



2013 ASSEMBLY BILL 381

September 20, 2013 - Introduced by Representatives SEVERSON, A. OTT, BERNIER, CZAJA, DANOU, KRUG, T. LARSON, MARKLEIN, MILROY, MURSAU, NYGREN, PETRYK, RINGHAND, RIPP, SMITH, SPIROS, STEINEKE, SWEARINGEN, TAUCHEN, WRIGHT, ENDSLEY and KUGLITSCH, cosponsored by Senators HARSDORF, PETROWSKI, TIFFANY, VINEHOUT, COWLES, MOULTON, KEDZIE, LEIBHAM, SHILLING, GROTHMAN, LASSA and HANSEN. Referred to Committee on Natural Resources and Sporting Heritage.

1 **AN ACT** *to repeal* 23.33 (1) (ng) 1. i.; *to renumber and amend* 23.33 (1) (ng) 2.;
2 *to amend* 23.33 (1) (ng) 1. (intro.), 23.33 (1) (ng) 1. a., 23.33 (1) (ng) 1. b., 23.33
3 (4) (d) 3. and 340.01 (2g); and *to create* 23.33 (1) (iq), 23.33 (3e) and 340.01 (36r)
4 of the statutes; **relating to:** the definitions of an all-terrain vehicle and a
5 utility terrain vehicle, restrictions on operating an all-terrain vehicle or a
6 utility terrain vehicle on a roadway, and seating requirements for utility terrain
7 vehicles.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). Current law provides that a device qualifies as an ATV or a UTV if it meets certain requirements. Among the requirements for an ATV is that it is designed by the manufacturer to travel on three or more low-pressure tires. A UTV must be either originally manufactured with four or more low-pressure tires or be designed by the manufacturer to travel on 3 or more low-pressure tires depending on whether the UTV meets certain other requirements. This bill changes these tire requirements so that the tires may also be non-pneumatic tires. The bill provides that a non-pneumatic tire is a tire that, as designed by the manufacturer, has a minimum width of six inches, has a reinforced structure, and is not supported

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by air pressure. The bill also provides that in order to qualify as an ATV or UTV, the vehicle must have been commercially designed and manufactured with the requisite specifications.

Under current law, a device qualifies as a UTV if it weighs more than 900 pounds and meets certain other requirements. This bill specifies that a device does not qualify as a UTV unless it also weighs no more than 2,000 pounds.

Under current law, a UTV that meets certain requirements must have seats, designed not to be straddled, for at least two occupants. This bill eliminates this requirement. The bill does not change current law that requires certain other UTVs to have a seat designed by the operator to be straddled. The bill also prohibits a person from operating a UTV while seated on or allowing other occupants to be seated on a seat that is not original to the UTV as manufactured.

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

1 **SECTION 1.** 23.33 (1) (iq) of the statutes is created to read:

2 23.33 (1) (iq) “Non-pneumatic tire” means a tire that is designed by the
3 manufacturer to meet all of the following requirements:

4 1. To have a minimum width of 6 inches.

5 2. To have a reinforced structure.

6 3. To not be supported by air pressure.

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

8 23.33 (1) (ng) 1. (intro.) A commercially designed and manufactured motor
9 driven device that does not meet federal motor vehicle safety standards in effect on
10 July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or
11 tracked vehicle, that is designed to be used primarily off of a highway, and that has,
12 and was originally manufactured with, all of the following:

13 **SECTION 3.** 23.33 (1) (ng) 1. a. of the statutes is amended to read:

14 23.33 (1) (ng) 1. a. A net weight, without fluids, of less than 2,000 pounds or
15 less.

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1 **SECTION 4.** 23.33 (1) (ng) 1. b. of the statutes is amended to read:

2 23.33 (1) (ng) 1. b. Four or more low-pressure tires or non-pneumatic tires.

3 **SECTION 5.** 23.33 (1) (ng) 1. i. of the statutes is repealed.

4 **SECTION 6.** 23.33 (1) (ng) 2. of the statutes is renumbered 23.33 (1) (ng) 2.

5 (intro.) and amended to read:

6 23.33 (1) (ng) 2. (intro.) A commercially designed and manufactured motor
7 driven device ~~that has~~ to which all of the following applies:

8 a. It has a net weight, without fluids, of more than 900 pounds, ~~that is originally~~
9 ~~manufactured with~~ but not more than 2000 pounds.

10 b. It has a width of 50 inches or less, ~~that.~~

11 c. It is equipped with a seat designed to be straddled by the operator, ~~and that~~
12 ~~is designed by the manufacturer to travel.~~

13 d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

14 **SECTION 7.** 23.33 (3e) of the statutes is created to read:

15 23.33 (3e) ORIGINAL SEATING. No person may operate a utility terrain vehicle
16 unless he or she, and every occupant of the utility terrain vehicle, is seated on a seat
17 that is original to the utility terrain vehicle as manufactured.

18 **SECTION 8.** 23.33 (4) (d) 3. of the statutes is amended to read:

19 23.33 (4) (d) 3. To cross a bridge, culvert, or railroad right-of-way. The crossing
20 of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is
21 officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing
22 is authorized only if the crossing is done in the most direct manner practicable, if the
23 crossing is made at a place where no obstruction prevents a quick and safe crossing,
24 and if the operator stops the vehicle prior to the crossing and yields the right-of-way

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1 to other vehicles, pedestrians, and electric personal assistive mobility devices using
2 the roadway.

3 **SECTION 9.** 340.01 (2g) of the statutes is amended to read:

4 340.01 **(2g)** “All-terrain vehicle” means ~~an engine-driven~~ a commercially
5 designed and manufactured motor-driven device ~~which that~~ has a net weight,
6 without fluids, of 900 pounds or less, ~~which is originally manufactured with~~ has a
7 width of 50 inches or less, ~~which~~ is equipped with a seat designed to be straddled by
8 the operator, and ~~which is designed by the manufacturer to travel~~ travels on 3 or
9 more low-pressure tires or non-pneumatic tires.

10 **SECTION 10.** 340.01 (36r) of the statutes is created to read:

11 340.01 **(36r)** “Non-pneumatic tire” means a tire that is designed by the
12 manufacturer to meet all of the following requirements:

- 13 (a) To have a minimum width of 6 inches.
14 (b) To have a reinforced structure.
15 (c) To not be supported by air pressure.

16 (END)