

2001 ASSEMBLY BILL 562

October 11, 2001 – Introduced by Representatives SERATTI, KRAWCZYK, MUSSER, PETROWSKI, SKINDRUD, OTT, POWERS, PETTIS, LIPPERT, SUDER, GUNDERSON, OWENS, KESTELL, SYKORA and RYBA, cosponsored by Senators BAUMGART, COWLES and HARSDORF. Referred to Committee on Tourism and Recreation.

1 **AN ACT to amend** 23.33 (5) (a) and 23.33 (5) (b); and **to create** 23.33 (1) (im), 23.33
2 (1) (jd), 23.33 (1) (jg), 23.33 (4) (dm) and 23.33 (11) (ar) of the statutes; **relating**
3 **to:** the operation of all-terrain vehicles on highways for the purpose of certain
4 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 the purposes of residential access or access from lodging. A minor under age 12 may not operate an ATV on a roadway or a shoulder for these purposes, and a minor who is from 12 to 15 years old may only do so if the minor holds an ATV safety certificate and is subject to continuous direction by an adult.

The bill defines “residential access” as being a distance of not more than five miles in order for an ATV to go between a residence and an ATV route or ATV trail. The bill defines “access from lodging” as being a distance of not more than five miles in order 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.

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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 (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 a distance of not more than 5 miles in order 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 a distance of not more than 5 miles in order 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

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1 sub. (11) (ar) for that portion of the highway. An all-terrain vehicle operated on the
2 roadway or shoulder of a highway under this paragraph shall observe roadway speed
3 limits.

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

5 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
6 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
7 agricultural purpose and he or she is under the supervision of a person over 18 years
8 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
9 vehicle trail designated by the department and he or she is accompanied by his or her
10 parent. No person who is under 12 years of age may operate an all-terrain vehicle
11 which is an implement of husbandry on a roadway under any circumstances. No
12 person who is under 12 years of age may operate an all-terrain vehicle on a roadway
13 under the authorization provided under sub. (4) (d) 6. under any circumstances. No
14 person who is under 12 years of age may operate an all-terrain vehicle on a roadway
15 or shoulder of a highway as authorized under sub. (4) (dm) under any circumstances.

16 No person who is under 12 years of age may rent or lease an all-terrain vehicle. For
17 purposes of this paragraph, supervision does not require that the person under 12
18 years of age be subject to continuous direction or control by the person over 18 years
19 of age.

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

21 23.33 (5) (b) *All-terrain vehicle safety certificate.* A person who is at least 12
22 years of age but under 16 years of age may not operate an all-terrain vehicle unless
23 he or she holds a valid all-terrain vehicle safety certificate or is accompanied by a
24 person over 18 years of age. A person who is at least 12 years of age but under 16
25 years of age may not operate an all-terrain vehicle on a roadway under the

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1 authorization provided under sub. (4) (d) 6. unless he or she holds a valid all-terrain
2 vehicle safety certificate regardless if he or she is accompanied by a person over 18
3 years of age. A person who is at least 12 years of age but under 16 years of age may
4 not operate an all-terrain vehicle which is an implement of husbandry on a roadway
5 under the authorization provided under sub. (4) (d) 5. unless he or she holds a valid
6 all-terrain vehicle safety certificate regardless if he or she is accompanied by a
7 person over 18 years of age. A person who is at least 12 years of age but under 16
8 years of age may not operate an all-terrain vehicle on a roadway or shoulder of a
9 highway as authorized under sub. (4) (dm) unless he or she holds a valid all-terrain
10 vehicle safety certificate and is accompanied by a person over 18 years of age. A
11 person who is at least 12 years of age but under 16 years of age may not rent or lease
12 an all-terrain vehicle. A person who is at least 12 years of age but under 16 years
13 of age who holds an all-terrain vehicle safety certificate shall carry it while he or she
14 operates an all-terrain vehicle and shall display it to a law enforcement officer on
15 request. Persons enrolled in a safety certification program approved by the
16 department may operate an all-terrain vehicle in an area designated by the
17 instructor.

18 **SECTION 7.** 23.33 (11) (ar) of the statutes is created to read:

19 23.33 (11) (ar) 1. A town, city, or village may enact an ordinance allowing the
20 operation of all-terrain vehicles on a roadway and shoulder of a highway for any
21 portion of a highway that lies within the boundaries of the town, city, or village for
22 the purpose of residential access, or for the purpose of access from lodging if the town,
23 city, or village also enacts or has in effect an ordinance for the purpose of residential
24 access.

