



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 470**

February 8, 2016 - Offered by Representative MURSAU.

1 **AN ACT** *to repeal* 23.33 (2) (ir) 2.; *to renumber* 23.33 (2) (ir) 1.; *to amend* 15.09
2 (1) (a), 23.09 (23) (a), 23.119 (1) (b), 23.35 (1) (intro.), 23.35 (1) (a), 23.35 (1) (b),
3 23.35 (1) (e), 23.35 (2), 23.45 (1) (d), 23.47 (2), 23.47 (3) (a) (intro.), 23.47 (3) (b)
4 3., 23.47 (3) (d), 23.50 (1), 23.50 (3), 23.53 (1), 23.56 (1), 23.57 (1) (intro.), 23.58
5 (1), 23.58 (2), 23.62 (1) (intro.), 25.29 (1) (a), 30.26 (4) (title), 30.26 (4) (a) (intro.),
6 30.26 (4) (b), 30.29 (1) (b), 46.03 (18) (f), 59.54 (14) (g), 70.11 (45m), 77.51 (13s),
7 77.61 (1) (a), 77.61 (1) (b), 77.61 (1) (c), 77.73 (2), 78.01 (2) (e), 78.01 (2m) (f),
8 78.40 (1), 78.75 (1m) (a) 2m., 78.75 (1m) (a) 3., 100.48 (2), 100.48 (3) (a), 100.48
9 (4) (c), 110.07 (1) (a) 1., 110.07 (3), 322.111, 344.61 (1), 345.11 (1r), 346.66 (1) (c),
10 346.71 (1), 346.71 (2), 346.94 (1), 800.02 (2) (b), 814.63 (3m) (a), 814.65 (4m) (a),
11 885.235 (1m), 885.235 (4), 895.043 (6), 895.049, 901.053, 938.17 (1) (intro.),
12 940.09 (1m) (b), 940.09 (3), 940.25 (1m) (b), 940.25 (3), 971.19 (10), 973.06 (1)
13 (j) and 973.09 (2) (a) 1. d.; and *to create* 15.09 (1) (c), 15.347 (10), 20.370 (1) (jb),

1 20.370 (3) (ay), 23.119 (1) (at), 23.179, 23.335, 23.47 (1) (am), 25.40 (1) (bt),
2 100.48 (1) (bg), 341.059, 343.05 (4) (b) 1m., 347.24 (1) (d) and 938.343 (9m) of
3 the statutes; **relating to:** operation of off-highway motorcycles, granting
4 rule-making authority, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the laws regulating the operation and registration of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). This bill establishes requirements for the operation and registration of off-highway motorcycles (OHMs) that are similar to the requirements that apply under current law to ATVs and UTVs. The bill defines an OHM as a motorcycle that is designed for off-highway operation, regardless of whether it is also designed for on-highway operation.

This bill requires DNR to develop, encourage, and supervise a system of OHM trails and routes in a similar manner to that existing under current law for ATV and UTV trails and routes. The bill defines an "OHM trail" to be a corridor on lands open to the public for recreational OHM use. The bill defines an "OHM route" to be a highway or sidewalk open to recreational OHM use. The bill allows DNR to establish standards and procedures for certifying the designation of OHM trails. As under current law applicable to ATV trails, this bill allows a county, city, village, or town (local governmental unit) or DNR to designate OHM routes and corridors through land that it owns or controls for use as OHM trails. Moneys for these OHM projects undertaken by DNR or local governmental units under this system, for enforcement of OHM laws, and for the safety grants as described below, are appropriated from the general fund. In providing funding for these projects, DNR must give priority to trails, routes, and other facilities that are open only for use by OHMs.

OHM registration and trail passes

This bill distinguishes OHMs that are registered by the Department of Transportation (DOT) from those that are not. The bill does not restrict the owner of an OHM from registering the OHM with DOT for highway use. However, if an owner wishes to operate an OHM off the highway, the owner must register the OHM with DNR and pay an annual registration fee. As to operation on OHM routes, the owner must register the OHM with DNR unless the OHM route is on a highway, as opposed to a sidewalk, and the OHM is registered with DOT. The owner of an OHM may register it with DNR for public use on trails and routes and other areas open for public use. The owner may register an OHM for private use if its use will be limited to operation for agricultural purposes and operation by the owner or a member of his or her family on land that is owned or leased by the owner or a family member. The fee for registration for private use is lower. The bill includes exemptions from this registration requirement which are similar to those exemptions under current law for ATVs and UTVs. The bill also requires a person who sells OHMs for a profit at

retail to register with DNR as an OHM dealer. These registration fees are deposited in the transportation fund.

If a person will be operating an OHM off the highways, and the OHM is not registered with DNR, or is not exempt from DNR registration, the person must pay a fee and be issued an annual nonresident trail pass by DNR in order to operate the OHM on an OHM trail or other corridor that is open to the public for the recreational use of OHMs.

OHM operation

The bill imposes various restrictions on the operation of limited use OHMs that are similar to those imposed on ATVs and UTVs. A limited use OHM is an OHM that is not registered by DOT for use on highways. Generally, limited use OHMs are not allowed on the roadway portion of a highway except as is necessary to cross the highway. They are also allowed on highways that are designated as OHM routes or that are only minimally maintained on a seasonal basis for regular motor vehicle traffic. The bill regulates the operation of OHMs on areas that are adjacent to roadways of highways, and imposes a speed limit when the OHM is within a specified distance of a dwelling, a person who is not operating a motorized vehicle, or a fishing shanty.

This bill creates an intoxicated operation law that applies to OHM routes, trails, and other off-highway places that are open to the recreational use of OHMs. Under the law, a person may not operate an OHM with an alcohol concentration of 0.08 or more. This bill requires an OHM operator to submit to certain screening tests if a law enforcement officer has probable cause to believe that the operator is operating the OHM under the influence of alcohol. These provisions are similar to the provisions in current law relating to the operation of an ATV or UTV while under the influence of an intoxicant.

Under this bill, a person need not have an operator's license issued by DOT in order to operate an OHM off the highways and need not carry liability insurance on the OHM. With limited exceptions, a person riding on an OHM must wear a helmet when riding off the highways unless he or she is at least 18 years old.

OHM operation; age restrictions

Under this bill, a person under the age of 12 may not operate an OHM on a highway under any circumstance and may operate an OHM off a highway only if he or she is under continuous verbal direction or control of a parent or guardian or of an adult who has been designated by the parent or guardian. Also, under the bill, anyone who is at least 12 of age and who was born after January 1, 1998, must hold a valid safety certificate issued upon completion of the safety instruction program described below. These age restrictions do not apply to the operation of OHMs on private property if the property owner has given consent and does not hold out the property to the public for OHM use.

This bill requires DNR to establish a safety certification program on OHM laws and related subjects and to issue certificates to persons who successfully complete the program. These requirements are similar to the requirements that apply under current law concerning programs of instruction for operators of ATVs and UTVs.

No person who rents limited use OHMs to the public (OHM renter) may rent a limited use OHM to a person under 12 years of age. Also, an OHM renter may not rent a limited use OHM without first making sure that any person under the age of 18 who will be on the OHM has a motorcycle helmet that meets federal standards.

OHM safety grant program

This bill requires DNR to establish a program to award grants to organizations that promote the operation of OHM vehicles in a manner that is safe and responsible and that does not harm the environment. An organization that receives a grant under this program must use the grant moneys to promote and provide support to the safety certification program on OHM laws.

Off-highway motorcycle council

The bill creates the Off-Highway Motorcycle Council (council), consisting of five members who must be members of OHM clubs. The bill authorizes the council to make recommendations to DNR on matters relating to OHM trails and routes and on other matters relating to the operation of OHMs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.09 (1) (a) of the statutes is amended to read:

2 15.09 (1) (a) Unless otherwise provided by law, the governor shall appoint the
3 members of councils for terms prescribed by law. Except as provided in ~~par.~~ pars. (b)
4 and (c), fixed terms shall expire on July 1 and shall, if the term is for an even number
5 of years, expire in an odd-numbered year.

6 **SECTION 2.** 15.09 (1) (c) of the statutes is created to read:

7 15.09 (1) (c) The terms of the members of the off-highway motorcycle council
8 shall expire on March 1.

9 **SECTION 3.** 15.347 (10) of the statutes is created to read:

10 15.347 (10) OFF-HIGHWAY MOTORCYCLE COUNCIL. (a) There is created in the
11 department of natural resources an off-highway motorcycle council consisting of 5
12 members who are appointed for 3-year terms expiring March 1.

13 (b) Each member of the off-highway motorcycle council shall be a resident of
14 this state, shall be a member of and represent the interests of an off-highway

1 motorcycle club, as defined in s. 23.335 (1) (r), and shall be knowledgeable about
2 outdoor recreation issues in this state and about trails used by operators of
3 off-highway motorcycles.

4 (c) The off-highway motorcycle council shall meet at least 3 times annually.

5 **SECTION 4.** 20.370 (1) (jb) of the statutes is created to read:

6 20.370 (1) (jb) *Off-highway motorcycle administration.* From the general fund,
7 a sum sufficient in each fiscal year equal to the amount determined under s. 23.335
8 (20) (a) in that fiscal year for the purposes specified under 23.335 (20) (b) and (d), for
9 issuing and renewing off-highway motorcycle registration under s. 23.335 (3), (4),
10 and (5), for grants under the safety grant program under s. 23.335 (15), and for state
11 and local law enforcement operations related to off-highway motorcycles.

12 **SECTION 5.** 20.370 (3) (ay) of the statutes is created to read:

13 20.370 (3) (ay) *Off-highway motorcycle safety certification program.* All
14 moneys remitted to the department under s. 23.335 (14), for the off-highway
15 motorcycle safety certification program under s. 23.335 (14).

16 **SECTION 6.** 23.09 (23) (a) of the statutes is amended to read:

17 23.09 (23) (a) In this subsection, “approval” means any type of approval or
18 authorization issued by the department under ch. 29, subch. V. of ch. 30, or s. 23.33
19 (2), 23.335 (3) or (5), 27.01, or 350.12, including a license, permit, certificate, stamp,
20 tag, registration, or vehicle admission receipt.

21 **SECTION 7.** 23.119 (1) (at) of the statutes is created to read:

22 23.119 (1) (at) “Off-highway motorcycle” has the meaning given in s. 23.335
23 (1) (q).

24 **SECTION 8.** 23.119 (1) (b) of the statutes is amended to read:

1 23.119 (1) (b) “Off-highway vehicle” means a motor-driven craft or vehicle
2 principally manufactured for off-highway use but does not include a snowmobile, an
3 all-terrain vehicle, ~~or utility terrain vehicle,~~ or an off-highway motorcycle.

4 **SECTION 9.** 23.179 of the statutes is created to read:

5 **23.179 Off-highway motorcycle council.** The off-highway motorcycle
6 council may make recommendations to the department on matters relating to
7 off-highway motorcycle corridors, as defined in s. 23.335 (1) (s), and off-highway
8 motorcycle routes, as defined in s. 23.335 (1) (u), and on any other matters relating
9 to the operation of off-highway motorcycles.

10 **SECTION 10.** 23.33 (2) (ir) 1. of the statutes, as affected by 2015 Wisconsin Act
11 89, is renumbered 23.33 (2) (ir).

12 **SECTION 11.** 23.33 (2) (ir) 2. of the statutes is repealed.

13 **SECTION 12.** 23.335 of the statutes is created to read:

14 **23.335 Off-highway motorcycles. (1) DEFINITIONS.** In this section:

15 (a) “Accompanied” has the meaning given in s. 23.33 (1) (a).

16 (b) “Agricultural purpose” includes a purpose related to the transportation of
17 farm implements, equipment, supplies, or products on a farm or between farms.

18 (c) “Alcohol beverages” has the meaning specified under s. 125.02 (1).

19 (d) “Alcohol concentration” has the meaning given in s. 340.01 (1v).

20 (dm) “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

21 (e) “All-terrain vehicle route” has the meaning given in s. 23.33 (1) (c).

22 (f) “All-terrain vehicle trail” has the meaning given in s. 23.33 (1) (d).

23 (g) “Approved public treatment facility” has the meaning specified under s.
24 51.45 (2) (c).

25 (gk) “Controlled substance” has the meaning given in s. 961.01 (4).

1 (gm) “Controlled substance analog” has the meaning given in s. 961.01 (4m).

2 (h) “Electric personal assistive mobility device” has the meaning given in s.
3 340.01 (15pm).

4 (hm) “Hazardous inhalant” means a substance that is ingested, inhaled, or
5 otherwise introduced into the human body in a manner that does not comply with
6 any cautionary labeling that is required for the substance under s. 100.37 or under
7 federal law, or in a manner that is not intended by the manufacturer of the substance,
8 and that is intended to induce intoxication or elation, to stupefy the central nervous
9 system, or to change the human audio, visual, or mental processes.

10 (i) “Highway” has the meaning given in s. 340.01 (22).

11 (j) “Immediate family” means persons who are related as spouses, who are
12 related as siblings, or who are related as parent and child.

13 (k) “Intoxicant” means any alcohol beverage, hazardous inhalant, controlled
14 substance, controlled substance analog, or other drug or any combination thereof.

15 (L) “Intoxicated operation of an off-highway motorcycle law” means sub. (12)
16 (a) or (b) or a local ordinance in conformity therewith or, if the operation of an
17 off-highway motorcycle is involved, s. 940.09 or 940.25.

18 (m) “Junked” means dismantled for parts or scrapped.

19 (n) “Law enforcement officer” has the meaning given in s. 23.33 (1) (ig).

20 (o) “Limited use off-highway motorcycle” means an off-highway motorcycle
21 that is not registered by the department of transportation for use on highways.

22 (p) “Local governmental unit” means a city, village, town, or county.

23 (q) “Off-highway motorcycle” means a 2-wheeled motor vehicle that is
24 straddled by the operator, that is equipped with handlebars, and that is designed for
25 use off a highway, regardless of whether it is also designed for use on a highway.

1 (qm) “Off-highway motorcycle association” means a club or other association
2 consisting of individuals that promotes the recreational operation of off-highway
3 motorcycles.

4 (r) “Off-highway motorcycle club” means a club consisting of individuals that
5 promotes use of off-highway motorcycles for recreational purposes off the highways
6 within this state.

7 (s) “Off-highway motorcycle corridor” means an off-highway motorcycle trail
8 or other established off-highway motorcycle corridor that is open to the public for the
9 operation of off-highway motorcycles for recreational purposes but does not include
10 an off-highway motorcycle route.

11 (t) “Off-highway motorcycle dealer” means a person who is engaged in this
12 state in the sale of off-highway motorcycles for a profit at retail.

13 (u) “Off-highway motorcycle route” means a highway or sidewalk designated
14 for recreational use by operators of off-highway motorcycles by the governmental
15 agency having jurisdiction.

16 (v) “Off-highway motorcycle trail” means a marked corridor on public property
17 or on private lands subject to public easement or lease, designated for recreational
18 use by operators of off-highway motorcycles by the governmental agency having
19 jurisdiction.

20 (y) “Off the highways” means off-highway motorcycle corridors, off-highway
21 motorcycle routes, and areas where operation is authorized under sub. (10) or (11).

22 (z) “Operate” means to exercise physical control over the speed or direction of
23 an off-highway motorcycle or to physically manipulate or activate any of the controls
24 of an off-highway motorcycle necessary to put it in motion.

1 (zb) “Operation” means the exercise of physical control over the speed or
2 direction of an off-highway motorcycle or the physical manipulation or activation of
3 any of the controls of an off-highway motorcycle necessary to put it in motion.

4 (zc) “Operator” means a person who operates an off-highway motorcycle, who
5 is responsible for the operation of an off-highway motorcycle, or who is supervising
6 the operation of an off-highway motorcycle.

7 (zd) “Owner” means a person who has lawful possession of an off-highway
8 motorcycle by virtue of legal title or an equitable interest in the off-highway
9 motorcycle which entitles the person to possession of the off-highway motorcycle.

10 (zdm) “Proof,” when used in reference to evidence of a registration document,
11 safety certificate, nonresident trail pass, or temporary trail use receipt, means the
12 original registration document, safety certificate, nonresident trail pass, or
13 temporary trail use receipt issued by the department or an agent appointed under
14 sub. (4) (f) 2. or (6) (e) 1. or any alternative form of proof designated by rule under s.
15 23.47 (1).

16 (ze) “Purpose of authorized analysis” means for the purpose of determining or
17 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
18 person’s blood, breath, or urine.

19 (zf) “Refusal law” means sub. (12) (h) or a local ordinance in conformity
20 therewith.

21 (zg) “Registration document” means an off-highway motorcycle registration
22 certificate, a temporary operating receipt, or a registration decal.

23 (zgm) “Restricted controlled substance” means any of the following:

24 1. A controlled substance included in schedule I under ch. 961 other than a
25 tetrahydrocannabinol.

1 2. A controlled substance analog of a controlled substance described in subd.

2 1.

3 3. Cocaine or any of its metabolites.

4 4. Methamphetamine.

5 5. Delta-9-tetrahydrocannabinol.

6 (zi) “Snowmobile” has the meaning given in s. 340.01 (58a).

7 (zj) “Snowmobile route” has the meaning given in s. 350.01 (16).

8 (zk) “Snowmobile trail” has the meaning given in s. 350.01 (17).

9 (zkm) “Temporary operating receipt” means a receipt issued by the department
10 or an agent under sub. (4) (g) 1. a. that shows that an application and the required
11 fees for a registration certificate have been submitted to the department or an agent
12 appointed under sub. (4) (f) 2.

13 (zL) “Test facility” means a test facility or agency prepared to administer tests
14 under s. 343.305 (2).

15 (zLm) “Utility terrain vehicle” has the meaning given in s. 23.33 (1) (ng).

16 **(2) REGISTRATION.** (a) *Requirement.* No person may operate an off-highway
17 motorcycle, and no owner may give permission for the operation of an off-highway
18 motorcycle, off the highways unless the off-highway motorcycle is registered with
19 the department under this section or is exempt from registration or the person
20 operating the off-highway motorcycle holds a temporary operating receipt provided
21 by an off-highway motorcycle dealer under sub. (3) (b).

22 (b) *Exemptions.* An off-highway motorcycle is exempt from the registration
23 requirement under par. (a) if any of the following applies:

24 1. The off-highway motorcycle is covered by a valid registration of a federally
25 recognized American Indian tribe or band, and all of the following apply:

1 a. The registration program of the tribe or band is covered by an agreement
2 under s. 23.35.

3 b. The off-highway motorcycle displays the registration decal required by the
4 tribe or band.

5 2. The off-highway motorcycle displays a plate or sign attached in the manner
6 authorized under sub. (5) (c).

7 3. The off-highway motorcycle will be operated exclusively in racing on a
8 raceway facility or as part of a special off-highway motorcycle event as authorized
9 under sub. (10) (b).

10 4. The off-highway motorcycle is present in this state, for a period not to exceed
11 15 days, and is used exclusively as part of an advertisement being made for the
12 manufacturer of the off-highway motorcycle.

13 5. The off-highway motorcycle is specified as exempt from registration by
14 department rule.

15 (c) *Weekend exemption.* A person may operate an off-highway motorcycle off
16 the highways in this state during the first full weekend in June of each year without
17 registering the off-highway motorcycle as required under par. (a).

18 **(3) REGISTRATION; APPLICATION PROCESS.** (a) *Public or private use.* Only the
19 department may register off-highway motorcycles for off-highway operation. Any
20 off-highway motorcycle may be registered for public use. An off-highway motorcycle
21 may be registered for private use if the operation is limited to any of the following:

22 1. Operation for agricultural purposes.

23 2. Operation by the owner of the motorcycle or a member of his or her
24 immediate family only on land owned or leased by the owner or a member of his or
25 her immediate family.

1 (b) *Registration; sales by dealers.* If the seller of an off-highway motorcycle is
2 an off-highway motorcycle dealer, the dealer shall require each buyer to whom he
3 or she sells an off-highway motorcycle to complete an application for registration for
4 public or private use and collect the applicable fee required under sub. (4) (d) at the
5 time of the sale if the off-highway motorcycle will be operated off the highways and
6 is not exempt from registration under sub. (2) (b). The department shall provide
7 application and temporary operating receipt forms to off-highway motorcycle
8 dealers. Each off-highway motorcycle dealer shall provide the buyer a temporary
9 operating receipt showing that the application and accompanying fee have been
10 obtained by the off-highway motorcycle dealer. The off-highway motorcycle dealer
11 shall mail or deliver the application and fee to the department no later than 7 days
12 after the date of sale.

13 (c) *Registration; other sales.* If an off-highway motorcycle is sold or otherwise
14 transferred by a person other than an off-highway motorcycle dealer and is not
15 registered with the department, the buyer or transferee shall complete an
16 application for registration for public or private use if the buyer or transferee intends
17 to operate the off-highway motorcycle off the highways and the off-highway
18 motorcycle is not exempt from registration under sub. (2) (b).

19 (d) *Registration; action by department.* Upon receipt of an application for
20 registration of an off-highway motorcycle on a form provided by the department, and
21 the payment of any applicable fees under sub. (4) (d) and of any sales or use taxes that
22 may be due, the department shall issue a registration certificate to the applicant.

23 (e) *Transfers of registered motorcycles.* Upon transfer of ownership of an
24 off-highway motorcycle that is registered for public or private use, the transferor
25 shall deliver the registration certificate to the transferee at the time of the transfer.

1 The transferee shall complete an application for transfer on a form provided by the
2 department and shall mail or deliver the form to the department within 10 days after
3 the date of the transfer if the transferee intends to operate the off-highway
4 motorcycle off the highways.

5 (f) *Transfers; action by department.* Upon receipt of an application for transfer
6 of an off-highway motorcycle registration certificate under par. (e), and the payment
7 of the fee under sub. (4) (d) 3. and of any sales or use taxes that may be due, the
8 department shall transfer the registration certificate to the applicant.

9 (g) *Trades; registration required.* An off-highway motorcycle dealer may not
10 accept a limited use off-highway motorcycle in trade unless the off-highway
11 motorcycle is currently registered by the department or is exempt from being
12 registered by the department under sub. (2) (b).

13 **(4) REGISTRATION; CERTIFICATES AND DECALS.** (a) *Period of validity; expiration.*
14 1. A registration certificate issued under sub. (3) for public use is valid beginning on
15 April 1 or the date of issuance or renewal and ending March 31 of the 2nd year
16 following the date of issuance or renewal.

17 1m. A registration certificate issued under sub. (3) for private use is valid from
18 the date of issuance until ownership of the off-highway motorcycle is transferred.

19 2. For renewals of registration certificates for public use, the department shall
20 notify each owner of the upcoming date of expiration at least 2 weeks before that date.

21 (b) *Content of certificate.* Each registration certificate shall contain the
22 registration number, the name and address of the owner, and any other information
23 that the department determines is necessary.

24 (bm) *Display of registration.* The operator of an off-highway motorcycle shall
25 have in his or her possession at all times while operating the vehicle proof of the

1 registration certificate or, for an off-highway motorcycle the owner of which has
2 received a temporary operating receipt but has not yet received the registration
3 certificate, proof of the temporary operating receipt. The operator of an off-highway
4 motorcycle shall display this proof upon demand for inspection by a law enforcement
5 officer.

6 (c) *Decal required.* 1. Each registration certificate issued under sub. (3) shall
7 be accompanied by a registration decal. No person may operate an off-highway
8 motorcycle for which registration is required without having the decal affixed as
9 described in subd. 3., except as provided in subd. 4.

10 2. The decal shall contain a reference to the state and to the department, the
11 vehicle identification number, and the expiration date of the registration, if the
12 off-highway motorcycle is being registered for public use.

13 3. The person required to register an off-highway motorcycle shall affix the
14 registration decal with its own adhesive in a position on the exterior of the motorcycle
15 where it is clearly visible and shall maintain the decal so that it is in legible condition.

16 4. A person may operate an off-highway motorcycle without having a
17 registration decal affixed if the owner has been issued a temporary operating receipt
18 that shows that an application and the required fees for a registration certificate
19 have been submitted to the department, and the person operating the off-highway
20 motorcycle has the receipt in his or her possession. The person shall exhibit the
21 receipt, upon demand, to any law enforcement officer.

22 (d) *Fees for certificates and decals.* 1. The fee for the issuance or renewal of a
23 registration certificate for public use and the accompanying decal is \$30. The
24 department shall impose an additional late fee of \$5 for the renewal of a registration
25 certificate under this subdivision that is filed after the expiration date of the

1 registration certificate unless the renewal is included with an application for
2 transfer of the registration certificate.

3 2. The fee for the issuance or renewal of a registration certificate for private use
4 and the accompanying decal is \$15.

5 3. The fee for transferring a certificate under sub. (3) (e) is \$5.

6 (e) *Duplicate certificates and decals.* 1. If a registration certificate issued under
7 sub. (3) or accompanying decal is lost or destroyed, the holder of the certificate or
8 decal may apply for a duplicate on a form provided by the department. Upon receipt
9 of the application and the fee required under subd. 2., the department shall issue a
10 duplicate certificate or decal to the applicant.

11 2. The fee for the issuance of a duplicate certificate for public or private use is
12 \$5, and the fee for a duplicate decal is \$5.

13 (f) *Registration issuers.* For the issuance of original or duplicate registration
14 documents, for the issuance of reprints under s. 23.47 (3), and for the transfer or
15 renewal of registration documents, the department may do any of the following:

16 1. Directly issue, transfer, or renew the registration documents with or without
17 using the service specified in par. (g) 1. and directly issue the reprints.

18 2. Appoint persons who are not employees of the department as agents of the
19 department to issue, transfer, or renew the registration documents using either or
20 both of the services specified in par. (g) 1. and to issue the reprints.

21 (g) *Methods of issuance.* 1. For the issuance of original or duplicate registration
22 documents and for the transfer or renewal of registration documents, the
23 department may implement either or both of the following procedures to be provided
24 by the department and any agents appointed under par. (f) 2.:

1 a. A procedure under which the department or an agent appointed under par.
2 (f) 2. accepts applications for registration documents and issues temporary operating
3 receipts at the time applicants submit applications accompanied by the required
4 fees.

5 b. A procedure under which the department or an agent appointed under par.
6 (f) 2. accepts applications for registration documents and issues to each applicant all
7 or some of the registration documents at the time the applicant submits the
8 application accompanied by the required fees.

9 2. Under either procedure under subd. 1., the department or agent shall issue
10 to the applicant any remaining registration documents directly from the department
11 at a later date. Any registration document issued under subd. 1. b. is sufficient to
12 allow the vehicle for which the application is submitted to be operated in compliance
13 with the registration requirements under this subsection.

14 (h) *Registration; supplemental fee.* In addition to the applicable fee under par.
15 (d) 1., 2., or 3. or (e) 2., each agent appointed under par. (f) 2. who accepts an
16 application to renew registration documents in person shall collect an issuing fee of
17 50 cents and a transaction fee of 50 cents each time the agent issues renewal
18 registration documents under par. (g) 1. or 2. The agent shall retain the entire
19 amount of each issuing fee and transaction fee the agent collects.

20 (i) *Junked motorcycles.* If an off-highway motorcycle is junked, the owner shall
21 return the certificate of registration to the department marked "junked."

22 **(5) REGISTRATION OF OFF-HIGHWAY MOTORCYCLE DEALERS.** (a) A person who is an
23 off-highway motorcycle dealer shall register with the department and obtain from
24 the department a commercial off-highway motorcycle certificate. Upon receipt of
25 the required fee under par. (e) and an application form provided by the department,

1 the department shall issue the applicant a commercial off-highway motorcycle
2 certificate and 3 accompanying decals.

3 (b) A commercial off-highway motorcycle certificate is valid for 2 years.

4 (c) A person who is required to obtain a commercial off-highway motorcycle
5 certificate under par. (a) shall attach in a clearly visible place a plate or sign that is
6 removable and temporarily but firmly mounted to any off-highway motorcycle that
7 the person offers for sale or otherwise allows to be used whenever the off-highway
8 motorcycle is being operated. A decal issued by the department under par. (a) shall
9 be affixed to the plate or sign.

10 (d) If a certificate or decal that was issued under par. (a) is lost or destroyed,
11 the holder of the certificate or decal may apply for a duplicate on a form provided by
12 the department. Upon receipt of the application and the required fee under par. (e),
13 the department shall issue a duplicate certificate or decal to the applicant.

14 (e) The fee for the issuance or renewal of a commercial off-highway motorcycle
15 certificate with 3 accompanying decals is \$90. The fee for additional decals is \$30 for
16 each decal. The fee for the issuance of a duplicate commercial off-highway
17 motorcycle certificate is \$5. The fee for each duplicate decal is \$2.

18 (f) A commercial off-highway motorcycle certificate may not be transferred.

19 **(5m)** ALTERATIONS AND FALSIFICATIONS PROHIBITED. (a) No person may
20 intentionally do any of the following:

21 1. Make a false statement on an application for a registration issued under sub.

22 (2).

23 2. Alter, remove, or change any number or other character in an engine serial
24 number.

1 3. Alter, remove or change any number or other character in a vehicle
2 identification number.

3 (b) No person may do any of the following:

4 1. Manufacture a vehicle identification number tag that the person knows to
5 contain false information to be placed on an off-highway motorcycle that is
6 manufactured on or after the effective date of this subdivision ... [LRB inserts date].

7 2. Place a vehicle identification number tag that the person knows to be false
8 on an off-highway motorcycle.

9 **(6) NONRESIDENT TRAIL PASSES.** (a) In this subsection, “temporary trail use
10 receipt” means a receipt issued by the department or an agent under this subsection
11 that shows that an application and the required fees for a nonresident trail pass for
12 off-highway motorcycle operation have been submitted to the department or an
13 agent appointed under par. (e) 1.

14 (am) Except as provided in pars. (b) and (f), no person may operate an
15 off-highway motorcycle on an off-highway motorcycle corridor unless a nonresident
16 trail pass for off-highway motorcycle operation is issued by the department to the
17 person and the pass is permanently affixed on the exterior of the motorcycle where
18 it is clearly visible or the person is carrying proof of a valid temporary trail use
19 receipt.

20 (b) An off-highway motorcycle that is registered under sub. (3) or that is
21 exempt from registration under sub. (2) (b) 2., 3., or 4. is exempt from having a
22 nonresident trail pass or temporary trail use receipt. The department may
23 promulgate a rule to provide additional exemptions from the requirement of being
24 issued a nonresident trail pass or from having to pay a fee for the pass. The
25 department may promulgate a rule to exempt off-highway motorcycles that are

1 exempt from registration under sub. (2) (b) 5. from having nonresident trail passes
2 or temporary trail use receipts displayed as required under par. (am) or may
3 promulgate a rule to exempt owners of such vehicles from having to pay any
4 applicable nonresident trail pass fee.

5 (c) There is no fee for a nonresident trail pass issued for an off-highway
6 motorcycle that is registered under s. 23.35. The department or Indian tribe or band
7 shall issue a nonresident trail pass for such an off-highway motorcycle when it
8 issues the registration certificate for the motorcycle. The department shall provide
9 Indian tribes or bands that register off-highway motorcycles under s. 23.35 with a
10 supply of trail passes.

11 (d) The fee for an annual nonresident trail pass is \$34.25. The fee for a 5-day
12 nonresident trail pass is \$19.25. Annual trail passes expire on March 31 of each year.

13 (e) 1. The department may appoint any person who is not an employee of the
14 department as the department's agent to issue temporary trail use receipts and
15 collect the fees for these receipts.

16 2. Any person, including the department, who issues a nonresident trail pass
17 or a temporary trail use receipt shall collect in addition to the fee under par. (d) an
18 issuing fee of 75 cents. An agent appointed under subd. 1. may retain 50 cents of the
19 issuing fee to compensate the agent for the agent's services in issuing the temporary
20 trail use receipt.

21 3. The department shall establish, by rule, procedures for issuing nonresident
22 trail passes and temporary trail use receipts, and the department may promulgate
23 rules regulating the activities of persons who are appointed to be agents under this
24 paragraph.

1 (f) A person may operate an off-highway motorcycle off the highways in this
2 state during the first full weekend in June of each year without having a nonresident
3 trail pass or temporary trail use receipt as required under par. (am).

4 **(7) RENTAL OF LIMITED USE OFF-HIGHWAY MOTORCYCLES.** (a) No person who is
5 engaged in the rental or leasing of limited use off-highway motorcycles to the public
6 may do any of the following:

7 1. Rent or lease a limited use off-highway motorcycle for operation by a person
8 who will be operating the limited use off-highway motorcycle for the first time unless
9 the person engaged in the rental or leasing gives the person instruction on how to
10 operate the limited use off-highway motorcycle.

11 2. Rent or lease a limited use off-highway motorcycle to a person under 12
12 years of age.

13 3. Rent or lease a limited use off-highway motorcycle without first ascertaining
14 that any person under the age of 18 who will be on the vehicle has protective
15 headgear of the type required under s. 347.485 (1) (a).

16 (b) A person who is engaged in the rental or leasing of limited use off-highway
17 motorcycles to the public shall have clean, usable protective headgear available for
18 rent in sufficient quantity to provide headgear to all persons under the age of 18 who
19 will be on the limited use off-highway motorcycles that the person rents or leases.

20 (c) The department may promulgate rules to establish minimum standards for
21 the instruction given under par. (a) 1.

22 **(8) USE OF PROTECTIVE HEADGEAR.** (a) *Off highway.* No person may operate an
23 off-highway motorcycle on an off-highway motorcycle corridor, or be a passenger on
24 an off-highway motorcycle that is being operated on an off-highway motorcycle

1 corridor, without wearing protective headgear of the type required under s. 347.485

2 (1) (a), with the chin strap properly fastened, unless one of the following applies:

3 1. The person is at least 18 years of age.

4 2. The person is traveling for the purpose of hunting or fishing and is at least
5 12 years of age.

6 3. The off-highway motorcycle is being operated for an agricultural purpose.

7 (b) *On highway.* No person may operate a limited use off-highway motorcycle
8 on an off-highway motorcycle route or in an area where operation is authorized
9 under sub. (10) (a) or (11) (a), or be a passenger on an off-highway motorcycle that
10 is being operated on such a route or in such an area, without wearing protective
11 headgear of the type required under s. 347.485 (1) (a), with the chin strap properly
12 fastened, unless the person is at least 18 years of age.

13 (c) *On corridors and routes.* No person may operate or be a passenger on an
14 off-highway motorcycle that is being operated on an off-highway motorcycle
15 corridor or on an off-highway motorcycle route without wearing glasses, wearing
16 goggles, or wearing a protective face shield that is attached to headgear approved by
17 the department.

18 **(9) RULES OF OPERATION.** (a) No person who is operating an off-highway
19 motorcycle off a highway may do any of the following:

20 1. Operate the off-highway motorcycle in any careless way so as to endanger
21 another person or the property of another.

22 2. Operate the off-highway motorcycle at a rate of speed that is unreasonable
23 under the circumstances.

1 3. Operate the off-highway motorcycle on private property without the consent
2 of the owner or lessee. Failure to post private property does not imply consent for
3 off-highway motorcycle use.

4 4. Operate the off-highway motorcycle on public property that is posted as
5 closed to off-highway motorcycle operation or on which the operation of an
6 off-highway motorcycle is prohibited by law.

7 5. Operate the off-highway motorcycle on Indian lands without the consent of
8 the tribal governing body or Indian owner. Failure to post Indian lands does not
9 imply consent for off-highway motorcycle use.

10 6. Operate the off-highway motorcycle at a speed exceeding 10 miles per hour,
11 if the off-highway motorcycle is within 100 feet of a fishing shanty.

12 7. Operate the off-highway motorcycle at a speed exceeding 10 miles per hour,
13 if the off-highway motorcycle is within 150 feet of a dwelling. The speed limit
14 specified in this subsection does not apply to a person operating an off-highway
15 motorcycle on a roadway that is designated as an off-highway motorcycle route.

16 8. Operate the off-highway motorcycle on the frozen surface of public waters
17 or on an off-highway motorcycle trail at a speed exceeding 10 miles per hour or
18 without yielding the right-of-way when within 100 feet of another person who is not
19 operating a motor vehicle, an all-terrain vehicle, a utility terrain vehicle, an
20 off-highway motorcycle, or a snowmobile.

21 9. Operate the off-highway motorcycle to drive or pursue any animal except as
22 part of normal farming operations involving livestock.

23 10. Operate the off-highway motorcycle in a manner which violates rules
24 promulgated by the department. This subdivision does not authorize the

1 department to promulgate or enforce a rule that imposes a speed restriction that is
2 more stringent than a speed restriction specified under this paragraph.

3 (b) The speed restrictions under par. (a) 6. and 8. do not apply to a race or derby
4 sponsored by a local governmental unit, by an off-highway motorcycle association,
5 or by a similar organization that is approved by a local governmental unit if the
6 sponsor of the race or derby marks the race or derby route or track to warn spectators
7 from entering the route or track.

8 (c) 1. The distance restriction under par. (a) 8. does not apply to persons who
9 are assisting in directing a race or derby sponsored by a local governmental unit, by
10 an off-highway motorcycle association, or by a similar organization that is approved
11 by a local governmental unit.

12 2. The distance restriction under par. (a) 8. does not apply if the person who is
13 not operating the motor vehicle, all-terrain vehicle, utility terrain vehicle,
14 off-highway motorcycle, or snowmobile gives his or her consent to have the person
15 operating the off-highway motorcycle at a closer distance.

16 **(10) OPERATION ON HIGHWAYS; LIMITED USE MOTORCYCLES.** (a) *Generally.* No
17 person may operate a limited use off-highway motorcycle on the roadway portion of
18 any highway unless one of the following applies:

19 1. Operation on the roadway is necessary to cross the roadway. The crossing
20 of a roadway is authorized only if the crossing is done in the most direct manner
21 practicable, if the crossing is made at a place where no obstruction prevents a quick
22 and safe crossing, and if the operator stops the limited use off-highway motorcycle
23 prior to entering the crossing and yields the right-of-way to any other vehicles,
24 pedestrians, or electric personal assistive mobility devices that are using the
25 roadway.

1 2. Operation on the roadway is necessary to cross a bridge, culvert, or railroad
2 right-of-way. The crossing of a bridge, culvert, or railroad right-of-way is not
3 authorized if the roadway is officially closed to off-highway motorcycle traffic. The
4 crossing is authorized only if the crossing is done in the most direct manner
5 practicable, if the crossing is made at a place where no obstruction prevents a quick
6 and safe crossing, and if the operator stops the limited use off-highway motorcycle
7 prior to entering the crossing and yields the right-of-way to any other vehicles,
8 pedestrians, or electric personal assistive mobility devices that are using the
9 roadway.

10 2m. Operation is on the roadway or shoulder for the purpose of crossing a bridge
11 that is 1,000 feet in length or less if the operation is in compliance with a county
12 ordinance adopted under sub. (21) (am) that applies to that bridge and a city, village,
13 or town ordinance adopted under sub. (21) (am) that applies to that bridge.

14 3. Operation is on a roadway which is not maintained, or is only minimally
15 maintained, on a seasonal basis for motor vehicle traffic. Such operation is
16 authorized only during the seasons when no maintenance occurs and only if the
17 roadway is not officially closed to off-highway motorcycle traffic.

18 4. Operation is on a roadway that is an off-highway motorcycle route. Such
19 operation is authorized only for the extreme right side of the roadway except that left
20 turns may be made from any part of the roadway which is safe given prevailing
21 conditions.

22 5. The operator of the limited use off-highway motorcycle is a person who holds
23 a Class A permit or a Class B permit under s. 29.193 (2) and who is traveling for the
24 purpose of hunting or is otherwise engaging in an activity authorized by the permit.

1 6. The limited use off-highway motorcycle is registered for private use under
2 sub. (3) and is being used exclusively as an implement of husbandry or for
3 agricultural purposes. Such operation is authorized only for the extreme right side
4 of the roadway except that left turns may be made from any part of the roadway
5 which is safe given prevailing conditions.

6 7. The roadway part of the highway is blocked off for a special off-highway
7 motorcycle event as authorized under par. (b).

8 (b) *Off-highway motorcycle events.* A local governmental unit may block off
9 highways under its jurisdiction for the purpose of allowing special off-highway
10 motorcycle events. No state trunk highway or connecting highway, or part thereof,
11 may be blocked off by any local governmental unit for any off-highway motorcycle
12 event. A local governmental unit shall notify the local police department and the
13 county sheriff's office at least one week in advance of the time and place of any
14 off-highway motorcycle event that may result in any street, or part thereof, of the
15 local governmental unit being blocked off.

16 (c) *Freeways.* No person may operate a limited use off-highway motorcycle on
17 any part of any freeway which is a part of the federal system of interstate and defense
18 highways under any circumstances. No person may operate a limited use
19 off-highway motorcycle on any part of any other freeway unless the department of
20 transportation authorizes the use of limited use off-highway motorcycles on that
21 freeway.

22 **(11) OPERATION ADJACENT TO ROADWAY.** (a) *Location of operation.* 1. A person
23 may operate an off-highway motorcycle adjacent to a roadway of a city, village, or
24 town highway that is designated as an off-highway motorcycle route or an

1 off-highway motorcycle trail without any restriction on how close the off-highway
2 motorcycle is to the roadway.

3 2. A person may operate an off-highway motorcycle adjacent to a roadway of
4 a U.S. numbered highway, a state highway, or a county highway that is designated
5 an off-highway motorcycle route or an off-highway motorcycle trail provided that
6 the operation occurs at a distance of 10 or more feet from the roadway or such greater
7 distance as is reasonably necessary in order to avoid an obstruction. Travel on the
8 median of a divided highway is prohibited except to cross.

9 (b) *Direction of operation.* 1. Except as provided in subd. 2., a person may
10 operate an off-highway motorcycle on an off-highway motorcycle route or
11 off-highway motorcycle trail adjacent to a roadway only in the same direction as
12 motor vehicle traffic in the nearest lane.

13 2. A person may operate the off-highway motorcycle in either direction if any
14 of the following applies:

15 a. The off-highway motorcycle is being operated during hours of daylight.

16 b. The off-highway motorcycle is being operated during hours of darkness and
17 the off-highway motorcycle route or off-highway motorcycle trail is located at least
18 40 feet from the roadway or is separated from the roadway by a head lamp barrier.

19 (c) *Other limitation.* A person operating an off-highway motorcycle on an
20 off-highway motorcycle route or off-highway motorcycle trail adjacent to a roadway
21 shall comply with the speed limits of the adjacent roadway and with rules
22 promulgated by the department and approved by the department of transportation.

23 **(12) INTOXICATED OPERATION.** (a) *Operation.* 1. No person may operate an
24 off-highway motorcycle while under the influence of an intoxicant to a degree which
25 renders him or her incapable of safe operation of the off-highway motorcycle.

1 2. No person may engage in the operation of an off-highway motorcycle while
2 the person has an alcohol concentration of 0.08 or more.

3 2m. No person may engage in the operation of an off-highway motorcycle while
4 the person has a detectable amount of a restricted controlled substance in his or her
5 blood.

6 3. If a person has not attained the age of 21, the person may not engage in the
7 operation of an off-highway motorcycle while he or she has an alcohol concentration
8 of more than 0.0 but not more than 0.08.

9 4. A person may be charged with and a prosecutor may proceed upon a
10 complaint based upon a violation of any combination of subd. 1., 2., or 2m. for acts
11 arising out of the same incident or occurrence. If the person is charged with violating
12 any combination of subd. 1., 2., or 2m., the offenses shall be joined. If the person is
13 found guilty of any combination of subd. 1., 2., or 2m. for acts arising out of the same
14 incident or occurrence, there shall be a single conviction for purposes of sentencing
15 and for purposes of counting convictions under sub. (23) (c) 2. and 3. Subdivisions
16 1., 2., and 2m. each require proof of a fact for conviction which the others do not
17 require.

18 5. In an action under subd. 2m. that is based on the defendant allegedly having
19 a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or
20 delta-9-tetrahydrocannabinol in his or her blood, the defendant has a defense if he
21 or she proves by a preponderance of the evidence that at the time of the incident or
22 occurrence he or she had a valid prescription for methamphetamine or one of its
23 metabolic precursors, gamma-hydroxybutyric acid, or
24 delta-9-tetrahydrocannabinol.

1 (b) *Operation causing injury.* 1. No person while under the influence of an
2 intoxicant to a degree which renders him or her incapable of safe operation of an
3 off-highway motorcycle may cause injury to another person by the operation of an
4 off-highway motorcycle.

5 2. No person who has an alcohol concentration of 0.08 or more may cause injury
6 to another person by the operation of an off-highway motorcycle.

7 2m. No person who has a detectable amount of a restricted controlled substance
8 in his or her blood may cause injury to another person by the operation of an
9 off-highway motorcycle.

10 3. A person may be charged with and a prosecutor may proceed upon a
11 complaint based upon a violation of any combination of subd. 1., 2., or 2m. for acts
12 arising out of the same incident or occurrence. If the person is charged with violating
13 any combination of subd. 1., 2., or 2m. in the complaint, the crimes shall be joined
14 under s. 971.12. If the person is found guilty of any combination of subd. 1., 2., or 2m.
15 for acts arising out of the same incident or occurrence, there shall be a single
16 conviction for purposes of sentencing and for purposes of counting convictions under
17 sub. (23) (c) 2. and 3. Subdivisions 1., 2., and 2m. each require proof of a fact for
18 conviction which the others do not require.

19 4. In an action under this paragraph, the defendant has a defense if he or she
20 proves by a preponderance of the evidence that the injury would have occurred even
21 if he or she had been exercising due care and even if he or she had not been under
22 the influence of an intoxicant to a degree which rendered him or her incapable of safe
23 operation, did not have an alcohol concentration of 0.08 or more, or did not have a
24 detectable amount of a restricted controlled substance in his or her blood.

1 5. In an action under subd. 2m. that is based on the defendant allegedly having
2 a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or
3 delta-9-tetrahydrocannabinol in his or her blood, the defendant has a defense if he
4 or she proves by a preponderance of the evidence that at the time of the incident or
5 occurrence he or she had a valid prescription for methamphetamine or one of its
6 metabolic precursors, gamma-hydroxybutyric acid, or
7 delta-9-tetrahydrocannabinol.

8 (c) *Implied consent.* Any person who engages in the operation of an
9 off-highway motorcycle upon the public highways of this state, or in those areas
10 enumerated in par. (d), is considered to have given consent to provide one or more
11 samples of his or her breath, blood, or urine for the purpose of authorized analysis
12 as required under pars. (f) and (g). Any person who engages in the operation of an
13 off-highway motorcycle within this state is considered to have given consent to
14 submit to one or more chemical tests of his or her breath, blood, or urine for the
15 purpose of authorized analysis as required under pars. (f) and (g).

16 (d) *Applicability of law.* The intoxicated operation of an off-highway
17 motorcycle law applies to all of the following:

18 1. The operation of an off-highway motorcycle on any off-highway motorcycle
19 corridor or any off-highway motorcycle route.

20 2. The operation of any off-highway motorcycle on other premises or areas
21 located off the highways that are held out to the public for the recreational use of
22 off-highway motorcycles whether such premises or areas are publicly or privately
23 owned and whether or not a fee is charged for the use of an off-highway motorcycle.

24 3. The operation of a limited use off-highway motorcycle on a highway as
25 authorized under sub. (10).

1 4. The operation of an off-highway motorcycle adjacent to a highway as
2 authorized under sub. (11).

3 (e) *Preliminary breath screening.* 1. A person shall provide a sample of his or
4 her breath for a preliminary breath screening test if a law enforcement officer has
5 probable cause to believe that the person is violating or has violated the intoxicated
6 operation of an off-highway motorcycle law and if, prior to an arrest, the law
7 enforcement officer requested the person to provide this sample.

8 2. A law enforcement officer may use the results of a preliminary breath
9 screening test for the purpose of deciding whether or not to arrest a person for a
10 violation of the intoxicated operation of an off-highway motorcycle law or for the
11 purpose of deciding whether or not to request a chemical test under par. (f).
12 Following the preliminary breath screening test, chemical tests may be required of
13 the person under par. (f).

14 3. The result of a preliminary breath screening test is not admissible in any
15 action or proceeding except to show probable cause for an arrest, if the arrest is
16 challenged, or to show that a chemical test was properly required of a person under
17 par. (f).

18 4. There is no penalty for a violation of subd. 1. Subsection (23) (a) and the
19 general penalty provision under s. 939.61 do not apply to the violation.

20 (f) *Chemical tests; requirement.* 1. A person shall provide one or more samples
21 of his or her breath, blood, or urine for the purpose of authorized analysis if he or she
22 is arrested for a violation of the intoxicated operation of an off-highway motorcycle
23 law and if he or she is requested to provide the sample by a law enforcement officer.
24 A person shall submit to one or more chemical tests of his or her breath, blood, or
25 urine for the purpose of authorized analysis if he or she is arrested for a violation of

1 the intoxicated operation of an off-highway motorcycle law and if he or she is
2 requested to submit to the test by a law enforcement officer.

3 2. A law enforcement officer requesting a person to provide a sample or to
4 submit to a chemical test under subd. 1. shall inform the person of all of the following
5 at the time of the request and prior to obtaining the sample or administering the test:

6 a. That he or she is deemed to have consented to tests under par. (c).

7 b. That a refusal to provide a sample or to submit to a chemical test constitutes
8 a violation under par. (h) and is subject to the same penalties and procedures as a
9 violation of par. (a) 1.

10 c. That in addition to the designated chemical test under par. (g) 2., he or she
11 may have an additional chemical test under par. (g) 4.

12 3. A person who is unconscious or otherwise not capable of withdrawing
13 consent is presumed not to have withdrawn consent under this paragraph, and if a
14 law enforcement officer has probable cause to believe that the person violated the
15 intoxicated operation of an off-highway motorcycle law, one or more chemical tests
16 may be administered to the person without a request under subd. 1. and without
17 providing information under subd. 2.

18 (g) *Chemical tests; procedures.* 1. Upon the request of a law enforcement officer,
19 a test facility shall administer a chemical test of breath, blood, or urine for the
20 purpose of authorized analysis. A test facility shall be prepared to administer 2 out
21 of 3 of these tests for the purpose of authorized analysis. The department may enter
22 into agreements for the cooperative use of test facilities.

23 2. A test facility shall designate one chemical test of breath, blood, or urine
24 which it is prepared to administer first as the primary test for the purpose of
25 authorized analysis.

1 3. A test facility shall designate another chemical test of breath, blood, or urine,
2 other than the test designated under subd. 2., which it is prepared to administer as
3 an additional chemical test for the purpose of authorized analysis.

4 4. If a person is arrested for a violation of the intoxicated operation of an
5 off-highway motorcycle law or is the operator of an off-highway motorcycle involved
6 in an accident resulting in great bodily harm to or the death of someone and if the
7 person is requested to provide a sample or to submit to a test under par. (f) 1., the
8 person may request the test facility to administer the additional chemical test
9 specified under subd. 3.. or, at his or her own expense, reasonable opportunity to have
10 any qualified person administer a chemical test of his or her breath, blood, or urine
11 for the purpose of authorized analysis.

12 5. If a person is arrested for a violation of the intoxicated operation of an
13 off-highway motorcycle law and if the person is not requested to provide a sample
14 or to submit to a test under par. (f) 1., the person may request the test facility to
15 administer a chemical test of his or her breath or may request, at his or her own
16 expense, a reasonable opportunity to have any qualified person administer a
17 chemical test of his or her breath, blood, or urine for the purpose of authorized
18 analysis. If a test facility is unable to perform a chemical test of breath, the person
19 may request the test facility to administer the chemical test designated under subd.
20 2. or the additional chemical test designated under subd. 3.

21 6. A test facility shall comply with a request under this paragraph to
22 administer any chemical test it is able to perform.

23 7. The failure or inability of a person to obtain a chemical test at his or her own
24 expense does not preclude the admission of evidence of the results of a chemical test
25 required and administered under this paragraph or par. (f).

1 8. A chemical test of blood or urine conducted for the purpose of authorized
2 analysis is valid as provided under s. 343.305 (6). The duties and responsibilities of
3 the laboratory of hygiene, department of health services, and department of
4 transportation under s. 343.305 (6) apply to a chemical test of blood or urine
5 conducted for the purpose of authorized analysis under this paragraph and par. (f).
6 Blood may be withdrawn from a person arrested for a violation of the intoxicated
7 operation of an off-highway motorcycle law only by a physician, registered nurse,
8 medical technologist, physician assistant, phlebotomist, or other medical
9 professional who is authorized to draw blood, or person acting under the direction
10 of a physician, and the person who withdraws the blood, the employer of that person,
11 and any hospital where blood is withdrawn have immunity from civil or criminal
12 liability as provided under s. 895.53.

13 9. A test facility which administers a chemical test of breath, blood, or urine
14 for the purpose of authorized analysis under this paragraph and par. (f) shall prepare
15 a written report which shall include the findings of the chemical test, the
16 identification of the law enforcement officer or the person who requested a chemical
17 test, and the identification of the person who provided the sample or submitted to the
18 chemical test. The test facility shall transmit a copy of the report to the law
19 enforcement officer and the person who provided the sample or submitted to the
20 chemical test.

21 (h) *Chemical tests; refusal.* No person may refuse a lawful request to provide
22 one or more samples of his or her breath, blood, or urine or to submit to one or more
23 chemical tests under par. (f). A person shall not be considered to have refused to
24 provide a sample or to submit to a chemical test if it is shown by a preponderance of
25 the evidence that the refusal was due to a physical inability to provide the sample

1 or to submit to the test due to a physical disability or disease unrelated to the use of
2 an intoxicant. Issues in any action concerning violation of par. (f) or this paragraph
3 are limited to the following:

4 1. Whether the law enforcement officer had probable cause to believe the
5 person was violating or had violated the intoxicated operation of an off-highway
6 motorcycle law.

7 2. Whether the person was lawfully placed under arrest for violating the
8 intoxicated operation of an off-highway motorcycle law.

9 3. Whether the law enforcement officer requested the person to provide a
10 sample or to submit to a chemical test and provided the information required under
11 par. (f) 2. or whether the request and information was unnecessary under par. (f) 3.

12 4. Whether the person refused to provide a sample or to submit to a chemical
13 test.

14 (i) *Chemical tests; effect of test results.* The results of a chemical test required
15 or administered under par. (f) or (g) are admissible in any civil or criminal action or
16 proceeding arising out of the acts committed by a person alleged to have violated the
17 intoxicated operation of an off-highway motorcycle law on the issue of whether the
18 person was under the influence of an intoxicant or the issue of whether the person
19 had alcohol concentrations at or above specified levels or a detectable amount of a
20 restricted controlled substance in his or her blood. Results of these chemical tests
21 shall be given the effect required under s. 885.235. Paragraphs (f) to (h) do not limit
22 the right of a law enforcement officer to obtain evidence by any other lawful means.

23 (j) *Report of arrest to department.* If a law enforcement officer arrests a person
24 for a violation of the intoxicated operation of an off-highway motorcycle law or the

1 refusal law, the law enforcement officer shall notify the department of the arrest as
2 soon as practicable.

3 (k) *Release of persons arrested.* 1. A person arrested for a violation of the
4 intoxicated operation of the off-highway motorcycle law may not be released until
5 12 hours have elapsed from the time of his or her arrest or unless a chemical test
6 administered under par. (a) 1. or 2. shows that the person has an alcohol
7 concentration of 0.05 or less, except as provided in subd 2.

8 2. A person arrested for a violation of the intoxicated operation of the
9 off-highway motorcycle law may be released to his or her attorney, spouse, relative,
10 or other responsible adult at any time after arrest.

11 (L) *Public education program.* 1. The department shall promulgate rules to
12 provide for a public education program to:

13 a. Inform off-highway motorcycle operators of the prohibitions and penalties
14 included in the intoxicated operation of an off-highway motorcycle law.

15 b. Provide for the development of signs briefly explaining the intoxicated
16 operation of an off-highway motorcycle law.

17 2. The department shall develop and issue an educational pamphlet on the
18 intoxicated operation of an off-highway motorcycle law to be distributed to persons
19 issued off-highway motorcycle registration certificates under sub. (3).

20 **(13) AGE RESTRICTIONS; SAFETY CERTIFICATE REQUIREMENTS.** (a) *Under 12 years*
21 *of age.* A person who is under 12 years of age may not operate an off-highway
22 motorcycle on a roadway under any circumstances and may not operate an
23 off-highway motorcycle off a roadway unless he or she is accompanied by a parent
24 or guardian or by a person who is at least 18 years of age who has been designated
25 by the parent or guardian.

1 (b) *At least 12 years of age.* No person who is at least 12 years of age and born
2 after January 1, 1998, may operate an off-highway motorcycle off the highways
3 unless the person holds a valid certificate issued by the department under sub. (14)
4 or by another state or a province of Canada.

5 (bg) *Proof required.* Any person who is required under sub. (13) to hold a safety
6 certificate while operating an off-highway motorcycle shall carry proof that the
7 person holds a valid safety certificate and shall display that proof to a law
8 enforcement officer on request.

9 (br) *Operation during safety certification program.* Persons enrolled in a safety
10 certification program under sub. (14) may operate an off-highway motorcycle in an
11 area designated by the instructor.

12 (c) *Exemptions.* 1. The restrictions under pars. (a) and (b) do not apply to the
13 operation of an off-highway motorcycle on private property if the owner of the
14 property has given consent for the operation and does not hold the property out to
15 the public for use of off-highway motorcycles.

16 2. The restriction under par. (a) does not apply to a person who is operating a
17 limited use off-highway motorcycle at an off-highway motorcycle event sponsored
18 by a local governmental unit, by an off-highway motorcycle association, or by a
19 similar organization that is approved by a local governmental unit, who is wearing
20 protective headgear in compliance with sub. (8) (a) or (b), and who is accompanied
21 by a person who is at least 18 years of age or a parent or guardian.

22 **(14) SAFETY CERTIFICATION PROGRAM.** The department shall establish or
23 supervise the establishment of a program of instruction on laws related to the
24 operation of off-highway motorcycles for recreational purposes off the highways.
25 The program shall include instruction on the intoxicated operation of an off-highway

1 motorcycle law, safety, and related subjects. The department shall establish by rule
2 an instruction fee for this program. All or part of this program may be conducted by
3 means of online instruction. The department shall issue certificates to persons
4 successfully completing the program. An instructor conducting the program of
5 instruction under this subsection shall collect the fee from each person who receives
6 instruction. The department may determine the portion of this fee, which may not
7 exceed 50 percent, that the instructor may retain to defray expenses incurred by the
8 instructor in conducting the program. The instructor shall remit the remainder of
9 the fee or, if nothing is retained, the entire fee to the department. The department
10 shall issue a duplicate certificate of accomplishment to a person who is entitled to a
11 duplicate certificate of accomplishment and who pays a fee of \$2.75.

12 **(15) SAFETY GRANT PROGRAM.** (a) The department shall establish a program to
13 award grants to organizations that meet the eligibility requirements under par. (b).

14 (b) To be eligible for a grant under this subsection, an organization shall meet
15 all of the following requirements:

- 16 1. The organization is a nonstock corporation organized in this state.
- 17 2. The organization promotes the off-highway operation of off-highway
18 motorcycles in a manner that is safe and responsible and that does not harm the
19 environment.
- 20 3. The organization promotes the off-highway operation of off-highway
21 motorcycles in a manner that does not conflict with the laws, rules, and departmental
22 policies that are applicable to the operation of off-highway motorcycles.
- 23 4. The interest of the organization is limited to the recreational operation of
24 off-highway motorcycles on off-highway motorcycle trails, off-highway motorcycle
25 routes, and other areas that are off the highways.

1 5. The organization provides support to off-highway motorcycle clubs.

2 (c) An organization receiving a grant under this subsection shall use the grant
3 moneys to promote and provide support to the safety certification program
4 established under sub. (14) by conducting activities that include all of the following:

5 1. Collecting data on the recreational off-highway operation of off-highway
6 motorcycles.

7 2. Providing assistance to the department in locating, recruiting, and training
8 instructors for the safety certification program established under sub. (14).

9 3. Attempting to increase participation by current and future off-highway
10 motorcycle operators and owners in the safety certification program established
11 under sub. (14).

12 4. Assisting the department of natural resources and the department of
13 tourism in creating an outreach program to inform local communities of appropriate
14 recreational off-highway use of off-highway motorcycles in their communities and
15 of the economic benefits that may be gained from promoting tourism to attract
16 persons who will participate in the recreational off-highway use of off-highway
17 motorcycles.

18 5. Attempting to improve and maintain its relationship with all of the
19 following:

20 a. The department of natural resources and the department of tourism.

21 b. Off-highway motorcycle dealers and manufacturers of off-highway
22 motorcycles.

23 c. All-terrain vehicle dealers, as defined in s. 23.33 (1) (bd), and all-terrain
24 vehicle manufacturers, as defined in s. 23.33 (1) (bp).

1 d. Snowmobile clubs, as defined in s. 350.138 (1) (e), snowmobile alliances, as
2 defined in s. 350.138 (1) (d), and other organizations that promote the recreational
3 operation of snowmobiles.

4 6. Recruiting, assisting in the training of, and providing support to, a corps of
5 volunteers that will assist in providing instruction on the safe and responsible
6 off-highway operation of off-highway motorcycles that is given in the field to
7 operators of off-highway motorcycles.

8 7. Assist the department in publishing a manual that will be used to train
9 volunteers in monitoring the recreational off-highway operation of off-highway
10 motorcycles for safety issues and other issues that relate to responsible operation.

11 (d) The department shall pay the grants from the appropriation under s. 20.370
12 (1) (jb).

13 **(17) EQUIPMENT REQUIREMENTS.** (a) No person may operate a limited use
14 off-highway motorcycle during hours of darkness unless it is equipped with a lighted
15 headlamp and a lighted tail lamp. The headlamp is required to display a white light
16 of sufficient illuminating power to reveal any person, vehicle, or substantial object
17 at a distance of at least 200 feet ahead of the off-highway motorcycle. The tail lamp
18 is required to display a red light plainly visible from a distance of 500 feet to the rear.

19 (b) No person may operate a limited use off-highway motorcycle unless it is
20 equipped with all of the following:

- 21 1. At least one brake operated either by hand or by foot.
- 22 2. Foot rests or pegs for the operator and any passenger.
- 23 3. A functioning spark arrester of a type approved by the U.S. forest service.
- 24 4. A functioning muffler unless the off-highway motorcycle is propelled by
25 electric power.

1 (c) No person may operate a limited use off-highway motorcycle unless the
2 limited use off-highway motorcycle is constructed in such a manner that noise
3 emitted from the limited use off-highway motorcycle does not exceed 96 decibels on
4 the A scale as measured in the manner required under rules promulgated by the
5 department.

6 (d) Paragraphs (a) to (c) do not apply to the operation of a limited use
7 off-highway motorcycle on private property if the owner of the property has given
8 consent for the operation and does not hold the property out to the public for use of
9 off-highway motorcycles.

10 (e) Paragraphs (b) 3. and (c) do not apply to the operation of a limited use
11 off-highway motorcycle that is operated in racing on a public raceway facility or as
12 part of a special public off-highway motorcycle event as authorized under sub. (10)
13 (b).

14 **(18) ACCIDENTS.** (a) If an operator of an off-highway motorcycle is involved in
15 an accident that occurs off a highway and that results in the death of any person or
16 in the injury of any person on public land that requires treatment by a physician, the
17 operator of each off-highway motorcycle involved in the accident shall give notice of
18 the accident to a conservation warden or local law enforcement officer as soon as
19 possible. Each operator shall also file a written report of the accident with the
20 department on the form provided by it within 10 days after the accident.

21 (b) If an operator of an off-highway motorcycle is physically incapable of
22 making the report required under par. (a) and there was another witness to the
23 accident capable of making the report, the witness may make the report.

24 **(19) TRAILS AND ROUTES.** (a) *Department authority.* The department shall
25 encourage, develop, and supervise a system of off-highway motorcycle trails and

1 off-highway motorcycle routes. The department may establish standards and
2 procedures for designating off-highway motorcycle trails and off-highway
3 motorcycle routes under the jurisdiction of the department.

4 (b) *Trails.* A local governmental unit or the department may designate
5 corridors through land which it owns or controls, or for which it obtains leases,
6 easements, or permission, for recreational use as off-highway motorcycle trails. A
7 designation may include all or a portion of an all-terrain vehicle trail.

8 (c) *Routes.* A local governmental unit may designate highways as off-highway
9 motorcycle routes. No state trunk highway or connecting highway may be
10 designated as an off-highway motorcycle route unless the department of
11 transportation approves the designation.

12 (d) *Restrictions.* The designating local governmental unit may specify effective
13 periods for the use of off-highway motorcycle trails and off-highway motorcycle
14 routes and may restrict or prohibit the operation of off-highway motorcycles during
15 certain periods of the year.

16 (e) *Signs.* The department, in cooperation with the department of
17 transportation, shall establish uniform signs and standards for off-highway
18 motorcycle routes and off-highway motorcycle trails.

19 (f) *Interference with signs and standards prohibited.* 1. No person may
20 intentionally remove, damage, deface, move, obstruct, or interfere with the effective
21 operation of any uniform off-highway motorcycle route sign or standard or any
22 uniform off-highway motorcycle trail sign or standard if the sign or standard is
23 legally placed by the state, any local governmental unit, or any authorized
24 individual.

1 2. No person may possess any uniform off-highway motorcycle route sign or
2 standard or any uniform off-highway motorcycle trail sign or standard of the type
3 established by the department for the warning, instruction, or information of the
4 public unless he or she obtained the uniform sign or standard in a lawful manner.
5 Possession of a uniform sign or standard creates a rebuttable presumption of illegal
6 possession.

7 **(20)** ENFORCEMENT ACTIVITIES AND PROJECTS; FUNDING. (a) *Calculation of*
8 *registration fees.* Before January 1 of each fiscal year, the department shall
9 determine the total amount of fees received from the registration of off-highway
10 motorcycles under subs. (4) (d) and (e) and (5) (e) in the previous fiscal year.

11 (b) *Off-highway motorcycle projects.* The department may use funding from
12 the appropriation under s. 20.370 (1) (jb) for off-highway motorcycle projects that are
13 undertaken by the state or by local governmental units. Any of the following types
14 of off-highway motorcycle projects are eligible for funding:

15 1. Acquisition of an easement or land in fee simple.

16 2. An off-highway motorcycle facility such as a parking area, riding area,
17 shelter, toilets, or other improvement.

18 3. Development of off-highway motorcycle routes or off-highway motorcycle
19 trails.

20 4. Development or maintenance of an all-terrain vehicle trail, all-terrain
21 vehicle route, or all-terrain vehicle facility or a snowmobile trail, snowmobile route,
22 or snowmobile facility, if the trail, route, or facility is open for use by off-highway
23 motorcycles.

1 5. Maintenance of off-highway motorcycle trails and off-highway motorcycle
2 routes, including routes on roadways that are not maintained or only minimally
3 maintained for motor vehicle traffic on a seasonal basis.

4 6. Purchase of liability insurance.

5 (c) *Priorities*. In providing funding for the types of projects listed in par. (b), the
6 department shall give higher overall priority to projects for facilities and trails that
7 are open only for use by off-highway motorcycles. In determining which off-highway
8 motorcycle projects will be provided funding, the department shall consider all of the
9 following:

10 1. The distance of a proposed off-highway project from a comparable existing
11 project.

12 2. The amount of interest demonstrated by a community in developing or
13 maintaining an off-highway motorcycle project.

14 3. The amount of support demonstrated by a local governmental unit in which
15 the project will be located.

16 4. The number of existing trails, routes, and facilities that are open to
17 off-highway motorcycles or that are in the process of being developed.

18 (d) *Signs*. In addition to the types of projects listed in par. (b), the department
19 may provide funding under this subsection to a local governmental unit for up to 100
20 percent of the cost of placing signs developed under sub. (12) (L) 1. b.

21 (e) *Charging of fees*. A local governmental unit that has not received funding
22 under par. (b) in the prior fiscal year may charge a seasonal or daily use fee for an
23 off-highway motorcycle area operated by the local governmental unit.

24 **(21) LOCAL ORDINANCES.** (a) Any local governmental unit may enact an
25 ordinance that is in strict conformity with this section and rules promulgated by the

1 department under this section, if the ordinance encompasses all aspects
2 encompassed by this section.

3 (am) A county, city, village, or town may enact an ordinance to authorize the
4 operation of limited use off-highway motorcycles on a highway bridge that is not part
5 of the national system of interstate and defense highways, that is 1,000 feet in length
6 or less, and that is located within the territorial boundaries of the county, city, village,
7 or town regardless of whether the county, city, village, or town has jurisdiction over
8 the highway. Any such ordinance shall require a person crossing a bridge to do all
9 of the following:

10 1. Cross the bridge in the most direct manner practicable and at a place where
11 no obstruction prevents a quick and safe crossing.

12 2. Stay as far to the right of the roadway or shoulder as practicable.

13 3. Stop the vehicle prior to the crossing.

14 4. Yield the right-of-way to other vehicles, pedestrians, and electric personal
15 assistive mobility devices using the roadway or shoulder.

16 5. Exit the highway as quickly and safely as practicable after crossing the
17 bridge.

18 (b) If a local governmental unit enacts an ordinance regulating off-highway
19 motorcycles, its clerk shall immediately send a copy of the ordinance to the
20 department, to the state traffic patrol, and to the office of any law enforcement
21 agency of each local governmental unit having jurisdiction over any of the highways
22 to which the ordinance applies.

23 **(22) ENFORCEMENT.** (a) A law enforcement officer has the authority and
24 jurisdiction to enforce this section and ordinances enacted in accordance with this
25 section.

1 (b) No operator of an off-highway motorcycle may refuse to stop after being
2 requested or signaled to do so by a law enforcement officer.

3 **(23) PENALTIES.** (a) *Generally.* Except as provided in pars. (b) to (f), any person
4 who violates this section shall forfeit not more than \$250.

5 (b) *Penalty related to nonresident trail passes.* Any person who violates sub.
6 (6) (am) shall forfeit not more than \$1,000.

7 (c) *Penalties related to intoxicated operation.* 1. Except as provided under
8 subds. 2., 3., and 4., a person who violates sub. (12) (a) 1., 2., or 2m. or (h) shall forfeit
9 not less than \$150 nor more than \$300.

10 2. Except as provided under subds. 3. and 4., a person who violates sub. (12)
11 (a) 1., 2., or 2m. or (h) and who, within 5 years prior to the arrest for the current
12 violation, was convicted previously under the intoxicated operation of an
13 off-highway motorcycle law shall be fined not less than \$300 nor more than \$1,100
14 and shall be imprisoned not less than 5 days nor more than 6 months.

15 3. Except as provided in subd. 4., a person who violates sub. (12) (a) 1., 2., or
16 2m. or (h) and who, within 5 years prior to the arrest for the current violation, was
17 convicted 2 or more times previously under the intoxicated operation of an
18 off-highway motorcycle law shall be fined not less than \$600 nor more than \$2,000
19 and shall be imprisoned not less than 30 days nor more than one year in the county
20 jail.

21 4. A person who violates sub. (12) (a) 3. or (h) and who has not attained the age
22 of 21 shall forfeit not more than \$50.

23 (d) *Penalty related to causing injury; intoxicants.* A person who violates sub.
24 (12) (b) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned
25 not less than 30 days nor more than one year in the county jail.

1 (e) *Penalty related to interference with signs and standards.* Except as provided
2 in par. (f), a person who violates sub. (19) (f) and who, within the last 2 years prior
3 to the arrest for the current violation, was 2 or more times previously convicted for
4 violating a provision of this chapter shall forfeit not more than \$500.

5 (f) *Penalties related to causing death or injury; interference with signs and*
6 *standards.* A person who violates sub. (19) (f) 1. is guilty of a Class H felony if the
7 violation causes the death or injury, as defined in s. 30.67 (3) (b), of another person.

8 (g) *Calculation of previous convictions.* In determining the number of previous
9 convictions under pars. (c) 2. and 3. and (e), convictions arising out of the same
10 incident or occurrence shall be counted as one previous conviction.

11 (h) *Reporting convictions to the department.* Whenever a person is convicted
12 of a violation of the intoxicated operation of an off-highway motorcycle law, the clerk
13 of the court in which the conviction occurred, or the justice, judge, or magistrate of
14 a court not having a clerk, shall forward to the department the record of such
15 conviction. The record of conviction forwarded to the department shall state whether
16 the offender was involved in an accident at the time of the offense.

17 (i) *Intoxicants; assessment.* In addition to any other penalty or order, a person
18 who violates sub. (12) (a), (b), or (h) shall be ordered by the court to submit to and
19 comply with an assessment by an approved public treatment facility for an
20 examination of the person's use of an intoxicant. The assessment order shall comply
21 with s. 343.30 (1q) (c) 1. Intentional failure to comply with an assessment ordered
22 under this paragraph constitutes contempt of court, punishable under ch. 785.

23 (j) *Restoration or replacement of signs and standards.* In addition to any other
24 penalty, the court may order the defendant to restore or replace any uniform
25 off-highway motorcycle route sign or standard, or any uniform off-highway

1 motorcycle trail sign or standard, that the defendant removed, damaged, defaced,
2 moved, or obstructed.

3 **SECTION 13.** 23.35 (1) (intro.) of the statutes is amended to read:

4 23.35 (1) (intro.) The secretary shall enter into a reciprocal agreement with a
5 federally recognized American Indian tribe or band in this state to exempt, from the
6 registration and certification requirements of this state, boats, snowmobiles,
7 all-terrain vehicles, ~~and utility terrain vehicles, and off-highway motorcycles~~ that
8 are owned by tribal or band members and registered under a registration program
9 established by the tribe or band if the tribe or band requests the agreement and if
10 the registration program does all of the following:

11 **SECTION 14.** 23.35 (1) (a) of the statutes is amended to read:

12 23.35 (1) (a) Requires that boats, snowmobiles, all-terrain vehicles, and utility
13 terrain vehicles, ~~and off-highway motorcycles~~ display decals or identification
14 numbers showing valid registration by the tribe or band.

15 **SECTION 15.** 23.35 (1) (b) of the statutes is amended to read:

16 23.35 (1) (b) Employs registration decals and certificates of number that are
17 substantially similar to those employed by the registration or certification programs
18 of this state with regard to size, legibility, information content and placement on the
19 boat, snowmobile, all-terrain vehicle, ~~or utility terrain vehicle, or off-highway~~
20 motorcycle.

21 **SECTION 16.** 23.35 (1) (e) of the statutes is amended to read:

22 23.35 (1) (e) Provides reciprocal exemptions, from the tribe's or band's
23 registration requirements, for boats, snowmobiles, all-terrain vehicles, and utility
24 terrain vehicles, ~~and off-highway motorcycles~~ that are registered or certified by this
25 state that are substantially as favorable as the exemptions enjoyed by the tribe or

1 the band under the agreement. In this paragraph, “reciprocal exemption” means an
2 exemption under the agreement that exempts from a tribe’s or band’s registration
3 requirements, for operation within the boundaries of the tribe’s or band’s
4 reservation, a boat, snowmobile, all-terrain vehicle, ~~or utility terrain vehicle, or~~
5 off-highway motorcycle that is owned by a person who is not a member of the tribe
6 or band and that is registered or certified by this state to the same extent that the
7 agreement exempts from state registration and certification requirements, for the
8 operation outside the boundaries of the tribe’s or band’s reservation, a boat,
9 snowmobile, all-terrain vehicle, ~~or utility terrain vehicle, or off-highway motorcycle~~
10 that is registered by the tribe or band.

11 **SECTION 17.** 23.35 (2) of the statutes is amended to read:

12 23.35 (2) An agreement entered into under sub. (1) may cover a registration
13 program for boats, snowmobiles, all-terrain vehicles, ~~or utility terrain vehicles, or~~
14 off-highway motorcycles, or any combination thereof.

15 **SECTION 18.** 23.45 (1) (d) of the statutes, as affected by 2015 Wisconsin Act 89,
16 is amended to read:

17 23.45 (1) (d) “Registration” means any registration document, as defined in s.
18 23.33 (1) (jn), 23.335 (1) (zg), or s. 350.01 (10t), or any certification or registration
19 document, as defined in s. 30.50 (3b), that is issued by the department or its agents.

20 **SECTION 19.** 23.47 (1) (am) of the statutes is created to read:

21 23.47 (1) (am) A registration document, safety certificate, nonresident trail
22 pass, or temporary trail use receipt under s. 23.335.

23 **SECTION 20.** 23.47 (2) of the statutes, as created by 2015 Wisconsin Act 89, is
24 amended to read:

1 23.47 (2) ELECTRONIC RETRIEVAL OF INFORMATION. If the department maintains
2 a system under which the department stores information in an electronic format that
3 relates to individuals who have been issued approvals under ch. 29 or safety
4 certificates under s. 23.33, 23.335, 30.74, or 350.055, the department may issue a
5 conservation card to any individual who applies for the card for purposes of enabling
6 the department to access information about that individual in the system. The
7 department may authorize an individual to carry a conservation card or another
8 form of identification, determined by the department, in lieu of carrying proof under
9 sub. (1).

10 **SECTION 21.** 23.47 (3) (a) (intro.) of the statutes, as created by 2015 Wisconsin
11 Act 89, is amended to read:

12 23.47 (3) (a) (intro.) The department may maintain a system under which an
13 individual may obtain a reprint of certain approvals under ch. 29 and safety
14 certificates under ~~s. ss.~~ 23.33 and 23.335 and chs. 29, 30, and 350. The department
15 shall designate, by rule, all of the following:

16 **SECTION 22.** 23.47 (3) (b) 3. of the statutes, as created by 2015 Wisconsin Act
17 89, is amended to read:

18 23.47 (3) (b) 3. The department may and an agent appointed under s. 23.33 (2)
19 (i) 3., 23.335 (4) (f) 2., 30.52 (1m) (a) 3., or 350.12 (3h) (a) 3. shall collect a reprint fee
20 of \$1.25 and an issuing fee of 75 cents for each reprint issued of a safety certificate
21 under s. 23.33 or 23.335 or ch. 30 or 350. An agent appointed under s. 23.33 (2) (i)
22 3., 23.335 (4) (f) 2., 30.52 (1m) (a) 3., or 350.12 (3h) (a) 3. may retain 50 cents of each
23 issuing fee for each document reprinted to compensate for services in issuing the
24 reprint.

1 **SECTION 23.** 23.47 (3) (d) of the statutes, as created by 2015 Wisconsin Act 89,
2 is amended to read:

3 23.47 (3) (d) *Safety certificate reprints; transaction fee.* The department shall
4 establish a system under which the department pays each agent appointed under s.
5 23.33 (2) (i) 3., 23.335 (4) (f) 2., 30.52 (1m) (a) 3., or 350.12 (3h) (a) 3. a payment of
6 50 cents for each time that the agent processes a transaction through the statewide
7 automated system under par. (c). This payment is in addition to any issuing fee,
8 processing fee, or handling fee retained by the agent. The department shall make
9 these payments by allowing the agent to retain an amount equal to the payments
10 from the amounts that are collected by the agent and that would otherwise be
11 remitted to the department.

12 **SECTION 24.** 23.50 (1) of the statutes is amended to read:

13 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
14 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
15 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
16 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81, and 299.64 (2),
17 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any
18 administrative rules promulgated thereunder, violations specified under s. 280.98
19 (2) or 285.86, violations of s. 281.36 if the department chooses to proceed under s.
20 281.36 (14) (f), violations of ch. 951 if the animal involved is a captive wild animal,
21 violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k),
22 violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances
23 enacted by any local authority in accordance with s. 23.33 (11) (am), 23.335 (21) (a),
24 or 30.77.

25 **SECTION 25.** 23.50 (3) of the statutes is amended to read:

1 23.50 (3) All actions in municipal court to recover forfeitures, plus costs, fees,
2 and surcharges imposed under ch. 814, for violations of local ordinances enacted by
3 any local authority in accordance with s. 23.33 (11) (am), 23.335 (21) (a), or 30.77
4 shall utilize the procedure in ch. 800. The actions shall be brought before the
5 municipal court having jurisdiction. Provisions relating to citations, arrests,
6 questioning, releases, searches, deposits, and stipulations of no contest in ss. 23.51
7 (1m), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall apply to
8 violations of such ordinances.

9 **SECTION 26.** 23.53 (1) of the statutes is amended to read:

10 23.53 (1) The citation created under this section shall, in all actions to recover
11 forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of
12 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
13 thereunder, and any rule of the Kickapoo reserve management board under s. 41.41
14 (7) (k) be used by any law enforcement officer with authority to enforce those laws,
15 except that the uniform traffic citation created under s. 345.11 may be used by a
16 traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law
17 enforcement agency of a municipality or county or a traffic officer employed under
18 s. 110.07 in enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall
19 not be used for violations of ch. 350 relating to highway use. The citation may be used
20 for violations of local ordinances enacted by any local authority in accordance with
21 s. 23.33 (11) (am), 23.335 (21) (a), or 30.77.

22 **SECTION 27.** 23.56 (1) of the statutes is amended to read:

23 23.56 (1) A person may be arrested for a violation of those statutes enumerated
24 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the
25 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances

1 enacted by any local authority in accordance with s. 23.33 (11) (am), 23.335 (21) (a),
2 or 30.77, after a warrant that substantially complies with s. 968.04 has been issued.
3 Except as provided in sub. (2), the person arrested shall be brought without
4 unreasonable delay before a court having jurisdiction to try the action.

5 **SECTION 28.** 23.57 (1) (intro.) of the statutes is amended to read:

6 23.57 (1) (intro.) A person may be arrested without a warrant when the
7 arresting officer has probable cause to believe that the person is committing or has
8 committed a violation of those statutes enumerated in s. 23.50 (1), any
9 administrative rules promulgated thereunder, any rule of the Kickapoo reserve
10 management board under s. 41.41 (7) (k), or any local ordinances enacted by any local
11 authority in accordance with s. 23.33 (11) (am), 23.335 (21) (a), or 30.77; and:

12 **SECTION 29.** 23.58 (1) of the statutes, as affected by 2015 Wisconsin Act 89, is
13 amended to read:

14 23.58 (1) After having identified himself or herself as an enforcing officer, an
15 enforcing officer may stop a person in a public place for a reasonable period of time
16 when the officer reasonably suspects that such person is committing, is about to
17 commit or has committed a violation of those statutes enumerated in s. 23.50 (1), any
18 administrative rules promulgated thereunder, any rule of the Kickapoo reserve
19 management board under s. 41.41 (7) (k), or any local ordinances enacted by any local
20 authority in accordance with s. 23.33 (11) (am), 23.335 (21) (a), or 30.77. Such a stop
21 may be made only where the enforcing officer has proper authority to make an arrest
22 for such a violation. The officer may demand the name and address of the person and
23 an explanation of the person's conduct. Such detention and temporary questioning
24 shall be conducted in the vicinity where the person was stopped.

1 **SECTION 30.** 23.58 (2) of the statutes, as created by 2015 Wisconsin Act 89, is
2 amended to read:

3 **23.58 (2)** An enforcing officer has reasonable suspicion to perform a stop under
4 sub. (1) if an all-terrain vehicle, utility terrain vehicle, off-highway motorcycle, boat,
5 or snowmobile does not visibly display a registration plate or decal under s. 23.33 (2)
6 or 23.335 (4) (c) or (5) (c), a nonresident trail pass under s. 23.33 (2j) or 23.335 (6),
7 a registration or certification decal under s. 30.523 (2), or a registration decal or trail
8 use sticker under s. 350.12 (5).

9 **SECTION 31.** 23.62 (1) (intro.) of the statutes is amended to read:

10 **23.62 (1)** (intro.) Whenever an enforcing officer has probable cause to believe
11 that a person subject to his or her authority is committing or has committed a
12 violation of those statutes enumerated in s. 23.50 (1), any administrative rules
13 promulgated thereunder, any rule of the Kickapoo reserve management board under
14 s. 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance
15 with s. 23.33 (11) (am), 23.335 (21) (a), or 30.77, the officer may proceed in the
16 following manner:

17 **SECTION 32.** 25.29 (1) (a) of the statutes is amended to read:

18 **25.29 (1) (a)** Except as provided in ss. 25.293 and 25.295, all moneys accruing
19 to the state for or in behalf of the department under chs. 26, 27, 28, 29, 169, and 350,
20 subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325, 23.33, 23.335, except as
21 provided in s. 25.40 (1) (bt), 23.35 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58, 71.10
22 (5), 71.30 (10), and 90.21, including grants received from the federal government or
23 any of its agencies except as otherwise provided by law.

24 **SECTION 33.** 25.40 (1) (bt) of the statutes is created to read:

1 25.40 (1) (bt) Moneys received by the department of natural resources under
2 s. 23.335 (4) (d) and (e) and (5) (e).

3 **SECTION 34.** 30.26 (4) (title) of the statutes is amended to read:

4 30.26 (4) (title) SNOWMOBILES, ALL-TERRAIN VEHICLES, ~~AND~~ UTILITY TERRAIN
5 VEHICLES, AND OFF-HIGHWAY MOTORCYCLES.

6 **SECTION 35.** 30.26 (4) (a) (intro.) of the statutes is amended to read:

7 30.26 (4) (a) (intro.) The department may not prohibit the crossing of a bridge
8 over a wild river by an all-terrain vehicle or utility terrain vehicle traveling on an
9 all-terrain vehicle trail, as defined under s. 23.33 (1) (d), by an off-highway
10 motorcycle traveling on an off-highway motorcycle trail designated under sub. (19)
11 (b), or by a snowmobile traveling on a snowmobile trail, as defined under s. 350.01
12 (17) that is constructed in any of the following locations:

13 **SECTION 36.** 30.26 (4) (b) of the statutes is amended to read:

14 30.26 (4) (b) The state shall permit all-terrain vehicles, utility terrain vehicles,
15 off-highway motorcycles, and snowmobiles to travel in a corridor across any state
16 land that separates an all-terrain vehicle trail, an off-highway motorcycle trail, or
17 a snowmobile trail and the bridges constructed at the locations listed under par. (a).

18 **SECTION 37.** 30.29 (1) (b) of the statutes is amended to read:

19 30.29 (1) (b) "Motor vehicle" includes a utility terrain vehicle, as defined in s.
20 23.33 (1) (ng), ~~and~~ an all-terrain vehicle, as defined in s. 340.01 (2g), and an
21 off-highway motorcycle, as defined in s. 23.335 (1) (q).

22 **SECTION 38.** 46.03 (18) (f) of the statutes is amended to read:

23 46.03 (18) (f) Notwithstanding par. (a), any person who submits to an
24 assessment or airman or driver safety plan under s. 23.33 (13) (e), 23.335 (23) (i),
25 30.80 (6) (d), 114.09 (2) (bm), 343.16 (5) (a), 343.30 (1q), 343.305 (10) or 350.11 (3) (d)

1 shall pay a reasonable fee therefor to the appropriate county department under s.
2 51.42, approved tribal treatment facility, as defined in s. 51.01 (2c), or traffic safety
3 school under s. 345.60. A county may allow the person to pay the assessment fee in
4 1, 2, 3 or 4 equal installments. The fee for the airman or driver safety plan may be
5 reduced or waived if the person is unable to pay the complete fee, but no fee for
6 assessment or attendance at a traffic safety school under s. 345.60 may be reduced
7 or waived. Nonpayment of the assessment fee is noncompliance with the court order
8 that required completion of an assessment and airman or driver safety plan. Upon
9 a finding that the person has the ability to pay, nonpayment of the airman or driver
10 safety plan fee is noncompliance with the court order that required completion of an
11 assessment and airman or driver safety plan.

12 **SECTION 39.** 59.54 (14) (g) of the statutes is amended to read:

13 59.54 (14) (g) A county may establish extensions of the jail, which need not be
14 at the county seat, to serve as places of temporary confinement. No person may be
15 detained in such an extension for more than 24 consecutive hours, except that a court
16 may order that a person subject to imprisonment under s. 23.33 (13) (b) 2. or 3. or (c),
17 23.335 (23) (c) 2. or 3. or (d), or 350.11 (3) (a) 2. or 3. or (b) be imprisoned for more than
18 24 consecutive hours in such an extension. Jail extensions shall be subject to plans
19 and specifications approval by the department of corrections and shall conform to
20 other requirements imposed by law on jails, except that cells may be designed and
21 used for multiple occupancy.

22 **SECTION 40.** 70.11 (45m) of the statutes is amended to read:

23 70.11 (45m) SNOWMOBILE, ALL-TERRAIN VEHICLE, AND UTILITY TERRAIN VEHICLE
24 CLUBS. Trail groomers owned by a snowmobile club, an all-terrain vehicle club, or

1 a utility terrain vehicle club, or an off-highway motorcycle club that is exempt from
2 taxation under section 501 (c) (3), (4), or (7) of the Internal Revenue Code.

3 **SECTION 41.** 77.51 (13s) of the statutes is amended to read:

4 77.51 (13s) "Safety classes" means all classes approved by the department of
5 natural resources related to hunting, including hunting with a bow, and related to
6 firearms, all-terrain vehicles, utility terrain vehicles, off-highway motorcycles,
7 boats, and snowmobiles.

8 **SECTION 42.** 77.61 (1) (a) of the statutes is amended to read:

9 77.61 (1) (a) No motor vehicle, boat, snowmobile, recreational vehicle, as
10 defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
11 vehicle, off-highway motorcycle, or aircraft shall be registered or titled in this state
12 unless the registrant presents proof that the sales or use taxes imposed by this
13 subchapter have been paid.

14 **SECTION 43.** 77.61 (1) (b) of the statutes is amended to read:

15 77.61 (1) (b) In the case of motor vehicles, boats, snowmobiles, recreational
16 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
17 utility terrain vehicles, off-highway motorcycles, or aircraft purchased from a
18 retailer, the registrant shall present proof that the tax has been paid to such retailer.

19 **SECTION 44.** 77.61 (1) (c) of the statutes is amended to read:

20 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational
21 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
22 utility terrain vehicles, off-highway motorcycles, or aircraft registered or titled, or
23 required to be registered or titled, in this state purchased from persons who are not
24 retailers, the purchaser shall file a sales tax return and pay the tax prior to
25 registering or titling the motor vehicle, boat, snowmobile, recreational vehicle, as

1 defined in s. 340.01 (48r), semitrailer, all-terrain vehicle, utility terrain vehicle, or
2 aircraft in this state.

3 **SECTION 45.** 77.73 (2) of the statutes is amended to read:

4 77.73 (2) Counties and special districts do not have jurisdiction to impose the
5 tax under s. 77.71 (2) in regard to items, property, and goods under s. 77.52 (1) (b),
6 (c), and (d), and tangible personal property, except snowmobiles, trailers,
7 semitrailers, limited use off-highway motorcycles, as defined in s. 23.335 (1) (o),
8 all-terrain vehicles, and utility terrain vehicles, purchased in a sale that is
9 consummated in another county or special district in this state that does not have
10 in effect an ordinance or resolution imposing the taxes under this subchapter and
11 later brought by the buyer into the county or special district that has imposed a tax
12 under s. 77.71 (2).

13 **SECTION 46.** 78.01 (2) (e) of the statutes is amended to read:

14 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and
15 equipment; other than use in a snowmobile, a limited use off-highway motorcycle
16 that is not registered for private use under s. 23.335 (3) (a), an all-terrain vehicle or
17 utility terrain vehicle that is not registered for private use under s. 23.33 (2) (d),
18 a recreational motorboat; and delivered directly into the consumer's storage tank in
19 an amount of not less than 100 gallons.

20 **SECTION 47.** 78.01 (2m) (f) of the statutes is amended to read:

21 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than
22 use in a snowmobile, in a limited use off-highway motorcycle that is not registered
23 for private use under s. 23.335 (3) (a), in an all-terrain vehicle or utility terrain
24 vehicle that is not registered for private use under s. 23.33 (2) (d) or (2g), or in a

1 recreational motorboat or if no claim for a refund for the tax on the diesel fuel may
2 be made under s. 78.75 (1m) (a) 3.

3 **SECTION 48.** 78.40 (1) of the statutes is amended to read:

4 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
5 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The
6 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply
7 tanks of motor vehicles in this state, attaches at the time of delivery and shall be
8 collected by the dealer from the alternate fuels user and shall be paid to the
9 department. The tax, with respect to alternate fuels acquired by any alternate fuels
10 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a
11 motor vehicle, ~~or of a snowmobile, of a limited use off-highway motorcycle that is not~~
12 registered for private use under s. 23.335 (3) (a), of an all-terrain vehicle or utility
13 terrain vehicle that is not registered for private use under s. 23.33 (2) (d) or (2g), or
14 of a recreational motorboat, attaches at the time of the use of the fuel and shall be
15 paid to the department by the user. The department may permit any supplier of
16 alternate fuels to report and pay to the department the tax on alternate fuels
17 delivered into the storage facility of an alternate fuels user or retailer which will be
18 consumed for alternate fuels tax purposes or sold at retail.

19 **SECTION 49.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

20 78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel
21 upon which has been paid the tax required under this chapter for the purpose of
22 operating an all-terrain vehicle, as defined under s. 340.01 (2g), or a utility terrain
23 vehicle, as defined under s. 23.33 (1) (ng), may not be reimbursed or repaid the
24 amount of tax paid unless the all-terrain vehicle or utility terrain vehicle is
25 registered for private use under s. 23.33 (2) (d) or (2g). A person who uses motor

1 vehicle fuel or an alternate fuel upon which has been paid the tax required under this
2 chapter for the purposes of operating a limited use off-highway motorcycle, as
3 defined in s. 23.335 (1) (o), that is registered under s. 23.335 (3) may not be
4 reimbursed or repaid the amount of tax paid unless the off-highway motorcycle is
5 registered for private use under s. 23.335 (3) (a).

6 **SECTION 50.** 78.75 (1m) (a) 3. of the statutes is amended to read:

7 78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed. The forms shall
8 indicate that refunds are not available for motor vehicle fuel or alternate fuels used
9 for motorboats, except motorboats exempt from registration as motor vehicles under
10 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle
11 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile
12 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and
13 areas. The forms shall indicate that refunds are not available for motor vehicle fuel
14 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the
15 vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall indicate
16 that estimated all-terrain vehicle or utility terrain vehicle motor vehicle fuel or
17 alternate fuels tax payments are used for all-terrain vehicle trails and areas. The
18 forms shall indicate that refunds are not available for motor vehicle fuel or alternate
19 fuels used for limited use off-highway motorcycles unless the motorcycle is
20 registered for private use under s. 23.335 (3) (a) and shall indicate that estimated
21 off-highway motorcycle fuel or alternate fuels tax payments are used for
22 off-highway motorcycle trails and areas. The forms shall also indicate that refunds
23 are not available for the tax on less than 100 gallons. The department shall
24 distribute forms in sufficient quantities to each county clerk.

25 **SECTION 51.** 100.48 (1) (bg) of the statutes is created to read:

1 100.48 (1) (bg) “Off-highway motorcycle” has the meaning given in s. 23.335
2 (1) (q).

3 **SECTION 52.** 100.48 (2) of the statutes is amended to read:

4 100.48 (2) No person may, either personally or through an agent, remove,
5 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
6 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain
7 vehicle, an off-highway motorcycle, or a boat with the intent to defraud by changing
8 or affecting the number of hours of operation indicated on the hour meter.

9 **SECTION 53.** 100.48 (3) (a) of the statutes is amended to read:

10 100.48 (3) (a) Nothing in this section shall prevent the service, repair or
11 replacement of an hour meter if the number of hours of operation indicated on the
12 hour meter remains the same as before the service, repair or replacement. If an hour
13 meter attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility
14 terrain vehicle, an off-highway motorcycle, or a boat is incapable of registering the
15 same number of hours of operation as before its service, repair or replacement, the
16 hour meter shall be adjusted to read zero, and a sticker shall be affixed by the owner
17 of the vehicle or device to which the hour meter is attached or an agent, in proximity
18 to the hour meter, specifying the number of hours of operation recorded on the hour
19 meter prior to its service, repair or replacement and the date on which it was
20 serviced, repaired or replaced. No person who services, repairs or replaces an hour
21 meter attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility
22 terrain vehicle, an off-highway motorcycle, or a boat that is incapable of registering
23 the same number of hours of operation as before such service, repair or replacement
24 may fail to adjust the hour meter to read zero or fail to affix the sticker required by
25 this paragraph.

1 **SECTION 54.** 100.48 (4) (c) of the statutes is amended to read:

2 100.48 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour
3 meter attached to a snowmobile, an all-terrain vehicle, a utility terrain vehicle, an
4 off-highway motorcycle, or a boat may be fined not more than \$5,000 or imprisoned
5 for not more than one year in the county jail, or both, for each violation.

6 **SECTION 55.** 110.07 (1) (a) 1. of the statutes is amended to read:

7 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
8 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 23.335, 125.07 (4) (b), 125.085 (3)
9 (b), 167.31 (2) (b) to (d) and 287.81 and ch. 350 where applicable to highways, or
10 orders or rules issued pursuant thereto.

11 **SECTION 56.** 110.07 (3) of the statutes is amended to read:

12 110.07 (3) The secretary may employ inspectors who may not wear the uniform
13 of the state patrol, whose duties shall be to enforce and assist in administering s. ss.
14 23.33, 23.335, and 346.63, this chapter and chs. 194, 218, 340 to 345 and 347 to 351,
15 s. ~~23.33~~, the inspection requirements of s. 121.555 (2) (b) and the requirements under
16 s. 346.45 (4) for vehicles being used to transport hazardous materials. Such
17 inspectors, in the performance of these duties, shall have the powers and authority
18 of state traffic officers. For the purpose of death, disability and retirement coverage,
19 such inspectors shall be subject to ch. 40 as is the state traffic patrol. Subject to sub.
20 (5), the secretary may clothe and equip inspectors as the interest of public safety and
21 their duties require.

22 **SECTION 57.** 322.111 of the statutes is amended to read:

23 **322.111 Article 111 — Drunken or reckless operation of an all-terrain**
24 **vehiele, utility terrain vehiele, vehiele, snowmobile, aircraft, or vessel**
25 **certain vehicles, vessels, and aircraft.** Any person who violates s. 23.33 (3) (a)

1 or (4c), 23.335 (9) (a) 1. or (12) (a) or (b), 30.68, 30.681, 114.09, 346.62, 346.63 (1) or
2 (2), 350.10 (1) (b), 350.101, 940.25, or 940.09 where the offense involved the operation
3 or physical control of an aircraft, all-terrain vehicle, utility terrain vehicle,
4 snowmobile, vehicle, off-highway motorcycle, or vessel on or off a highway shall be
5 punished as the court-martial may direct.

6 **SECTION 58.** 341.059 of the statutes is created to read:

7 **341.059 Off-highway motorcycles.** All motorcycles that are only being
8 operated off the highways, as defined in s. 23.335 (1) (y), are not required to be
9 registered under this chapter but shall be registered as required under s. 23.335 (3).

10 **SECTION 59.** 343.05 (4) (b) 1m. of the statutes is created to read:

11 343.05 (4) (b) 1m. A person who operates a limited use off-highway motorcycle,
12 as defined in s. 23.335 (1) (o), only as authorized under s. 23.335.

13 **SECTION 60.** 344.61 (1) of the statutes is amended to read:

14 344.61 (1) Notwithstanding s. 344.01 (2) (b), “motor vehicle” does not include
15 trailers, semitrailers, all-terrain vehicles, and utility terrain vehicles, or limited use
16 off-highway motorcycles, as defined in s. 23.335 (1) (o).

17 **SECTION 61.** 345.11 (1r) of the statutes is amended to read:

18 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
19 be used for violations of s. 23.33 or 23.335 relating to highway use or ordinances
20 enacted in accordance with that section if the violation is committed on a highway,
21 but no points may be assessed against the driving record of the operator of an
22 all-terrain vehicle ~~or~~ a utility terrain vehicle, or an off-highway motorcycle, as
23 defined in s. 23.335 (1) (q), operated off the highways, as defined in s. 23.335 (1) (y).

24 When the uniform traffic citation is used, the report of conviction shall be forwarded

1 to the department. When the citation form under s. 23.54 is used, the procedure in
2 ss. 23.50 to 23.85 applies.

3 **SECTION 62.** 346.66 (1) (c) of the statutes is amended to read:

4 346.66 (1) (c) Sections 346.67 to 346.70 do not apply to accidents involving only
5 snowmobiles, all-terrain vehicles, utility terrain vehicles, off-highway motorcycles,
6 as defined in s. 23.335 (1) (q), that were being operated off the highways, as defined
7 in s. 23.335 (1) (y), or vehicles propelled by human power or drawn by animals.

8 **SECTION 63.** 346.71 (1) of the statutes is amended to read:

9 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day
10 of each month, report in writing any accident involving a motor vehicle occurring
11 within the coroner's or medical examiner's jurisdiction resulting in the death of any
12 person during the preceding calendar month. If the accident involved an all-terrain
13 vehicle or utility terrain vehicle, the report shall be made to the department of
14 natural resources and shall include the information specified by that department.
15 If the accident involved an off-highway motorcycle, as defined in s. 23.335 (1) (q),
16 operated off the highways, as defined in s. 23.335 (1) (y), the report shall be made to
17 the department of natural resources and the department of transportation and shall
18 include the information specified by each department. If the accident involved any
19 other motor vehicle, the report shall be made to the department of transportation and
20 shall include the information specified by ~~the~~ that department. The coroner or
21 medical examiner of the county where the death occurs, if the accident occurred in
22 another jurisdiction, shall, immediately upon learning of the death, report it to the
23 coroner or medical examiner of the county where the accident occurred, as provided
24 in s. 979.01 (1).

25 **SECTION 64.** 346.71 (2) of the statutes is amended to read:

1 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
2 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
3 electric personal assistive mobility device operator 14 years of age or older and who
4 died within 6 hours of the time of the accident, the coroner or medical examiner of
5 the county where the death occurred shall require that a blood specimen of at least
6 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her
7 death, by the coroner or medical examiner or by a physician so designated by the
8 coroner or medical examiner or by a qualified person at the direction of the physician.
9 All funeral directors shall obtain a release from the coroner or medical examiner of
10 the county where the accident occurred as provided in s. 979.01 (4) prior to
11 proceeding with embalming any body coming under the scope of this section. The
12 blood so drawn shall be forwarded to a laboratory approved by the department of
13 health services for analysis of the alcoholic content of the blood specimen. The
14 coroner or medical examiner causing the blood to be withdrawn shall be notified of
15 the results of each analysis made and shall forward the results of each such analysis
16 to the department of health services. If the death involved a motor vehicle, the
17 department shall keep a record of all such examinations to be used for statistical
18 purposes only and the department shall disseminate and make public the
19 cumulative results of the examinations without identifying the individuals involved.
20 If the death involved an all-terrain vehicle ~~or~~, a utility terrain vehicle, or an
21 off-highway motorcycle, as defined in s. 23.335 (1) (q), that was being operated off
22 the highways, as defined in s. 23.335 (1) (y), the department of natural resources
23 shall keep a record of all such examinations to be used for statistical purposes only
24 and the department of natural resources shall disseminate and make public the
25 cumulative results of the examinations without identifying the individuals involved.

1 **SECTION 65.** 346.94 (1) of the statutes is amended to read:

2 346.94 (1) DRIVING ON SIDEWALK. Except as authorized in s. 23.33 (4) (f) or when
3 the sidewalk is an all-terrain vehicle route, as defined in s. 23.33 (1) (c) or an
4 off-highway motorcycle route, as defined in s. 23.335 (1) (u), the operator of a vehicle
5 shall may not drive upon any sidewalk area except at a permanent or temporarily
6 established driveway unless permitted to do so by the local authorities.

7 **SECTION 66.** 347.24 (1) (d) of the statutes is created to read:

8 347.24 (1) (d) An off-highway motorcycle, as defined in s. 23.335 (1) (q), that
9 is being operated as an implement of husbandry off a highway need only comply with
10 the lamp requirements established under s. 23.335 (17) (a).

11 **SECTION 67.** 800.02 (2) (b) of the statutes is amended to read:

12 800.02 (2) (b) Except for parking violations, in traffic regulation actions in
13 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu
14 of the citation form specified in par. (ag). In actions for violations of local ordinances
15 enacted in accordance with s. 23.33 (11) (am), 23.335 (21) (a), or 30.77, the citation
16 form specified in s. 23.54 shall be used in lieu of the citation form specified in par. (ag).

17 **SECTION 68.** 814.63 (3m) (a) of the statutes, as affected by 2015 Wisconsin Act
18 55, is amended to read:

19 814.63 (3m) (a) Except as provided in par. (d), if a defendant is required to
20 appear in court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the
21 court shall impose and collect from the defendant any costs charged to or paid by a
22 law enforcement agency for the withdrawal of the defendant's blood if the court finds
23 that the defendant violated s. 23.33 (4c), 23.335 (12) (a) or (b), 30.681, 114.09, 346.63,
24 or 350.101, or a local ordinance in conformity therewith.

1 **SECTION 69.** 814.65 (4m) (a) of the statutes, as affected by 2015 Wisconsin Act
2 55, is amended to read:

3 814.65 **(4m)** (a) Except as provided in par. (d), if a defendant is required to
4 appear in municipal court, in addition to any forfeiture, costs, fees, or surcharges it
5 imposes, the municipal court shall impose and collect from the defendant any costs
6 charged to or paid by a law enforcement agency for the withdrawal of the defendant's
7 blood if the court finds that the defendant violated a local ordinance in conformity
8 with s. 23.33 (4c), 23.335 (12) (a) or (b), 30.681, 114.09, 346.63, or 350.101.

9 **SECTION 70.** 885.235 (1m) of the statutes is amended to read:

10 885.235 **(1m)** In any action under s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681
11 (1) (bn), 346.63 (2m) or (7), or 350.101 (1) (c), evidence of the amount of alcohol in the
12 person's blood at the time in question, as shown by chemical analysis of a sample of
13 the person's blood or urine or evidence of the amount of alcohol in the person's breath,
14 is admissible on the issue of whether he or she had an alcohol concentration in the
15 range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn), 346.63 (2m),
16 or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7) if the
17 sample was taken within 3 hours after the event to be proved. The fact that the
18 analysis shows that the person had an alcohol concentration of more than 0.0 but not
19 more than 0.08 is prima facie evidence that the person had an alcohol concentration
20 in the range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn), 346.63
21 (2m), or 350.101 (1) (c) or an alcohol concentration above 0.0 under s. 346.63 (7).

22 **SECTION 71.** 885.235 (4) of the statutes is amended to read:

23 885.235 **(4)** The provisions of this section relating to the admissibility of
24 chemical tests for alcohol concentration or intoxication or for determining whether
25 a person had a detectable amount of a restricted controlled substance in his or her

1 blood shall not be construed as limiting the introduction of any other competent
2 evidence bearing on the question of whether or not a person was under the influence
3 of an intoxicant, had a detectable amount of a restricted controlled substance in his
4 or her blood, had a specified alcohol concentration, or had an alcohol concentration
5 in the range specified in s. 23.33 (4c) (a) 3., 23.335 (12) (a) 3., 30.681 (1) (bn), 346.63
6 (2m), or 350.101 (1) (c).

7 **SECTION 72.** 895.043 (6) of the statutes is amended to read:

8 895.043 (6) LIMITATION ON DAMAGES. Punitive damages received by the plaintiff
9 may not exceed twice the amount of any compensatory damages recovered by the
10 plaintiff or \$200,000, whichever is greater. This subsection does not apply to a
11 plaintiff seeking punitive damages from a defendant whose actions under sub. (3)
12 included the operation of a vehicle, including a motor vehicle as defined under s.
13 340.01 (35), an off-highway motorcycle, as defined in s. 23.335 (1) (q), a snowmobile
14 as defined under s. 340.01 (58a), an all-terrain vehicle as defined under s. 340.01
15 (2g), a utility terrain vehicle as defined under s. 23.33 (1) (ng), and a boat as defined
16 under s. 30.50 (2), while under the influence of an intoxicant to a degree that
17 rendered the defendant incapable of safe operation of the vehicle. In this subsection,
18 “intoxicant” has the meaning given in s. 30.50 (4e).

19 **SECTION 73.** 895.049 of the statutes is amended to read:

20 **895.049 Recovery by a person who fails to use protective headgear**
21 **while operating certain motor vehicles.** Notwithstanding s. 895.045, failure by
22 a person who operates or is a passenger on a utility terrain vehicle, as defined in s.
23 23.33 (1) (ng), a motorcycle, as defined in s. 340.01 (32), an all-terrain vehicle, as
24 defined in s. 340.01 (2g), or a snowmobile, as defined in s. 340.01 (58a), on or off a
25 highway, to use protective headgear shall not reduce recovery for injuries or damages

1 by the person or the person's legal representative in any civil action. This section
2 does not apply to any person required to wear protective headgear under s. 23.33 (3g),
3 23.335 (8) (a) or (b), or 347.485 (1).

4 **SECTION 74.** 901.053 of the statutes is amended to read:

5 **901.053 Admissibility of evidence relating to use of protective**
6 **headgear while operating certain motor vehicles.** Evidence of use or nonuse
7 of protective headgear by a person, other than a person required to wear protective
8 headgear under s. 23.33 (3g), 23.335 (8) (a) or (b), or 347.485 (1), who operates or is
9 a passenger on a utility terrain vehicle, as defined in s. 23.33 (1) (ng), a motorcycle,
10 as defined in s. 340.01 (32), an all-terrain vehicle, as defined in s. 340.01 (2g), or a
11 snowmobile, as defined in s. 340.01 (58a), on or off a highway, is not admissible in any
12 civil action for personal injury or property damage. This section does not apply to
13 the introduction of such evidence in a civil action against the manufacturer or
14 producer of the protective headgear arising out of any alleged deficiency or defect in
15 the design or manufacture of the protective headgear or, with respect to such use of
16 protective headgear, in a civil action on the sole issue of whether the protective
17 headgear contributed to the personal injury or property damage incurred by another
18 person.

19 **SECTION 75.** 938.17 (1) (intro.) of the statutes is amended to read:

20 **938.17 (1) TRAFFIC, BOATING, SNOWMOBILE, ALL-TERRAIN VEHICLE, AND UTILITY**
21 **TERRAIN VEHICLE, AND LIMITED USE OFF-HIGHWAY MOTORCYCLE VIOLATIONS.** (intro.)
22 Except for violations of ss. 342.06 (2) and 344.48 (1), and violations of ss. 30.67 (1)
23 and 346.67 (1) when death or injury occurs, courts of criminal and civil jurisdiction
24 have exclusive jurisdiction in proceedings against juveniles 16 years of age or older
25 for violations of ~~s. ss.~~ 23.33 and 23.335, of ss. 30.50 to 30.80, of chs. 341 to 351, and

1 of traffic regulations, as defined in s. 345.20, and nonmoving traffic violations, as
2 defined in s. 345.28 (1). A juvenile charged with a traffic, boating, snowmobile,
3 all-terrain vehicle, ~~or utility terrain vehicle, or limited use off-highway motorcycle~~
4 offense in a court of criminal or civil jurisdiction shall be treated as an adult before
5 the trial of the proceeding except that the juvenile may be held in secure custody only
6 in a juvenile detention facility. A juvenile convicted of a traffic, boating, snowmobile,
7 all-terrain vehicle, ~~or utility terrain vehicle, or limited use off-highway motorcycle~~
8 offense in a court of criminal or civil jurisdiction shall be treated as an adult for
9 sentencing purposes except as follows:

10 **SECTION 76.** 938.343 (9m) of the statutes is created to read:

11 938.343 **(9m)** OFF-HIGHWAY MOTORCYCLE SAFETY CERTIFICATION PROGRAM. If the
12 violation is one under s. 23.335 or under an ordinance enacted in accordance with s.
13 23.335 concerning the use of off-highway motorcycles, as defined in s. 23.335 (1) (q),
14 order the juvenile to attend the off-highway motorcycle safety certification program
15 under s. 23.335 (14).

16 **SECTION 77.** 940.09 (1m) (b) of the statutes is amended to read:

17 940.09 **(1m)** (b) If a person is charged in an information with any of the
18 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
19 971.12. If the person is found guilty of more than one of the crimes so charged for
20 acts arising out of the same incident or occurrence, there shall be a single conviction
21 for purposes of sentencing and for purposes of counting convictions under s. 23.33
22 (13) (b) 2. and 3., under s. 23.335 (23) (c) 2. and 3., under s. 30.80 (6) (a) 2. and 3., under
23 s. 343.307 (1) or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bm),
24 (c), (cm), (d), and (e) each require proof of a fact for conviction which the others do not

1 require, and sub. (1g) (a), (am), (b), (c), (cm), and (d) each require proof of a fact for
2 conviction which the others do not require.

3 **SECTION 78.** 940.09 (3) of the statutes is amended to read:

4 940.09 (3) An officer who makes an arrest for a violation of this section shall
5 make a report as required under s. 23.33 (4t), 23.335 (12) (j), 30.686, 346.635 or
6 350.106.

7 **SECTION 79.** 940.25 (1m) (b) of the statutes is amended to read:

8 940.25 (1m) (b) If a person is charged in an information with any of the
9 combinations of crimes referred to in par. (a), the crimes shall be joined under s.
10 971.12. If the person is found guilty of more than one of the crimes so charged for
11 acts arising out of the same incident or occurrence, there shall be a single conviction
12 for purposes of sentencing and for purposes of counting convictions under s. 23.33
13 (13) (b) 2. and 3., under s. 23.335 (23) (c) 2. and 3., under s. 30.80 (6) (a) 2. or 3., under
14 ss. 343.30 (1q) and 343.305 or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am),
15 (b), (bm), (c), (cm), (d), and (e) each require proof of a fact for conviction which the
16 others do not require.

17 **SECTION 80.** 940.25 (3) of the statutes is amended to read:

18 940.25 (3) An officer who makes an arrest for a violation of this section shall
19 make a report as required under s. 23.33 (4t), 23.335 (12) (j), 30.686, 346.635 or
20 350.106.

21 **SECTION 81.** 971.19 (10) of the statutes, as affected by 2015 Wisconsin Act 89,
22 is amended to read:

23 971.19 (10) In an action under s. 23.33 (2h), 23.335 (5m), 30.547, or 350.12 (3i)
24 for intentionally falsifying an application for a certificate of number, a registration,
25 or a certificate of title, the defendant may be tried in the defendant's county of

1 residence at the time that the complaint is filed, in the county where the defendant
2 purchased the all-terrain vehicle, utility terrain vehicle, boat, or snowmobile if
3 purchased from a dealer or the county where the department of natural resources
4 received the application.

5 **SECTION 82.** 973.06 (1) (j) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 973.06 (1) (j) If the defendant violated s. 23.33 (4c), 23.335 (12) (a) or (b), 30.681,
8 114.09, 346.63, 350.101, 940.09 (1), or 940.25, any costs charged to or paid by a law
9 enforcement agency for the withdrawal of the defendant's blood, except that the court
10 may not impose on the defendant any cost for an alternative test provided free of
11 charge as described in s. 343.305 (4). If at the time the court finds that the defendant
12 committed the violation, the law enforcement agency has not paid or been charged
13 with the costs of withdrawing the person's blood, the court shall impose and collect
14 the costs the law enforcement agency reasonably expects to be charged for the
15 withdrawal, based on the current charges for this procedure. Notwithstanding sub.
16 (2), the court may not remit these costs.

17 **SECTION 83.** 973.09 (2) (a) 1. d. of the statutes is amended to read:

18 973.09 (2) (a) 1. d. A misdemeanor under s. 23.33 (4c) or (4p) (e), 23.335 (12)
19 (a), (b), or (h), 30.681, 30.684 (5), 350.101, 350.104 (5), or 350.17 or a misdemeanor
20 under s. 346.63 to which s. 973.09 (1) (d) applies.

21 **SECTION 84. Nonstatutory provisions.**

22 (1) OFF-HIGHWAY MOTORCYCLE COUNCIL. Notwithstanding the length of terms
23 specified in section 15.347 (10) (a) of the statutes, as created by this act, the governor
24 shall appoint the initial members of the off-highway motorcycle council for the
25 following terms:

1 (a) One member appointed under section 15.347 (10) of the statutes, as created
2 by this act, for a term expiring on March 1, 2018.

3 (b) Two members appointed under section 15.347 (10) of the statutes, as created
4 by this act, for terms expiring on March 1, 2019.

5 (c) Two members appointed under section 15.347 (10) of the statutes, as created
6 by this act, for terms expiring on March 1, 2020.

7 **SECTION 85. Effective dates.** This act takes effect on the first day of the 7th
8 month beginning after publication except as follows:

9 (1) The treatment of section 23.33 (2) (ir) 1. and 2. of the statutes takes effect
10 on March 1, 2016.

11 (END)