

2009 DRAFTING REQUEST

Bill

Received: 11/12/2009

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Andy Jorgensen (608) 266-3790

By/Representing: Beau Stafford

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.Jorgensen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

All-terrain vehicles to plow snow

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>
/?	mglass 11/12/2009	kfollett 11/12/2009		_____			State
/1			jfrantze 11/12/2009	_____	sbasford 11/12/2009	lparisi 11/12/2009	

FE Sent For:

at  
intro

<END>

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1/2	mglass	11/12 11/12	J	11/12			

FE Sent For:

<END>

**Gibson-Glass, Mary**

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**From:** Stafford, Beau  
**Sent:** Wednesday, November 11, 2009 4:43 PM  
**To:** Novak, Elizabeth; Gibson-Glass, Mary  
**Subject:** RE: Companion to LRB 1726

**Mary,**

**You may consider this the formal request for an Assembly version of the bill. Thank you Mary!**

Beau Stafford  
Office of Rep. Andy Jorgensen  
608.266.3790  
beau.stafford@legis.wi.gov

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**From:** Novak, Elizabeth  
**Sent:** Wednesday, November 11, 2009 3:09 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Stafford, Beau  
**Subject:** Companion to LRB 1726

**Mary:**

**Representative Jorgensen's office will be requesting an Assembly companion to LRB 1726 (ATV snowplow bill). Senator Holperin is happy to grant this request.**

**Thanks**

**Liz**

Elizabeth Novak  
Office of Senator Jim Holperin  
State Capitol, 409 South  
(608)266-2509



State of Wisconsin  
2009 - 2010 LEGISLATURE

RM not R  
3850/1

LRB-172675  
MGG-~~EM~~kjf:jf

1/12  
Soon

2009 BILL

Legen

1 AN ACT *to amend* 23.33 (4) (b), 23.33 (5) (a), 23.33 (8) (e) and 346.94 (1); and *to*  
2 *create* 23.33 (1) (jq), 23.33 (3) (hg), 23.33 (3) (hr) and 23.33 (4) (f) of the statutes;  
3 **relating to:** operation of all-terrain vehicles to remove snow.

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***Analysis by the Legislative Reference Bureau***

Under current law, all-terrain vehicles (ATVs) may be operated on the roadways of highways and areas adjacent to roadways only in limited circumstances. These include roadways or sidewalks that have been designated as ATV routes or trails or roadways that are not seasonally maintained for motor vehicle traffic. Also, the operation of ATVs on roadways is permissible in order to cross from one side of a roadway to another or to cross a bridge or culvert and is permissible on a sidewalk that is designated as an ATV route.

Under this bill, an ATV with a snow plow or similar device may be operated on a roadway, adjacent to a roadway, or on a public sidewalk from October 1 through April 30 for the purpose of traveling to a site to remove snow regardless of whether the area to be traveled is an ATV route or trail if the ATV has certain lighting equipment and if operation on the roadway or the sidewalk is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two miles. The bill also imposes specific speed limits on operation of an ATV with a snow removal device depending on its proximity to a dwelling and whether it is being operated on a roadway or an area adjacent to the roadway as opposed to a sidewalk.

**BILL**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 23.33 (1) (jq) of the statutes is created to read:

2           23.33 (1) (jq) "Snow removal device" means an attachment designed and  
3 installed for the purpose of removing snow. An attachment under this paragraph  
4 may be a plow blade, blower, bucket, or brush.

5           SECTION 2. 23.33 (3) (hg) of the statutes is created to read:

6           23.33 (3) (hg) At a speed exceeding 15 miles per hour when it is being operated  
7 on a roadway or adjacent to a roadway with a snow removal device attached, if it is  
8 more than 150 feet from a dwelling.

9           SECTION 3. 23.33 (3) (hr) of the statutes is created to read:

10          23.33 (3) (hr) At a speed exceeding 5 miles per hour when it is being operated  
11 on a sidewalk or driveway with a snow removal device attached, regardless of its  
12 proximity to a dwelling.

13          SECTION 4. 23.33 (4) (b) of the statutes is amended to read:

14          23.33 (4) (b) *Other highways; operation restricted.* No person may operate an  
15 all-terrain vehicle on a highway except as authorized under pars. (d) ~~and~~, (e), and  
16 (f) or as authorized by rules promulgated by the department and approved by the  
17 department of transportation.

18          SECTION 5. 23.33 (4) (f) of the statutes is created to read:

19          23.33 (4) (f) *Operation with snow removal device attached.* Except as provided  
20 in par. (a), a person may operate an all-terrain vehicle with a snow removal device  
21 attached on a roadway or adjacent to a roadway or on a public sidewalk during the

**BILL**

1 period beginning on October 1 and ending on April 30 of each year for the purpose  
2 of removing snow if the all-terrain vehicle has a 360-degree flashing or rotating  
3 amber or yellow light mounted at the highest practicable point and that is activated  
4 and visible from any direction, and if such operation is necessary to travel to or from  
5 a site where the snow removal device will be used. The travel necessary to or from  
6 the site may not exceed 2 miles. Operation on a roadway of such an all-terrain  
7 vehicle is authorized only for the extreme right side of the roadway except that left  
8 turns may be made from any part of the roadway where it is safe to do so given  
9 prevailing conditions. Operation adjacent to a roadway of such an all-terrain vehicle  
10 shall comply with the applicable speed limit and with par. (e) 1., 2., 3., and 5.

11 **SECTION 6.** 23.33 (5) (a) of the statutes is amended to read:

12 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an  
13 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an  
14 agricultural purpose and he or she is under the supervision of a person over 18 years  
15 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain  
16 vehicle trail designated by the department and he or she is accompanied by his or her  
17 parent. No person who is under 12 years of age may operate an all-terrain vehicle  
18 which is an implement of husbandry on a roadway under any circumstances. No  
19 person who is under 12 years of age may operate an all-terrain vehicle on a roadway  
20 under the authorization provided under sub. (4) (d) 6. under any circumstances. No  
21 person who is under 12 years of age may operate an all-terrain vehicle under the  
22 authorization provided under sub. (4) (f) under any circumstances. No person who  
23 is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this  
24 paragraph, supervision does not require that the person under 12 years of age be  
25 subject to continuous direction or control by the person over 18 years of age.





**Parisi, Lori**

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**From:** Stafford, Beau  
**Sent:** Thursday, November 12, 2009 3:33 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3850/1 Topic: All-terrain vehicles to plow snow

Please Jacket LRB 09-3850/1 for the ASSEMBLY.