



**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

**2015 Senate Bill 395**

**Senate Amendment 1**

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**2015 SENATE BILL 395**

Senate Bill 395 does all of the following:

- Defines an off-highway motorcycle (OHM) as a motorcycle that is designed for off-highway operation, regardless of whether it is also designed for on-highway operation.
- Requires the Department of Natural Resources (DNR) to develop, encourage, and supervise a system of OHM trails and routes.
- Allows a county, city, village, or town, or DNR, to designate OHM routes and corridors through land that it owns or controls for use as OHM trails.
- Generally requires registration of an OHM by state residents, or purchase of an annual nonresident trail pass for nonresidents, for operation of an OHM “off the highway,” as defined under the bill. An owner may also register an OHM for private use if it will only be used for agricultural purposes or be used 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.
- Requires registration of retail OHM dealers.
- Imposes restrictions on the use of OHMs, including restrictions related to operation on a highway, adjacent to a highway, and within a specified distance of a dwelling, people not operating motor vehicles, and fishing shanties.
- Creates an intoxicated operation law for OHMs that is similar to the intoxicated operation laws for all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs).

- Exempts OHM operation “off the highways,” (which may include some portions of highways) from the mandatory liability insurance law and driver licensure requirements, and imposes helmet requirements for riders under 18 years old.
- Prohibits operation by riders under 12 years old on a highway under any circumstance; requires continuous verbal direction or control of a parent or guardian or an adult who has been designated by the parent or guardian for off-highway operation by a person under 12 years old.
- Requires operators 12 years old or older born after 1997 to have completed a safety program created under the bill.
- Creates an Off-Highway Motorcycle Council, consisting of five members who must be members of OHM clubs, to advise DNR on matters relating to OHM trails and routes and on other matters relating to the operation of OHMs.
- Deposits revenue collected from OHM annual registration fees, nonresident trail passes, and OHM dealer registration fees in the transportation fund, as required by the recent amendment to the state constitution under Article VIII, Section 11.
- Funds OHM projects, enforcement of OHM laws, and safety grants from an appropriation from the general fund.

### **SENATE AMENDMENT 1**

Senate Amendment 1 makes the following changes to the bill:

- Changes the definition of “law enforcement officer” for purposes of enforcement of OHM laws to make the definition consistent with the definition as it relates to other off-highway recreational vehicles.
- Clarifies that operation of OHMs may occur immediately adjacent to a roadway of a city or village highway that is part of an OHM route or trail.
- Makes various changes to the bill to reconcile it with recently enacted 2015 Wisconsin Act 89, which provides flexibility to the DNR with respect to how it administers various registration, certification, and approval documents, among other changes.

### **BILL HISTORY**

Senate Amendment 1 was introduced by Senator Petrowski on January 20, 2016. On January 21, 2016, the Senate Committee on Transportation and Veterans Affairs voted to recommend adoption of the amendment and passage of the bill, as amended, by votes of Ayes, 5; Noes, 0.

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