

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB277)

Received: **02/17/2004**

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Daryl**

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

Drafter: **mglass**

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Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **daryl.hinz@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

All-terrain vehicle safety education, law enforcement, and tourism study

Instructions:

SA 1 to SSA1, a2209 and a2243 incorporated into SSA1 to make new substitute amendment

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>
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FE Sent For:

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SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 277

SA ✓

~~January 16, 2004 - Offered by COMMITTEE ON HIGHER EDUCATION AND TOURISM~~

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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 (13) (b) (title) and 23.33
3 (13) (b) 2.; and to create 20.380 (1) (r), 23.33 (2j), 23.33 (6m), 23.33 (13) (ar),
4 23.33 (13) (bg) and 23.33 (13) (br) of the statutes; relating to: intoxicated
5 operation of all-terrain vehicles, registration fees for all-terrain vehicles,
6 nonresident trail passes for all-terrain vehicles, safety training for operating
7 all-terrain vehicles, ~~a study concerning the recreational operation of~~
8 ~~all-terrain vehicles~~, noise level requirements for all-terrain vehicles, granting
9 rule-making authority, making appropriations, and providing penalties.

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

10 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
11 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 -0-

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 (5) (cu) of the statutes is amended to read:

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

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

~~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) for the all-terrain vehicle impact study under 2003 Wisconsin Act (this act), section 18 (1).~~

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

23.33 (1) (if) “Land under the management and control of a the person’s immediate family” means land owned or leased by the person or a member of the person’s immediate family over which the owner or lessee has management and

1 control. This term excludes land owned or leased by an organization of which the
2 person or a member of the person's immediate family is a member.

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

4 23.33 (2) (a) *Requirement.* No person may operate and no owner may give
5 permission for the operation of an all-terrain vehicle within this state unless the
6 all-terrain vehicle is registered for public use or for private use under this subsection
7 or sub. (2g), is exempt from registration, or is operated with a reflectorized plate
8 attached in the manner specified under par. (dm) 3. No person may operate and no
9 owner may give permission for the operation of an all-terrain vehicle on a ~~public~~ an
10 all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain vehicle
11 is registered for public use under this subsection or sub. (2g).

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

13 23.33 (2) (c) *Registration; public use; fee.* Any all-terrain vehicle may be
14 registered for public use. The fee for the issuance or renewal of a registration
15 certificate for public use is ~~\$12~~ \$30.

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

17 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle used
18 exclusively for agricultural purposes or used exclusively on private property may be
19 registered for private use. The fee for the issuance of a registration certificate for
20 private use is ~~\$6~~ \$15.

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

22 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
23 vehicle certificate is ~~\$36~~ \$90. Upon receipt of the application form required by the
24 department and the fee required under this subdivision, the department shall issue

1 to the applicant a commercial all-terrain vehicle certificate and 3 reflectorized
2 plates. The fee for additional reflectorized plates is ~~\$12~~ \$30 per plate.

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

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

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

11 23.33 (2j) NONRESIDENT TRAIL PASSES. (a) In this subsection, "public all-terrain
12 vehicle corridor" means an all-terrain vehicle trail or other established all-terrain
13 vehicle corridor that is open to the public but does not include an all-terrain vehicle
14 route.

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

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

22 (d) There is no fee for a nonresident trail pass issued for an all-terrain vehicle
23 that is registered under sub. (2g) or s. 23.35. The department or Indian tribe or band
24 shall issue a nonresident trail pass for such an all-terrain vehicle when it issues the
25 registration certificate for the all-terrain vehicle. The department shall provide

1 Indian tribes or bands that register all-terrain vehicles under sub. (2g) or s. 23.35
2 with a supply of trail passes.

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

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

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

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

20 **SECTION 12.** 23.33 (6m) of the statutes is created to read:

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

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

INS ✓
5-19

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 14.** 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 15.** 23.33 (13) (b) 2. of the statutes, as affected by 2003 Wisconsin Act
7 97, is amended to read:

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

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

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

21 **SECTION 17.** 23.33 (13) (br) of the statutes is created to read:

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

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 18. Nonstatutory provisions.**

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

INSERT 7-16

17 **SECTION 19. Appropriation changes.**

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

create
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ref
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23 (2) STATE LAW ENFORCEMENT POSITIONS. In the schedule under section 20.005 (3)
24 of the statutes for the appropriation to the department of natural resources under
25 section 20.370 (3) (as) of the statutes, as affected by the acts of 2003, the dollar

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1 amount is increased by \$556,000 for fiscal year 2004-05 to increase the authorized
2 FTE positions for the department by 4.0 SEG warden positions.

3 (3) ALL-TERRAIN VEHICLE SAFETY EDUCATION. In the schedule under section
4 20.005 (3) of the statutes for the appropriation to the department of natural
5 resources under section 20.370 (3) (as) of the statutes, as affected by the acts of 2003,
6 the dollar amount is increased by ~~\$299,000~~ ^{\$154,200} for fiscal year 2004-05 to increase the
7 authorized FTE positions for the department by 1.0 SEG education position and to
8 provide funding for all-terrain vehicle safety education activities.

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

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

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

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

6 **SECTION 20. Initial applicability.**

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

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

15 **SECTION 21. Effective dates.** This act takes effect on April 1, 2004, or on the
16 day after publication, whichever is later, except as follows:

17 (1) STUDY AND FUNDING. The treatment of section 20.380 (1) (r) of the statutes
18 and SECTIONS 18 (1), 19 (5), and 20 (1) of this act take effect on the day after
19 publication.

INS 9-19 ✓

20 (END)

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 277**

February 13, 2004 - Offered by Senator HARSDORF.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 5, line 19: after that line insert: X X

3 **SECTION 11m.** 23.33 (5) (b) of the statutes is repealed and recreated to read:

4 23.33 (5) (b) *All-terrain vehicle safety certificate.* 1. No person who is at least
5 12 years of age and who is born on or after January 1, 1988, may operate an
6 all-terrain vehicle unless he or she holds a valid safety certificate. INS
5-19

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

12

(END)

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 277**



use auto number (with a circled hash symbol #)

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At the locations indicated, amend the substitute amendment as follows:

1. Page 7, line 16: after that line insert:

~~(2m)~~ Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2005-07 budget bill, the department of natural resources shall submit information concerning the appropriation under section 20.370 (3) (as) of the statutes as though the increase in the dollar amount of that appropriation by SECTION 16 (A) of this act had been \$276,000 instead of \$556,000.

INS 7-16

use autoref A (from p. 7 of bill)

use autoref B (from p. 7 of bill)

2. Page 8, line 6: substitute "\$154,200" for "\$200,000".

(END)

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 277**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 7: delete the material beginning with "a study" and ending with
3 "noise" on line 8 and substitute "noise".

4 **2.** Page 1, line 10: delete lines 10 and 11.

5 **3.** Page 2, line 1: delete lines 1 to 4.

6 **4.** Page 2, line 15: delete lines 15 to 19.

7 **5.** Page 7, line 9: delete lines 9 to 16.

8 **6.** Page 9, line 15: delete lines 15 to 19 and substitute:

9 **"SECTION 21m. Effective date.**

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INS
9-19

1 (1d) This act takes effect on April 1, 2004, or on the day after publication,
2 whichever is later."

3 (END)



CCC

LR 50361/1

S. Sub. Amd. 2,
to SB-277

In enrolling, the following correction
was made:

#. Page 7, line 11: delete "(1)" and
substitute "(2)".

KMG.



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

**SENATE SUBSTITUTE AMENDMENT 2,
TO 2003 SENATE BILL 277**

Prepared by the Legislative Reference Bureau
(March 15, 2004)

In enrolling, the following correction was made:

1. Page 7, line 11: delete "(1)" and substitute "(2)".

(END)