

2003 ASSEMBLY BILL 573

October 15, 2003 – Introduced by Representatives GIELOW, WASSERMAN, AINSWORTH, KRAWCZYK, HAHN, GUNDERSON, McCORMICK and GROTHMAN, cosponsored by Senators DARLING, KEDZIE, REYNOLDS and SCHULTZ, by request of villages of Bayside and Fox Point. Referred to Committee on Transportation.

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

Analysis by the Legislative Reference Bureau

This bill specifically permits the operation of off-road utility vehicles on certain roadways of the state. The bill defines “off-road utility vehicle” as a motor vehicle that is designed and constructed to carry one or two persons and be used for collecting residential and commercial solid waste (such as garbage, yard waste, and recyclable materials), landscaping, or incidental street maintenance. As defined in the bill, an off-road utility vehicle must meet the equipment standards under state law for a Type 2 automobile or Type 2 motorcycle or the federal equipment standards for a low-speed vehicle and may not be certified for on-road use by its manufacturer. Off-road utility vehicles are smaller, lighter, and slower moving than most other vehicles used for such purpose.

The bill permits off-road utility vehicles to be operated on all roadways in this state that have a speed limit of 35 miles per hour or less, but only if the off-road utility vehicle is being used to collect residential or commercial solid waste or is being used for landscaping or incidental street maintenance. In addition, the vehicle must be operated by a person employed by, or under contract with, the state or a local governmental unit. The bill specifically prohibits the operation of off-road utility vehicles on any roadway having a speed limit of more than 35 miles per hour. A

ASSEMBLY BILL 573

person who violates any of these provisions relating to the operation of off-road utility vehicles may be required to forfeit not less than \$30 nor more than \$300.

The bill also does all of the following:

1. Exempts off-road utility vehicles from vehicle registration by the Department of Transportation (DOT). Under current law, road machinery, implements of husbandry (agriculture), and certain vehicles that are operated primarily off a highway or to cross a highway are exempt from registration by DOT.

2. Requires an operator of an off-road utility vehicle to have a valid operator's license or instruction permit authorizing the operation of "Class D" vehicles (primarily automobiles, but also any other motor vehicles that are not commercial motor vehicles or Type 1 motorcycles).

3. Requires the operators of off-road utility vehicles to observe the rules of the road, including this state's implied consent law and statutory provisions relating to drunken driving, and subjects violators of those rules to the same penalties as those that apply to violations committed while operating other "Class D" vehicles, including the assessment of demerit points and the imposition of fines, forfeitures, terms of imprisonment, and revocation or suspension of motor vehicle operating privileges.

4. Exempts off-road utility vehicles from motor vehicle emission limitations and testing.

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

2 59.84 **(2)** (j) *Traffic types and speed limits.* After an expressway project has
3 been certified as completed, the public body having jurisdiction over the
4 maintenance thereof shall have the power to regulate the type of vehicular use of
5 such portion of the expressway except as limited by federal and state laws and
6 regulations, and the power to fix speed limits thereon not in excess of the maximum
7 speed limits for state trunk highways, and to provide and enforce reasonable
8 penalties for infraction of such vehicular use regulation or speed limits.
9 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,
10 motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices,

ASSEMBLY BILL 573

1 off-road utility vehicles, funeral processions, and animals on foot and the hauling of
2 oversized equipment without special permit shall be prohibited when an ordinance
3 in conformity with this section and, with respect to prohibiting the use of electric
4 personal assistive mobility devices, in conformity with s. 349.236 (1) (a) or (b) is
5 enacted by the board, but a forfeiture provided therein shall not exceed the maximum
6 forfeiture under s. 346.17 (2). The board may not prohibit the towing of disabled
7 vehicles on expressways, except that the board may prohibit the towing of disabled
8 vehicles during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. as
9 established under county ordinance and except that the board may establish
10 procedures for and may contract for the towing of vehicles which have become
11 disabled on the expressway.

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

13 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
14 that a motor vehicle owned by the United States is not exempt unless it comes under
15 par. (a), (b), (d), (e), (f), (g) ~~or~~, (h), or (j).

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

17 285.30 (5) (j) An off-road utility vehicle as defined in s. 340.01 (38m).

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

19 340.01 (38m) “Off-road utility vehicle” means a motor vehicle that is designed
20 and constructed to carry no more than 2 persons and to be used for collecting
21 residential and commercial solid waste, such as yard waste, recyclable materials,
22 and household garbage, refuse, and rubbish, landscaping, or incidental street
23 maintenances; that is not certified by the manufacturer for on-road use; and that
24 satisfies the equipment standards for a Type 2 automobile or Type 2 motorcycle
25 under ch. 349 or the equipment standards for a low-speed vehicle under 49 CFR

ASSEMBLY BILL 573**SECTION 4**

1 571.500. “Off-road utility vehicle” does not include any motorized construction
2 equipment or any motor vehicle that falls within another definition under this
3 section.

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

5 341.05 (27) The vehicle is an off-road utility vehicle being operated in
6 accordance with s. 346.94 (19).

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

8 346.16 (2) (am) ~~Except~~ Notwithstanding s. 349.105 and except as provided in
9 par. (b), no person riding an electric personal assistive mobility device may go upon
10 any expressway or freeway when official signs have been erected prohibiting persons
11 specified in par. (a) from using the expressway or freeway.

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

13 346.16 (2) (ar) Notwithstanding s. 349.105, no person operating an off-road
14 utility vehicle may go upon any expressway or freeway when official signs have been
15 erected prohibiting persons specified in par. (a) from using the expressway or
16 freeway.

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

18 346.94 (19) OFF-ROAD UTILITY VEHICLES ON ROADWAY. (a) A person may operate
19 an off-road utility vehicle upon any roadway that has a speed limit of 35 miles per
20 hour or less. This paragraph applies only if the person operating the off-road utility
21 vehicle is employed by, or under contract with, the state or a local governmental unit,
22 as defined in s. 19.42 (7u), and the off-road utility vehicle is being used for the
23 purpose of collecting residential or commercial solid waste, landscaping, or
24 incidental street maintenance.

