



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT 2,
TO 2009 SENATE BILL 400**

March 23, 2010 – Offered by Representative RADCLIFFE.

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

2 **1.** Page 2, line 12: after that line insert:

3 “**SECTION 3m.** 23.33 (4) (a) of the statutes is amended to read:

4 23.33 (4) (a) *Freeways*. No person may operate an all-terrain vehicle upon any
5 part of any freeway which is a part of the federal system of interstate and defense
6 highways. No person may operate an all-terrain vehicle upon any part of any other
7 freeway unless the department of transportation authorizes all-terrain vehicle use
8 on that freeway. No person may operate an all-terrain vehicle with a snow removal
9 device attached upon any part of any freeway under any circumstances.”

10 **2.** Page 2, line 16: after “(f)” insert “and sub. (11) (am) 2. to 5.”.

11 **3.** Page 2, line 19: substitute “prohibited” for “provided”.

12 **4.** Page 2, line 20: substitute “under” for “in”.

1 **5.** Page 2, line 20: after “(a),” insert “and subject to ordinances enacted under
sub. (11) (am) 2. to 5.”.

2 **6.** Page 3, line 25: after that line insert:

3 “**SECTION 6m.** 23.33 (6) (h) of the statutes is created to read:

4 23.33 **(6)** (h) A person who operates an all-terrain vehicle with a snow removal
5 device attached as authorized under s. 23.33 (4) (f) is required to display at least one
6 or more flashing or rotating amber or yellow lights, and at least one of these lights
7 shall be visible from every direction.”.

8 **7.** Page 4, line 6: after that line insert:

9 “**SECTION 7e.** 23.33 (11) (am) of the statutes is renumbered 23.33 (11) (am) 1.
10 and amended to read:

11 23.33 **(11)** (am) 1. Any county, town, city or village may enact an ordinance
12 which is in strict conformity with this section and rules promulgated by the
13 department under this section, if the ordinance encompasses all aspects
14 encompassed by this section, except as provided in subds. 2. to 5.

15 **SECTION 7g.** 23.33 (11) (am) 2. of the statutes is created to read:

16 23.33 **(11)** (am) 2. For a roadway, or for a portion of a roadway, that is located
17 within the territorial boundaries of a city or village, the city or village may enact an
18 ordinance to prohibit all-terrain vehicles with snow removal devices attached from
19 being operated on the roadway, or adjacent to the roadway if the applicable roadway
20 speed limit is greater than 45 miles per hour and regardless of whether the city or
21 village has jurisdiction over the roadway.

22 **SECTION 7j.** 23.33 (11) (am) 3. of the statutes is created to read:

1 23.33 (11) (am) 3. For the roadway of a town highway, or for a portion of that
2 roadway, the town having jurisdiction may enact an ordinance to prohibit all-terrain
3 vehicles with snow removal devices attached from being operated on the roadway, or
4 adjacent to the roadway, if the applicable roadway speed limit is greater than 45
5 miles per hour.

6 **SECTION 7L.** 23.33 (11) (am) 4. of the statutes is created to read:

7 23.33 (11) (am) 4. For the roadway of a county highway, or for a portion of that
8 roadway, the county having jurisdiction may enact an ordinance to prohibit
9 all-terrain vehicles with snow removal devices attached from being operated on the
10 roadway, or adjacent to the roadway, if the applicable roadway speed limit is greater
11 than 45 miles per hour.

12 **SECTION 7q.** 23.33 (11) (am) 5. of the statutes is created to read:

13 23.33 (11) (am) 5. For a roadway, or for a portion of a roadway, that is under
14 the jurisdiction of the department of transportation and that is located within the
15 territorial boundaries of a county, the county may enact an ordinance to prohibit
16 all-terrain vehicles with snow removal devices attached from being operated on the
17 roadway, or adjacent to the roadway if the applicable roadway speed limit is greater
18 than 45 miles per hour and regardless of whether the county has jurisdiction over
19 the roadway.

20 **SECTION 7r.** 23.33 (12) (a) of the statutes is amended to read:

21 23.33 (12) (a) An officer of the state traffic patrol under s. 110.07 (1), inspector
22 under s. 110.07 (3), conservation warden appointed by the department under s.
23 23.10, county sheriff or municipal peace officer has authority and jurisdiction to
24 enforce this section and ordinances enacted in conformity accordance with this
25 section.

