



W 9/30/2019
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INSERT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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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) (a), 23.33 (6) (f), 23.33 (6) (g), 23.33 (6) (i), 23.33
5 (6r), 23.33 (9) (bb), 23.33 (9) (bg) (title), 340.01 (2g) and 346.02 (11); and **to**
6 **create** 23.33 (1) (fe), 23.33 (1) (jd), 23.33 (1) (jqm), 23.33 (3) (ht), 23.33 (3g) (e),
7 23.33 (3g) (f), 23.33 (4z) (a) 3., 23.33 (6) (cd), 23.33 (6) (ch), 23.33 (6) (cp), 23.33
8 (6) (ct), 23.33 (9) (b) 7., 23.33 (9) (bc), 23.33 (9) (bg) 2., 23.33 (11m), 23.33 (13)
9 (a) 2., 23.33 (13) (g) and 971.19 (10m) of the statutes; **relating to:** regulation
10 of all-terrain vehicles and utility terrain vehicles, ^{all-terrain vehicle projects,} making an appropriation,
11 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.

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.

NSA Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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 for nonstate all-terrain vehicle projects and to provide aid to
6 nonprofit organizations for the production of maps and digital information
NS 2-7 7 applications under s. 23.33 (9) (b) 7, and the placement of signs developed under s.
8 23.33 (4z) (a) 3.

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

1 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
2 continuing appropriation, the amounts in the schedule from moneys received from
3 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
4 cities, counties, and federal agencies for nonstate all-terrain vehicle projects and to
5 provide aid to nonprofit organizations for the production of maps and digital
6 information applications under s. 23.33 (9) (b) 7. and the placement of signs
7 developed under s. 23.33 (4z) (a) 3.

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

9 23.33 (1) (fe) “Federal agency” means the United States, any department of the
10 United States, or any corporation, agency, or instrumentality that is created,
11 designated, or established by the United States.

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

13 23.33 (1) (jd) “Public utility” has the meaning given in s. 196.01 (5).

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

15 23.33 (1) (jqm) “State agency” means any office, department, or independent
16 agency in the executive branch of state government.

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

18 23.33 (1) (ng) 1. b. Four or more low-pressure tires or non-pneumatic tires.

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

20 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally
21 between the outermost wheel rim on each side of the vehicle, exclusive of tires,
22 mirrors, and accessories that are not essential to the vehicle’s basic operation.

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

24 23.33 (1) (ng) 2. a. It has a weight, without fluids, of ~~more than 900 pounds but~~
25 not more than 2000 pounds.

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

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

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

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

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

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

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

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

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

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

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

24 23.33 (3g) (e) The person is being transported for medical reasons while under
25 the care of emergency personnel.

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

2 23.33 (3g) (f) The person is an emergency responder who is responding to an
3 emergency that is directly related to the function of a city, town, village, county, state
4 agency, federal agency, federally recognized American Indian tribe, or public safety
5 corporation.

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

7 23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an
8 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway
9 if the person complies with the applicable speed limit and only in the following
10 situations:

11 **SECTION 17.** 23.33 (4z) (a) 3. of the statutes is created to read:

12 23.33 (4z) (a) 3. Provide for the development of ^{safety information} signs to briefly explain utility
13 terrain vehicle seat belt and helmet regulations.

14 **SECTION 18.** 23.33 (6) (a) of the statutes is amended to read:

15 23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain
16 vehicle ~~during hours of darkness or during daylight hours on any highway~~
17 ~~right-of-way~~ is required to display a lighted headlamp and tail lamp on the
18 all-terrain vehicle or utility terrain vehicle.

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

20 23.33 (6) (cd) Except as provided in sub. (11m), no person may operate an
21 all-terrain vehicle or utility terrain vehicle that is equipped with any of the
22 following:

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

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

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

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

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

16 **SECTION 21.** 23.33 (6) (cp) of the statutes is created to read:

17 23.33 (6) (cp) Except as provided in sub. (11m), when the operator of an
18 all-terrain vehicle or utility terrain vehicle equipped with multiple-beam
19 headlamps, adverse weather lamps, spot lamps, auxiliary lamps, high-beam lamps,
20 or any other lamps other than those required by this subsection approaches an
21 oncoming all-terrain vehicle, utility terrain vehicle, or other vehicle within 500 feet
22 or approaches or follows an all-terrain vehicle, utility terrain vehicle, or other
23 vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress, or
24 tilt the multiple-beam headlamps, adverse weather lamps, spot lamps, auxiliary
25 lamps, high-beam lamps, or any other lamps of the all-terrain vehicle or utility

1 terrain vehicle so that the glaring rays are not directed or reflected into the eyes of
2 the operator of the other vehicle, all-terrain vehicle, or utility terrain vehicle. This
3 paragraph does not prohibit an operator from intermittently flashing the high-beam
4 headlamps of the all-terrain vehicle or utility terrain vehicle at an oncoming
5 all-terrain vehicle, utility terrain vehicle, or other vehicle whose high-beam
6 headlamps are lit.

7 **SECTION 22.** 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 backup lamps that shall be directed to project a white
10 or amber light illuminating the area to the rear of the vehicle for a distance not to
11 exceed 75 feet.

12 2. No lighted backup 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, frozen water, or public area where use of all-terrain vehicles or utility terrain
15 vehicles is allowed except when the all-terrain vehicle or utility terrain vehicle is
16 about to be or is being driven backward. Whenever a backup lamp on an all-terrain
17 vehicle or utility terrain vehicle is lighted during hours of darkness, the tail lamp or
18 tail lamps on the all-terrain vehicle or utility terrain vehicle shall also be lighted.

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

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

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

1 23.33 (6) (g) An all-terrain vehicle or utility terrain vehicle may not be
2 operated with tires anything other than low-pressure tires or non-pneumatic tires.
3 This paragraph does not apply to the operation of an all-terrain vehicle or utility
4 terrain vehicle on private property or on frozen waters.

5 **SECTION 25.** 23.33 (6) (i) of the statutes is amended to read:

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

12 **SECTION 26.** 23.33 (6r) of the statutes is amended to read:

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

20 **SECTION 27.** 23.33 (9) (b) 7. of the statutes is created to read:

21 23.33 (9) (b) 7. Production of trail maps and a statewide digital information
22 application for providing safety, regulatory, and riding opportunity information.

23 **SECTION 28.** 23.33 (9) (bb) of the statutes is amended to read:

24 23.33 (9) (bb) *Signs.* In addition to the projects listed in par. (b), the department
25 may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town,

1 village, city or county, or nonprofit organization for up to 100 percent of the cost of
2 placing signs developed under sub. (4z) (a) 2. and 3.

3 **SECTION 29.** 23.33 (9) (bc) of the statutes is created to read:

4 23.33 (9) (bc) *All-terrain vehicle trail maintenance funding.* The department
5 may provide state aid for trail maintenance costs equal to the approved eligible
6 project costs, which may not exceed the following:

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

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

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

21 **SECTION 30.** 23.33 (9) (bg) (title) of the statutes is amended to read:

22 23.33 (9) (bg) (title) *Projects Funding for utility terrain vehicles.*

23 **SECTION 31.** 23.33 (9) (bg) of the statutes is renumbered 23.33 (9) (bg) 1. and
24 amended to read:

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

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

11 **SECTION 32.** 23.33 (9) (bg) 2. of the statutes is created to read:

12 23.33 (9) (bg) 2. A project to improve or maintain all-terrain vehicle trails for
13 use by utility terrain vehicles is eligible for winter funding as a state utility terrain
14 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
15 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)
16 (eu) and (gr). The maximum amount allowed for aid under this subdivision is \$100
17 per mile for all-terrain vehicle trails that are maintained not less than 2 months nor
18 more than 6 months per year including the months of January and February.

19 **SECTION 33.** 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.

1 **SECTION 34.** 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 35.** 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 36.** 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 37.** 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 38.** 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 39.** 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 40.** 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)

xref-

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3695/P4ins
ZDW:amn

1 **INS A**

The bill provides that non-profit organizations may receive funding for the development of safety information signs, the production of trail maps and digital information applications, and costs associated with communications equipment. Under current law, there are numerous all-terrain vehicle projects eligible for funding from the Department of Natural Resources.

2 **INS 2-7**

3 , communications equipment under s. 23.33 (9) (b) 8.,

4 **INS 3-6**

5 , communications equipment under s. 23.33 (9) (b) 8.,

6 **8-23**

7 **SECTION 1.** 23.33 (9) (b) 8. of the statutes is created to read:

8 23.33 (9) (b) 8. For costs associated with ^{Acquisition and maintenance of} communications equipment for
9 providing support to organizations that meet the eligibility requirements under s.
10 23.33. (5m) (b).

Wyatt, Zachary

From: Williams, Vincent
Sent: Tuesday, October 08, 2019 4:01 PM
To: Wyatt, Zachary
Subject: FW: Draft review: LRB -3695/P4
Attachments: 19-3695/P4.pdf

Zak,

Hopefully these are the final changes.

Delete Sections, 25, 35, 36 and 37.

Thank you,

Vince Williams
Legislative Aide & Committee Clerk
Office of State Senator Howard Marklein
17th Senate District
PO Box 7882
Madison, WI 53707-7882
www.legis.wisconsin.gov
(608) 266-0703 or (800) 978-8008

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Tuesday, October 01, 2019 11:39 AM
To: Sen.Marklein <Sen.Marklein@legis.wisconsin.gov>
Subject: Draft review: LRB -3695/P4

Following is the PDF version of draft LRB -3695/P4.



W 10/9/2019
OUT TODAY

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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.

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The bill provides that nonprofit organizations may receive funding for the development of safety information signs, the production of trail maps and digital information applications, and the acquisition and maintenance of communications equipment. Under current law, there are numerous all-terrain vehicle projects eligible for funding from the Department of Natural Resources.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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10 s. 23.33 (9) (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

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12 23.33 (1) (fe) “Federal agency” means the United States, any department of the
13 United States, or any corporation, agency, or instrumentality that is created,
14 designated, or established by the United States.

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

16 23.33 (1) (jd) “Public utility” has the meaning given in s. 196.01 (5).

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

18 23.33 (1) (jqm) “State agency” means any office, department, or independent
19 agency in the executive branch of state government.

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

21 23.33 (1) (ng) 1. b. ~~Four or more low-pressure tires or non-pneumatic tires.~~

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

23 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally
24 between the outermost wheel rim on each side of the vehicle, exclusive of tires,
25 mirrors, and accessories that are not essential to the vehicle’s basic operation.

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

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

5 23.33 (1) (ng) 2. b. It has a width of ~~50~~ 65 inches or less as measured laterally
6 between the outermost wheel rim on each side of the vehicle, exclusive of tires,
7 mirrors, and accessories that are not essential to the vehicle's basic operation.

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

9 23.33 (1) (ng) 2. d. It travels on 3 or more ~~low-pressure tires or non-pneumatic~~
10 tires.

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

12 23.33 (2) (b) 4. Owned or leased by a political subdivision of the state and or
13 a federal agency, used for enforcement or emergency purposes, and the name of the
14 political subdivision is prominently displayed on the exterior of the all-terrain
15 vehicle or utility terrain vehicle.

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

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

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

23 23.33 (3) (ht) On all-terrain vehicles routes, all-terrain vehicles trails, public
24 lands, or roadways unless the person complies with all stop signs, yield signs, and
25 other regulatory signs established by rule under sub. (8) (e).

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

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

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

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

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

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

14 **SECTION 17.** 23.33 (4z) (a) 3. of the statutes is created to read:

15 23.33 (4z) (a) 3. Provide for the development of safety information signs.

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

17 23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain
18 vehicle ~~during hours of darkness or during daylight hours on any highway~~
19 ~~right-of-way~~ is required to display a lighted headlamp and tail lamp on the
20 all-terrain vehicle or utility terrain vehicle.

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

22 23.33 (6) (cd) Except as provided in sub. (11m), no person may operate an
23 all-terrain vehicle or utility terrain vehicle that is equipped with any of the
24 following:

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

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

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

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

8 **23.33 (6) (ch)** Except as provided in sub. (11m), if an all-terrain vehicle or
9 utility terrain vehicle with headlamps is equipped with additional adverse weather
10 lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain
11 vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of
12 more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain
13 vehicle may not light more than 4 lamps on the front of the all-terrain vehicle or
14 utility terrain vehicle simultaneously, not including flashing amber or yellow lights,
15 within 500 feet of an oncoming all-terrain vehicle, utility terrain vehicle, or other
16 vehicle upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public
17 area.

18 **SECTION 21.** 23.33 (6) (cp) of the statutes is created to read:

19 **23.33 (6) (cp)** Except as provided in sub. (11m), when the operator of an
20 all-terrain vehicle or utility terrain vehicle equipped with multiple-beam
21 headlamps, adverse weather lamps, spot lamps, auxiliary lamps, high-beam lamps,
22 or any other lamps other than those required by this subsection approaches an
23 oncoming all-terrain vehicle, utility terrain vehicle, or other vehicle within 500 feet
24 or approaches or follows an all-terrain vehicle, utility terrain vehicle, or other
25 vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress, or

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

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

10 23.33 (6) (ct) 1. Any all-terrain vehicle or utility terrain vehicle may be
11 equipped with not more than 2 backup lamps that shall be directed to project a white
12 or amber light illuminating the area to the rear of the vehicle for a distance not to
13 exceed 75 feet.

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

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

22 23.33 (6) (f) An all-terrain vehicle or utility terrain vehicle may not be modified
23 so that its maximum width exceeds 50 inches the width allowed for a utility terrain
24 vehicle under sub. (1) (ng) 1. h. or 2. b. or the width allowed for an all-terrain vehicle

1 under s. 340.01 (2g). This paragraph does not apply to the operation of an all-terrain
2 vehicle or utility terrain vehicle on private property.

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

4 23.33 (6) (g) An all-terrain vehicle or utility terrain vehicle may not be
5 operated with tires anything other than low-pressure tires or non-pneumatic tires.
6 This paragraph does not apply to the operation of an all-terrain vehicle or utility
7 terrain vehicle on private property or on frozen waters.

8 **SECTION 25.** 23.33 (6) (i) of the statutes is amended to read:

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

15 **SECTION 26.** 23.33 (6r) of the statutes is amended to read:

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

23 **SECTION 27.** 23.33 (9) (b) 7. of the statutes is created to read:

24 23.33 (9) (b) 7. Production of trail maps and a statewide digital information
25 application for providing safety, regulatory, and riding opportunity information.

1 **SECTION 28.** 23.33 (9) (b) 8. of the statutes is created to read:

2 23.33 (9) (b) 8. Acquisition and maintenance of communications equipment for
3 providing support to organizations that meet the eligibility requirements under s.
4 23.33. (5m) (b).

5 **SECTION 29.** 23.33 (9) (bb) of the statutes is amended to read:

6 23.33 (9) (bb) *Signs.* In addition to the projects listed in par. (b), the department
7 may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town,
8 village, city or county, or nonprofit organization for up to 100 percent of the cost of
9 placing signs developed under sub. (4z) (a) 2. and 3.

10 **SECTION 30.** 23.33 (9) (bc) of the statutes is created to read:

11 23.33 (9) (bc) *All-terrain vehicle trail maintenance funding.* The department
12 may provide state aid for trail maintenance costs equal to the approved eligible
13 project costs, which may not exceed the following:

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

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

24 3. For summer maintenance of all-terrain vehicle trails, \$600 per mile. Trails
25 receiving aid under this subdivision shall be maintained for not less than 3 months

1 nor more than 8 months per year and shall be maintained for use in June, July, and
2 August.

3 **SECTION 31.** 23.33 (9) (bg) (title) of the statutes is amended to read:

4 23.33 (9) (bg) (title) *Projects Funding for utility terrain vehicles.*

5 **SECTION 32.** 23.33 (9) (bg) of the statutes is renumbered 23.33 (9) (bg) 1. and
6 amended to read:

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

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

17 **SECTION 33.** 23.33 (9) (bg) 2. of the statutes is created to read:

18 23.33 (9) (bg) 2. A project to improve or maintain all-terrain vehicle trails for
19 use by utility terrain vehicles is eligible for winter funding as a state utility terrain
20 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
21 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)
22 (eu) and (gr). The maximum amount allowed for aid under this subdivision is \$100
23 per mile for all-terrain vehicle trails that are maintained not less than 2 months nor
24 more than 6 months per year including the months of January and February.

25 **SECTION 34.** 23.33 (11m) of the statutes is created to read:

1 23.33 (11m) EXCEPTIONS. Subsections (3) (em), (6) (cd), (ch), (cp), and (i), and
2 (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle
3 owned or leased by a city, village, town, county, state agency, federal agency, federally
4 recognized American Indian tribe, public safety corporation, or public utility while
5 the operator is engaged in an emergency.

6 **SECTION 35.** 23.33 (13) (a) of the statutes is renumbered 23.33 (13) (a) 1. and
7 amended to read:

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

11 **SECTION 36.** 23.33 (13) (a) 2. of the statutes is created to read:

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

16 **SECTION 37.** 23.33 (13) (g) of the statutes is created to read:

17 23.33 (13) (g) *Penalties for commercial certificate violations.* A person who
18 violates sub. (2) (dm) 1. shall forfeit not more than \$500.

19 **SECTION 38.** 340.01 (2g) of the statutes is amended to read:

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

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

3 **SECTION 39.** 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 40.** 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 41.** NR 64.14 (6) (b) 5. of the administrative code is amended to read:

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

23 (END)

Wyatt, Zachary

From: Williams, Vincent
Sent: Wednesday, October 23, 2019 4:48 PM
To: Wyatt, Zachary
Subject: FW: Draft review: LRB -3695/P5
Attachments: 19-3695/P5.pdf

Zak,

I need one additional change to the P5 draft.

On page 9, line 5: Delete starting at the word "Trails" through the end of line 8.

Delete all of this language: "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."

Let me know if you have any questions.

Regards,

Vince Williams
Legislative Aide & Committee Clerk
Office of State Senator Howard Marklein
17th Senate District
PO Box 7882
Madison, WI 53707-7882
www.legis.wisconsin.gov
(608) 266-0703 or (800) 978-8008

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Wednesday, October 09, 2019 11:29 AM
To: Sen.Marklein <Sen.Marklein@legis.wisconsin.gov>
Subject: Draft review: LRB -3695/P5

Following is the PDF version of draft LRB -3695/P5.



W 10/24/2019

Oct 10/25/2019

LRB-3695/P5

ZDW:amn

9/19/6

See p. 9

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA-

Regin

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

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.

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.

The bill provides that nonprofit organizations may receive funding for the development of safety information signs, the production of trail maps and digital information applications, and the acquisition and maintenance of communications equipment. Under current law, there are numerous all-terrain vehicle projects eligible for funding from the Department of Natural Resources.

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 for nonstate all-terrain vehicle projects and to provide aid to
6 nonprofit organizations for the production of maps and digital information
7 applications under s. 23.33 (9) (b) 7., communications equipment under s. 23.33 (9)
8 (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

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

10 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
11 continuing appropriation, the amounts in the schedule from moneys received from

1 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
2 cities, counties, and federal agencies for nonstate all-terrain vehicle projects and to
3 provide aid to nonprofit organizations for the production of maps and digital
4 information applications under s. 23.33 (9) (b) 7., communications equipment under
5 s. 23.33 (9) (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

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

7 23.33 (1) (fe) “Federal agency” means the United States, any department of the
8 United States, or any corporation, agency, or instrumentality that is created,
9 designated, or established by the United States.

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

11 23.33 (1) (jd) “Public utility” has the meaning given in s. 196.01 (5).

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

13 23.33 (1) (jqm) “State agency” means any office, department, or independent
14 agency in the executive branch of state government.

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

16 23.33 (1) (ng) 1. b. Four or more ~~low-pressure tires or non-pneumatic~~ tires.

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

18 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally
19 between the outermost wheel rim on each side of the vehicle, exclusive of tires,
20 mirrors, and accessories that are not essential to the vehicle’s basic operation.

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

22 23.33 (1) (ng) 2. a. It has a weight, without fluids, of more than 900 pounds but
23 not more than 2000 pounds.

24 **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 on each side of the vehicle, exclusive of tires,
3 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.

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:

23 23.33 (3g) (e) The person is being transported for medical reasons while under
24 the care of emergency personnel.

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

1 23.33 (3g) (f) The person is an emergency responder who is responding to an
2 emergency that is directly related to the function of a city, town, village, county, state
3 agency, federal agency, federally recognized American Indian tribe, or public safety
4 corporation.

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

6 23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an
7 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway
8 if the person complies with the applicable speed limit and only in the following
9 situations:

10 **SECTION 17.** 23.33 (4z) (a) 3. of the statutes is created to read:

11 23.33 (4z) (a) 3. Provide for the development of safety information signs.

12 **SECTION 18.** 23.33 (6) (a) of the statutes is amended to read:

13 23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain
14 vehicle ~~during hours of darkness or during daylight hours on any highway~~
15 ~~right-of-way~~ is required to display a lighted headlamp and tail lamp on the
16 all-terrain vehicle or utility terrain vehicle.

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

18 23.33 (6) (cd) Except as provided in sub. (11m), no person may operate an
19 all-terrain vehicle or utility terrain vehicle that is equipped with any of the
20 following:

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

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

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

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

3 23.33 (6) (ch) Except as provided in sub. (11m), if an all-terrain vehicle or
4 utility terrain vehicle with headlamps is equipped with additional adverse weather
5 lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain
6 vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of
7 more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain
8 vehicle may not light more than 4 lamps on the front of the all-terrain vehicle or
9 utility terrain vehicle simultaneously, not including flashing amber or yellow lights,
10 within 500 feet of an oncoming all-terrain vehicle, utility terrain vehicle, or other
11 vehicle upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public
12 area.

13 **SECTION 21.** 23.33 (6) (cp) of the statutes is created to read:

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

1 headlamps of the all-terrain vehicle or utility terrain vehicle at an oncoming
2 all-terrain vehicle, utility terrain vehicle, or other vehicle whose high-beam
3 headlamps are lit.

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

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

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

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

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

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

23 23.33 (6) (g) An all-terrain vehicle or utility terrain vehicle may not be
24 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 25.** 23.33 (6r) of the statutes is amended to read:

4 23.33 (6r) PASSENGER RESTRICTIONS. No Except as provided in sub. (11m), no
5 person may ride in or on any part of a an all-terrain vehicle or utility terrain vehicle
6 that is not designed or intended to be used by passengers while the all-terrain
7 vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route,
8 all-terrain vehicle trail, frozen water, or highway as authorized by this section. This
9 subsection does not apply to the operation of an all-terrain vehicle or utility terrain
10 vehicle on private property.

11 **SECTION 26.** 23.33 (9) (b) 7. of the statutes is created to read:

12 23.33 (9) (b) 7. Production of trail maps and a statewide digital information
13 application for providing safety, regulatory, and riding opportunity information.

14 **SECTION 27.** 23.33 (9) (b) 8. of the statutes is created to read:

15 23.33 (9) (b) 8. Acquisition and maintenance of communications equipment for
16 providing support to organizations that meet the eligibility requirements under s.
17 23.33. (5m) (b).

18 **SECTION 28.** 23.33 (9) (bb) of the statutes is amended to read:

19 23.33 (9) (bb) *Signs*. In addition to the projects listed in par. (b), the department
20 may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town,
21 village, city or, county, or nonprofit organization for up to 100 percent of the cost of
22 placing signs developed under sub. (4z) (a) 2. and 3.

23 **SECTION 29.** 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 30.** 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 31.** 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 32.** 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 \$100
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.

15 **SECTION 33.** 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.

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

22 340.01 (2g) "All-terrain vehicle" means a commercially designed and
23 manufactured motor-driven device that has a weight, without fluids, of 900 pounds
24 or less, has a width of not more than 50 inches or less as measured laterally between
25 the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and

1 accessories that are not essential to the vehicle's basic operation, is equipped with
2 a seat designed to be straddled by the operator, and travels on 3 or more low-pressure
3 ~~tires or non-pneumatic tires~~.

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

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

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

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

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

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

24 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3695/P6
ZDW:amn

No
change

1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

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

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

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

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

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

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

21

(END)

Barman, Mike

From: LRB.Legal
To: Sen.Marklein@legis.wi.gov
Subject: Draft review: LRB -3695/1
Attachments: 19-3695/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Zachary Wyatt, Legislative Attorney, at (608) 504-5843, at zachary.wyatt@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Senate.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.

Wyatt, Zachary

From: Williams, Vincent
Sent: Wednesday, November 06, 2019 11:27 AM
To: Wyatt, Zachary
Subject: RE: Requested change to 4792/1

Yes.

I will send the jacket back.

From: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Sent: Wednesday, November 06, 2019 10:46 AM
To: Ivanov, Stamena <Stamena.Ivanov@legis.wisconsin.gov>
Cc: Williams, Vincent <Vincent.Williams@legis.wisconsin.gov>
Subject: RE: Requested change to 4792/1

Vince, would you like this change to your version as well?

You will also need to return the jackets to our office so these changes can be made and the bills re-jacketed.

Thanks,
Zachary D. Wyatt
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
zachary.wyatt@legis.wisconsin.gov
608.504.5843

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Ivanov, Stamena <Stamena.Ivanov@legis.wisconsin.gov>
Sent: Wednesday, November 06, 2019 10:39 AM
To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Cc: Williams, Vincent <Vincent.Williams@legis.wisconsin.gov>
Subject: Requested change to 4792/1

Hi Zach,

Thank you for your phone call! If we could remove the sections that are highlighted in red:

Page 9

1. For winter maintenance of all-terrain vehicle trails that are shared with snowmobiles and that are eligible for winter maintenance, \$100 per mile.
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.

3. For summer maintenance of all-terrain vehicle trails, \$600 per mile. [REDACTED]

[REDACTED]
[REDACTED] receiving and under this subdivision shall be maintained for not less than 3 months
[REDACTED] nor more than 8 months per year and shall be maintained for use in June, July, and
[REDACTED] August.

Essentially, if we could remove the language mandating specific grooming maintenance requirements.

Thank you,

Stamena Ivanov
Office of State Representative Mary Felzkowski
35th Assembly District
309 North, State Capitol
608-266-7694



2019 BILL

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

BILL

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.

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.

The bill provides that nonprofit organizations may receive funding for the development of safety information signs, the production of trail maps and digital information applications, and the acquisition and maintenance of communications equipment. Under current law, there are numerous all-terrain vehicle projects eligible for funding from the Department of Natural Resources.

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 for nonstate all-terrain vehicle projects and to provide aid to
6 nonprofit organizations for the production of maps and digital information
7 applications under s. 23.33 (9) (b) 7., communications equipment under s. 23.33 (9)
8 (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

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

10 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
11 continuing appropriation, the amounts in the schedule from moneys received from

BILL

1 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
2 cities, counties, and federal agencies for nonstate all-terrain vehicle projects and to
3 provide aid to nonprofit organizations for the production of maps and digital
4 information applications under s. 23.33 (9) (b) 7., communications equipment under
5 s. 23.33 (9) (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

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

7 23.33 (1) (fe) “Federal agency” means the United States, any department of the
8 United States, or any corporation, agency, or instrumentality that is created,
9 designated, or established by the United States.

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

11 23.33 (1) (jd) “Public utility” has the meaning given in s. 196.01 (5).

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

13 23.33 (1) (jqm) “State agency” means any office, department, or independent
14 agency in the executive branch of state government.

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

16 23.33 (1) (ng) 1. b. Four or more ~~low-pressure tires or non-pneumatic~~ tires.

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

18 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally
19 between the outermost wheel rim on each side of the vehicle, exclusive of tires,
20 mirrors, and accessories that are not essential to the vehicle’s basic operation.

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

22 23.33 (1) (ng) 2. a. It has a weight, without fluids, of ~~more than 900 pounds but~~
23 not more than 2000 pounds.

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

BILL**SECTION 9**

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 on each side of the vehicle, exclusive of tires,
3 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.

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:

23 23.33 (3g) (e) The person is being transported for medical reasons while under
24 the care of emergency personnel.

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

BILL

1 23.33 (3g) (f) The person is an emergency responder who is responding to an
2 emergency that is directly related to the function of a city, town, village, county, state
3 agency, federal agency, federally recognized American Indian tribe, or public safety
4 corporation.

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

6 23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an
7 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway
8 if the person complies with the applicable speed limit and only in the following
9 situations:

10 **SECTION 17.** 23.33 (4z) (a) 3. of the statutes is created to read:

11 23.33 (4z) (a) 3. Provide for the development of safety information signs.

12 **SECTION 18.** 23.33 (6) (a) of the statutes is amended to read:

13 23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain
14 vehicle ~~during hours of darkness or during daylight hours on any highway~~
15 ~~right-of-way~~ is required to display a lighted headlamp and tail lamp on the
16 all-terrain vehicle or utility terrain vehicle.

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

18 23.33 (6) (cd) Except as provided in sub. (11m), no person may operate an
19 all-terrain vehicle or utility terrain vehicle that is equipped with any of the
20 following:

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

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

BILL**SECTION 19**

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

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

3 23.33 (6) (ch) Except as provided in sub. (11m), if an all-terrain vehicle or
4 utility terrain vehicle with headlamps is equipped with additional adverse weather
5 lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain
6 vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of
7 more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain
8 vehicle may not light more than 4 lamps on the front of the all-terrain vehicle or
9 utility terrain vehicle simultaneously, not including flashing amber or yellow lights,
10 within 500 feet of an oncoming all-terrain vehicle, utility terrain vehicle, or other
11 vehicle upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public
12 area.

13 **SECTION 21.** 23.33 (6) (cp) of the statutes is created to read:

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

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1 headlamps of the all-terrain vehicle or utility terrain vehicle at an oncoming
2 all-terrain vehicle, utility terrain vehicle, or other vehicle whose high-beam
3 headlamps are lit.

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

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

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

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

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

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

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

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SECTION 24

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 25.** 23.33 (6r) of the statutes is amended to read:

4 23.33 (6r) PASSENGER RESTRICTIONS. No Except as provided in sub. (11m), no
5 person may ride in or on any part of ~~a~~ an all-terrain vehicle or utility terrain vehicle
6 that is not designed or intended to be used by passengers while the all-terrain
7 vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route,
8 all-terrain vehicle trail, frozen water, or highway as authorized by this section. This
9 subsection does not apply to the operation of an all-terrain vehicle or utility terrain
10 vehicle on private property.

11 **SECTION 26.** 23.33 (9) (b) 7. of the statutes is created to read:

12 23.33 (9) (b) 7. Production of trail maps and a statewide digital information
13 application for providing safety, regulatory, and riding opportunity information.

14 **SECTION 27.** 23.33 (9) (b) 8. of the statutes is created to read:

15 23.33 (9) (b) 8. Acquisition and maintenance of communications equipment for
16 providing support to organizations that meet the eligibility requirements under s.
17 23.33. (5m) (b).

18 **SECTION 28.** 23.33 (9) (bb) of the statutes is amended to read:

19 23.33 (9) (bb) *Signs*. In addition to the projects listed in par. (b), the department
20 may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town,
21 village, city ~~or~~, county, or nonprofit organization for up to 100 percent of the cost of
22 placing signs developed under sub. (4z) (a) 2. and 3.

23 **SECTION 29.** 23.33 (9) (bc) of the statutes is created to read:

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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.

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

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

15 **SECTION 30.** 23.33 (9) (bg) (title) of the statutes is amended to read:

16 23.33 (9) (bg) (title) *Projects Funding for utility terrain vehicles*.

17 **SECTION 31.** 23.33 (9) (bg) of the statutes is renumbered 23.33 (9) (bg) 1. and
18 amended to read:

19 23.33 (9) (bg) 1. A project to improve or maintain all-terrain vehicle trails for
20 use by utility terrain vehicles is eligible for summer funding as a state utility terrain
21 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
22 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)
23 (eu) and (gr). The maximum amount allowed for aid under this paragraph
24 subdivision is ~~\$100~~ \$200 per mile for all-terrain vehicle trails that are maintained
25 not less than 3 months per year including the months of June, July, and August.

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

4 **SECTION 32.** 23.33 (9) (bg) 2. of the statutes is created to read:

5 23.33 (9) (bg) 2. A project to improve or maintain all-terrain vehicle trails for
6 use by utility terrain vehicles is eligible for winter funding as a state utility terrain
7 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as
8 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)
9 (eu) and (gr). The maximum amount allowed for aid under this subdivision is \$100
10 per mile for all-terrain vehicle trails that are maintained not less than 2 months nor
11 more than 6 months per year including the months of January and February.

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

13 23.33 (11m) EXCEPTIONS. Subsections (3) (em), (6) (cd), (ch), (cp), and (i), and
14 (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle
15 owned or leased by a city, village, town, county, state agency, federal agency, federally
16 recognized American Indian tribe, public safety corporation, or public utility while
17 the operator is engaged in an emergency.

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

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

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

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

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

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

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

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

21

(END)