



2009 ASSEMBLY BILL 574

November 10, 2009 - Introduced by Representatives VRUWINK, GARTHWAITE, RADCLIFFE, DANOU, A. OTT, TURNER, BALLWEG, SUDER and HUBLER, cosponsored by Senators SCHULTZ, OLSEN and TAYLOR. Referred to Committee on Agriculture.

1 **AN ACT to amend** 59.84 (2) (j), 346.16 (2) (ar), 346.95 (5), 347.14 (1), 347.22,
2 347.245 (1) and 347.27 (3); and **to create** 285.30 (5) (L), 341.05 (27m), 346.94
3 (21) and 347.02 (1) (j) of the statutes; **relating to:** lightweight utility vehicles
4 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, for purposes of a pilot program, a lightweight utility vehicle is defined as an engine-driven device having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway. (Lightweight utility vehicles are commonly known by their trade names, such as the John Deere Gator or Kubota RTV series.)

This bill authorizes limited-purpose operation of lightweight utility vehicles on highways. Under the bill, a lightweight utility vehicle (LUV) is a lightweight utility vehicle as defined for purposes of the pilot program, except that the term does not include any device that is equipped with a seat designed to be straddled by the operator. A person may operate in the conduct of agricultural operations an LUV on a highway, including the roadway or the shoulder of the highway, to cross the highway or to travel on the highway. A person operating an LUV on a highway is required to exercise due care, avoid interfering with the movement of other traffic, and, when operating on the roadway, operate as close as practicable to the right-hand edge of the roadway. Any operation of an LUV on a highway other than as provided in this bill or as designated under the pilot program is prohibited. An

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LUV is not required to be registered with DOT and is exempt from vehicle emission inspection requirements. An LUV operated on a highway is generally exempt from motor vehicle equipment requirements, but must have head lamps and tail lamps if operated at night, must have at least one stop (brake) lamp, and must be equipped with a slow moving vehicle emblem.

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

1 **SECTION 1.** 59.84 (2) (j) of the statutes is amended to read:

2 59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has
3 been certified as completed, the public body having jurisdiction over the
4 maintenance thereof shall have the power to regulate the type of vehicular use of
5 such portion of the expressway except as limited by federal and state laws and
6 regulations, and the power to fix speed limits thereon not in excess of the maximum
7 speed limits for state trunk highways, and to provide and enforce reasonable
8 penalties for infraction of such vehicular use regulation or speed limits.
9 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,
10 motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices,
11 off-road utility vehicles, lightweight utility vehicles as defined in s. 346.94 (21) (a)
12 2. except when used to cross an expressway, funeral processions, and animals on foot
13 and the hauling of oversized equipment without special permit shall be prohibited
14 when an ordinance in conformity with this section and, with respect to prohibiting
15 the use of electric personal assistive mobility devices, in conformity with s. 349.236
16 (1) (a) or (b) is enacted by the board, but a forfeiture provided therein shall not exceed
17 the maximum forfeiture under s. 346.17 (2). The board may not prohibit the towing
18 of disabled vehicles on expressways, except that the board may prohibit the towing
19 of disabled vehicles during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m.

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1 as established under county ordinance and except that the board may establish
2 procedures for and may contract for the towing of vehicles which have become
3 disabled on the expressway.

4 **SECTION 2.** 285.30 (5) (L) of the statutes is created to read:

5 285.30 (5) (L) A lightweight utility vehicle as defined in s. 346.94 (21) (a) 2.

6 **SECTION 3.** 341.05 (27m) of the statutes is created to read:

7 341.05 (27m) The vehicle is a lightweight utility vehicle, as defined in s. 346.94
8 (21) (a) 2.

9 **SECTION 4.** 346.16 (2) (ar) of the statutes is amended to read:

10 346.16 (2) (ar) Notwithstanding s. 349.105, no person operating an off-road
11 utility vehicle or a lightweight utility vehicle, as defined in s. 346.94 (21) (a) 2., may
12 go upon any expressway or freeway when official signs have been erected prohibiting
13 persons specified in par. (a) from using the expressway or freeway, except that a
14 lightweight utility vehicle may cross such an expressway or freeway.

15 **SECTION 5.** 346.94 (21) of the statutes is created to read:

16 346.94 (21) LIGHTWEIGHT UTILITY VEHICLES ON HIGHWAYS. (a) In this subsection:

17 1. "Agricultural operations" includes transporting farm implements,
18 equipment, supplies, or products on a farm or between farms.

19 2. "Lightweight utility vehicle" has the meaning given in s. 23.33 (11m) (a) 2.,
20 except that the term does not include a device that is equipped with a seat designed
21 to be straddled by the operator.

22 (b) 1. Notwithstanding s. 23.33 (11m), a person may operate in the conduct of
23 agricultural operations a lightweight utility vehicle on a highway, including any
24 roadway or, notwithstanding ss. 346.05 (1) and 346.08, any shoulder of a highway,
25 to cross the highway or to travel on the highway.

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1 2. Any person operating a lightweight utility vehicle on a highway shall
2 exercise due care and, as far as is practicable, avoid interfering with the movement
3 of traffic.

4 3. Any person operating a lightweight utility vehicle upon any roadway shall
5 operate as close as practicable to the right-hand edge or curb of the unobstructed
6 roadway.

7 (c) Except as provided in par. (b) and s. 23.33 (11m), no person may operate a
8 lightweight utility vehicle on a highway.

9 **SECTION 6.** 346.95 (5) of the statutes is amended to read:

10 346.95 (5) Any person violating s. 346.94 (13) or (21) may be required to forfeit
11 not more than \$200.

12 **SECTION 7.** 347.02 (1) (j) of the statutes is created to read:

13 347.02 (1) (j) Lightweight utility vehicles, as defined in s. 346.94 (21) (a) 2.

14 **SECTION 8.** 347.14 (1) of the statutes is amended to read:

15 347.14 (1) No person shall operate a motor vehicle, lightweight utility vehicle
16 as defined in s. 346.94 (21) (a) 2., mobile home, or trailer or semitrailer upon a
17 highway unless such motor vehicle, lightweight utility vehicle, mobile home, or
18 trailer or semitrailer is equipped with at least one stop lamp mounted on the rear and
19 meeting the specifications set forth in this section. The stop lamp on a mobile home
20 or trailer or semitrailer shall be controlled and operated from the driver's seat of the
21 propelling vehicle. A stop lamp may be incorporated with a tail lamp. No vehicle
22 originally equipped at the time of manufacture and sale with 2 stop lamps shall be
23 operated upon a highway unless both such lamps are in good working order.

24 **SECTION 9.** 347.22 of the statutes is amended to read:

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1 **347.22 Lamps on farm tractors and, self-propelled farm implements,**
2 **and lightweight utility vehicles.** (1) No person shall operate or park a farm
3 tractor ~~or~~, self-propelled farm implement, or lightweight utility vehicle, as defined
4 in s. 346.94 (21) (a) 2., upon a highway during hours of darkness unless such tractor
5 ~~or~~, implement, or lightweight utility vehicle carries the lighted headlamps and tail
6 lamps which would be required of other motor vehicles under similar circumstances.

7 (2) No person shall operate or park a farm tractor ~~or~~, self-propelled farm
8 implement, or lightweight utility vehicle, as defined in s. 346.94 (21) (a) 2., upon a
9 highway during hours of darkness with any lamp thereon showing any light to the
10 rear other than red in color.

11 **SECTION 10.** 347.245 (1) of the statutes is amended to read:

12 347.245 (1) After January 1, 1970, no person may operate on a highway, day
13 or night, any vehicle or equipment, any animal-drawn vehicle, or any other
14 machinery, including all road machinery, that usually travels at speeds of less than
15 25 miles per hour or any vehicle operated under a special restricted operator's license
16 issued under s. 343.135 or any lightweight utility vehicle, as defined in s. 346.94 (21)
17 (a) 2., unless there is displayed on the most practicable visible rear area of the vehicle
18 or combination of vehicles, a slow moving vehicle (SMV) emblem as described in and
19 displayed as provided in sub. (2). Any towed vehicle or machine is exempt from this
20 provision if the towing vehicle is visible from the rear and is in compliance with this
21 section. All road machinery is excluded when it is engaged in actual construction or
22 maintenance work either guarded by a flagman or clearly visible warning signs.
23 Except as provided in s. 347.21 (1), the requirement of the emblem shall be in
24 addition to any lighting devices required or permitted by law. Mopeds and motor
25 bicycles are excluded from the provisions of this section unless they are operated

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1 under a special restricted operator’s license issued under s. 343.135. Electric
2 personal assistive mobility devices are excluded from the provisions of this section.
3 The SMV emblem need not be displayed on vehicles moving directly across the
4 highway.

5 **SECTION 11.** 347.27 (3) of the statutes is amended to read:

6 347.27 (3) In this section, “vehicle” includes farm tractors and self-propelled
7 farm implements, implements of husbandry, animal-drawn vehicles, lightweight
8 utility vehicles as defined in s. 346.94 (21) (a) 2., and road machinery.

9 **SECTION 12. Initial applicability.**

10 (1) This act first applies to vehicles operated on the effective date of this
11 subsection.

12 (END)