



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/04/2008 (Per: ARG)



Appendix A

 The 2007 drafting file for LRB-4020

has been transferred to the drafting file for

2009 LRB-0095

☛ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☛ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: **02/05/2008**

Received By: **bbalinsk**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Sherman (608) 266-7690**

By/Representing: **Judy Kelly**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways
Transportation - motor vehicles**

Extra Copies: **ARG**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allowing disabled persons to use lightweight utility vehicles on highways to access hunting or fishing areas.

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>
/?	bbalinsk 03/05/2008	bkraft 03/07/2008		_____			
/P1			rschluet 03/07/2008	_____	sbasford 03/07/2008		

FE Sent For:

<END>

2007 DRAFTING REQUEST

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Topic:


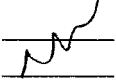
Allowing disabled persons to use lightweight utility vehicles on highways to access hunting or fishing areas.


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1?	bbalinsk	/Pl bjk 3/7					
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FE Sent For:  <END>

Gary, Aaron

From: Kelly, Judy
Sent: Monday, February 04, 2008 10:39 AM
To: Gary, Aaron
Subject: Legislation for Rep. Sherman

Aaron, Here is the information. Thank you so much for your help and all of your work.

Judy

I would like a bill that allows a paraplegic/quadruplegic to use a lightweight utility vehicle to access hunting/fishing areas. This person would have to have a Class A or Class B hunting permit for disabled persons under s. 29.193 (2). This person would be traveling no more than 1 mile from his home on town roads and forest roads and only in daylight. He would be able to carry one passenger. He would have to be able to cross a county highway and a state highway.

2/4

file w/ Judy Kelly - Sherman

- 6-7690 →
- need new bill, not amendment b/c
- ~~amendment to~~ Janch bill is ~~not~~ not going anywhere
 - can call Paul ^{N. 150} if ~~they~~ have any Qs
- constituent - quadriplegic
 - wants to be able to use CUV to get into the woods & hunt
 - wants to write it rightly
- Janch bill → not going anywhere
 - stand alone bill → this should be new bill not amendment
 - paraplegic or quadriplegic
 - about a mile from the forest
 - cross county line or state line - just crossing

Balinsky, Brett

From: Kelly, Judy
Sent: Friday, February 29, 2008 1:19 PM
To: Balinsky, Brett
Subject: RE: LRB 07-4020 Lightweight utility vehicle use by disabled persons draft request

Hi Brett,

The answer to the first question is no. And we just want them to be able to cross only state and county roads – no freeways.

Thanks.

Judy

From: Balinsky, Brett
Sent: Friday, February 29, 2008 12:01 PM
To: Kelly, Judy
Subject: LRB 07-4020 Lightweight utility vehicle use by disabled persons draft request

Hi Judy,

I am doing the bill draft allowing disabled persons to use a lightweight utility vehicle (LUV) to access fishing and hunting areas and I have your memo to Aaron Gary. I am almost finished with the draft, but I have several additional questions:

- 1) The draft is to allow LUV's to cross state and county trunk highways, but LUV's may not be operated on such highways for any purpose other than to cross the highway, correct?
- 2) Do you want LUV's to be able to cross expressways or freeways? If you do want a disabled sportsperson to be able to cross freeways in a LUV, do you want to limit it to freeways that are not part of the federal system of interstate and defense highways? Section 23.33 (4) (a) makes this distinction with regard to use of all-terrain vehicles on freeways.

Thanks.

Brett A. Balinsky
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7380
brett.balinsky@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-4020

BAB:.....

J/P1
Ljk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

IN 3/5/08

SA ✓
X-ref ✓

gen. cat.

D-NOTE

1 AN ACT ...; relating to: use of lightweight utility vehicles by persons with
2 physical disabilities to access hunting and fishing areas. ✓

Analysis by the Legislative Reference Bureau

A lightweight utility vehicle is an engine-driven vehicle having a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on ~~at~~ or more low-pressure tires, is equipped with a cargo area, and is used primarily off a highway. Under current law, there is a lightweight utility vehicle pilot program overseen by the Department of Natural Resources in conjunction with the Department of Transportation to study the use of lightweight utility vehicles on trails and roadways used by all-terrain vehicles.

four

This bill authorizes a person who holds a Class A or Class B hunting permit for persons with physical disabilities to operate a lightweight utility vehicle on town roads and forest roads for travel to a hunting or fishing area. A person with a physical disability may bring one passenger with him or her on the lightweight utility vehicle, may not travel more than one mile from the person's home, and may only operate the lightweight utility vehicle during hours of daylight. The bill prohibits the operation of lightweight utility vehicles on state trunk highways and county trunk highways, freeways, and expressways, except to cross a state trunk highway or county trunk highway.

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

1 SECTION 1. 349.05 of the statutes is created to read:

2 349.05 Use of lightweight utility vehicles on highways by persons with
3 physical disabilities. (1) In this section:

4 (a) "Forest road" means a public road within a county or state forest which is
5 open and used for travel and which is not a state trunk highway or county trunk
6 highway or a town road.

7 (b) "Lightweight utility vehicle" has the meaning given in s. 23.33 (11m) (a) 2.

8 (c) "Political subdivision" means a city, village, town, or county.

9 (d) "State agency" means an office, commission, department, or independent
10 agency in the executive branch of state government.

11 (e) "Town road" means a road under the jurisdiction, for maintenance purposes,
12 of a town.

13 (2) Notwithstanding any provision in s. 23.33 (11m), no state agency or political
14 subdivision of this state may prohibit a person from operating a lightweight utility
15 vehicle on town roads and forest roads to access hunting and fishing areas if all of
16 the following apply:

17 (a) The person holds a Class A or Class B permit under s. 29.193 (2) and
18 operates the lightweight utility vehicle only for the purposes of hunting or fishing or
19 is otherwise engaging in an activity authorized by the permit.

20 (b) The person travels no more than one mile from his or her home.

21 (c) The person carries no more than one passenger on the lightweight utility
22 vehicle.

23 (d) The person operates the lightweight utility vehicle only during hours of
24 daylight.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4020/310

BAB:.....

Pldn
e
Lbjk

Date

ATTN: Judy Kelly

draft

The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent. Your request specified that this bill apply to the use of lightweight utility vehicles on town and forest roads and I have included both county forest roads and state forest roads within the scope of this bill. Is that acceptable?

This draft applies to any person with a physical disability who holds a Class A or Class B permit under s. 29.193 (2). Is that acceptable or would you like to limit the application of this bill to those persons who hold a Class A or Class B permit under s. 29.193 (2) and are also paraplegic or quadriplegic?

draft

draft

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

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

LRB-4020/P1dn
BAB:bjk:rs

March 7, 2008

ATTN: Judy Kelly

The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent. Your request specified that this draft apply to the use of lightweight utility vehicles on town and forest roads and I have included both county forest roads and state forest roads within the scope of this draft. Is that acceptable?

This draft applies to any person with a physical disability who holds a Class A or Class B permit under s. 29.193 (2). Is that acceptable or would you like to limit the application of this draft to those persons who hold a Class A or Class B permit under s. 29.193 (2) and are also paraplegic or quadriplegic?

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

Barman, Mike

From: Kelly, Judy
Sent: Monday, March 10, 2008 3:03 PM
To: Barman, Mike
Subject: LRB4020/P1

Hi Mike,
May I get an electronic copy of the above? Thank you.

Judy Kelly
Legislative Aide to
Rep. Gary Sherman

Barman, Mike

From: Barman, Mike
Sent: Monday, March 10, 2008 3:39 PM
To: Rep.Sherman; Kelly, Judy
Subject: LRB 07-4020/P1 (attached - requested by Judy)

Attachments: 07-4020/P1; 07-4020/P1dn



07-4020P1.pdf (16 KB)



07-4020P1dn.pdf
(10 KB)

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 349.05 of the statutes; **relating to:** use of lightweight utility
2 vehicles by persons with physical disabilities to access hunting and fishing
3 areas.

Analysis by the Legislative Reference Bureau

A lightweight utility vehicle is an engine-driven vehicle 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. Under current law, there is a lightweight utility vehicle pilot program overseen by the Department of Natural Resources in conjunction with the Department of Transportation to study the use of lightweight utility vehicles on trails and roadways used by all-terrain vehicles.

This bill authorizes a person who holds a Class A or Class B hunting permit for persons with physical disabilities to operate a lightweight utility vehicle on town roads and forest roads for travel to a hunting or fishing area. A person with a physical disability may bring one passenger with him or her on the lightweight utility vehicle, may not travel more than one mile from the person's home, and may only operate the lightweight utility vehicle during hours of daylight. The bill prohibits the operation of lightweight utility vehicles on state trunk highways and county trunk highways,

freeways, and expressways, except to cross a state trunk highway or county trunk highway.

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3 **physical disabilities.** (1) In this section:

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5 open and used for travel and which is not a state trunk highway or county trunk
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10 agency in the executive branch of state government.

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12 of a town.

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14 subdivision of this state may prohibit a person from operating a lightweight utility
15 vehicle on town roads and forest roads to access hunting and fishing areas if all of
16 the following apply:

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18 operates the lightweight utility vehicle only for the purposes of hunting or fishing or
19 is otherwise engaging in an activity authorized by the permit.

20 (b) The person travels no more than one mile from his or her home.

