

State of Wisconsin



2013 Senate Bill 32

Date of enactment: **June 21, 2013**
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2013 WISCONSIN ACT 15

AN ACT *to renumber and amend* 23.33 (5) (a) and 23.33 (5) (c); *to amend* 23.33 (3) (g), 23.33 (3) (h), 23.33 (3) (i) and 23.33 (5) (am) 2.; and *to create* 23.33 (3) (gm), 23.33 (5) (a) 4., 23.33 (5) (c) 1., 23.33 (5) (c) 2. b., 23.33 (5) (c) 3. and 23.33 (5) (c) 4. of the statutes; **relating to:** age and speed restrictions on, and safety certification requirements for, the operation of all-terrain vehicles and utility terrain vehicles.

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

SECTION 1. 23.33 (3) (g) of the statutes is amended to read:

23.33 (3) (g) When within 150 feet of a dwelling at a speed exceeding 10 miles per hour. The speed limit specified in this paragraph does not apply to a person operating an all-terrain vehicle or utility terrain vehicle on a roadway that is designated as an all-terrain vehicle route.

SECTION 2. 23.33 (3) (gm) of the statutes is created to read:

23.33 (3) (gm) On the frozen surface of public waters or on an all-terrain vehicle trail, at a speed exceeding 10 miles per hour or without yielding the right-of-way when within 100 feet of another person who is not operating a motor vehicle, all-terrain vehicle, utility terrain vehicle, or snowmobile. This paragraph does not apply to a person operating an all-terrain vehicle or utility terrain vehicle while competing in a sanctioned race or derby.

SECTION 2m. 23.33 (3) (h) of the statutes is amended to read:

23.33 (3) (h) On the frozen surface of public waters ~~within 100 feet of a person not in or on an all-terrain~~

~~vehicle, utility terrain vehicle, or motor vehicle or within 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.~~

SECTION 2r. 23.33 (3) (i) of the statutes is amended to read:

23.33 (3) (i) In a manner which violates rules promulgated by the department. This paragraph does not authorize the department to promulgate or enforce a rule that imposes a speed restriction that is more stringent than a speed restriction specified under this subsection.

SECTION 3. 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. (intro.) and amended to read:

23.33 (5) (a) 1. (intro.) ~~No Subject to subds. 2. to 5., no~~ person under 12 years of age may operate an all-terrain vehicle unless he any of the following applies:

a. 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. For purposes of this subd. 1. a., 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.

b. 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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

2. No person who is under 12 years of age may operate an all-terrain vehicle ~~which~~ that is an implement of husbandry on a roadway under any circumstances.

3. 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. under any circumstances.

5. No person who is under 16 years of age may operate an all-terrain vehicle under the authorization provided under sub. (4) (f) under any circumstances.

6. 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.~~

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

23.33 (5) (a) 4. No person who is under 16 years of age may operate an all-terrain vehicle under the authority provided under sub. (4) (d) 4. or 7. unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

SECTION 5. 23.33 (5) (am) 2. of the statutes is amended to read:

23.33 (5) (am) 2. A person who is under 16 years of age may operate a utility terrain vehicle if the person operates the utility terrain vehicle for an agricultural purpose and he or she is under the supervision of a person over 18 years of age. For purposes of this subdivision, supervision does not require that the person under 16 years of age be subject to continuous direction or control by the person over 18 years of age.

SECTION 6. 23.33 (5) (c) of the statutes is renumbered 23.33 (5) (c) 2. (intro.) and amended to read:

23.33 (5) (c) 2. (intro.) Paragraphs (a), (am), and (b) do not apply to a person who operates an all-terrain vehicle or utility terrain vehicle exclusively on land that is either of the following:

a. Land under the management and control of the person's immediate family.

SECTION 7. 23.33 (5) (c) 1. of the statutes is created to read:

23.33 (5) (c) 1. In this paragraph, "land on which operation is authorized" means land under the management and control of a person who consents to the operation of an all-terrain vehicle or utility terrain vehicle on the land.

SECTION 8. 23.33 (5) (c) 2. b. of the statutes is created to read:

23.33 (5) (c) 2. b. Land, other than land described under subd. 2. a., on which operation is authorized.

SECTION 9. 23.33 (5) (c) 3. of the statutes is created to read:

23.33 (5) (c) 3. A person who operates an all-terrain vehicle or utility terrain vehicle on land on which operation is authorized qualifies for the exception under subd. 2. b. only if the person is under 12 years of age and operates the all-terrain vehicle or utility terrain vehicle when accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

SECTION 10. 23.33 (5) (c) 4. of the statutes is created to read:

23.33 (5) (c) 4. Notwithstanding the safety certificate requirements under par. (b), a person is not required to hold a safety certificate if all of the following apply:

a. The person operates an all-terrain vehicle or utility terrain vehicle at an all-terrain vehicle or utility terrain vehicle demonstration event.

b. The event under subd. 4. a. is sponsored by an all-terrain vehicle dealer, a utility terrain vehicle dealer, an all-terrain vehicle club, a utility terrain vehicle club, this state, a city, a village, a town, or a county.

c. If the person is under 18 years of age, the person is accompanied by his or her parent or guardian or is accompanied by a person over 18 years of age who is designated by the parent or guardian.

d. Notwithstanding sub. (3g) (a), the person wears protective headgear of the type required under s. 347.485 (1).

e. The person operates the all-terrain vehicle or utility terrain vehicle in a closed-course area in the manner prescribed by the event sponsor.