

2009 DRAFTING REQUEST

Bill

Received: **10/28/2009**

Received By: **emueller**

Wanted: **Soon**

Identical to LRB:

For: **Amy Sue Vruwink (608) 266-8366**

By/Representing: **Christian Plata**

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

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow use of light utility vehicle on roadway for agricultural purposes.

Instructions:

See attached. Redraft 3054/2 with changes per Konopacki e-mail.

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>
/?	emueller 10/29/2009	kfollett 10/30/2009		_____			
/1			mduchek 11/02/2009	_____	sbasford 11/02/2009		
/2	emueller 11/03/2009	kfollett 11/03/2009	jfrantze 11/03/2009	_____	sbasford 11/03/2009		
/3	emueller	kfollett	mduchek	_____	lparisi		

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	11/03/2009	11/03/2009	11/03/2009	_____	11/03/2009		
/4	emueller 11/04/2009	kfollett 11/04/2009	rschluet 11/04/2009	_____ _____	lparisi 11/04/2009	cduerst 11/09/2009	

FE Sent For: **NONE**

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14	ECM 11/4/09	14/11/09	14/11/09				

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/3	EVM 11/3/09	13 kf 11/3	MD	MD			
			11/3	JF			

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1/1		11/3	mduchek 11/02/2009	_____	sbasford 11/02/2009		
1/2	EVM 11/3/09			_____			
FE Sent For:							

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13 11/3

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1?	emueller	1/kjf		_____			
1/1	Emu 10/29/09	10/30	10/30	_____			

FE Sent For:

<END>

Rep.
Jan @ Carthwright

- working w/ Vrouwink on LUV draft
- changes requested by their office are okay to make

Christian @ Rep. Vrouwink

- changes per email from Konepacki
- create new draft rather than redraft

Mueller, Eric

From: Gary, Aaron
Sent: Tuesday, October 13, 2009 11:09 AM
To: Konopacki, Larry; Mueller, Eric
Subject: RE: Changes Made to the LUV Bill Draft

Hi Larry,

We'll need to know that these changes are authorized by the requester (which is not Rep. Vruwink) before we can make them.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Konopacki, Larry
Sent: Tuesday, October 13, 2009 11:01 AM
To: Mueller, Eric; Gary, Aaron
Subject: FW: Changes Made to the LUV Bill Draft

Hi Eric and Aaron,

Christian in Rep. Vruwink's office asked me to pass on the following drafting requests for LRB 3054, related to LUVs:

1. In s. 346.94 (21) (a) 2., remove "and that, while being operated on a highway, is used exclusively in the conduct of agricultural operations" and instead place this restriction under par. (b).
2. Add a general prohibition against operating an LUV on a highway except as otherwise authorized. Set the penalties for violation of this prohibition similar to current law penalties for an unregistered LUV. *use 341.04*

Thank you, and please give me a call if you have any questions.

Larry

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

From: Konopacki, Larry
Sent: Tuesday, October 13, 2009 10:32 AM
To: Plata, Christian
Cc: Wolkomir, Jon; Mielke, Jon
Subject: RE: Changes Made to the LUV Bill Draft

Will do.

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

From: Plata, Christian
Sent: Tuesday, October 13, 2009 9:49 AM
To: Konopacki, Larry
Cc: Wolkomir, Jon; Mielke, Jon
Subject: Changes Made to the LUV Bill Draft

Larry,

As we discussed, if you could send the language changes to Aaron Gary regarding the considerations that the DOT had on LRB 3054/2 that would be greatly appreciated.

Here are the two considerations that need to be addressed:

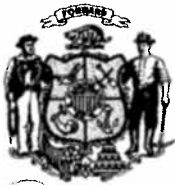
1. I suggest deleting the reference to 'used for agriculture' from the definition of LUV. Instead, limit the LUV definition to the vehicle type, and add the ag restriction wherever LUV use is allowed. For example, move the material related to ag operations from page 3, lines 22-23 to line 25. Notice how the lighting equipment standards applies only if the vehicle is an 'LUV as defined' (meaning it is engaged in ag ops) so an LUV can avoid any equipment violations by saying he's on his way to church.

2. Add a prohibition against operating LUV on highways, except as authorized under the chapter. This bill exempt LUV from registration, and there is no clear violation if an LUV is driven down the street between home and a grocery store. We need language to prohibit that.

Thanks again,

Christian

Christian Plata
Office of State Representative Amy Sue Vruwink Clerk, Assembly Committee on Agriculture
70th Assembly District
112 North State Capitol
Madison WI, 53708
(608) 266-8366
christian.plata1@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

soon

3778/11

LRB-6054/2

EVM&ARG:kjf&jld:jf

EVM:

kjf
jld

RMNR

INSERTS

DNote

2009 BILL

la 10/29/09

soon

1 AN ACT ^{reger} to amend 59.84 (2) (j), 346.16 (2) (ar), 346.95 (8), 347.14 (1), 347.22,
2 347.245 (1) and 347.27 (3); and to create 285.30 (5) (L), 341.05 (27m), 346.94
3 (21) and 347.02 (1) (j) of the statutes; relating to: lightweight utility vehicles

and providing a penalty

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR), in consultation with the Department of Transportation (DOT), administers a pilot program in eight counties to investigate the effects of using lightweight utility vehicles on trails and roadways authorized for all-terrain vehicle (ATV) use. For purposes of the program, a lightweight utility vehicle is defined as an 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. (Lightweight utility vehicles are commonly known by their trade names, such as the John Deere Gator or Kubota RTV series.) Under the pilot program, any county or municipality within this eight-county area may elect to participate in the program and allow operation of lightweight utility vehicles on authorized ATV routes and trails, which may include designated portions of highways. The pilot program must end by September 30, 2009, and DNR must report the results of its program evaluation by January 1, 2010.

This bill authorizes limited-purpose operation of lightweight utility vehicles on highways. Under the bill, a lightweight utility vehicle (LUV) is a lightweight utility vehicle as defined for purposes of the pilot program that is used, while being operated on a highway, exclusively in the conduct of agricultural operations. A person may

BILL

in the conduct of agricultural operations (2)

operate an LUV on a highway, including the roadway or the shoulder of the highway, if to cross the highway or to travel on the highway. A person operating an LUV on a highway is required to exercise due care, avoid interfering with the movement of other traffic, and, when operating on the roadway, operate as close as practicable to the right-hand edge of the roadway. An LUV is not required to be registered with DOT and is exempt from vehicle emission inspection requirements. An LUV operated on a highway is generally exempt from motor vehicle equipment requirements, but must have head lamps and tail lamps if operated at night, must have at least one stop (brake) lamp, and must be equipped with a slow moving vehicle emblem.

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

Any operation of an LUV on a highway other than as provided in this bill or the pilot program is prohibited

1 SECTION 1. 59.84 (2) (j) of the statutes is amended to read:
2 59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has
3 been certified as completed, the public body having jurisdiction over the
4 maintenance thereof shall have the power to regulate the type of vehicular use of
5 such portion of the expressway except as limited by federal and state laws and
6 regulations, and the power to fix speed limits thereon not in excess of the maximum
7 speed limits for state trunk highways, and to provide and enforce reasonable
8 penalties for infraction of such vehicular use regulation or speed limits.
9 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,
10 motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices,
11 off-road utility vehicles, lightweight utility vehicles as defined in s. 346.94 (21) (a)
12 2. except when used to cross an expressway. funeral processions, and animals on foot
13 and the hauling of oversized equipment without special permit shall be prohibited
14 when an ordinance in conformity with this section and, with respect to prohibiting
15 the use of electric personal assistive mobility devices, in conformity with s. 349.236
16 (1) (a) or (b) is enacted by the board, but a forfeiture provided therein shall not exceed
17 the maximum forfeiture under s. 346.17 (2). The board may not prohibit the towing

BILL

1 of disabled vehicles on expressways, except that the board may prohibit the towing
2 of disabled vehicles during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m.
3 as established under county ordinance and except that the board may establish
4 procedures for and may contract for the towing of vehicles which have become
5 disabled on the expressway.

6 **SECTION 2.** 285.30 (5) (L) of the statutes is created to read:

7 285.30 (5) (L) A lightweight utility vehicle as defined in s. 346.94 (21) (a) 2.

8 **SECTION 3.** 341.05 (27m) of the statutes is created to read:

9 341.05 (27m) The vehicle is a lightweight utility vehicle, as defined in s. 346.94
10 (21) (a) 2.

11 **SECTION 4.** 346.16 (2) (ar) of the statutes is amended to read:

12 346.16 (2) (ar) Notwithstanding s. 349.105, no person operating an off-road
13 utility vehicle or a lightweight utility vehicle, as defined in s. 346.94 (21) (a) 2., may
14 go upon any expressway or freeway when official signs have been erected prohibiting
15 persons specified in par. (a) from using the expressway or freeway, except that a
16 lightweight utility vehicle may cross such an expressway or freeway.

17 **SECTION 5.** 346.94 (21) of the statutes is created to read:

18 346.94 (21) LIGHTWEIGHT UTILITY VEHICLES ON HIGHWAYS. (a) In this subsection:

19 1. "Agricultural operations" includes transporting farm implements,
20 equipment, supplies, or products on a farm or between farms.

21 2. "Lightweight utility vehicle" means a vehicle that meets the definition in s.
22 23.33 (11m) (a) 2. and that, while being operated on a highway, is used exclusively
23 in the conduct of agricultural operations.

24 (b) 1. Notwithstanding s. 23.33 (11m), a person may operate a lightweight
25 utility vehicle on a highway, including any roadway or, notwithstanding ss. 346.05

has the meaning given

in the conduct of agricultural operations

BILL

1 (1) and 346.08, any shoulder of a highway, to cross the highway or to travel on the
2 highway.

3 2. Any person operating a lightweight utility vehicle on a highway shall
4 exercise due care and, as far as is practicable, avoid interfering with the movement
5 of traffic.

6 3. Any person operating a lightweight utility vehicle upon any roadway shall
7 operate as close as practicable to the right-hand edge or curb of the unobstructed
8 roadway.

9 **SECTION 6.** 346.95 (8) of the statutes is amended to read:

10 346.95 (8) Any person violating s. 346.94 (19) or (21) may be required to forfeit
11 not less than \$30 nor more than \$300.

12 **SECTION 7.** 347.02 (1) (j) of the statutes is created to read:

13 347.02 (1) (j) Lightweight utility vehicles, as defined in s. 346.94 (21) (a) 2.

14 **SECTION 8.** 347.14 (1) of the statutes is amended to read:

15 347.14 (1) No person shall operate a motor vehicle, lightweight utility vehicle
16 as defined in s. 346.94 (21) (a) 2., mobile home, or trailer or semitrailer upon a
17 highway unless such motor vehicle, lightweight utility vehicle, mobile home, or
18 trailer or semitrailer is equipped with at least one stop lamp mounted on the rear and
19 meeting the specifications set forth in this section. The stop lamp on a mobile home
20 or trailer or semitrailer shall be controlled and operated from the driver's seat of the
21 propelling vehicle. A stop lamp may be incorporated with a tail lamp. No vehicle
22 originally equipped at the time of manufacture and sale with 2 stop lamps shall be
23 operated upon a highway unless both such lamps are in good working order.

24 **SECTION 9.** 347.22 of the statutes is amended to read:

INSERT 4-11

BILL

1 **347.22 Lamps on farm tractors and, self-propelled farm implements,**
2 **and lightweight utility vehicles. (1)** No person shall operate or park a farm
3 tractor ~~or, self-propelled farm implement, or lightweight utility vehicle, as defined~~
4 ~~in s. 346.94 (21) (a) 2.,~~ upon a highway during hours of darkness unless such tractor
5 ~~or, implement, or lightweight utility vehicle~~ carries the lighted headlamps and tail
6 lamps which would be required of other motor vehicles under similar circumstances.

7 **(2)** No person shall operate or park a farm tractor ~~or, self-propelled farm~~
8 ~~implement, or lightweight utility vehicle, as defined in s. 346.94 (21) (a) 2.,~~ upon a
9 highway during hours of darkness with any lamp thereon showing any light to the
10 rear other than red in color.

11 **SECTION 10.** 347.245 (1) of the statutes is amended to read:

12 347.245 **(1)** After January 1, 1970, no person may operate on a highway, day
13 or night, any vehicle or equipment, any animal-drawn vehicle, or any other
14 machinery, including all road machinery, that usually travels at speeds of less than
15 25 miles per hour or any vehicle operated under a special restricted operator's license
16 issued under s. 343.135 ~~or any lightweight utility vehicle, as defined in s. 346.94 (21)~~
17 ~~(a) 2.,~~ unless there is displayed on the most practicable visible rear area of the vehicle
18 or combination of vehicles, a slow moving vehicle (SMV) emblem as described in and
19 displayed as provided in sub. (2). Any towed vehicle or machine is exempt from this
20 provision if the towing vehicle is visible from the rear and is in compliance with this
21 section. All road machinery is excluded when it is engaged in actual construction or
22 maintenance work either guarded by a flagman or clearly visible warning signs.
23 Except as provided in s. 347.21 (1), the requirement of the emblem shall be in
24 addition to any lighting devices required or permitted by law. Mopeds and motor
25 bicycles are excluded from the provisions of this section unless they are operated

BILL

SECTION 10

1 under a special restricted operator's license issued under s. 343.135. Electric
2 personal assistive mobility devices are excluded from the provisions of this section.
3 The SMV emblem need not be displayed on vehicles moving directly across the
4 highway.

5 **SECTION 11.** 347.27 (3) of the statutes is amended to read:

6 347.27 (3) In this section, "vehicle" includes farm tractors and self-propelled
7 farm implements, implements of husbandry, animal-drawn vehicles, lightweight
8 utility vehicles as defined in s. 346.94 (21) (a) 2., and road machinery.

9 **SECTION 12. Initial applicability.**

10 (1) This act first applies to vehicles operated on the effective date of this
11 subsection.

12 (END)

① Note

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3778/?ins

.....

1 **INSERT 4-11**

2 (c) Except as provided in par. (b) and s. 23.33 (11m), no person may operate a
3 lightweight utility vehicle on a highway.

4 **SECTION 1.** 346.95 (5) of the statutes[✓] is amended to read:

5 346.95 (5) Any person violating s. 346.94 (13) or (21)[✓] may be required to forfeit
6 not more than \$200.

History: 1971 c. 278; 1973 c. 182, 314, 336; 1975 c. 297, 320; 1977 c. 68; 1983 a. 56, 175, 538; 1989 a. 335 s. 89; 1991 a. 83; 1993 a. 260, 455; 1995 a. 194, 373, 420; 1999 a. 109; 2001 a. 90; 2003 a. 192, 297, 327; 2005 a. 250; 2009 a. 22.

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

LRB-3778?^han

EKM:kf

Date

ATTN: Christian Plata

X I changed the penalty provision applicable to prohibited use of a lightweight utility vehicle to a maximum \$200 forfeiture. This is the same as is provided in s. 341.04 (3) (a), stats. Let me know if you had something else in mind.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

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

LRB-3778/1dn
EVM:kjf:md

October 30, 2009

ATTN: Christian Plata

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Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

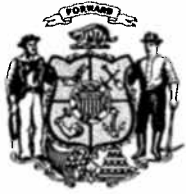
1/3 Christian @ ^{Rep.} Viewink

3778/1 - want to add "as defined in" before
"the pilot program" on p. 2 of draft

- concerned that others may believe a pilot program
is created in this draft

- okay to use "as designated under"





State of Wisconsin
2009 - 2010 LEGISLATURE

12
LRB-3778/0
EVM:kjf&jld:md

RMR

Change rules
to analysis

2009 BILL
In 11/3/09

Today

Regen

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This bill authorizes limited-purpose operation of lightweight utility vehicles on highways. Under the bill, a lightweight utility vehicle (LUV) is a lightweight utility vehicle as defined for purposes of the pilot program. A person may operate in the

BILL

conduct of agricultural operations an LUV on a highway, including the roadway or the shoulder of the highway, if to cross the highway or to travel on the highway. A person operating an LUV on a highway is required to exercise due care, avoid interfering with the movement of other traffic, and, when operating on the roadway, operate as close as practicable to the right-hand edge of the roadway. Any operation of an LUV on a highway other than as provided in this bill or the pilot program is prohibited. An LUV is not required to be registered with DOT and is exempt from vehicle emission inspection requirements. An LUV operated on a highway is generally exempt from motor vehicle equipment requirements, but must have head lamps and tail lamps if operated at night, must have at least one stop (brake) lamp, and must be equipped with a slow moving vehicle emblem.

as designated under

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

SECTION 1. 59.84 (2) (j) of the statutes is amended to read:

59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has been certified as completed, the public body having jurisdiction over the maintenance thereof shall have the power to regulate the type of vehicular use of such portion of the expressway except as limited by federal and state laws and regulations, and the power to fix speed limits thereon not in excess of the maximum speed limits for state trunk highways, and to provide and enforce reasonable penalties for infraction of such vehicular use regulation or speed limits. Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds, motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices, off-road utility vehicles, lightweight utility vehicles as defined in s. 346.94 (21) (a) 2. except when used to cross an expressway, funeral processions, and animals on foot and the hauling of oversized equipment without special permit shall be prohibited when an ordinance in conformity with this section and, with respect to prohibiting the use of electric personal assistive mobility devices, in conformity with s. 349.236 (1) (a) or (b) is enacted by the board, but a forfeiture provided therein shall not exceed

BILL

1 the maximum forfeiture under s. 346.17 (2). The board may not prohibit the towing
2 of disabled vehicles on expressways, except that the board may prohibit the towing
3 of disabled vehicles during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m.
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7 **SECTION 2.** 285.30 (5) (L) of the statutes is created to read:

8 285.30 (5) (L) A lightweight utility vehicle as defined in s. 346.94 (21) (a) 2.

9 **SECTION 3.** 341.05 (27m) of the statutes is created to read:

10 341.05 (27m) The vehicle is a lightweight utility vehicle, as defined in s. 346.94
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16 persons specified in par. (a) from using the expressway or freeway, except that a
17 lightweight utility vehicle may cross such an expressway or freeway.

18 **SECTION 5.** 346.94 (21) of the statutes is created to read:

19 346.94 (21) LIGHTWEIGHT UTILITY VEHICLES ON HIGHWAYS. (a) In this subsection:

20 1. "Agricultural operations" includes transporting farm implements,
21 equipment, supplies, or products on a farm or between farms.

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

23 (b) 1. Notwithstanding s. 23.33 (11m), a person may operate in the conduct of
24 agricultural operations a lightweight utility vehicle on a highway, including any

BILL

1 roadway or, notwithstanding ss. 346.05 (1) and 346.08, any shoulder of a highway,
2 to cross the highway or to travel on the highway.

3 2. Any person operating a lightweight utility vehicle on a highway shall
4 exercise due care and, as far as is practicable, avoid interfering with the movement
5 of traffic.

6 3. Any person operating a lightweight utility vehicle upon any roadway shall
7 operate as close as practicable to the right-hand edge or curb of the unobstructed
8 roadway.

9 (c) Except as provided in par. (b) and s. 23.33 (11m), no person may operate a
10 lightweight utility vehicle on a highway.

11 **SECTION 6.** 346.95 (5) of the statutes is amended to read:

12 346.95 (5) Any person violating s. 346.94 (13) or (21) may be required to forfeit
13 not more than \$200.

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15 347.02 (1) (j) Lightweight utility vehicles, as defined in s. 346.94 (21) (a) 2.

16 **SECTION 8.** 347.14 (1) of the statutes is amended to read:

17 347.14 (1) No person shall operate a motor vehicle, lightweight utility vehicle
18 as defined in s. 346.94 (21) (a) 2., mobile home, or trailer or semitrailer upon a
19 highway unless such motor vehicle, lightweight utility vehicle, mobile home, or
20 trailer or semitrailer is equipped with at least one stop lamp mounted on the rear and
21 meeting the specifications set forth in this section. The stop lamp on a mobile home
22 or trailer or semitrailer shall be controlled and operated from the driver's seat of the
23 propelling vehicle. A stop lamp may be incorporated with a tail lamp. No vehicle
24 originally equipped at the time of manufacture and sale with 2 stop lamps shall be
25 operated upon a highway unless both such lamps are in good working order.

BILL

1 SECTION 9. 347.22 of the statutes is amended to read:

2 **347.22 Lamps on farm tractors and, self-propelled farm implements,**
3 **and lightweight utility vehicles.** (1) No person shall operate or park a farm
4 tractor ~~or~~, self-propelled farm implement, or lightweight utility vehicle, as defined
5 in s. 346.94 (21) (a) 2., upon a highway during hours of darkness unless such tractor
6 ~~or~~, implement, or lightweight utility vehicle carries the lighted headlamps and tail
7 lamps which would be required of other motor vehicles under similar circumstances.

8 (2) No person shall operate or park a farm tractor ~~or~~, self-propelled farm
9 implement, or lightweight utility vehicle, as defined in s. 346.94 (21) (a) 2., upon a
10 highway during hours of darkness with any lamp thereon showing any light to the
11 rear other than red in color.

12 SECTION 10. 347.245 (1) of the statutes is amended to read:

13 347.245 (1) After January 1, 1970, no person may operate on a highway, day
14 or night, any vehicle or equipment, any animal-drawn vehicle, or any other
15 machinery, including all road machinery, that usually travels at speeds of less than
16 25 miles per hour or any vehicle operated under a special restricted operator's license
17 issued under s. 343.135 or any lightweight utility vehicle, as defined in s. 346.94 (21)
18 (a) 2., unless there is displayed on the most practicable visible rear area of the vehicle
19 or combination of vehicles, a slow moving vehicle (SMV) emblem as described in and
20 displayed as provided in sub. (2). Any towed vehicle or machine is exempt from this
21 provision if the towing vehicle is visible from the rear and is in compliance with this
22 section. All road machinery is excluded when it is engaged in actual construction or
23 maintenance work either guarded by a flagman or clearly visible warning signs.
24 Except as provided in s. 347.21 (1), the requirement of the emblem shall be in
25 addition to any lighting devices required or permitted by law. Mopeds and motor

BILL**SECTION 10**

1 bicycles are excluded from the provisions of this section unless they are operated
2 under a special restricted operator's license issued under s. 343.135. Electric
3 personal assistive mobility devices are excluded from the provisions of this section.
4 The SMV emblem need not be displayed on vehicles moving directly across the
5 highway.

6 **SECTION 11.** 347.27 (3) of the statutes is amended to read:

7 347.27 (3) In this section, "vehicle" includes farm tractors and self-propelled
8 farm implements, implements of husbandry, animal-drawn vehicles, lightweight
9 utility vehicles as defined in s. 346.94 (21) (a) 2., and road machinery.

10 **SECTION 12. Initial applicability.**

11 (1) This act first applies to vehicles operated on the effective date of this
12 subsection.

13 (END)

1/3 Christian @ Rep. Vroman

- would like to eliminate any unrec references
to pilot program from analysis



RMR

2009 BILL

In 11/3/09

Today

Changes to analysis only

Regen

1 AN ACT to amend 59.84 (2) (j), 346.16 (2) (ar), 346.95 (5), 347.14 (1), 347.22,
2 347.245 (1) and 347.27 (3); and to create 285.30 (5) (L), 341.05 (27m), 346.94
3 (21) and 347.02 (1) (j) of the statutes; relating to: lightweight utility vehicles
4 and providing a penalty.

Analysis by the Legislative Reference Bureau

a pilot

Under current law, the Department of Natural Resources (DNR), in consultation with the Department of Transportation (DOT), administers a pilot program in eight counties to investigate the effects of using lightweight utility vehicles on trails and roadways authorized for all-terrain vehicle (ATV) use. For purposes of the program, a lightweight utility vehicle is defined as an 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. (Lightweight utility vehicles are commonly known by their trade names, such as the John Deere Gator or Kubota RTV series.) Under the pilot program, any county or municipality within this eight-county area may elect to participate in the program and allow operation of lightweight utility vehicles on authorized ATV routes and trails, which may include designated portions of highways. The pilot program must end by September 30, 2009, and DNR must report the results of its program evaluation by January 1, 2010.

This bill authorizes limited-purpose operation of lightweight utility vehicles on highways. Under the bill, a lightweight utility vehicle (LUV) is a lightweight utility vehicle as defined for purposes of the pilot program. A person may operate in the

BILL

conduct of agricultural operations an LUV on a highway, including the roadway or the shoulder of the highway, ~~it~~ to cross the highway or to travel on the highway. A person operating an LUV on a highway is required to exercise due care, avoid interfering with the movement of other traffic, and, when operating on the roadway, operate as close as practicable to the right-hand edge of the roadway. Any operation of an LUV on a highway other than as provided in this bill or as designated under the pilot program is prohibited. An LUV is not required to be registered with DOT and is exempt from vehicle emission inspection requirements. An LUV operated on a highway is generally exempt from motor vehicle equipment requirements, but must have head lamps and tail lamps if operated at night, must have at least one stop (brake) lamp, and must be equipped with a slow moving vehicle emblem.

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6 regulations, and the power to fix speed limits thereon not in excess of the maximum
7 speed limits for state trunk highways, and to provide and enforce reasonable
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BILL

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BILL

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21 meeting the specifications set forth in this section. The stop lamp on a mobile home
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BILL

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BILL

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10 **SECTION 12. Initial applicability.**

11 (1) This act first applies to vehicles operated on the effective date of this
12 subsection.

13 (END)

1/4 Christian @ Rep. Vroment

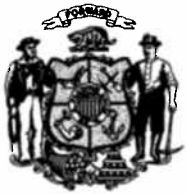
- want to tighten def. of UN for this draft - avoid allowing ATVs to meet def.
- change def. to side by side seats or not straddled
- current analysis okay

Mueller, Eric

From: Plata, Christian
Sent: Wednesday, November 04, 2009 10:15 AM
To: Mueller, Eric
Subject: Language

- Note that the definition of ATV under current law allows ATVs to be up to 900 lbs. The definition of LUVs allows them to be from 700 to 1,999 pounds. The ATV definition requires that the vehicle have a seat that is straddled. The LUV definition does not have a seat type requirement. Therefore, it appears that heavier ATVs, those between 700 and 900 lbs, could both qualify as ATVs AND as LUVs. This would probably not be a big deal for purposes of the highway operation that you are authorizing, but it might create conflicts with registration requirements/exemptions, driver licensing conflicts, etc. You may want to consider beefing up the LUV definition so that it more effectively eliminates ATVs, for instance by requiring that the vehicle be manufactured with side-by-side seating or requiring that the vehicle not be manufactured with a seat that is straddled.

Christian Plata
Office of State Representative Amy Sue Vruwink
Clerk, Assembly Committee on Agriculture
70th Assembly District
112 North State Capitol
Madison WI, 53708
(608) 266-8366
christian.plata1@legis.wisconsin.gov



RMR

2009 BILL

1/11/4/09

Today

Reger

1 AN ACT to amend 59.84 (2) (j), 346.16 (2) (ar), 346.95 (5), 347.14 (1), 347.22,
2 347.245 (1) and 347.27 (3); and to create 285.30 (5) (L), 341.05 (27m), 346.94
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Under current law, for purposes of a pilot program, a lightweight utility vehicle is defined as an 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. (Lightweight utility vehicles are commonly known by their trade names, such as the John Deere Gator or Kubota RTV series.)

This bill authorizes limited-purpose operation of lightweight utility vehicles on highways. Under the bill, a lightweight utility vehicle (LUV) is a lightweight utility vehicle as defined for purposes of the pilot program. A person may operate in the conduct of agricultural operations an LUV on a highway, including the roadway or the shoulder of the highway, to cross the highway or to travel on the highway. A person operating an LUV on a highway is required to exercise due care, avoid interfering with the movement of other traffic, and, when operating on the roadway, operate as close as practicable to the right-hand edge of the roadway. Any operation of an LUV on a highway other than as provided in this bill or as designated under the pilot program is prohibited. An LUV is not required to be registered with DOT and is exempt from vehicle emission inspection requirements. An LUV operated on

term does not include any device that is equipped with a seat designed to be straddled by the operator

BILL

a highway is generally exempt from motor vehicle equipment requirements, but must have head lamps and tail lamps if operated at night, must have at least one stop (brake) lamp, and must be equipped with a slow moving vehicle emblem.

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BILL

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24 exercise due care and, as far as is practicable, avoid interfering with the movement
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*, except that the term does not include a device that is equipped with
a seat designed to be straddled by the operator.*

BILL

1 3. Any person operating a lightweight utility vehicle upon any roadway shall
2 operate as close as practicable to the right-hand edge or curb of the unobstructed
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BILL

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25 highway.

Duerst, Christina

From: Rep.Vruwink
Sent: Monday, November 09, 2009 1:28 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3778/4 Topic: Allow use of light utility vehicle on roadway for agricultural purposes.

Please Jacket LRB 09-3778/4 for the ASSEMBLY.

Thank You