

**2019 DRAFTING REQUEST****Bill**

For: **Howard Marklein (608) 266-0703** Drafter: **zwyatt**  
 By: **Vince** Secondary Drafters:  
 Date: **7/12/2019** May Contact:  
 Same as LRB: **-4792**

Submit via email: **YES**  
 Requester's email: **Sen.Marklein@legis.wi.gov**  
 Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**  
**elisabeth.shea@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Regulation of all-terrain vehicles

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 7/18/2019	anienaja 7/22/2019			
/P1	zwyatt 8/15/2019	anienaja 8/20/2019	lparisi 7/22/2019		
/P2	zwyatt 9/3/2019	anienaja 9/5/2019	mbarman 8/20/2019		
/P3	zwyatt 9/30/2019	anienaja 10/1/2019	dwalker 9/5/2019		Crime
/P4	zwyatt	anienaja	dwalker		Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/9/2019	10/9/2019	10/1/2019		
/P5	zwyatt 10/24/2019	anienaja 10/24/2019	lparisi 10/9/2019		
/P6			lparisi 10/24/2019		
/1	zwyatt 11/6/2019	anienaja 11/6/2019	mbarman 10/30/2019	mbarman 10/30/2019	
/2			lparisi 11/6/2019	lparisi 11/6/2019	

FE Sent For:

*Not Needed*

<END>

Section 1. 23.33 (1) (fg) of the statutes is created to read:

23.33 (1) (fg) "Federal agency" means the United States and any department of or corporation, agency, or instrumentality that is created, designated, or established by the United States.

\*\*\*\*NOTE: This definition will apply to the use of this term in current law in s. 23.33 (1m) (b).

Section 2. 23.33 (1) (jc) of the statutes is created to read:

23.33 (1) (jc) "Public utility" has the meaning given in s. 196.01 (5).

Section 3. 23.33 (1) (jr) of the statutes is created to read:

23.33 (1) (jr) "State agency" means any office, department, or independent agency in the executive branch of state government.

\*\*\*\*NOTE: This definition will apply to the use of this term in current law in s. 23.33 (4) (c) 1.

Section 4. 23.33(1)(ng) 1 of the statutes is amended to read:

23.33(1)(ng)1 A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, or mini-truck, ~~or tracked vehicle~~, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with all of the following:

Section 5. 23.33(1)(ng)1b of the statutes is amended to read:

23.33(1) (ng) 1b Four or more ~~low-pressure tires or non-pneumatic~~ tires or tracks.

Section 6. 23.33 (1)(ng)1h of the statutes is amended to read:

23.33 (1)(ng)1h. A width of not more than 65 inches as measured laterally between the outermost wheel rim or track on each side of the vehicle, exclusive of tires, mirrors, accessories, or similar components. For the purposes of this section, "accessories" shall include any vehicle-manufacturer marketed device, not essential to the vehicles' basic operation, intended for installation on a vehicle to enhance its utility or appearance, whether installed at the factory, at a dealership, or by a customer.

Section 7. 23.33 (1)(ng)2b of the statutes is amended to read:

23.33 (1)(ng)2b. A width of not more than 50 inches as measured laterally between the outermost wheel rim or track on each side of the vehicle, exclusive of tires, mirrors, accessories, or similar components. For the purposes of this section, "accessories" shall include any vehicle-manufacturer marketed device, not essential to the vehicles' basic operation, intended for installation on a vehicle to enhance its utility or appearance, whether installed at the factory, at a dealership, or by a customer.

**Section 8.** 23.33 (1)(ng)2d of the statutes is amended to read:  
23.33(1)(ng)2d. It travels on 3 or more ~~low pressure tires or non-pneumatic~~ tires or tracks.

**Section 9.** 23.33 (2) (b) 4. of the statutes is amended to read:  
23.33 (2) (b) 4. Owned or leased by a political subdivision of the state ~~and used for enforcement or emergency purposes~~ if the exterior of the all-terrain vehicle or utility terrain vehicle prominently displays the name of the political subdivision.

**Section 10.** 23.33 (3) (em) of the statutes is amended to read:  
23.33(3) (em) ~~With~~ Except as provided in sub. (11r), on an all-terrain vehicle route, all-terrain vehicle trail, or roadway, as authorized under this section, with a passenger riding in or on any part of a utility terrain vehicle that is not designed or intended to be used by passengers.

**Section 11.** 23.33 (3) (ht) of the statutes is created to read:  
23.33(3) (ht) Without complying with all stop signs, yield signs, or other regulatory signs established by rule under sub. (8) (e) that are located along all-terrain vehicle routes, all-terrain vehicle trails, public lands or roadways.

**Section 12.** 23.33 (3) (hu) of the statutes is created to read:  
23.33(3) (hu) Except as provided in sub. (11r), that is equipped with a lamp that emits any color of light other than white or amber that is visible from directly in front of the all-terrain vehicle or utility terrain vehicle.

**Section 13.** 23.33 (3) (hv) of the statutes is created to read:  
23.33(3) (hv) Except as provided in sub. (11r), that is equipped with a lamp that emits any color of light other than red, yellow, amber, or white that is visible from directly behind the all-terrain vehicle or utility terrain vehicle.

**Section 14.** 23.33 (3) (hw) of the statutes is created to read:  
23.33(3) (hw) Except as provided in sub. (11r), that is equipped with a lamp that emits a flashing light of a color other than yellow or amber.

**Section 15.** 23.33 (3) (hx) of the statutes is created to read:  
23.33 (3) (hx) Except as provided in sub. (11r), Whenever an All-terrain vehicle or Utility-terrain vehicle equipped with headlamps also is equipped with any adverse weather lamps, spot lamps or auxiliary lamps, or with any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of 4 of any such lamps or combinations thereof on the front of the vehicle shall be lighted at any one time, except for amber or yellow flashing lights, when such vehicle is within 500 feet of an oncoming vehicle upon a highway, route, trail or public area.

Section 16. 23.33 (3) (hy) of the statutes is created to read:

23.33 (3) (hy) Except as provided in sub. (11r), Whenever the operator of an all-terrain vehicle or utility terrain vehicle equipped with multiple-beam headlamps, adverse weather lamps, spot lamps or auxiliary lamps or with any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower approaches an oncoming vehicle within 500 feet, the operator shall dim, or depress the vehicle's headlights so that the glaring rays are not directed into the eyes of the operator of the other vehicle. This paragraph does not prohibit an operator from intermittently flashing the vehicle's high-beam headlamps at an oncoming vehicle whose high-beam headlamps are lit.

Section 17. 23.33(3) (hz) of the statutes is created to read:

23.33 (3)(hz) Except as provided in sub. (11r), Whenever the operator of an all-terrain vehicle or utility terrain vehicle equipped with multiple-beam headlamps, adverse weather lamps, spot lamps or auxiliary lamps or with any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower approaches or follows another vehicle within 500 feet to the rear, the operator shall dim, or depress the vehicle's headlights so that the glaring rays are not reflected into the eyes of the operator of the other vehicle. This paragraph does not prohibit an operator from intermittently flashing the vehicle's high-beam headlamps as provided under par. (hy)

Section 18. 23.33 (4) (d) (intro.) of the statutes is amended to read:

23.33(4) (d) Operation *on roadway*. (intro.) A person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway if the person complies with the applicable speed limit and only in the following situations:

Section 21. 23.33(6) (f) of the statutes is repealed:

~~23.33(6) (f) An all-terrain vehicle may not be modified so that its maximum width exceeds 50 inches.~~

Section 22. 23.33 (6) (g) of the statutes is repealed:

~~23.33(6) (g) An all-terrain vehicle or utility terrain vehicle may not be operated with tires other than low-pressure tires or non-pneumatic tires.~~

Section 23. 23.33 (6) (i) of the statutes is amended to read:

23.33 (6) (i) ~~No~~ Except as provided in sub. (11r), no person may operate a utility terrain vehicle on an all-terrain vehicle route, all-terrain vehicle trail, or roadway, as authorized under this section, unless each passenger occupant is wearing a safety belt installed by the manufacturer and fastened in a manner prescribed by the manufacturer of the safety belt ~~which~~ that permits the safety belt to act as a body restraint.

**Section 24.** 23.33 (6r) of the statutes is amended to read:  
 23.33(6r) PASSENGER RESTRICTIONS. ~~No~~ Except as provided in sub. (11r), on an all-terrain vehicle route, all-terrain vehicle trail, public area or roadway, as authorized under this section, no person may ride in or on any part of a utility terrain vehicle that is not designed or intended to be used by passengers.

**Section 28.** 23.33 (11r) of the statutes is created to read:  
 23.33 (11r) EXCEPTIONS. Subsections (3) (em) and (hu) to (hz), (6) (i), and (6r) do not apply to the operator of a vehicle, all-terrain vehicle, or utility terrain vehicle owned or leased by a city, village, town, county, state agency, federal agency, federally recognized American Indian tribe, public safety corporation or public utility while the operator is engaged in an emergency or while the operator is engaged in the operation of a vehicle, all-terrain vehicle, or utility terrain vehicle directly related to the functions of the city, village, town, county, state agency, federal agency, federally recognized American Indian tribe, public safety corporation or public utility if safety does not require strict adherence to the restrictions under subsections (3) (em) and (hu) to (hx), (3j), (6) (i), and (6r).

**Section 29.** 23.33 (13) (a) of the statutes is amended to read:  
 23.33 (13) (a) Generally. 1. Except as provided in pars. (am) to (e), any subd. 2., any person who violates a provision of this section for which no other penalty under this subsection is prescribed shall forfeit not more than \$250.

**Section 30.** 23.33 (13) (a) 2. of the statutes is created to read:  
 23.33 (13) (a) 2. Any person who violates a provision of this section for which no other penalty under this subsection is prescribed and who, within the last 5 years prior to the arrest for the current violation, was convicted 1 or more times for violating a provision of this section shall be fined not more than \$500 or imprisoned not more than 6 months or both.

**Section 31.** 23.33 (13) (g) of the statutes is created to read:  
 23.33 (13) (g) Penalties *for commercial certificate violations*. A person who violates sub. (2) (dm) 1. shall forfeit not more than \$500.

**Section 32.** 346.02 (11) of the statutes is amended to read:  
 346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES. The operator of an all-terrain vehicle or a utility terrain vehicle on a roadway, is subject to ss. 346.04, 346.06, 346.075 (1), 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.67, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1), and 346.94 (1) and (9), but is not subject to any other provision of this chapter.

\*\*\*\*NOTE: The request listed s. 346.67 (1) as one reference to be added to this subsection. This would have required a person on an ATV

or UTV to stop and remain at the scene of an accident, but would have omitted s. 346.67 (2), which requires such a stop to be made without obstructing traffic more than is necessary. I added s. 346.67 instead, so that both subsections would be included. Let me know if this is not consistent with your intent.

**Section 33.** 971.19 (10m) of the statutes is created to read:

971.19 (10m) In an action under s. 23.33 (2h) (a) 1. for intentionally making a false statement on an application for a registration, the defendant may be tried in the defendant's county of residence at the time that the complaint is filed, in the county where the defendant purchased the all-terrain vehicle or utility terrain vehicle if purchased from a dealer, or in the county where the department of natural resources received the application.

**Section 34.** NR 64.14 (6) (b) 5. of the administrative code is repealed.

~~NR 64.14 (6) (b) 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.~~

**Section 35.** NR64.14(2m) of the administrative code is amended to read:

NR64.14(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).

**Section 36.** 340.01 (2g) of the statutes is amended to read:

340.01 (2g) All-terrain vehicle means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches or less as measured laterally between the outermost wheel rims or tracks on each side of the vehicle, exclusive of tires, mirrors, accessories, or similar components. For the purposes of this section, "accessories" shall include any vehicle-manufacturer marketed device, not essential to the vehicle's basic operation, intended for installation on a vehicle (e.g., tire chains, lights, canopy, etc) to enhance its utility or appearance, whether installed at the factory, at a dealership, or by a customer, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires or tracks

**Section 38.** Create in the statutes to read:

**BACK-UP LAMPS.**

(a) Any all-terrain vehicle or utility terrain vehicle may be equipped with not more than 2 back-up lamps which shall be so directed as to project a white or amber light illuminating the area to the rear of such vehicle for a distance not to exceed 75 feet.

(b) No lighted back-up lamp shall be displayed on any all-terrain vehicle or utility terrain vehicle upon a highway, route, trail or public area except when such vehicle is about to be or is being driven backward. Whenever a back-up lamp is lighted during hours of darkness, the tail lamp or tail lamps on the vehicle displaying such lighted back-up lamp also shall be lighted.

**Section 39.** 23.33 (4) (e) (3a) and (3b) is repealed:

~~23.33(4) (e) (3a) The all-terrain 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.~~





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
Xref  
PWF

Geni

- 1 AN ACT ...; relating to: regulation of all-terrain vehicles and utility terrain
- 2 vehicles and providing a penalty.

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

This bill makes numerous changes to the regulation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs), including all of the following:

1. Eliminates the requirement that ATVs and UTVs have low-pressure or non-pneumatic tires and authorizes the use of tracks.
2. Provides that a measurement of the width of an ATV or UTV must be measured between the outermost wheel rim or track on each side of the vehicle exclusive of tires, mirror, and accessories that are not essential to the vehicle's basic operation.
3. Provides that an ATV or UTV owned or leased by a political subdivision is exempt from registration if the name of the political subdivision is prominently displayed on the exterior.
4. Creates limitations on and requirements for the use of lights on ATVs and UTVs.
5. Provides that certain limitations on ATV and UTV operation and equipment do not apply to <sup>an</sup> ATV or UTV owned or leased by a city, village, town, county, state agency, federal agency, federally recognized American Indian tribe, public safety corporation, or public utility while the operator is engaged in an emergency or official functions.
6. Modifies certain existing requirements to apply <sup>on</sup> to an ATV or UTV operated on an all-terrain vehicle route, all-terrain vehicle trail, or roadway.

7. Provides that, for certain violations relating to the operation of ATVs and UTVs, repeat violators are subject to a fine of \$500 and not more than 6 months imprisonment.



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

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

23.33

1 SECTION 1. 20.370 (1) (fe) of the statutes is created to read:

2 20.370 (1) (fe) "Federal agency" means the United States, any department of  
3 the United States, or any corporation, agency, or instrumentality that is created,  
4 designated, or established by the United States.

5 SECTION 2. 23.33 (1) (jd) of the statutes is created to read:

6 X 23.33 (1) (jd) "Public utility" has the meaning given in s. 196.01 (5).

7 SECTION 3. 23.33 (1) (jqm) of the statutes is created to read:

8 X 23.33 (1) (jqm) "State agency" means any office, department, or independent  
9 agency in the executive branch of state government.

10 SECTION 4. 23.33 (1) (ng) 1. (intro.) of the statutes is amended to read:

11 X 23.33 (1) (ng) 1. (intro.) A commercially designed and manufactured motor  
12 driven device that does not meet federal motor vehicle safety standards in effect on  
13 July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, or mini-truck, or  
14 tracked vehicle, that is designed to be used primarily off of a highway, and that has,  
15 and was originally manufactured with, all of the following:

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

16 SECTION 5. 23.33 (1) (ng) 1. b. of the statutes is amended to read:

1 ~~X~~ 23.33 (1) (ng) 1. b. Four or more low-pressure tires or non-pneumatic tires or  
2 tracks.

**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, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

3 **SECTION 6.** 23.33 (1) (ng) 1. h. of the statutes is amended to read:

4 ~~X~~ 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally  
5 between the outermost wheel rim or track on each side of the vehicle, exclusive of  
6 tires, mirror, and accessories that are not essential to the vehicle's basic operation.

\*\*\*NOTE: I modified the language in this subdivision paragraph to fit the intro language. The requested language references accessories installed by the dealer or customer but the intro to this subdivision references the vehicle being originally manufactured with specified equipment.

**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, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

7 **SECTION 7.** 23.33 (1) (ng) 2. b. of the statutes is amended to read:

8 ~~X~~ 23.33 (1) (ng) 2. b. It has a width of 50 inches or less as measured laterally  
9 between the outermost wheel rim or track on each side of the vehicle, exclusive of  
10 tires, mirror, and accessories that are not essential to the vehicle's basic operation.

\*\*\*NOTE: I modified the language in this subdivision paragraph to fit the intro language. The requested language references accessories installed by the dealer or customer but the intro to this subdivision references the vehicle being originally manufactured with specified equipment.

**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, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

11 **SECTION 8.** 23.33 (1) (ng) 2. d. of the statutes is amended to read:

12 ~~X~~ 23.33 (1) (ng) 2. d. It travels on 3 or more low-pressure tires or non-pneumatic  
13 tires or tracks.

**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, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

14 **SECTION 9.** 23.33 (2) (b) 4. of the statutes is amended to read:

15 ~~X~~ 23.33 (2) (b) 4. Owned or leased by a political subdivision of the state and used  
16 for enforcement or emergency purposes and the name of the political subdivision is

plain

1 prominently displayed on the exterior of the all-terrain vehicle or utility terrain  
2 vehicle.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

3 SECTION 10. 23.33 (3) (em) of the statutes is amended to read:

4 23.33 (3) (em) With Except as provided in sub. (11m), with a passenger riding  
5 in or on any part of a utility terrain vehicle that is not designed or intended to be used  
6 by passengers while the all-terrain vehicle or utility terrain vehicle is being operated  
7 on an all-terrain vehicle route, all-terrain vehicle trail, or roadway as authorized in  
8 this section.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

9 SECTION 11. 23.33 (3) (ht) of the statutes is created to read:

10 23.33 (3) (ht) On all-terrain vehicles routes, all-terrain vehicles trails, public  
11 lands, or roadways unless the person complies with all stop signs, yield signs, and  
12 other regulatory signs established by rule under sub. (8) (e).

13 SECTION 12. 23.33 (4) (d) (intro.) of the statutes is amended to read:

14 23.33 (4) (d) Operation on roadway. (intro.) A person may operate an  
15 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway  
16 if the person complies with the applicable speed limit and only in the following  
17 situations:

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

18 SECTION 13. 23.33 (4) (e) 3. of the statutes is repealed.

19 SECTION 14. 23.33 (6) (cd) of the statutes is created to read:

Insert  
4-18

1 ~~X~~23.33 (6) (cd) Except as provided in sub. (11m), no person may operate an  
2 all-terrain vehicle or utility terrain vehicle that is equipped with any of the  
3 following:

4 1. A lamp that emits any color of light other than white or amber and that is  
5 visible from directly in front of the all-terrain vehicle or utility terrain vehicle.

6 2. A lamp that emits any color of light other than red, yellow, amber, or white  
7 and that is visible from directly behind the all-terrain vehicle or utility terrain  
8 vehicle.

9 3. A flashing lamp that emits any color other <sup>than</sup> yellow or amber.

\*\*\*\*NOTE: These were requested as s. 23.33 (3) (hu), (hv), and (hw). I have located them within the existing subsection regulating lighting.

10 SECTION 15. 23.33 (6) (ch) of the statutes is created to read:

11 ~~X~~23.33 (6) (ch) Except as provided in sub. (11m), if an all-terrain vehicle or  
12 utility terrain vehicle with headlamps is equipped with additional adverse weather  
13 lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain  
14 vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of  
15 more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain <sup>vehicle</sup>  
16 may not light more than 4 lamps on the front of the vehicle simultaneously, not  
17 including flashing amber or yellow lights, within 500 feet of an oncoming vehicle  
18 upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public area.

\*\*\*\*NOTE: This was requested as s. 23.33 (3) (hx). I have located <sup>it</sup> ~~them~~ within the existing subsection regulating lighting. \*

19 SECTION 16. 23.33 (6) (cp) of the statutes is created to read:

20 ~~X~~23.33 (6) (cp) Except as provided in sub. (11m), when the operator of an  
21 all-terrain vehicle or utility terrain vehicle equipped with multiple-beam  
22 headlamps approaches an oncoming vehicle within 500 feet or approaches or follows

1 a vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress,  
2 or tilt the headlights of the all-terrain vehicle or utility terrain vehicle so that the  
3 glaring rays are not directed or reflected into the eyes of the operator of the other  
4 vehicle. This paragraph does not prohibit an operator from intermittently flashing  
5 the vehicle's high-beam headlamps at an oncoming vehicle whose high-beam  
6 headlamps are lit.

\*\*\*\*NOTE: This was requested as s. 23.33 (3) (hy) and (hz). I have consolidated them into a single provision located within the existing subsection regulating lighting.

7 SECTION 17. 23.33 (6) (ct) of the statutes is created to read:

8 ~~23.33 (6) (ct)~~ 1. Any all-terrain vehicle or utility terrain vehicle may be  
9 equipped with not more than 2 back-up lamps <sup>that</sup> which shall be directed to project a  
10 white or amber light illuminating the area to the rear of the vehicle for a distance not  
11 to exceed 75 feet.

12 2. No lighted back-up lamp shall be displayed on any all-terrain vehicle or  
13 utility terrain vehicle upon a highway, all-terrain vehicle route, all-terrain vehicle  
14 trail, or public land except when the all-terrain vehicle or utility terrain vehicle is  
15 about to be or is being driven backward. Whenever a back-up lamp on an all-terrain  
16 vehicle or utility terrain vehicle is lighted during hours of darkness, the tail lamp or  
17 tail lamps on the all-terrain vehicle or utility terrain vehicle shall also be lighted.

18 SECTION 18. 23.33 (6) (f) of the statutes is repealed.

19 SECTION 19. 23.33 (6) (g) of the statutes is repealed.

20 SECTION 20. 23.33 (6) (i) of the statutes is amended to read:

21 23.33 (6) (i) No Except as provided in sub. (11m), no person may operate a  
22 utility terrain vehicle on an all-terrain vehicle route, all-terrain vehicle trail, or  
23 roadway as authorized in this section unless each passenger occupant is wearing a

1 safety belt installed by the manufacturer and fastened in a manner prescribed by the  
2 manufacturer of the safety belt which that permits the safety belt to act as a body  
3 restraint.

**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, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

4 **SECTION 21.** 23.33 (6r) of the statutes is amended to read:

5 ~~X~~ 23.33 (6r) PASSENGER RESTRICTIONS. No Except as provided in sub. (11m), no  
6 person may ride in or on any part of <sup>an all-terrain vehicle or</sup> a utility terrain vehicle that is not designed or  
7 intended to be used by passengers while the all-terrain vehicle or utility terrain  
8 vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle trail, or  
9 roadway as authorized in this section.

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

10 **SECTION 22.** 23.33 (11m) of the statutes is created to read:

11 ~~X~~ 23.33 (11m) EXCEPTIONS. Subsections (3) (em), (6) <sup>gcd</sup> (ce), <sup>sch</sup> (cm), <sup>cp</sup> (cr), and (i), and  
12 (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle  
13 owned or leased by a city, village, town, county, state agency, federal agency, federally  
14 recognized American Indian tribe, public safety corporation, or public utility while  
15 the operator is engaged in an emergency or if the operation is directly related to the  
16 functions of the city, village, town, county, state agency, federal agency, federally  
17 recognized American Indian tribe, public safety corporation, or public utility unless  
18 strict adherence to subs. (3) (em), (6) <sup>gcd</sup> (ce), <sup>sch</sup> (cm), <sup>cp</sup> (cr), or (i), or (6r) is required for safety.

\*\*\*\*NOTE: The final portion of this subsection, which creates an exception to the exception, is subjective and potentially confusing, given that the cross-referenced requirements all exist for safety reasons.

*renumbered 23.33(13)(a) 1. and*

19 **SECTION 23.** 23.33 (13) (a) of the statutes is amended to read:

1            23.33 (13) (a) *Generally* 1. Except as provided in pars. (am) to (e) subd. 2., any  
 2            person who violates a provision of this section for which no other penalty is  
 3            prescribed under this subsection shall forfeit not more than \$250.

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, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365.

4            SECTION 24. 23.33 (13) (a) 2. of the statutes is created to read:

5            X 23.33 (13) (a) 2. Any person who violates a provision of this section for which  
 6            no other penalty is prescribed under this subsection and who was convicted within  
 7            the 5 years preceding the violation for violating a provision of this section shall be  
 8            fined not more than \$500 or imprisoned not more than 6 months or both.

9            SECTION 25. 23.33 (13) (g) of the statutes is created to read:

10          X 23.33 (13) (g) *Penalties for commercial certificate violations.* A person who  
 11          violates sub. (2) (dm) 1. shall forfeit not more than \$500.

12          SECTION 26. 340.01 (2g) of the statutes is amended to read:

13          X 340.01 (2g) "All-terrain vehicle" means a commercially designed and  
 14          manufactured motor-driven device that has a weight, without fluids, of 900 pounds  
 15          or less, has a width of not more than 50 inches or less as measured laterally between  
 16          the outermost wheel rim or track on each side of the vehicle, exclusive of tires, mirror  
 17          and accessories that are not essential to the vehicle's basic operation, is equipped  
 18          with a seat designed to be straddled by the operator, and travels on 3 or more  
 19          low-pressure tires or non-pneumatic tires or tracks.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32, 73, 101, 208, 265; 2013 a. 39, 67, 83, 103, 106, 165, 253, 325, 377; 2015 a. 15, 16, 55, 73, 104, 124, 165, 196, 232, 332; 2017 a. 12, 13, 364; 2017 a. 365 s. 110; s. 35.17 correction in (27h).

20          SECTION 27. 346.02 (11) of the statutes is amended to read:



1           **346.02 (11)** APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN  
2 VEHICLES. The operator of an all-terrain vehicle or a utility terrain vehicle on a  
3 roadway is subject to ss. 346.04, 346.06, 346.075 (1), 346.11, 346.14 (1m), 346.18,  
4 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,  
5 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,  
6 346.55, 346.67, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94  
7 (1) and (9) but is not subject to any other provision of this chapter.

History: 1971 c. 125, 277; 1981 c. 390 s. 252; 1983 a. 243; 1985 a. 29, 69; 1989 a. 56 s. 259; 1989 a. 335 s. 89; 1995 a. 138; 2001 a. 90; 2009 a. 46; 2011 a. 208; 2017 a. 294.

8           **SECTION 28.** 971.19 (10m) of the statutes is created to read:

9           **971.19 (10m)** In an action under s. 23.33 (2h) (a) 1. for intentionally making  
10 a false statement on an application for a registration, the defendant may be tried in  
11 the defendant's county of residence at the time that the complaint is filed, in the  
12 county where the defendant purchased the all-terrain vehicle or utility terrain  
13 vehicle if purchased from a dealer, or in the county where the department of natural  
14 resources received the application.

15           **SECTION 29.** NR 64.14 (2m) of the administrative code is amended to read:

16           ~~X~~ **NR 64.14 (2m)** MAINTENANCE OF ROUTES. The department may provide state aid  
17 up to 100 percent of the cost of the purchase of all-terrain vehicle route signs and  
18 arrows, trail crossing warning signs, and signs briefly explaining the intoxicated  
19 all-terrain vehicle operator law. All-terrain vehicle routes, whether a part of an  
20 approved all-terrain vehicle trail or not, are not eligible for per mile maintenance  
21 payments under sub. (2).

22           **SECTION 30.** NR 64.14 (6) (b) 5. of the administrative code is repealed.

23

(END)

**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3695/P1ins  
ZDW:amn

**INSERT 4-18**

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

2           23.33 (4) (f) *Operation with snow removal device attached.* Except as prohibited  
3 under par. (a), and subject to ordinances enacted under sub. (11) (am) 2., a person  
4 may operate an all-terrain vehicle or utility terrain vehicle with a snow removal  
5 device attached on a roadway or adjacent to a roadway or on a public sidewalk during  
6 the period beginning on October 1 and ending on April 30 of each year for the purpose  
7 of removing snow if such operation is necessary to travel to or from a site where the  
8 snow removal device will be used. The travel necessary to or from the site may not  
9 exceed 2 miles. Operation of such an all-terrain vehicle or utility terrain vehicle on  
10 a roadway or adjacent to a roadway is authorized only if the applicable roadway  
11 speed limit is 45 miles per hour or less. Operation on a roadway of such an all-terrain  
12 vehicle or utility terrain vehicle is authorized only for the extreme right side of the  
13 roadway except that left turns may be made from any part of the roadway where it  
14 is safe to do so given prevailing conditions. Operation adjacent to a roadway of such  
15 an all-terrain vehicle or utility terrain vehicle shall comply with the applicable speed  
16 limit and with par. (e) 1., 2., 3., 3m., and 5.



State of Wisconsin  
2019-2020 LEGISLATURE

LRB-3695/P1  
ZDW:amn

via Vine, Sen. Marklein, 8/12

WATUA DRAFT 1.2 8/11/2019

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT *to repeal* ~~23.33 (4) (c) 3., 23.33 (6) (f) and 23.33 (6) (g);~~ **to renumber and**  
2 **amend** 23.33(9)(bc)c, 23.33(9)(bg)a, 23.33 (13) (a); **to amend** ~~23.33 (1) (ng)~~  
1. (intro.),  
23.33 (1) (ng) 1. b.,  
3 23.33 (1) (ng) 1. h., 23.33(1)(ng)2.a., 23.33 (1) (ng) 2. b., 23.33 (1) (ng) 2. d.,  
23.33 (2) (b) 4., 23.33  
4 (3) (em), 23.33 (4) (d) (intro.), 23.33 (5)(d), ~~23.33 (4) (f), 23.33(6)(f), 23.33(6)(g),~~  
23.33 (6) (i), 23.33 (6r), 23.33(9)(bc), 23.33(9)(bc)a, 23.33(9)(bg), 340.01  
(2g), NR 64.14(6)(b)5 and 346.02(11); and **to create** 23.33 (1) (fe), 23.33 (1)  
(jd), 23.33 (1) (jqm), 23.33  
6 (3) (ht), 23.33 (3g) (g), 23.33 (3g) (f), 23.33(5)(d)(1), 23.33(5)(2), 23.33 (6) (cd),  
23.33 (6) (ch), 23.33 (6) (cp), 23.33 (6) (ct), 23.33(9)(bc)b, 23.33(9)(b)7,  
23.33(9)(bg)b, 23.33 (11m),  
7 23.33 (13) (a) 2., 23.33 (13) (g) and 971.19 (10m) of the statutes; **relating to:**  
8 regulation of all-terrain vehicles and utility terrain vehicles and providing a  
9 penalty.

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

This bill makes numerous changes to the regulation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs), including all of the following:

1. Eliminates the requirement that ATVs and UTVs have low-pressure or non-pneumatic tires ~~and authorizes the use of tracks.~~
2. Provides that a measurement of the width of an ATV or UTV must be measured between the outermost wheel rim ~~or track~~ on each side of the vehicle exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

3. Provides that an ATV or UTV owned or leased by a political subdivision is exempt from registration if the name of the political subdivision is prominently displayed on the exterior.

4. Creates limitations on and requirements for the use of lights on ATVs and UTVs.

5. Provides that certain limitations on ATV and UTV operation and equipment do not apply to an ATV or UTV owned or leased by a city, village, town, county, state agency, federal agency, federally recognized American Indian tribe, public safety corporation, or public utility while the operator is engaged in an emergency or official functions.

6. Modifies certain existing requirements to apply to an ATV or UTV operated on an all-terrain vehicle route, all-terrain vehicle trail, or roadway.

7. Provides that, for certain violations relating to the operation of ATVs and UTVs, repeat violators are subject to a fine of \$500 and not more than six months imprisonment.

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

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

1           **SECTION 1.** 23.33 (1) (fe) of the statutes is created to read:

2           23.33 **(1)** (fe) "Federal agency" means the United States, any department of the  
3 United States, or any corporation, agency, or instrumentality that is created,  
4 designated, or established by the United States.

5           **SECTION 2.** 23.33 (1) (jd) of the statutes is created to read:

6           23.33 **(1)** (jd) "Public utility" has the meaning given in s. 196.01 (5).

7           **SECTION 3.** 23.33 (1) (jqm) of the statutes is created to read:

8           23.33 **(1)** (jqm) "State agency" means any office, department, or independent  
9 agency in the executive branch of state government.

~~10           **SECTION 4.** 23.33 (1) (ng) 1. (intro.) of the statutes is amended to read:~~

~~11           23.33 **(1)** (ng) 1. (intro.) A commercially designed and manufactured motor~~

~~12           driven device that does not meet federal motor vehicle safety standards in effect on~~

~~13           July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, or mini-truck, or~~

~~1 tracked vehicle, that is designed to be used primarily off of a highway, and that has,  
2 and was originally manufactured with, all of the following:~~

3 SECTION ~~5~~ 23.33 (1) (ng) 1. b. of the statutes is amended to read:

4 23.33 (1) (ng) 1. b. Four or more low pressure tires or non-pneumatic tires ~~or~~  
5 tracks.

6 SECTION ~~6~~ 23.33 (1) (ng) 1. h. of the statutes is amended to read:

7 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally  
8 between the outermost wheel rim ~~or track~~ on each side of the vehicle, exclusive of  
9 tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

\*\*\*\*NOTE: I modified the language in this subdivision paragraph to fit the intro language. The requested language references accessories installed by the dealer or customer but the intro to this subdivision references the vehicle being originally manufactured with specified equipment.

10 SECTION ~~7~~ 23.33 (1) (ng) 2. b. of the statutes is amended to read:

11 23.33 (1) (ng) 2. b. It has a width of ~~50~~ 65 inches or less as measured  
12 laterally  
13 between the outermost wheel rim or track on each side of the vehicle, exclusive of  
tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

\*\*\*\*NOTE: I modified the language in this subdivision paragraph to fit the intro language. The requested language references accessories installed by the dealer or customer but the intro to this subdivision references the vehicle being originally manufactured with specified equipment.

14 SECTION ~~8~~ 23.33 (1) (ng) 2. d. of the statutes is amended to read:

15 23.33 (1) (ng) 2. d. It travels on 3 or more low pressure tires or non-pneumatic  
16 tires ~~or tracks.~~

17 SECTION ~~9~~ 23.33 (2) (b) 4. of the statutes is amended to read:

18 23.33 (2) (b) 4. Owned or leased by a political subdivision of the United States, the  
19 state and used  
for enforcement or emergency purposes the name of the political subdivision is

1 prominently displayed on the exterior of the all-terrain vehicle or utility terrain  
2 vehicle.

3 **SECTION 10.** 23.33 (3) (em) of the statutes is amended to read:

4 23.33 **(3)** (em) ~~With~~ Except as provided in sub. (11m), with a passenger riding  
5 in or on any part of a an all-terrain vehicle or utility terrain vehicle that is not  
6 designed or intended to be used by passengers while the all-terrain vehicle or utility  
7 terrain vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle  
8 trail, or roadway as authorized in this section.

9 **SECTION 11.** 23.33 (3) (ht) of the statutes is created to read:

10 23.33 **(3)** (ht) On all-terrain vehicles routes, all-terrain vehicles trails, public  
11 lands, or roadways unless the person complies with all stop signs, yield signs, and  
12 other regulatory signs established by rule under sub. (8) (e).

13 **SECTION 12.** 23.33 (4) (d) (intro.) of the statutes is amended to read:

14 23.33 **(4)** (d) *Operation on roadway.* (intro.) A person may operate an  
15 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway  
16 if the person complies with the applicable speed limit and only in the following  
17 situations:

18 ~~SECTION **(3)** 23.33 (4) (e) 3. of the statutes is repealed.~~

19 ~~SECTION **(4)** 23.33 (4) (f) of the statutes is amended to read:~~

20 ~~23.33 **(4)** (f) *Operation with snow removal device attached.* Except as prohibited~~  
21 ~~under par. (a), and subject to ordinances enacted under sub. (11) (am) 2., a person~~  
22 ~~may operate an all-terrain vehicle or utility terrain vehicle with a snow removal~~  
23 ~~device attached on a roadway or adjacent to a roadway or on a public sidewalk during~~  
24 ~~the period beginning on October 1 and ending on April 30 of each year for the purpose~~  
25 ~~of removing snow if such operation is necessary to travel to or from a site where the~~

~~1 snow removal device will be used. The travel necessary to or from the site may not  
2 exceed 2 miles. Operation of such an all-terrain vehicle or utility terrain vehicle on  
3 a roadway or adjacent to a roadway is authorized only if the applicable roadway  
4 speed limit is 45 miles per hour or less. Operation on a roadway of such an all-terrain  
5 vehicle or utility terrain vehicle is authorized only for the extreme right side of the  
6 roadway except that left turns may be made from any part of the roadway where it  
7 is safe to do so given prevailing conditions. Operation adjacent to a roadway of such  
8 an all-terrain vehicle or utility terrain vehicle shall comply with the applicable speed  
9 limit and with par. (c) 1., 2., 3., 3m., and 5.~~

10           **SECTION 15.** 23.33 (6) (cd) of the statutes is created to read:

11           23.33 **(6)** (cd) Except as provided in sub. (11m), no person may operate an  
12 all-terrain vehicle or utility terrain vehicle that is equipped with any of the  
13 following:

- 14           1. A lamp that emits any color of light other than white or amber and that is  
15 visible from directly in front of the all-terrain vehicle or utility terrain vehicle.
- 16           2. A lamp that emits any color of light other than red, yellow, amber, or white  
17 and that is visible from directly behind the all-terrain vehicle or utility terrain  
18 vehicle.
- 19           3. A flashing lamp that emits any color other than yellow or amber.

\*\*\*\*NOTE: These were requested as s. 23.33 (3) (hu), (hv), and (hw). I have located them within the existing subsection regulating lighting.

20           **SECTION 16.** 23.33 (6) (ch) of the statutes is created to read:

21           23.33 **(6)** (ch) Except as provided in sub. (11m), if an all-terrain vehicle or  
22 utility terrain vehicle with headlamps is equipped with additional adverse weather  
23 lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain



1 vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of  
2 more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain  
3 vehicle may not light more than 4 lamps on the front of the all-terrain vehicle or utility  
terrain vehicle simultaneously,

4 not including flashing amber or yellow lights, within 500 feet of an oncoming all-terrain  
vehicle, utility terrain vehicle or a vehicle as defined in 340.01(74)

5 upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public area.

\*\*\*\*NOTE: This was requested as s. 23.33 (3) (hx). I have located it within the existing subsection regulating lighting.

6 **SECTION 17.** 23.33 (6) (cp) of the statutes is created to read:

7 23.33 **(6)** (cp) Except as provided in sub. (11m), when the operator of an  
8 all-terrain vehicle or utility terrain vehicle equipped with multiple-beam  
9 headlamps, adverse weather lamps, spot lamps, auxiliary lamps or high beam lamps, or any other lamps other  
than those required by 23.33(6) approaches an oncoming all-terrain vehicle, utility terrain  
vehicle or a vehicle as defined in 340.01(74) within 500 feet or approaches or follows  
10 ~~or that~~ vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress,  
11 or tilt the headlights of the all-terrain vehicle or utility terrain vehicle so that the  
12 glaring rays are not directed or reflected into the eyes of the operator of the other  
all-terrain vehicle, utility terrain vehicle or a vehicle as defined in 340.01(74)  
13 vehicle. This paragraph does not prohibit an operator from intermittently flashing  
14 the all-terrain vehicle or utility terrain vehicle's high-beam headlamps at  
an oncoming all-terrain vehicle, utility terrain vehicle or a vehicle as  
define in 340.01(74) whose high-beam  
15 headlamps are lit.

\*\*\*\*NOTE: This was requested as s. 23.33 (3) (hy) and (hz). I have consolidated them into a single provision located within the existing subsection regulating lighting.

16 **SECTION 18.** 23.33 (6) (ct) of the statutes is created to read:

17 23.33 **(6)** (ct) 1. Any all-terrain vehicle or utility terrain vehicle may be  
18 equipped with not more than 2 backup lamps that shall be directed to project a white  
19 or amber light illuminating the area to the rear of the vehicle for a distance not to  
20 exceed 75 feet.

21            2. No lighted backup lamp shall be displayed on any all-terrain vehicle or  
22 utility terrain vehicle upon a highway, all-terrain vehicle route, all-terrain vehicle

trail, frozen waters or public land area that allow for all-terrain vehicle and utility terrain vehicle use except when the all-terrain vehicle or utility terrain vehicle is

1 about to be or is being driven backward. Whenever a backup lamp on an all-terrain  
2 vehicle or utility terrain vehicle is lighted during hours of darkness, the tail lamp or  
3 tail lamps on the all-terrain vehicle or utility terrain vehicle shall also be lighted.

4 **SECTION 19** 23.33 (6) (f) of the statutes is ~~repealed~~ amended.

23.33(6)(f) An all-terrain vehicle or utility terrain vehicle may not be  
modified so that ~~its~~ it exceeds its maximum width exceeds 50 inches as  
defined in 340.01(2g), 23.33(1)(ng)2b or 23.33(1)(ng)1h.

should  
not  
apply on  
private  
land

5 **SECTION 20** 23.33 (6) (g) of the statutes is ~~repealed~~ amended.

23.33 (6) (g) An all-terrain vehicle or utility terrain vehicle may not be operated  
with anything other than tires ~~other than low pressure tires or non-pneumatic  
tires.~~

6 **SECTION 21.** 23.33 (6) (i) of the statutes is amended to read:

7 23.33 (6) (i) ~~No~~ Except as provided in sub. (11m), no person may operate a  
8 utility terrain vehicle on an all-terrain vehicle route, all-terrain vehicle trail, or  
9 roadway as authorized in this section unless each passenger occupant is wearing a  
10 safety belt installed by the manufacturer and fastened in a manner prescribed by the  
11 manufacturer of the safety belt ~~which~~ that permits the safety belt to act as a body  
12 restraint.

13 **SECTION 22** 23.33 (6r) of the statutes is amended to read:

14 23.33 (6r) PASSENGER RESTRICTIONS. ~~No~~ Except as provided in sub. (11m), no  
15 person may ride in or on any part of ~~a~~ an all-terrain vehicle or utility terrain vehicle  
16 that is not designed or intended to be used by passengers while the all-terrain  
17 vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route,  
18 all-terrain vehicle trail, frozen water or roadway highways as authorized in this  
section. This section does not apply to private property.

19 **SECTION 23** 23.33 (11m) of the statutes is created to read:

20 23.33 (11m) EXCEPTIONS. Subsections (3) (em), (6) (cd), (ch), (cp), and (i), and  
21 (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle

22 owned or leased by a city, village, town, county, state agency, federal agency, federally  
23 recognized American Indian tribe, public safety corporation, or public utility while  
24 the operator is engaged in an emergency or if the operation is directly related to the

1 functions of the city, village, town, county, state agency, federal agency, federally  
2 recognized American Indian tribe, public safety corporation, or public utility unless  
3 strict adherence to sub. (3) (em), (6) (cd), (ch), (cp), or (i), or (6r) is required for safety.

\*\*\*\*NOTE: The final portion of this subsection, which creates an exception to the exception, is subjective and potentially confusing, given that the cross-referenced requirements all exist for safety reasons.

4 SECTION 24. 23.33 (13) (a) of the statutes is renumbered 23.33 (13) (a) 1. and  
5 amended to read:

6 23.33 (13) (a) 1. Except as provided in pars. ~~(am) to (e)~~ subd. 2., any person who  
7 violates a provision of this section for which no other penalty is prescribed under this  
8 subsection shall forfeit not more than \$250.

9 SECTION 25. 23.33 (13) (a) 2. of the statutes is created to read:

10 23.33 (13) (a) 2. Any person who violates a provision of this section for which  
11 no other penalty is prescribed under this subsection and who was convicted within  
12 the 5 years preceding the violation for violating a provision of this section shall be  
13 fined not more than \$500 or imprisoned not more than 6 months or both.

14 SECTION 26. 23.33 (13) (g) of the statutes is created to read:

15 23.33 (13) (g) *Penalties for commercial certificate violations.* A person who  
16 violates sub. (2) (dm) 1. shall forfeit not more than \$500.

17 SECTION 27. 340.01 (2g) of the statutes is amended to read:

18 340.01 (2g) "All-terrain vehicle" means a commercially designed and  
19 manufactured motor-driven device that has a weight, without fluids, of 900 pounds  
20 or less, has a width of not more than 50 inches or less as measured laterally between  
21 the outermost wheel rim or track on each side of the vehicle, exclusive of tires,  
22 mirrors, and accessories that are not essential to the vehicle's basic operation, is

1 equipped with a seat designed to be straddled by the operator, and travels on 3 or  
2 more ~~low pressure tires or non-pneumatic tires or tracks.~~

3 **SECTION 28.** 346.02 (11) of the statutes is amended to read:

4 **346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN**  
5 **VEHICLES.** The operator of an all-terrain vehicle or a utility terrain vehicle on a  
6 roadway is subject to ss. 346.04, 346.06, 346.075 (1), 346.11, 346.14 (1m), 346.18,  
7 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,  
8 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,  
9 346.55, 346.67, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94  
10 (1) and (9) but is not subject to any other provision of this chapter.

11 **SECTION 29.** 971.19 (10m) of the statutes is created to read:

12 **971.19 (10m)** In an action under s. 23.33 (2h) (a) 1. for intentionally making  
13 a false statement on an application for a registration, the defendant may be tried in  
14 the defendant's county of residence at the time that the complaint is filed, in the  
15 county where the defendant purchased the all-terrain vehicle or utility terrain  
16 vehicle if purchased from a dealer, or in the county where the department of natural  
17 resources received the application.

~~18 **SECTION 30.** NR 64.14 (2m) of the administrative code is amended to read:~~

~~19 **NR 64.14 (2m) MAINTENANCE OF ROUTES.** The department may provide state aid  
20 up to 100 percent of the cost of the purchase of all-terrain vehicle route signs and  
21 arrows, trail crossing warning signs, and signs briefly explaining the intoxicated  
22 all-terrain vehicle operator law. All-terrain vehicle routes, whether a part of an  
23 approved all-terrain vehicle trail or not, are not eligible for per mile maintenance  
24 payments under sub. (2).~~

1        **SECTION 31.** NR 64.14 (6) (b) 5. of the administrative code is ~~repealed~~ amended.  
2        NR 64 14 () (b) 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, or plantations ~~and residences~~.

**Section 32.** 23.33 (3g) (e ) of the statutes is created to read:

23.33( e ) The person is being transported via an all-terrain vehicle or utility  
terrain vehicle under the care of emergency personnel for medical reasons.

**Section 33.** 23.33 (3g) (f) of the statutes is created to read:

23.33(f) The person is a recognized emergency responder engaged in  
responding to an emergency while engaged in the operation of an all-terrain  
vehicle, or utility terrain vehicle directly related to the function of the city,  
village, town , county, state agency, federal agency, federally recognized  
American Indian tribe or public safety corporation ~~an if safety does not~~  
require strict adherence to the restrictions under 23.33 (3g).

**Section 34.** 23.33 (5) (d) of the statutes is amended to read:

~~23.33 (5)(d) *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 and 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 shall collect the fee from each  
person who receives instruction. The department may determine the portion  
of this fee, which may not exceed 50 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 shall issue a duplicate  
certificate of accomplishment to a person who is entitled to a duplicate  
certificate of accomplishment and who pays a fee of \$2.75. The program shall  
include the following:~~

**Section 35.** 23.33 (5) (d) 1 of the statutes is created to read:

~~23.33(5) (d) 1. The program may be conducted by instructors certified by the  
department. For each instate person who is under the age of 16 years, the  
program shall include 8 hours of classroom instruction. Or the department  
may establish a correspondence-type course for persons over the age of 16 or  
out of state resident.~~

~~Section 36. 23.33 (5)(d)(2) of the statutes is created to read:~~

~~23.33(5)(d)2. The department shall procure liability insurance coverage for certified instructors for work within the scope of their duties under this section~~

✓  
Section 37. 23.33(1)(ng)2a of the statutes is amended to read:

23.33(1)(ng)2a. It has a weight, without fluids, of ~~more than 900 pounds but~~ not more than 2000 pounds.

✓  
Section 38. 23.33(9)(b)7 of the statutes is created to read:

23.33(9)(b)7. The cost of producing trail maps and a statewide digital information application that shall serve as a platform for safety, regulatory and riding opportunity information. A local unit of government, federal agency or non-profit organization are eligible to receive aid which can be submitted and approved for funding at any convening of the Off-Highway Vehicle Council.

✓  
Section 39. 23.33(9)(bc) of the statutes is <sup>created</sup> ~~amended~~ to read:

23.33(9)(bc) ALL-TERRAIN VEHICLE TRAIL MAINTENANCE FUNDING. The department may provide state aid for trail maintenance costs equal to the approved eligible project costs which may not exceed:

✓  
Section 40. 23.33(9)(bc) <sup>g 1.</sup> ~~a) is amended to read:~~

23.33(9)(bc) <sup>g 1.</sup> ~~a)~~ \$100 per mile for winter maintenance. All-terrain vehicle trails shared with snowmobiles, and 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.

✓  
Section 41. 23.33(9)(bc) <sup>g 2.</sup> ~~b) is created to read:~~

23.33(9)(bc) <sup>g 2.</sup> ~~b)~~ \$200. per mile for winter maintenance. All-terrain vehicle trails not shared with snowmobiles, and 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.

✓  
Section 42. 23.33(9)(bc) <sup>g 3.</sup> ~~c) is amended and renumbered to read:~~

23.33(9)(bc) <sup>g 3.</sup> ~~c)~~ \$600 per mile for summer maintenance. All-terrain vehicle 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.



Section 43 23.33(9)(bg) of the statutes is amended to read:

23.33 (9) (bg) ~~PROJECTS FUNDING~~ FUNDING FOR UTILITY TERRAIN VEHICLES

Section 44 23.33(9)(bg)a. of the statutes is amended and renumbered to read:

23.33(9)(bg)<sup>1.</sup> A project to improve or maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for summer funding as a state utility terrain vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5) (eu) and (gr). The maximum amount allowed for aid under this paragraph is \$200 per mile for all-terrain vehicle trails that are maintained not less than 3 months per year, including the months of June, July, and August. ~~If the request for aid for projects under this paragraph exceed the funds available, the department shall distribute available funds to qualified applicants on a proportional basis.~~

Section 45 23.33(9)(bg)<sup>2.</sup> of the statutes is created to read:

23.33(9)(bg)b. The amount allowed for aid for winter maintenance of all-terrain vehicle trails for use by utility terrain vehicles is eligible for additional funding at \$100 per mile for maintaining and grooming of not less than 2 months nor more than 6 months per year including the months of January and February.

3. If the requests for aid for projects under 23.33 (9) (bg) exceed the funds available, the department shall distribute available funds to qualified applicants on a proportional basis.