



2013 ASSEMBLY BILL 261

July 8, 2013 - Introduced by Representatives VRUWINK, DANOU, CZAJA, JACQUE, OHNSTAD, POPE, BIES, RINGHAND and CRAIG, cosponsored by Senator SCHULTZ. Referred to Committee on Transportation.

1 **AN ACT to amend** 23.33 (2) (a), 23.33 (4) (d) 5., 78.01 (2) (e), 78.01 (2m) (f), 78.40
2 (1), 78.75 (1m) (a) 2m. and 78.75 (1m) (a) 3.; and **to create** 23.33 (2) (b) 3g. of
3 the statutes; **relating to:** registration of all-terrain vehicles and utility terrain
4 vehicles used exclusively for agricultural purposes or used exclusively on
5 private property.

Analysis by the Legislative Reference Bureau

Current law prohibits any person from operating an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) unless the ATV or UTV is registered by the Department of Natural Resources (DNR) or is exempt from registration. Among the ATVs and UTVs that are exempt from registration are those that are covered by a valid registration in another state and that are located in this state for a specified limited period of time.

Generally, a person may not operate an ATV or UTV on an ATV trail or other established ATV corridor that is open to the public unless it is registered for public use or is exempt from registration. A person who operates an ATV or UTV exclusively for agricultural purposes or exclusively on private property is not required to register that ATV or UTV for public use but must register the ATV or UTV for private use. This bill allows, but does not require, a person who operates an ATV or UTV exclusively for agricultural purposes or exclusively on private property to register the ATV or UTV.

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For further information see the *state and local* 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:

1 **SECTION 1.** 23.33 (2) (a) of the statutes is amended to read:

2 23.33 (2) (a) *Requirement.* Except as provided in sub. (2k), no person may
3 operate and no owner may give permission for the operation of an all-terrain vehicle
4 or utility terrain vehicle within this state unless the all-terrain vehicle or utility
5 terrain vehicle is registered for public use ~~or for private use~~ under this subsection or
6 sub. (2g), is exempt from registration, or is operated with a reflectorized plate or a
7 sign attached in the manner and containing registration decals specified under par.
8 (dm) 3. Except as provided in sub. (2k), no person may operate and no owner may
9 give permission for the operation of an all-terrain vehicle or utility terrain vehicle
10 on an all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain
11 vehicle or utility terrain vehicle is registered for public use under this subsection or
12 sub. (2g).

13 **SECTION 2.** 23.33 (2) (b) 3g. of the statutes is created to read:

14 23.33 (2) (b) 3g. Used exclusively for agricultural purposes, used exclusively
15 on private property, or both.

16 **SECTION 3.** 23.33 (4) (d) 5. of the statutes is amended to read:

17 23.33 (4) (d) 5. On roadways if the all-terrain vehicle or utility terrain vehicle
18 is an implement of husbandry, and if the all-terrain vehicle or utility terrain vehicle
19 is used exclusively for agricultural purposes ~~and if the all-terrain vehicle or utility~~
20 ~~terrain vehicle is registered for private use under sub. (2) (d) or (2g).~~ Operation of
21 an all-terrain vehicle or utility terrain vehicle which is an implement of husbandry

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1 on a roadway is authorized only for the extreme right side of the roadway except that
2 left turns may be made from any part of the roadway which is safe given prevailing
3 conditions.

4 **SECTION 4.** 78.01 (2) (e) of the statutes is amended to read:

5 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and
6 equipment; other than use in a snowmobile, an all-terrain vehicle or utility terrain
7 vehicle that is not registered for private use exempt from registration under s. 23.33
8 (2) (d) (b) 3g., or a recreational motorboat; and delivered directly into the consumer's
9 storage tank in an amount of not less than 100 gallons.

10 **SECTION 5.** 78.01 (2m) (f) of the statutes is amended to read:

11 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than
12 use in a snowmobile, an all-terrain vehicle or utility terrain vehicle that is not
13 registered for private use exempt from registration under s. 23.33 (2) (d) or (2g) (b)
14 3g., or in a recreational motorboat or if no claim for a refund for the tax on the diesel
15 fuel may be made under s. 78.75 (1m) (a) 3.

16 **SECTION 6.** 78.40 (1) of the statutes is amended to read:

17 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
18 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The
19 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply
20 tanks of motor vehicles in this state, attaches at the time of delivery and shall be
21 collected by the dealer from the alternate fuels user and shall be paid to the
22 department. The tax, with respect to alternate fuels acquired by any alternate fuels
23 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a
24 motor vehicle, or of a snowmobile, an all-terrain vehicle or utility terrain vehicle that
25 is not registered for private use exempt from registration under s. 23.33 (2) (d) or (2g)

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1 (b) 3g., or a recreational motorboat, attaches at the time of the use of the fuel and
2 shall be paid to the department by the user. The department may permit any
3 supplier of alternate fuels to report and pay to the department the tax on alternate
4 fuels delivered into the storage facility of an alternate fuels user or retailer which will
5 be consumed for alternate fuels tax purposes or sold at retail.

6 **SECTION 7.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

7 78.75 **(1m)** (a) 2m. A person who uses motor vehicle fuel or an alternate fuel
8 upon which has been paid the tax required under this chapter for the purpose of
9 operating an all-terrain vehicle, as defined under s. 340.01 (2g), or a utility terrain
10 vehicle, as defined under s. 23.33 (1) (ng), may not be reimbursed or repaid the
11 amount of tax paid unless the all-terrain vehicle or utility terrain vehicle is
12 registered for private use exempt from registration under s. 23.33 (2) ~~(d) or (2g)~~ (b)
13 3g.

14 **SECTION 8.** 78.75 (1m) (a) 3. of the statutes is amended to read:

15 78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed. The forms shall
16 indicate that refunds are not available for motor vehicle fuel or alternate fuels used
17 for motorboats, except motorboats exempt from registration as motor vehicles under
18 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle
19 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile
20 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and
21 areas. The forms shall indicate that refunds are not available for motor vehicle fuel
22 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the
23 vehicle is registered for private use exempt from registration under s. 23.33 (2) ~~(d)~~
24 ~~or (2g)~~ (b) 3g. and shall indicate that estimated all-terrain vehicle or utility terrain
25 vehicle motor vehicle fuel or alternate fuels tax payments are used for all-terrain

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1 vehicle trails and areas. The forms shall also indicate that refunds are not available
2 for the tax on less than 100 gallons. The department shall distribute forms in
3 sufficient quantities to each county clerk.

4 (END)