



WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO

<b>2003 Assembly Bill 159</b>	<b>Assembly Amendments 1 and 2</b>
<i>Memo published:</i> May 1, 2003	<i>Contact:</i> Don Salm, Senior Staff Attorney (266-8540)

**ASSEMBLY AMENDMENT 1**

Under *current s. 23.33 (4) (b), Stats.*, a person may not operate an all-terrain vehicle (ATV) on a highway *except* as authorized under s. 23.33 (4) (d) and (e), Stats.

*Assembly Bill 159* creates a new exception in s. 23.33 (4) (em) authorizing the operation of ATVs on highways for the purpose of access from residences and lodging to an ATV trail or route. However, the bill does not include this exception in current s. 23.33 (4) (b).

*Assembly Amendment 1* is a technical amendment to add the new exception to the listing of exceptions in current s. 23.33 (4) (b), Stats.

**ASSEMBLY AMENDMENT 2**

Under *current law*, a person may not operate an ATV on the roadway of a highway, street, or road except under certain limited circumstances.

The *bill* specifically authorizes the operation of ATVs on a portion of a roadway and shoulder of a highway, street, or road if the highway, street, or road is within the jurisdiction of a county, town, city, or village that has enacted an ordinance that allows the operation of ATVs for the purposes of residential access or access from lodging. "Residential access" is defined as being a distance of not more than *five miles* for an ATV to go between a residence and an ATV route or ATV trail. "Access from lodging" is defined as being a distance of not more than *five miles* in order for an ATV to go between a lodging establishment or campground and an ATV route or ATV trail. A county, town, city, or village may not enact an ordinance for access from lodging unless it has also enacted an ordinance for residential access.

*Assembly Amendment 2* creates separate "access" provisions depending upon whether a state trunk highway (STH) is involved in the access:

1. *On State Trunk Highways.* Subject to those situations in which Department of Transportation (DOT) authorization described in item c., below, is required, a *municipality* may enact an ordinance:

a. Residential. Allowing the operation of ATVs on a roadway and shoulder of a STH for any portion of the STH that is within the jurisdiction of the municipality for the purpose of traveling the shortest distance that is necessary to go between a residence and the ATV route or ATV trail that is closest to that residence.

b. Lodging. Allowing the operation of ATVs on a roadway or shoulder of a STH for any portion of the STH that is within the jurisdiction of the municipality for the purpose of traveling the shortest distance that is necessary to go between a lodging establishment and the ATV route or ATV trail that is closest to that lodging establishment if the municipality also enacts or has in effect a "residential ordinance" enacted under item a., above.

c. DOT Authorization Required. A *county or town* may not enact an ordinance under item a. or b., above, that will allow the operation of ATVs on a roadway and shoulder of a STH that is *more than one-quarter mile* in length unless the county or town has first received authorization from DOT to allow the operation of ATVs on the roadway or shoulder of that portion of the STH.

2. On Other Highways. A *municipality* may enact an ordinance allowing operation of ATVs on a roadway and shoulder of a highway that is *not a STH* for any portion of the highway that is within the jurisdiction of the municipality:

a. Residential. For the purpose of traveling a distance of *not more than five miles* to go between a *residence* and the ATV route or ATV trail that is closest to the residence.

b. Lodging. For the purpose of traveling a distance of *not more than five miles* to go between a lodging establishment and the ATV route or ATV trail that is closest to the establishment if the municipality also enacts or has in effect an ordinance enacted under item a., above.

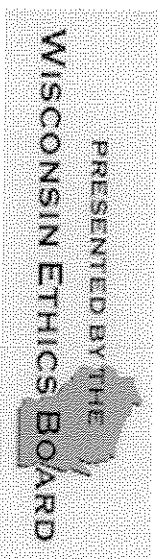
The amendment specifies that the DOT and the off-the-road vehicle council must jointly prepare model ordinances that a municipality may enact under items 1. and 2., above.

### Legislative History

On April 30, 2003, the Assembly Committee on Highway Safety voted to recommend adoption of Assembly Amendment 1, offered by the committee, by a vote of Ayes, 8; Noes, 0; and recommended adoption of Assembly Amendment 2, offered by the committee, by a vote of Ayes, 8; Noes, 0; and recommended passage of Assembly Bill 159, as amended, by a vote of Ayes, 5; Noes, 3.

DLS:ksm;tlh

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as of Tuesday, February 17, 2004

**2003-2004 legislative session**

**Legislative bills and resolutions**

(search for another legislative bill or resolution at the bottom of this page)

- Text, Sponsors and Analysis
- Status and Fiscal Estimate
- Lobbying Effort on this item

**Assembly Bill 159**

the operation of all-terrain vehicles on highways for the purpose of certain types of access. (FE)

**These organizations have reported lobbying on this proposal:**

Organization	Interests	Date Notified	Position	Comments
Marshfield Clinic		2/17/2004	?	
Wisconsin Professional Police Association		5/14/2003	?	

Select a legislative proposal and click "go"

House

Assembly

Senate

Proposal Type

Bill

Joint Resolution  
Resolution

Proposal Number

159

(enter proposal number)

Legislative Session

2003 Regular Session

Go

Vote Record

Committee on Transportation and Information  
Infrastructure

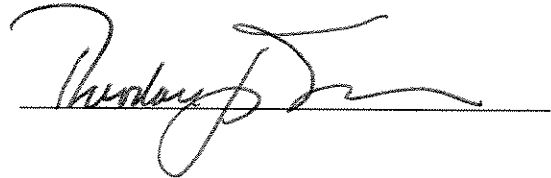
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**Date:** February 23, 2004  
**Bill Number:** Assembly Bill 159  
**Moved by:** Senate Committee on Transportation and Information Infrastructure  
**Motion:** *Concurrence of Assembly Bill 159.*

**Committee Member**  
Senator Ted Kanavas

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature:



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Vote Record

Committee on Transportation and Information  
Infrastructure

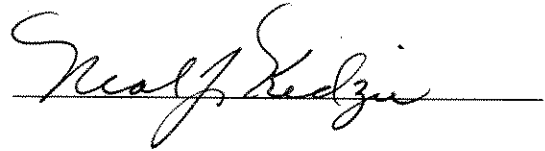
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**Date:** February 23, 2004  
**Bill Number:** Assembly Bill 159  
**Moved by:** Senate Committee on Transportation and Information Infrastructure  
**Motion:** *Concurrence of Assembly Bill 159.*

**Committee Member**  
Senator Neal Kedzie

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signature:



Vote Record

**Committee on Transportation and Information  
Infrastructure**

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**Date:** February 23, 2004  
**Bill Number:** Assembly Bill 159  
**Moved by:** Senate Committee on Transportation and Information Infrastructure  
**Motion:** *Concurrence of Assembly Bill 159.*

**Committee Member**

Senator Roger Breske

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature: \_\_\_\_\_

*Roger Breske*

Vote Record

**Committee on Transportation and Information  
Infrastructure**

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**Date:** February 23, 2004  
**Bill Number:** Assembly Bill 159  
**Moved by:** Senate Committee on Transportation and Information Infrastructure  
**Motion:** *Concurrence of Assembly Bill 159.*

**Committee Member**  
Senator Mark Meyer

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature: Mark Meyer

## Wolf Runner Motel

◆◆◆  
12482 State Hwy 32 & 64 ♦ Suring, WI 54174  
Phone (715) 276-2700 ♦ Fax (715) 276-3729

February 17, 2004

Chairman Joseph Leibham  
409 South State Capital  
P.O. Box 7882  
Madison, WI 53707-7882

Fax: 608-282-3549

Dear Sir:

This letter is directed to your attention in reference to the ATV bill 159. At this time if we were to have this bill passed it would help the economic growth of our business plus the growth of our area which at this time is needed greatly. At this time we would like to have you vote yes and have your associates also vote yes. Thank you for your attention to this matter.

Sincerely yours,



Patricia Wagner  
Human Resources





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## WISCONSIN LEGISLATIVE COUNCIL

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Terry C. Anderson, Director  
Laura D. Rose, Deputy Director

TO: SENATOR JOSEPH LEIBHAM, CHAIR, AND MEMBERS OF THE SENATE  
COMMITTEE ON TRANSPORTATION AND INFORMATION INFRASTRUCTURE

FROM: Don Salm, Senior Staff Attorney *DLS*

RE: Analysis of 2003 Assembly Bill 159, Relating to the Operation of All-Terrain Vehicles on  
Highways for the Purpose of Certain Types of Access, as Amended by the Assembly

DATE: February 17, 2004

This memorandum analyzes 2003 Assembly Bill 159, relating to the operation of all-terrain vehicles (ATVs) on highways for the purpose of certain types of access, as amended by the Assembly. The bill, as amended by the Assembly, passed the Assembly on a voice vote. The Senate Committee on Transportation and Information Infrastructure will hold a public hearing on the bill on **Wednesday, February 18, 2004, at 9:30 a.m., in Room 300 Southeast, State Capitol.**

### CURRENT LAW

Under current law, a person may not operate an ATV on the roadway of a highway, street, or road except under certain limited circumstances.

### 2003 ASSEMBLY BILL 159, AS AMENDED BY THE ASSEMBLY

2003 Assembly Bill 159, as amended by the Assembly (hereafter, "the bill") specifically authorizes the operation of ATVs on a portion of a roadway or shoulder of a highway for the purposes of residential access or for the purpose of access to and from lodging in compliance with an ordinance enacted under s. 23.33 (11m), created in the bill. An ATV operated on the roadway or shoulder of a highway under this provision must observe roadway speed limits.

The bill creates separate "access" provisions *depending upon whether a state trunk highway (STH) is involved in the access:*

1. *On State Trunk Highways.* Subject to those situations in which the Department of Transportation (DOT) authorization described in item c., below, is required, a *municipality* may enact an ordinance:

- a. Residential. Allowing the operation of ATVs on a roadway and shoulder of a STH for any portion of the STH that is within the jurisdiction of the municipality for the purpose of traveling the shortest distance that is necessary to go between a residence and the ATV route or ATV trail that is closest to that residence.
  - b. Lodging. Allowing the operation of ATVs on a roadway or shoulder of a STH for any portion of the STH that is within the jurisdiction of the municipality for the purpose of traveling the shortest distance that is necessary to go between a lodging establishment and the ATV route or ATV trail that is closest to that lodging establishment *if the municipality also enacts or has in effect a "residential ordinance" enacted under item a., above.* "Lodging establishment" is defined to mean any of the following: a bed and breakfast establishment as defined in s. 254.61 (1), Stats.; a hotel as defined in s. 254.61 (3), Stats.; a tourist rooming house as defined in s. 254.61 (6), Stats; or a campground.
  - c. DOT Authorization Required. A county or town may not enact an ordinance under item a. or b., above, that will allow the operation of ATVs on a roadway and shoulder of a STH *that is more than one-quarter mile in length* unless the county or town has first received authorization from DOT to allow the operation of ATVs on the roadway or shoulder of that portion of the STH.
2. *On Other Highways.* A *municipality* may enact an ordinance allowing operation of ATVs on a roadway and shoulder of a highway *that is not a STH* for any portion of the highway that is within the jurisdiction of the municipality:
- a. Residential. For the purpose of traveling a distance of *not more than five miles* to go between a *residence* and the ATV route or ATV trail that is closest to the residence.
  - b. Lodging. For the purpose of traveling a distance of *not more than five miles* to go between a lodging establishment and the ATV route or ATV trail that is closest to the establishment if the municipality also enacts or has in effect an ordinance enacted under item a., above.

The bill specifies that the DOT and the off-the-road vehicle council must jointly prepare *model ordinances* that a municipality may enact under items 1. and 2., above.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

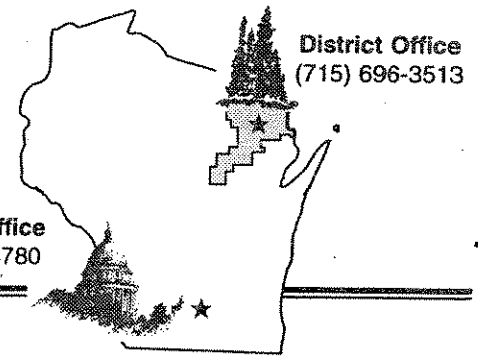
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**LORRAINE M.  
SERATTI**

STATE REPRESENTATIVE  
36TH ASSEMBLY DISTRICT

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Toll-Free: (888) 534-0036 • Fax: (608) 282-3636 • Rep.Seratti@legis.state.wi.us

Madison Office  
(608) 266-3780



**TESTIMONY ON AB 159  
ATV ACCESS BILL  
2/18/04**

**Representative Lorraine M. Seratti**

Chairman Leibham and members of the Senate Committee on Transportation and Information Infrastructure:

ATV use is a popular recreational activity in the State of Wisconsin – an activity that is also vital to businesses that rely on it to make a profit. Restaurants, lodging establishments and sports equipment dealers rely heavily on ATV sales and use during the snowmobile off-season. There are over 100,000 ATV's registered in the State of Wisconsin.

Current law prohibits ATV's from operating on a highway except under certain limited circumstances. This limitation makes it difficult for ATV users to easily access trails and requires them to transport ATVs to a trail access location before they can begin riding.

Assembly Bill 159 removes this limitation and allows ATV users expanded access to trail networks. The bill will allow ATVs to be operated on roadways for the purpose of personal access. AB 159 defines personal access as being the operation of an ATV on a roadway for no more than 5 miles between a residence or lodging establishment and the nearest ATV trail or route to that residence or lodging establishment. The bill only allows ATVs to access a state highway for one quarter of a mile. ATVs may be used on longer stretches of a state highway if the Wisconsin DOT authorizes such access.

I would like to emphasize that AB 159 only allows roadway access on roadways controlled by a county, town, village, or city if the governing municipality enacts an ordinance to permit lodging access. A municipality may only allow lodging access if it has also enacted an ordinance allowing residential access. It is strictly up to the individual municipality to decide if they want to allow ATVs to have access on their roadways.

I have also included language that will prohibit children under 12 from operating an ATV on a roadway and requiring children between 12 and 15 years of age to have a safety certificate and be accompanied by an adult before they are allowed to ride on a roadway.

According to information provided by the DOT, there were 128 car ATV accidents between 1994 and 1998 (approximately 26 per year). Of those crashes, 72% resulted in either no or only minor injuries, however. Also, more ATV to motor vehicle crashes occurred in the 11-15 age range than any other category. As mentioned before, this group has additional requirements to ensure the safety of these riders. In an average year, there are more than 1,300 car-bicycle crashes. In an average year, there are more than 1,600 car-pedestrian crashes. In an average year, there are nearly 2,000 car-motorcycle crashes. Yet, we do not target any of these uses and prohibit them from using the highway system. Why are we singling out ATVs?

In times of economic turmoil, encouraging ATV related tourism is important to developing a healthy state economy. With the inclusion of personal access, ATV users will be able to reach trails directly from their homes or places of lodging. This legislation does not undermine local governments decisions, but rather allows them the opportunity to enhance the economic benefits that ATV-related activities generate. I thank you and welcome any questions.