

2003 DRAFTING REQUEST

Bill

Received: **07/22/2003**

Received By: **mglass**

Wanted: **Today**

Identical to LRB:

For: **Sheila Harsdorf (608) 266-7745**

By/Representing: **Christian Schneider**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Harsdorf@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Various changes to all-terrain vehicle laws

Instructions:

Same as 03-1708, permission given by Liebham's office

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>
/?	mglass 07/22/2003	wjackson 07/22/2003		_____			S&L Crime
/1	mglass 08/18/2003	csicilia 08/26/2003 csicilia 09/02/2003	rschluet 07/22/2003	_____	sbasford 07/22/2003		S&L Crime

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2			rschluet 09/03/2003	_____	sbasford 09/03/2003		S&L Crime
/3	mglass 10/07/2003 mglass 10/09/2003	wjackson 10/07/2003 kgilfoy 10/09/2003	jfrantze 10/07/2003	_____ _____ _____	sbasford 10/07/2003	sbasford 10/07/2003	S&L Crime
/4			pgreensl 10/09/2003	_____ _____ _____	mbarman 10/10/2003	sbasford 10/10/2003 sbasford 10/10/2003	

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At intro.

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		<i>14-10/9 King</i>	<i>10/9 pg</i>	<i>10/9 pg</i>	<i>ASJ</i>		

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*Jacket
Immediately*

*1/3 Wlj 10/7
Jo 10/7
J/Pg
10/7*

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/2

rschluet _____
09/03/2003 _____

sbasford
09/03/2003

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/1			rschluet 07/22/2003	_____	sbasford 07/22/2003		

12 gjs 8/28
03

[Handwritten signature]
9-3-3

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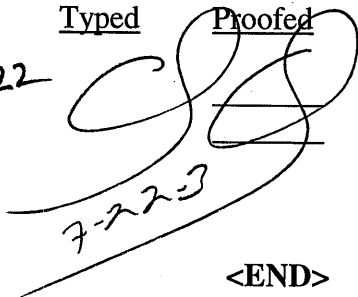
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/?	mglass	1 WLJ 7/22					



7-22-03

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<END>

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: MGG) (Date: 07/22/03)



Please transfer the drafting file for

2001 LRB Done to the drafting file

for 2003 LRB MB

The final version of the 2001 draft and the original Request Sheet will be copied on yellow paper, and returned to the original 2001 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2001 draft was incorporated into a 2003 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the 2003 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

— OR —

Please copy the drafting file for

2003 LRB -1708 / 1 and place it in the drafting file

for 2003 LRB -3009

For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

Today

2003 BILL

REGEN

1 AN ACT *to amend* 20.370 (1) (ms), 20.370 (3) (as), 20.370 (5) (cu), 20.370 (5) (er),
2 23.33 (1) (if), 23.33 (2) (a), 23.33 (2) (c), 23.33 (2) (d), 23.33 (2) (dm) 2., 23.33 (2)
3 (e), 23.33 (5) (c), 23.33 (9) (a), 23.33 (13) (b) (title), 23.33 (13) (b) 2. and 25.29 (1)
4 (dm); *to repeal and recreate* 23.33 (5) (b); and *to create* 20.380 (1) (r), 23.33
5 (2j), 23.33 (6m), 23.33 (13) (ar), 23.33 (13) (bg) and 23.33 (13) (br) of the statutes;
6 **relating to:** intoxicated operation of all-terrain vehicles, registration fees for
7 all-terrain vehicles, nonresident trail passes for all-terrain vehicles, safety
8 training for operating all-terrain vehicles, a study concerning the recreational
9 operation of all-terrain vehicles, noise level requirements for all-terrain
10 vehicles, the formula used for calculating the all-terrain vehicle gas tax
11 payment, granting rule-making authority, making appropriations, and
12 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and

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to providing funding for ATV projects, such as trails, and for ATV vehicle safety. This bill makes changes to these laws, including the following:

1. The bill increases all of the registration-related fees for registering ATVs.
2. The bill creates a nonresident trail pass that is required to be displayed on any ATV that is being operated in this state on public trails and corridors and that is exempt from being registered by this state because the ATV is in the state for less than 15 consecutive days or because the ATV has been registered by an American Indian tribe or band that has an agreement with the state for registering ATVs. Current law requires nonresident stickers, which are similar to these ATV passes, for the operation of snowmobiles ~~which~~ ^{that} are not registered by this state.

3. The bill broadens the provisions that exempt ATV operators from having to comply with certain regulations on private land. Under current law, a minor under the age of 12 (younger minor) may only operate an ATV if the operation is for an agricultural purpose not on a roadway and he or she is under the supervision of a person over 18 years of age or if he ~~is~~ ^{is} or she ~~operating~~ ^{operating} a small ATV on a trail designated by the DNR. No safety certificate is required for younger minors.

A minor who is 12, 13, 14, or 15 years old (older minor) may not operate ^a ~~a~~ ATV unless he or she has ^a ~~a~~ ATV safety certificate or is accompanied by a person over 18 years of age. An older minor may operate an ATV on a roadway, as opposed to a trail, only for limited purposes and only if the minor has a safety certificate.

Under current law, none of the above restrictions apply to a minor if he or she is operating the ATV on land that is exclusively under the control of the minor's immediately family. This bill broadens the exemption to include any land that is not open to the public.

4. The bill requires that any person who is at least 12 years old and who is born on or after January 1, 1988, have a valid safety certificate issued by the DNR or a similar certificate issued by another state or Canadian province ~~in order~~ to operate an ATV. This provision does not affect the exemption for minors under the age of 12 who are authorized to operate ATVs without having a safety certificate under the limited circumstances described above.

5. The bill increases the penalties imposed on a person operating an ATV under the influence of an intoxicant or controlled substance if the person's alcohol level is above a given level. For example, if a person has an alcohol concentration level of 0.17 to 0.199 at the time of the offense, the minimum and maximum fines if convicted are doubled. Higher alcohol concentration levels result in the minimum and maximum fines being tripled and quadrupled.

6. The bill prohibits the manufacturing, sale, rental, or operation of an ATV that is constructed in such a manner that the noise from the ATV exceeds 96 decibels on the A scale as measured in compliance with rules promulgated by DNR. Current law only requires that an ATV muffler not produce excessive or unusual noise.

7. The bill increases the number of gallons used in calculating the estimated ATV gas tax payment from 25 to 52 gallons. The estimated payment is calculated for each fiscal year by multiplying the number of registered ATVs (except those registered only for private use) by this number of gallons and then multiplying this

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1 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
2 continuing appropriation, the amounts in the schedule from moneys received from
3 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,
4 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle
5 projects.

6 **SECTION 5.** 20.370 (5) (er) of the statutes is amended to read:

7 20.370 (5) (er) *Enforcement aids — all-terrain vehicle enforcement.* The
8 amounts in the schedule from moneys received from all-terrain vehicle fees under
9 s. 23.33 (2) (c) to (e) and (2j) for local law enforcement aids.

10 **SECTION 6.** 20.380 (1) (r) of the statutes is created to read:

11 20.380 (1) (r) *All-terrain vehicle impact study.* Biennially, from the
12 conservation fund, the amounts in the schedule from moneys received from
13 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) for the all-terrain vehicle
14 impact study under 2003 Wisconsin Act (this act), section 24 (1).

15 **SECTION 7.** 23.33 (1) (if) of the statutes is amended to read:

16 23.33 (1) (if) “Land under the management and control of a the person’s
17 immediate family” means land owned or leased by the person or a member of the
18 person’s immediate family over which the owner or lessee has management and
19 control. This term excludes land owned or leased by an organization of which the
20 person or a member of the person’s immediate family is a member.

21 **SECTION 8.** 23.33 (2) (a) of the statutes is amended to read:

22 23.33 (2) (a) *Requirement.* No person may operate and no owner may give
23 permission for the operation of an all-terrain vehicle within this state unless the
24 all-terrain vehicle is registered for public use or for private use under this subsection
25 or sub. (2g), is exempt from registration, or is operated with a reflectorized plate

BILL

1 attached in the manner specified under par. (dm) 3. No person may operate and no
2 owner may give permission for the operation of an all-terrain vehicle on a public an
3 all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain vehicle
4 is registered for public use under this subsection or sub. (2g).

5 **SECTION 9.** 23.33 (2) (c) of the statutes is amended to read:

6 23.33 (2) (c) *Registration; public use; fee.* Any all-terrain vehicle may be
7 registered for public use. The fee for the issuance or renewal of a registration
8 certificate for public use is ~~\$12~~ \$30.

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

10 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle used
11 exclusively for agricultural purposes or used exclusively on private property may be
12 registered for private use. The fee for the issuance of a registration certificate for
13 private use is ~~\$6~~ \$15.

14 **SECTION 11.** 23.33 (2) (dm) 2. of the statutes is amended to read:

15 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
16 vehicle certificate is ~~\$36~~ \$90. Upon receipt of the application form required by the
17 department and the fee required under this subdivision, the department shall issue
18 to the applicant a commercial all-terrain vehicle certificate and 3 reflectorized
19 plates. The fee for additional reflectorized plates is ~~\$12~~ \$30 per plate.

20 **SECTION 12.** 23.33 (2) (e) of the statutes is amended to read:

21 23.33 (2) (e) *Other fees.* The fee for the transfer of an all-terrain vehicle
22 registration certificate is ~~\$2~~ \$5. The fee for the issuance of a duplicate all-terrain
23 vehicle registration certificate, duplicate commercial all-terrain vehicle certificate
24 or duplicate registration decals is ~~\$2~~ \$5. The fee for the issuance of registration

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1 decals to a county or municipality is ~~\$2~~ \$5. There is no fee for the issuance of
2 registration decals to the state.

3 **SECTION 13.** 23.33 (2j) of the statutes is created to read:

4 **23.33 (2j) NONRESIDENT TRAIL PASSES.** (a) In this subsection, “public all-terrain
5 vehicle corridor” means an all-terrain vehicle trail or other established all-terrain
6 vehicle corridor that is open to the public but does not include an all-terrain vehicle
7 route.

8 (b) Except as provided in par. (e), no person may operate an all-terrain vehicle
9 on a public all-terrain vehicle corridor in this state unless a nonresident trail pass
10 issued under this subsection is displayed on the all-terrain vehicle.

11 (c) The fee for a nonresident trail pass issued for an all-terrain vehicle that is
12 exempt from registration under sub. (2) (b) 2. is \$17.25. A nonresident trail pass
13 issued for such an all-terrain vehicle may be issued only by the department and
14 persons appointed by the department and expires on June 30 of each year.

15 (d) There is no fee for a nonresident trail pass issued for an all-terrain vehicle
16 that is registered under sub. (2g) or s. 23.35. The department or Indian tribe or band
17 shall issue a nonresident trail pass for such an all-terrain vehicle when it issues the
18 registration certificate for the all-terrain vehicle. The department shall provide
19 Indian tribes or bands that register all-terrain vehicles under sub. (2g) or s. 23.35
20 with a supply of trail passes.

21 (e) An all-terrain vehicle that is registered under sub. (2) (a) or that is exempt
22 from registration under sub. (2) (b) 1., 3., or 4. is exempt from having a nonresident
23 trail pass displayed as required under par. (b). The department may promulgate a
24 rule to exempt all-terrain vehicles that are exempt from registration under sub. (2)
25 (b) 5. from having nonresident trail passes displayed as required under par. (b) or

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1 may promulgate a rule to exempt owners of such all-terrain vehicles from having to
2 pay any applicable nonresident trail pass fee.

3 (f) 1. The department may appoint any person who is not an employee of the
4 department as the department's agent to issue nonresident trail passes and collect
5 the fees for these passes.

6 2. Any person, including the department, who issues a nonresident trail pass
7 shall collect in addition to the fee under par. (c) an issuing fee of 75 cents. An agent
8 appointed under subd. 1. may retain 50 cents of the issuing fee to compensate the
9 agent for the agent's services in issuing the pass.

10 3. The department shall establish, by rule, procedures for issuing nonresident
11 trail passes, and the department may promulgate rules regulating the activities of
12 persons who are appointed to be agents under this paragraph.

13 **SECTION 14.** 23.33 (5) (b) of the statutes is repealed and recreated to read:

14 23.33 (5) (b) *All-terrain vehicle safety certificate.* 1. No person who is at least
15 12 years of age and who is born on or after January 1, 1988, may operate an
16 all-terrain vehicle unless he or she holds a valid safety certificate.

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

22 **SECTION 15.** 23.33 (5) (c) of the statutes is amended to read:

23 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who
24 operates an all-terrain vehicle exclusively on land ~~under the management and~~
25 ~~control of the person's immediate family~~ that is not open to the public. Paragraphs

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1 (a) and (b) do not apply to a person at least 12 years of age ~~but under 16 years of age~~
2 who holds a valid certificate issued by another state or a province of Canada.

3 **SECTION 16.** 23.33 (6m) of the statutes is created to read:

4 23.33 (6m) NOISE LIMITS. (a) No person may manufacture, sell, rent or operate
5 an all-terrain vehicle that is constructed in such a manner that noise emitted from
6 the all-terrain vehicle exceeds 96 decibels on the A scale as measured in the manner
7 prescribed under rules promulgated by the department.

8 **SECTION 17.** 23.33 (9) (a) of the statutes is amended to read:

9 23.33 (9) (a) *Enforcement.* The department may utilize moneys received under
10 ~~sub. (2)~~ subs. (2) and (2j) for all-terrain vehicle registration aids administration and
11 for the purposes specified under s. 20.370 (3) (as) and (5) (er) including costs
12 associated with enforcement, safety education, accident reports and analysis, law
13 enforcement aids to counties, and other similar costs in administering and enforcing
14 this section.

15 **SECTION 18.** 23.33 (13) (ar) of the statutes is created to read:

16 23.33 (13) (ar) *Penalty related to nonresident trail passes.* Any person who
17 violates sub. (2j) shall forfeit not more than \$1,000.

18 **SECTION 19.** 23.33 (13) (b) (title) of the statutes is amended to read:

19 23.33 (13) (b) (title) *Penalties related to ~~prohibited~~ intoxicated operation of an*
20 *all-terrain vehicle; ~~intoxicants; refusal.~~*

21 **SECTION 20.** 23.33 (13) (b) 2. of the statutes is amended to read:

22 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.
23 (4c) (a) 1. or 2. or (4p) (e) and who, within 5 years prior to the arrest for the current
24 violation, was convicted previously under the intoxicated operation of an all-terrain

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1 vehicle law or the refusal law shall be fined not less than \$300 nor more than \$1,000
2 \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

3 **SECTION 21.** 23.33 (13) (bg) of the statutes is created to read:

4 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
5 *vehicle; underage passengers.* If there is a passenger under 16 years of age on the
6 all-terrain vehicle at the time of a violation that gives rise to a conviction under sub.
7 (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and maximum forfeitures, fines,
8 and terms of imprisonment under pars. (b) 1., 2., and 3. for the conviction are
9 doubled.

10 **SECTION 22.** 23.33 (13) (br) of the statutes is created to read:

11 23.33 (13) (br) *Penalties related to intoxicated operation of an all-terrain*
12 *vehicle; enhancers.* 1. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
13 concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum
14 fines specified under par. (b) 3. for the conviction are doubled.

15 2. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration
16 of 0.20 to 0.249 at the time of the offense, the minimum and maximum fines specified
17 under par. (b) 3. for the conviction are tripled.

18 3. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration
19 of 0.25 or above at the time of the offense, the minimum and maximum fines under
20 par. (b) 3. for the conviction are quadrupled.

21 4. The increased fines in this paragraph do not apply if the person convicted
22 under sub. (4c) (a) 1. or 2. is subject to par. (bg).

23 **SECTION 23.** 25.29 (1) (dm) of the statutes is amended to read:

24 25.29 (1) (dm) ~~For fiscal year 1991-92 and for each fiscal year thereafter, an~~
25 An amount equal to the estimated all-terrain vehicle gas tax payment. The

BILL

1 estimated all-terrain vehicle gas tax payment is calculated by multiplying the sum
2 of the number of all-terrain vehicles registered for public use under s. 23.33 (2) (c)
3 or (2g) and the number of reflectorized plates issued under s. 23.33 (2) (dm) on the
4 last day of February of the previous fiscal year by ~~25~~ 52 gallons and multiplying that
5 product by the excise tax imposed under s. 78.01 (1) on the last day of February of
6 the previous fiscal year.

SECTION 24. Nonstatutory provisions.

7
8 (a) ~~(b)~~ From the appropriation under section 20.380 (1) (r) of the statutes, as
9 created by this act, the department of tourism shall expend not more than \$45,000
10 to conduct a study concerning the impact the recreational operation of all-terrain
11 vehicles has on statewide tourism and economic development. No later than June
12 30, 2005, the department of tourism shall distribute the results of the completed
13 study to the appropriate standing committees of the legislature in the manner
14 provided under section 13.172 (3) of the statutes.

SECTION 25. Appropriation changes.

15
16 (2) ~~(1)~~ ^{EQUIPMENT} In the schedule under section 20.005 (3) of the statutes for the appropriation
17 to the department of natural resources under section 20.370 (3) (as) of the statutes,
18 as affected by the acts of 2003, the dollar amount is increased by \$100,000 for fiscal
19 year 2003–04 to purchase equipment to determine whether all-terrain vehicles
20 comply with applicable noise limitations.

SECTION 26. Initial applicability.

21
22 (1) FEE INCREASE. The treatment of section 23.33 (2) (c) and (d) of the statutes
23 first applies to all-terrain vehicle registration certificates issued or renewed on the
24 effective date of this subsection.

Gibson-Glass, Mary

From: Schneider, Christian
Sent: Thursday, August 14, 2003 3:17 PM
To: Gibson-Glass, Mary
Subject: Expenditure Summary for ATV Draft

Mary,

One note - the ATV Association says that the \$255,000 annually listed under "Supplemental Trail Maintenance" is the money collected from the new nonresident trail pass. All of the other expenditure increases are from the resident registration increase.

Thanks.



ATV Account
ncreased Expendit..

Christian Schneider
Committee Clerk, Senate Committee on Higher Education and Tourism
Staff, Joint Committee on Finance
Office of State Senator Sheila Harsdorf
(608)266-7745
christian.schneider@legis.state.wi.us

ATV Account Increased Expenditure Authority

	2003-04	2004-05
Mandatory Education		
✓(3)(as) • General Development	\$100,000	\$100,000
• Additional FTE	\$100,000	\$100,000
✓(3)(as) Additional FTE Conservation Warden Enforcement:	\$436,000	\$436,000
(5)(cu) Additional County Trail Funding	\$871,000	\$871,000
✓(1)(mr) Additional State Forest Maintenance Funding	\$65,000	\$65,000
(5)(er) Increase in Sheriff ATV Enforcement Aids	\$70,000	\$70,000
✓(3)(as) ATV Equipment (Warden ATVs and dBA meters)	\$100,000	\$100,000
Tourism Survey (In Bill)	\$30,000 (biennial)	
(1) (5)(ca) Supplemental Trail Maintenance (ms)	\$255,000	\$255,000
Total:	\$2,027,000	\$1,997,000

Estimated Revenue Increases

	2003-04	2004-05
Registration Increase	\$1,746,000	\$1,926,000
Nonresident Trail Pass	\$209,100	\$255,000
Gas Tax Increase	\$1,342,700	\$1,498,985
Total:	\$3,297,800	\$3,679,985

Revenue Increases vs. Expenditure Increases:

	2003-04	2004-05
Revenues	\$3,297,800	\$3,679,985
Expenditures	\$2,027,000	\$1,997,000
Additional Revenue Balance:	\$1,270,800	\$1,682,985



State of Wisconsin
2003 - 2004 LEGISLATURE

soon (M 8/18)

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LRB-3009/T 2
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stay

2003 BILL

SN

inserts

Gen cat.

1 AN ACT to amend 20.370 (1) (ms), 20.370 (3) (as), 20.370 (5) (cu), 20.370 (5) (er),
2 23.33 (1) (if), 23.33 (2) (a), 23.33 (2) (c), 23.33 (2) (d), 23.33 (2) (dm) 2., 23.33 (2)
3 (e), 23.33 (5) (c), 23.33 (9) (a), 23.33 (13) (b) (title), 23.33 (13) (b) 2. and 25.29 (1)
4 (dm); to repeal and recreate 23.33 (5) (b); and to create 20.380 (1) (r), 23.33
5 (2j), 23.33 (6m), 23.33 (13) (ar), 23.33 (13) (bg) and 23.33 (13) (br) of the statutes;
6 relating to: intoxicated operation of all-terrain vehicles, registration fees for
7 all-terrain vehicles, nonresident trail passes for all-terrain vehicles, safety
8 training for operating all-terrain vehicles, a study concerning the recreational
9 operation of all-terrain vehicles, noise level requirements for all-terrain
10 vehicles, the formula used for calculating the all-terrain vehicle gas tax
11 payment, granting rule-making authority, making appropriations, and
12 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and

BILL

to providing funding for ATV projects, such as trails, and for ATV vehicle safety. This bill makes changes to these laws, including the following:

1. The bill increases all of the registration-related fees for registering ATVs.
2. The bill creates a nonresident trail pass that is required to be displayed on any ATV that is being operated in this state on public trails and corridors and that is exempt from being registered by this state because the ATV is in the state for less than 15 consecutive days or because the ATV has been registered by an American Indian tribe or band that has an agreement with the state for registering ATVs. Current law requires nonresident stickers, which are similar to these ATV passes, for the operation of snowmobiles that are not registered by this state.

3. The bill broadens the provisions that exempt ATV operators from having to comply with certain regulations on private land. Under current law, a minor under the age of 12 (younger minor) may only operate an ATV if the operation is for an agricultural purpose not on a roadway and he or she is under the supervision of a person over 18 years of age or if he or she is operating a small ATV on a trail designated by the DNR. No safety certificate is required for younger minors.

A minor who is 12, 13, 14, or 15 years old (older minor) may not operate an ATV unless he or she has an ATV safety certificate or is accompanied by a person over 18 years of age. An older minor may operate an ATV on a roadway, as opposed to a trail, only for limited purposes and only if the minor has a safety certificate.

Under current law, none of the above restrictions apply to a minor if he or she is operating the ATV on land that is exclusively under the control of the minor's immediately family. This bill broadens the exemption to include any land that is not open to the public.

4. The bill requires that any person who is at least 12 years old and who is born on or after January 1, 1988, have a valid safety certificate issued by the DNR or a similar certificate issued by another state or Canadian province to operate an ATV. This provision does not affect the exemption for minors under the age of 12 who are authorized to operate ATVs without having a safety certificate under the limited circumstances described above.

5. The bill increases the penalties imposed on a person operating an ATV under the influence of an intoxicant or controlled substance if the person's alcohol level is above a given level. For example, if a person has an alcohol concentration level of 0.17 to 0.199 at the time of the offense, the minimum and maximum fines if convicted are doubled. Higher alcohol concentration levels result in the minimum and maximum fines being tripled and quadrupled.

6. The bill prohibits the manufacturing, sale, rental, or operation of an ATV that is constructed in such a manner that the noise from the ATV exceeds 96 decibels on the A scale as measured in compliance with rules promulgated by DNR. Current law only requires that an ATV muffler not produce excessive or unusual noise.

7. The bill increases the number of gallons used in calculating the estimated ATV gas tax payment from 25 to 52 gallons. The estimated payment is calculated for each fiscal year by multiplying the number of registered ATVs (except those registered only for private use) by this number of gallons and then multiplying this

BILL

8. The bill increases funding for ATV trail ^{33 Safety education} ~~maintenance~~ and law enforcement.

product by the excise tax imposed on gasoline and diesel fuel on the last day of February of the previous fiscal year.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

				2003-04	2004-05
20.380	Tourism, department of				
(1)	TOURISM DEVELOPMENT AND PROMOTION				
(r)	All-terrain vehicle impact study	SEG	B	30,000 45,000	-0-

STET: leave as typed

SECTION 2. 20.370 (1) (ms) of the statutes is amended to read:
20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*
The amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) for state all-terrain vehicle projects.

~~**SECTION 3.** 20.370 (3) (as) of the statutes is amended to read:
20.370 (3) (as) *Law enforcement — all-terrain vehicle enforcement.* The amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j), for state law enforcement operations related to all-terrain vehicles, including actual enforcement, safety training, accident reporting, and similar activities.~~

SECTION 4. 20.370 (5) (cu) of the statutes is amended to read:

BILL

1 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
2 continuing appropriation, the amounts in the schedule from moneys received from
3 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,
4 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle
5 projects.

6 **SECTION 5.** 20.370 (5) (er) of the statutes is amended to read:

7 20.370 (5) (er) ~~*Enforcement aids — all-terrain vehicle enforcement.*~~ The
8 amounts in the schedule from moneys received from all-terrain vehicle fees under
9 s. 23.33 (2) (c) to (e) and (2j) for local law enforcement aids.

10 **SECTION 6.** 20.380 (1) (r) of the statutes is created to read:

11 20.380 (1) (r) *All-terrain vehicle impact study.* Biennially, from the
12 conservation fund, the amounts in the schedule from moneys received from
13 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) ~~and (2j)~~ for the all-terrain vehicle
14 impact study under 2003 Wisconsin Act (this act), section 24 (1).

15 **SECTION 7.** 23.33 (1) (if) of the statutes is amended to read:

16 23.33 (1) (if) “Land under the management and control of a the person’s
17 immediate family” means land owned or leased by the person or a member of the
18 person’s immediate family over which the owner or lessee has management and
19 control. This term excludes land owned or leased by an organization of which the
20 person or a member of the person’s immediate family is a member.

21 **SECTION 8.** 23.33 (2) (a) of the statutes is amended to read:

22 23.33 (2) (a) *Requirement.* No person may operate and no owner may give
23 permission for the operation of an all-terrain vehicle within this state unless the
24 all-terrain vehicle is registered for public use or for private use under this subsection
25 or sub. (2g), is exempt from registration, or is operated with a reflectorized plate

BILL

1 attached in the manner specified under par. (dm) 3. No person may operate and no
2 owner may give permission for the operation of an all-terrain vehicle on a public an
3 all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain vehicle
4 is registered for public use under this subsection or sub. (2g).

5 **SECTION 9.** 23.33 (2) (c) of the statutes is amended to read:

6 23.33 (2) (c) *Registration; public use; fee.* Any all-terrain vehicle may be
7 registered for public use. The fee for the issuance or renewal of a registration
8 certificate for public use is ~~\$12~~ \$30.

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

10 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle used
11 exclusively for agricultural purposes or used exclusively on private property may be
12 registered for private use. The fee for the issuance of a registration certificate for
13 private use is ~~\$6~~ \$15.

14 **SECTION 11.** 23.33 (2) (dm) 2. of the statutes is amended to read:

15 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
16 vehicle certificate is ~~\$36~~ \$90. Upon receipt of the application form required by the
17 department and the fee required under this subdivision, the department shall issue
18 to the applicant a commercial all-terrain vehicle certificate and 3 reflectorized
19 plates. The fee for additional reflectorized plates is ~~\$12~~ \$30 per plate.

20 **SECTION 12.** 23.33 (2) (e) of the statutes is amended to read:

21 23.33 (2) (e) *Other fees.* The fee for the transfer of an all-terrain vehicle
22 registration certificate is ~~\$2~~ \$5. The fee for the issuance of a duplicate all-terrain
23 vehicle registration certificate, duplicate commercial all-terrain vehicle certificate
24 or duplicate registration decals is ~~\$2~~ \$5. The fee for the issuance of registration

BILL

1 decals to a county or municipality is \$2 ~~\$5~~. There is no fee for the issuance of
2 registration decals to the state.

3 **SECTION 13.** 23.33 (2j) of the statutes is created to read:

4 23.33 (2j) NONRESIDENT TRAIL PASSES. (a) In this subsection, “public all-terrain
5 vehicle corridor” means an all-terrain vehicle trail or other established all-terrain
6 vehicle corridor that is open to the public but does not include an all-terrain vehicle
7 route.

8 (b) Except as provided in par. (e), no person may operate an all-terrain vehicle
9 on a public all-terrain vehicle corridor in this state unless a nonresident trail pass
10 issued under this subsection is displayed on the all-terrain vehicle.

11 (c) The fee for a nonresident trail pass issued for an all-terrain vehicle that is
12 exempt from registration under sub. (2) (b) 2. is \$17.25. A nonresident trail pass
13 issued for such an all-terrain vehicle may be issued only by the department and
14 persons appointed by the department and expires on June 30 of each year.

15 (d) There is no fee for a nonresident trail pass issued for an all-terrain vehicle
16 that is registered under sub. (2g) or s. 23.35. The department or Indian tribe or band
17 shall issue a nonresident trail pass for such an all-terrain vehicle when it issues the
18 registration certificate for the all-terrain vehicle. The department shall provide
19 Indian tribes or bands that register all-terrain vehicles under sub. (2g) or s. 23.35
20 with a supply of trail passes.

21 (e) An all-terrain vehicle that is registered under sub. (2) (a) or that is exempt
22 from registration under sub. (2) (b) 1., 3., or 4. is exempt from having a nonresident
23 trail pass displayed as required under par. (b). The department may promulgate a
24 rule to exempt all-terrain vehicles that are exempt from registration under sub. (2)
25 (b) 5. from having nonresident trail passes displayed as required under par. (b) or

BILL

1 may promulgate a rule to exempt owners of such all-terrain vehicles from having to
2 pay any applicable nonresident trail pass fee.

3 (f) 1. The department may appoint any person who is not an employee of the
4 department as the department's agent to issue nonresident trail passes and collect
5 the fees for these passes.

6 2. Any person, including the department, who issues a nonresident trail pass
7 shall collect in addition to the fee under par. (c) an issuing fee of 75 cents. An agent
8 appointed under subd. 1. may retain 50 cents of the issuing fee to compensate the
9 agent for the agent's services in issuing the pass.

10 3. The department shall establish, by rule, procedures for issuing nonresident
11 trail passes, and the department may promulgate rules regulating the activities of
12 persons who are appointed to be agents under this paragraph.

13 **SECTION 14.** 23.33 (5) (b) of the statutes is repealed and recreated to read:

14 23.33 (5) (b) *All-terrain vehicle safety certificate.* 1. No person who is at least
15 12 years of age and who is born on or after January 1, 1988, may operate an
16 all-terrain vehicle unless he or she holds a valid safety certificate.

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

22 **SECTION 15.** 23.33 (5) (c) of the statutes is amended to read:

23 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who
24 operates an all-terrain vehicle exclusively on land ~~under the management and~~
25 ~~control of the person's immediate family that is not open to the public.~~ Paragraphs

BILL

1 (a) and (b) do not apply to a person at least 12 years of age but under 16 years of age
2 who holds a valid certificate issued by another state or a province of Canada.

3 **SECTION 16.** 23.33 (6m) of the statutes is created to read:

4 23.33 (6m) NOISE LIMITS. (a) No person may manufacture, sell, rent or operate
5 an all-terrain vehicle that is constructed in such a manner that noise emitted from
6 the all-terrain vehicle exceeds 96 decibels on the A scale as measured in the manner
7 prescribed under rules promulgated by the department.

8 **SECTION 17.** 23.33 (9) (a) of the statutes is amended to read:

9 23.33 (9) (a) *Enforcement.* The department may utilize moneys received under
10 ~~sub. (2) subs. (2) and (2j)~~ for all-terrain vehicle registration aids administration and
11 for the purposes specified under s. 20.370 (3) (as) and (5) (er) including costs
12 associated with enforcement, safety education, accident reports and analysis, law
13 enforcement aids to counties, and other similar costs in administering and enforcing
14 this section.

15 **SECTION 18.** 23.33 (13) (ar) of the statutes is created to read:

16 23.33 (13) (ar) *Penalty related to nonresident trail passes.* Any person who
17 violates sub. (2j) shall forfeit not more than \$1,000.

18 **SECTION 19.** 23.33 (13) (b) (title) of the statutes is amended to read:

19 23.33 (13) (b) (title) *Penalties related to ~~prohibited~~ intoxicated operation of an*
20 *all-terrain vehicle; intoxicants; refusal.*

21 **SECTION 20.** 23.33 (13) (b) 2. of the statutes is amended to read:

22 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.
23 (4c) (a) 1. or 2. or (4p) (e) and who, within 5 years prior to the arrest for the current
24 violation, was convicted previously under the intoxicated operation of an all-terrain

BILL

1 vehicle law or the refusal law shall be fined not less than \$300 nor more than \$1,000
2 \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

3 **SECTION 21.** 23.33 (13) (bg) of the statutes is created to read:

4 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
5 *vehicle; underage passengers.* If there is a passenger under 16 years of age on the
6 all-terrain vehicle at the time of a violation that gives rise to a conviction under sub.
7 (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and maximum forfeitures, fines,
8 and terms of imprisonment under pars. (b) 1., 2., and 3. for the conviction are
9 doubled.

10 **SECTION 22.** 23.33 (13) (br) of the statutes is created to read:

11 23.33 (13) (br) *Penalties related to intoxicated operation of an all-terrain*
12 *vehicle; enhancers.* 1. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
13 concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum
14 fines specified under par. (b) 3. for the conviction are doubled.

15 2. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration
16 of 0.20 to 0.249 at the time of the offense, the minimum and maximum fines specified
17 under par. (b) 3. for the conviction are tripled.

18 3. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration
19 of 0.25 or above at the time of the offense, the minimum and maximum fines under
20 par. (b) 3. for the conviction are quadrupled.

21 4. The increased fines in this paragraph do not apply if the person convicted
22 under sub. (4c) (a) 1. or 2. is subject to par. (bg).

23 **SECTION 23.** 25.29 (1) (dm) of the statutes is amended to read:

24 25.29 (1) (dm) ~~For fiscal year 1991-92 and for each fiscal year thereafter, an~~
25 An amount equal to the estimated all-terrain vehicle gas tax payment. The

BILL

1 estimated all-terrain vehicle gas tax payment is calculated by multiplying the sum
 2 of the number of all-terrain vehicles registered for public use under s. 23.33 (2) (c)
 3 or (2g) and the number of reflectorized plates issued under s. 23.33 (2) (dm) on the
 4 last day of February of the previous fiscal year by 25 52 gallons and multiplying that
 5 product by the excise tax imposed under s. 78.01 (1) on the last day of February of
 6 the previous fiscal year.

SECTION 24. Nonstatutory provisions.

8 (1) From the appropriation under section 20.380 (1) (r) of the statutes, as
 9 created by this act, the department of tourism shall expend not more than \$45,000
 10 to conduct a study concerning the impact the recreational operation of all-terrain
 11 vehicles has on statewide tourism and economic development. No later than June
 12 30, 2005, the department of tourism shall distribute the results of the completed
 13 study to the appropriate standing committees of the legislature in the manner
 14 provided under section 13.172 (3) of the statutes.

SECTION 25. Appropriation changes

15 ~~(1)~~ **ALL-TERRAIN VEHICLE EQUIPMENT** (c)
 16 (1) ~~In~~ the schedule under section 20.005 (3) of the statutes for the appropriation
 17 to the department of natural resources under section 20.370 (3) (as) of the statutes,
 18 as affected by the acts of 2003, the dollar amount is increased by \$100,000 for fiscal
 19 year 2003-04, to purchase equipment to determine whether all-terrain vehicles
 20 comply with applicable noise limitations.

SECTION 26. Initial applicability.

22 (1) **FEE INCREASE.** The treatment of section 23.33 (2) (c) and (d) of the statutes
 23 first applies to all-terrain vehicle registration certificates issued or renewed on the
 24 effective date of this subsection.

and the dollar amount is increased by
 \$100,000 for fiscal year 2004-05 by ~~\$100,000~~

WS
10-14

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10-20

BILL

1 (2) INTOXICATED OPERATION. The treatment of section 23.33 (13) (b) (title) and
2 2., (bg), and (br) of the statutes first applies to violations committed on the effective
3 date of this subsection, but does not preclude the counting of convictions that
4 occurred before the effective date of this subsection as prior convictions for purposes
5 of sentencing by a court.

6 **SECTION 27. Effective dates.** This act takes effect on the first day of the 7th
7 month beginning after publication, except as follows:

8 (1) GAS TAX FORMULA. The treatment of section 25.29 (1) (dm) of the statutes
9 takes effect on the first July 1 after publication.

10 (2) ALL-TERRAIN VEHICLE SAFETY CERTIFICATES; INTOXICATED OPERATION. The
11 treatment of section 23.33 (5) (b) and (c) and (13) (b) (title) and 2., (bg), and (br) of the
12 statutes and SECTION 26 (2) of this act take effect on July 1, 2005.

13 (3) STUDY AND FUNDING. The treatment of section 20.380 (1) (r) of the statutes
14 and SECTIONS 24 (1), 25 ~~and~~ (1), and 26 (1) of this act take effect on the 2nd day after
15 ~~publication of the 2001-03 biennial budget act, or on the day after publication,~~
16 ~~whichever is later.~~

17
(Handwritten scribble with arrow pointing to line 17)

(END)

d-note

1A) APPROPRIATION INCREASES. The treatment of

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3009/lins
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Insert 10-14

(1) STATE FOREST ALL-TERRAIN VEHICLE TRAIL MAINTENANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (mr) of the statutes, as affected by the acts of 2003, ~~the dollar amount is increased by \$65,000 for fiscal year 2003-04 and~~ the dollar amount is increased by \$65,000 for fiscal year 2004-05 for maintenance of all-terrain vehicle trails that are located in southern state forests.

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(2) STATE ALL-TERRAIN VEHICLE TRAIL MAINTENANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (ms) of the statutes, as affected by the acts of 2003, ~~the dollar amount is increased by \$255,000 for fiscal year 2003-04 and~~ the dollar amount is increased by \$255,000 for fiscal year 2004-05 for maintenance of state all-terrain trails.

(3) STATE LAW ENFORCEMENT POSITIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, ~~the dollar amount is increased by \$436,000 for fiscal year 2003-04 and~~ the dollar amount is increased by \$436,000 for fiscal year 2004-05 to increase the authorized FTE positions for the department by 4.0 SEG warden positions. ✓

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(4) ALL-TERRAIN VEHICLE SAFETY EDUCATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, ~~the dollar amount is increased by \$200,000 for fiscal year 2003-04 and~~ the dollar

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amount is increased by \$200,000 for fiscal year 2004-05 to increase the authorized FTE positions for the department by 1.0 SEG education position and to provide funding for all-terrain vehicle safety education activities. ✓

Insert 10-20

(6) COUNTY ALL-TERRAIN VEHICLE TRAILS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (5) (cu) of the statutes, as affected by the acts of 2003, ~~the dollar amount is increased by \$871,000 for fiscal year 2003-04 and the dollar amount is~~ increased by \$871,000 for fiscal year 2004-05 to provide aid to counties for county all-terrain vehicle trails. ✓

(7) COUNTY LAW ENFORCEMENT. ^{remove xtra period} In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (5) (er) of the statutes, as affected by the acts of 2003, the dollar amount is increased by \$70,000 for fiscal year 2003-04 and the dollar amount is increased by \$70,000 for fiscal year 2004-05 to provide aid to counties for all-terrain vehicle law enforcement. ✓

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

2
LRB-3009/~~dn~~
MGG:cjs&wj:rs

1. For each appropriation change found in the back of the bill, please review the language carefully to ensure that the correct appropriation is cited, the amounts are correct, and the purpose for which the money is being appropriated is accurate. You may wish to have Rebecca Hotynski of the Legislative Fiscal Bureau review this legislation before introduction to make certain that I have used the correct appropriations.
2. I limited the "supplemental trail maintenance" funding to state trails. OK?
3. I arbitrarily added 4.0 FTE positions for the "conservation warden enforcement" increase. This bill will need to be redrafted to change that number of positions unless 4.0 happens to be correct.
4. I changed the amount for the tourism study from \$45,000 to \$30,000. OK?
5. I did ^{not} make any changes in the appropriation increase for equipment to measure noise levels except to provide \$100,000 in fiscal year 2004-05; the bill originally only provided funding in fiscal year 2003-04. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

6. ^{revenues} The revenues from the nonresident trail passes will not be collected before the effective date of those provisions, which is delayed. If this bill ~~passes this~~ is enacted this fall, collection of these revenues would not ~~start~~ start until the spring of 2004, which is closed to the end of fiscal year 2003-04. Therefore I eliminated the appropriation increases for fiscal year 2003-04 for those appropriations ^{which are receiving these revenues. OK?}

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3009/2dn
MGG:cjs&wj:rs

September 3, 2003

1. For each appropriation change found in the back of the bill, please review the language carefully to ensure that the correct appropriation is cited, the amounts are correct, and the purpose for which the money is being appropriated is accurate. You may wish to have Rebecca Hotynski of the Legislative Fiscal Bureau review this legislation before introduction to make certain that I have used the correct appropriations.
2. I limited the "supplemental trail maintenance" funding to state trails. OK?
3. I arbitrarily added 4.0 FTE positions for the "conservation warden enforcement" increase. This bill will need to be redrafted to change that number of positions unless 4.0 happens to be correct.
4. I changed the amount for the tourism study from \$45,000 to \$30,000. OK?
5. I did not make any changes in the appropriation increase for equipment to measure noise levels except to provide \$100,000 in fiscal year 2004-05; the bill originally only provided funding in fiscal year 2003-04. OK?
6. The revenues from the nonresident trail passes will not be collected before the effective date of those provisions, which is delayed. If this bill is enacted this fall, collection of these revenues would not start until the spring of 2004, which is close to the end of fiscal year 2003-04. Therefore I eliminated the appropriation increases for fiscal year 2003-04 for those appropriations which are receiving these revenues. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Schneider, Christian
Sent: Tuesday, September 16, 2003 8:16 AM
To: Gibson-Glass, Mary; Hotynski, Rebecca
Subject: LRB 3009 - ATV Bill Changes

Mary and Rebecca:

Here are the ATV association's suggestions for the bill - I can answer them in order of the questions in the drafter's note.

1. On page 10, line 4, the ATVers thought that the (mr) should be (ms). Other than that, all the funding levels look fine.
2. On Page 10, line 11, rather than \$255,000, they would like that to only be \$100,000.
3. Yes - 4 is correct
4. Yes
5. This is correct - it should only be an increase of \$100,000 in 04-05. They wanted to make sure that as drafted, it didn't automatically increase by \$100,000 every year - but they want that 04-05 increase to be permanent.
6. The suggestions was to change the date to March 30, to be consistent with fishing and snowmobiling passes, but not to make it effective until 04-05, to give them time to implement.

do this

They also discussed the possibility of shifting all revenue and funding increases into the bill to 04-05, and just delete 03-04 altogether, due to time constraints. Is this possible?

Thanks.

Christian Schneider
Committee Clerk, Senate Committee on Higher Education and Tourism
Staff, Joint Committee on Finance
Office of State Senator Sheila Harsdorf
(608)266-7745
christian.schneider@legis.state.wi.us

See
next
page

fee for
fee increases for registration April 1,
2004

for trail pass: April 1,
2004

appropriate July 1, 2004
publication \$30,000 tourism
study
\$150,000 / fiscal
in (5) (6) year

redraft instructions to/3

study \$30,000

safety program \$150,000 in (5)(c) for
each fiscal year

expire eff. date

4/1/2003

RMR

Today
(Tues)
ASAP

2003 BILL

REGEN

1 AN ACT *to amend* 20.370 (1) (ms), 20.370 (5) (cu), 23.33 (1) (if), 23.33 (2) (a), 23.33
2 (2) (c), 23.33 (2) (d), 23.33 (2) (dm) 2., 23.33 (2) (e), 23.33 (5) (c), 23.33 (13) (b)
3 (title), 23.33 (13) (b) 2. and 25.29 (1) (dm); *to repeal and recreate* 23.33 (5) (b);
4 and *to create* 20.380 (1) (r), 23.33 (2j), 23.33 (6m), 23.33 (13) (ar), 23.33 (13) (bg)
5 and 23.33 (13) (br) of the statutes; **relating to:** intoxicated operation of
6 all-terrain vehicles, registration fees for all-terrain vehicles, nonresident trail
7 passes for all-terrain vehicles, safety training for operating all-terrain
8 vehicles, a study concerning the recreational operation of all-terrain vehicles,
9 noise level requirements for all-terrain vehicles, the formula used for
10 calculating the all-terrain vehicle gas tax payment, granting rule-making
11 authority, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and to providing funding for ATV projects, such as trails, and for ATV vehicle safety. This bill makes changes to these laws, including the following:

BILL

1. The bill increases all of the registration-related fees for registering ATVs.

2. The bill creates a nonresident trail pass that is required to be displayed on any ATV that is being operated in this state on public trails and corridors and that is exempt from being registered by this state because the ATV is in the state for less than 15 consecutive days or because the ATV has been registered by an American Indian tribe or band that has an agreement with the state for registering ATVs. Current law requires nonresident stickers, which are similar to these ATV passes, for the operation of snowmobiles that are not registered by this state.

3. The bill broadens the provisions that exempt ATV operators from having to comply with certain regulations on private land. Under current law, a minor under the age of 12 (younger minor) may only operate an ATV if the operation is for an agricultural purpose not on a roadway and he or she is under the supervision of a person over 18 years of age or if he or she is operating a small ATV on a trail designated by the DNR. No safety certificate is required for younger minors.

A minor who is 12, 13, 14, or 15 years old (older minor) may not operate an ATV unless he or she has an ATV safety certificate or is accompanied by a person over 18 years of age. An older minor may operate an ATV on a roadway, as opposed to a trail, only for limited purposes and only if the minor has a safety certificate.

Under current law, none of the above restrictions apply to a minor if he or she is operating the ATV on land that is exclusively under the control of the minor's immediately family. This bill broadens the exemption to include any land that is not open to the public.

4. The bill requires that any person who is at least 12 years old and who is born on or after January 1, 1988, have a valid safety certificate issued by the DNR or a similar certificate issued by another state or Canadian province to operate an ATV. This provision does not affect the exemption for minors under the age of 12 who are authorized to operate ATVs without having a safety certificate under the limited circumstances described above.

5. The bill increases the penalties imposed on a person operating an ATV under the influence of an intoxicant or controlled substance if the person's alcohol level is above a given level. For example, if a person has an alcohol concentration level of 0.17 to 0.199 at the time of the offense, the minimum and maximum fines if convicted are doubled. Higher alcohol concentration levels result in the minimum and maximum fines being tripled and quadrupled.

6. The bill prohibits the manufacturing, sale, rental, or operation of an ATV that is constructed in such a manner that the noise from the ATV exceeds 96 decibels on the A scale as measured in compliance with rules promulgated by DNR. Current law only requires that an ATV muffler not produce excessive or unusual noise.

7. The bill increases the number of gallons used in calculating the estimated ATV gas tax payment from 25 to 52 gallons. The estimated payment is calculated for each fiscal year by multiplying the number of registered ATVs (except those registered only for private use) by this number of gallons and then multiplying this product by the excise tax imposed on gasoline and diesel fuel on the last day of February of the previous fiscal year.

BILL

8. The bill increases funding for ATV trails, safety education, and law enforcement.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2003-04	2004-05
3		
4	20.380 Tourism, department of	
5	(1) TOURISM DEVELOPMENT AND PROMOTION	
6	(r) All-terrain vehicle impact study	SEG B 30,000 -0-

7 **SECTION 2.** 20.370 (1) (ms) of the statutes is amended to read:

8 20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*

9 The amounts in the schedule from moneys received from all-terrain vehicle fees
10 under s. 23.33 (2) (c) to (e) and (2j) for state all-terrain vehicle projects.

11 **SECTION 3.** 20.370 (5) (cu) of the statutes is amended to read:

12 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
13 continuing appropriation, the amounts in the schedule from moneys received from
14 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,
15 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle
16 projects.

17 **SECTION 4.** 20.380 (1) (r) of the statutes is created to read:

BILL

1 20.380 (1) (r) *All-terrain vehicle impact study.* Biennially, from the
2 conservation fund, the amounts in the schedule from moneys received from
3 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) for the all-terrain vehicle impact
4 study under 2003 Wisconsin Act (this act), section 21 (1).

5 **SECTION 5.** 23.33 (1) (if) of the statutes is amended to read:

6 23.33 (1) (if) “Land under the management and control of a the person’s
7 immediate family” means land owned or leased by the person or a member of the
8 person’s immediate family over which the owner or lessee has management and
9 control. This term excludes land owned or leased by an organization of which the
10 person or a member of the person’s immediate family is a member.

11 **SECTION 6.** 23.33 (2) (a) of the statutes is amended to read:

12 23.33 (2) (a) *Requirement.* No person may operate and no owner may give
13 permission for the operation of an all-terrain vehicle within this state unless the
14 all-terrain vehicle is registered for public use or for private use under this subsection
15 or sub. (2g), is exempt from registration, or is operated with a reflectorized plate
16 attached in the manner specified under par. (dm) 3. No person may operate and no
17 owner may give permission for the operation of an all-terrain vehicle on ~~a public~~ an
18 all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain vehicle
19 is registered for public use under this subsection or sub. (2g).

20 **SECTION 7.** 23.33 (2) (c) of the statutes is amended to read:

21 23.33 (2) (c) *Registration; public use; fee.* Any all-terrain vehicle may be
22 registered for public use. The fee for the issuance or renewal of a registration
23 certificate for public use is ~~\$12~~ \$30.

24 **SECTION 8.** 23.33 (2) (d) of the statutes is amended to read:

BILL

1 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle used
2 exclusively for agricultural purposes or used exclusively on private property may be
3 registered for private use. The fee for the issuance of a registration certificate for
4 private use is ~~\$6~~ \$15.

5 **SECTION 9.** 23.33 (2) (dm) 2. of the statutes is amended to read:

6 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
7 vehicle certificate is ~~\$36~~ \$90. Upon receipt of the application form required by the
8 department and the fee required under this subdivision, the department shall issue
9 to the applicant a commercial all-terrain vehicle certificate and 3 reflectorized
10 plates. The fee for additional reflectorized plates is ~~\$12~~ \$30 per plate.

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

12 23.33 (2) (e) *Other fees.* The fee for the transfer of an all-terrain vehicle
13 registration certificate is ~~\$2~~ \$5. The fee for the issuance of a duplicate all-terrain
14 vehicle registration certificate, duplicate commercial all-terrain vehicle certificate
15 or duplicate registration decals is ~~\$2~~ \$5. The fee for the issuance of registration
16 decals to a county or municipality is ~~\$2~~ \$5. There is no fee for the issuance of
17 registration decals to the state.

18 **SECTION 11.** 23.33 (2j) of the statutes is created to read:

19 23.33 (2j) **NONRESIDENT TRAIL PASSES.** (a) In this subsection, “public all-terrain
20 vehicle corridor” means an all-terrain vehicle trail or other established all-terrain
21 vehicle corridor that is open to the public but does not include an all-terrain vehicle
22 route.

23 (b) Except as provided in par. (e), no person may operate an all-terrain vehicle
24 on a public all-terrain vehicle corridor in this state unless a nonresident trail pass
25 issued under this subsection is displayed on the all-terrain vehicle.

BILL

1 (c) The fee for a nonresident trail pass issued for an all-terrain vehicle that is
2 exempt from registration under sub. (2) (b) 2. is \$17.25. A nonresident trail pass
3 issued for such an all-terrain vehicle may be issued only by the department and
4 persons appointed by the department and expires on June 30 of each year.

5 (d) There is no fee for a nonresident trail pass issued for an all-terrain vehicle
6 that is registered under sub. (2g) or s. 23.35. The department or Indian tribe or band
7 shall issue a nonresident trail pass for such an all-terrain vehicle when it issues the
8 registration certificate for the all-terrain vehicle. The department shall provide
9 Indian tribes or bands that register all-terrain vehicles under sub. (2g) or s. 23.35
10 with a supply of trail passes.

11 (e) An all-terrain vehicle that is registered under sub. (2) (a) or that is exempt
12 from registration under sub. (2) (b) 1., 3., or 4. is exempt from having a nonresident
13 trail pass displayed as required under par. (b). The department may promulgate a
14 rule to exempt all-terrain vehicles that are exempt from registration under sub. (2)
15 (b) 5. from having nonresident trail passes displayed as required under par. (b) or
16 may promulgate a rule to exempt owners of such all-terrain vehicles from having to
17 pay any applicable nonresident trail pass fee.

18 (f) 1. The department may appoint any person who is not an employee of the
19 department as the department's agent to issue nonresident trail passes and collect
20 the fees for these passes.

21 2. Any person, including the department, who issues a nonresident trail pass
22 shall collect in addition to the fee under par. (c) an issuing fee of 75 cents. An agent
23 appointed under subd. 1. may retain 50 cents of the issuing fee to compensate the
24 agent for the agent's services in issuing the pass.

BILL

1 3. The department shall establish, by rule, procedures for issuing nonresident
2 trail passes, and the department may promulgate rules regulating the activities of
3 persons who are appointed to be agents under this paragraph.

4 **SECTION 12.** 23.33 (5) (b) of the statutes is repealed and recreated to read:

5 23.33 (5) (b) *All-terrain vehicle safety certificate.* 1. No person who is at least
6 12 years of age and who is born on or after January 1, 1988, may operate an
7 all-terrain vehicle unless he or she holds a valid safety certificate.

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

13 **SECTION 13.** 23.33 (5) (c) of the statutes is amended to read:

14 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who
15 operates an all-terrain vehicle exclusively on land ~~under the management and~~
16 ~~control of the person's immediate family~~ that is not open to the public. Paragraphs
17 (a) and (b) do not apply to a person at least 12 years of age ~~but under 16 years of age~~
18 who holds a valid certificate issued by another state or a province of Canada.

19 **SECTION 14.** 23.33 (6m) of the statutes is created to read:

20 23.33 (6m) **NOISE LIMITS.** (a) No person may manufacture, sell, rent or operate
21 an all-terrain vehicle that is constructed in such a manner that noise emitted from
22 the all-terrain vehicle exceeds 96 decibels on the A scale as measured in the manner
23 prescribed under rules promulgated by the department.

24 **SECTION 15.** 23.33 (13) (ar) of the statutes is created to read:

BILL

1 23.33 (13) (ar) *Penalty related to nonresident trail passes.* Any person who
2 violates sub. (2j) shall forfeit not more than \$1,000.

3 **SECTION 16.** 23.33 (13) (b) (title) of the statutes is amended to read:

4 23.33 (13) (b) (title) *Penalties related to ~~prohibited~~ intoxicated operation of an*
5 *all-terrain vehicle; ~~intoxicants; refusal.~~*

6 **SECTION 17.** 23.33 (13) (b) 2. of the statutes is amended to read:

7 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.
8 (4c) (a) 1. or 2. or (4p) (e) and who, within 5 years prior to the arrest for the current
9 violation, was convicted previously under the intoxicated operation of an all-terrain
10 vehicle law or the refusal law shall be fined not less than \$300 nor more than ~~\$1,000~~
11 \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

12 **SECTION 18.** 23.33 (13) (bg) of the statutes is created to read:

13 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
14 *vehicle; underage passengers.* If there is a passenger under 16 years of age on the
15 all-terrain vehicle at the time of a violation that gives rise to a conviction under sub.
16 (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and maximum forfeitures, fines,
17 and terms of imprisonment under pars. (b) 1., 2., and 3. for the conviction are
18 doubled.

19 **SECTION 19.** 23.33 (13) (br) of the statutes is created to read:

20 23.33 (13) (br) *Penalties related to intoxicated operation of an all-terrain*
21 *vehicle; enhancers.* 1. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
22 concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum
23 fines specified under par. (b) 3. for the conviction are doubled.

BILL

1 2. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration
2 of 0.20 to 0.249 at the time of the offense, the minimum and maximum fines specified
3 under par. (b) 3. for the conviction are tripled.

4 3. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration
5 of 0.25 or above at the time of the offense, the minimum and maximum fines under
6 par. (b) 3. for the conviction are quadrupled.

7 4. The increased fines in this paragraph do not apply if the person convicted
8 under sub. (4c) (a) 1. or 2. is subject to par. (bg).

9 **SECTION 20.** 25.29 (1) (dm) of the statutes is amended to read:

10 25.29 (1) (dm) ~~For fiscal year 1991-92 and for each fiscal year thereafter, an~~
11 An amount equal to the estimated all-terrain vehicle gas tax payment. The
12 estimated all-terrain vehicle gas tax payment is calculated by multiplying the sum
13 of the number of all-terrain vehicles registered for public use under s. 23.33 (2) (c)
14 or (2g) and the number of reflectorized plates issued under s. 23.33 (2) (dm) on the
15 last day of February of the previous fiscal year by ~~25~~ 52 gallons and multiplying that
16 product by the excise tax imposed under s. 78.01 (1) on the last day of February of
17 the previous fiscal year.

18 **SECTION 21. Nonstatutory provisions.**

19 (1) From the appropriation under section 20.380 (1) (r) of the statutes, as
20 created by this act, the department of tourism shall expend not more than ~~\$45,000~~ \$30,000
21 to conduct a study concerning the impact the recreational operation of all-terrain
22 vehicles has on statewide tourism and economic development. No later than June
23 30, 2005, the department of tourism shall distribute the results of the completed
24 study to the appropriate standing committees of the legislature in the manner
25 provided under section 13.172 (3) of the statutes.

BILL**SECTION 22. Appropriation changes.**

~~(1) STATE FOREST ALL-TERRAIN VEHICLE TRAIL MAINTENANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (mr) of the statutes, as affected by the acts of 2003, the dollar amount is increased by \$65,000 for fiscal year 2003-04 and the dollar amount is increased by \$65,000 for fiscal year 2004-05 for maintenance of all-terrain vehicle trails that are located in southern state forests.~~

(1) ~~(2)~~ STATE ALL-TERRAIN VEHICLE TRAIL MAINTENANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (ms) of the statutes, as affected by the acts of 2003, the dollar amount is increased by ~~\$255,000~~ ^{\$165,000} for fiscal year 2004-05 for maintenance of state all-terrain trails.

~~(2)~~ ~~(3)~~ STATE LAW ENFORCEMENT POSITIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar amount is increased by \$436,000 for fiscal year 2003-04 and the dollar amount is increased by \$436,000 for fiscal year 2004-05 to increase the authorized FTE positions for the department by 4.0 SEG warden positions.

~~(3)~~ ~~(4)~~ ALL-TERRAIN VEHICLE SAFETY EDUCATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar amount is increased by \$200,000 for fiscal year 2003-04 and the dollar amount is increased by \$200,000 for fiscal year 2004-05 to increase the authorized FTE positions for the department by 1.0 SEG education position and to provide funding for all-terrain vehicle safety education activities.

INS ✓
10 - 25

BILL

1 (5) ALL-TERRAIN VEHICLE EQUIPMENT. In the schedule under section 20.005 (3)
2 of the statutes for the appropriation to the department of natural resources under
3 section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar
4 amount is increased by \$100,000 for fiscal year 2003–04 and the dollar amount is
5 increased by \$100,000 for fiscal year 2004–05 to purchase equipment to determine
6 whether all-terrain vehicles comply with applicable noise limitations.

7 (6) COUNTY ALL-TERRAIN VEHICLE TRAILS. In the schedule under section 20.005
8 (3) of the statutes for the appropriation to the department of natural resources under
9 section 20.370 (5) (cu) of the statutes, as affected by the acts of 2003, the dollar
10 amount is increased by \$871,000 for fiscal year 2004–05 to provide aid to counties
11 for county all-terrain vehicle trails.

12 (7) COUNTY LAW ENFORCEMENT. In the schedule under section 20.005 (3) of the
13 statutes for the appropriation to the department of natural resources under section
14 20.370 (5) (er) of the statutes, as affected by the acts of 2003, the dollar amount is
15 increased by \$70,000 for fiscal year 2003–04 and the dollar amount is increased by
16 \$70,000 for fiscal year 2004–05 to provide aid to counties for all-terrain vehicle law
17 enforcement.

SECTION 23. Initial applicability.

18 (1) FEE INCREASE. The treatment of section 23.33 (2) (c) ¹ and ^{2.} (d) ¹ of the statutes
19 first applies to all-terrain vehicle registration certificates issued or renewed on the
20 effective date of this subsection.

21 (2) INTOXICATED OPERATION. The treatment of section 23.33 (13) (b) (title) and
22 2., (bg), and (br) of the statutes first applies to violations committed on the effective
23 date of this subsection, but does not preclude the counting of convictions that
24

BILL

SECTION 23

*April 15, 2004, or the day after
= publication ↑ whichever is later ↓*

1 occurred before the effective date of this subsection as prior convictions for purposes
2 of sentencing by a court.

3 **SECTION 24. Effective dates.** This act takes effect on ~~the first day of the 7th~~
4 ~~month beginning after publication~~ except as follows:

5 (1) GAS TAX FORMULA. The treatment of section 25.29 (1) (dm) of the statutes
6 takes effect on the first July 1 after publication.

7 (2) ALL-TERRAIN VEHICLE SAFETY CERTIFICATES; INTOXICATED OPERATION. The
8 treatment of section 23.33 (5) (b) and (c) and (13) (b) (title), and 2., (bg), and (br) of the
9 statutes and SECTION 23 (2) of this act take effect on July 1, 2005.

10 (2) ~~STUDY AND FUNDING.~~ STUDY AND FUNDING. The treatment of section 20.380 (1) (r) of the statutes
11 and SECTIONS 21 (1), 22 (5), and 23 (1) of this act take effect on the day after
12 publication.

13 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3009/3ins
MGG:.....

INS# 10-25

~~SECTION 1. Appropriation changes.~~

N. (B) (4) (1) ALL-TERRAIN VEHICLE SAFETY PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (5) (cx) of the statutes, as affected by the acts of 2003, the dollar amount is decreased by \$150,000 for fiscal year 2003-04 and the dollar amount is decreased by \$150,00 for fiscal year 2004-05 to for the purpose for which the appropriation is made. ^{to decrease funding}

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, October 07, 2003 2:43 PM
To: Schneider, Christian
Subject: LRB-3009/3 (attached as requested)



03-3009/3

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

362-3 as

Hotynski, Rebecca

From: Schneider, Christian
Sent: Wednesday, October 08, 2003 8:40 AM
To: Hotynski, Rebecca
Subject: FW: LRB3009/3

Law Int. approp by \$ 120, see ch 04-0
 Talk to Mary about redraft

Rebecca -

Any idea what he is talking about with the 13.10 appropriation? Did Finance give them one time funding for something that has run out, and that they now want to supplement?

Any thoughts on the other proposed changes?

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

From: Randy Harden [mailto:randy.harden@nohvis.com]
Sent: Wednesday, October 08, 2003 8:29 AM
To: 'Chris Schneider'
Cc: 'Randy Harden - NOHVIS'
Subject: LRB3009/3

Hi Chris: I am in receipt of your e-mail and request from Tuesday and will be sending you my thoughts on "talking points" today.

However, in reviewing the updated draft, we came across some wording glitches under the appropriation sections that I believe need changing by the drafter and since we've met, there is a need to add a segment for appropriations due to some newly discovered information that JUST came to our attention late last week!

First the easier ones -

Page 10, Section 22, line 23 - "amount is Decreased by \$150,000 (should be "Increased" - not Decreased)

Same thing in two other places - line 24 the word "Decreased" should be "Increased" and again on that same line the "2004-2005 to Decrease" should once again be "Increase" <I'm unsure how that communication got mixed up but we want to increase and restore funding - not cut it further!>

Next page (11), Section 22, Line 4, I had in my notes as we asked Rebecca Hotynski of Legislative Reference Bureau her opinion, the appropriations on this line were to be for the 2004-2005 FY versus 03-04 and then to remain constant thereafter. It is my belief from my notes this should be changed?

The same would apply to line 15 (County Law Enforcement), my notes show 04-05 versus 03-04? <maybe a conference with Rebecca and Mary to compare notes?>

Now something new that was NOT even on the radar screen when we met <you were not at that meeting due to the maternity absence>. We have a new crisis on our hands related to what is called a 1310 process which is related to the current stats NOT reflecting the need for more ATV SEG dollars going into the DNR safety/education and enforcement budget. This emergency process termed a 1310, was used quite a few years back to transfer necessary increased dollars into the DNR law enforcement budget but all who are close the program (including myself) were not aware that 1310 process expired recently which then shorts the law enforcement and educational budget again! We now have a great opportunity to fix the 'temporary 1310 process' need and make the solution permanent.

Karl Brooks (the ATV administrator for Law Enforcement) discussed with me a way we think this problem could be remedied with some correct language to be added under line 6 on page 11. Karl had shared with me a briefing paper he is preparing and although the paper may not be completely done, I'd like to request Karl and your office

10/08/2003

& bill drafter meet or discuss in detail if that additional language can be inserted to permanently fix this huge shortage?? Can this be done today???

Please advise. I am in my office today and am available to you to share thoughts on how to fix these important items.

Thanks Chris, I'll await your call or e-mail to call you.

Randy Harden
Wisconsin ATV Association
5531B North Hwy 42
Sheboygan, WI 53083
Phone (920) 565-7522 Ext #1
Cell: (920) 980-9835
E-mail: randy.harden@nohvis.com

BILL

1 SECTION 22. Appropriation changes.

2 (1) STATE ALL-TERRAIN VEHICLE TRAIL MAINTENANCE. In the schedule under
3 section 20.005 (3) of the statutes for the appropriation to the department of natural
4 resources under section 20.370 (1) (ms) of the statutes, as affected by the acts of 2003,
5 the dollar amount is increased by \$165,000 for fiscal year 2004-05 for maintenance
6 of state all-terrain trails.

7 (2) STATE LAW ENFORCEMENT POSITIONS. In the schedule under section 20.005 (3)
8 of the statutes for the appropriation to the department of natural resources under
9 section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar
10 amount is increased by ~~\$436,000 for fiscal year 2003-04 and the dollar amount is~~
11 ~~increased by \$436,000 for fiscal year 2004-05 to increase the authorized FTE~~
12 ~~positions for the department by 4.0 SEG warden positions.~~ ~~positions for the department by 4.0 SEG warden positions.~~
~~increased by \$436,000 for fiscal year 2003-04 and the dollar amount is~~
~~increased by \$420,000 = \$556,000~~

13 (3) ALL-TERRAIN VEHICLE SAFETY EDUCATION. In the schedule under section
14 20.005 (3) of the statutes for the appropriation to the department of natural
15 resources under section 20.370 (3) (as) of the statutes, as affected by the acts of 2003,
16 the dollar amount is increased by ~~\$200,000 for fiscal year 2003-04 and the dollar~~
17 ~~amount is increased by \$200,000 for fiscal year 2004-05 to increase the authorized~~
18 ~~FTE positions for the department by 1.0 SEG education position and to provide~~
19 ~~funding for all-terrain vehicle safety education activities.~~
funding for all-terrain vehicle safety education activities.

20 (4) ALL-TERRAIN VEHICLE SAFETY PROGRAM. In the schedule under section 20.005
21 (3) of the statutes for the appropriation to the department of natural resources under
22 section 20.370 (5) (cx) of the statutes, as affected by the acts of 2003, the dollar
23 amount is ~~de~~ⁱⁿcreased by \$150,000 for fiscal year 2003-04 and the dollar amount is
24 ~~de~~ⁱⁿcreased by \$150,000 for fiscal year 2004-05 to decrease funding for the purpose for
25 which the appropriation is made.

BILL

1 (5) ALL-TERRAIN VEHICLE EQUIPMENT. In the schedule under section 20.005 (3)
2 of the statutes for the appropriation to the department of natural resources under
3 section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar
4 amount is increased by ~~\$100,000 for fiscal year 2003-04 and the dollar amount is~~
5 ~~increased by \$100,000 for fiscal year 2004-05 to purchase equipment to determine~~
6 whether all-terrain vehicles comply with applicable noise limitations.

7 (6) COUNTY ALL-TERRAIN VEHICLE TRAILS. In the schedule under section 20.005
8 (3) of the statutes for the appropriation to the department of natural resources under
9 section 20.370 (5) (cu) of the statutes, as affected by the acts of 2003, the dollar
10 amount is increased by \$871,000 for fiscal year 2004-05 to provide aid to counties
11 for county all-terrain vehicle trails.

12 (7) COUNTY LAW ENFORCEMENT. In the schedule under section 20.005 (3) of the
13 statutes for the appropriation to the department of natural resources under section
14 20.370 (5) (er) of the statutes, as affected by the acts of 2003, the dollar amount is
15 increased by ~~\$70,000 for fiscal year 2003-04 and the dollar amount is increased by~~
16 \$70,000 for fiscal year 2004-05 to provide aid to counties for all-terrain vehicle law
17 enforcement.

SECTION 23. Initial applicability.

18 (1) FEE INCREASE. The treatment of section 23.33 (2) (c), (d), (dm) 2., and (e) of
19 the statutes first applies to all-terrain vehicle registration certificates issued or
20 renewed on the effective date of this subsection.

21 (2) INTOXICATED OPERATION. The treatment of section 23.33 (13) (b) (title) and
22 2., (bg), and (br) of the statutes first applies to violations committed on the effective
23 date of this subsection, but does not preclude the counting of convictions that
24



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3009/BA 4
MGG:cjs&wtjf

kg

2003 BILL

Today

Gen. Cert.

1 AN ACT to amend 20.370 (1) (ms), 20.370 (5) (cu), 23.33 (1) (if), 23.33 (2) (a), 23.33
2 (2) (c), 23.33 (2) (d), 23.33 (2) (dm) 2., 23.33 (2) (e), 23.33 (5) (c), 23.33 (13) (b)
3 (title), 23.33 (13) (b) 2. and 25.29 (1) (dm); to repeal and recreate 23.33 (5) (b);
4 and to create 20.380 (1) (r), 23.33 (2j), 23.33 (6m), 23.33 (13) (ar), 23.33 (13) (bg)
5 and 23.33 (13) (br) of the statutes; relating to: intoxicated operation of
6 all-terrain vehicles, registration fees for all-terrain vehicles, nonresident trail
7 passes for all-terrain vehicles, safety training for operating all-terrain
8 vehicles, a study concerning the recreational operation of all-terrain vehicles,
9 noise level requirements for all-terrain vehicles, the formula used for
10 calculating the all-terrain vehicle gas tax payment, granting rule-making
11 authority, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and to providing funding for ATV projects, such as trails, and for ATV vehicle safety. This bill makes changes to these laws, including the following:

BILL

1. The bill increases all of the registration-related fees for registering ATVs.

2. The bill creates a nonresident trail pass that is required to be displayed on any ATV that is being operated in this state on public trails and corridors and that is exempt from being registered by this state because the ATV is in the state for less than 15 consecutive days or because the ATV has been registered by an American Indian tribe or band that has an agreement with the state for registering ATVs. Current law requires nonresident stickers, which are similar to these ATV passes, for the operation of snowmobiles that are not registered by this state.

3. The bill broadens the provisions that exempt ATV operators from having to comply with certain regulations on private land. Under current law, a minor under the age of 12 (younger minor) may only operate an ATV if the operation is for an agricultural purpose not on a roadway and he or she is under the supervision of a person over 18 years of age or if he or she is operating a small ATV on a trail designated by the DNR. No safety certificate is required for younger minors.

A minor who is 12, 13, 14, or 15 years old (older minor) may not operate an ATV unless he or she has an ATV safety certificate or is accompanied by a person over 18 years of age. An older minor may operate an ATV on a roadway, as opposed to a trail, only for limited purposes and only if the minor has a safety certificate.

Under current law, none of the above restrictions apply to a minor if he or she is operating the ATV on land that is exclusively under the control of the minor's immediately family. This bill broadens the exemption to include any land that is not open to the public.

4. The bill requires that any person who is at least 12 years old and who is born on or after January 1, 1988, have a valid safety certificate issued by the DNR or a similar certificate issued by another state or Canadian province to operate an ATV. This provision does not affect the exemption for minors under the age of 12 who are authorized to operate ATVs without having a safety certificate under the limited circumstances described above.

5. The bill increases the penalties imposed on a person operating an ATV under the influence of an intoxicant or controlled substance if the person's alcohol level is above a given level. For example, if a person has an alcohol concentration level of 0.17 to 0.199 at the time of the offense, the minimum and maximum fines if convicted are doubled. Higher alcohol concentration levels result in the minimum and maximum fines being tripled and quadrupled.

6. The bill prohibits the manufacturing, sale, rental, or operation of an ATV that is constructed in such a manner that the noise from the ATV exceeds 96 decibels on the A scale as measured in compliance with rules promulgated by DNR. Current law only requires that an ATV muffler not produce excessive or unusual noise.

7. The bill increases the number of gallons used in calculating the estimated ATV gas tax payment from 25 to 52 gallons. The estimated payment is calculated for each fiscal year by multiplying the number of registered ATVs (except those registered only for private use) by this number of gallons and then multiplying this product by the excise tax imposed on gasoline and diesel fuel on the last day of February of the previous fiscal year.

BILL

8. The bill increases funding for ATV trails, safety education, and law enforcement.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

	2003-04	2004-05
3		
4	20.380 Tourism, department of	
5	(1) TOURISM DEVELOPMENT AND PROMOTION	
6	(r) All-terrain vehicle impact study	SEG B 30,000 -0-

7 **SECTION 2.** 20.370 (1) (ms) of the statutes is amended to read:

8 20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.*

9 The amounts in the schedule from moneys received from all-terrain vehicle fees
10 under s. 23.33 (2) (c) to (e) and (2j) for state all-terrain vehicle projects.

11 **SECTION 3.** 20.370 (5) (cu) of the statutes is amended to read:

12 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
13 continuing appropriation, the amounts in the schedule from moneys received from
14 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,
15 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle
16 projects.

17 **SECTION 4.** 20.380 (1) (r) of the statutes is created to read:

BILL

1 20.380 (1) (r) *All-terrain vehicle impact study.* Biennially, from the
2 conservation fund, the amounts in the schedule from moneys received from
3 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) for the all-terrain vehicle impact
4 study under 2003 Wisconsin Act (this act), section 21 (1).

5 **SECTION 5.** 23.33 (1) (if) of the statutes is amended to read:

6 23.33 (1) (if) “Land under the management and control of a the person’s
7 immediate family” means land owned or leased by the person or a member of the
8 person’s immediate family over which the owner or lessee has management and
9 control. This term excludes land owned or leased by an organization of which the
10 person or a member of the person’s immediate family is a member.

11 **SECTION 6.** 23.33 (2) (a) of the statutes is amended to read:

12 23.33 (2) (a) *Requirement.* No person may operate and no owner may give
13 permission for the operation of an all-terrain vehicle within this state unless the
14 all-terrain vehicle is registered for public use or for private use under this subsection
15 or sub. (2g), is exempt from registration, or is operated with a reflectorized plate
16 attached in the manner specified under par. (dm) 3. No person may operate and no
17 owner may give permission for the operation of an all-terrain vehicle on a public an
18 all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain vehicle
19 is registered for public use under this subsection or sub. (2g).

20 **SECTION 7.** 23.33 (2) (c) of the statutes is amended to read:

21 23.33 (2) (c) *Registration; public use; fee.* Any all-terrain vehicle may be
22 registered for public use. The fee for the issuance or renewal of a registration
23 certificate for public use is ~~\$12~~ \$30.

24 **SECTION 8.** 23.33 (2) (d) of the statutes is amended to read:

BILL

1 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle used
2 exclusively for agricultural purposes or used exclusively on private property may be
3 registered for private use. The fee for the issuance of a registration certificate for
4 private use is \$~~6~~ \$15.

5 **SECTION 9.** 23.33 (2) (dm) 2. of the statutes is amended to read:

6 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
7 vehicle certificate is \$~~36~~ \$90. Upon receipt of the application form required by the
8 department and the fee required under this subdivision, the department shall issue
9 to the applicant a commercial all-terrain vehicle certificate and 3 reflectorized
10 plates. The fee for additional reflectorized plates is \$~~12~~ \$30 per plate.

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

12 23.33 (2) (e) *Other fees.* The fee for the transfer of an all-terrain vehicle
13 registration certificate is \$~~2~~ \$5. The fee for the issuance of a duplicate all-terrain
14 vehicle registration certificate, duplicate commercial all-terrain vehicle certificate
15 or duplicate registration decals is \$~~2~~ \$5. The fee for the issuance of registration
16 decals to a county or municipality is \$~~2~~ \$5. There is no fee for the issuance of
17 registration decals to the state.

18 **SECTION 11.** 23.33 (2j) of the statutes is created to read:

19 23.33 (2j) **NONRESIDENT TRAIL PASSES.** (a) In this subsection, “public all-terrain
20 vehicle corridor” means an all-terrain vehicle trail or other established all-terrain
21 vehicle corridor that is open to the public but does not include an all-terrain vehicle
22 route.

23 (b) Except as provided in par. (e), no person may operate an all-terrain vehicle
24 on a public all-terrain vehicle corridor in this state unless a nonresident trail pass
25 issued under this subsection is displayed on the all-terrain vehicle.

BILL

1 (c) The fee for a nonresident trail pass issued for an all-terrain vehicle that is
2 exempt from registration under sub. (2) (b) 2. is \$17.25. A nonresident trail pass
3 issued for such an all-terrain vehicle may be issued only by the department and
4 persons appointed by the department and expires on June 30 of each year.

5 (d) There is no fee for a nonresident trail pass issued for an all-terrain vehicle
6 that is registered under sub. (2g) or s. 23.35. The department or Indian tribe or band
7 shall issue a nonresident trail pass for such an all-terrain vehicle when it issues the
8 registration certificate for the all-terrain vehicle. The department shall provide
9 Indian tribes or bands that register all-terrain vehicles under sub. (2g) or s. 23.35
10 with a supply of trail passes.

11 (e) An all-terrain vehicle that is registered under sub. (2) (a) or that is exempt
12 from registration under sub. (2) (b) 1., 3., or 4. is exempt from having a nonresident
13 trail pass displayed as required under par. (b). The department may promulgate a
14 rule to exempt all-terrain vehicles that are exempt from registration under sub. (2)
15 (b) 5. from having nonresident trail passes displayed as required under par. (b) or
16 may promulgate a rule to exempt owners of such all-terrain vehicles from having to
17 pay any applicable nonresident trail pass fee.

18 (f) 1. The department may appoint any person who is not an employee of the
19 department as the department's agent to issue nonresident trail passes and collect
20 the fees for these passes.

21 2. Any person, including the department, who issues a nonresident trail pass
22 shall collect in addition to the fee under par. (c) an issuing fee of 75 cents. An agent
23 appointed under subd. 1. may retain 50 cents of the issuing fee to compensate the
24 agent for the agent's services in issuing the pass.

BILL

1 3. The department shall establish, by rule, procedures for issuing nonresident
2 trail passes, and the department may promulgate rules regulating the activities of
3 persons who are appointed to be agents under this paragraph.

4 **SECTION 12.** 23.33 (5) (b) of the statutes is repealed and recreated to read:

5 23.33 (5) (b) *All-terrain vehicle safety certificate.* 1. No person who is at least
6 12 years of age and who is born on or after January 1, 1988, may operate an
7 all-terrain vehicle unless he or she holds a valid safety certificate.

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

13 **SECTION 13.** 23.33 (5) (c) of the statutes is amended to read:

14 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who
15 operates an all-terrain vehicle exclusively on land ~~under the management and~~
16 ~~control of the person's immediate family~~ that is not open to the public. Paragraphs
17 (a) and (b) do not apply to a person at least 12 years of age ~~but under 16 years of age~~
18 who holds a valid certificate issued by another state or a province of Canada.

19 **SECTION 14.** 23.33 (6m) of the statutes is created to read:

20 23.33 (6m) **NOISE LIMITS.** (a) No person may manufacture, sell, rent or operate
21 an all-terrain vehicle that is constructed in such a manner that noise emitted from
22 the all-terrain vehicle exceeds 96 decibels on the A scale as measured in the manner
23 prescribed under rules promulgated by the department.

24 **SECTION 15.** 23.33 (13) (ar) of the statutes is created to read:

BILL

1 23.33 (13) (ar) *Penalty related to nonresident trail passes.* Any person who
2 violates sub. (2j) shall forfeit not more than \$1,000.

3 **SECTION 16.** 23.33 (13) (b) (title) of the statutes is amended to read:

4 23.33 (13) (b) (title) *Penalties related to ~~prohibited~~ intoxicated operation of an*
5 *all-terrain vehicle; ~~intoxicants; refusal.~~*

6 **SECTION 17.** 23.33 (13) (b) 2. of the statutes is amended to read:

7 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.
8 (4c) (a) 1. or 2. or (4p) (e) and who, within 5 years prior to the arrest for the current
9 violation, was convicted previously under the intoxicated operation of an all-terrain
10 vehicle law or the refusal law shall be fined not less than \$300 nor more than \$1,000
11 \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

12 **SECTION 18.** 23.33 (13) (bg) of the statutes is created to read:

13 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
14 *vehicle; underage passengers.* If there is a passenger under 16 years of age on the
15 all-terrain vehicle at the time of a violation that gives rise to a conviction under sub.
16 (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and maximum forfeitures, fines,
17 and terms of imprisonment under pars. (b) 1., 2., and 3. for the conviction are
18 doubled.

19 **SECTION 19.** 23.33 (13) (br) of the statutes is created to read:

20 23.33 (13) (br) *Penalties related to intoxicated operation of an all-terrain*
21 *vehicle; enhancers.* 1. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol
22 concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum
23 fines specified under par. (b) 3. for the conviction are doubled.

BILL

1 2. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration
2 of 0.20 to 0.249 at the time of the offense, the minimum and maximum fines specified
3 under par. (b) 3. for the conviction are tripled.

4 3. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration
5 of 0.25 or above at the time of the offense, the minimum and maximum fines under
6 par. (b) 3. for the conviction are quadrupled.

7 4. The increased fines in this paragraph do not apply if the person convicted
8 under sub. (4c) (a) 1. or 2. is subject to par. (bg).

9 **SECTION 20.** 25.29 (1) (dm) of the statutes is amended to read:

10 25.29 (1) (dm) ~~For fiscal year 1991–92 and for each fiscal year thereafter, an~~
11 An amount equal to the estimated all-terrain vehicle gas tax payment. The
12 estimated all-terrain vehicle gas tax payment is calculated by multiplying the sum
13 of the number of all-terrain vehicles registered for public use under s. 23.33 (2) (c)
14 or (2g) and the number of reflectorized plates issued under s. 23.33 (2) (dm) on the
15 last day of February of the previous fiscal year by ~~25~~ 52 gallons and multiplying that
16 product by the excise tax imposed under s. 78.01 (1) on the last day of February of
17 the previous fiscal year.

18 **SECTION 21. Nonstatutory provisions.**

19 (1) From the appropriation under section 20.380 (1) (r) of the statutes, as
20 created by this act, the department of tourism shall expend not more than \$30,000
21 to conduct a study concerning the impact the recreational operation of all-terrain
22 vehicles has on statewide tourism and economic development. No later than June
23 30, 2005, the department of tourism shall distribute the results of the completed
24 study to the appropriate standing committees of the legislature in the manner
25 provided under section 13.172 (3) of the statutes.

BILL**SECTION 22. Appropriation changes.**

(1) STATE ALL-TERRAIN VEHICLE TRAIL MAINTENANCE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (1) (ms) of the statutes, as affected by the acts of 2003, the dollar amount is increased by \$165,000 for fiscal year 2004-05 for maintenance of state all-terrain trails.

(2) STATE LAW ENFORCEMENT POSITIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar amount is increased by ~~\$436,000~~ for fiscal year 2003-04 and the dollar amount is ~~increased by \$436,000~~ ^{\$556,000} for fiscal year 2004-05 to increase the authorized FTE positions for the department by 4.0 SEG warden positions.

(3) ALL-TERRAIN VEHICLE SAFETY EDUCATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar amount is increased by ~~\$200,000~~ for fiscal year 2003-04 and the dollar amount is ~~increased by \$200,000~~ for fiscal year 2004-05 to increase the authorized FTE positions for the department by 1.0 SEG education position and to provide funding for all-terrain vehicle safety education activities.

(4) ALL-TERRAIN VEHICLE SAFETY PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of natural resources under section 20.370 (5) (cx) of the statutes, as affected by the acts of 2003, the dollar amount is ~~de~~ ⁱⁿcreased by \$150,000 for fiscal year 2003-04 and the dollar amount is ~~de~~ ⁱⁿcreased by \$150,000 for fiscal year 2004-05 to ~~decrease~~ ^{increase} funding for the purpose for which the appropriation is made.

BILL

1 (5) ALL-TERRAIN VEHICLE EQUIPMENT. In the schedule under section 20.005 (3)
2 of the statutes for the appropriation to the department of natural resources under
3 section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar
4 amount is increased by ~~\$100,000 for fiscal year 2003-04 and the dollar amount is~~
5 ~~increased by~~ \$100,000 for fiscal year 2004-05 to purchase equipment to determine
6 whether all-terrain vehicles comply with applicable noise limitations.

7 (6) COUNTY ALL-TERRAIN VEHICLE TRAILS. In the schedule under section 20.005
8 (3) of the statutes for the appropriation to the department of natural resources under
9 section 20.370 (5) (cu) of the statutes, as affected by the acts of 2003, the dollar
10 amount is increased by \$871,000 for fiscal year 2004-05 to provide aid to counties
11 for county all-terrain vehicle trails.

12 (7) COUNTY LAW ENFORCEMENT. In the schedule under section 20.005 (3) of the
13 statutes for the appropriation to the department of natural resources under section
14 20.370 (5) (er) of the statutes, as affected by the acts of 2003, the dollar amount is
15 increased by ~~\$70,000 for fiscal year 2003-04 and the dollar amount is increased by~~
16 \$70,000 for fiscal year 2004-05 to provide aid to counties for all-terrain vehicle law
17 enforcement.

SECTION 23. Initial applicability.

18 (1) FEE INCREASE. The treatment of section 23.33 (2) (c), (d), (dm) 2., and (e) of
19 the statutes first applies to all-terrain vehicle registration certificates issued or
20 renewed on the effective date of this subsection.
21

22 (2) INTOXICATED OPERATION. The treatment of section 23.33 (13) (b) (title) and
23 2., (bg), and (br) of the statutes first applies to violations committed on the effective
24 date of this subsection, but does not preclude the counting of convictions that

BILL

1 occurred before the effective date of this subsection as prior convictions for purposes
2 of sentencing by a court.

3 **SECTION 24. Effective dates.** This act takes effect on April 1, 2004, or ~~the day~~ ^{on}
4 after publication, whichever is later, except as follows:

5 (1) **GAS TAX FORMULA.** The treatment of section 25.29 (1) (dm) of the statutes
6 takes effect on the first July 1 after publication.

7 (2) **STUDY AND FUNDING.** The treatment of section 20.380 (1) (r) of the statutes
8 and SECTIONS 21 (1), 22 (5), and 23 (1) of this act take effect on the day after
9 publication.

10 (END)