



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0552/1
MGG:jld:jf

**ASSEMBLY AMENDMENT 1,
TO 2007 ASSEMBLY BILL 59**

June 18, 2007 - Offered by Representative MURSAU.

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

2 **1.** Page 2, line 16: delete the material beginning with "An" and ending with
3 "limits." on line 18.

4 **2.** Page 2, line 19: delete the material beginning with that line and ending with
5 page 3, line 21, and substitute:

6 **"SECTION 4c.** 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. and
7 amended to read:

8 23.33 (5) (a) 1. No person under 12 years of age may operate an all-terrain
9 vehicle unless he or she is operating the all-terrain vehicle for an agricultural
10 purpose and he or she is under the supervision of a person over 18 years of age or
11 unless he or she is operating a small all-terrain vehicle on an all-terrain vehicle trail
12 designated by the department and he or she is accompanied by his or her parent. No
13 person who is under 12 years of age may operate an all-terrain vehicle which is an

1 implement of husbandry on a roadway under any circumstances. No person who is
2 under 12 years of age may operate an all-terrain vehicle on a roadway under the
3 authorization provided under sub. (4) (d) 6. under any circumstances. No person who
4 is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this
5 ~~paragraph subdivision~~, supervision does not require that the person under 12 years
6 of age be subject to continuous direction or control by the person over 18 years of age.

7 **SECTION 4f.** 23.33 (5) (a) 2. of the statutes is created to read:

8 23.33 (5) (a) 2. No person who is under 16 years of age may operate an
9 all-terrain vehicle on a roadway or a shoulder of a highway as authorized under sub.
10 (4) (dm) under any circumstances.

11 **SECTION 4j.** 23.33 (5) (b) 1. of the statutes is amended to read:

12 23.33 (5) (b) 1. No person who is at least 12 years of age and who is born on or
13 after January 1, 1988, may operate an all-terrain vehicle unless he or she holds a
14 valid safety certificate issued by this state or another state or by a province of
15 Canada.

16 **SECTION 4m.** 23.33 (5) (b) 2. of the statutes is amended to read:

17 23.33 (5) (b) 2. Any person who is required to hold an all-terrain vehicle safety
18 certificate while operating an all-terrain vehicle shall carry the certificate on the
19 all-terrain vehicle and shall display the certificate to a law enforcement officer on
20 request. ~~Persons enrolled in a safety certification program approved by the~~
21 ~~department may operate an all-terrain vehicle in an area designated by the~~
22 ~~instructor.~~

23 **SECTION 4p.** 23.33 (5) (c) of the statutes is amended to read:

24 23.33 (5) (c) *Exceptions*. Paragraphs (a) and (b) do not apply to a person who
25 operates an all-terrain vehicle exclusively on land under the management and

1 control of the person's immediate family. Paragraphs (a) and (b) do not apply to a
2 person at least 12 years of age but under 16 years of age who holds a valid certificate
3 issued by another state or a province of Canada.

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

5 23.33 (5) (d) *Safety certification program established.* The department shall
6 establish or supervise the establishment of a program of instruction on all-terrain
7 vehicle laws, including the intoxicated operation of an all-terrain vehicle law,
8 regulations, safety and related subjects. The department shall establish by rule an
9 instruction fee for this program. An instructor conducting the program of instruction
10 under this paragraph shall collect the fee from each person who receives instruction.
11 The department may determine the portion of this fee, which may not exceed 50%,
12 that the instructor may retain to defray expenses incurred by the instructor in
13 conducting the program. The instructor shall remit the remainder of the fee or, if
14 nothing is retained, the entire fee to the department. Persons enrolled in a safety
15 certification program approved by the department may operate an all-terrain
16 vehicle in an area designated by the instructor.”.

17 **3.** Page 4, line 7: delete “par. (cm)” and substitute “pars. (cm) and (cr)”.

18 **4.** Page 4, line 13: delete “par. (cm)” and substitute “pars. (cm) and (cr)”.

19 **5.** Page 5, line 7: delete “par. (cm)” and substitute “pars. (cm) and (cr)”.

20 **6.** Page 5, line 13: delete “par. (cm)” and substitute “pars. (cm) and (cr)”.

21 **7.** Page 5, line 24: after that line insert:

22 “(cr) *On interstates and freeways.* A municipality may not enact an ordinance
23 enacted under this subsection that will allow the operation of all-terrain vehicles on

1 a roadway or shoulder of a freeway that is a part of the federal system of interstate
2 and defense highways or on a roadway or shoulder of any other freeway.

3 (ct) *Speed limits.* An ordinance enacted under this subsection shall limit the
4 speed of an all-terrain vehicles being operated as authorized under this subsection
5 to speed limits not in excess of 25 miles per hour.

6 (cv) *Right side of roadway.* An ordinance enacted under this subsection shall
7 require that the operation of all-terrain vehicles as authorized under this subsection
8 be as far on the right of the roadway or shoulder as is practicable.”.

9 **8.** Page 6, line 3: substitute “this subsection” for “pars. (b) and (c)”.

10 (END)