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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Natural Resources and Transportation...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Assembly Bill 219

Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

By Representatives Ainsworth, Gard, Hahn, Hines, Ott, Owens, Petrowski and Molepske; cosponsored by Senator Olsen.

December 06, 2005 Referred to Committee on Natural Resources and Transportation.

February 1, 2006 **PUBLIC HEARING HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.
Absent: (0) None.

Appearances For

- John Ainsworth — Representative, 6th Assembly District

Appearances Against

- Gary Eddy — WI Department of Natural Resources

Appearances for Information Only

- Randy Harden — WI ATV Association
- Carson Frazier — Department of Transportation

Registrations For

- Luther Olsen — Senator, 14th Senate District
- Jeff Wiswell — Wisconsin Sheriff's & Deputy Sheriffs Association

Registrations Against

- None.

March 1, 2006 **EXECUTIVE SESSION HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.
Absent: (0) None.

Moved by Senator Breske, seconded by Senator Kapanke that **Senate Amendment 1** be recommended for introduction and adoption.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE AMENDMENT 1
RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Breske, seconded by Senator Wirch that **Assembly Bill 219** be recommended for concurrence as amended.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

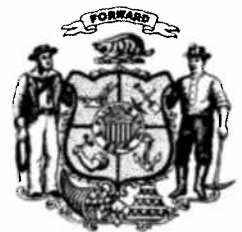
Noes: (0) None.

CONCURRENCE AS AMENDED RECOMMENDED, Ayes 5, Noes 0

Dan Johnson
Committee Clerk



WISCONSIN STATE LEGISLATURE



Chairman's Notes: Senate Committee on Natural Resources and Transportation Public Hearing – February 1, 2006

- Welcome to today's hearing of the Senate Committee on Natural Resources and Transportation.
- Committee Clerk will take Attendance. The roll will be left open for members who have yet to arrive.
- I would like to remind individuals wishing to testify to fill out a hearing slip and give it to the member of the Sergeant's Staff.
- It is my intent to take up the items in the order listed on the hearing notice, and will take up Companion bills at the same time.

Senate Bill 84 (Assembly Bill 120) – Authored by Sen. Olsen and Rep. Petrowski

Relating to: restrictions on the operation of motor vehicles by persons holding instruction permits or probationary licenses and providing a penalty.

Summary: This bill creates an additional restriction that a probationary licensee who is under 18 years of age may not, during the first nine months following issuance of the probationary license, operate a "Class D" vehicle while using a cellular telephone, except to report an emergency. The same exceptions that apply to existing restrictions on the licensee also apply to this new restriction. The bill also stipulates that a person operating a motor vehicle under an instruction permit may not operate the motor vehicle while using a cellular telephone.

Assembly Action – AB 120:

- Passed Assembly Committee on Highway Safety on a 7-1 vote.
- Passed the Joint Committee on Finance on a 10-5 vote.
- Passed the Assembly on an 89-6 vote.

Senate Bill 499 – Authored by Senator Grothman and Representative Hahn

Relating to: recording and filing transportation project plats.

Summary: Under current law, when the Department of Transportation (DOT) or a municipality acquires land, or interests or rights in land, for a public project, it files a plat describing the acquired land in the office of the register of deeds where the land is located. The plat depicts the order authorizing the acquisition of the land and may be referred to in legal documents to describe the land or interests in the land. This bill makes changes to the way plats are filed and recorded.

Under the bill, DOT or a municipality may file a plat describing land that is either acquired or disposed of for a project, and a plat may consist of a single sheet or a detail and a title sheet that describes the limits of the project involving the land, a location map, and identification of plat symbols and abbreviations.

The bill clarifies that an affidavit of correction may be filed to correct scrivener errors but may not be used to reconfigure land parcels or rights or interests that are required for a project. The bill also allows a plat to be used to delineate a right-of-way, and allows for more flexibility in the materials used for a plat and the size of an acceptable plat.

Assembly Bill 219 – Authored by Representative Ainsworth and Senator Olsen

Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

Summary: Creates a new classification of vehicles called “lightweight utility vehicle.” A lightweight utility vehicle is an engine-driven device that has a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used principally off a highway. The bill applies many of the same rules of the road to operators of lightweight utility vehicles that are applicable to the operators of other motor vehicles, including obedience to traffic signs and signals, rules regarding making turns, parking, and approaching other vehicles, and the prohibition against operating a vehicle while intoxicated or with a prohibited alcohol or other drug concentration.

The bill places restrictions on the operation of a lightweight utility vehicle that are similar to the restrictions placed on operating an all-terrain vehicle (ATV). Under the bill, no person may operate a lightweight utility vehicle on any part of a freeway, unless the freeway is not part of the federal system of interstate highways, and the Department of Transportation

(DOT) specifically authorizes the use of a lightweight utility vehicle on that freeway. Further, no one may operate a lightweight utility vehicle on any highway, unless authorized by DOT, except under the following circumstances:

1. The lightweight utility vehicle is owned by a municipality, state agency, or public utility and the operator is performing emergency or official functions in a manner that does not jeopardize safety.
2. The operator is performing a land surveying operation in a manner that does not jeopardize safety.
3. The operator is at least 12 years old, and he or she is crossing a roadway, bridge, culvert, or railway.
4. The operator is at least 12 years old, and he or she is operating the lightweight utility vehicle on a roadway that is seasonally not maintained for motor vehicle traffic, or he or she is operating on a roadway that is designated as a route for ATVs or lightweight utility

Assembly Amendment 1: Modifies the bill in the following manner:

1. Moves the definition of "lightweight utility vehicle" in the bill from ch. 23 to ch. 340. Also, the definition of "lightweight utility vehicle" is modified to clarify that it "does not include golf carts, low-speed vehicles, or off-road utility vehicles."
2. Modifies the definition of "automobile" under current law to specifically exclude a "low speed vehicle."
3. Defines a "golf cart" in ch. 340 as a "vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course."
4. Defines a "Low-speed vehicle" in ch. 340 by reference to the definition specified under federal law (49 C.F.R. s. 571.3). However, the new "Low-speed vehicle" definition created in the amendment specifies that it does not include a golf cart.
5. Adds "lightweight utility vehicle" to the current ATV equipment requirements specified under current law (i.e., headlamp, tail lamp, brake, functioning muffler).
6. Clarifies that an implement of husbandry which is an ATV or a **lightweight utility vehicle** need only comply with the current lamp requirements established for ATVs.
7. Includes "lightweight utility vehicles" within the current odometer tampering statute. Therefore, "no person may, either personally or through an agent, remove, replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any motor vehicle, snowmobile, or all-terrain vehicle, or **lightweight utility vehicle** with the intent to change or affect the number of miles indicated thereon."

Assembly Action:

- Passed by the Assembly Committee on Transportation on a 13-0 vote
- Passed by the Assembly on a voice vote.

Assembly Bill 235 – Authored by Representative Musser and Senator Lassa

Relating to: designating and marking STH 173 as the 173rd Airborne Brigade Highway.

Summary: This bill directs the Department of Transportation to designate and, upon receipt of sufficient contributions from interested parties, mark the entire route of STH 173 as the "173rd Airborne Brigade Highway" to honor the members of the 173rd Airborne Brigade, also known as the "Sky Soldiers," who bravely served their country and brought great credit to this state from 1963 to 1972, including deployment to Vietnam in 1965 as the first major ground combat unit of the U.S. Army to serve there, and who have continued to serve in Europe since the year 2000. No state funds, other than from contributions from interested parties, may be used for the erection or maintenance of any markers on STH 173 to identify the highway as the "173rd Airborne Brigade Highway."

Questions:

- The fiscal estimate on the bill indicates that the total initial cost to install the designating signs will be \$2,200. Is there a group/groups that are lined up at this point to fund this amount?

Assembly Action:

- Passed the Assembly Committee on Transportation on a 14-0 vote
- Passed the Assembly on a voice vote

Assembly Bill 448 – Authored by Representative Pettis and Senator Lasee

Relating to: allowing school buses to tow trailers.

Summary: Assembly Bill 448, as amended by the Assembly, allows a person to operate a school bus in Wisconsin with a trailer or semitrailer attached if the bus is equipped with side exit or side emergency exit windows suitable to provide an exit for pupils in an emergency.

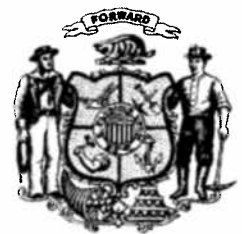
Assembly Amendment 1: Includes the requirement that the buses must have side exits or emergency exit windows.

Assembly Action:

- Passed the Assembly Committee on Tourism on a 12-0 vote
- Passed the Assembly on a 66-29 vote



WISCONSIN STATE LEGISLATURE



**Chairman's Notes: Senate Committee on
Natural Resources and Transportation
Executive Session – January 31, 2006**

Senate Bill 162 (Joint Legislative Council)

Relating to: creating a Council on Transportation Infrastructure in the Department of Transportation.

- **MOTION FOR INTRODUCTION AND ADOPTION OF LRB 2072/1 AS SA 1**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

- **MOTION FOR PASSAGE OF SB 162 AS AMENDED**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

ASSEMBLY BILL 20 (AINSWORTH/ZIEN)

Relating to: displaying attractions on highway specific information signs.

- **MOTION FOR CONCURRENCE OF AB 20**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

Assembly Bill 509 (Rep. Albers and Senator Breske)

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway. (FE)

- **MOTION FOR CONCURRENCE OF AB 509**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

Senate Bill 499 – Authored by Senator Grothman and Rep. Hahn

Relating to: recording and filing transportation project plats.

- MOTION FOR PASSAGE OF SB 499
- SECOND
- DISCUSSION
- ROLL CALL

No Fiscal Estimate

Assembly Bill 219 – Authored by Rep. Ainsworth and Senator Olsen

Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

- MOTION FOR CONCURRENCE OF AB 219
- SECOND
- DISCUSSION
- ROLL CALL

Questions from ATV Assoc.

Assembly Bill 235 – Authored by Rep. Musser and Senator Lassa

Relating to: designating and marking STH 173 as the 173rd Airborne Brigade Highway.

- MOTION FOR CONCURRENCE OF AB 235
- SECOND
- DISCUSSION
- ROLL CALL

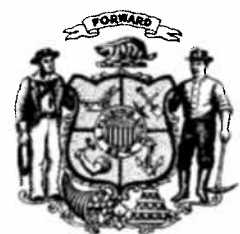
Assembly Bill 823 – Authored by Rep. Lamb and Senator Kapanke

Relating to: motor vehicle dealers.

- MOTION FOR CONCURRENCE OF AB 823
- SECOND
- DISCUSSION
- ROLL CALL



WISCONSIN STATE LEGISLATURE



AB 219

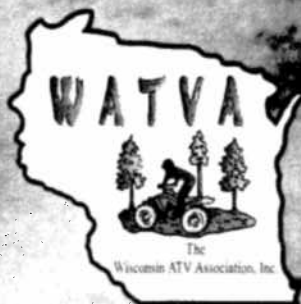
WATVA TRAIL TALES

THE OFFICIAL PUBLICATION OF THE WISCONSIN ATV ASSOCIATION, INC.
Voted the "BEST ATV ASSOCIATION IN THE NATION" by Dirt Wheels Magazine and
"ASSOCIATION OF THE YEAR" by the Blue Ribbon Coalition

Winter 2005-2006

IN THIS ISSUE:

- ✓ President's Report - Super Challenge Report
- ✓ NOHVIS News - Badger State Trail meeting update
- ✓ State News - WI Outdoor Education Expo, we're in!
- ✓ ATV End of year stats
- ✓ National OHV News - USFS proposes OHV policy
- ✓ Club News - Year end wrap ups
- ✓ ATV Safety Page - Winter training for the brave!
- ✓ Trail Listings - Winter trails and updates



THE WISCONSIN ATV ASSOCIATION, INC.

5531B N. HWY. 42, SHEBOYGAN, WI 53083

PHONE: (920)-565-7531 * FAX: (920)-565-7534

check out our web page: www.watva.org

DEADLINE FOR THE SPRING ISSUE IS FEB. 20th

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Electronically: ann.harden@nohvis.com

Trail Tales is published quarterly. Deadlines are as follows; Spring/Summer issue-Feb. 15th. Summer/Fall issue-March 15th. Fall/Winter-issue Aug. 15th. Winter/Spring-Nov. 15th.

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ALL-TERRAIN VEHICLE NON-RESIDENT TRAIL PASS LAW CHANGE

Nonresidents - New legislation now requires all ATVs not registered in WI to obtain and display a nonresident ATV trail pass in addition to your home state registration. This trail pass must be permanently attached and visible near the forward half of the ATV. Cost: \$18.00

You must ensure your home state registration and the ATV meets the following conditions:

- ▶ The decal (or proof of registration) is prominently displayed.
- ▶ The ATV has not been in Wisconsin for more than 15 consecutive days.
- ▶ The proof of registration from your home state is carried with you while riding. Proof must be presented to an enforcement officer when requested.
- ▶ The machine meets the Wisconsin definition of an ATV.

If your state does not register ATVs, then you **MUST** register the ATV in Wisconsin. Contact a DNR Service Center for an ATV registration application.

**IF YOUR ATV IS REGISTERED IN WISCONSIN A
NONRESIDENT TRAIL PASS IS NOT REQUIRED.**

Special attention for
Illinois, Michigan and other states:

Illinois and Michigan do not have an ATV registration system that is recognized in Wisconsin. If your Illinois or Michigan machine meets the Wisconsin definition of an ATV and you plan to operate the ATV in Wisconsin, you must register the ATV in Wisconsin or obtain a validated receipt in Wisconsin prior to operating in this state. Cost: \$30.00

All out of state machines must meet the Wisconsin definition of an ATV in order to legally operate in Wisconsin. For more information contact Lynn Yelk, DNR Customer Service and Licensing Dept., (608)-267-7246.

REGISTRATION PROCESS IN WI

The Bureau of Customer Service and Licensing has Internet service for recreation vehicle customers. This service allows customers to renew their boat, snowmobile or ATV registrations online with a credit card payment for just a \$1.00 convenience fee.

- ✓ Each customer will receive confirmation of application and payment with instruction to carry the printable receipt to operate immediately.

Site: www.atv.wisconsin.gov

**Join The
White Lake ATV Club
P.O. Box 24, White Lake. WI 54491**

Name _____
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E-mail _____

[] Family - \$20.00 [] Single - \$10.00

Make check payable to White Lake ATV Club.
Mail to address above.

Meetings are held at the Wild Rose Pub, Wabeno.

For more information call club president
Andy Kostelny, 715-882-2200.

*New graduates in the Trail Patrol Ambassador Program
recently held at the Crandon High School in June. Congratu-
lations and WELCOME!

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Light Utility
Vehicle's
(UTV's)
Are they trail
legal?

Rob McConnell, WATVA Vice-
President and NOHVIS Regional
Coordinator says:



"According to Vic Peterson of the USFS, Forest Service Trails such as we have in Price County, do not allow any so called non-ATV vehicles such as the Mule, Argo, or Pilots, but do allow off-highway motorcycles. When these types of vehicles (UTV's) use state funded trails and are similar to ATV's but do not meet the definition, and the trails criss-cross land jurisdictions, it is most likely that the owner/rider will encounter legality problems on their trail ride. This is true for roads and routes as well. However, this can vary from county to county. Sawyer County does not have a restriction on use of dirt bikes or non-ATV's on county owned land trails".



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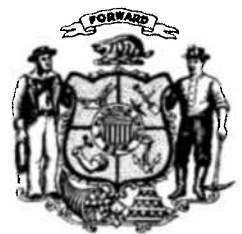
Outagamie	6,982	6,023	959	0	170,680	4.09%	3.53%	0.56%
Ozaukee	1,587	1,500	87	0	85,787	1.85%	1.75%	0.10%
Peplin	570	266	304	0	7,596	7.50%	3.50%	4.00%
Pierce	2,343	1,516	827	0	39,329	5.96%	3.85%	2.10%
Polk	4,319	2,675	1,644	31	44,613	9.68%	6.00%	3.69%
Portage	2,051	2,051	602	0	69,365	3.82%	2.96%	0.87%
Price	2,506	1,493	1,013	72	15,993	15.67%	9.34%	6.33%
Racine	4,388	2,695	1,693	0	193,239	2.27%	1.39%	0.88%
Richland	1,041	304	737	0	18,061	5.76%	1.68%	4.08%
Rock	3,847	1,673	2,174	0	156,994	2.45%	1.07%	1.38%
Rusk	1,941	708	1,233	0	15,469	12.55%	4.58%	7.97%
St. Croix	4,793	3,008	1,785	0	75,686	6.33%	3.97%	2.36%
Sauk	2,452	1,216	1,236	0	59,266	4.14%	2.05%	2.09%
Sawyer	2,226	1,854	372	0	17,146	12.98%	10.81%	2.17%
Shawano	2,940	2,178	762	20	42,029	7.00%	5.18%	1.81%
Sheboygan	2,701	2,429	272	0	116,075	2.33%	2.09%	0.23%
Taylor	2,578	1,563	1,015	33	19,902	12.95%	7.85%	5.10%
Trempealeau	1,926	802	1,124	0	27,975	6.88%	2.87%	4.02%
Vernon	1,005	540	465	0	29,189	3.44%	1.85%	1.59%
Vilas	1,465	5,035	(3,570)	0	22,215	6.59%	2.66%	-16.07%
Walworth	3,028	2,524	504	0	98,496	3.07%	2.56%	0.51%
Washington	2,621	1,204	1,417	65	17,000	15.42%	7.08%	8.34%
Washington	4,354	3,633	721	0	125,940	3.46%	2.88%	0.57%
Waukesha	7,808	5,558	2,250	0	377,348	2.07%	1.47%	0.60%
Waupaca	2,992	2,380	612	0	53,351	5.61%	4.46%	1.15%
Waushara	1,425	1,011	414	0	24,918	5.72%	4.06%	1.66%
Winnebago	5,296	3,578	1,718	0	163,244	3.24%	2.19%	1.05%
Wood	4,628	2,441	2,187	12	76,644	6.04%	3.18%	2.85%
Unknown	8,566	30,142	(21,576)					
2005 Municipal	2	6	(4)					
2005 Public	24,995	59,135	(34,140)					
Agricultural	52,455	517	51,938					
Private Property	11,434	2,931	8,503					

Totals: 305,362 229,029 1,551 0 5,580,757

County	ATV Regs	Snow Regs	Difference	~ ATV Summer Trails	~ Snowmobile Trails	County Population	~ % of people that own ATVs	~ % of people that own Snowmobiles	Difference
Adams	1,854	1,318	536	20		21,224	8.74%	6.21%	2.53%
Ashland	2,211	1,002	1,209	203		16,905	13.08%	5.93%	7.15%
Barren	4,785	2,158	2,627	11		46,805	10.22%	4.61%	5.61%
Bayfield	2,420	1,447	973	150		15,666	15.45%	9.24%	6.21%
Brown	7,189	5,845	1,344	0		240,404	2.99%	2.35%	0.64%
Buffalo	1,022	519	503	0		14,076	7.26%	3.69%	3.57%
Burnett	2,099	1,787	312	52		16,542	12.69%	10.80%	1.89%
Calumet	1,998	1,772	226	0		45,168	4.42%	3.92%	0.50%
Chippewa	5,406	2,192	3,214	15		60,367	8.96%	3.63%	5.32%
Clark	3,162	1,530	1,632	83		34,453	9.18%	4.44%	4.74%
Columbia	2,397	1,413	984	0		54,940	4.36%	2.57%	1.79%
Crawford	701	229	472	0		17,493	4.01%	1.31%	2.70%
Dane	6,798	4,255	2,543	0		458,297	1.48%	0.93%	0.55%
Dodge	3,648	2,095	1,553	0		88,748	4.11%	2.36%	1.75%
Door	1,380	1,559	(179)	0		29,299	4.71%	5.32%	-0.61%
Douglas	4,308	1,735	2,573	35		43,870	9.82%	3.95%	5.87%
Dunn	2,552	1,214	1,338	0		42,208	6.05%	2.88%	3.17%
Eau Claire	3,803	1,572	2,231	53		97,142	3.91%	1.62%	2.30%
Florence	777	394	383	20		5,213	14.91%	7.56%	7.35%
Fond Du Lac	4,254	2,749	1,505	5		100,180	4.25%	2.74%	1.50%
Forest	1,265	899	366	8		10,213	12.39%	8.80%	3.58%
Grant	2,158	628	1,530	0		50,664	4.26%	1.24%	3.02%
Green	1,691	510	1,181	0		35,578	4.75%	1.43%	3.32%
Green Lake	1,386	766	620	0		19,375	7.15%	3.95%	3.20%
Iowa	1,054	312	742	0		23,789	4.43%	1.31%	3.12%
Iron	1,359	1,135	224	115		6,922	19.63%	16.40%	3.24%
Jackson	1,457	539	918	98		19,828	7.35%	2.72%	4.63%
Jefferson	2,878	1,742	1,136	0		79,188	3.63%	2.20%	1.43%
Juneau	1,910	948	962	0		26,656	7.17%	3.56%	3.61%
Kenosha	3,079	1,969	1,110	6		158,219	1.95%	1.24%	0.70%
Kewaunee	1,230	1,090	140	20		21,082	5.83%	5.17%	0.66%
Lacrosse	2,245	877	1,368	0		110,128	2.04%	0.80%	1.24%
Lafayette	1,108	174	934	65		16,312	6.79%	1.07%	5.73%
Langlade	2,671	1,523	1,148	16		21,389	12.49%	7.12%	5.37%
Lincoln	3,772	2,153	1,619	40		30,402	12.41%	7.08%	5.33%
Manitowoc	3,467	2,643	824	0		84,480	4.10%	3.13%	0.98%
Marathon	7,964	5,518	2,446	21		131,377	6.06%	4.20%	1.86%
Marquette	3,739	2,607	1,132	204		44,471	8.41%	5.86%	2.55%
Marquette	1,255	552	703	0		15,138	8.29%	3.65%	4.64%
Menominee	106	80	26	0		4,616	2.30%	1.73%	0.56%
Milwaukee	4,221	2,795	1,426	0		938,995	0.45%	0.30%	0.15%
Monroe	2,200	949	1,251	0		43,069	5.11%	2.20%	2.90%
Oconto	3,578	2,734	844	58		38,243	9.36%	7.15%	2.21%
Oshkosh	2,939	4,712	(1,774)	20		38,073	7.72%	12.38%	-4.66%



WISCONSIN STATE LEGISLATURE



**Wisconsin Department of Natural Resources testimony on
AB 219
Lightweight Utility Vehicles, Granting Rule-Making
Authority, and Providing a Penalty
Senate Committee on Natural Resources and Transportation
February 1st at 10:00 AM
Room 300 Southeast
Position of Department of Natural Resources: In Opposition
Testimony by: Gary Eddy, ATV/Snowmobile Administrator**

The Department is appearing in opposition of AB 219 which authorizes lightweight utility vehicles (LUVs) to operate on highways in certain circumstances. This bill defines a LUV as engine-driven device having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway.

This bill has the potential to increase the number of accidents occurring with off-highway vehicles operating on highways. Just as ATV numbers have grown in the state, LUV numbers have most likely grown. Permitting additional LUVs to operate on highways will likely increase the number of accidents. Due to the increased size of LUVs these accidents are more apt to cause serious injuries or death to not only the LUV operator, but also the motor vehicle operator. LUVs are designed for off-highway use and manufacturers of these vehicles do not recommend that they be operated on highways. Furthermore, AB219 authorizes children age 12 and over to operate an LUV without any type of safety training.

This bill seeks to authorize LUVs to operate on designated ATV routes, which are highways designated for use by ATVs by the local unit of government. The intent of an ATV route is to provide a legal avenue to connect to an off-road ATV trail system when obstructed by a town, city, village, river or other impediment. LUVs may not legally operate on ATV trails; therefore many of these routes will dead end at an ATV trail where LUV operators will feel compelled to continue.

It will cause more of a work load for law enforcement officers. Much of the bill's language is entered into Chapter 23 of the State Statutes, thereby falling under the department's enforcement authority. Conservation wardens and County ATV Patrols will be expected by the public to enforce these regulations and respond to complaints. The funding for County ATV Patrols is already insufficient to properly reimburse them. This bill also makes the department responsible for maintaining records of arrests for all LUV violations, creating additional workload issues.

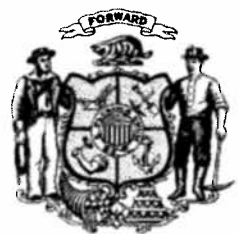
In addition, LUVs illegally operating on ATV trails off of ATV Routes will damage those trails due to their excessive weight. Currently, most LUVs are over 1,000 pounds. The ATV account will have to pay for the repairs to those trail systems.

This bill will serve to drain funding away from the ATV account by creating these new work duties. Conservation wardens and county deputies are specifically funded for ATV enforcement. Because no additional funding is provided, enforcement of LUV regulations will be funded out of the ATV account. The ATV account will also have to pay for damage on ATV trails that is created by LUVs. This bill provides no additional funding for this increased workload.

For the above reasons stated, I urge you to not pass this bill.



WISCONSIN STATE LEGISLATURE



SENATE NATURAL RESOURCES & TRANSPORTATION COMMITTEE
Testimony for Assembly Bill 219
February 1, 2006

For the past decade, "lightweight utility vehicles" have been sold in Wisconsin.

A lightweight utility vehicle may be defined as an engine-driven device having a gross weight of between 700 and 2000 pounds, that is designed with 4 or more low-pressure tires, a cargo area, and is used primarily off a highway.

These vehicles do not qualify as an ATV, and are not currently defined in Wisconsin Statutes.

Several manufacturers offer these popular vehicles, and may be recognized as John Deere Gators, Kawasaki Mules, Toro Workmans, or Polaris Rangers – to name a few.

These vehicles are typically used for golf course or lawn maintenance – and may be seen regularly maintaining the grounds of the State Capitol.

Because these vehicles are not recognized in State Statutes, under no circumstances may these vehicles enter onto a roadway, even to just cross.

While these vehicles are not designed for roadway use and should not be used as such, there are circumstances where strict roadway authorization may be safely provided.

Specifically, AB 219 accomplishes the following:

- Creates a definition of Lightweight Utility Vehicle (LUV).
- Restricts LUV operation on freeways, unless the freeway is not part of the federal system of interstate highways, and the DOT specifically authorizes LUV use on that freeway.

- Authorizes highway use if a municipality, state agency, or public utility owns the LUV, and the operator is performing official functions.
- Authorizes highway use if operator is performing land-surveying operations.
- Authorizes persons 12 and older to operate a LUV on a roadway under the following conditions:
 1. To cross a roadway.
 2. To travel on any roadway that is not seasonally maintained, during the period when no maintenance occurs, and assuming it is not specifically closed to LUV use.
 3. To cross a bridge, culvert, or railroad right-of-way.
 4. To travel on the extreme right side of roadways which are designated as ATV or LUV routes.
- As with ATV operation, basic OWI prohibitions and “Rules of the Road” shall apply.

The roadway authorizations provided to LUVs in this draft are very restrictive and correspond to just a portion of the roadway rights currently authorized for ATVs.

ATV registration requirements and ATV trail use authorization is not extended to LUVs under AB 219.

Lightweight Utility Vehicles will continue to be used primarily off the roadway.

This bill merely defines the vehicle type in statutes, and provides strict opportunities for limited roadway use.

I have communicated with both the DNR and DOT on this topic for the past 8 years, and have attempted incorporate a majority of their concerns with this draft.

In fact, Assembly Amendment 1 has been drafted directly in response to comments received from DOT.

Assembly Amendment 1 accomplishes the following:

- Moves the definition of lightweight utility vehicles to Chapter 340 – consistent with other motor vehicle definitions.
- Tightens the definition of lightweight utility vehicle – thereby excluding golf carts, low speed vehicles, and off-road utility vehicles from the definition.
- Clarifies that the equipment (lighting, etc.) requirements of lightweight utility vehicles are parallel to those of ATVs.

Again, I would like to clarify that this draft, by no means, grants all ATV rights and responsibilities unto lightweight utility vehicles.

However, AB 219 will allow the farmer with fields on both sides of a roadway to legally cross the road in one of these popular work vehicles.

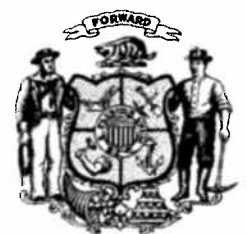
Assembly Bill 219 was unanimously recommended for passage by the Assembly Transportation Committee and also passed by the full Assembly on a voice vote.

Thank you for your consideration of this important proposal.

I am happy to answer any questions.



WISCONSIN STATE LEGISLATURE





JOHN AINSWORTH

STATE REPRESENTATIVE • 6TH ASSEMBLY DISTRICT

CHAIRMAN:

COMMITTEE ON TRANSPORTATION

February 22, 2006

Senator Neal Kedzie, Chairman
Senate Committee on Natural Resources & Transportation
Room 313 South – State Capitol
Madison, Wisconsin 53707

In Re: Assembly Bill 219 & Assembly Bill 98

Dear Neal:

I would like to respectfully request that the Senate Committee on Natural Resources and Transportation schedule Assembly Bill 219 for executive committee action at your earliest possible convenience. As you may be aware, the Bill places restrictions on the use of lightweight utility vehicles that are similar to the restrictions placed on the operation of all-terrain vehicles. Several years of effort to make the operation of these work vehicles legal *and as safe as practical* have culminated in the bill passing the Assembly and receiving a public hearing on February 1, 2006, before your Committee. It is my desire to see the bill continue its progression through the legislative process yet this session.

In addition, Assembly Bill 98, relating to headlamp use during inclement weather, is also before your Committee. The Bill would require the use of headlights and other required lamps on a vehicle on a highway to be lighted whenever climatic conditions limit visibility such that objects are not clearly discernible at a distance of 500 feet from the front of a vehicle. The Bill was passed by the full Assembly on January 24, 2006, by a vote of 94-4 and referred to your Committee. I would appreciate the scheduling of A.B. 98 for Committee action at your earliest possible convenience.

Thank you, in advance, for taking my requests under consideration. If you should have any questions regarding the contents of either of these bills, please feel free to let me know.

Sincerely,

JOHN AINSWORTH
State Representative
6th Assembly District

JA/cr