

2001 DRAFTING REQUEST

Bill

Received: 11/17/2000

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Lorraine Seratti (608) 266-3780

By/Representing:

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

All-terrain vehicle access to highways

Instructions:

Same as 1999 AB 252

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gibsom 11/28/2000	wjackson 12/06/2000		_____			S&L
/1			martykr 12/07/2000	_____	lrb_docadmin 12/07/2000		S&L
/2	gibsom 01/16/2001	wjackson 01/17/2001	kfollet 01/22/2001	_____	gretskl 01/22/2001	lrb_docadmin 02/05/2001 lrb_docadmin 10/02/2001	

re-jacketed
(orig. jacket returned)

FE Sent For:

→ At
Intro.

<END>

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By/Representing: *(Michele)*

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*Redraft
incorporate
99 Q 0656/3*

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/1		12 11/17 WLJ	martykr 12/07/2000		lrb_docadmin 12/07/2000		

FE Sent For:

*kyf/hmh
11/22*

<END>

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1?	gibsom	1 WJ 12/6/00	km 12/7	RS km	12/7		

FE Sent For:

<END>

MGG
2

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

*Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.*

Date 11-16-2000

Legislator, agency, or other person requesting this draft Rep. Seratti

Person submitting request (name and phone number) Minette

Persons to contact for questions about this draft (names and phone numbers) " "

Describe the problem, including any helpful examples. How do you want to solve the problem?

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67). 1999 AB 252 → redraft for 2001 session

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?
YES NO

over the phone MJB

1999 ASSEMBLY BILL 252

March 25, 1999 - Introduced by Representatives SERATTI, MUSSER, ALBERS, GRONEMUS, REYNOLDS, SKINDRUD, GUNDERSON and PETTIS, cosponsored by Senators BRESKE and SCHULTZ. Referred to Committee on Tourism and Recreation.

Regen

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 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.

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:

ASSEMBLY BILL 252

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
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:

ASSEMBLY BILL 252

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23.33 (11) (ar) 1. A town, city⁵ or village may enact an ordinance allowing the operation of all-terrain vehicles on a roadway and shoulder of a highway for any portion of a highway that lies within the boundaries of the town, city⁵ or village for the purpose of residential access, or for the purpose of access from lodging if the town, city⁵ or village also enacts or has in effect an ordinance for the purpose of residential access.

2. The department and the off-the-road vehicle council shall jointly prepare a model ordinance as an example of an ordinance that a town, city⁵ or village may enact under subd. 1.✓

(END)



2001 BILL

No ft

age
A minor under 12 may not operate an ATV as ~~authorized under this title~~ 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 has ~~completed~~ hold an ATV safety certificate and is ~~accompanied~~ subject to continuous direction by an adult.

the purposes of

REGEN

- 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 ~~or~~ access from lodging.

4 The bill defines "residential access" as being a distance of not more than five miles ~~under 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 ~~under 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.

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- 6 4. A campground.

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

8 ⑧ 23.33 (1) (jd) "Purpose of access from lodging" means for the purpose of
 9 ^{and} traveling ^{STET} 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 ^{then} route or ^{or} all-terrain vehicle trail that is closest to the lodging establishment.

a person operating on all-terrain vehicle

Lps: Ignore my changes to par. (jd)

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
 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.

INS 2-24

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

BILL

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)

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 252**

September 23, 1999 - Offered by Representatives SERATTI and HUBLER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 24: after that line insert:

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

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

INS
2-24



1 or shoulder of a highway as authorized under sub. (4) (dm) under any circumstances.

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

INS
2-24
Cont.

6 SECTION 4r. 23.33 (5) (b) of the statutes is amended to read:

7 23.33 (5) (b) *All-terrain vehicle safety certificate.* A person who is at least 12
8 years of age but under 16 years of age may not operate an all-terrain vehicle unless
9 he or she holds a valid all-terrain vehicle safety certificate or is accompanied by a

10 person over 18 years of age. A person who is at least 12 years of age but under 16
11 years of age may not operate an all-terrain vehicle on a roadway under the
12 authorization provided under sub. (4) (d) 6. unless he or she holds a valid all-terrain
13 vehicle safety certificate regardless if he or she is accompanied by a person over 18

14 years of age. A person who is at least 12 years of age but under 16 years of age may
15 not operate an all-terrain vehicle which is an implement of husbandry on a roadway
16 under the authorization provided under sub. (4) (d) 5. unless he or she holds a valid
17 all-terrain vehicle safety certificate regardless if he or she is accompanied by a
18 person over 18 years of age. A person who is at least 12 years of age but under 16

19 years of age may not operate an all-terrain vehicle ^{as} ^{ed} under the authorization provided

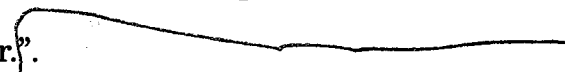
20 under sub. (4) (dm) unless he or she holds a valid all-terrain vehicle safety certificate

21 and is accompanied by a person over 18 years of age. A person who is at least 12 years
22 of age but under 16 years of age may not rent or lease an all-terrain vehicle. A person
23 who is at least 12 years of age but under 16 years of age who holds an all-terrain
24 vehicle safety certificate shall carry it while he or she operates an all-terrain vehicle

25 and shall display it to a law enforcement officer on request. Persons enrolled in a

↓

*end
ms
2-24*

1 safety certification program approved by the department may operate an all-terrain
2 vehicle in an area designated by the instructor." 

3

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 22, 2001

MEMORANDUM

To: Representative Seratti

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-1122 All-terrain vehicle access to highways

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3215 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

Barman, Mike

From: Barman, Mike
Sent: Wednesday, February 28, 2001 2:00 PM
To: Fiocchi, Tim
Subject: LRB 01-1122/2



01-1122/2

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

