



INSECT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*SAF
PWS*

Repeal

1 **AN ACT to repeal** 23.33 (4) (e) 3., 23.33 (6) (f) and 23.33 (6) (g); **to renumber and**
 2 **amend** 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. b., 23.33 (1) (ng) 2. d., 23.33 (2) (b) 4., 23.33
 4 (3) (em), 23.33 (4) (d) (intro.), 23.33 (4) (f), 23.33 (6) (i), 23.33 (6r), 340.01 (2g)
 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 (6) (cd), 23.33 (6) (ch), 23.33 (6) (cp), 23.33 (6) (ct), 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. *and making an appropriation.*

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.

X
X

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.

WS 7-10

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 laterally
12 between the outermost wheel rim or track on each side of the vehicle, exclusive of
13 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~~ ^{or a federal agency} by a political subdivision of the state ~~and used~~
19 ~~for enforcement or emergency purposes~~ ^{and} the name of the political subdivision is ^{no strike}

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 of the statutes is repealed.

19 **SECTION 14.** 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. (e) 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.

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

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

23 23.33 (6) (ch) Except as provided in sub. (11m), if an all-terrain vehicle or
utility terrain vehicle with headlamps is equipped with additional adverse weather
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 ^{all-terrain} oncoming vehicle,
 5 ^{utility terrain vehicle, or other vehicle} 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 approaches an oncoming vehicle within 500 feet or approaches or follows
 10 a 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
 13 vehicle. This paragraph does not prohibit an operator from intermittently flashing
 14 the vehicle's high-beam headlamps at an oncoming vehicle 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

WS 6-6

KEEP

WS 6-16

① trail, ^{Frozen water, area where use of all-terrain vehicles or utility terrain vehicles is allowed} (or public land) except when the all-terrain vehicle or utility terrain vehicle is
 2 about to be or is being driven backward. Whenever a backup lamp on an all-terrain
 3 vehicle or utility terrain vehicle is lighted during hours of darkness, the tail lamp or
 4 tail lamps on the all-terrain vehicle or utility terrain vehicle shall also be lighted.

5 **SECTION 19.** 23.33 (6) (f) of the statutes is repealed.

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

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

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

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

15 23.33 (6r) PASSENGER RESTRICTIONS. No Except as provided in sub. (11m), no
 16 person may ride in or on any part of a an all-terrain vehicle or utility terrain vehicle
 17 that is not designed or intended to be used by passengers while the all-terrain
 18 vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route,

19 all-terrain vehicle trail, or roadway as authorized in this section.

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

21 23.33 (11m) EXCEPTIONS. Subsections (3) (em), (6) (cd), (ch), (cp), and (i), and
 22 (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle
 23 owned or leased by a city, village, town, county, state agency, federal agency, federally
 24 recognized American Indian tribe, public safety corporation, or public utility while
 25 the operator is engaged in an emergency or if the operation is directly related to the

INS 7-7

INS 7-19

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.

2

(END)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3695/P2ins

ZDW:... am

1 **INS 2-1**

2 **SECTION 1.** 20.370 (5) (ct) of the statutes is amended to read:

3 **20.370 (5) (ct)** *Recreation aids — all-terrain vehicle project aids; gas tax*
4 *payment.* As a continuing appropriation, an amount equal to the estimated
5 all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties
6 and, federal agencies, and nonprofit organizations for nonstate all-terrain vehicle
7 projects.

 ****NOTE: The requested creation of s. 23.33 (9) (b) 7. requires treating this
 appropriation.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55, 89, 170; 2015 a. 197 s. 51; 2015 a. 250, 260, 358; 2017 a. 59, 134, 183, 348; 2017 a. 365 s. 111; 2017 a. 366; 2019 a. 9.

8 **SECTION 2.** 20.370 (5) (cu) of the statutes is amended to read:

9 **20.370 (5) (cu)** *Recreation aids — all-terrain vehicle project aids.* As a
10 continuing appropriation, the amounts in the schedule from moneys received from
11 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
12 cities, counties, and federal agencies, and nonprofit organizations for nonstate
13 all-terrain vehicle projects.

 ****NOTE: The requested creation of s. 23.33 (9) (b) 7. requires treating this
 appropriation.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55, 89, 170; 2015 a. 197 s. 51; 2015 a. 250, 260, 358; 2017 a. 59, 134, 183, 348; 2017 a. 365 s. 111; 2017 a. 366; 2019 a. 9.

14 **INS 3-10**

15 **SECTION 3.** 23.33 (1) (ng) 2. a. of the statutes is amended to read:

1 vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress, or
 2 tilt the multiple-beam headlamps, adverse weather lamps, spot lamps, auxiliary
 3 lamps, high-beam lamps, or any other lamps of the all-terrain vehicle or utility
 4 terrain vehicle so that the glaring rays are not directed or reflected into the eyes of
 5 the operator of the other vehicle, all-terrain vehicle, or utility terrain vehicle. This
 6 paragraph does not prohibit an operator from intermittently flashing the high-beam
 7 headlamps of the all-terrain vehicle or utility terrain vehicle at an oncoming
 8 all-terrain vehicle, utility terrain vehicle, or other vehicle whose high-beam
 9 headlamps are lit.

****NOTE: The definition of "vehicle" in s. 340.01 (74) already applies to s. 23.33. See s. 340.01 (intro.).

10 **INS 7-7**

for a utility terrain vehicle

11 **SECTION 6.** 23.33 (6) (f) of the statutes is amended to read:

12 **23.33 (6) (f)** An all-terrain vehicle or utility terrain vehicle may not be modified
 13 so that its maximum width exceeds 50 inches the width allowed under sub. (1) (ng)
 14 1h) or 2b) or s. 340.01 (2g). This subsection does not apply to the operation of an
 15 all-terrain vehicle or utility terrain vehicle on private property.

2b
1.h.

paragraph

the width allowed for an all-terrain vehicle under

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; 2019 a. 11.

16 **SECTION 7.** 23.33 (6) (g) of the statutes is amended to read:

17 **23.33 (6) (g)** An all-terrain vehicle or utility terrain vehicle may not be
 18 operated with tires anything other than low-pressure tires or non-pneumatic tires.
 19 This subsection does not apply to the operation of an all-terrain vehicle or utility
 20 terrain vehicle on private property.

paragraph

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; 2019 a. 11.

21 **INS 7-19**

1 all-terrain vehicle trail, frozen water, or highway as authorized by this section.
2 This subsection does not apply to the operation of an all-terrain vehicle or utility
3 terrain vehicle on private property.

4 **SECTION 8.** 23.33 (9) (b) 7. of the statutes is created to read:

5 23.33 (9) (b) 7. Production of trail maps and a statewide digital information
6 application for providing safety, regulatory, and riding opportunity information.

 ****NOTE: I did not include the language relating to the timing of funding requests
as there is no statutory limit on when the off-highway vehicle council may accept
requests.

7 **SECTION 9.** 23.33 (9) (bc) of the statutes is created to read:

8 23.33 (9) (bc) *All-terrain vehicle trail maintenance funding.* The department
9 may provide state aid for trail maintenance costs equal to the approved eligible
10 project costs, which may not exceed: *the following*

*Insert
4-11*

- 11 1. \$100 per mile for winter maintenance. All-terrain vehicle trails shared with
- 12 snowmobiles and that are eligible for winter maintenance shall be maintained and
- 13 groomed for a total of not less than 2 months nor more than 6 months per year
- 14 including the months of January and February.
- 15 2. \$200 per mile for winter maintenance. All-terrain vehicle trails not shared
- 16 with snowmobiles and that are eligible for winter maintenance shall be maintained
- 17 and groomed for a total of not less than 2 months nor more than 6 months per year
- 18 including the months of January and February.
- 19 3. \$600 per mile for summer maintenance. All-terrain vehicle trails eligible for
- 20 summer maintenance shall be maintained for a total of not less than 3 months nor
- 21 more than 8 months per year including the months of June, July, and August.

22 **SECTION 10.** 23.33 (9) (bg) (title) of the statutes is amended to read:

1 × 23.33 (9) (bg) (title) *Projects Funding for utility terrain vehicles.*

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; 2019 a. 11.

2 **SECTION 11.** 23.33 (9) (bg) of the statutes is renumbered 23.33 (9) (bg) 1. and
3 amended to read:

4 × 23.33 (9) (bg) 1. A project to improve or maintain all-terrain vehicle trails for
5 use by utility terrain vehicles is eligible for summer funding as a state utility terrain
6 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
7 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)
8 (eu) and (gr). The maximum amount allowed for aid under this paragraph is \$100
9 \$200 per mile for all-terrain vehicle trails that are maintained not less than 3
10 months per year including the months of June, July, and August.

subdivision

11 3. If the requests for aid for projects under this paragraph exceed the funds
12 available, the department shall distribute available funds to qualified applicants on
13 a proportional basis.

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; 2019 a. 11.

14 **SECTION 12.** 23.33 (9) (bg) 2. of the statutes is created to read:

15 × 23.33 (9) (bg) 2. A project to improve or maintain all-terrain vehicle trails for
16 use by utility terrain vehicles is eligible for winter funding as a state utility terrain
17 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
18 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)
19 (eu) and (gr). The maximum amount allowed for aid under this paragraph is \$200
20 per mile for all-terrain vehicle trails that are maintained not less than 2 months
21 nor more than 6 months per year including the months of January and February.

subdivision

****NOTE: I changed the dollar amount to \$200 to harmonize with the created s.
23.33 (9) (bc) 2.

1 **INS 10-2**

2 **SECTION 13.** NR 64.14 (6) (b) 5. of the administrative code is amended to read:

3 ~~NR 64.14 (6) (b) 5. Trails shall not be routed through or by areas of anticipated~~
4 ~~conflict that may include, but are not limited to, wilderness areas, game preserves,~~
5 winter browse areas, experimental stations, nurseries, or plantations and
6 residences.

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

LRB-3695/P2ins2
ZDW:... *am*

NOTE: This replaces page 4, lines 11-21 of the original insert.

1. For winter maintenance of all-terrain vehicle trails that are shared with snowmobiles and that are eligible for winter maintenance, \$100 per mile. Trails receiving aid under this subdivision shall be maintained and groomed for not less than 2 months nor more than 6 months per year and shall be maintained and groomed for use in January and February.

2. For winter maintenance of all-terrain vehicle trails that are not shared with snowmobiles and that are eligible for winter maintenance, \$200 per mile. Trails receiving aid under this subdivision shall be maintained and groomed for not less than 2 months nor more than 6 months per year and shall be maintained and groomed for use in January and February.

3. For summer maintenance of all-terrain vehicle trails, \$600 per mile. Trails receiving aid under this subdivision shall be maintained for not less than 3 months nor more than 8 months per year and shall be maintained for use in June, July, and August.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WATVA Comments/Draft

1 **AN ACT** *to renumber and amend* 23.33 (9) (bg) and 23.33 (13) (a); **to amend**
2 20.370 (5) (ct), 20.370 (5) (cu), 23.33 (1) (ng) 1. b., 23.33 (1) (ng) 1. h., 23.33 (1)
3 (ng) 2. a., 23.33 (1) (ng) 2. b., 23.33 (1) (ng) 2. d., 23.33 (2) (b) 4., 23.33 (3) (em),
4 23.33 (4) (d) (intro.), 23.33 (6) (f), 23.33 (6) (g), 23.33 (6) (i), 23.33 (6r), 23.33 (9)
5 (bg) (title), 340.01 (2g) and 346.02 (11); and **to create** 23.33 (1) (fe), 23.33 (1) (jd),
6 23.33 (1) (jqm), 23.33 (3) (ht), 23.33 (3g) (e), 23.33 (3g) (f), 23.33 (6) (cd), 23.33
7 (6) (ch), 23.33 (6) (cp), 23.33 (6) (ct), 23.33 (9) (b) 7., 23.33 (9) (bc), 23.33 (9) (bg)
8 2., 23.33 (11m), 23.33 (13) (a) 2., 23.33 (13) (g) and 971.19 (10m) of the statutes;
9 **relating to:** regulation of all-terrain vehicles and utility terrain vehicles,
10 making an appropriation, and providing a 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.

2. Provides that a measurement of the width of an ATV or UTV must be measured between the outermost wheel rim 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.** 20.370 (5) (ct) of the statutes is amended to read:

2 20.370 **(5)** (ct) *Recreation aids – all-terrain vehicle project aids; gas tax*
3 *payment.* As a continuing appropriation, an amount equal to the estimated
4 all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties
5 ~~and~~, federal agencies, and nonprofit organizations for nonstate all-terrain vehicle
6 projects.

① ✓

***Note: The request for mapping and digital information (Section 25) and safety informational signage (NEW Section 40) should be the **only** items available for Non-profits to get funding. How can we write this so that they cannot get funding for other projects like bridges or trail development out of this account?

***NOTE: The requested creation of s. 23.33 (9) (b) 7. requires treating this appropriation.

7 **SECTION 2.** 20.370 (5) (cu) of the statutes is amended to read:

8 20.370 **(5)** (cu) *Recreation aids – all-terrain vehicle project aids.* As a
9 continuing appropriation, the amounts in the schedule from moneys received from

10 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,

1 cities, counties, ~~and~~ federal agencies, and nonprofit organizations for nonstate
2 all-terrain vehicle projects.

② ✓ ****Note: The request for mapping and digital information (Section 25) and safety informational signage (NEW Section 40) should be the **only** items available for Non-profits to get funding. How can we write this so that they cannot get funding for other projects like bridges or trail development out of this account?

****NOTE: The requested creation of s. 23.33 (9) (b) 7. requires treating this appropriation.

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

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

7 **SECTION 4.** 23.33 (1) (jd) of the statutes is created to read:

8 23.33 (1) (jd) "Public utility" has the meaning given in s. 196.01 (5).

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

10 23.33 (1) (jqm) "State agency" means any office, department, or independent
11 agency in the executive branch of state government.

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

13 23.33 (1) (ng) 1. b. Four or more ~~low pressure tires or non-pneumatic tires.~~

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

15 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally
16 between the outermost wheel rim on each side of the vehicle, exclusive of tires,
17 mirrors, and accessories that are not essential to the vehicle's basic operation.

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

19 23.33 (1) (ng) 2. a. It has a weight, without fluids, of ~~more than 900 pounds but~~
20 not more than 2000 pounds.

21 **SECTION 9.** 23.33 (1) (ng) 2. b. of the statutes is amended to read:

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

4 SECTION 10. 23.33 (1) (ng) 2. d. of the statutes is amended to read:

5 23.33 (1) (ng) 2. d. It travels on 3 or more ~~low-pressure tires or non-pneumatic~~
 6 tires.

7 SECTION 11. 23.33 (2) (b) 4. of the statutes is amended to read:

8 23.33 (2) (b) 4. Owned or leased by a political subdivision of the state ~~and or~~
 9 a federal agency, used for enforcement or emergency purposes, and the name of the
 10 political subdivision is prominently displayed on the exterior of the all-terrain
 11 vehicle or utility terrain vehicle.

****NOTE: I am using the term "federal agency," which is defined for s. 23.33 in this draft, because "political subdivision of the United States" would be states and territories, not agencies.

12 SECTION 12. 23.33 (3) (em) of the statutes is amended to read:

13 23.33 (3) (em) ~~With~~ Except as provided in sub. (11m), with a passenger riding
 14 in or on any part of a an all-terrain vehicle or utility terrain vehicle that is not
 15 designed or intended to be used by passengers while the all-terrain vehicle or utility
 16 terrain vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle
 17 trail, or roadway as authorized in this section.

18 SECTION 13. 23.33 (3) (ht) of the statutes is created to read:

19 23.33 (3) (ht) On all-terrain vehicles routes, all-terrain vehicles trails, public
 20 lands, or roadways unless the person complies with all stop signs, yield signs, and
 21 other regulatory signs established by rule under sub. (8) (e).

22 SECTION 14. 23.33 (3g) (e) of the statutes is created to read:

1 23.33 **(3g)** (e) The person is being transported for medical reasons while under
2 the care of emergency personnel.

3 **SECTION 15.** 23.33 (3g) (f) of the statutes is created to read:

4 23.33 **(3g)** (f) The person is an emergency responder who is responding to an
5 emergency that is directly related to the function of a city, town, village, county, state
6 agency, federal agency, federally recognized American Indian tribe, or public safety
7 corporation.

8 **SECTION 16.** 23.33 (4) (d) (intro.) of the statutes is amended to read:

9 23.33 **(4)** (d) *Operation on roadway.* (intro.) A person may operate an
10 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway
11 if the person complies with the applicable speed limit and only in the following
12 situations:

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

14 23.33 **(6)** (cd) Except as provided in sub. (11m), no person may operate an
15 all-terrain vehicle or utility terrain vehicle that is equipped with any of the
16 following:

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

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

22 3. A flashing lamp that emits any color other than yellow or amber.

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

24 23.33 **(6)** (ch) Except as provided in sub. (11m), if an all-terrain vehicle or
25 utility terrain vehicle with headlamps is equipped with additional adverse weather

1 lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain
2 vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of
3 more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain
4 vehicle may not light more than 4 lamps on the front of the all-terrain vehicle or
5 utility terrain vehicle simultaneously, not including flashing amber or yellow lights,
6 within 500 feet of an oncoming all-terrain vehicle, utility terrain vehicle, or other
7 vehicle upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public
8 area.

****NOTE: The definition of "vehicle" in s. 340.01 (74) already applies to s. 23.33. See
s. 340.01 (intro.).

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

10 23.33 **(6)** (cp) Except as provided in sub. (11m), when the operator of an
11 all-terrain vehicle or utility terrain vehicle equipped with multiple-beam
12 headlamps, adverse weather lamps, spot lamps, auxiliary lamps, high-beam lamps,
13 or any other lamps other than those required by this subsection approaches an
14 oncoming all-terrain vehicle, utility terrain vehicle, or other vehicle within 500 feet
15 or approaches or follows an all-terrain vehicle, utility terrain vehicle, or other
16 vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress, or
17 tilt the multiple-beam headlamps, adverse weather lamps, spot lamps, auxiliary
18 lamps, high-beam lamps, or any other lamps of the all-terrain vehicle or utility
19 terrain vehicle so that the glaring rays are not directed or reflected into the eyes of
20 the operator of the other vehicle, all-terrain vehicle, or utility terrain vehicle. This
21 paragraph does not prohibit an operator from intermittently flashing the high-beam
22 headlamps of the all-terrain vehicle or utility terrain vehicle at an oncoming

1 all-terrain vehicle, utility terrain vehicle, or other vehicle whose high-beam
2 headlamps are lit.

****NOTE: The definition of "vehicle" in s. 340.01 (74) already applies to s. 23.33. See
s. 340.01 (intro.).

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

4 23.33 (6) (ct) 1. Any all-terrain vehicle or utility terrain vehicle may be
5 equipped with not more than 2 backup lamps that shall be directed to project a white
6 or amber light illuminating the area to the rear of the vehicle for a distance not to
7 exceed 75 feet.

8 2. No lighted backup lamp shall be displayed on any all-terrain vehicle or
9 utility terrain vehicle upon a highway, all-terrain vehicle route, all-terrain vehicle
10 trail, frozen water, or public area where use of all-terrain vehicles or utility terrain
11 vehicles is allowed except when the all-terrain vehicle or utility terrain vehicle is
12 about to be or is being driven backward. Whenever a backup lamp on an all-terrain
13 vehicle or utility terrain vehicle is lighted during hours of darkness, the tail lamp or
14 tail lamps on the all-terrain vehicle or utility terrain vehicle shall also be lighted.

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

16 23.33 (6) (f) An all-terrain vehicle or utility terrain vehicle may not be modified
17 so that its maximum width exceeds 50 inches the width allowed for a utility terrain
18 vehicle under sub. (1) (ng) 1. h. or 2. b. or the width allowed for an all-terrain vehicle
19 under s. 340.01 (2g). This paragraph does not apply to the operation of an all-terrain
20 vehicle or utility terrain vehicle on private property.

21 **SECTION 22.** 23.33 (6) (g) of the statutes is amended to read:

22 23.33 (6) (g) An all-terrain vehicle or utility terrain vehicle may not be
23 operated with tires anything other than low-pressure tires or non-pneumatic tires.

1 This paragraph does not apply to the operation of an all-terrain vehicle or utility
2 terrain vehicle on private property **or on frozen waters.**

3 **SECTION 23.** 23.33 (6) (i) of the statutes is amended to read:

4 23.33 **(6)** (i) ~~No~~ Except as provided in sub. (11m), no person may operate a
5 utility terrain vehicle on an all-terrain vehicle route, all-terrain vehicle trail, or
6 roadway as authorized in this section unless each ~~passenger~~ occupant is wearing a
7 safety belt installed by the manufacturer and fastened in a manner prescribed by the
8 manufacturer of the safety belt ~~which~~ that permits the safety belt to act as a body
9 restraint.

10 **SECTION 24.** 23.33 (6r) of the statutes is amended to read:

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

18 **SECTION 25.** 23.33 (9) (b) 7. of the statutes is created to read:

19 23.33 **(9)** (b) 7. Production of trail maps and a statewide digital information
20 application for providing safety, regulatory, and riding opportunity information.

****** Note: See Sections 1 & 2 for comment on non-profits.**

****NOTE: I did not include the language relating to the timing of funding requests as there is no statutory limit on when the off-highway vehicle council may accept requests.

21 **SECTION 26.** 23.33 (9) (bc) of the statutes is created to read:

1 23.33 (9) (bc) *All-terrain vehicle trail maintenance funding*. The department
2 may provide state aid for trail maintenance costs equal to the approved eligible
3 project costs, which may not exceed the following:

4 1. For winter maintenance of all-terrain vehicle trails that are shared with
5 snowmobiles and that are eligible for winter maintenance, \$100 per mile. Trails
6 receiving aid under this subdivision shall be maintained and groomed for not less
7 than 2 months nor more than 6 months per year and shall be maintained and
8 groomed for use in January and February.

9 2. For winter maintenance of all-terrain vehicle trails that are not shared with
10 snowmobiles and that are eligible for winter maintenance, \$200 per mile. Trails
11 receiving aid under this subdivision shall be maintained and groomed for not less
12 than 2 months nor more than 6 months per year and shall be maintained and
13 groomed for use in January and February.

14 3. For summer maintenance of all-terrain vehicle trails, \$600 per mile. Trails
15 receiving aid under this subdivision shall be maintained for not less than 3 months
16 nor more than 8 months per year and shall be maintained for use in June, July, and
17 August.

18 **SECTION 27.** 23.33 (9) (bg) (title) of the statutes is amended to read:

19 23.33 (9) (bg) (title) *Projects Funding for utility terrain vehicles*.

20 **SECTION 28.** 23.33 (9) (bg) of the statutes is renumbered 23.33 (9) (bg) 1. and
21 amended to read:

22 23.33 (9) (bg) 1. A project to improve or maintain all-terrain vehicle trails for
23 use by utility terrain vehicles is eligible for summer funding as a state utility terrain
24 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
25 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)

1 (eu) and (gr). The maximum amount allowed for aid under this paragraph
2 subdivision is ~~\$100~~ \$200 per mile for all-terrain vehicle trails that are maintained
3 not less than 3 months per year including the months of June, July, and August.

4 3. If the requests for aid for projects under this paragraph exceed the funds
5 available, the department shall distribute available funds to qualified applicants on
6 a proportional basis.

7 SECTION 29. 23.33 (9) (bg) 2. of the statutes is created to read:

8 23.33 (9) (bg) 2. A project to improve or maintain all-terrain vehicle trails for
9 use by utility terrain vehicles is eligible for winter funding as a state utility terrain
10 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
11 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)
12 (eu) and (gr). The maximum amount allowed for aid under this subdivision is ~~\$200~~

5 ✓

13 **\$100** per mile for all-terrain vehicle trails that are maintained not less than 2 months
14 nor
15 more than 6 months per year including the months of January and February.

***NOTE: I changed the dollar amount to \$200 to harmonize with the created s.
23.33 (9) (bc) 2.

15 SECTION 30. 23.33 (11m) of the statutes is created to read:

16 23.33 (11m) EXCEPTIONS. Subsections (3) (em), (6) (cd), (ch), (cp), and (i), and
17 (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle
18 owned or leased by a city, village, town, county, state agency, federal agency, federally
19 recognized American Indian tribe, public safety corporation, or public utility while
20 the operator is engaged in an emergency ~~or if the operation is directly related to the~~
21 ~~functions of the city, village, town, county, state agency, federal agency, federally~~
22 ~~recognized American Indian tribe, public safety corporation, or public utility.~~

6 ✓

1 **SECTION 31.** 23.33 (13) (a) of the statutes is renumbered 23.33 (13) (a) 1. and
2 amended to read:

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

6 **SECTION 32.** 23.33 (13) (a) 2. of the statutes is created to read:

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

11 **SECTION 33.** 23.33 (13) (g) of the statutes is created to read:

12 23.33 **(13)** (g) *Penalties for commercial certificate violations.* A person who
13 violates sub. (2) (dm) 1. shall forfeit not more than \$500.

14 **SECTION 34.** 340.01 (2g) of the statutes is amended to read:

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

22 **SECTION 35.** 346.02 (11) of the statutes is amended to read:

23 346.02 **(11)** **APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN**
24 **VEHICLES.** The operator of an all-terrain vehicle or a utility terrain vehicle on a
25 roadway is subject to ss. 346.04, 346.06, 346.075 (1), 346.11, 346.14 (1m), 346.18,

1 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
2 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
3 346.55, 346.67, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94
4 (1) and (9) but is not subject to any other provision of this chapter.

5 **SECTION 36.** 971.19 (10m) of the statutes is created to read:

6 971.19 **(10m)** In an action under s. 23.33 (2h) (a) 1. for intentionally making
7 a false statement on an application for a registration, the defendant may be tried in
8 the defendant's county of residence at the time that the complaint is filed, in the
9 county where the defendant purchased the all-terrain vehicle or utility terrain
10 vehicle if purchased from a dealer, or in the county where the department of natural
11 resources received the application.

12 **SECTION 37.** NR 64.14 (6) (b) 5. of the administrative code is amended to read:

13 NR 64.14 **(6)** (b) 5. Trails shall not be routed through ~~or by areas of anticipated~~
14 ~~conflict that may include, but are not limited to,~~ wilderness areas, game preserves,
15 winter browse areas, experimental stations, nurseries, or plantations and
16 residences.

7 **Section 38.** 23.33(6)a of the statutes is amended to read:

23.33(6)a A person who operates an all-terrain vehicle or utility terrain
vehicle during hours of darkness or during daylight hours ~~on any highway right-~~
~~of way~~ is **always** required to display a lighted headlamp and tail lamp on the all-
terrain vehicle or utility terrain vehicle.

8 **Section 39.** 23.33(4z)(a)3 is created in statutes to read:

23.33(4z)(a)3 Provide for the development of safety informational signs to
include but not limited to briefly explaining the utility terrain vehicle seatbelt and
helmet regulatory requirements.

① ✓

Section 40. 23.33(9) (bb) of the statutes is amended to read:

23.33(9)(bb) Signs. In addition to the projects listed in par. (b), the department may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town, village, city, ~~or county,~~ **or non-profit organization** for up to 100 percent of the cost of placing signs developed under sub. (4z) (a) 2. **and (4z) (a) 3.**

****** Note: See Sections 1 & 2 for comment on non-profits.**



State of Wisconsin
2019 - 2020 LEGISLATURE

in 9/3/2019
out 9/3/2019

LRB-3695/P2
ZDW:amn

INSERT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
Pwf

Regen

1 **AN ACT** *to renumber and amend* 23.33 (9) (bg) and 23.33 (13) (a); *to amend*
2 20.370 (5) (ct), 20.370 (5) (cu), 23.33 (1) (ng) 1. b., 23.33 (1) (ng) 1. h., 23.33 (1)
3 (ng) 2. a., 23.33 (1) (ng) 2. b., 23.33 (1) (ng) 2. d., 23.33 (2) (b) 4., 23.33 (3) (em),
4 23.33 (4) (d) (intro.), 23.33 (6) (f), 23.33 (6) (g), 23.33 (6) (i), 23.33 (6r), 23.33 (9)
5 (bg) (title), 340.01 (2g) and 346.02 (11); and *to create* 23.33 (1) (fe), 23.33 (1) (jd),
6 23.33 (1) (jqm), 23.33 (3) (ht), 23.33 (3g) (e), 23.33 (3g) (f), 23.33 (6) (cd), 23.33
7 (6) (ch), 23.33 (6) (cp), 23.33 (6) (ct), 23.33 (9) (b) 7., 23.33 (9) (bc), 23.33 (9) (bg)
8 2., 23.33 (11m), 23.33 (13) (a) 2., 23.33 (13) (g) and 971.19 (10m) of the statutes;
9 **relating to:** regulation of all-terrain vehicles and utility terrain vehicles,
10 making an appropriation, and providing a 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.

2. Provides that a measurement of the width of an ATV or UTV must be measured between the outermost wheel rim 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:

SECTION 1. 20.370 (5) (ct) of the statutes is amended to read:

20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax payment.* As a continuing appropriation, an amount equal to the estimated all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties and, federal agencies, and nonprofit organizations for nonstate all-terrain vehicle projects.

****NOTE: The requested creation of s. 23.33 (9) (b) 7. requires treating this appropriation.

SECTION 2. 20.370 (5) (cu) of the statutes is amended to read:

20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a continuing appropriation, the amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,

X
Insert
single tag

INS 2-2

1 cities, counties, and federal agencies, and nonprofit organizations for nonstate
2 all-terrain vehicle projects.

***NOTE: The requested creation of s. 23.33 (9) (b) 7. requires treating this appropriation.

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

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

7 **SECTION 4.** 23.33 (1) (jd) of the statutes is created to read:

8 23.33 (1) (jd) "Public utility" has the meaning given in s. 196.01 (5).

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

10 23.33 (1) (jqm) "State agency" means any office, department, or independent
11 agency in the executive branch of state government.

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

13 23.33 (1) (ng) 1. b. Four or more ~~low-pressure tires or non-pneumatic~~ tires.

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

15 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally
16 between the outermost wheel rim on each side of the vehicle, exclusive of tires,
17 mirrors, and accessories that are not essential to the vehicle's basic operation.

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

19 23.33 (1) (ng) 2. a. It has a weight, without fluids, of ~~more than 900 pounds but~~
20 not more than 2000 pounds.

21 **SECTION 9.** 23.33 (1) (ng) 2. b. of the statutes is amended to read:

1 23.33 (1) (ng) 2. b. It has a width of 50 ⁹65 inches or less as measured laterally
2 between the outermost wheel rim (or track) on each side of the vehicle, exclusive of
3 tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

4 **SECTION 10.** 23.33 (1) (ng) 2. d. of the statutes is amended to read:

5 23.33 (1) (ng) 2. d. It travels on 3 or more low-pressure tires or non-pneumatic
6 tires.

7 **SECTION 11.** 23.33 (2) (b) 4. of the statutes is amended to read:

8 23.33 (2) (b) 4. Owned or leased by a political subdivision of the state and or
9 a federal agency, used for enforcement or emergency purposes, and the name of the
10 political subdivision is prominently displayed on the exterior of the all-terrain
11 vehicle or utility terrain vehicle.

X ***NOTE: I am using the term "federal agency," which is defined for s. 23.33 in this
draft, because "political subdivision of the United States" would be states and territories,
not agencies.

12 **SECTION 12.** 23.33 (3) (em) of the statutes is amended to read:

13 23.33 (3) (em) With Except as provided in sub. (11m), with a passenger riding
14 in or on any part of ~~a~~ an all-terrain vehicle or utility terrain vehicle that is not
15 designed or intended to be used by passengers while the all-terrain vehicle or utility
16 terrain vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle
17 trail, or roadway as authorized in this section.

18 **SECTION 13.** 23.33 (3) (ht) of the statutes is created to read:

19 23.33 (3) (ht) On all-terrain vehicles routes, all-terrain vehicles trails, public
20 lands, or roadways unless the person complies with all stop signs, yield signs, and
21 other regulatory signs established by rule under sub. (8) (e).

22 **SECTION 14.** 23.33 (3g) (e) of the statutes is created to read:

1 23.33 (3g) (e) The person is being transported for medical reasons while under
2 the care of emergency personnel.

3 **SECTION 15.** 23.33 (3g) (f) of the statutes is created to read:

4 23.33 (3g) (f) The person is an emergency responder who is responding to an
5 emergency that is directly related to the function of a city, town, village, county, state
6 agency, federal agency, federally recognized American Indian tribe, or public safety
7 corporation.

8 **SECTION 16.** 23.33 (4) (d) (intro.) of the statutes is amended to read:

9 23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an
10 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway
11 if the person complies with the applicable speed limit and only in the following
12 situations:

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

14 23.33 (6) (cd) Except as provided in sub. (11m), no person may operate an
15 all-terrain vehicle or utility terrain vehicle that is equipped with any of the
16 following:

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

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

22 3. A flashing lamp that emits any color other than yellow or amber.

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

24 23.33 (6) (ch) Except as provided in sub. (11m), if an all-terrain vehicle or
25 utility terrain vehicle with headlamps is equipped with additional adverse weather

h/s 5-13

1 lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain
2 vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of
3 more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain
4 vehicle may not light more than 4 lamps on the front of the all-terrain vehicle or
5 utility terrain vehicle simultaneously, not including flashing amber or yellow lights,
6 within 500 feet of an oncoming all-terrain vehicle, utility terrain vehicle, or other
7 vehicle upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public
8 area.

* **NOTE:** The definition of "vehicle" in s. 340.01 (74) already applies to s. 23.33. See
s. 340.01 (intro.).

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

10 23.33 (6) (cp) Except as provided in sub. (11m), when the operator of an
11 all-terrain vehicle or utility terrain vehicle equipped with multiple-beam
12 headlamps, adverse weather lamps, spot lamps, auxiliary lamps, high-beam lamps,
13 or any other lamps other than those required by this subsection approaches an
14 oncoming all-terrain vehicle, utility terrain vehicle, or other vehicle within 500 feet
15 or approaches or follows an all-terrain vehicle, utility terrain vehicle, or other
16 vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress, or
17 tilt the multiple-beam headlamps, adverse weather lamps, spot lamps, auxiliary
18 lamps, high-beam lamps, or any other lamps of the all-terrain vehicle or utility
19 terrain vehicle so that the glaring rays are not directed or reflected into the eyes of
20 the operator of the other vehicle, all-terrain vehicle, or utility terrain vehicle. This
21 paragraph does not prohibit an operator from intermittently flashing the high-beam
22 headlamps of the all-terrain vehicle or utility terrain vehicle at an oncoming

1 all-terrain vehicle, utility terrain vehicle, or other vehicle whose high-beam
2 headlamps are lit.

✕ **NOTE:** The definition of "vehicle" in s. 340.01 (74) already applies to s. 23.33. See s. 340.01 (intro.).

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

4 23.33 (6) (ct) 1. Any all-terrain vehicle or utility terrain vehicle may be
5 equipped with not more than 2 backup lamps that shall be directed to project a white
6 or amber light illuminating the area to the rear of the vehicle for a distance not to
7 exceed 75 feet.

8 2. No lighted backup lamp shall be displayed on any all-terrain vehicle or
9 utility terrain vehicle upon a highway, all-terrain vehicle route, all-terrain vehicle
10 trail, frozen water, or public area where use of all-terrain vehicles or utility terrain
11 vehicles is allowed except when the all-terrain vehicle or utility terrain vehicle is
12 about to be or is being driven backward. Whenever a backup lamp on an all-terrain
13 vehicle or utility terrain vehicle is lighted during hours of darkness, the tail lamp or
14 tail lamps on the all-terrain vehicle or utility terrain vehicle shall also be lighted.

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

16 23.33 (6) (f) An all-terrain vehicle or utility terrain vehicle may not be modified
17 so that its maximum width exceeds 50 inches the width allowed for a utility terrain
18 vehicle under sub. (1) (ng) 1. h. or 2. b. or the width allowed for an all-terrain vehicle
19 under s. 340.01 (2g). This paragraph does not apply to the operation of an all-terrain
20 vehicle or utility terrain vehicle on private property.

21 **SECTION 22.** 23.33 (6) (g) of the statutes is amended to read:

22 23.33 (6) (g) An all-terrain vehicle or utility terrain vehicle may not be
23 operated with tires anything other than low-pressure tires or non-pneumatic tires.

1 This paragraph does not apply to the operation of an all-terrain vehicle or utility
 2 terrain vehicle on private property *or on Frozen Waters*

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

4 23.33 (6) (i) No Except as provided in sub. (11m), no person may operate a
 5 utility terrain vehicle on an all-terrain vehicle route, all-terrain vehicle trail, or
 6 roadway as authorized in this section unless each passenger occupant is wearing a
 7 safety belt installed by the manufacturer and fastened in a manner prescribed by the
 8 manufacturer of the safety belt which that permits the safety belt to act as a body
 9 restraint.

10 SECTION 24. 23.33 (6r) of the statutes is amended to read:

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

18 SECTION 25. 23.33 (9) (b) 7. of the statutes is created to read:

19 23.33 (9) (b) 7. Production of trail maps and a statewide digital information
 20 application for providing safety, regulatory, and riding opportunity information.

★
 ****NOTE: I did not include the language relating to the timing of funding requests
 as there is no statutory limit on when the off-highway vehicle council may accept
 requests.

IN § 8-21
 21 SECTION 26. 23.33 (9) (bc) of the statutes is created to read:

1 23.33 (9) (bc) *All-terrain vehicle trail maintenance funding*. The department
2 may provide state aid for trail maintenance costs equal to the approved eligible
3 project costs, which may not exceed the following:

4 1. For winter maintenance of all-terrain vehicle trails that are shared with
5 snowmobiles and that are eligible for winter maintenance, \$100 per mile. Trails
6 receiving aid under this subdivision shall be maintained and groomed for not less
7 than 2 months nor more than 6 months per year and shall be maintained and
8 groomed for use in January and February.

9 2. For winter maintenance of all-terrain vehicle trails that are not shared with
10 snowmobiles and that are eligible for winter maintenance, \$200 per mile. Trails
11 receiving aid under this subdivision shall be maintained and groomed for not less
12 than 2 months nor more than 6 months per year and shall be maintained and
13 groomed for use in January and February.

14 3. For summer maintenance of all-terrain vehicle trails, \$600 per mile. Trails
15 receiving aid under this subdivision shall be maintained for not less than 3 months
16 nor more than 8 months per year and shall be maintained for use in June, July, and
17 August.

18 **SECTION 27.** 23.33 (9) (bg) (title) of the statutes is amended to read:

19 23.33 (9) (bg) (title) *Projects Funding for utility terrain vehicles*.

20 **SECTION 28.** 23.33 (9) (bg) of the statutes is renumbered 23.33 (9) (bg) 1. and
21 amended to read:

22 23.33 (9) (bg) 1. A project to improve or maintain all-terrain vehicle trails for
23 use by utility terrain vehicles is eligible for summer funding as a state utility terrain
24 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
25 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)

1 (eu) and (gr). The maximum amount allowed for aid under this paragraph
2 subdivision is \$100 ~~\$200~~ per mile for all-terrain vehicle trails that are maintained
3 not less than 3 months per year including the months of June, July, and August.

4 3. If the requests for aid for projects under this paragraph exceed the funds
5 available, the department shall distribute available funds to qualified applicants on
6 a proportional basis.

7 **SECTION 29.** 23.33 (9) (bg) 2. of the statutes is created to read:

8 23.33 (9) (bg) 2. A project to improve or maintain all-terrain vehicle trails for
9 use by utility terrain vehicles is eligible for winter funding as a state utility terrain
10 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
11 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)
12 (eu) and (gr). The maximum amount allowed for aid under this subdivision is ~~\$200~~² ~~400~~²
13 per mile for all-terrain vehicle trails that are maintained not less than 2 months nor
14 more than 6 months per year including the months of January and February.

★ *****NOTE:** I changed the dollar amount to \$200 to harmonize with the created s. 23.33 (9) (bc) 2.

15 **SECTION 30.** 23.33 (11m) of the statutes is created to read:

16 23.33 (11m) EXCEPTIONS. Subsections (3) (em), (6) (cd), (ch), (cp), and (i), and
17 (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle
18 owned or leased by a city, village, town, county, state agency, federal agency, federally
19 recognized American Indian tribe, public safety corporation, or public utility while
20 the operator is engaged in an emergency or if the operation is directly related to the
21 functions of the city, village, town, county, state agency, federal agency, federally
22 recognized American Indian tribe, public safety corporation, or public utility.

1 **SECTION 31.** 23.33 (13) (a) of the statutes is renumbered 23.33 (13) (a) 1. and
2 amended to read:

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

6 **SECTION 32.** 23.33 (13) (a) 2. of the statutes is created to read:

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

11 **SECTION 33.** 23.33 (13) (g) of the statutes is created to read:

12 23.33 (13) (g) *Penalties for commercial certificate violations.* A person who
13 violates sub. (2) (dm) 1. shall forfeit not more than \$500.

14 **SECTION 34.** 340.01 (2g) of the statutes is amended to read:

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

22 **SECTION 35.** 346.02 (11) of the statutes is amended to read:

23 346.02 (11) **APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN**
24 **VEHICLES.** The operator of an all-terrain vehicle or a utility terrain vehicle on a
25 roadway is subject to ss. 346.04, 346.06, 346.075 (1), 346.11, 346.14 (1m), 346.18,

1 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
2 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
3 346.55, 346.67, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94
4 (1) and (9) but is not subject to any other provision of this chapter.

5 **SECTION 36.** 971.19 (10m) of the statutes is created to read:

6 971.19 (10m) In an action under s. 23.33 (2h) (a) 1. for intentionally making
7 a false statement on an application for a registration, the defendant may be tried in
8 the defendant's county of residence at the time that the complaint is filed, in the
9 county where the defendant purchased the all-terrain vehicle or utility terrain
10 vehicle if purchased from a dealer, or in the county where the department of natural
11 resources received the application.

12 **SECTION 37.** NR 64.14 (6) (b) 5. of the administrative code is amended to read:

13 NR 64.14 (6) (b) 5. Trails shall not be routed through ~~or by~~ areas of anticipated
14 ~~conflict that may include, but are not limited to,~~ wilderness areas, game preserves,
15 winter browse areas, experimental stations, nurseries, or plantations and
16 residences.

17 (END)

SA
xref

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3695/P3ins
ZDW:... *amw*

INS 2-2

20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax payment.* As a continuing appropriation, an amount equal to the estimated all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties, and federal agencies for nonstate all-terrain vehicle projects and to provide aid to nonprofit organizations for the production of maps and digital information applications under s. 23.33 (9) (b) 7. and the placement of signs developed under s. 23.33 (4z) (a) 3.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55, 89, 170; 2015 a. 197 s. 51; 2015 a. 250, 260, 358; 2017 a. 59, 134, 183, 348; 2017 a. 365 s. 111; 2017 a. 366; 2019 a. 9.

SECTION 1. 20.370 (5) (cu) of the statutes is amended to read:

20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a continuing appropriation, the amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages, cities, counties, and federal agencies for nonstate all-terrain vehicle projects and to provide aid to nonprofit organizations for the production of maps and digital information applications under s. 23.33 (9) (b) 7. and the placement of signs developed under s. 23.33 (4z) (a) 3.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55, 89, 170; 2015 a. 197 s. 51; 2015 a. 250, 260, 358; 2017 a. 59, 134, 183, 348; 2017 a. 365 s. 111; 2017 a. 366; 2019 a. 9.

INS 5-13

SECTION 2. 23.33 (4z) (a) 3. of the statutes is created to read:

* 23.33 (4z) (a) 3. Provide for the development of signs to briefly explain utility terrain vehicle seatbelt and helmet regulations.

SECTION 3. 23.33 (6) (a) of the statutes is amended to read:

* 23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain vehicle during hours of darkness or during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp on the all-terrain vehicle or utility terrain 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; 2019 a. 11.

INS 8-21

SECTION 4. 23.33 (9) (bb) of the statutes is amended to read:

* 23.33 (9) (bb) *Signs.* In addition to the projects listed in par. (b), the department may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town, village, city or, county, or non-profit organization for up to 100 percent of the cost of placing signs developed under sub. (4z) (a) 2. and 3.

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; 2019 a. 11.



Vince, Sen. Marklein 9/26

re 3695/P3

- add s. 23.33 (a)(b) 8. Communication equipment. For costs associated with comm. equip. that would be used to provide support to organizations that meet reqs. of 23.33 (5m)
 - add comm. equip. to s. 20.370 (s)(a) and (c) For nonprofits
 - modify s. 23.33 (42) (a) 3. to say "Provide for the development of safety into safety."
- ZDJ