



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 07/22/2003 (Per: MGG)



☞ The 2003 drafting file for LRB 03-1708/1

has been copied/added to the 2003 drafting file for

# LRB 03-3009

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied on yellow paper (darkened - auto centered - reduced to 90%), and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

**2003 DRAFTING REQUEST**

**Bill**

Received: 01/23/2003

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Brett Davis

This file may be shown to any legislator: NO

Drafter: mglass

May Contact: Karl Brooks (DNR)

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: NO

**Pre Topic:**

No specific pre topic given

**Topic:**

Various changes to all-terrain vehicle laws

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L Crime
/P1	mglass 03/25/2003	csicilia 03/28/2003	pgreensl 03/28/2003	_____			S&L Crime
/P2	mglass 03/31/2003	csicilia 04/01/2003	pgreensl 04/01/2003	_____	lemery 04/01/2003		S&L Crime
/P3	mglass 05/12/2003 mglass	csicilia 05/12/2003	rschluet 05/12/2003	_____	sbasford 05/12/2003		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>
	06/23/2003 nelson2 07/02/2003			_____			
/1	phurley 07/02/2003	csicilia 07/20/2003	pgreensl 07/21/2003	_____	sbasford 07/21/2003		

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: 01/23/2003

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Brett Davis

This file may be shown to any legislator: NO

Drafter: mglass

May Contact: Karl Brooks (DNR)

Add. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: NO

**Pre Topic:**

No specific pre topic given

**Topic:**

Various changes to all-terrain vehicle laws

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							S&L Crime
/P1	mglass 03/25/2003	csicilia 03/28/2003	pgreensl 03/28/2003				S&L Crime
/P2	mglass 03/31/2003	csicilia 04/01/2003	pgreensl 04/01/2003		lemery 04/01/2003		S&L Crime
/P3	mglass 05/12/2003	csicilia 05/12/2003	rschluet 05/12/2003		sbasford 05/12/2003		

Handwritten notes: 1 q's 7/20/03, 7/20/03

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: 01/23/2003

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Brett Davis

This file may be shown to any legislator: NO

Drafter: mglass

May Contact: Karl Brooks (DNR)

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via-email: NO

**Pre Topic:**

No specific pre topic given

**Topic:**

Various changes to all-terrain vehicle laws

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							S&L Crime
/P1	mglass 03/25/2003	csicilia 03/28/2003	pgreensl 03/28/2003				S&L Crime
/P2	mglass 03/31/2003	csicilia 04/01/2003	pgreensl 04/01/2003		lemery 04/01/2003		

FE Sent For:

*[Handwritten signatures]*  
 <END>  
 5-12-3

2003 DRAFTING REQUEST

Bill

Received: 01/23/2003

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Brett Davis

This file may be shown to any legislator: NO

Drafter: mglass

May Contact: Karl Brooks (DNR)

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: ~~YES~~ NO

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Various changes to all-terrain vehicle laws

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	mglass	pljs 3/28 03	3/28 P8	3/28 P8			
----	--------	-----------------	------------	------------	--	--	--

FE Sent For:

<END>

5531 B North Hwy 42  
Sheboygan, WI 53083  
Phone (920) 565-7531  
Fax (920) 565-7534  
Toll free: (888) 470-3966



Contact:  
Patrick from  
Liebham office

# Memo

call 220-0455

To: WATVA BOD, Karl Brooks, Larry Freidig, NOHVIS Review Team & RC's, Larry Strangfeld  
ORV Council contact, WATVA local chapters / Decker's office

From: Randy Harden - President, WATVA

CC: OEM member contacts

Date: 01/20/2003

Re: Wisconsin ATV Registration Program - Legislative Agenda 2003

The 2003 Wisconsin legislative period will soon be upon us. Myself, I'm looking forward to the new environment in Madison, in hopes the legislative process is once again conducted on a more "level and fair" playing field than it has been in the past. Time and experience will soon tell us if that comes to pass.

By compiling the many ATV rider surveys by our Trail Patrol Ambassadors and NOHVIS Regional Coordinators, combined with the face-to-face meetings between the local chapter WATVA clubs and their leaderships with myself and other WATVA board members, I'm confident of the positions we have on the Wisconsin ATV legislative "action topics" listed below. At this time our action items are to:

- 1) Increase the registration fee for "public use" from \$12 to \$30 every two years (same as snowmobile program)
- 2) Adjust "gallons of gas" tax credit used by Wisconsin ATVers from 25 to 52
- 3) Add an "out of state - non-resident" trail pass program - \$18 per year (same as snowmobile program)
- 4) Increase the one time "private use" fee from \$6 to \$15
- 5) Mandatory safety education (as previously introduced in 2001) *intro as an assembly bill*
- 6) Sound level designation (96 db using SAEJ1287 Jul'98 testing method) *ban on operation in excess of sound level*
- 7) Increase the monetary penalties for operating an ATV while intoxicated *in Leg. Council study -*
- 8) License plates versus stickers (dependant on fiscal analysis findings) *envis. two plates 2001 AB677*



Ideally items # 1 through # 4 would be included in this year's state budget legislation. I have already met with Senator Joe Liebham and spoke with Senator Russ Decker, with more meetings scheduled after the inaugurations on January 6th. Our initial meetings were to debrief and discuss strategy for sponsorship and introductions of the upcoming bill(s).

Why we must proactively address our shortfalls

Our Wisconsin ATV registration program has grown dramatically in the past decade. The needs for increased registration fees and adjusting our state gas tax refund based on the real numbers of gallons of gas used by Wisconsin ATVers are identified in the following areas:

- A) We oversubscribed the last trail fund with incoming grant submissions by approximately \$800,000! Add to that shortfall amount, the need to increase the "rate per mile" paid for trail maintenance cost reimbursements and it's evident the program needs more income. *in budget bill \$350,000*
- B) Reauthorize the Safety Enhancement Grant program (aka as Ride Smart - Get Involved - Tell Others!) in both legislative statutory language and in future funding. Both sunset 6/30/03. The results of this program have been most outstanding, it needs to continue. *current: 268,000 / 250,000*
- C) Our Ride Smart work has resulted in a 3 fold increase the past 12 months of new local WATVA chapters whose main goal of forming was to apply for yet additional trails & park funding! This is a *good thing* but we need to be sure our ATV fund increases accordingly.
- D) We need to fund a comprehensive Wisconsin ATV Economic Impact Study. *\$30,000 - \$45,000*
- E) It's imperative we purchase *calibrated* sound meters designated for sound level education & future law enforcement needs. *\$100,000*
- F) To keep up with the increase in safety education class work, we need to increase dollars toward *local* law enforcement ATV patrol work.
- G) Our ATV program has grown in numbers, which require additional FTE's for Law Enforcement to maintain a balanced ratio with the amount of new ATVs in the registration program. Adding the additional workload of the mandatory safety education proposal to the current needs of Law Enforcement causes a demand for additional manpower to manage the workloads, additional customer service and increased cost of mailings.
- H) Costs necessary to convert *from* registration stickers to license plates are still forthcoming once lawmakers request the fiscal analysis from our input. We assume the conversion will / would have a cost attached.
- I) ATV share of contributing toward on-line registration system development and improvements to improve the computer system (aka ALSI). *from private use increase*

The proposed registration fee for # 1 and # 3 are consistent with the Wisconsin snowmobile program. We project our ATV numbers to match the snowmobiles by end of year 2003.

# 4 "private use" proposed increase fee (up from \$6 to \$15) maintains the same percentage against the public use / 2 year fee as the current structure does (50%). Our state ATV registration **fees must be adjusted** to keep up with the growth and demand of the Wisconsin ATV citizens.

## Gibson-Glass, Mary

---

**From:** Davis, Brett  
**Sent:** Monday, February 10, 2003 1:45 PM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: California's Off-Highway Vehicle Program Reformed



Proposed ATV  
Sound Legislation...  
Mary,

Attached is the second piece of information Randy asked me to forward to you.

Brett

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

**From:** Randy Harden [mailto:randy\_harden@nohvis.org]  
**Sent:** Wednesday, February 05, 2003 8:29 AM  
**To:** Brett Davis  
**Subject:** FW: California's Off-Highway Vehicle Program Reformed

I'm not even sure Mary received this one?

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

**From:** Randy Harden [mailto:randy\_harden@nohvis.org]  
**Sent:** Tuesday, January 28, 2003 10:58 AM  
**To:** Mary Glass (mary.glass@legis.state.wi.us)  
**Cc:** Kathy Van Kleeck (kvankleeck@mic.org); Karl Brooks - DNR Bureau of Law Enforcement (Karl.Brooks@dnr.state.wi.us)  
**Subject:** FW: California's Off-Highway Vehicle Program Reformed

2nd attachment!

<<Proposed ATV Sound Legislation 9-27-02.doc>>

Karl R. Brooks  
Bureau of Law Enforcement  
Snowmobile/ATV Administrator  
101 S Webster St.  
P. O. Box 7921  
Madison, WI 53707-7921  
608-267-7455  
brookkr@mail01.dnr.state.wi.us

RIDE FOR LIFE  
ATV Safety  
<http://www.dnr.state.wi.us/org/es/enforcement/safety/atvsaf.htm>

Snowmobile Safety  
<http://www.dnr.state.wi.us/org/es/enforcement/safety/snoed.htm>

> -----Original Message-----

> **From:** TCook@ama-cycle.org [mailto:TCook@ama-cycle.org]  
> **Sent:** Tuesday, October 01, 2002 9:54 AM  
> **To:** EMoreland@ama-cycle.org  
> **Subject:** California's Off-Highway Vehicle Program Reformed

>

>

> G02030

- > Contact:
- > Bill Kresnak
- > Oct. 1, 2002
- > Phone: (614) 856-1900
- > For Immediate Release
- > Fax: (614) 856-1920

California's Off-Highway Vehicle Program Reformed

PICKERINGTON, Ohio -- A new state law should help ensure that off-highway motorcycle and all-terrain vehicle (ATV) users have places to ride in California in the future, the American Motorcyclist Association (AMA) reports.

The law, co-sponsored by Assembly Speaker pro tem Fred Keeley (D-Boulder Creek) and Assemblyman Mark Wyland (R-Del Mar), includes many of the suggestions of the Stakeholders Roundtable, a group put together by the state's Off-Highway Motor Vehicle Recreation Division. The group includes AMA Government Relations Department staff as well as other off-highway vehicle enthusiasts, environmentalists, property owners, law enforcement personnel and others.

Among other things, the new law requires comprehensive planning to improve the chances of developing off-highway vehicle recreation areas, and calls for studies to understand the need for developing off-road sports complexes.

The new law also requires the state Department of Parks and Recreation to create a voluntary off-road rider safety training program by January 2005.

In addition, the new law requires that all the fuel taxes attributed to unregistered off-highway vehicles -- estimated to be \$21 million a year go for land conservation, restoration of land damaged by off-road use, and for law enforcement.

Plus, the law reduces the legal noise limit for off-highway vehicles from 101 decibels to 96 decibels to bring the limit in line with federal standards for manufacturers.

Nick Harris, the AMA's western states representative, said the law "is important legislation and will be of great benefit to the growing number of off-road enthusiasts in California."

**Gibson-Glass, Mary**

---

**From:** Davis, Brett  
**Sent:** Monday, February 10, 2003 1:44  
**To:** Gibson-Glass, Mary  
**Subject:** FW: Model Sound Legislation  
Mary,

Randy Harden of the WI ATV Association asked me to forward two e-mails to you. Randy said he sent them to you just after we met, but isn't sure if you received them. Please let me know if you have any questions.

Thanks,

Brett

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

**From:** Randy Harden [mailto:randy\_harden@nohvis.org]  
**Sent:** Wednesday, February 05, 2003 8:28 AM  
**To:** Brett Davis  
**Subject:** FW: Model Sound Legislation

Per the previous e-mail.....

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

**From:** Randy Harden [mailto:randy\_harden@nohvis.org]  
**Sent:** Tuesday, January 28, 2003 10:58 AM  
**To:** Mary Glass (mary.glass@legis.state.wi.us)  
**Cc:** Kathy Van Kleeck (kvankleeck@mic.org); Karl Brooks - DNR Bureau of Law Enforcement (Karl.Brooks@dnr.state.wi.us)  
**Subject:** FW: Model Sound Legislation

OK, the first two messages I sent bounced? For some reason I had your address wrong after thinking I doubled checked it! Hopefully these two messages find you now.

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

**From:** Randy Harden [mailto:randy\_harden@nohvis.org]  
**Sent:** Tuesday, January 28, 2003 10:26 AM  
**To:** Mary Glass (glass@legis.state.wi.us)  
**Cc:** Kathy Van Kleeck (kvankleeck@mic.org); Karl Brooks - DNR Bureau of Law Enforcement (Karl.Brooks@dnr.state.wi.us)  
**Subject:** Model Sound Legislation

Hi Mary:

Please find the attachment we discussed. I assume we would only reference the items in 2A referring to the test method and appropriate wording therefore.

This document that Kathy sent (hi Kathy!) is more generic and would apply in those states that recognize more than one kind of off-highway vehicle such as a dirt bike. At this point in time, we are applying this sound legislation toward only ATVs in chapter 23.33.

I'll send a second DRAFT document that Karl and I were working on some time ago where as he didn't list the test method instead leaving that open for department code decisions. I'm guessing we'll probably want to use the 2a language in this attachment?

Also, if Kathy has some other state language whereas that state addressed the exempting of raceway locations, it would be helpful to have that so we can pull that language together?

03/18/2003

Mary: I'm fairly sure in our discussions that we didn't mention that aspect but it is our hope to have this exclusion inserted in some fashion and form. We were also wondering if in this exclusion we might also insert an exclusion for accident reporting if its at a sanctioned race.

Again, that may be too messy for this sound legislation but again Karl and I had discussed that need in other conversations so while I was on the idea of exemptions....thought I'd ask the question. Please look for the second attachment to follow this one.

Thanks again.

Randy Harden  
President  
Wisconsin ATV Association  
5531B North Hwy 42  
Sheboygan, WI 53083  
Phone (920) 565-7522 Ext #1

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

**From:** Kathy Van Kleeck [mailto:kvankleeck@mic.org]  
**Sent:** Friday, January 24, 2003 11:04 AM  
**To:** Randy\_harden@nohvis.org  
**Cc:** Tom Yager  
**Subject:** Model Sound Legislation

Hi Randy,

Tom said you were looking for some language for an OHV sound limit proposal. We'd recommend the attached language.

Kathy

03/18/2003

**Definitions:**

"Off-highway vehicle, (OHV)" means any self-propelled vehicle designed to travel on wheels or tracks in contact with the ground, intended primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. OHV includes but is not limited to off-highway motorcycles and all-terrain vehicles, but does not include the following:

- (a) Any vessel, boat or personal watercraft designed primarily for travel on, over, or in the water;
- (b) Golf carts;
- (c) Military vehicles;
- (d) Snowmobiles.

**Noise Emissions**

1. Off-highway vehicles, [*when operating on public lands*], shall at all times be equipped with a silencer, or other device, which limits noise emissions.
2. Noise emissions of off-highway vehicles shall be limited to the following levels when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J1287 JUL98:
  - (a) If manufactured on or after January 1, 1998.....96 dbA
  - (b) If manufactured prior to January 1, 1998.....101 dbA

## Proposed SOUND Legislation



23.33 (6)

### Equipment requirements.

- (a) A person who operates an all-terrain vehicle during hours of darkness or during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp on the all-terrain vehicle.
- (b) The headlamp on an all-terrain vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle.
- (c) The tail lamp on an all-terrain vehicle is required to display a red light plainly visible during hours of darkness from a distance of 500 feet to the rear.
- (d) Every all-terrain vehicle is required to be equipped with at least one brake operated either by hand or by foot.
- (e) Every all-terrain vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. forest service.
- (f) Unless exempted, no all-terrain vehicle shall be sold, offered for sale, transferred, rented or operated, in this state unless it is equipped so that the overall noise emission does not exceed a sound level more than 96 decibels on the A scale using procedures established by department rule.**
- (g) No noise suppression system or muffler shall be equipped with a cutout, bypass or similar device.**
- (h) Unless exempted, no person shall modify or alter an exhaust system or its operation in any manner which will amplify or increase the overall noise emitted by the all-terrain vehicle in a manner that exceeds 96 decibels on the A scale using procedures established by department rule.**
- (i) Exemptions - Persons competing in sanctioned races or operating an all-terrain vehicle on a raceway facility are exempt from the requirements of (f) and (g).**

NR 64.02 Definitions. In this chapter:

- (12e) "Raceway facility" means an area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a

## **Proposed SOUND Legislation**

sanctioned race or derby for which any required local permits have been obtained.

- (12r) "Sanctioned race or derby" means a competitive all-terrain vehicle event sponsored by a local unit of government, chamber of commerce, an all-terrain vehicle club, promoter, or similar organization.

NR 64.075 Sanctioned races and derbies. The sponsor conducting a sanctioned race or derby on a raceway facility shall:

- (1) Make provisions to keep spectators at least 100 feet away from race competitors on the frozen surfaces of public waters.
- (2) Give notice of the race or derby to the local conservation warden or law enforcement agency having jurisdiction.





State of Wisconsin  
2003 - 2004 LEGISLATURE

RMR  
LRB-1708/mpl  
MGG/RNK:.....

THURS  
9:00AM

FRI

95

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV  
7/22/03  
was same

Generate catalog

1 AN ACT ~~relating to~~; relating to: intoxicated operation of all-terrain vehicles, registration  
 2 for all-terrain vehicles, ,  
 3 fees ~~and~~ plates and trail use stickers for all-terrain vehicles, safety training  
 4 ~~operation~~ of all-terrain vehicles, ~~noise level~~ requirements for all-terrain vehicles, the  
 5 formula used for calculating the all-terrain vehicle gas tax payment, granting  
 6 rule-making authority, ~~and~~ making an appropriation, and providing penalties.

Study concerning recreational

switch order  
FFS-SL  
CRIME

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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

7 SECTION 1. 20.370 (1) (mr) of the statutes is amended to read:  
 8 20.370 (1) (mr) *General program operations — park and forest trails,*  
 9 *all-terrain vehicle revenues.* The amounts in the schedule from moneys received  
 10 from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) for the maintenance

delete  
xtra  
space

1 of trails that are located in state parks or southern state forests, as defined in s.  
2 27.016 (1) (c).

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22m to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109.

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

4 **20.370 (1) (ms) *General program operations — state all-terrain vehicle projects.***

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

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22m to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109.

7 **SECTION 3. 20.370 (3) (as) of the statutes is amended to read:**

8 **20.370 (3) (as) *Law enforcement — all-terrain vehicle enforcement.*** The

9 amounts in the schedule from moneys received from all-terrain vehicle fees under  
10 s. 23.33 (2) (c) to (e) and (2j), for state law enforcement operations related to  
11 all-terrain vehicles, including actual enforcement, safety training, accident  
12 reporting, and similar activities. ✓

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22m to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109.

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

14 **20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.*** As a  
15 continuing appropriation, the amounts in the schedule from moneys received from  
16 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns, ✓

- 1 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle  
2 projects.

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109.

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

- 4 20.370 (5) (er) *Enforcement aids — all-terrain vehicle enforcement.* The  
5 amounts in the schedule from moneys received from all-terrain vehicle fees under  
6 s. 23.33 (2) (c) to (e) and (2j) for local law enforcement aids. ✓

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109.

- 7 **SECTION 6. 23.33 (1) (jn) of the statutes is amended to read:**

- 8 23.33 (1) (jn) "Registration documentation" means an all-terrain vehicle  
9 registration certificate, a validated registration receipt, or a registration decal plate.

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

- 10 **SECTION 7. 23.33 (2) (b) 2m. b. of the statutes is amended to read:**

- 11 23.33 (2) (b) 2m. b. The all-terrain vehicle displays the registration decal plate  
12 required by the tribe or band.

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

- 13 **SECTION 8. 23.33 (2) (c) of the statutes is amended to read:**

- 14 23.33 (2) (c) *Registration; public use; fee.* Any all-terrain vehicle may be  
15 registered for public use. The fee for the issuance or renewal of a registration  
16 certificate for public use is \$12 \$30. ✓

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

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

- 18 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle used  
19 exclusively for agricultural purposes or used exclusively on private property may be

1 registered for private use. The fee for the issuance of a registration certificate for  
2 private use is ~~\$6~~ \$15. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

3 SECTION 10. 23.33 (2) (dm) 4. of the statutes is amended to read:

4 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial  
5 all-terrain vehicle certificates or reflectorized plates issued under subd. 2. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

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

7 23.33 (2) (e) *Other fees*. The fee for the transfer of an all-terrain vehicle  
8 registration certificate is \$2. The fee for the issuance of a duplicate all-terrain  
9 vehicle registration certificate, duplicate commercial all-terrain vehicle certificate  
10 or duplicate registration ~~decal~~ plates is \$2. The fee for the issuance of registration  
11 ~~decal~~ plates to a county or municipality is \$2. There is no fee for the issuance of  
12 registration ~~decal~~ plates to the state. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109. ^

13 SECTION 12. 23.33 (2) (h) of the statutes is created to read:

14 23.33 (2) (h) *Effective period; transitional provision*. An owner of an all-terrain  
15 vehicle that displays a registration decal issued under ~~the~~ <sup>S.</sup> 23.33 (2) or (2g), 2001  
16 stats., is exempt from displaying a registration plate during the period of validity for  
17 the decal issued under s. 23.33 (2) or (2g), 2001 stats. ✓

18 SECTION 13. 23.33 (2g) (c) (title) of the statutes is amended to read:

19 23.33 (2g) (c) (title) *Requirements for registration applications and decal*  
20 plates.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

21 SECTION 14. 23.33 (2g) (c) 2. of the statutes is amended to read:

1           23.33 (2g) (c) 2. The Lac du Flambeau band shall use registration decals plates  
2           that are substantially similar to those under sub. (2) with regard to color, size,  
3           legibility, information content, and placement on the all-terrain vehicle.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

4           SECTION 15. 23.33 (2j) of the statutes is created to read:

5           23.33 (2j) TRAIL USE STICKERS. (a) In this subsection, "public all-terrain vehicle  
6           corridor" means an all-terrain vehicle trail or other established all-terrain vehicle  
7           corridor that is open to the public but does not include <sup>(an)</sup> all-terrain vehicle route. ✓

8           (b) Except as provided in par. (e), no person who is the owner of an all-terrain  
9           vehicle may operate, or give permission for another person to operate, an all-terrain  
10          vehicle on a public all-terrain vehicle corridor in this state unless a trail use sticker  
11          issued under this subsection is displayed on the all-terrain vehicle.

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

16          (d) There is no fee for <sup>(S.)</sup> a trail use sticker issued for an all-terrain <sup>vehicle</sup> that is  
17          registered under sub. (2g) or 23.35. The department or Indian tribe or band shall  
18          issue a trail use sticker for such an all-terrain vehicle when it issues the registration  
19          certificate for the all-terrain vehicle. The department shall provide Indian tribes or  
20          bands that register all-terrain vehicles under sub. (2g) or s. 23.35 with a supply of  
21          trail use stickers. ✓

22          (e) An all-terrain vehicle that is registered under ~~this section~~ <sup>sub. (2)</sup> or that is exempt  
23          from registration under sub. (2) (b) 1. or 4. is exempt from having a trail use sticker  
24          displayed as required under par. (b). The department may promulgate a rule to

1 exempt all-terrain vehicles that are exempt from registration under sub. (2) (b) 5.  
 2 from having trail use stickers displayed as required under par. (b) or may  
 3 promulgate a rule to exempt owners of such all-terrain vehicles from having to pay  
 4 ~~the~~ trail use sticker fee. *any applicable*

5 (f) 1. The department may appoint any person who is not an employee of the  
 6 department as the department's agent to issue trail use stickers and collect the fees  
 7 for these stickers.

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

12 3. The department shall establish, by rule, procedures for issuing trail use  
 13 stickers, and the department may promulgate rules regulating the activities of  
 14 persons who are *appointed* authorized to be agents under this paragraph.

15 SECTION 16. 23.33 (5) (b) of the statutes is repealed and recreated to read:

16 23.33 (5) (b) *All-terrain vehicle safety certificate.* 1. No person who is at least  
 17 12 years of age and who is born on or after January 1, 1988, may operate an  
 18 all-terrain vehicle unless he or she holds a valid safety certificate.

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

24 SECTION 17. 23.33 (5) (c) of the statutes is amended to read:

1           23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who  
2 operates an all-terrain vehicle exclusively on land under the management and  
3 control of the person's immediate family. Paragraphs (a) and (b) do not apply to a  
4 person at least 12 years of age but under 16 years of age who holds a valid certificate  
5 issued by another state or a province of Canada. ✓

6           SECTION 18. 23.33 (6) (e) of the statutes is amended to read:

7           23.33 (6) (e) Every all-terrain vehicle is required to be equipped with a  
8 ~~functioning muffler to prevent excessive or unusual noise and with a functioning~~  
9 spark arrester of a type approved by the U.S. forest service. ✓

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 369; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

10          SECTION 19. 23.33 (6) (f) of the statutes is created to read:

11          23.33 (6) (f) Every all-terrain vehicle manufactured before January 1, 1998,  
12 is required to be constructed or equipped with a functioning muffler so as to limit  
13 total vehicle noise to not more than 101 decibels of A sound pressure at 20 inches,  
14 as measured by society of automotive engineers standards. Every all-terrain  
15 manufactured on or after July 1, 1998, is required to <sup>(be)</sup> constructed or equipped with <sup>vehicle</sup>  
16 a functioning muffler so as to limit total vehicle noise to not more than 96 decibels  
17 of A sound pressure at 20 inches, as measured by society of automotive engineers  
18 standards.

\*\*\*\*NOTE: This provision is based on the current language regarding noise levels for snowmobiles under s. 350.09 (7). Please review ✓

19          SECTION 20. 23.33 (9) (a) of the statutes is amended to read:

20          23.33 (9) (a) *Enforcement.* The department may utilize moneys received under  
21 ~~sub. (2) subs. (2) and (2j)~~ for all-terrain vehicle registration aids administration and  
22 for the purposes specified under s. 20.370 (3) (as) and (5) (er) including costs  
23 associated with enforcement, safety education, accident reports and analysis, law

1 enforcement aids to counties, and other similar costs in administering and enforcing  
2 this section.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

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

4 23.33 (13) (ar) *Penalty related to trail use stickers.* Any person who violates sub.  
5 (2j) shall forfeit not more than \$1,000.

6 SECTION 22. 23.33 (13) (b) (title) of the statutes is amended to read:

7 23.33 (13) (b) (title) *Penalties related to prohibited intoxicated operation of an*  
8 *all-terrain vehicle; intoxicants; refusal.*

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

9 SECTION 23. 23.33 (13) (b) 2. of the statutes is amended to read:

10 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.  
11 (4c) (a) 1. or 2. or (4p) (e) and who, within 5 years prior to the arrest for the current  
12 violation, was convicted previously under the intoxicated operation of an all-terrain  
13 vehicle law or the refusal law shall be fined not less than \$300 nor more than \$1,000  
14 \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109.

\*\*\*\*NOTE: In 2001 Assembly Bill 667, introduced by the Joint Legislative Council, the maximum fine was increased from \$1,000 to \$1,100, but I thought this might be a typographical error. Please let me know if the increase in this penalty should remain or should be deleted.

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

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



1           **SECTION 25.** 23.33 (13) (br) of the statutes is created to read:

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

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

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

12           4. The increased forfeitures and fines in this paragraph do not apply if the  
13 person convicted under sub. (4c) (a) 1. or 2. is subject to par. (b) 3.

14           **SECTION 26.** 23.35 (1) (a) of the statutes is amended to read:

15           23.35 (1) (a) Requires that boats, snowmobiles and all-terrain vehicles display  
16 decals, plates, or identification numbers showing valid registration by the tribe or  
17 band.

History: 1993 a. 405.

18           **SECTION 27.** 23.35 (1) (b) of the statutes is amended to read:

19           23.35 (1) (b) Employs registration decals and plates and certificates of number  
20 that are substantially similar to those employed by the registration or certification  
21 programs of this state with regard to size, legibility, information content and  
22 placement on the boat, snowmobile or all-terrain vehicle.

History: 1993 a. 405.

23           **SECTION 28.** 25.29 (1) (dm) of the statutes is amended to read:

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

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248; 1999 a. 9; 2001 a. 16, 56, 105.

9           **SECTION 29. Nonstatutory provisions.**

10           ~~(1)~~ <sup>delete  
x  
space</sup> From the appropriation under section 20.370 (1) (ms) of the statutes, the  
 11 department of natural resources shall expend not more than \$45,000 to conduct a  
 12 study concerning the impact the recreational operation of all-terrain vehicles has  
 13 on statewide tourism and economic development. No later than June 30, 2005, the  
 14 department of natural resources shall distribute the results of the completed study  
 15 to the appropriate standing committees of the legislature in the manner provided  
 16 under ~~§~~ <sup>section</sup> 13.172 (3) <sup>of the statutes</sup>

17           **SECTION 30. Appropriation changes.** create  
auto reb  
"A"

18           (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
 19 to the department of natural resources under section 20.370 (1) (ms) of the statutes,  
 20 as affected by the acts of 2003, the dollar amount is increased by \$22,500 for fiscal  
 21 year 2003-04 and the dollar amount is increased by \$22,500 for fiscal year 2004-05  
 22 to conduct a study <sup>concerning the</sup> ~~impact the recreational~~ operation of all-terrain vehicles has on  
 23 statewide tourism and economic development. ✓

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

6 SECTION 31. Initial applicability.

7 (1) The treatment of sections 23.33 (2) (c) and (d) of the statutes first applies  
 8 to all-terrain vehicle registration certificates issued or renewed on the effective date  
 9 of this subsection. The treatment of sections 23.33 (3) (b) (title) and 2., (bg), and (br) of the statutes

10 (2) This ~~act~~ first applies to violations committed occurring on the effective date  
 11 of this subsection, but does not preclude the counting of other convictions that  
 12 ~~were~~ occurred before the effective date of this subsection as prior convictions for purposes  
 13 of sentencing by a court.

14 SECTION 32. Effective dates. This act takes effect on the first day of the 7th  
 15 month beginning after publication, except as follows:

16 (1) GAS TAX FORMULA. The treatment of § 25.29 (1) (dm) takes effect on the July  
 17 1 after publication. section of the statutes first

18 (2) ALL-TERRAIN VEHICLE SAFETY CERTIFICATES; INTOXICATED OPERATION. The  
 19 treatment of § 23.33 (5) (b) and (c) and (13) (b) (title) and 2., (bg), and (br) takes effect  
 20 on July 1, 2005. ↑ ↑ of the statutes

21 (3) STUDY AND FUNDING. SECTIONS 30 and 31 of this act take effect on the 2nd  
 22 day after publication of the 2001-03 biennial budget act, or on the day after  
 23 publication, whichever is later.

(END)

use auto ref "A" from p. 10  
 use auto ref "B" from this page

create auto ref "B"

delete extra spaces

delete period

delete extra spaces

STET: leave as typed

were occurred

(bg), and (br) of the statutes



State of Wisconsin  
2003 - 2004 LEGISLATURE

1/22  
LRB-1708/PA  
MGG/RNK:cjs:rg

Tues

D Note

stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Reser cat.

1 AN ACT *to amend* 20.370 (1) (mr), 20.370 (1) (ms), 20.370 (3) (as), 20.370 (5) (cu),  
2 20.370 (5) (er), 23.33 (1) (jn), 23.33 (2) (b) 2m. b., 23.33 (2) (c), 23.33 (2) (d), 23.33  
3 (2) (dm) 4., 23.33 (2) (e), 23.33 (2g) (c) (title), 23.33 (2g) (c) 2., 23.33 (5) (c), 23.33  
4 (6) (e), 23.33 (9) (a), 23.33 (13) (b) (title), 23.33 (13) (b) 2., 23.35 (1) (a), 23.35 (1)  
5 (b) and 25.29 (1) (dm); *to repeal and recreate* 23.33 (5) (b); and *to create* 23.33  
6 (2) (h), 23.33 (2j), 23.33 (6) (f), 23.33 (13) (ar), 23.33 (13) (bg) and 23.33 (13) (br)  
7 of the statutes; **relating to:** intoxicated operation of all-terrain vehicles,  
8 registration fees for all-terrain vehicles, registration plates and trail use  
9 stickers for all-terrain vehicles, safety training for operating all-terrain  
10 vehicles, <sup>a</sup> study concerning the recreational operation of all-terrain vehicles,  
11 noise level requirements for all-terrain vehicles, the formula used for  
12 calculating the all-terrain vehicle gas tax payment, granting rule-making  
13 authority, making <sup>s</sup> an appropriation, and providing penalties.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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:*

INSECT 2-1 ✓

1 SECTION 1. 20.370 (1) (mr) of the statutes is amended to read:

2 20.370 (1) (mr) *General program operations — park and forest trails,*  
3 *all-terrain vehicle revenues.* The amounts in the schedule from moneys received  
4 from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) for the maintenance  
5 of trails that are located in state parks or southern state forests, as defined in s.  
6 27.016 (1) (c).

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 (3) (as) of the statutes is amended to read:

12 20.370 (3) (as) *Law enforcement — all-terrain vehicle enforcement.* The  
13 amounts in the schedule from moneys received from all-terrain vehicle fees under  
14 s. 23.33 (2) (c) to (e) and (2j), for state law enforcement operations related to  
15 all-terrain vehicles, including actual enforcement, safety training, accident  
16 reporting, and similar activities.

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

18 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
19 continuing appropriation, the amounts in the schedule from moneys received from

1 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,  
2 villages, cities, counties, and federal agencies for nonstate all-terrain vehicle  
3 projects.

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

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

8 SECTION 6. 23.33 (1) (jn) of the statutes is amended to read: 3-7

9 23.33 (1) (jn) "Registration documentation" means an all-terrain vehicle  
10 registration certificate, a validated registration receipt, or a registration decal plate.

11 SECTION 7. 23.33 (2) (b) 2m. b. of the statutes is amended to read:

12 23.33 (2) (b) 2m. b. The all-terrain vehicle displays the registration decal plate  
13 required by the tribe or band.

14 SECTION 8. 23.33 (2) (c) of the statutes is amended to read:

15 23.33 (2) (c) *Registration; public use; fee.* Any all-terrain vehicle may be  
16 registered for public use. The fee for the issuance or renewal of a registration  
17 certificate for public use is ~~\$12~~ \$30.

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

19 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle used  
20 exclusively for agricultural purposes or used exclusively on private property may be  
21 registered for private use. The fee for the issuance of a registration certificate for  
22 private use is ~~\$6~~ \$15.

23 SECTION 10. 23.33 (2) (dm) 4. of the statutes is amended to read:

24 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial  
25 all-terrain vehicle certificates or reflectorized plates issued under subd. 2.

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

2           23.33 (2) (e) *Other fees.* The fee for the transfer of an all-terrain vehicle  
3 registration certificate is \$2. The fee for the issuance of a duplicate all-terrain  
4 vehicle registration certificate, duplicate commercial all-terrain vehicle certificate  
5 or duplicate registration ~~decals~~ plates is \$2. The fee for the issuance of registration  
6 ~~decals~~ plates to a county or municipality is \$2. There is no fee for the issuance of  
7 registration ~~decals~~ plates to the state.

8       **SECTION 12.** 23.33 (2) (h) of the statutes is created to read:

9           23.33 (2) (h) *Effective period; transitional provision.* An owner of an all-terrain  
10 vehicle that displays a registration decal issued under s. 23.33 (2) or (2g), 2001 stats.,  
11 is exempt from displaying a registration plate during the period of validity for the  
12 decal issued under s. 23.33 (2) or (2g), 2001 stats.

13       **SECTION 13.** 23.33 (2g) (c) (title) of the statutes is amended to read:

14           23.33 (2g) (c) (title) *Requirements for registration applications and ~~decals~~*  
15 *plates.*

16       **SECTION 14.** 23.33 (2g) (c) 2. of the statutes is amended to read:

17           23.33 (2g) (c) 2. The Lac du Flambeau band shall use registration ~~decals~~ plates  
18 that are substantially similar to those under sub. (2) with regard to color, size,  
19 legibility, information content, and placement on the all-terrain vehicle.

20       **SECTION 15.** 23.33 (2j) of the statutes is created to read:

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

24           (b) Except as provided in par. (e), no person who is the owner of an all-terrain  
25 vehicle may operate, or give permission for another person to operate, an all-terrain

1 vehicle on a public all-terrain vehicle corridor in this state unless a trail use sticker  
2 issued under this subsection is displayed on the all-terrain vehicle.

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

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

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

20 (f) 1. The department may appoint any person who is not an employee of the  
21 department as the department's agent to issue trail use stickers and collect the fees  
22 for these stickers.

23 2. Any person, including the department, who issues a trail use sticker shall  
24 collect in addition to the fee under par. (c) an issuing fee of 75 cents. An agent



1 appointed under subd. 1. may retain 50 cents of the issuing fee to compensate the  
2 agent for the agent's services in issuing the sticker.

3 3. The department shall establish, by rule, procedures for issuing trail use  
4 stickers, and the department may promulgate rules regulating the activities of  
5 persons who are appointed to be agents under this paragraph.

6 SECTION 16. 23.33 (5) (b) of the statutes is repealed and recreated to read:

7 23.33 (5) (b) *All-terrain vehicle safety certificate.* 1. No person who is at least  
8 12 years of age and who is born on or after January 1, 1988, may operate an  
9 all-terrain vehicle unless he or she holds a valid safety certificate.

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

15 SECTION 17. 23.33 (5) (c) of the statutes is amended to read:

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

21 SECTION 18. 23.33 (6) (e) of the statutes is amended to read:

22 23.33 (6) (e) Every all-terrain vehicle is required to be equipped with a  
23 functioning muffler to prevent excessive or unusual noise and with a functioning  
24 spark arrester of a type approved by the U.S. forest service.

25 SECTION 19. 23.33 (6) (f) of the statutes is created to read:

1           23.33 (6) (f) Every all-terrain vehicle manufactured before January 1, 1998,  
2 is required to be constructed or equipped with a functioning muffler so as to limit  
3 total vehicle noise to not more than 101 decibels of A sound pressure at 20 inches,  
4 as measured by Society of Automotive Engineers standards. Every all-terrain  
5 vehicle manufactured on or after July 1, 1998, is required to be constructed or  
6 equipped with a functioning muffler so as to limit total vehicle noise to not more than  
7 96 decibels of A sound pressure at 20 inches, as measured by Society of Automotive  
8 Engineers standards.

      \*\*\*NOTE: This provision is based on the current language regarding noise levels  
for snowmobiles under s. 350.09 (7). Please review

9           **SECTION 20.** 23.33 (9) (a) of the statutes is amended to read:

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

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

17           23.33 (13) (ar) *Penalty related to trail use stickers.* Any person who violates sub.  
18 (2j) shall forfeit not more than \$1,000.

19           **SECTION 22.** 23.33 (13) (b) (title) of the statutes is amended to read:

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

22           **SECTION 23.** 23.33 (13) (b) 2. of the statutes is amended to read:

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

      \*\*\*\*NOTE: In 2001 Assembly Bill 667, introduced by the Joint Legislative Council,  
the maximum fine was increased from \$1,000 to \$1,100, but I thought this might be a  
typographical error. Please let me know if the increase in this penalty should remain or  
should be deleted.

6       SECTION 24. 23.33 (13) (bg) of the statutes is created to read:

7       ~~23.33 (13) (bg) Penalties related to intoxicated operation of an all-terrain~~  
8       ~~vehicle; underage passengers.~~ If there is a passenger under 16 years of age on the  
9       all-terrain vehicle at the time of a violation that gives rise to a conviction under sub.  
10      (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and maximum forfeitures, fines,  
11      and terms of imprisonment under pars. (b) 1., 2., and 3. for the conviction are  
12      doubled.

13      SECTION 25. 23.33 (13) (br) of the statutes is created to read:

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

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

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

at the  
time of  
the  
offense

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

3 SECTION 26. 23.35 (1) (a) of the statutes is amended to read:

4 23.35 (1) (a) Requires that boats, snowmobiles and all-terrain vehicles display  
5 decals, plates, or identification numbers showing valid registration by the tribe or  
6 band.

7 SECTION 27. 23.35 (1) (b) of the statutes is amended to read:

8 23.35 (1) (b) Employs registration decals and plates and certificates of number  
9 that are substantially similar to those employed by the registration or certification  
10 programs of this state with regard to size, legibility, information content and  
11 placement on the boat, snowmobile or all-terrain vehicle.

12 SECTION 28. 25.29 (1) (dm) of the statutes is amended to read:

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

*create auto ref "C"*  
*create auto ref "X"*

21 SECTION 29. Nonstatutory provisions.

22 (Y) From the appropriation under section 20,380 (1) (r) of the statutes, the  
23 department of ~~natural resources~~ *tourism* shall expend not more than \$45,000 to conduct a  
24 study concerning the impact the recreational operation of all-terrain vehicles has on  
25 statewide tourism and economic development. No later than June 30, 2005, the

*as created by this act*

*20,380 (1) (r)*

*comma*

1 department of ~~natural resources~~ <sup>tourism</sup> shall distribute the results of the completed study  
2 to the appropriate standing committees of the legislature in the manner provided  
3 under section 13.172 (3) of the statutes.

4 **SECTION 30. Appropriation changes.**

5 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
6 to the department of natural resources under section 20.370 (1) (ms) of the statutes,  
7 as affected by the acts of 2003, the dollar amount is increased by \$22,500 for fiscal  
8 year 2003-04 and the dollar amount is increased by \$22,500 for fiscal year 2004-05  
9 to conduct a study concerning the impact of the recreational operation of all-terrain  
10 vehicles has on statewide tourism and economic development.

11 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation  
12 to the department of natural resources under section 20.370 (3) (as) of the statutes,  
13 as affected by the acts of 2003, the dollar amount is increased by \$100,000 for fiscal  
14 year 2003-04 to purchase equipment to determine whether all-terrain vehicles  
15 comply with applicable noise limitations.

16 **SECTION 31. Initial applicability.**

17 (1) ~~The~~ <sup>FEE INCREASE.</sup> treatment of section 23.33 (2) (c) and (d) of the statutes first applies to  
18 all-terrain vehicle registration certificates issued or renewed on the effective date  
19 of this subsection. <sup>(CS)</sup>

20 (2) ~~The~~ <sup>INTOXICATED OPERATION.</sup> treatment of section 23.33 (13) (b) (title) and 2., (bg), and (br) of the  
21 statutes first applies to violations committed on the effective date of this subsection,  
22 but does not preclude the counting of convictions that occurred before the effective  
23 date of this subsection as prior convictions for purposes of sentencing by a court.

24 **SECTION 32. Effective dates.** This act takes effect on the first day of the 7th  
25 month beginning after publication, except as follows:

create sub  
ref #F#

auto ref "Z"

create  
auto ref  
"A"

create  
auto ref  
"B"

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

3 (2) ALL-TERRAIN VEHICLE SAFETY CERTIFICATES INTOXICATED OPERATION. The  
4 treatment of section 23.33 (5) (b) and (c) and (13) (b) (title) and 2., (bg), and (br) of the  
5 statutes take effect on July 1, 2005.

6 (3) STUDY AND FUNDING. SECTIONS 30 and 31 of this act take effect on the 2nd  
7 day after publication of the 2001-03 biennial budget act, or on the day after  
8 publication, whichever is later.

9 (END)

use autoref "2" from previous page  
use autoref "A" from previous page

stet: leave as typed

use autoref "2" from previous page  
use autoref "B" from previous page

(1) and (2) 5  
use auto ref "E" from previous page  
use auto ref "F" from previous page

and SECTION 31 (1) of this act

The treatment of section 20.380 (1)(r) of the statutes and ~~sections~~ created by this act and

29 (1) 5  
use autoref "X" from p. 9  
use autoref "C" from page 9

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1708/P2ins  
MGG/RNK:cjs:pg

INSERT  
2-1

action: ch20 →

2003-04      2004-05

20.380 Tourism, department of

Ⓡ TOURISM DEVELOPMENT AND PROMOTION

Ⓡ All-terrain vehicle impact study SEG B

45,000

-0-

LPS: it says "2j"

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

INSERT  
3-7

20.380 (1) (r) *All-terrain vehicle impact study.* Biennially, from the conservation fund, the amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) for the all-terrain vehicle impact study under 2001 Wisconsin Act .... (this act), SECTION

9  
2003

plain & lower case

29 (1)  
use autoreb "X" from p. 9  
use autoreb "C" from p. 9

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1708/Min <sup>P2</sup>  
MGG:.....

53

1. I have not received answers from you concerning the amounts to be appropriated for the program under s. 23.33 (5m) or concerning who is to conduct the "economic impact" study. However, I thought you would want the rest of the draft to be submitted to your office at this time. ✓

2. Please review the various effective dates. I made the delayed effective date for the change in the gas tax formula the July 1 following publication since that calculation is made for each fiscal year. Since the biennial budget bill repeals and recreates the ch. 20 schedule of appropriation, I delayed the effective date for the study, its funding, and funding for sound meters until immediately after the biennial budget bill takes effect. I delayed the effective date for the other provisions to give DNR time to administratively implement these changes. Please let me know if you want any changes in any of these dates. ✓

3. The provisions under current law that apply to the expenditure of revenues from ATV registrations apply to the expenditure of revenues from trail-use stickers. See s. 23.33 (1) (mr) and (ms), (3) (as), (5) (cu) and (er), and (9) (a). OK? ✓

4. Under current law, there are five classes of ATVs that are exempt from registration: out-of-state ATVs, ATVs owned by the federal government or another state or owned by a political subdivision of this state and that are used for enforcement or emergency purposes (government ATVs); ATVs registered by certain native American tribes or bands; ATVs used exclusively for racing on raceway facilities; and ATVs exempted from registration by rule. Currently, there is no such rule in effect. See s. 23.33 (b) 1. to 5. ✓

Of these classes of ATVs that are not required to be registered, the bill only exempts government ATVs from the trail use sticker requirement. All of the other classes of ATVs exempted from registration will require trail use stickers. If DNR promulgates a rule in the future to exempt a class of ATV from registration, it may, but is not required to, exempt that class of ATVs from the trail use sticker requirement or exempt them from paying the trail use sticker fee. See the last sentence in s. 23.33 (2j) (e). ✓

Please let me know if you want any changes in these exemption provisions. ✓

5. Under the bill native American tribes or bands registering ATVs under s. 23.35 must issue plates and not decals, and the plates must be substantially similar to those issued by DNR. OK? ✓

20.370

and

s.23.33

and ATVs

five

;

STET: keep the material in green box as typed.

(2)



6. Also, there are some embedded notes in this draft in addition that need your review.

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

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1708/P2dn  
MGG:cjs:pg

April 1, 2003

1. I have not received answers from you concerning the amounts to appropriated for the program under s. 23.33 (5m) or concerning who is to conduct the "economic impact" study. However, I thought you would want the rest of the draft to be submitted to your office at this time.

2. Please review the various effective dates. I made the delayed effective date for the change in the gas tax formula the July 1 following publication since that calculation is made for each fiscal year. Since the biennial budget bill repeals and recreates the ch. 20 schedule of appropriations, I delayed the effective date for the study, its funding, and funding for sound meters until immediately after the biennial budget bill takes effect. I delayed the effective date for the other provisions to give DNR time to administratively implement these changes. Please let me know if you want any changes in any of these dates.

3. The provisions under current law that apply to the expenditure of revenues from ATV registrations apply to the expenditure of revenues from trail-use stickers. See s. 20.370(1) (mr) and (ms), (3) (as), and (5) (cu) and (er) and s. 23.33 (9) (a). OK?

4. Under current law, there are five classes of ATVs that are exempt from registration: out-of state ATVs; ATVs owned by the federal government or another state and ATVs owned by a political subdivision of this state that are used for enforcement or emergency purposes (government ATVs); ATVs registered by certain native American tribes or bands; ATVs used exclusively for racing on raceway facilities; and ATVs exempted from registration by rule. Currently, there is no such rule in effect. See s. 23.33 (2) (b) 1. to 5.

Of these classes of ATVs that are not required to be registered, the bill exempts only government ATVs from the trail use sticker requirement. All of the other classes of ATVs exempted from registration will require trail use stickers. If DNR promulgates a rule in the future to exempt a class of ATV from registration, it may, but is not required to, exempt that class of ATVs from the trail use sticker requirement or exempt them from paying the trail use sticker fee. See the last sentence in s. 23.33 (2j) (e).

Please let me know if you want any changes in these exemption provisions.

5. Under the bill native American tribes or bands registering ATVs under s. 23.35 must issue plates and not decals, and the plates must be substantially similar to those issued by DNR. OK?

6. Also, there are some embedded notes in this draft that need your review.

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

**Barman, Mike**

---

**From:** Gibson-Glass, Mary  
**Sent:** Thursday, April 03, 2003 9:36 AM  
**To:** Barman, Mike  
**Subject:** FW:

Mike,

Could you do this for me? Also include the drafter's note.

Thanks,

Mary

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

**From:** Vander Sanden, Patrick  
**Sent:** Wednesday, April 02, 2003 1:03 PM  
**To:** Gibson-Glass, Mary  
**Subject:**

Mary,

Is there any chance I can get a pdf file of LRb 1708 on the ATVs?

Patrick

---

**Patrick B. Vander Sanden**  
**Policy Director**  
**Office of State Senator Joe Leibham**  
**409 South, State Capitol**  
**(608) 266-2056**

**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Thursday, April 03, 2003 9:51 AM  
**To:** Sen.Leibham  
**Cc:** Gibson-Glass, Mary  
**Subject:** LRB-1708/P2 (attached - requested by Patrick) (from MGG)

*Mike Barman*

**Mike Barman - Senior Program Asst. (PH. 608-266-3561)**  
**(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)**

**State of Wisconsin**  
**Legislative Reference Bureau - Legal Section - Front Office**  
**100 N. Hamilton Street - 5th Floor**  
**Madison, WI 53703**

04/03/2003

## Gibson-Glass, Mary

---

**From:** Vander Sanden, Patrick  
**Sent:** Friday, May 02, 2003 11:19 AM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: LRB adjustment and suggested changes.

Mary,

The attached shows suggested changes to LRB 1708. Can you use those suggestions to develop a new draft? Please contact me with questions.

Thanks.

Patrick

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

**From:** Brooks, Karl R.  
**Sent:** Thursday, April 17, 2003 1:54 PM  
**To:** Vander Sanden, Patrick  
**Cc:** 'NOHVIS - WATVA - Harden, Randy'  
**Subject:** RE: LRB adjustment and suggested changes.



WATVA -  
Registration - Trail P.

Hi Pat...I made changes, but it might be a bit messy with the original add-ons and deletions by your staff and then on top of that.

I imagine you will have it pretty well figured out in very short order. Let me know if you need some help deciphering what I did.

Randy will be supplying the items that will need appropriation language in what amounts before long.

**Karl R. Brooks**  
Bureau of Law Enforcement  
Snowmobile/ATV Administrator  
101 S. Webster St.  
P. O. Box 7921  
Madison, WI 53707-7921  
Of - 608-267-7455  
Fx - 608-266-3696  
karl.brooks@mail.dnr.state.wi.us

### RIDE FOR LIFE

ATV Safety  
<http://www.dnr.state.wi.us/org/es/enforcement/safety/atvsaf.htm>

Snowmobile Safety  
<http://www.dnr.state.wi.us/org/es/enforcement/safety/snoed.htm>

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

**From:** Vander Sanden, Patrick  
**Sent:** Tuesday, April 15, 2003 9:12 AM  
**To:** Brooks, Karl R.  
**Subject:**

Hi Karl,

I know you were working to clean up the ATV draft - I'll wait to move forward until that is completed.  
Thanks.

Patrick

---

**Patrick B. Vander Sanden**  
**Policy Director**  
**Office of State Senator Joe Leibham**  
**409 South, State Capitol**  
**(608) 266-2056**