



2009 SENATE BILL 400

November 18, 2009 – Introduced by Senators HOLPERIN, KREITLOW, COWLES, TAYLOR, PLALE, OLSEN, SCHULTZ, ERPENBACH and HANSEN, cosponsored by Representatives JORGENSEN, CLARK, BALLWEG, TOWNSEND, RADCLIFFE, A. OTT, SUDER, PETROWSKI, MURSAU, GUNDERSON and KAUFERT. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1 **AN ACT to amend** 23.33 (4) (b), 23.33 (5) (a), 23.33 (8) (e) and 346.94 (1); and **to**
2 **create** 23.33 (1) (jq), 23.33 (3) (hg), 23.33 (3) (hr) and 23.33 (4) (f) of the statutes;
3 **relating to:** operation of all-terrain vehicles to remove snow.

Analysis by the Legislative Reference Bureau

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways and areas adjacent to roadways only in limited circumstances. These include roadways or sidewalks that have been designated as ATV routes or trails or roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert and is permissible on a sidewalk that is designated as an ATV route.

Under this bill, an ATV with a snow plow or similar device may be operated on a roadway, adjacent to a roadway, or on a public sidewalk from October 1 through April 30 for the purpose of traveling to a site to remove snow regardless of whether the area to be traveled is an ATV route or trail if the ATV has certain lighting equipment and if operation on the roadway or the sidewalk is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two miles. The bill also imposes specific speed limits on operation of an ATV with a snow removal device depending on its proximity to a dwelling and whether it is being operated on a roadway or an area adjacent to the roadway as opposed to a sidewalk.

SENATE BILL 400

For further information see the *state* 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) (jq) of the statutes is created to read:

2 23.33 (1) (jq) “Snow removal device” means an attachment designed and
3 installed for the purpose of removing snow. An attachment under this paragraph
4 may be a plow blade, blower, bucket, or brush.

5 **SECTION 2.** 23.33 (3) (hg) of the statutes is created to read:

6 23.33 (3) (hg) At a speed exceeding 15 miles per hour when it is being operated
7 on a roadway or adjacent to a roadway with a snow removal device attached, if it is
8 more than 150 feet from a dwelling.

9 **SECTION 3.** 23.33 (3) (hr) of the statutes is created to read:

10 23.33 (3) (hr) At a speed exceeding 5 miles per hour when it is being operated
11 on a sidewalk or driveway with a snow removal device attached, regardless of its
12 proximity to a dwelling.

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

14 23.33 (4) (b) *Other highways; operation restricted.* No person may operate an
15 all-terrain vehicle on a highway except as authorized under pars. (d) ~~and~~, (e), and
16 (f) or as authorized by rules promulgated by the department and approved by the
17 department of transportation.

18 **SECTION 5.** 23.33 (4) (f) of the statutes is created to read:

19 23.33 (4) (f) *Operation with snow removal device attached.* Except as provided
20 in par. (a), a person may operate an all-terrain vehicle with a snow removal device
21 attached on a roadway or adjacent to a roadway or on a public sidewalk during the

SENATE BILL 400

1 period beginning on October 1 and ending on April 30 of each year for the purpose
2 of removing snow if the all-terrain vehicle has a 360-degree flashing or rotating
3 amber or yellow light mounted at the highest practicable point and that is activated
4 and visible from any direction, and if such operation is necessary to travel to or from
5 a site where the snow removal device will be used. The travel necessary to or from
6 the site may not exceed 2 miles. Operation on a roadway of such an all-terrain
7 vehicle is authorized only for the extreme right side of the roadway except that left
8 turns may be made from any part of the roadway where it is safe to do so given
9 prevailing conditions. Operation adjacent to a roadway of such an all-terrain vehicle
10 shall comply with the applicable speed limit and with par. (e) 1., 2., 3., and 5.

11 **SECTION 6.** 23.33 (5) (a) of the statutes is amended to read:

12 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
13 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
14 agricultural purpose and he or she is under the supervision of a person over 18 years
15 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
16 vehicle trail designated by the department and he or she is accompanied by his or her
17 parent. No person who is under 12 years of age may operate an all-terrain vehicle
18 which is an implement of husbandry on a roadway under any circumstances. No
19 person who is under 12 years of age may operate an all-terrain vehicle on a roadway
20 under the authorization provided under sub. (4) (d) 6. under any circumstances. No
21 person who is under 12 years of age may operate an all-terrain vehicle under the
22 authorization provided under sub. (4) (f) under any circumstances. No person who
23 is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this
24 paragraph, supervision does not require that the person under 12 years of age be
25 subject to continuous direction or control by the person over 18 years of age.

