

## 2001 ASSEMBLY BILL 668

December 3, 2001 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Tourism and Recreation.

1 AN ACT *to amend* 23.33 (5) (c) and 30.68 (3) (b); *to repeal and recreate* 23.33  
2 (5) (b); and *to create* 30.68 (3) (bm) of the statutes; **relating to:** safety training  
3 for all-terrain vehicle and motorboat operation.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the PREFATORY NOTE provided by the joint legislative council in the bill.

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

PREFATORY NOTE: This bill is recommended by the joint legislative council's special committee on recodification of operating while intoxicated and safety laws pertaining to motor vehicle, all-terrain vehicle, boat, or snowmobile operation. The special committee was directed to study current statutes relating to operating a vehicle while under the influence of an intoxicant or drug and to reorganize, simplify, modernize, and clarify these statutes and make minor substantive changes necessary to effect these goals. In addition, the special committee was directed to study, with respect to an all-terrain vehicle, a boat, or a snowmobile, whether enforcement mechanisms need to be increased or created to ensure compliance with the law.

Current law provides that a person who is at least 12 years old and less than 16 years old may operate an all-terrain vehicle under the following circumstances:

1. If the person has a safety certificate from the department of natural resources (DNR).
2. If the person is accompanied by another person who is over 18 years of age.

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3. If the person, with a physical disability, is on a roadway and has a hunting permit and a safety certificate.

4. If the person is operating an implement of husbandry on a roadway if the person has a safety certificate.

5. If the person holds a valid certificate from another state or Canadian province.

6. If the person is on land exclusively under the control of the person's immediate family.

With respect to a motorboat, current law provides that a person at least 12 years old and less than 16 years old may operate a motorboat if the person is accompanied by a parent, guardian, or person at least 18 years of age who is designated by a parent or guardian or if the person has a safety certificate from DNR.

The snowmobile law was amended in the 1999 session of the legislature to provide that, beginning on January 1, 2001, any person who is at least 12 years of age and who is born on or after January 1, 1985 must hold a valid snowmobile safety certificate in order to operate the snowmobile. The only exception to this provision is if the person operates the snowmobile upon lands owned or leased by a parent or guardian. The requirement to obtain a safety certificate applies to all persons who are at least 12 years old and born on or after January 1, 1985, regardless of the person's age.

In general, this bill amends the law relating to all-terrain vehicles and motorboats in order to make the law consistent with the law applicable to snowmobiles. Thus, the bill provides that no person who is at least 12 years of age and who is born on or after January 1, 1986, may operate an all-terrain vehicle or a motorboat without a valid safety certificate. As in current law, the bill exempts from this requirement an operator of an all-terrain vehicle who holds a valid certificate from another state or Canadian province or who operates the all-terrain vehicle on land exclusively under the control of the person's immediate family. The provisions of the bill take effect on January 1, 2002.

1           **SECTION 1.** 23.33 (5) (b) of the statutes is repealed and recreated to read:

2           23.33 (5) (b) *All-terrain vehicle safety certificate.* 1. No person who is at least  
3 12 years of age and who is born on or after January 1, 1986, may operate an  
4 all-terrain vehicle unless he or she holds a valid safety certificate.

5           2. Any person who is required to hold an all-terrain vehicle safety certificate  
6 while operating an all-terrain vehicle shall carry the certificate on the all-terrain  
7 vehicle and shall display the certificate to a law enforcement officer on request.  
8 Persons enrolled in a safety certification program approved by the department may  
9 operate an all-terrain vehicle in an area designated by the instructor.

10           **SECTION 2.** 23.33 (5) (c) of the statutes is amended to read:

11           23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who  
12 operates an all-terrain vehicle exclusively on land under the management and  
13 control of the person's immediate family. Paragraphs (a) and (b) do not apply to a

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1 person at least 12 years of age ~~but under 16 years of age~~ who holds a valid certificate  
2 issued by another state or a province of Canada.

3 **SECTION 3.** 30.68 (3) (b) of the statutes is amended to read:

4 30.68 (3) (b) No person under the age of 10 years may operate a motorboat.  
5 Persons at least 10 and less than 12 years of age may operate a motorboat only if they  
6 are either accompanied in the boat by a parent or guardian or a person at least 18  
7 years of age designated by a parent or guardian. ~~Persons at least 12 and less than~~  
8 ~~16 years of age may operate a motor of any horsepower, but only if they are either~~  
9 ~~accompanied by a parent or guardian or a person at least 18 years of age designated~~  
10 ~~by a parent or guardian, or in possession of a certificate issued under s. 30.74 (1).~~  
11 This paragraph does not apply to personal watercraft.

12 **SECTION 4.** 30.68 (3) (bm) of the statutes is created to read:

13 30.68 (3) (bm) 1. In this paragraph, “motorboat safety certificate” means a  
14 certificate issued under s. 30.74 (1).

15 2. No person who is at least 12 years of age and who is born on or after January  
16 1, 1986, may operate a motorboat unless he or she holds a valid motorboat safety  
17 certificate.

18 3. Any person who is required to hold a motorboat safety certificate while  
19 operating a motorboat shall carry the certificate on the motorboat and shall display  
20 the certificate to a law enforcement officer on request. Persons enrolled in a safety  
21 certification program approved by the department may operate a motorboat in an  
22 area designated by the instructor.

23 4. This paragraph does not apply to personal watercraft.

24 **SECTION 5. Effective date.**

