

2007 DRAFTING REQUEST

Assembly Amendment (AA-AB59)

Received: **06/05/2007**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Mursau (608) 266-3780**

By/Representing: **Andrew Potts**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Mursau@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

All-terrain vehicle highway access

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>
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FE Sent For:

<END>

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FE Sent For:

<END>

Gibson-Glass, Mary

From: Potts, Andrew
Sent: Tuesday, June 05, 2007 10:56 AM
To: Gibson-Glass, Mary
Subject: Amendment to AB 59

Mary,

Could I get an amendment drafted to AB 59 (Irb 1042), relating to the operation of all-terrain vehicles on highways?

Looking for the following changes:

*Increase the age limit to 16.

*Limit speeds to no more than 25 mph.

*Specify that the bill does not apply to the Interstate system (I don't think the bill would allow them to use the Interstate anyway, but Rep. Schneider was insistent during the public hearing that this be included).

*Require that ATVs ride as far to the right as practicable.

Thanks.

Andy

Andrew R. Potts
Legislative Aide
State Representative Jeff Mursau



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0552/1

MGG:.....

RMR

soon
OIN

Jld

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

**ASSEMBLY AMENDMENT ,
TO 2007 ASSEMBLY BILL 59**

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 16: delete the material beginning with "An" and ending with
3 "limits." on page 2, line 18.

4 2. Page 2, line 19: delete the material beginning with that line and ending
5 on page 3, line 21 and substitute:

6 "SECTION 4c. 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. and
7 amended to read:

8 23.33 (5) (a) 1. No person under 12 years of age may operate an all-terrain
9 vehicle unless he or she is operating the all-terrain vehicle for an agricultural
10 purpose and he or she is under the supervision of a person over 18 years of age or
11 unless he or she is operating a small all-terrain vehicle on an all-terrain vehicle trail
12 designated by the department and he or she is accompanied by his or her parent. No

1 person who is under 12 years of age may operate an all-terrain vehicle which is an
2 implement of husbandry on a roadway under any circumstances. No person who is
3 under 12 years of age may operate an all-terrain vehicle on a roadway under the
4 authorization provided under sub. (4) (d) 6. under any circumstances. No person who
5 is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this
6 ~~paragraph~~ subdivision,[✓] supervision does not require that the person under 12 years
7 of age be subject to continuous direction or control by the person over 18 years of age.

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; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481.

8 **SECTION 4f.** 23.33 (5) (a) 2. of the statutes is created to read:

9 23.33 (5) (a) 2. No person who is under 16 years of age[✓] may operate an
10 all-terrain[✓] vehicle on a roadway or a shoulder of a highway as authorized under[✓] sub.
11 (4) (dm) under any circumstances.[✓]

12 **SECTION 4j.** 23.33 (5) (b) 1. of the statutes is amended to read:

13 23.33 (5) (b) 1. No person who is at least 12 years of age and who is born on or
14 after January 1, 1988, may operate an all-terrain vehicle unless he or she holds a
15 valid safety certificate issued by this state or another state or by a province of
16 Canada.[✓]

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; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481.

17 **SECTION 4m.** 23.33 (5) (b) 2. of the statutes is amended to read:

18 23.33 (5) (b) 2. Any person who is required to hold an all-terrain vehicle safety
19 certificate while operating an all-terrain vehicle shall carry the certificate on the
20 all-terrain vehicle and shall display the certificate to a law enforcement officer on
21 request.[✓] ~~Persons enrolled in a safety certification program approved by the~~

1 ~~department may operate an all-terrain vehicle in an area designated by the~~
2 ~~instructor.~~

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; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481.

3 **SECTION 4p.** 23.33 (5) (c) of the statutes is amended to read:

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

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; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481.

9 **SECTION 4s.** 23.33 (5) (d) of the statutes is amended to read:

10 23.33 (5) (d) *Safety certification program established.* ✓ The department shall
11 establish or supervise the establishment of a program of instruction on all-terrain
12 vehicle laws, including the intoxicated operation of an all-terrain vehicle law,
13 regulations, safety and related subjects. The department shall establish by rule an
14 instruction fee for this program. An instructor conducting the program of instruction
15 under this paragraph shall collect the fee from each person who receives instruction.
16 The department may determine the portion of this fee, which may not exceed 50%,
17 that the instructor may retain to defray expenses incurred by the instructor in
18 conducting the program. The instructor shall remit the remainder of the fee or, if
19 nothing is retained, the entire fee to the department. Persons enrolled in a safety
20 certification program approved by the department may operate an all-terrain
21 vehicle in an area designated by the instructor. ✓

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; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481.

22 **3.** Page 4, line 7: delete "par. (cm)" and substitute "pars. (cm) and (cr)". ✓

23 **4.** Page 4, line 13: delete "par. (cm)" and substitute "pars. (cm) and (cr)". ✓

1 **5.** Page 5, line 7: delete “par. (cm)” and substitute “pars. (cm) and (cr)”.

2 **6.** Page 5, line 13: delete “par. (cm)” and substitute “pars. (cm) and (cr)”.

3 **7.** Page 5, line 24: after that line insert:

4 ~~SECTION 7g. 23.33 (11) (cr) of the statutes is created to read:~~
5 ~~23.33 (11) (cr) On interstates and freeways.~~ *A municipality may not enact*
6 *That will* subsection may not allow the operation of all-terrain vehicles on a roadway or
7 shoulder of a freeway that is a part of the federal system of interstate and defense
8 highways or on a roadway or shoulder of any other freeway.

9 ~~SECTION 7m. 23.33 (11) (ct) of the statutes is created to read:~~

10 ~~23.33 (11) (ct) Speed limits.~~ An ordinance enacted under this subsection shall
11 limit the speed of an all-terrain vehicles being operated as authorized under this
12 subsection to speed limits not in excess of 25 miles per hour.

13 ~~SECTION 7r. 23.33 (11) (cv) of the statutes is created to read:~~

14 ~~23.33 (11) (cv) Right side of roadway.~~ An ordinance enacted under this
15 subsection shall require that the operation of all-terrain vehicles as authorized
16 under this subsection be as far on the right of the roadway or shoulder as is
17 practicable.

18 **8.** Page 6, line 3: substitute “this subsection” for “pars. (b) and (c)”.

19 (END)

d-note
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0552/3dn

MGG: ^....

date

JLD

Having a minimum age for ATV operation on roadways for purpose of access that is different from the minimum age found under s. 23.33 (5) (a) required some technical restructuring of s. 23.33 (5). ✓

check Δ

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

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

LRBa0552/1dn
MGG:jld:jf

June 11, 2007

Having a minimum age for ATV operation on roadways for purpose of access that is different from the minimum age found under s. 23.33 (5) (a) required some technical restructuring of s. 23.33 (5).

Mary Gibson-Glass
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Phone: (608) 267-3215