

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB573)

Received: 11/18/2003

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Curtis Gielow (608) 266-0486

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Gielow@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Garbage trucks

Instructions:

See Attached

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>
/1	phurley 11/18/2003	wjackson 11/18/2003	rschluet 11/18/2003	_____	lnorthro 11/18/2003	lnorthro 11/18/2003	

FE Sent For:

<END>

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/1	phurley	11/18/18					
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FE Sent For:

[Handwritten signature]
 11/18/03 <END>

Hurley, Peggy

From: Reinemann, John
Sent: Tuesday, November 18, 2003 2:53 PM
To: Hurley, Peggy
Subject: FW: Drafting Request ... FW: Amendment to AB 573, trash trucks

Importance: High

Peggy: I requested an amendment to AB 573 from Mike (my mistake, I guess it should have gone to you) and now I am following up to ask if it's ready yet.

We have an exec scheduled on this bill for this coming Thursday at 10:00 AM and the committee tries to send amendments around 24 hours in advance.

I hope this isn't the first you're seeing of this request, but in any case I am writing to ask after the amendment. Any word? Thanks . . . !

John Reinemann
Aide to Rep. Curt Gielow
6-0486

2791

-----Original Message-----

From: Dsida, Michael
Sent: Tuesday, November 18, 2003 2:50 PM
To: Reinemann, John
Cc: Hurley, Peggy
Subject: FW: Drafting Request ... FW: Amendment to AB 573, trash trucks
Importance: High

I should have told you originally that Peggy Hurley in our office will be taking care of this amendment. Sorry about that.

-----Original Message-----

From: Reinemann, John
Sent: Tuesday, November 18, 2003 2:40 PM
To: Dsida, Michael
Subject: RE: Drafting Request ... FW: Amendment to AB 573, trash trucks
Importance: High

Mike: just a followup on this amendment. We probably need to share it with offices tomorrow at the latest. Sorry to be a pest . . . !

-----Original Message-----

From: Dsida, Michael
Sent: Wednesday, November 05, 2003 11:36 AM
To: Reinemann, John
Subject: RE: Drafting Request ... FW: Amendment to AB 570, trash trucks

You meant AB-573, right?

-----Original Message-----

From:
Sent: Wednesday, November 05, 2003 10:07 AM
To: Barman, Mike
Cc: Fast, Timothy
Subject: Amendment to AB 570, trash trucks

Gentlemen: I need to request an amendment to Rep. Gielow's AB 570. This amendment has been requested

/ required by DOT. There are four points that they feel need amendment. I defer to you whether this should be a simple or a sub, I don't think we care.

We have been scheduled for an exec on November 20th for this bill. Obviously we need the amendment in time to circulate a little ahead of that. I believe Assembly Transportation has a 24-hour rule.

The four issues are:

- DOT just this week identified an issue not previously discussed: the need to insert a provision that says that when the manufacturer is able to certify these vehicles as low-speed vehicles, such certification will in fact allow them to be used. This is evident when you see that they want to amend the bill at page 3, line 23: insert 'after on-road use "or is certified by the manufacturer as meeting the equipment standards for a low speed vehicle under 49 CFR 571.500."'
- At the hearing on AB 570, DOT stated that they want a clause stating that these trucks can only be used for a governmental purpose. Their fear, they say, is that the bill as written would allow a contractor of a municipality (for example a landscaping firm) to use these vehicles for their own private jobs and not just for the municipal-contracted purposes of trash collection etc. Therefore, DOT seeks at page 4, line 22, after "for the" insert "state or local governmental purpose of "
- Also at the hearing DOT also wants a clause stating that use of these vehicles on roads (highways) is "incidental" to their main use as off-road trash collection vehicles that get driven mostly on driveways. Our communities are okay with that. So, at page 4, line 24, insert after the wording "operated on a highway for a distance not to exceed one half mile." This is based on language found in s. 341.05 (20) that was written for the Ducks at Wisconsin Dells. That language allows Ducks to be on highways for two miles at a time, which is THEIR particular need. Ours only need a half mile so DORT suggests that.
- A typo needs to be corrected, DOT tells me: At page 3, line 25, strike "349" and replace with "347." This was discussed at the hearing.
- Also, to correct a grammar error, e.g. a missing verb, DOT this week requests: At page 4, line 24: insert "performing" at the start of the line.

Please let me know if you have any questions or concerns with amendment. Thanks!

John

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

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.

