LRB-2270/1 MGG:lmk:nwn

2007 SENATE BILL 443

February 4, 2008 – Introduced by Senators Decker, Lehman, Olsen and A. Lasee, cosponsored by Representatives Petrowski, Mursau, Vukmir, A. Ott, Sheridan, Musser, Kaufert and Nass. Referred to Committee on Transportation and Tourism.

- 1 AN ACT to amend 23.33 (5) (a); and to create 23.33 (4) (d) 8. of the statutes;
- 2 **relating to:** operation of all-terrain vehicles that have attached snowplows on

3 roadways.

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Analysis by the Legislative Reference Bureau

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways only in limited circumstances. These include roadways that have been designated as ATV routes or trails and roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert.

Under this bill, an ATV may be operated on a roadway or a highway if it has a snowplow attached, if it has a revolving yellow light that is illuminated, and if its operation on the roadway is necessary to travel to or from a site where the snow plow will be used.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

Section 1. 23.33 (4) (d) 8. of the statutes is created to read:

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23.33 (4) (d) 8. On roadways if the all-terrain vehicle has a snowplow attached, if it has an illuminated yellow revolving light, and if its operation on the roadway is necessary to travel to or from a site where the snow plow will be used. Operation of such an all-terrain vehicle is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway where it is safe to do so given prevailing conditions.

Section 2. 23.33 (5) (a) of the statutes is amended to read:

23.33 (5) (a) Age restriction. No person under 12 years of age may operate an all-terrain vehicle unless he or she is operating the all-terrain vehicle for an agricultural purpose and he or she is under the supervision of a person over 18 years of age or unless he or she is operating a small all-terrain vehicle on an all-terrain vehicle trail designated by the department and he or she is accompanied by his or her parent. No person who is under 12 years of age may operate an all-terrain vehicle which is an implement of husbandry on a roadway under any circumstances. No person who is under 12 years of age may operate an all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d) 6. or 8. under any circumstances. No person who is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this paragraph, supervision does not require that the person under 12 years of age be subject to continuous direction or control by the person over 18 years of age.