

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0082/P5ins
MGG:.....

1 **Insert 13-21**

2 (a) "Agricultural purpose" includes a purpose related to the transportation of
3 farm implements, equipment, supplies, or products on a farm or between farms.

4 **Insert 15-10**

5 (t) "Off-highway motorcycle manufacturer" means a person engaged in the
6 manufacture of off-highway motorcycles for sale to the public.

7 **Insert 15-15**

8 (w) "Off-highway vehicle" means an all-terrain vehicle, an off-highway
9 motorcycle, or a utility terrain vehicle.

10 (x) "Off-highway vehicle association" means a club or other association
11 consisting of individuals that promotes the recreational operation of any
12 combination of the following:

- 13 1. All-terrain vehicles.
14 2. Off-highway motorcycles.
15 3. Utility terrain vehicles.

16 **Insert 17-22**

17 (c) *Weekend exemption.* A person may operate an off-highway motorcycle of the
18 highways in this state during the first full weekend in June of each year without
19 registering the off-highway motorcycle as required under par. (a).

20 **Insert 20-14**

21 ~~NOFF~~ The department shall impose an additional late fee of \$5 for the renewal of a
22 registration certificate under this subdivision that is filed after the expiration date

1 of the registration certificate unless the renewal is included with an application for
2 transfer of the registration certificate.

3 **Insert 24-20**

4 (f) A person may operate an off-highway motorcycle off the highways in this
5 state during the first full weekend in June of each year without having a nonresident
6 trail pass as required as required under par. (a).

7 **Insert 26-20**

8 *no ff* The speed limit specified in this subsection does not apply to a person operating
9 *an* off-highway motorcycle on a roadway that is designated as an off-highway
10 motorcycle route.

11 **Insert 26-24**

12 8. Operate *the* off-highway motorcycle on the frozen surface of public waters
13 or on an off-highway motorcycle trail at a speed exceeding 10 miles per hour or
14 without yielding the right-of-way when within 100 feet of another person who is not
15 operating a motor vehicle, an off-highway vehicle, or snowmobile.

16 **Insert 26-25**

17 *no ff* This subdivision does not authorize the department to promulgate or enforce
18 a rule that imposes a speed restriction that is more stringent than a speed restriction
19 specified under this paragraph.

20 **Insert 28-17**

21 6. Operation is on a roadway, *and* the limited use off-highway motorcycle is
22 registered for private use under *sub.* (3) and is *being* used exclusively as an
23 implement of husbandry or for agricultural purposes. Such operation is authorized
24 only for the extreme right side of the roadway except that left turns may be made
25 from any part of the roadway which is safe given prevailing conditions.

Insert 37-19

(L) *Public education program.* 1. The department shall promulgate rules to provide for a public education program to:

a. Inform off-highway motorcycle operators of the prohibitions and penalties included in the intoxicated operation of an off-highway motorcycle law.

b. Provide for the development of signs briefly explaining the intoxicated operation of an off-highway motorcycle law law

2. The department shall develop and issue an educational pamphlet on the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law to be distributed to persons issued off-highway motorcycle registration certificates under § 23.335 (3).

Insert 38-14

(14) SAFETY CERTIFICATION PROGRAM. The department shall establish or supervise the establishment of a program of instruction on laws related to the operation of off-highway motorcycle for recreational purposes off the highways. The program shall include instruction on the intoxicated operation of an off-highway motorcycle law, safety, and related subjects. The department shall establish by rule an instruction fee for this program. All or part of this program may be conducted by means of online instruction. The department shall issue certificates to persons successfully completing the program. An instructor conducting the program of instruction under this subsection shall collect the fee from each person who receives instruction. The department may determine the portion of this fee, which may not exceed 50% ^{one percent}, that the instructor may retain to defray expenses incurred by the instructor in conducting the program. The instructor shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department. The department

1 shall issue a duplicate certificate of accomplishment to a person who is entitled to a
2 duplicate certificate of accomplishment and who pays a fee of \$2.75.

3 (15) SAFETY GRANT PROGRAM. (a) The department shall establish a program to
4 award grants to organizations that meet the eligibility requirements under par. (b).

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

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

8 2. The organization promotes the off-highway operation of off-highway
9 motorcycles in a manner that is safe and responsible and that does not harm the
10 environment.

11 3. The organization promotes the off-highway operation of off-highway
12 motorcycles in a manner that does not conflict with the laws, rules, and departmental
13 policies that are applicable to the operation of off-highway motorcycles.

14 4. The interest of the organization is limited to the recreational operation of
15 off-highway motorcycles on off-highway motorcycle trails, off-highway motorcycle
16 routes, and other areas that are off the highways.

17 5. The organization provides support to off-highway motorcycle clubs.

18 (c) An organization receiving a grant under this subsection shall use the grant
19 moneys to promote and provide support to the safety certification program
20 established under sub. (14) by conducting activities that include all of the following:

21 1. Collecting data on the recreational off-highway operation of off-highway
22 motorcycles.

23 2. Providing assistance to the department in locating, recruiting, and training
24 instructors for the safety certification program established under sub. (14).

1 3. Attempting to increase participation by current and future off-highway
2 motorcycle operators and owners in the safety certification program established
3 under sub. (14).

4 4. Assisting the department of natural resources and the department of
5 tourism in creating an outreach program to inform local communities of appropriate
6 recreational off-highway use of off-highway motorcycles in their communities and
7 of the economic benefits that may be gained from promoting tourism to attract
8 persons who will participate in the recreational off-highway use of off-highway
9 motorcycle^s

10 5. Attempting to improve and maintain its relationship with all of the
11 following:

12 a. The department of natural resources and the department of tourism.

13 b. Off-highway motorcycle dealers and off-highway motorcycle
14 manufacturers.

15 c. All-terrain vehicle dealers, as defined in s. 23.33 (1) (bd), and all-terrain
16 vehicle manufacturers, as defined in s. 23.33 (1) (bp).

17 d. Snowmobile clubs, as defined in s. 350.138 (1) (e), snowmobile alliances, as
18 defined in s. 350.138 (1) (d), and other organizations that promote the recreational
19 operation of snowmobiles.

20 6. Recruiting, assisting in the training of, and providing support to a corps of
21 volunteers that will assist in providing instruction on the safe and responsible
22 off-highway operation of off-highway motorcycles that is given in the field to
23 operators of off-highway motorcycles.

1 7. Assist the department in publishing a manual that will be used to train
2 volunteers in monitoring the recreational off-highway operation of off-highway
3 motorcycles for safety issues and other issues that relate to responsible operation.

4 (d) The department shall pay the grants from the appropriation under s. 20.370

5 (5) (gs).

* * * * * NOTE: MGG - Need to link to correct cross-reference

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15; s. 13.92 (1) (bm) 2.

6
7 **Insert 41-14**

8 (e) *Signs.* The department, in cooperation with the department of
9 transportation, shall establish uniform signs and standards for off-highway
10 motorcycle routes and off-highway motorcycle trails.

11 (f) *Interference with signs and standards prohibited.* 1. No person may
12 intentionally remove, damage, deface, move, obstruct, or interfere with the effective
13 operation of any uniform off-highway motorcycle route sign or standard or any
14 uniform off-highway motorcycle trail sign or standard if the sign or standard is
15 legally placed by the state, any municipality, or any authorized individual.

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

22 **Insert 44-5**

23 (e) *Penalty related to interference with signs and standards.* Except as provided
24 in par. (f), a person who violates sub. (19) (f) and who, within the last 2 years prior

1 to the arrest for the current violation, was 2 or more times previously convicted for
2 violating a provision of this chapter shall forfeit not more than \$500.

3 (f) Penalties related to causing death or injury; interference with signs and
4 standards. A person who violates sub. (19) (f) 1. is guilty of a Class H felony if the
5 violation causes the death or injury, as defined in s. 30.67 (3) (b), of another person.

6 **Insert 44-20**

7 (j) Restoration or replacement of signs and standards. In addition to any other
8 penalty, the court may order the defendant to restore or replace any uniform
9 off-highway motorcycle route sign or standard, or any uniform off-highway
10 motorcycle trail sign or standard, that the defendant removed, damaged, defaced,
11 moved, or obstructed.

12 **Insert 47-18**

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

14 23.45 (1) (d) "Registration" means any registration documentation, as defined
15 in s. 23.33 (1) (jn), 23.335 (1) (zf) or s. 350.01 (10t), or certification or registration
16 documentation, as defined in s. 30.50 (3b), issued by the department or its agents.

History: 1999 a. 88, 186; 2001 a. 16.

17 **Insert 52-2**

18 **SECTION 2.** 30.26 (4) (a) (intro.) of the statutes is amended to read:

19 30.26 (4) (a) (intro.) The department may not prohibit the crossing of a bridge
20 over a wild river by an all-terrain vehicle or utility terrain vehicle traveling on an
21 all-terrain vehicle trail, as defined under s. 23.33 (1) (d), by an off-highway
22 motorcycle traveling on an off-highway motorcycle trail designated under sub. (19)

1 (b), or by a snowmobile traveling on a snowmobile trail, as defined under s. 350.01
2 (17) that is constructed in any of the following locations:

3 **History:** 2003 a. 248; 2009 a. 7, 32, 276; 2011 a. 208.

3 **SECTION 3.** 30.26 (4) (b) of the statutes is amended to read:

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

8 **History:** 2003 a. 248; 2009 a. 7, 32, 276; 2011 a. 208.

8 **Insert 53-11**

9 **SECTION 4.** 70.11 (45m) of the statutes is amended to read:

10 70.11 (45m) SNOWMOBILE, ALL-TERRAIN VEHICLE, AND UTILITY TERRAIN VEHICLE
11 CLUBS. Trail groomers owned by a snowmobile club, an all-terrain vehicle club, or
12 a utility terrain vehicle club, or an off-highway motorcycle club that is exempt from
13 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, 185; 2001
a. 16, 38, 59, 103; 2003 a. 195, 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.

14 **Insert 54-4**

15 **SECTION 5.** 77.61 (1) (a) of the statutes is amended to read:

16 77.61 (1) (a) No motor vehicle, boat, snowmobile, recreational vehicle, as
17 defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
18 vehicle, off-highway motorcycle, or aircraft shall be registered or titled in this state
19 unless the registrant presents proof that the sales or use taxes imposed by this
20 subchapter have been paid.

History: 1971 c. 125; 1975 c. 186, 224; 1977 c. 29, 200, 418; 1979 c. 89, 125, 174; 1981 c. 20; 1983 a. 189 s. 329 (12); 1983 a. 405; 1983 a. 544 s. 47 (1); 1985 a. 29, 41;
1987 a. 27, 92, 119, 246; 1989 a. 31, 122, 359; 1991 a. 39, 269, 316; 1993 a. 205, 399; 1995 a. 27, 233, 280; 1997 a. 27, 191, 237; 1999 a. 83; 2001 a. 44, 103; 2005 a. 25, 49;
2007 a. 11, 20; 2009 a. 2, 28, 276; 2011 a. 68, 208.

21 **SECTION 6.** 77.61 (1) (b) of the statutes is amended to read:

1 77.61 (1) (b) In the case of motor vehicles, boats, snowmobiles, recreational
2 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
3 utility terrain vehicles, off-highway motorcycles, or aircraft purchased from a
4 retailer, the registrant shall present proof that the tax has been paid to such retailer.

History: 1971 c. 125; 1975 c. 186, 224; 1977 c. 29, 200, 418; 1979 c. 89, 125, 174; 1981 c. 20; 1983 a. 189 s. 329 (12); 1983 a. 405; 1983 a. 544 s. 47 (1); 1985 a. 29, 41; 1987 a. 27, 92, 119, 246; 1989 a. 31, 122, 359; 1991 a. 39, 269, 316; 1993 a. 205, 399; 1995 a. 27, 233, 280; 1997 a. 27, 191, 237; 1999 a. 83; 2001 a. 44, 103; 2005 a. 25, 49; 2007 a. 11, 20; 2009 a. 2, 28, 276; 2011 a. 68, 208.

5 **SECTION 7.** 77.61 (1) (c) of the statutes is amended to read:

6 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational
7 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
8 utility terrain vehicles, off-highway motorcycles, or aircraft registered or titled, or
9 required to be registered or titled, in this state purchased from persons who are not
10 retailers, the purchaser shall file a sales tax return and pay the tax prior to
11 registering or titling the motor vehicle, boat, snowmobile, recreational vehicle, as
12 defined in s. 340.01 (48r), semitrailer, all-terrain vehicle, utility terrain vehicle, or
13 aircraft in this state.

History: 1971 c. 125; 1975 c. 186, 224; 1977 c. 29, 200, 418; 1979 c. 89, 125, 174; 1981 c. 20; 1983 a. 189 s. 329 (12); 1983 a. 405; 1983 a. 544 s. 47 (1); 1985 a. 29, 41; 1987 a. 27, 92, 119, 246; 1989 a. 31, 122, 359; 1991 a. 39, 269, 316; 1993 a. 205, 399; 1995 a. 27, 233, 280; 1997 a. 27, 191, 237; 1999 a. 83; 2001 a. 44, 103; 2005 a. 25, 49; 2007 a. 11, 20; 2009 a. 2, 28, 276; 2011 a. 68, 208.

History: 2007 a. 200; 2011 a. 208.

14 **Insert 56-6**

15 **SECTION 8.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

16 78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel
17 upon which has been paid the tax required under this chapter for the purpose of
18 operating an all-terrain vehicle, as defined under s. 340.01 (2g), or a utility terrain
19 vehicle, as defined under s. 23.33 (1) (ng), may not be reimbursed or repaid the
20 amount of tax paid unless the all-terrain vehicle or utility terrain vehicle is
21 registered for private use under s. 23.33 (2) (d) or (2g). A person who uses motor
22 vehicle fuel or an alternate fuel upon which has been paid the tax required under this
23 chapter for the purposes of operating a limited use off-highway motorcycle, as

1 defined in s. 23.335 (1) (n) ² that is registered under s. 23.335 (3) may not be
2 reimbursed or repaid the amount of tax paid unless the off-highway motorcycle is
3 registered for private use under s. 23.335 (3) (a).

4 **Insert 59-15**

5 **SECTION 9.** 322.111 of the statutes is amended to read:

6 **322.111 Article 111 — Drunken or reckless operation of an all-terrain**
7 **vehicle, utility terrain vehicle, vehicle, snowmobile, aircraft, or vessel**
8 **certain vehicles, vessels, and aircraft.** Any person who violates s. 23.33 (3) (a)

9 or (4c), 23.335 (9) (a) 1. or (12) (a) or (b), 30.68, 30.681, 114.09, 346.62, 346.63 (1) or
10 (2), 350.10 (1) (b), 350.101, 940.25, or 940.09 where the offense involved the operation
11 or physical control of an aircraft, all-terrain vehicle, utility terrain vehicle,
12 snowmobile, vehicle, off-highway vehicle, or vessel on or off a highway shall be
13 punished as the court-martial may direct.

14 History: 2007 a. 200; 2011 a. 208.

14 **Insert 62-16**

15 **SECTION 10.** 347.24 (1) (d) of the statutes is created to read:

16 347.24 (1) (d) An off-highway motorcycle being operated as an implement of
17 husbandry off a highway need only comply with the lamp requirements established
18 under s. 23.335 (17) (a).

19 History: 2003 a. 248; 2009 a. 7, 32, 276; 2011 a. 208.

19 **Insert 65-7**

20 **SECTION 11.** 895.043 (6) of the statutes is amended to read:

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

1 included the operation of a vehicle, including a motor vehicle as defined under s.
 2 340.01 (35), a ⁿoff-highway motorcycle, as defined in s. 23.335 (1) (p), a snowmobile
 3 as defined under s. 340.01 (58a), an all-terrain vehicle as defined under s. 340.01
 4 (2g), a utility terrain vehicle as defined under s. 23.33 (1) (ng), and a boat as defined
 5 under s. 30.50 (2), while under the influence of an intoxicant to a degree that
 6 rendered the defendant incapable of safe operation of the vehicle. In this subsection,
 7 "intoxicant" has the meaning given in s. 30.50 (4e).

8 **History:** 1995 a. 17; 1997 a. 71; 1999 a. 79; 2005 a. 155 s. 71; Stats. 2005 s. 895.043; 2005 a. 388 s. 216; 2009 a. 274; 2011 a. 2, 208; s. 35.17 correction in (6).

8 **Insert 67-6**

9 **SECTION 12.** 938.343 (9m) of the statutes is created to read:

10 938.343 (9m) OFF-HIGHWAY MOTORCYCLE SAFETY CERTIFICATION PROGRAM. If the
 11 violation is one under s. 23.335 or under an ordinance enacted in accordance with s.
 12 23.335 concerning the use of off-highway motorcycles, as defined in s. 23.335 (1) (p),
 13 order the juvenile to attend the off-highway motorcycle safety certification program
 14 under s. 23.335 (14).

Correct component

Date of enactment: **June 21, 2013**

2013 Senate Bill 32 Date of publication*: **June 22, 2013**

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2013 WISCONSIN ACT 15

AN ACT *to renumber and amend* 23.33 (5) (a) and 23.33 (5) (c); *to amend* 23.33 (3) (g), 23.33 (3) (h), 23.33 (3) (i) and 23.33 (5) (am) 2.; and *to create* 23.33 (3) (gm), 23.33 (5) (a) 4., 23.33 (5) (c) 1., 23.33 (5) (c) 2. b., 23.33 (5) (c) 3. and 23.33 (5) (c) 4. of the statutes; **relating to:** age and speed restrictions on, and safety certification requirements for, the operation of all-terrain vehicles and utility terrain vehicles.

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

SECTION 1. 23.33 (3) (g) of the statutes is amended to read:

23.33 (3) (g) When within 150 feet of a dwelling at a speed exceeding 10 miles per hour. The speed limit specified in this paragraph does not apply to a person operating an all-terrain vehicle or utility terrain vehicle on a roadway that is designated as an all-terrain vehicle route.

SECTION 2. 23.33 (3) (gm) of the statutes is created to read:

23.33 (3) (gm) On the frozen surface of public waters or on an all-terrain vehicle trail, at a speed exceeding 10 miles per hour or without yielding the right-of-way when within 100 feet of another person who is not operating a motor vehicle, all-terrain vehicle, utility terrain vehicle, or snowmobile. This paragraph does not apply to a person operating an all-terrain vehicle or utility terrain vehicle while competing in a sanctioned race or derby.

SECTION 2M. 23.33 (3) (h) of the statutes is amended to read:

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

SECTION 2R. 23.33 (3) (i) of the statutes is amended to read:

23.33 (3) (i) In a manner which violates rules promulgated by the department. This paragraph does not authorize the department to promulgate or enforce a rule that imposes a speed restriction that is more stringent than a speed restriction specified under this subsection.

SECTION 3. 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. (intro.) and amended to read:

23.33 (5) (a) 1. (intro.) ~~No Subject to subds. 2. to 5., no person under 12 years of age may operate an all-terrain vehicle unless he~~ any of the following applies:

~~a. He or she is operating the all-terrain vehicle for an agricultural purpose and he or she is under the supervision of a person over 18 years of age or unless he. For purposes of this subd. 1. a., supervision does not require that the person under 12 years of age be subject to continuous direction or control by the person over 18 years of age.~~

~~b. He or she is operating a small all-terrain vehicle on an all-terrain vehicle trail designated by the department and he or she is accompanied by his or her parent parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.~~

~~2. No person who is under 12 years of age may operate an all-terrain vehicle which that is an implement of husbandry on a roadway under any circumstances.~~

~~3. No person who is under 12 years of age may operate an all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d) 6. under any circumstances.~~

~~5. No person who is under 16 years of age may operate an all-terrain vehicle under the authorization provided under sub. (4) (f) under any circumstances.~~

~~6. No person who is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this paragraph, supervision does not require that the person under 12 years of age be subject to continuous direction or control by the person over 18 years of age.~~

SECTION 4. 23.33 (5) (a) 4. of the statutes is created to read:

23.33 (5) (a) 4. No person who is under 16 years of age may operate an all-terrain vehicle under the authority provided under sub. (4) (d) 4. or 7. unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

SECTION 5. 23.33 (5) (am) 2. of the statutes is amended to read:

23.33 (5) (am) 2. A person who is under 16 years of age may operate a utility terrain vehicle if the person operates the utility terrain vehicle for an agricultural purpose and he or she is under the supervision of a person over 18 years of age. For purposes of this subdivision, supervision does not require that the person under 16 years of age be subject to continuous direction or control by the person over 18 years of age.

SECTION 6. 23.33 (5) (c) of the statutes is renumbered 23.33 (5) (c) 2. (intro.) and amended to read:

23.33 (5) (c) 2. (intro.) Paragraphs (a), ~~(am)~~, and (b) do not apply to a person who operates an all-terrain vehicle or utility terrain vehicle exclusively on land that is either of the following:

a. Land under the management and control of the person's immediate family.

SECTION 7. 23.33 (5) (c) 1. of the statutes is created to read:

23.33 (5) (c) 1. In this paragraph, "land on which operation is authorized" means land under the management and control of a person who consents to the operation of an all-terrain vehicle or utility terrain vehicle on the land.

SECTION 8. 23.33 (5) (c) 2. b. of the statutes is created to read:

23.33 (5) (c) 2. b. Land, other than land described under subd. 2. a., on which operation is authorized.

SECTION 9. 23.33 (5) (c) 3. of the statutes is created to read:

23.33 (5) (c) 3. A person who operates an all-terrain vehicle or utility terrain vehicle on land on which operation is authorized qualifies for the exception under subd. 2. b. only if the person is under 12 years of age and operates the all-terrain vehicle or utility terrain vehicle

when accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

SECTION 10. 23.33 (5) (c) 4. of the statutes is created to read:

23.33 (5) (c) 4. Notwithstanding the safety certificate requirements under par. (b), a person is not required to hold a safety certificate if all of the following apply:

- a. The person operates an all-terrain vehicle or utility terrain vehicle at an all-terrain vehicle or utility terrain vehicle demonstration event.
- b. The event under subd. 4. a. is sponsored by an all-terrain vehicle dealer, a utility terrain vehicle dealer, an all-terrain vehicle club, a utility terrain vehicle club, this state, a city, a village, a town, or a county.
- c. If the person is under 18 years of age, the person is accompanied by his or her parent or guardian or is accompanied by a person over 18 years of age who is designated by the parent or guardian.
- d. Notwithstanding sub. (3g) (a), the person wears protective headgear of the type required under s. 347.485 (1).
- e. The person operates the all-terrain vehicle or utility terrain vehicle in a closed-course area in the manner prescribed by the event sponsor.

Gibson-Glass, Mary

From: Gary, Tim
Sent: Friday, July 26, 2013 1:42 PM
To: Gibson-Glass, Mary
Subject: RE: LRB 13-0082 (off-highway motorcycles)

Mary,

Please let us follow LRB 0056/1.

Thank you.

Tim

From: Gibson-Glass, Mary
Sent: Friday, July 26, 2013 1:36 PM
To: Gary, Tim
Subject: LRB 13-0082 (off-highway motorcycles)

Tim,

In light of the issues regarding the constitutional amendment regarding the transportation fund do you want me to model the appropriation structure in this draft after the appropriations in LRB 13-0056 (off-highway vehicles) or do you want to keep the appropriation structure already in LRB 13-0882 where the registration fees go into the conservation fund?

Thanks,

Mary