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Chapter NR 64

ALL−TERRAIN VEHICLES

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NR 64.01 Purpose and applicability. This chapter applies to owners and operators of all−terrain vehicles, dealers who sell all−terrain vehicles, towns, villages, cities, counties, the state and federal agencies. This chapter establishes standards for the implementation of the all−terrain vehicle program under s. 23.33, Stats.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86.

NR 64.02 Definitions. In this chapter:

(1) "All−terrain vehicle area" means a designated area that contains all−terrain vehicle riding courses and support facilities.

(2) "All−terrain vehicle route" means a highway or sidewalk designated for use by all−terrain vehicle operators by the governmental agency having jurisdiction.

(3) "All−terrain vehicle trail" means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all−terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways which are not seasonally maintained for motor vehicle traffic.

(4) "Applicant" means the unit of government or agency applying for a grant under this chapter.

(5) "Approval" means the signing by the secretary or secretary's designee of a project agreement encumbering a specified amount of state aid funds for a specific purpose.

(6) "Department" means department of natural resources.

(7) "Enforcement" means the detection and prevention of civil violations.

(8) "Force account" means the performance of a development or maintenance project with the forces and resources of the sponsor, including personal services, equipment and materials.

(9) "Fringe benefits" means employers' contributions or expenses for social security, employee's life and health insurance plans, unemployment insurance coverage, workers compensation insurance, pension retirement plans, and employee benefits in the form of regular compensation during authorized absences from the job (i.e., annual, sick, court or military leave). These contributions and expenses must be equitably distributed to all employee labor activities.

(10) "Indirect costs" means those costs not directly assignable to a grant, program or project. Such costs are generally administrative in nature, are incurred for a common or joint purpose, or are not readily assignable to a project or program.

(11) "Project agreement" means a contract between the sponsor and department setting forth the obligations with regard to a portion or all of a specific project.

(12) "Project period" means the period of time specified in the project agreement during which all work shall be completed.

(12e) "Raceway facility" means an area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a sanctioned race or derby for which any required local permits have been obtained.

(12r) "Sanctioned race or derby" means a competitive all−terrain vehicle event sponsored by a local unit of government, chamber of commerce, an all−terrain vehicle club, promoter, or similar organization.

(13) "Secretary" means the secretary of the department of natural resources.

(14) "Sponsor" means local unit of government, state agency, or federal agency receiving assistance.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; cr. (12e) and (12r), Register, November, 1989, No. 407, eff. 12−1−89.

NR 64.03 Registration. (1) APPLICATION. Upon receipt of the required fees under s. 23.33 (2), Stats., payment of any sales and use taxes due under s. 77.61 (1), Stats., and an application on a form provided by the department, the department shall issue to the applicant a registration certificate stating the registration number, the name and address of the owner, and other information the department deems necessary.

(2) ISSUANCE. (a) The department shall issue 2 registration decals with the registration certificate for each all−terrain vehicle owned by an individual owner. The decals shall be no larger than 4 inches in height and 4 inches in width or 4 inches in diameter and shall contain reference to the state, the department, and a machine identification number. Registration decals for all−terrain vehicles registered for public use shall also contain a reference to the expiration date of the registration.

(b) The department may designate authorized distributors of registration decals.

(3) EXPIRATION. (a) All−terrain vehicle public use registration shall be valid for 2 years beginning July 1 or the date of issuance or renewal and ending June 30 of the second year following the date of issuance or renewal.

(b) All−terrain vehicle private use registration shall be valid from the date of issuance until ownership of the all−terrain vehicle is transferred.

(4) DUPLICATE. If a registration certificate or registration decal is lost or destroyed, the owner may apply for a duplicate on a form provided by the department. Upon receipt of a proper application and the required fee, the department or its authorized agents shall issue a duplicate registration certificate or registration decal to the owner.

(5) TRANSFER. Upon transfer of ownership of an all−terrain vehicle for which a registration certificate has been issued, the seller shall deliver the assigned certificate to the purchaser at the time of sale. The purchaser shall complete an application for transfer on a form provided by the department and mail or deliver it to the department within 10 days after the date of purchase.

(6) RENEWAL. Prior to the end of the registration period, the department shall send the owner of each all−terrain vehicle registered for public use a 2 part renewal application. The owner shall

complete and sign both portions of the renewal application and return one portion and the proper fee to the department. Upon receipt of the registration certificate and the registration decals, the owner shall destroy the remaining portion of the application. Failure to receive a renewal application does not relieve the owner of the obligation to renew the all−terrain vehicle registration.

(7) If an all−terrain vehicle is junked, the owner shall return the registration certificate to the department marked "junked."

(8) All−terrain vehicles owned and operated by the state or by any county or municipality of this state shall display registration decals.

(9) No municipality may register or license all−terrain vehicles. Municipalities may charge a seasonal or daily all−terrain vehicle area use fee but may not charge a seasonal or daily trail use fee if the municipality receives trail maintenance aids under s. NR 64.14.

(10) (a) An all−terrain vehicle that is not registered pursuant to s. 23.33 (2) (a), Stats., or is not exempt from registration under s. 23.33 (2) (b) 1., 3. or 4., Stats., is exempt from displaying out of state registration if the all−terrain vehicle displays a current Wisconsin all−terrain vehicle nonresident trailpass and has not been in Wisconsin for more than 15 consecutive days.

(b) The nonresident trail pass shall be permanently affixed to the forward half of the all−terrain vehicle in a manner that is visible at all times.

Note: This exemption will allow nonresidents to operate their ATVs in the state for up to 15 days without obtaining Wisconsin registration even though the ATV is not registered in the nonresident's home state.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (4), Register, December, 1999, No. 528, eff. 1−1−00; **CR 05−053: cr. (10) Register February 2006 No. 602, eff. 3−1−06.**

NR 64.04 Registration decals. (1) Registration decals shall be permanently affixed to the all−terrain vehicle by the decal's own adhesive on both sides of the vehicle in a position forward of the operator that is clearly visible. The owner of an all−terrain vehicle shall maintain the registration decals in a legible condition at all times.

(2) Except as provided in sub. (3), the decals shall be permanently attached and displayed on the all−terrain vehicle before any person operates the vehicle.

(3) A person may operate an all−terrain vehicle without having the registration decals displayed as provided in sub. (2) if the owner has a receipt validated by the department or its authorized agents. The operator shall have the validated receipt in his or her possession at all times when operating the all−terrain vehicle and shall exhibit it upon demand for inspection by any person authorized to enforce this section under s. 23.33 (12), Stats. Upon receipt, the registration decals shall be displayed in the manner indicated in sub. (2).

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (2), cr. (3), Register, May, 1991, No. 425, eff. 6−1−91; am. (3), Register, December, 1999, No. 528, eff. 1−1−00.

NR 64.05 Change of address. If the owner of a registered all−terrain vehicle changes his or her address, the owner shall notify the department in writing of the new address within 15 days after the address change.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86.

NR 64.06 Completion of application for registration by all−terrain vehicle dealers. (1) When an all−terrain vehicle dealer sells an all−terrain vehicle, the dealer shall require the buyer to complete an application for a registration certificate and collect the required fee at the time of sale. The dealer shall mail the application and fee to the department no later than 7 days after the date of sale. The department shall provide combination application and receipt forms and the dealer shall furnish the buyer with a complete receipt showing that application for registration has been made. The operator of the all−terrain vehicle shall have this completed receipt in his or her possession while operating the all−terrain vehicle until the registration decals are received. No dealer may charge an additional fee to the buyer for performing the service required under this section.

(2) When an all−terrain vehicle dealer sells an all−terrain vehicle to a person from another state who wishes to register that all−terrain vehicle in his or her home state, the dealer shall complete an application that the all−terrain vehicle is to be registered in another state, furnish the buyer with one copy and retain one copy for the dealer's records and shall mail one copy to the department no later than 7 days after the date of sale.

(3) Every all−terrain vehicle dealer shall maintain, for one year, a record in the form prescribed by the department for each new all−terrain vehicle sold. These records shall be open for inspection by the department.

(4) Commencing 6 months after August 1, 1986, no dealer may accept an all−terrain vehicle in trade unless it is registered with the department or another state.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86.

NR 64.07 Operating rules. (1) In addition to the provisions of s. 23.33 (3), Stats., no person may operate an all−terrain vehicle:

(a) On or across a cemetery, burial ground, campground, park, school property or church property without consent of the owner.

(b) On the lands of an operating airport or landing facility except for personnel in performance of their duties or with consent.

(c) At a rate of speed that is unreasonable or improper under the circumstances.

(2) The operator of an all−terrain vehicle shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right−of−way when traveling within 100 feet of a person who is not on an all−terrain vehicle, a snowmobile or a motorcycle except as provided under ch. 346, Stats., where applicable.

(3) ALL−TERRAIN VEHICLE NOISE EMISSIONS AND TESTING. No person may manufacture, sell, rent or operate an all−terrain vehicle that is constructed or altered in a manner that noise emitted from the all−terrain vehicle exceeds 96 decibels on the A scale when measured in the manner prescribed in the reaffirmed 1998−07, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Levels of Stationary Motorcycles*.

(4) Copies and amendments of the Society of Automotive Engineers Technical Report 1998−07, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Levels of Stationary Motorcycles*, is available for inspection in the following offices:

(a) The Department of Natural Resources, 101 S. Webster St., Madison, Wisconsin 53707.

(b) The Office of the Secretary of State, 30 W. Mifflin St., Madison, Wisconsin 53707.

(c) The Legislative Reference Bureau, One E. Main St., Madison, Wisconsin.

(d) The Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; **CR 05−054: cr. (3) and (4) Register February 2006 No. 602, eff. 3−1−06; correction in (4) (c) made under s. 13.92 (4) (b) 6., Stats.**

NR 64.075 Sanctioned races and derbies. The sponsor conducting a sanctioned race or derby on a raceway facility shall:

(1) Make provisions to keep spectators at least 100 feet away from race competitors on the frozen surfaces of public waters.

(2) Give notice of the race or derby to the local conservation warden or law enforcement agency having jurisdiction.

History: Cr. Register, November, 1989, No. 407, eff. 12−1−89.

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NR 64.08 Owner permitting operation. An owner or other person having charge or control of an all−terrain vehicle may not authorize or permit any person to operate the all−terrain vehicle if the person is:

(1) Prohibited from operating an all−terrain vehicle under s. 23.33 (5), Stats.,

(2) Incapable of operating an all−terrain vehicle because of a physical or mental disability, or

(3) Under the influence of fermented malt beverages, intoxicating liquor or controlled substances.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86.

NR 64.085 Refusal to allow testing. No operator or owner of any all−terrain vehicle may deny inspection or may refuse to operate his or her all−terrain in a manner prescribed by the law enforcement officer who reasonably suspects a violation of all−terrain equipment requirements found in s. 23.33, Stats.

History: Cr. Register, December, 1999, No. 528, eff. 1−1−00.

NR 64.09 Safety certification program. The department shall establish a program of instruction on all−terrain vehicle laws, regulations, safety and related subjects. The program shall include the following:

(1) The program may be conducted by instructors certified by the department or the department may establish a correspondence−type course.

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

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; CR 00−110: r. (3) and (4) Register April 2002 No. 556, eff. 5−1−02.

NR 64.10 Accident report confidential. No report required under s. 23.33 (7), Stats., to be filed with the department may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department. This information will be provided solely to prove a compliance or failure to comply with the requirement that such a report be made.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86.

NR 64.11 Coroners and medical examiners to report: require blood specimen. (1) Every coroner or medical examiner shall, on or before the 10th day of each month, report in writing to the department the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving an all−terrain vehicle and the circumstances of such accident.

(2) In cases of death involving an all−terrain vehicle in which the decedent died within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of the decedent within 12 hours after death by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of a physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this section. The blood drawn shall be forwarded to a laboratory approved by the department of health and family services for analysis of the alcoholic and controlled substance content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the department of health and family services. The department of health and family services shall keep a record of all such examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the department of health and family services. The department shall reimburse coroners and medical examiners for the costs incurred in submitting reports and taking blood specimens and laboratories for the costs incurred in analyzing blood specimens under this section.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; correction in (2) made under s. 13.93 (2m) (b) 6., Stats., Register, December, 1999, No. 528.

NR 64.12 Routes. (1) An all−terrain vehicle route may be established by a town, city, village or county by adopting an ordinance designating a highway as an all−terrain vehicle route and signing the highway in accord with s. 23.33 (8), Stats., and rules of the department.

(2) A town, city, village or county may adopt an ordinance designating a state trunk highway or connecting highway as an all−terrain vehicle route if the department of transportation approves the designation.

(3) A town, city, village or county may adopt an ordinance designating a sidewalk of a state trunk highway bridge as an all−terrain vehicle route with the approval of the department of transportation.

(4) A town, city, village or county may designate a route as an all−terrain vehicle route during certain periods of the year and prohibit the operation of all−terrain vehicles on that route during other periods of the year.

(5) All−terrain vehicle operation is not permitted on state trunk highways or connecting highways except as provided for under s. 23.33 (4), Stats., or sub. (2) or (3).

(6) No person may operate an all−terrain vehicle on a restricted all−terrain vehicle route during any period of the year when the operation of all−terrain vehicles is prohibited.

(7) Signs for all−terrain vehicle routes on highways and sidewalks designated for use by the governmental unit having jurisdiction as authorized under s. 23.33 (8), Stats., shall meet the following requirements:

(a) The all−terrain vehicle route sign shall have a reflectorized white symbol, border and message on a reflectorized green background. The standard and minimum size of this sign shall be 24″x 18″. The sign, including the stylized all−terrain vehicle symbol and the word message "ATV ROUTE", shall conform to the standard design on file in the department of transportation.

(b) The directional arrow marker (M7 series) shall have a reflectorized white arrow and border on a reflectorized green background. The standard and minimum size of a directional arrow shall be 12″x 9″.

(c) An all−terrain vehicle route sign with directional arrow, where appropriate, shall be placed at the beginning of an all−terrain vehicle route and at such locations and intervals as necessary to enable all−terrain vehicle operators to follow the route.

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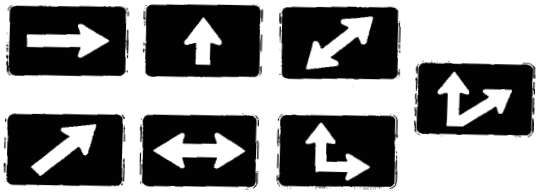

ALL TERRAIN VEHICLE ROUTE SIGN AND ARROWS
(M−7 SERIES)

GREEN REFLECTORIZED BACKGROUND WITH WHITE REFLECTORIZED LETTERS, SYMBOLS, AND BORDER

(d) All−terrain vehicle route signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the all−terrain vehicle route.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86.

NR 64.13 General aids provisions. The following provisions are applicable to the all−terrain vehicle aids program and law enforcement aids to counties.

(1) Acquisition of real property shall be in accord with state guidelines for preparation of appraisals and relocation assistance.

(2) Before development of certain public facilities begins, formal approval may be required from state agencies concerning health, safety or sanitation requirements.

(3) Assistance may be given to develop leased real property provided control and tenure of such property is commensurate with the proposed development.

(4) Donated labor, materials, land or other activities which do not result in an actual expenditure by the sponsor and indirect costs are not allowable in the claim.

(5) Direct costs which are supported by time sheets, vouchers or similar documentation reflecting specific assignment to a project are eligible project costs.

(6) Actual costs of force account labor and equipment is allowable. Equipment rental rates may not exceed the county machinery rates established annually by the department of transportation.

(7) Where a machinery rate schedule is established by the department for both equipment and operator, the total of force account labor and equipment may not exceed the rate specified in the schedule.

(8) Actual fringe benefits paid as part of the direct labor costs claimed are eligible project costs.

(9) Claims for payment shall be submitted within 6 months of the project termination date.

(10) (a) Except as provided in pars. (b) and (c), project expenditures shall be within the project period, project scope and project amount as shown on the project agreement.

(b) Expenditures for land acquisition made prior to entering into a project agreement may be reimbursed upon prior written approval of the department. To receive approval, the sponsor shall submit a written statement demonstrating a need to acquire land prior to the approval of a project agreement.

(c) Expenditures for necessary engineering or planning costs made prior to entering a project agreement may be reimbursed by the department.

(11) A request for a project extension shall be submitted prior to the project termination date.

(12) All payments are contingent upon final audit. Financial records including all documentation to support entries in the accounting records to substantiate charges for each project shall be kept available for review by state officials for a period of 3 years after final payment.

(13) Reasonable entrance or user fees may be charged to offset operation and maintenance costs of all−terrain vehicle use areas. Fees are subject to department review.

(14) (a) The department may approve a variance from nonstatutory requirements of this chapter upon the request of a sponsor if:

1. The department determines that the variance is essential to effect necessary grant actions or program objectives; and

2. Special circumstances indicate that the variance is in the best interest of the program.

(b) In determining whether to grant a variance under par. (a), the department shall take into account such factors as good cause and circumstances beyond the control of the sponsor.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; renum. (10) to be (10) (a) and am., cr. (10) (b) and (c) and (14), Register, May, 1991, No. 425, eff. 6−1−91; am. (8), Register, December, 1999, No. 528, eff. 1−1−00.

NR 64.14 All−terrain vehicle trail aid. (1) DISTRIBUTION. The department shall distribute all−terrain vehicle project aids on the basis of a priority system according to the following priority ranked purposes;

(a) Maintenance of existing approved all−terrain vehicle areas and trails, including routes;

(b) Purchase of liability insurance;

(c) Acquisition of land by easement, lease or other agreements for the use of land;

(d) Major rehabilitation of bridge structures or trail segments;

(e) Acquisition of land in fee and development of new all−terrain vehicle areas and trails, including routes.

(2) TRAIL MAINTENANCE. The department may provide state aid for trail maintenance costs equal to the approved eligible project costs which may not exceed:

(a) $100 per mile for winter maintenance. Trails eligible for winter maintenance shall be maintained and groomed for a total of not less than 2 months nor more than 6 months per year including the months of January and February.

(b) $450 per mile for summer maintenance. Trails eligible for summer maintenance shall be maintained for a total of not less than 3 months nor more than 8 months per year including the months of June, July and August.

(2m) MAINTENANCE OF ROUTES. The department may provide state aid up to 100% of the cost of the purchase of all−terrain vehicle route signs and arrows, trail crossing warning signs, and signs briefly explaining the intoxicated all−terrain vehicle operator law. All−terrain vehicle routes, whether a part of an approved all−terrain vehicle trail or not, are not eligible for per mile maintenance payments under sub. (2).

(3) AREA MAINTENANCE. The department may provide state aid for maintenance of an all−terrain vehicle area equal to 50% of the approved eligible project costs to maintain the all−terrain vehicle area. Sponsors receiving maintenance aid for all−terrain vehicle areas from the motorcycle recreation program are not eligible for maintenance aid under the all−terrain vehicle aids program.

(4) PRORATION. Should funds not be sufficient to satisfy the total request for a priority ranked purpose, i.e., either maintenance, insurance, or land acquisition, the funds shall be distributed to sponsors on a proportional basis for that purpose.

(5) ACQUISITION. (a) *Eligibility.* Any town, village, city, county, or state or federal agency may receive aids to purchase lands or secure easements, leases, permits or other appropriate agreements, written or oral, permitting use of private property for public all−terrain vehicle trails, facilities and areas.

(b) *Fee simple.* The cost of purchasing land in fee simple for all−terrain vehicles shall be based on the appraised value of the land.

(c) *Easement or lease.* For trail purposes, the width of the all−terrain vehicle right−of−way may not exceed one rod. The ease-

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ment or lease shall contain, at a minimum, the right to sign, right of limited construction, right to maintain, right of use by all−terrain vehicles and necessary trail grooming equipment. Cost sharing is limited to the minimum land area necessary for the all−terrain vehicle trail.

1. All local units of government, state and federal agencies shall certify to the department that easements, leases, permits, or other appropriate agreements secured grant public access and use of the land for all−terrain vehicles. The local units, state or federal agencies shall maintain a current file of all easements, leases or permits which include the name of the property owner, description of the property, duration of the lease, easement or permit, and amount to be paid for the lease, easement or permit.

2. The department may provide aid to pay $.10 cents per rod for easements or leases for an all−terrain vehicle trail.

3. The cost of leasing land for all−terrain vehicles other than trail right−of−ways shall be based on the appraised value of the easement.

(6) DEVELOPMENT. (a) Development shall begin within one year of the date land is acquired.

(b) All−terrain vehicle trail shall meet the following design requirements and specifications:

1. The minimum cleared width for one way trails is 6 feet and the maximum is 8 feet.

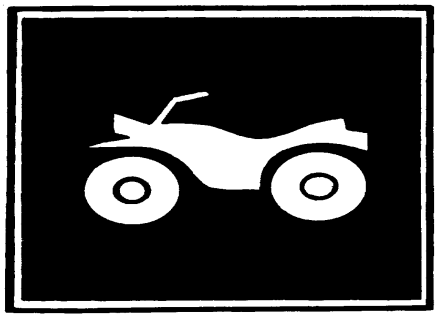
2. The minimum cleared width for two way trails is 10 feet and the maximum is 12 feet.

3. A height of 8 feet above the trail shall be cleared.

4. All−terrain vehicle trails may not be routed over bodies of water. If stream crossings make bridging necessary, bridges shall be at least 8 feet wide clear of obstruction. If the bridge is located on an abandoned railroad grade, the bridge width shall be at least 10 feet clear of obstruction. The department shall determine the need for bridging or if fords or ice crossings may be used.

5. Trails shall not be routed through or by areas of anticipated conflict that may include, but are not limited to, wilderness areas, game preserves, winter browse areas, experimental stations, nurseries, plantations and residences.

(c) Signs for use on all−terrain vehicle trails shall have the same specifications as those under s. NR 50.09 (4) (c) 3. b. with the following additions:



TRAIL MARKER

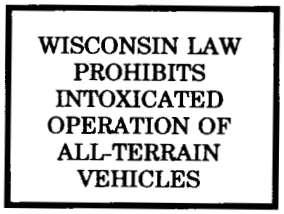
1. Purpose: To delineate that the trail is available for all−terrain vehicle use.

Size: 6″x 6″

Color: Reflective brown background and reflective white border and symbol

2. The all−terrain vehicle symbol for permissive and restrictive signs shall be the same as under subd. 1.

INTOXICATED OPERATION SIGN



3. Purpose: To inform all−terrain vehicle operators that operating while intoxicated is illegal.

Size: 24 inch by 24 inch.

Color: Reflective black letters and border on reflectorized white background.

(d) The department shall distribute aids for all−terrain vehicle area and trail development projects, including routes, considering the following criteria:

1. All−terrain vehicle routes, areas and trails in counties where routes, areas, and trails are in short supply in comparison to demand.

2. All−terrain vehicle routes and trails that provide connecting loops or origin−destination segments over dead end segments.

3. All−terrain vehicle routes or trails that provide connections from one jurisdiction to another.

4. All−terrain vehicle routes and trails that have potential for year round use.

5. All−terrain vehicle routes, areas and trails to be developed on publicly owned land or land under easements or other agreements for 3 years or greater.

(7) MAINTENANCE. Local units of government and state or federal agencies shall be required to maintain all−terrain vehicle areas and trails developed on land receiving aids for acquisition or development.

(8) MAJOR REHABILITATION. (a) Any town, village, city, county, or state or federal agency may receive aids for up to 100% of eligible costs for the major rehabilitation of bridge structures or trail segments requiring significant improvements or repair.

(b) For bridge rehabilitation projects that involve total deck replacement, the deck shall be reconstructed to be at least 8 feet wide and free from obstruction.

(c) When a bridge rehabilitation project is located on an abandoned railroad grade and involves total deck replacement, the deck shall be reconstructed to be at least 10 feet wide and free from obstruction.

(d) Sponsors of projects for major rehabilitation of a trail segment shall explain to the satisfaction of the department why the rehabilitation activities cannot be accomplished through the use of trail maintenance funds under sub. (2).

(9) ALLOWABLE COSTS, BILLINGS AND AUDITS. (a) 1. Reimbursement of costs of development of all−terrain vehicle areas and trails shall be up to 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for development.

2. Development project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

(am) 1. Reimbursement of costs of major rehabilitation of all−terrain vehicle bridges or trail segments shall be for not more than 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for major rehabilitation.

2. Major rehabilitation project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

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http://docs.legis.wisconsin.gov/code/admin_code

(b) Payment of liability insurance costs for liability insurance purchased by a local unit of government for approved trails shall be 100% of eligible costs.

(c) Sponsors may request advance payments of up to 50% of the project amount for maintenance. To be eligible for maintenance advance payments a sponsor shall have settled all maintenance claims from previous years.

(d) Claims will be on a reimbursement basis except for development and maintenance project advances.

(e) Sponsors shall be required to keep a separate account for all−terrain vehicle project costs.

(f) Winter trail grooming rates shall be established annually by the department.

(g) Equipment rates for other maintenance activities and trail development performed by force account or all−terrain vehicle clubs or organizations may not exceed the county machinery agreement established annually by the department of transportation.

(h) Labor rates for other maintenance activities and trail development performed by all−terrain vehicle clubs or organizations shall be established annually by the department.

(i) Labor rates for other maintenance activities and trail development by municipal employees or others included in a labor contract shall be as established by the contract.

(j) Reductions in grant payments for failure to comply with the requirements of maintenance or development project agreements may be made on a case−by−case basis. A partial or total reduction in funds shall be preceded by specific written notification of conditions which were not met and include a timetable for improvement in performance. Continued failure to comply with the grant agreement within the prescribed timetable may result in a reduction of grant funds. The reduction shall be calculated based on a percentage of poor performance in relation to the total trail system included in the grant agreement.

(k) The cost of producing trail maps is an eligible expense under a maintenance or development project.

(10) USEFUL LIFE. (a) A table of maximum useful life for project elements is established for the purpose of project record management. The listing of the maximum useful life figures for all−terrain vehicle maintenance, development, insurance, and acquisition projects is as follows:

Activity	Description	Maximum Useful Life in Years
Maintenance	Includes brushing, signing, grooming, minor structural repairs	0
Acquisition	Annual easements and leases	0
Insurance	Purchase of liability coverage by governmental sponsor	0
Development	General trail construction	0
	Bridge structures	10
	Culverts	3
	Gates	3
	Multi−purpose buildings	20
	Trail shelters	5

(11) APPLICATION FOR AID. A local unit of government or a federal agency which seeks to receive aids for all−terrain vehicle projects for the following year shall contact the appropriate department regional office for prescribed application forms and instructions and submit a completed application by April 15.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (2), (6) (b) 1., 2. and 4., renum. (9) to be (10), cr. (2m), (6) (c) 3., (8) (j) and (k) and (9), Register, November, 1989, No. 407, eff. 12−1−89; am. (1) (c) and (5) (a), r. and recr. (1) (d) and (2), renum. (8) to (10) to be (9) to (11), cr. (1) (e) and (8), Register, May, 1991, No. 425, eff. 6−1−91; am. (2) (a), (b) and (11), r. (2) (c), r. and recr. (9) (a) 1., cr. (9) (am), Register, December, 1999, No. 528, eff. 1−1−00; CR 03−044: am. (2) (a) and (b) Register December 2003 No. 576, eff. 1−1−2004.

NR 64.15 Law enforcement aids to counties. **(1)** Counties may receive up to 100% reimbursement of monies spent on the enforcement of s. 23.33, Stats. Officers involved in the enforcement of s. 23.33, Stats., must have authority pursuant to s. 23.33 (12), Stats.

(2) Claim forms shall be filed with the department's appropriate law enforcement safety specialist on or before June 1 of the year following the 12–month period for which the claim is made. Claims shall be made for the May 1 to April 30 period immediately proceeding the filing date.

(3) The following forms shall be used in the all−terrain vehicle enforcement aid program:

(a) *Form 8700−59 — Notice of intent to patrol.* In order to be eligible for the state aids, an all−terrain vehicle patrol shall function as an enforcement unit and file an intent to patrol form with the department of natural resources listing the authority under which the all−terrain vehicle patrol will operate. On or before June 1 of each year a county shall file an intent to patrol form with the department, sent to the attention of the Bureau of Law Enforcement, P.O. Box 7921, Madison, Wisconsin 53707.

(b) *Form 8700−89 — Daily log.* This form is to be used in compiling a summary of the all−terrain vehicle patrol's daily activities and expenses. It is not to be filed with the department, but is to be used for assembling information necessary to complete form 8700−90. This form shall be kept on file by the all−terrain vehicle patrol to augment its records and shall be available in chronological order for periodic checks by representatives of the department during normal business hours and at the time of the annual audit.

(c) *Form 8700−90 — Monthly report.* This form is to be completed and filed with the department no later than the tenth day following the month covered. The information shown on this form will be a computation of the information taken from the daily logs (form 8700−89).

(d) On or about April 1 of each year, one set of the following forms shall be sent by the department to each county which has an intent to patrol form on file. The appropriate official shall fill out the forms, retain one set for the county's records, and file 2 sets with the department's appropriate law enforcement safety specialist on or before June 1, covering the patrol expense for the preceding 12–month period of May 1 to April 30. Claims which are received by the department after June 1 may not be processed for payment.

1. 'Form 8700−60 — Application for state aid.' This form shall be completed by the appropriate county official, who shall list the total net cost of the all−terrain vehicle patrol claimed by the county.

2. 'Form 8700−61 — Salary schedule.' This form shall be completed by the appropriate county official who shall list the names and salaries of persons engaged in the enforcement of s. 23.33, Stats. Salary rate shall be restricted to no more than the regular straight time rate which the certified law enforcement officer normally receives. Fringe benefit rates are actual costs up to a maximum of 29% of the reimbursable straight time salary rate.

3. 'Form 8700−62 — Travel, materials and supplies schedule.' This form shall be completed by the appropriate county official, who shall list all reimbursable expenditures other than salaries and depreciable items.

4. 'Form 8700−63 — Depreciation schedule − straight line method.' This form shall be completed by the appropriate county official, who shall list all capital outlay equipment and the resulting depreciation. Depreciation shall be calculated at the rate of 12½% annually of all equipment (over $1000.00) except all−terrain vehicles which shall be figured at the rate of 20% annually.

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5. 'Form 8700−64 — Record of court cases for violations of s. 23.33, Stats.' This form is to be completed by the appropriate county official, who shall list all violations and court actions for the calendar year.

(e) Each claim shall be audited by the department as soon as possible after the claim has been received. Payment of claims shall be made no later than October 1. Reimbursement of the actual cost and maintenance of all−terrain vehicle enforcement patrols is authorized. Travel expenses and salaries for training purposes are authorized only for attendance of all−terrain vehicle enforcement training sessions conducted by the department. The person in charge of the patrol or designee is required to attend all designated department all−terrain vehicle enforcement patrol training sessions as a condition of receiving aids under this section and s. 23.33, Stats.

(f) Should funds not be sufficient to satisfy the total request of eligible audited costs, funds shall be distributed on a proportional basis.

(g) In order to help achieve uniformity, accountability and cost controls, the following standards are established:

1. For the purpose of patrol reimbursement, each patrol is eligible for reimbursement for only those hours up to 3 times the state average of arrests per hour for participating sheriff patrols for the past 3 years computed from the statewide all−terrain vehicle sheriff patrol records. Two documented written warnings will be given the same weight as an arrest. No more than 50% of the credits to reach the standard may be for written warnings.

2. For the purpose of reimbursement of leased capital equipment, the amount may not be more than 50% above the average depreciation cost of the prior year for all all−terrain vehicle patrols claiming depreciation.

3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than 20% of funds available.

4. A minimum of 20 patrol hours is required in order to be eligible for reimbursement.

5. For the purpose of administering reimbursement, search and rescue enforcement costs are eligible only for officers actively looking for all−terrain vehicle operators who are, or who are reasonably believed to be, alive, in distress or are in a life threatening situation.

6. For the purpose of reimbursement of capital equipment under s. 23.33 (9), Stats., for law enforcement aid to counties, the amount is limited to depreciation for all−terrain vehicles and all−terrain vehicle trailers.

Note: Forms may be obtained from department district offices and the department's Bureau of Law Enforcement, Box 7921, Madison, WI 53707.

History: Cr. Register, July, 1986, No. 367, eff. 8−1−86; am. (2), (3) (d) (intro.) and 2., cr. (3) (g), Register, December, 1999, No. 528, eff. 1−1−00; CR 02−098: am (2), (3) (a), (d) (intro.) and 4., (e) and (g) 3., Register May 2003 No. 569, eff. June 1, 2003.