



## 2009 SENATE BILL 264

August 11, 2009 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1     **AN ACT to amend** 23.33 (3) (c) and 350.10 (1) (f) of the statutes; **relating to:**  
2             trespass by operators of snowmobiles, all-terrain vehicles, and other off-road  
3             vehicles.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Enhancing Recreational Trails for Non-Motorized Use.

The bill expands the current statutes that prohibit trespass with an all-terrain vehicle (ATV), snowmobile, or off-road vehicle to apply to all property, rather than just private property. This change will allow wardens and other law enforcement officers to enforce these trespass provisions on all lands.

4             **SECTION 1.** 23.33 (3) (c) of the statutes is amended to read:  
5             23.33 **(3)** (c) On the private property of another without the consent of the  
6             owner or lessee. Failure to post private such property does not imply consent for  
7             all-terrain vehicle use.

**SENATE BILL 264****SECTION 1**

NOTE: This provision in the current statutes [s. 23.33 (3) (c), stats.] is part of the rules of operation for ATVs. This paragraph is preceded by an introductory clause that states: “No person may operate an all-terrain vehicle:”.

This bill expands the property that is subject to the prohibition by applying the prohibition to *public* property as well as private property. The bill does this by deleting “private” in the statute.

1           **SECTION 2.** 350.10 (1) (f) of the statutes is amended to read:

2           350.10 (1) (f) On the ~~private~~ property of another without the consent of the  
3 owner or lessee. Failure to post ~~private~~ such property does not imply consent for  
4 snowmobile use. Any other motor-driven craft or vehicle principally manufactured  
5 for off-highway use shall at all times have the consent of the owner before operation  
6 of such craft or vehicle on ~~private lands~~ the property of another.

NOTE: This provision in the current statutes [s. 350.10 (1) (f), stats.] is part of the statutes related to snowmobile operation. This paragraph is preceded by an introductory clause that states: “No person shall operate a snowmobile in the following manner:”. The provision is not limited to snowmobiles, but also applies to other “motor-driven craft or vehicle principally manufactured for off-highway use”.

This bill expands the property that is subject to the prohibition by applying the prohibition to *public* property as well as private property.

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(END)