



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Assembly Bill 59	Assembly Amendment 1
<i>Memo published:</i> December 3, 2007	
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Current law generally prohibits a person from operating an all-terrain vehicle (ATV) on the roadway of a highway, street, or road, except under certain limited circumstances.

2007 Assembly Bill 59 authorizes a person to operate an ATV on a portion of the roadway or shoulder of a highway for the purposes of residential access or access to and from lodging if the operation is in compliance with a municipal ordinance enacted under the provisions in the bill. The bill provides that no one under 12 years old may operate an ATV on a roadway or shoulder of a highway, if the operation complies with a municipal ordinance enacted under the provisions in the bill, under any circumstances.

For a state trunk highway:

1. ***Residential Access.*** Subject to items 3. and 4., a municipality may enact an ordinance allowing the operation of ATVs on a roadway and shoulder of a state trunk highway for any portion of the highway 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.
2. ***Lodging Establishment Access.*** Subject to items 3. and 4., a municipality may enact an ordinance allowing the operation of ATVs on a roadway and shoulder of a state trunk highway for any portion of the highway 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 “residence” ordinance enacted under item 1.
3. ***If Distance is More Than One-Quarter Mile.*** A county or town may not enact an ordinance under item 1. or 2., that will allow the operation of ATVs on a roadway and shoulder of a portion of a state trunk highway that is more than one-quarter mile in length

unless the county or town has first received approval from the Department of Transportation (DOT) to allow the operation of ATVs on the roadway and shoulder of that portion of the state trunk highway.

4. ***If Distance is One-Quarter Mile or Less.*** A county or town may not enact an ordinance under items 1. or 2., that will allow the operation of ATVs on a roadway and shoulder of a portion of a state trunk highway that is one-quarter mile in length or less if the operation of ATVs on the roadway and shoulder has been prohibited by DOT rule based on a finding by DOT that such operation is unsafe.

For any other highway, the distance open for ATV access may not be more than five miles.

The bill specifies that a municipality may not enact an ordinance under either the state trunk highway or “other highway” provisions in the bill that will allow the operation of ATVs on roadways or shoulders of highways that are located within a state park or state forest if the operation of ATVs is prohibited within the state park or state forest.

Assembly Amendment 1 does the following:

- Provides that no one under 16 years old may operate an ATV on a roadway or shoulder of a highway if the operation complies with a municipal ordinance enacted under the provisions of the bill under any circumstances.
- Creates new provisions which specify that municipal ordinances enacted under either the state trunk highway or “other highway” provisions of the bill:
 - May not allow the operation of ATVs on a roadway or shoulder of a freeway that is part of the federal interstate or on a roadway or shoulder of any other freeway.
 - Must include a speed limit for ATVs of no more than 25 miles per hour.
 - Must require that the operation of ATVs be as far on the right of the roadway or shoulder as is practicable.

Legislative History

Assembly Amendment 1 was offered by Representative Mursau on June 18, 2007. On November 28, 2007, the Assembly Committee on Rural Affairs recommended adoption of the amendment on a vote of Ayes, 9; Noes, 0, and recommended passage of Assembly Bill 59, as amended, by the same vote.

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