

**2019 DRAFTING REQUEST**

**Senate Amendment (SA-SB583)**

For: **Howard Marklein (608) 266-0703** Drafter: **zwyatt**  
 By: **Vince** Secondary Drafters:  
 Date: **1/27/2020** May Contact:

Same as LRB:

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

**Pre Topic:**

No specific pre topic given

**Topic:**

DNR requested changes

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 1/27/2020	kmochal 1/28/2020			
/P1			mbarman 1/28/2020		
/1			dwalker 1/29/2020	dwalker 1/29/2020	

FE Sent For: **<END>**

## Wyatt, Zachary

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**From:** Williams, Vincent  
**Sent:** Monday, January 27, 2020 5:11 PM  
**To:** Wyatt, Zachary  
**Subject:** Zach, I have one final revision

This pertains to section 19.

### Section 19, Page 5 & 6

Under 23.33 (6) (cd)

Create a new 3. and renumber the 3. in the bill as 4.

~~3. A lamp that emits any color of light other than red, yellow, or amber and that is visible from the side of the all-terrain vehicle or utility terrain vehicle.~~

4. A flashing, oscillating, or rotating lamp that emits any color other than yellow or amber.

New Instructions:

Do not add the new #3 language.

Keep the #3 you had originally in the bill, but add in the language suggested in bold below.

3. A flashing, **oscillating, or rotating** lamp that emits any color other than yellow or amber.

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**From:** Williams, Vincent  
**Sent:** Monday, January 27, 2020 11:12 AM  
**To:** Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>  
**Subject:** Follow up on the Section 8 change below

Zach,

It is hard to make out the highlighting, but this page was given to me by DNR regarding the change for the section 8 language.

Vince

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**From:** Williams, Vincent  
**Sent:** Friday, January 24, 2020 4:37 PM  
**To:** Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>  
**Subject:** Drafting for amendment to SB 583

Zach,

Can you draft an amendment to SB 583, as a /P draft for now?

Amendment to SB 583

**Technical questions:**

**Section 6**, among others, deletes the term non-pneumatic tires, but does not delete the corresponding definition of the term in Ch. 23 and 340. It appears that this term can be deleted as it no longer serves any purpose in statute.

**Section 22**, This section includes discussion of “during hours of darkness” despite another section of the bill requiring lights to be displayed all the time.

**Section 36** creates a venue standard for certain violations.

The DNR is unsure why this provision cannot be placed under Wis. Stat. § 23.90 to improve clarity when locating ATV/UTV venue items.

**Drafting changes:**

**Section 8, Page 3, Line 21-23**

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

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

Can you add the language from 23.33 (ng) 1.

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

**Section 11, Page 4**

Repeal 23.33 (2)(b)4.

Then this language is from DNR:

Insert amendment to (2)(b)1. that produces: Except as provided in 1m., owned or leased by a federal agency, state agency, political subdivision of the state, or another state or political subdivision thereof, if the exterior of the all-terrain vehicle or utility terrain vehicle displays the name of the government entity in a visible manner.

Create (2)(b)1m. Owned or leased by a federal agency, state agency, political subdivision of the state or another state or political subdivision thereof and is used for law enforcement purposes.

**Section 19, Page 5 & 6**

Under 23.33 (6) (cd)

Create a new 3. and renumber the 3. in the bill as 4.

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

4. A flashing, oscillating, or rotating lamp that emits any color other than yellow or amber.

**Section 22, Page 7, Line 9**

After "lamp" and before "shall" insert "or white lamp visible from directly behind"

Vince Williams  
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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 583**

At the locations indicated, amend the bill as follows:

✓**1.** Page ✓3, line ✓9: after that line insert:

✗“**SECTION 3m.** 23.33 (1) (iq) of the statutes is repealed.”.

✓**2.** Page 3, line 22: delete “has” and substitute “has does not meet federal motor vehicle safety standards in effect on July 1, 2012<sup>6</sup>, is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle<sup>6</sup>, is designed to be used primarily off of a highway<sup>6</sup>, and has, and was originally manufactured with,”.

✓**3.** Page 4, line 7: delete lines ✓7 to ✓11 and substitute:

“**SECTION 11e.** 23.33 (2) (b) 1. of the statutes is amended to read:

23.33 (2) (b) 1. Owned by the United States, or leased by a federal agency, state agency, political subdivision of the state, or another state or a political subdivision thereof, but if the exterior of the all-terrain vehicle or utility terrain vehicle shall

~~display in a visible manner the name of the owner~~ displays the name of the government entity in a visible manner, except as provided in subd. 1m.

✓ **SECTION 11m.** 23.33 (2) (b) 1m. of the statutes is created to read:

23.33 (2) (b) 1m. Owned or leased by a federal agency, state agency, political subdivision of the state, or another state or a political subdivision thereof and used for enforcement purposes.

✓ **SECTION 11s.** 23.33 (2) (b) 4. of the statutes is repealed.

del/sub

Insert 2-13  
4. Page 6, line 1: delete that line and substitute:

delete "Flashing" and substitute "Flashing, oscillating, or rotating".

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

4. A flashing, oscillating, or rotating lamp that emits any color other than yellow or amber."

✓ 5. Page 7, line 9: delete "shall" and substitute "or white lamp visible from directly behind may".

6. Page 7, line 14: delete "lighted during hours of darkness" and substitute "lighted".

7. Page 10, line 11: after that line insert:

✓ **SECTION 33m.** 23.90 (7) of the statutes is created to read:

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

8. Page 10, line 19: after that line insert:  
✓ "SECTION 34m. 340.01 (36r) of the statutes is repealed."
- ✓ 9. Page 11, line 3: delete lines 3 to 9.


(END)

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

LRBa0988/P1ins  
ZDW:klm

**INS 2-13**

**SECTION 11u.** 23.33 (2j) (e) of the statutes is amended to read:

23.33 (2j) (e) An all-terrain vehicle or a utility terrain vehicle that is registered under sub. (2) (a) or an all-terrain vehicle or utility terrain vehicle that is exempt from registration under sub. (2) (b) 1., 1m., 3., or 3m., ~~or 4.~~ is exempt from having a nonresident trail pass or temporary trail use receipt displayed as required under par. (b). The department may promulgate a rule to exempt all-terrain vehicles and utility terrain vehicles that are exempt from registration under sub. (2) (b) 5. from having nonresident trail passes or temporary trail use receipts displayed as required under par. (b) or may promulgate a rule to exempt owners of such vehicles from having to pay any applicable nonresident trail pass fee. 

**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, 68.





No  
Changes

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
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**TO SENATE BILL 583**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 9: after that line insert:

3 “SECTION 3m. 23.33 (1) (iq) of the statutes is repealed.”.

4 **2.** Page 3, line 22: delete “has” and substitute “has does not meet federal motor  
5 vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle,  
6 dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a  
7 highway; and has, and was originally manufactured with,”.

8 **3.** Page 4, line 7: delete lines 7 to 11 and substitute:

9 “SECTION 11e. 23.33 (2) (b) 1. of the statutes is amended to read:

10 23.33 (2) (b) 1. Owned by the United States, or leased by a federal agency, state  
11 agency, political subdivision of the state, or another state or a political subdivision  
12 thereof, but if the exterior of the all-terrain vehicle or utility terrain vehicle shall

