1997 ASSEMBLY BILL 106

February 18, 1997 – Introduced by Representatives SERATTI, MUSSER, OURADA, GOETSCH, SCHAFER, ALBERS and OWENS, cosponsored by Senator COWLES. Referred to Committee on Tourism and Recreation.

1   AN ACT **to create** 23.33 (1) (im), 23.33 (1) (jd), 23.33 (1) (jg), 23.33 (4) (dm) and

2   23.33 (11) (ar) of the statutes; **relating to:** the operation of all–terrain vehicles

3   on highways for the purpose of certain types of access.

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate an all–terrain vehicle (ATV) on the roadway of a highway, street or road except under certain limited circumstances. This bill specifically authorizes the operation of ATVs on the roadway and shoulder of a portion of a highway, street or road if that portion of the roadway or shoulder lies within the boundaries of a town, city or village that has enacted an ordinance that allows the operation of ATVs for residential access or for access from lodging. The bill defines "residential access" as being the shortest distance necessary for an ATV to go between a residence and an ATV route or ATV trail and defines "access from lodging" as being the shortest distance necessary for an ATV to go between a lodging establishment or campground and an ATV route or ATV trail. A town, city or village may not enact an ordinance for access from lodging unless it has also enacted an ordinance for residential access.

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 (1) (im) of the statutes is created to read:

2   23.33 **(1)** (im) "Lodging establishment" means any of the following:

3   1. A bed and breakfast establishment, as defined in s. 254.61 (1).

4   2. A hotel, as defined in s. 254.61 (3).

5   3. A tourist rooming house, as defined in s. 254.61 (6).

6   4. A campground.

7   **SECTION 2.** 23.33 (1) (jd) of the statutes is created to read:

8   23.33 **(1)** (jd) "Purpose of access from lodging" means for the purpose of

9   traveling for the shortest distance that is necessary for a person operating an

10   all–terrain vehicle to go between a lodging establishment and the all–terrain vehicle

11   route or all–terrain vehicle trail that is closest to the lodging establishment.

12   **SECTION 3.** 23.33 (1) (jg) of the statutes is created to read:

13   23.33 **(1)** (jg) "Purpose of residential access" means for the purpose of traveling

14   for the shortest distance that is necessary for a person operating an all–terrain

15   vehicle to go between a residence and the all–terrain vehicle route or all–terrain

16   vehicle trail that is closest to that residence.

17   **SECTION 4.** 23.33 (4) (dm) of the statutes is created to read:

18   23.33 **(4)** (dm) *Operation for purpose of access.* A person may operate an

19   all–terrain vehicle on a portion of the roadway or shoulder of a highway for the

20   purpose of residential access or for the purpose of access from lodging if the town, city

21   or village, within which that portion of the highway lies, enacts an ordinance under

22   sub. (11) (ar) for that portion of the highway. An all–terrain vehicle operated on the

23   roadway or shoulder of a highway under this paragraph shall observe roadway speed

24   limits.

25   **SECTION 5.** 23.33 (11) (ar) of the statutes is created to read:

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ASSEMBLY BILL 106   SECTION 5

1   23.33 **(11)** (ar) 1. A town, city or village may enact an ordinance allowing the

2   operation of all–terrain vehicles on a roadway and shoulder of a highway for any

3   portion of a highway that lies within the boundaries of the town, city or village for

4   the purpose of residential access, or for the purpose of access from lodging if the town,

5   city or village also enacts or has in effect an ordinance for the purpose of residential

6   access.

7   2. The department and the off–the–road vehicle council shall jointly prepare

8   a model ordinance as an example of an ordinance that a town, city or village may

9   enact under subd. 1.

10   **(END)**