

2003 Assembly Bill 573

Date of enactment: **April 7, 2004**  
Date of publication\*: **April 21, 2004**

## 2003 WISCONSIN ACT 192

AN ACT to amend 59.84 (2) (j), 285.30 (5) (c) and 346.16 (2) (am); and to create 285.30 (5) (j), 340.01 (38m), 341.05 (27), 346.16 (2) (ar), 346.94 (19) and 346.95 (8) of the statutes; relating to: the operation of off-road utility vehicles and providing a penalty.

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

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

59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has been certified as completed, the public body having jurisdiction over the maintenance thereof shall have the power to regulate the type of vehicular use of such portion of the expressway except as limited by federal and state laws and regulations, and the power to fix speed limits thereon not in excess of the maximum speed limits for state trunk highways, and to provide and enforce reasonable penalties for infraction of such vehicular use regulation or speed limits. Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds, motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices, off-road utility vehicles, funeral processions, and animals on foot and the hauling of oversized equipment without special permit shall be prohibited when an ordinance in conformity with this section and, with respect to prohibiting the use of electric personal assistive mobility devices, in conformity with s. 349.236 (1) (a) or (b) is enacted by the board, but a forfeiture provided therein shall not exceed the maximum forfeiture under s. 346.17

(2). The board may not prohibit the towing of disabled vehicles on expressways, except that the board may prohibit the towing of disabled vehicles during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. as established under county ordinance and except that the board may establish procedures for and may contract for the towing of vehicles which have become disabled on the expressway.

**SECTION 2.** 285.30 (5) (c) of the statutes is amended to read:

285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except that a motor vehicle owned by the United States is not exempt unless it comes under par. (a), (b), (d), (e), (f), (g) ~~or~~ (h), or (j).

**SECTION 3.** 285.30 (5) (j) of the statutes is created to read:

285.30 (5) (j) An off-road utility vehicle as defined in s. 340.01 (38m).

**SECTION 4.** 340.01 (38m) of the statutes is created to read:

340.01 (38m) “Off-road utility vehicle” means a motor vehicle that is designed and constructed to carry no more than 2 persons and to be used for collecting residential and commercial solid waste, such as yard waste, recyclable materials, and household garbage, refuse, and rubbish, landscaping, or incidental street maintenances; that is not certified by the manufacturer for on-road use or

\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

that is certified by the manufacturer as meeting the equipment standards for a low-speed vehicle under 49 CFR 571.500; and that satisfies the equipment standards for a Type 2 automobile or Type 2 motorcycle under ch. 347 or the equipment standards for a low-speed vehicle under 49 CFR 571.500. "Off-road utility vehicle" does not include any motorized construction equipment or any motor vehicle that falls within another definition under this section.

**SECTION 5.** 341.05 (27) of the statutes is created to read:

341.05 (27) The vehicle is an off-road utility vehicle being operated in accordance with s. 346.94 (19).

**SECTION 6.** 346.16 (2) (am) of the statutes is amended to read:

346.16 (2) (am) ~~Except Notwithstanding s. 349.105 and except~~ as provided in par. (b), no person riding an electric personal assistive mobility device may go upon any expressway or freeway when official signs have been erected prohibiting persons specified in par. (a) from using the expressway or freeway.

**SECTION 7.** 346.16 (2) (ar) of the statutes is created to read:

346.16 (2) (ar) Notwithstanding s. 349.105, no person operating an off-road utility vehicle may go upon any

expressway or freeway when official signs have been erected prohibiting persons specified in par. (a) from using the expressway or freeway.

**SECTION 8.** 346.94 (19) of the statutes is created to read:

346.94 (19) OFF-ROAD UTILITY VEHICLES ON ROADWAY. (a) A person may operate an off-road utility vehicle upon any roadway that has a speed limit of 35 miles per hour or less. This paragraph applies only if the person operating the off-road utility vehicle is employed by, or under contract with, the state or a local governmental unit, as defined in s. 19.42 (7u), and the off-road utility vehicle is being used for the state or local governmental purpose of collecting residential or commercial solid waste, landscaping, or performing incidental street maintenance, and is operated on a highway for a distance not to exceed one half mile.

(b) No person may operate an off-road utility vehicle upon any highway that has a speed limit of more than 35 miles per hour.

**SECTION 9.** 346.95 (8) of the statutes is created to read:

346.95 (8) Any person violating s. 346.94 (19) may be required to forfeit not less than \$30 nor more than \$300.

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