub. (12) (c) 2. exempts persons under 12 who are participating in any "off-highway motorcycle event". This could include a race or derby. OK?

X  
X  
\*\*\*\*NOTE: Please note that unlike the operation of ATVs by persons under the age of 12, operation of OHMs by persons under 12 is not limited to OHM trails. Please review the language in this draft under s. 23.335 (10), (11), and (13) and the language found in current law s. 23.33 (3), (4), and (5) very carefully to make sure persons under 12 years old will not be authorized to operate small OHMs under circumstances that you do not intend.

13  
(9) (10) (11) on  
STET (stays (13))

18 **Insert 37-16**

19 (d) Paragraphs (a) to (c) do not apply to the operation of a limited use  
20 off-highway motorcycle on private property if the owner of the property has given

1 consent for the operation and does not hold the property out to the public for use of  
2 off-highway motorcycles.

3 **Insert 39-18**

4 (c) *Priority*. In providing funding for the types of projects listed in par. (b), the  
5 department may not give priority to one type of project over another type of project.

6 **Insert 50-20**

7 **SECTION 1.** 70.11 (45m) of the statutes is amended to read:

8 70.11 (45m) ~~SNOWMOBILE, ALL TERRAIN VEHICLE, AND UTILITY TERRAIN~~

9 RECREATIONAL VEHICLE CLUBS. Trail groomers owned by <sup>n</sup>an off-highway association, as

10 defined in s. 23.336 (1) (d), or a <sup>plain</sup> snowmobile club, an all-terrain vehicle club, or a

11 ~~utility terrain vehicle club association~~, as defined in s. 23.336 (1) (k), that is exempt

12 from taxation under section 501 (c) (3), (4), or (7) of the Internal Revenue Code.

History: 1971 c. 152, 154, 312; 1973 c. 90; 1973 c. 333 s. 201m; 1973 c. 335 s. 13; 1975 c. 39; 1975 c. 94 s. 91 (10); 1975 c. 199; 1977 c. 29 ss. 745m, 1646 (3), 1647 (5), (7); 1977 c. 83 s. 26; 1977 c. 273, 282, 391, 418, 447; 1979 c. 34 s. 2102 (39) (g); 1979 c. 221, 225; 1979 c. 310 s. 12; 1981 c. 20; 1983 a. 27 ss. 1177, 1178, 1179f; 1983 a. 189 s. 329 (16); 1983 a. 201, 327; 1985 a. 26, 29, 316, 332; 1987 a. 10, 27, 395, 399; 1987 a. 403 s. 256; 1989 a. 25, 31, 307; 1991 a. 37, 39, 269; 1993 a. 263, 307, 399, 490; 1995 a. 27 ss. 3344 to 3348m, 9126 (19); 1995 a. 201, 227, 247, 366; 1997 a. 27, 35, 134, 147, 164, 184, 237; 1999 a. 9, 32, 63, 65; 1999 a. 150 ss. 624, 672; 1999 a. 167, 183; 2001 a. 16, 38, 59, 103; 2003 a. 135, 291; 2005 a. 4, 22, 70, 74, 335; 2007 a. 19; 2007 a. 20 ss. 1932 to 1934f, 9121 (6) (a); 2009 a. 28, 152, 155; 2011 a. 7, 10, 32, 208; 2011 a. 260 s. 80.

13 **SECTION 2.** 100.48 (1) (bg) of the statutes is created to read:

14 100.48 (1) (bg) "Off-highway motorcycle" has the meaning given in s. 23.335

15 (1) (p).

16 **SECTION 3.** 100.48 (1) (br) of the statutes is created to read:

17 100.48 (1) (br) "Recreational vehicle" means a snowmobile, an all-terrain  
18 vehicle, a utility terrain vehicle, or an off-highway motorcycle.

19 **SECTION 4.** 100.48 (2) of the statutes is amended to read:

20 100.48 (2) No person may, either personally or through an agent, remove,  
21 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter  
22 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain

1 recreational vehicle, or a boat with the intent to defraud by changing or affecting the  
2 number of hours of operation indicated on the hour meter.

History: 1997 a. 278; 2003 a. 166; 2011 a. 208.

3 **SECTION 5.** 100.48 (3) (a) of the statutes is amended to read:

4 100.48 (3) (a) Nothing in this section shall prevent the service, repair or  
5 replacement of an hour meter if the number of hours of operation indicated on the  
6 hour meter remains the same as before the service, repair or replacement. If an hour  
7 meter attached to farm equipment, a snowmobile, ~~an all-terrain vehicle, a utility~~  
8 terrain recreational vehicle, or a boat is incapable of registering the same number  
9 of hours of operation as before its service, repair or replacement, the hour meter shall  
10 be adjusted to read zero, and a sticker shall be affixed by the owner of the vehicle or  
11 device to which the hour meter is attached or an agent, in proximity to the hour  
12 meter, specifying the number of hours of operation recorded on the hour meter prior  
13 to its service, repair or replacement and the date on which it was serviced, repaired  
14 or replaced. No person who services, repairs or replaces an hour meter attached to  
15 farm equipment, a snowmobile, ~~an all-terrain vehicle, a utility terrain~~ recreational  
16 vehicle, or a boat that is incapable of registering the same number of hours of  
17 operation as before such service, repair or replacement may fail to adjust the hour  
18 meter to read zero or fail to affix the sticker required by this paragraph.

History: 1997 a. 278; 2003 a. 166; 2011 a. 208.

19 **SECTION 6.** 100.48 (4) (c) of the statutes is amended to read:

20 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour  
21 meter attached to a snowmobile, ~~an all-terrain vehicle, a utility terrain vehicle,~~  
22 recreational vehicle or a boat may be fined not more than \$5,000 or imprisoned for  
23 not more than one year in the county jail, or both, for each violation.

History: 1997 a. 278; 2003 a. 166; 2011 a. 208.

Notes regarding preliminary draft October 2012.

for P3  
& P14  
P3 not  
submitted

1. Page 1 names a number of statutes to renumber and amend. The ATV community is very concerned about "opening" up the ATV statutes to make these amendments. ATVs are in Chapter 23.33. It is their preference that we create new statutes rather than open theirs to amendment.

2  
N/A  
merger

Pages 3 - 5 discuss funds under chapter 20.370. These cover general program operations, education and safety programs, law enforcement, recreation aids, landowner incentive, OHM project aids, and gas tax payment.

5

2. "the amounts in the schedule" Is "the schedule" best set forth in statute or in administrative code? For example, if we designate percentages of total funds collected to be spent on the various aspects of this program, amounts would be set based on what we take in. So, per mile maintenance payments would also be based on funds available up to a certain maximum amount. However, if we had no landowners to spend incentive money on, we would like to have the latitude to allocate that money to one of the aspects of the program where the available money could be best spent (without having to go through the legislature to do so). Is this done set forth in administrative code?

15

3. We need to ensure that the language allows payments to other motorized trails apart from specific off highway motorcycle trail. For example, some existing ATV trails are open to DOT licensed off-highway motorcycles but not limited use OHM. Part of this has to do with funding issues and part has to do with the limitations of limited use OHM not being allowed to use ATV routes. [We need to ensure we have a mechanism to allow some funds collected the OHM trail sticker program to be allocated to help sustain other motorized trails (like ATV trails) that are open to limited use OHM and/or DOT licensed OHM.]

5  
DU  
transp  
fund  
problem

Page 4

4. Line 5 "off-highway vehicle safety" should be "off-highway motorcycle safety".  
20.370 (5)(c) OK as is - reflects merger

Page 5

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

done

corrected 20.855 (4) (vm) Transfer to conservation fund; utility terrain vehicle formula.

From the transportation fund, a sum sufficient in an amount equal to the amount to

be paid into the conservation fund as determined under s. 25.29 (1) (dt). The amounts may be paid at such intervals during each fiscal year as the secretary of administration deems appropriate or necessary.

**Note "UTV Formula".**

**Page 6**

16

Line 9 "Off-highway vehicle" definition may conflict with construction equipment under Chapter 240. This was reported as a potential problem by the ATV community based on their experience with their UTV initiatives.

DN

**Page 7**

23.336 (2) SAFETY CERTIFICATION PROGRAM ESTABLISHED. The department shall establish or supervise the establishment of a program of instruction on all-terrain vehicle and utility terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law, regulations, safety relating to the safe operation of off-highway vehicles and other related subjects. The department shall establish by rule an instruction fee for this program. The department shall issue certificates to persons successfully completing the program. An instructor conducting the program of instruction under this paragraph subsection shall collect the fee from each person who receives instruction.

7

We want to be sure that this instruction can be delivered by alternative means such as web-based instruction that does not require an in-person instructor or formal classroom situation.

done

**Page 7-11**

23.336 (3) (title) SAFETY GRANT PROGRAM.

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

This language allows an organization that promotes one or more types of OHVs to get the grant to support safety education. This means that WATVA or WOHVA could apply for this grant. Since the ultimate goal is to have a single motorized off-highway vehicle safety program, this seems appropriate.

**Page 8**

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

8  
OK  
is no draft

9

change elements

done  
Safety certification program  
do not want grant (program) to be so narrow debate

This language is too specific to an organization. Right now it appears that the only organization that meets this definition (maybe) is WOHVA. WATVA and WOHMA would be excluded. Keep in mind that WATVA has managed a safety program under a similar provision for years. Again, we want the DNR to consolidate ATV, OHM, 4WD into a single off-road vehicle safety program.

9

Page 15

(x) "Owner" means a person who has lawful possession of an off-highway 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.

10

□

Part of the program is to issue a registration card for limited use off highway motorcycles that do not normally get a title issued. Part of the intent of the registration card is to establish ownership when the vehicle is sold. Does "owner" need to be modified to account for this.

for off-highway use

Certificate of title of origin

registration card that establishes ownership

Pages 16-22 Registration

The language covers registration scenarios. Basically, if you want to operate an OHM other than on private property or a private raceway, you must get a public trail sticker when you buy the bike. If you currently own a limited use OHM that is not registered (since there is no registration system now), you will have to register it and get a card before you sell it. A sticker has to be displayed on the bike on public land. A dealer can't take in a bike on trade without a registration certificate.

11

Question: If I get a private sticker, is there a renewal? Will this be covered in admin code or does it need to be covered in the statute?

12

do nothing

If I buy a new limited use OHM, I will have to renew the sticker as it expires. If I buy a dual purpose motorcycle (DOT licensed) that is (\*somehow) identified as requiring an OHM registration sticker, I could let that sticker expire if I didn't ride the bike on public lands. Do frozen public waters require a sticker? Should they? leave for code

13

How do someone identify whether a dual purpose (dual sport) motorcycle should be stickered as an OHM in addition to the DOT registration. Will this be a voluntary action by the buyer to purchase a "trail" sticker at the time of purchase or will it somehow be mandated.

15

Sticker for public waters

If I bought a DOT licensed KTM or DRZ it would be [redacted]. If I bought a V-Strom, Versys, Super Tenere, or GS it might not be clear.

*no drafting for now*

How do we make it easy for the dealers? Do we have a procedure where they ask the buyer at the time of the sale if they intend to operate a DOT licensed dual sport on public lands? Right now the definition of OHM leaves it open to interpretation for dual purpose bikes as I mentioned in the examples in the preceding paragraph.

15

We have a situation where some limited use bikes will register and get a card and a decal. We also will have dual purpose bikes that need a decal but will have a DOT title so they don't need a card.

*D-N register w/ DNR*

Keep in mind that page 14 (definitions) covers as dual sport within the definition of an OHM.

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

**Page 18**

(c) *Other sales*. 1. If an off-highway motorcycle is sold or otherwise transferred by a person other than an off-highway motorcycle dealer and is not registered with the department, .....

16

NOTE: More language is needed here to address this scenario.

**Needs language to say that they must register and get a card to transfer.**

**Page 19**

Line 16 begins the discussion of a registration decal being affixed. The DNR reports that under their current system of decals, they produce two decals at once (sticker stock). We did not specify where the sticker should be affixed or the number of stickers. If they produce two, we need to place two on the bike. If they produce one sticker, we need to determine placement options either in the statute or the admin code.

*only one decal*

**Page 21**

Line 18 We talk about non-resident trail pass. We intend this to be a motorcycle sticker and want to be sure it is not confused with the existing trail pass that the DNR has for hiking trails and the like. Also on Page 22, Line 16.

**Page 22**

\*\*\*\*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).

*yes*

*done*

**YES, Line 17 says "only the department may issue trail passes". Should be open to agents as well.**

*done*

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

*done*

**(2m) RENTAL OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES.**

(a) No person who is engaged in the rental or leasing of all-terrain vehicles or utility terrain vehicles to the public may do any of the following:

1. Rent or lease an all-terrain vehicle or utility terrain vehicle for operation by a person who will be operating the vehicle for the first time unless the person engaged in the rental or leasing gives the person instruction on how to operate the vehicle.

2. Rent or lease an all-terrain vehicle or utility terrain vehicle to a person under 16 years of age.

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

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

(c) The department may promulgate rules to establish minimum standards for the instruction given under par. (a) 1.

**YES**

**PAGE 24**

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

(b) The speed restriction under par. (a) 7. does not apply to a race or derby

sponsored by a local governmental unit, an off-highway association, as defined in s. 23.336 (1) (d), or a similar organization that is approved by the department if the sponsor of the race or derby marks the race or derby route or track to warn spectators from entering the route or track.

(c) The distance restriction under par. (a) 9. does not apply to persons who are assisting in directing a race or derby sponsored by a local governmental unit, an off-highway association, as defined in s. 23.336 (1) (d), or a similar organization that is approved by the department.

*local government*

*done*

Approved by the department can be problematic. It is not clear how that approval is gained. This may be an unreasonable burden for informal groups who ice ride as otherwise allowed by law who do not have specific department approval.

We need to allow people to be inside this distance based on their own consent to do so.

*done*

**Page 26**

\*\*\*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. **YES**

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

*done*

\*\*\*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.

7. On roadways of highways that are all-terrain vehicle trails.

*rechecked sees ok*

As long as we are covered for OHM routes (similar to ATV routes).

**Page 27**

\*\*\*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.

(e) *Operation adjacent to roadway.* A person may operate an all-terrain vehicle or utility terrain vehicle adjacent to a roadway on an all-terrain vehicle route or trail if the person operates the all-terrain vehicle or utility terrain vehicle in the following manner:

1. At a distance of 10 or more feet from the roadway along U.S. numbered highways and state and county highways. Travel on the median of a divided highway is prohibited except to cross.

2. Outside of the roadway along town highways.

3. During hours of darkness in the same direction as motor vehicle traffic in the nearest lane unless all of the following apply:

a. The all-terrain vehicle route or trail is located at least 40 feet from the roadway or is separated from the roadway by a head lamp barrier.

b. The use of the all-terrain vehicle route or trail is approved by the department of transportation with respect to all-terrain vehicle routes or trails located near or crossing state trunk highways or by the officer in charge of maintenance with respect to all-terrain vehicle routes or trails located near or crossing other highways.

**We should align with the law for ATV operation. There will be practical application questions with regard to a limited use OHM versus a dual sport (also an OHM) that is DOT licensed.**

*Un/P3  
restricted  
to limited  
use OHMs*

Page 35 (operation under 12, safety ed, parent guardian accompany)

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



**Correct**

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

*same as ATVs*

**We want least restrictive.**

*See ~~the~~ note in P3*

\*\*\*\*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?



**Correct**

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

Correct ✓

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

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

It is common practice for families to meet at someone's private property to ride OHM. These get-togethers include small children. We need to be clear as to what management and control means. We want guests on someone else's private land to be allowed to ride regardless of age and size of motorcycle under the supervision of an appropriate adult.

*want the children to be able to ride but not by supervisor  
new language done*

**Page 36**

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

(a) In this subsection, "public all-terrain vehicle corridor" means an all-terrain vehicle trail or other established all-terrain vehicle corridor that is open to the public but does not include an all-terrain vehicle route.

Yes

**Page 37**

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

Should allow for a landowner to give consent to guests instead of restricting to owners and immediate family members.

Page 38

Lines 6 and 7 "The department shall encourage and supervise a system of . . ." would be better as "The department shall encourage and may supervise . . .".

D-N

Line 8 Add "... on state owned property". *done*

Line 10 - 13 We need to account for the US Forest Service as they can host trails and apply for grants as well.

D-N *etc*

Page 39

Line 7 Add/clarify "(not in order of priority)". *done*

Page 39

Lines 22-24 This language may lock out some options. The local government unit may have gotten funding under a rehab grant. Some intensive use areas are funded not by miles. Costs fluctuate.

D-N

Page 41

\*\*\*\*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).

~~scribble~~

\*\*\*\*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).

Neither are required.

Page 42

Line 8 "Recreational Vehicles" may conflict with DOT.

D-N  
*in title only*

Line 24 "trail" to "route"

*wanted:  
free trail weekend*

**Page 43**

Line 3 and 4 Should snowmobiles be included?

*D-N*

**Page 48**

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

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

- a. The number of off-highway motorcycles registered for public use under s. 23.335 (3) on the last day of February of the previous fiscal year.
- b. The number of off-highway motorcycle registration decals issued under s. 23.335 (5) (a) during the previous fiscal year.
- c. The number of nonresident trail passes issued under s. 23.335 (6) during the previous fiscal year.

*done*

**OHM instead of ATV**

**Page 63**

Line 8-13 We want to be able to give credit for safety training to someone who completes either and ATV, UTV, or OHM course since they are of similar content. If this is the case, it may be better to simple add OHM to this section.

*does this* *DN*

## Chapter NR 64

### ALL-TERRAIN VEHICLES

NR 64.01	Purpose and applicability.	NR 64.08	Owner permitting operation.
NR 64.02	Definitions.	NR 64.085	Refusal to allow testing.
NR 64.03	Registration.	NR 64.09	Safety certification program.
NR 64.04	Registration decals.	NR 64.10	Accident report confidential.
NR 64.05	Change of address.	NR 64.11	Coroners and medical examiners to report: require blood specimen.
NR 64.06	Completion of application for registration by all-terrain vehicle dealers.	NR 64.12	Routes.
NR 64.07	Operating rules.	NR 64.13	General aids provisions.
NR 64.075	Sanctioned races and derbies.	NR 64.14	All-terrain vehicle trail aid.
		NR 64.15	Law enforcement aids to counties.

**NR 64.01 Purpose and applicability.** This chapter applies to owners and operators of all-terrain vehicles, dealers who sell all-terrain vehicles, towns, villages, cities, counties, the state and federal agencies. This chapter establishes standards for the implementation of the all-terrain vehicle program under s. 23.33, Stats.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86.

**NR 64.02 Definitions.** In this chapter:

(1) "All-terrain vehicle area" means a designated area that contains all-terrain vehicle riding courses and support facilities.

(2) "All-terrain vehicle route" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction.

(3) "All-terrain vehicle trail" means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways which are not seasonally maintained for motor vehicle traffic.

(4) "Applicant" means the unit of government or agency applying for a grant under this chapter.

(5) "Approval" means the signing by the secretary or secretary's designee of a project agreement encumbering a specified amount of state aid funds for a specific purpose.

(6) "Department" means department of natural resources.

(7) "Enforcement" means the detection and prevention of civil violations.

(8) "Force account" means the performance of a development or maintenance project with the forces and resources of the sponsor, including personal services, equipment and materials.

(9) "Fringe benefits" means employers' contributions or expenses for social security, employee's life and health insurance plans, unemployment insurance coverage, workers compensation insurance, pension retirement plans, and employee benefits in the form of regular compensation during authorized absences from the job (i.e., annual, sick, court or military leave). These contributions and expenses must be equitably distributed to all employee labor activities.

(9m) "Hybrid Trail (Troute)" means an all-terrain vehicle trail and route combination that allows all-terrain vehicles and motor vehicles to utilize the same linear surface and the combination is used as a trail connector as defined in sub. (15).

(10) "Indirect costs" means those costs not directly assignable to a grant, program or project. Such costs are generally administrative in nature, are incurred for a common or joint purpose, or are not readily assignable to a project or program.

(11) "Project agreement" means a contract between the sponsor and department setting forth the obligations with regard to a portion or all of a specific project.

(12) "Project period" means the period of time specified in the project agreement during which all work shall be completed.

(12e) "Raceway facility" means an area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a sanctioned race or derby for which any required local permits have been obtained.

(12r) "Sanctioned race or derby" means a competitive all-terrain vehicle event sponsored by a local unit of government, chamber of commerce, an all-terrain vehicle club, promoter, or similar organization.

(13) "Secretary" means the secretary of the department of natural resources.

(14) "Sponsor" means local unit of government, state agency, or federal agency receiving assistance.

(15) "Trail Connector" means an all-terrain vehicle trail that connects one trail to another trail or services.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86; cr. (12e) and (12r), Register, November, 1989, No. 407, eff. 12-1-89; CR 11-050: cr. (9m), (15) Register July 2012 No. 679, eff. 8-1-12.

**NR 64.03 Registration.** (1) APPLICATION. Upon receipt of the required fees under s. 23.33 (2), Stats., payment of any sales and use taxes due under s. 77.61 (1), Stats., and an application on a form provided by the department, the department shall issue to the applicant a registration certificate stating the registration number, the name and address of the owner, and other information the department deems necessary.

(2) ISSUANCE. (a) The department shall issue 2 registration decals with the registration certificate for each all-terrain vehicle owned by an individual owner. The decals shall be no larger than 4 inches in height and 4 inches in width or 4 inches in diameter and shall contain reference to the state, the department, and a machine identification number. Registration decals for all-terrain vehicles registered for public use shall also contain a reference to the expiration date of the registration.

(b) The department may designate authorized distributors of registration decals.

(3) EXPIRATION. (a) All-terrain vehicle public use registration shall be valid for 2 years beginning July 1 or the date of issuance or renewal and ending June 30 of the second year following the date of issuance or renewal.

(b) All-terrain vehicle private use registration shall be valid from the date of issuance until ownership of the all-terrain vehicle is transferred.

(4) DUPLICATE. If a registration certificate or registration decal is lost or destroyed, the owner may apply for a duplicate on a form provided by the department. Upon receipt of a proper application and the required fee, the department or its authorized agents shall issue a duplicate registration certificate or registration decal to the owner.

(5) TRANSFER. Upon transfer of ownership of an all-terrain vehicle for which a registration certificate has been issued, the

seller shall deliver the assigned certificate to the purchaser at the time of sale. The purchaser shall complete an application for transfer on a form provided by the department and mail or deliver it to the department within 10 days after the date of purchase.

(6) **RENEWAL.** Prior to the end of the registration period, the department shall send the owner of each all-terrain vehicle registered for public use a 2 part renewal application. The owner shall complete and sign both portions of the renewal application and return one portion and the proper fee to the department. Upon receipt of the registration certificate and the registration decals, the owner shall destroy the remaining portion of the application. Failure to receive a renewal application does not relieve the owner of the obligation to renew the all-terrain vehicle registration.

(7) If an all-terrain vehicle is junked, the owner shall return the registration certificate to the department marked "junked."

(8) All-terrain vehicles owned and operated by the state or by any county or municipality of this state shall display registration decals.

(9) No municipality may register or license all-terrain vehicles. Municipalities may charge a seasonal or daily all-terrain vehicle area use fee but may not charge a seasonal or daily trail use fee if the municipality receives trail maintenance aids under s. NR 64.14.

(10) (a) An all-terrain vehicle that is not registered pursuant to s. 23.33 (2) (a), Stats., or is not exempt from registration under s. 23.33 (2) (b) 1., 3. or 4., Stats., is exempt from displaying out of state registration if the all-terrain vehicle displays a current Wisconsin all-terrain vehicle nonresident trailpass and has not been in Wisconsin for more than 15 consecutive days.

(b) The nonresident trail pass shall be permanently affixed to the forward half of the all-terrain vehicle in a manner that is visible at all times.

*Note:* This exemption will allow nonresidents to operate their ATVs in the state for up to 15 days without obtaining Wisconsin registration even though the ATV is not registered in the nonresident's home state.

*History:* Cr. Register, July, 1986, No. 367, eff. 8-1-86; am. (4), Register, December, 1999, No. 528, eff. 1-1-00; CR 05-053: cr. (10) Register February 2006 No. 602, eff. 3-1-06.

**NR 64.04 Registration decals.** (1) Registration decals shall be permanently affixed to the all-terrain vehicle by the decal's own adhesive on both sides of the vehicle in a position forward of the operator that is clearly visible. The owner of an all-terrain vehicle shall maintain the registration decals in a legible condition at all times.

(2) Except as provided in sub. (3), the decals shall be permanently attached and displayed on the all-terrain vehicle before any person operates the vehicle.

(3) A person may operate an all-terrain vehicle without having the registration decals displayed as provided in sub. (2) if the owner has a receipt validated by the department or its authorized agents. The operator shall have the validated receipt in his or her possession at all times when operating the all-terrain vehicle and shall exhibit it upon demand for inspection by any person authorized to enforce this section under s. 23.33 (12), Stats. Upon receipt, the registration decals shall be displayed in the manner indicated in sub. (2).

*History:* Cr. Register, July, 1986, No. 367, eff. 8-1-86; am. (2), cr. (3), Register, May, 1991, No. 425, eff. 6-1-91; am. (3), Register, December, 1999, No. 528, eff. 1-1-00.

**NR 64.05 Change of address.** If the owner of a registered all-terrain vehicle changes his or her address, the owner shall notify the department in writing of the new address within 15 days after the address change.

*History:* Cr. Register, July, 1986, No. 367, eff. 8-1-86.

**NR 64.06 Completion of application for registration by all-terrain vehicle dealers.** (1) When an all-terrain vehicle dealer sells an all-terrain vehicle, the dealer shall require the buyer to complete an application for a registration certificate

and collect the required fee at the time of sale. The dealer shall mail the application and fee to the department no later than 7 days after the date of sale. The department shall provide combination application and receipt forms and the dealer shall furnish the buyer with a complete receipt showing that application for registration has been made. The operator of the all-terrain vehicle shall have this completed receipt in his or her possession while operating the all-terrain vehicle until the registration decals are received. No dealer may charge an additional fee to the buyer for performing the service required under this section.

(2) When an all-terrain vehicle dealer sells an all-terrain vehicle to a person from another state who wishes to register that all-terrain vehicle in his or her home state, the dealer shall complete an application that the all-terrain vehicle is to be registered in another state, furnish the buyer with one copy and retain one copy for the dealer's records and shall mail one copy to the department no later than 7 days after the date of sale.

(3) Every all-terrain vehicle dealer shall maintain, for one year, a record in the form prescribed by the department for each new all-terrain vehicle sold. These records shall be open for inspection by the department.

(4) Commencing 6 months after August 1, 1986, no dealer may accept an all-terrain vehicle in trade unless it is registered with the department or another state.

*History:* Cr. Register, July, 1986, No. 367, eff. 8-1-86.

**NR 64.07 Operating rules.** (1) In addition to the provisions of s. 23.33 (3), Stats., no person may operate an all-terrain vehicle:

(a) On or across a cemetery, burial ground, campground, park, school property or church property without consent of the owner.

(b) On the lands of an operating airport or landing facility except for personnel in performance of their duties or with consent.

(c) At a rate of speed that is unreasonable or improper under the circumstances.

(2) The operator of an all-terrain vehicle shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an all-terrain vehicle, a snowmobile or a motorcycle except as provided under ch. 346, Stats., where applicable.

(3) **ALL-TERRAIN VEHICLE NOISE EMISSIONS AND TESTING.** No person may manufacture, sell, rent or operate an all-terrain vehicle that is constructed or altered in a manner that noise emitted from the all-terrain vehicle exceeds 96 decibels on the A scale when measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Levels of Stationary Motorcycles*.

(4) Copies and amendments of the Society of Automotive Engineers Technical Report 1998-07, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Levels of Stationary Motorcycles*, is available for inspection in the following offices:

(a) The Department of Natural Resources, 101 S. Webster St., Madison, Wisconsin 53707.

(b) The Office of the Secretary of State, 30 W. Mifflin St., Madison, Wisconsin 53707.

(c) The Legislative Reference Bureau, One E. Main St., Madison, Wisconsin.

(d) The Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

*History:* Cr. Register, July, 1986, No. 367, eff. 8-1-86; CR 05-054: cr. (3) and (4) Register February 2006 No. 602, eff. 3-1-06; correction in (4) (c) made under s. 13.92 (4) (b) 6., Stats.

**NR 64.075 Sanctioned races and derbies.** The sponsor conducting a sanctioned race or derby on a raceway facility shall:

(1) Make provisions to keep spectators at least 100 feet away from race competitors on the frozen surfaces of public waters.

(2) Give notice of the race or derby to the local conservation warden or law enforcement agency having jurisdiction.

**History:** Cr. Register, November, 1989, No. 407, eff. 12-1-89.

**NR 64.08 Owner permitting operation.** An owner or other person having charge or control of an all-terrain vehicle may not authorize or permit any person to operate the all-terrain vehicle if the person is:

(1) Prohibited from operating an all-terrain vehicle under s. 23.33 (5), Stats.,

(2) Incapable of operating an all-terrain vehicle because of a physical or mental disability, or

(3) Under the influence of fermented malt beverages, intoxicating liquor or controlled substances.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86.

**NR 64.085 Refusal to allow testing.** No operator or owner of any all-terrain vehicle may deny inspection or may refuse to operate his or her all-terrain in a manner prescribed by the law enforcement officer who reasonably suspects a violation of all-terrain equipment requirements found in s. 23.33, Stats.

**History:** Cr. Register, December, 1999, No. 528, eff. 1-1-00.

**NR 64.09 Safety certification program.** The department shall establish a program of instruction on all-terrain vehicle laws, regulations, safety and related subjects. The program shall include the following:

(1) The program may be conducted by instructors certified by the department or the department may establish a correspondence-type course.

(2) The department shall procure liability insurance coverage for certified instructors for work within the scope of their duties under this section.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86; CR 00-110: r. (3) and (4) Register April 2002 No. 556, eff. 5-1-02.

**NR 64.10 Accident report confidential.** No report required under s. 23.33 (7), Stats., to be filed with the department may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department. This information will be provided solely to prove a compliance or failure to comply with the requirement that such a report be made.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86.

**NR 64.11 Coroners and medical examiners to report: require blood specimen.** (1) Every coroner or medical examiner shall, on or before the 10th day of each month, report in writing to the department the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving an all-terrain vehicle and the circumstances of such accident.

(2) In cases of death involving an all-terrain vehicle in which the decedent died within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of the decedent within 12 hours after death by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of a physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this section. The blood drawn shall be forwarded to a laboratory approved by the department of health services for analysis of the alcoholic and controlled sub-

stance content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the department of health services. The department of health services shall keep a record of all such examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the department of health services. The department shall reimburse coroners and medical examiners for the costs incurred in submitting reports and taking blood specimens and laboratories for the costs incurred in analyzing blood specimens under this section.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86; correction in (2) made under s. 13.93 (2m) (b) 6, Stats., Register, December, 1999, No. 528; corrections in (2) made under s. 13.92 (4) (b) 6, Stats.

**NR 64.12 Routes.** (1) An all-terrain vehicle route may be established by a town, city, village or county by adopting an ordinance designating a highway as an all-terrain vehicle route and signing the highway in accord with s. 23.33 (8), Stats., and rules of the department.

(2) A town, city, village or county may adopt an ordinance designating a state trunk highway or connecting highway as an all-terrain vehicle route if the department of transportation approves the designation.

(3) A town, city, village or county may adopt an ordinance designating a sidewalk of a state trunk highway bridge as an all-terrain vehicle route with the approval of the department of transportation.

(4) A town, city, village or county may designate a route as an all-terrain vehicle route during certain periods of the year and prohibit the operation of all-terrain vehicles on that route during other periods of the year.

(5) All-terrain vehicle operation is not permitted on state trunk highways or connecting highways except as provided for under s. 23.33 (4), Stats., or sub. (2) or (3).

(6) No person may operate an all-terrain vehicle on a restricted all-terrain vehicle route during any period of the year when the operation of all-terrain vehicles is prohibited.

(7) Signs for all-terrain vehicle routes on highways, hybrid trails, and sidewalks designated for use by the governmental unit having jurisdiction as authorized under s. 23.33 (8), Stats., shall meet the following requirements:

(a) The all-terrain vehicle route sign shall have a reflectorized white symbol, border and message on a reflectorized green background. The sign, including the stylized all-terrain vehicle symbol and the word message "ATV ROUTE", shall conform to the standard design on file in the department of transportation.

**Note:** For information on whom to contact for the construction of signs for all-terrain vehicle routes, contact your DNR Regional Community Service Specialist shown online at <http://dnr.wi.gov/files/PDF/pubs/cf/CF0023.pdf>.

(am) The standard and minimum size of an all-terrain vehicle route sign shall be:

1. For an all-terrain vehicle route sign on a hybrid trail that is not receiving gas tax funding: no smaller than 6 inches by 6 inches and no larger than 24 inches by 18 inches.

2. For all other all-terrain vehicle route signs not identified in subd. 1., the minimum size shall be 24 inches by 18 inches.

(b) The directional arrow marker (M7 series) shall have a reflectorized white arrow and border on a reflectorized green background. The standard and minimum size of a directional arrow shall be 12 inches by 9 inches.

(c) An all-terrain vehicle route sign with directional arrow, where appropriate, shall be placed at the beginning of an all-terrain vehicle route and at such locations and intervals as necessary to enable all-terrain vehicle operators to follow the route.



ALL TERRAIN VEHICLE ROUTE SIGN AND ARROWS  
(M-7 SERIES)

GREEN REFLECTORIZED BACKGROUND WITH WHITE REFLECTORIZED LETTERS, SYMBOLS, AND BORDER

(d) All-terrain vehicle route signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the all-terrain vehicle route.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86; CR 11-050: am. (7) (Intro.), (a), cr. (7) (am) Register July 2012 No. 679, eff. 8-1-12.

**NR 64.13 General aids provisions.** The following provisions are applicable to the all-terrain vehicle aids program and law enforcement aids to counties.

(1) Acquisition of real property shall be in accord with state guidelines for preparation of appraisals and relocation assistance.

(2) Before development of certain public facilities begins, formal approval may be required from state agencies concerning health, safety or sanitation requirements.

(3) Assistance may be given to develop leased real property provided control and tenure of such property is commensurate with the proposed development.

(4) Donated labor, materials, land or other activities which do not result in an actual expenditure by the sponsor and indirect costs are not allowable in the claim.

(5) Direct costs which are supported by time sheets, vouchers or similar documentation reflecting specific assignment to a project are eligible project costs.

(6) Actual costs of force account labor and equipment is allowable. Equipment rental rates may not exceed the county machinery rates established annually by the department of transportation.

(7) Where a machinery rate schedule is established by the department for both equipment and operator, the total of force account labor and equipment may not exceed the rate specified in the schedule.

(8) Actual fringe benefits paid as part of the direct labor costs claimed are eligible project costs.

(9) Claims for payment shall be submitted within 6 months of the project termination date.

(10) (a) Except as provided in pars. (b) and (c), project expenditures shall be within the project period, project scope and project amount as shown on the project agreement.

(b) Expenditures for land acquisition made prior to entering into a project agreement may be reimbursed upon prior written

approval of the department. To receive approval, the sponsor shall submit a written statement demonstrating a need to acquire land prior to the approval of a project agreement.

(c) Expenditures for necessary engineering or planning costs made prior to entering a project agreement may be reimbursed by the department.

(11) A request for a project extension shall be submitted prior to the project termination date.

(12) All payments are contingent upon final audit. Financial records including all documentation to support entries in the accounting records to substantiate charges for each project shall be kept available for review by state officials for a period of 3 years after final payment.

(13) Reasonable entrance or user fees may be charged to off-set operation and maintenance costs of all-terrain vehicle use areas. Fees are subject to department review.

(14) (a) The department may approve a variance from non-statutory requirements of this chapter upon the request of a sponsor if:

1. The department determines that the variance is essential to effect necessary grant actions or program objectives; and

2. Special circumstances indicate that the variance is in the best interest of the program.

(b) In determining whether to grant a variance under par. (a), the department shall take into account such factors as good cause and circumstances beyond the control of the sponsor.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86; renum. (10) to be (10) (a) and am., cr. (10) (b) and (c) and (14), Register, May, 1991, No. 425, eff. 6-1-91; am. (8), Register, December, 1999, No. 528, eff. 1-1-00.

**NR 64.14 All-terrain vehicle trail aid. (1) DISTRIBUTION.** The department shall distribute all-terrain vehicle project aids on the basis of a priority system according to the following priority ranked purposes;

(a) Maintenance of existing approved all-terrain vehicle areas and trails, including routes;

(b) Purchase of liability insurance;

(c) Acquisition of land by easement, lease or other agreements for the use of land;

(d) Major rehabilitation of bridge structures or trail segments;

(e) Acquisition of land in fee and development of new all-terrain vehicle areas and trails, including routes.

(2) **TRAIL MAINTENANCE.** The department may provide state aid for trail maintenance costs equal to the approved eligible project costs which may not exceed:

(a) *\$100 per mile for winter maintenance.* Trails eligible for winter maintenance shall be maintained and groomed for a total of not less than 2 months nor more than 6 months per year including the months of January and February.

(b) *\$600 per mile for summer maintenance.* Trails eligible for summer maintenance shall be maintained for a total of not less than 3 months nor more than 8 months per year including the months of June, July, and August.

(2m) **MAINTENANCE OF ROUTES.** The department may provide state aid up to 100 percent of the cost of the purchase of all-terrain vehicle route signs and arrows, trail crossing warning signs, and signs briefly explaining the intoxicated all-terrain vehicle operator law. All-terrain vehicle routes, whether a part of an approved all-terrain vehicle trail or not, are not eligible for per mile maintenance payments under sub. (2).

(2r) **MAINTENANCE FUNDING OF HYBRID TRAILS ("TROUTES").**  
(a) *Hybrid trails existing before August 1, 2012.* The department may provide state aid of up to 100 percent of the per-mile rate listed in sub. (2). Any hybrid trail that received funding under this chapter prior to August 1, 2012, and is posted with signs as a hybrid trail, shall continue to be eligible to receive the per-mile maintenance reimbursement rate under sub. (2) (a) or sub. (2) (b) or both. Any hybrid trail that received funding under this chapter

prior to August 1, 2012, and is posted with signs as a hybrid trails, shall be eligible for rehabilitation costs of up to 100 percent of costs.

(b) *Hybrid trails existing on August 1, 2012 or later.* All hybrid trails developed on August 1, 2012 or later, shall be posted with signs as hybrid trails and are eligible for funding under this chapter as follows:

1. For eligible applicants not receiving gas tax for a road on which all-terrain vehicles will also be traveling, not more than 50 percent of the per-mile rate as identified in sub. (2)

2. For eligible applicants receiving gas tax for a road on which all-terrain vehicles will also be traveling, the per-mile rate identified in sub. (2) minus the gas tax received, not to exceed 50 percent of rate in sub. (2).

(3) **AREA MAINTENANCE.** The department may provide state aid for maintenance of an all-terrain vehicle area equal to 50 percent of the approved eligible project costs to maintain the all-terrain vehicle area. Sponsors receiving maintenance aid for all-terrain vehicle areas from the motorcycle recreation program are not eligible for maintenance aid under the all-terrain vehicle aids program.

(4) **PRORATION.** Should funds not be sufficient to satisfy the total request for a priority ranked purpose, i.e., either maintenance, insurance, or land acquisition, the funds shall be distributed to sponsors on a proportional basis for that purpose.

(5) **ACQUISITION.** (a) *Eligibility.* Any town, village, city, county, or state or federal agency may receive aids to purchase lands or secure easements, leases, permits or other appropriate agreements, written or oral, permitting use of private property for public all-terrain vehicle trails, facilities and areas.

(b) *Fee simple.* The cost of purchasing land in fee simple for all-terrain vehicles shall be based on the appraised value of the land.

(c) *Easement or lease.* For trail purposes, the width of the all-terrain vehicle right-of-way may not exceed one rod. The easement or lease shall contain, at a minimum, the right to sign, right of limited construction, right to maintain, right of use by all-terrain vehicles and necessary trail grooming equipment. Cost sharing is limited to the minimum land area necessary for the all-terrain vehicle trail.

1. All local units of government, state and federal agencies shall certify to the department that easements, leases, permits, or other appropriate agreements secured grant public access and use of the land for all-terrain vehicles. The local units, state or federal agencies shall maintain a current file of all easements, leases or permits which include the name of the property owner, description of the property, duration of the lease, easement or permit, and amount to be paid for the lease, easement or permit.

2. The department may provide aid to pay \$.10 cents per rod for easements or leases for an all-terrain vehicle trail.

3. The cost of leasing land for all-terrain vehicles other than trail right-of-ways shall be based on the appraised value of the easement.

(6) **DEVELOPMENT.** (a) Development shall begin within one year of the date land is acquired.

(b) All-terrain vehicle trail shall meet the following design requirements and specifications:

1. The minimum cleared width for one way trails is 6 feet and the maximum is 8 feet.

2. The minimum cleared width for two way trails is 10 feet and the maximum is 12 feet.

3. A height of 8 feet above the trail shall be cleared.

4. All-terrain vehicle trails may not be routed over bodies of water. If stream crossings make bridging necessary, bridges shall be at least 8 feet wide clear of obstruction. If the bridge is located on an abandoned railroad grade, the bridge width shall be at least

10 feet clear of obstruction. The department shall determine the need for bridging or if fords or ice crossings may be used.

5. Trails shall not be routed through or by areas of anticipated conflict that may include, but are not limited to, wilderness areas, game preserves, winter browse areas, experimental stations, nurseries, plantations and residences.

(c) Signs for use on all-terrain vehicle trails shall have the same specifications as those under s. NR 50.09 (4) (c) 3. b. with the following additions:

#### WINTER USE TRAIL MARKER



#### SUMMER USE TRAIL MARKER



#### YEAR ROUND USE TRAIL MARKER



1. Purpose: To delineate when the trail is available for all-terrain vehicle use during the year.

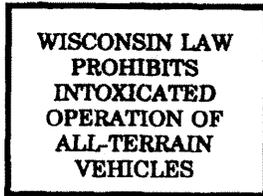
Size: 6 inches by 6 inches

Color: For winter use trails, the sign shall be a reflective white background, reflective brown border and symbol, and reflectorized words WINTER USE. For summer use trails, the sign shall have a reflectorized brown background, reflectorized white border and symbol, and reflectorized words SUMMER USE. For

year-around use trails, the sign shall be split in half with the upper half using the winter design and colors and the lower half using the summer design and colors.

**Note:** The department considers signs with titles indicating "WINTER" or "SUMMER" to be the equivalent to signs with titles indicating "WINTER USE" or "SUMMER USE".

2. The all-terrain vehicle symbol for permissive and restrictive signs shall be the same as under subd. 1.



#### INTOXICATED OPERATION SIGN

3. Purpose: To inform all-terrain vehicle operators that operating while intoxicated is illegal.
- Size: 24 inches by 24 inches.
- Color: Reflective black letters and border on reflectorized white background.

(d) The department shall distribute aids for all-terrain vehicle area and trail development projects, including routes, considering the following criteria:

1. All-terrain vehicle routes, areas and trails in counties where routes, areas, and trails are in short supply in comparison to demand.
2. All-terrain vehicle routes and trails that provide connecting loops or origin-destination segments over dead end segments.
3. All-terrain vehicle routes or trails that provide connections from one jurisdiction to another.
4. All-terrain vehicle routes and trails that have potential for year round use.
5. All-terrain vehicle routes, areas, trails, and bridges to be developed on publicly owned land or private land under a written easement, lease, permit, or other agreements for a minimum of 3 years or greater. The length of any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated with funds under this chapter shall be for a period of at least 3 years if the total cost of the bridge is \$50,000 or less. Any easement, lease, permit or other agreement for the placement of a bridge on private land that is either developed or rehabilitated shall be in writing. The length of any easement, lease, permit, or other agreement may be a factor in determining the amount of funds awarded under this chapter.

**Note:** The Off Road Vehicle Advisory Council will, at one of its duly-noticed meetings, consider public comment, develop criteria for easements, leases, or permits, and recommend these criteria to the department, including minimum year lease requirements beyond the required 3-year lease for bridge projects costing more than \$50,000. The Council may meet with the Governor's Snowmobile Recreation Council to develop joint recommendations for easement criteria for joint snowmobile and ATV trails to the department. See online materials at <http://dnr.wi.gov/Aid/Meetings.html>. Click on tab Off road vehicles.

**(7) MAINTENANCE.** Local units of government and state or federal agencies shall be required to maintain all-terrain vehicle areas and trails developed on land receiving aids for acquisition or development.

**(8) MAJOR REHABILITATION.** (a) Any town, village, city, county, or state or federal agency may receive aids for up to 100 percent of eligible costs for the major rehabilitation of bridge structures or trail segments requiring significant improvements or repair.

(b) For bridge rehabilitation projects that involve total deck replacement, the deck shall be reconstructed to be at least 8 feet wide and free from obstruction.

(c) When a bridge rehabilitation project is located on an abandoned railroad grade and involves total deck replacement, the deck shall be reconstructed to be at least 10 feet wide and free from obstruction.

(d) Sponsors of projects for major rehabilitation of a trail segment shall explain to the satisfaction of the department why the rehabilitation activities cannot be accomplished through the use of trail maintenance funds under sub. (2).

**(9) ALLOWABLE COSTS, BILLINGS AND AUDITS.** (a) 1. Reimbursement of costs of development of all-terrain vehicle areas and trails shall be up to 100 percent of approved eligible project costs. Reimbursement of costs of development of hybrid trails *existing before August 1, 2012*, shall be up to 100 percent of approved eligible project costs. Sponsors may request an advance payment of up to 75 percent of the signed contract amount for development.

2. Development project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

(am) 1. Reimbursement of costs of major rehabilitation of all-terrain vehicle bridges or trail segments shall be for not more than 100 percent of approved eligible project costs. Sponsors may request an advance payment of up to 75 percent of the signed contract amount for major rehabilitation.

2. Major rehabilitation project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

(ar) 1. Eligible costs for all-terrain vehicle bridge development and rehabilitation projects include all of the following: construction and replacement of entire structure including approaches and abutments, construction and repair to the superstructure of the bridge, construction and replacement of the entire deck and railings and construction and repair or construction and replacement of protective riprap around abutments or footings.

2. Costs that are not eligible for development and rehabilitation cost sharing include all of the following: construction and replacement of bridge railings only, decking and patching of decking, grading or minor repair to approaches, construction and bridge repairs to bring bridge structure within any existing codes, construction and reinforcement of bridge structures to accommodate weights in excess of 14,000 pounds and deck construction and replacement for the primary purpose of accommodating larger grooming equipment.

3. Cost sharing for the purchase and installation of prefabricated bridges shall be limited to structures with a maximum design load of 14,000 pounds.

4. Cost sharing for the purchase of materials and construction of bridges built on site by either contractors or clubs shall be limited to a maximum design load of 14,000 pounds unless there are circumstances that warrant a capacity greater than 14,000 pounds for no demonstrated increase in cost.

**Note:** For bridge design, see the bridge guidelines for new and replacement snowmobile and all-terrain bridges at <http://dnr.wi.gov/Aid/documents/bridgeguide.pdf>.

(b) Payment of liability insurance costs for liability insurance purchased by a local unit of government for approved trails shall be 100 percent of eligible costs.

(c) Sponsors may request advance payments of up to 50 percent of the project amount for maintenance. To be eligible for maintenance advance payments a sponsor shall have settled all maintenance claims from previous years.

(d) Rehabilitation of hybrid trails *existing after August 1, 2012* and not receiving gas tax for a road on which all-terrain vehicles will also be traveling, at 50 percent, excluding structures.

(dg) Claims will be on a reimbursement basis except for development and maintenance project advances.

(e) Sponsors shall be required to keep a separate account for all-terrain vehicle project costs.

(f) Winter trail grooming rates shall be established annually by the department.

(g) Equipment rates for other maintenance activities and trail development performed by force account or all-terrain vehicle clubs or organizations may not exceed the county machinery agreement established annually by the department of transportation.

(h) Labor rates for other maintenance activities and trail development performed by all-terrain vehicle clubs or organizations shall be established annually by the department.

(i) Labor rates for other maintenance activities and trail development by municipal employees or others included in a labor contract shall be as established by the contract.

(j) Reductions in grant payments for failure to comply with the requirements of maintenance or development project agreements may be made on a case-by-case basis. A partial or total reduction in funds shall be preceded by specific written notification of conditions which were not met and include a timetable for improvement in performance. Continued failure to comply with the grant agreement within the prescribed timetable may result in a reduction of grant funds. The reduction shall be calculated based on a percentage of poor performance in relation to the total trail system included in the grant agreement.

(k) The cost of producing trail maps is an eligible expense under a maintenance or development project.

**(10) USEFUL LIFE.** (a) A table of maximum useful life for project elements is established for the purpose of project record management. The listing of the maximum useful life figures for all-terrain vehicle maintenance, development, insurance, and acquisition projects is as follows:

Activity	Description	Maximum Useful Life in Years
Maintenance	Includes brushing, signing, grooming, minor structural repairs	0
Acquisition	Annual easements and leases	0
Insurance	Purchase of liability coverage by governmental sponsor	0
Development	General trail construction	0
	Bridge structures	10
	Culverts	3
	Gates	3
	Multi-purpose buildings	20
	Trail shelters	5

**(11) APPLICATION FOR AID.** A local unit of government or a federal agency which seeks to receive aids for all-terrain vehicle projects for the following year shall contact the appropriate department regional office for prescribed application forms and instructions and submit a completed application by April 15.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86; am. (2), (6) (b) 1., 2. and 4., renum. (9) to be (10), cr. (2m), (6) (c) 3., (8) (j) and (k) and (9), Register, November, 1989, No. 407, eff. 12-1-89; am. (1) (c) and (5) (a), r. and recr. (1) (d) and (2), renum. (8) to (10) to be (9) to (11), cr. (1) (e) and (8), Register, May, 1991, No. 425, eff. 6-1-91; am. (2) (a), (b) and (11), r. (2) (c), r. and recr. (9) (a) 1., cr. (9) (am), Register, December, 1999, No. 528, eff. 1-1-00; CR 03-044: am. (2) (a) and (b) Register December 2003 No. 576, eff. 1-1-2004; CR 11-050: am. (2) (b), cr. (2r), am. (6) (c) (intro.), 1., (d) 5., (9) (a) 1., cr. (9) (ar), renum. (9) (d) to be (9) (dg), cr. (9) (d) Register July 2012 No. 679, eff. 8-1-12.

**NR 64.15 Law enforcement aids to counties.**

(1) Counties may receive up to 100 percent reimbursement of monies spent on the enforcement of s. 23.33, Stats. Officers

involved in the enforcement of s. 23.33, Stats., must have authority pursuant to s. 23.33 (12), Stats.

(2) Claim forms shall be filed with the department's appropriate law enforcement safety specialist on or before June 1 of the year following the 12-month period for which the claim is made. Claims shall be made for the May 1 to April 30 period immediately preceding the filing date.

(3) The following forms shall be used in the all-terrain vehicle enforcement aid program:

(a) *Form 8700-59 — Notice of intent to patrol.* In order to be eligible for the state aids, an all-terrain vehicle patrol shall function as an enforcement unit and file an intent to patrol form with the department of natural resources listing the authority under which the all-terrain vehicle patrol will operate. On or before June 1 of each year a county shall file an intent to patrol form with the department, sent to the attention of the Bureau of Law Enforcement, P.O. Box 7921, Madison, Wisconsin 53707.

(b) *Form 8700-89 — Daily log.* This form is to be used in compiling a summary of the all-terrain vehicle patrol's daily activities and expenses. It is not to be filed with the department, but is to be used for assembling information necessary to complete form 8700-90. This form shall be kept on file by the all-terrain vehicle patrol to augment its records and shall be available in chronological order for periodic checks by representatives of the department during normal business hours and at the time of the annual audit.

(c) *Form 8700-90 — Monthly report.* This form is to be completed and filed with the department no later than the tenth day following the month covered. The information shown on this form will be a computation of the information taken from the daily logs (form 8700-89).

(d) On or about April 1 of each year, one set of the following forms shall be sent by the department to each county which has an intent to patrol form on file. The appropriate official shall fill out the forms, retain one set for the county's records, and file 2 sets with the department's appropriate law enforcement safety specialist on or before June 1, covering the patrol expense for the preceding 12-month period of May 1 to April 30. Claims which are received by the department after June 1 may not be processed for payment.

1. 'Form 8700-60 — Application for state aid.' This form shall be completed by the appropriate county official, who shall list the total net cost of the all-terrain vehicle patrol claimed by the county.

2. 'Form 8700-61 — Salary schedule.' This form shall be completed by the appropriate county official who shall list the names and salaries of persons engaged in the enforcement of s. 23.33, Stats. Salary rate shall be restricted to no more than the regular straight time rate which the certified law enforcement officer normally receives. Fringe benefit rates are actual costs up to a maximum of 29 percent of the reimbursable straight time salary rate.

3. 'Form 8700-62 — Travel, materials and supplies schedule.' This form shall be completed by the appropriate county official, who shall list all reimbursable expenditures other than salaries and depreciable items.

4. 'Form 8700-63 — Depreciation schedule — straight line method.' This form shall be completed by the appropriate county official, who shall list all capital outlay equipment and the resulting depreciation. Depreciation shall be calculated at the rate of 12½ percent annually of all equipment (over \$1000.00) except all-terrain vehicles which shall be figured at the rate of 20 percent annually.

5. 'Form 8700-64 — Record of court cases for violations of s. 23.33, Stats.' This form is to be completed by the appropriate county official, who shall list all violations and court actions for the calendar year.

(e) Each claim shall be audited by the department as soon as possible after the claim has been received. Payment of claims shall be made no later than October 1. Reimbursement of the actual cost and maintenance of all-terrain vehicle enforcement patrols is authorized. Travel expenses and salaries for training purposes are authorized only for attendance of all-terrain vehicle enforcement training sessions conducted by the department. The person in charge of the patrol or designee is required to attend all designated department all-terrain vehicle enforcement patrol training sessions as a condition of receiving aids under this section and s. 23.33, Stats.

(f) Should funds not be sufficient to satisfy the total request of eligible audited costs, funds shall be distributed on a proportional basis.

(g) In order to help achieve uniformity, accountability and cost controls, the following standards are established:

1. For the purpose of patrol reimbursement, each patrol is eligible for reimbursement for only those hours up to 3 times the state average of arrests per hour for participating sheriff patrols for the past 3 years computed from the statewide all-terrain vehicle sheriff patrol records. Two documented written warnings will be given the same weight as an arrest. No more than 50 percent of the credits to reach the standard may be for written warnings.

2. For the purpose of reimbursement of leased capital equipment, the amount may not be more than 50 percent above the average depreciation cost of the prior year for all all-terrain vehicle patrols claiming depreciation.

3. When more than 50 percent of the eligible patrols are submitting claims, no one patrol may receive more than 20 percent of funds available.

4. A minimum of 20 patrol hours is required in order to be eligible for reimbursement.

5. For the purpose of administering reimbursement, search and rescue enforcement costs are eligible only for officers actively looking for all-terrain vehicle operators who are, or who are reasonably believed to be, alive, in distress or are in a life threatening situation.

6. For the purpose of reimbursement of capital equipment under s. 23.33 (9), Stats., for law enforcement aid to counties, the amount is limited to depreciation for all-terrain vehicles and all-terrain vehicle trailers.

**Note:** Forms may be obtained from department district offices and the department's Bureau of Law Enforcement, Box 7921, Madison, WI 53707.

**History:** Cr. Register, July, 1986, No. 367, eff. 8-1-86; am. (2), (3) (d) (intro.) and 2., cr. (3) (g), Register, December, 1999, No. 528, eff. 1-1-00; CR 02-098: am (2), (3) (a), (d) (intro.) and 4., (e) and (g) 3., Register May 2003 No. 569, eff. June 1, 2003.