

2009 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB264)

Received: 09/29/2009

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Neal Kedzie (608) 266-2635

By/Representing: Dan Schmidt

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: YES

Requester's email: Sen.Kedzie@legis.wisconsin.gov

Carbon copy (CC:) to: dan.schmidt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

ATV and snowmobile use on local government lands

Instructions:

Restore language re: private property; prohibit use on city, county, town, village land if posted or if prohibited by ordinance; 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>
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/1	rkite 09/29/2009	jdyer 09/29/2009	phenry 09/29/2009	_____	sbasford 09/29/2009	sbasford 09/29/2009	
/2	rkite 09/29/2009	kfollett 09/29/2009	mduchek 09/29/2009	_____	lparisi 09/29/2009	lparisi 09/29/2009	

FE Sent For:

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FE Sent For:

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE SUBSTITUTE AMENDMENT ,

TO 2009 SENATE BILL 264

✓
①

Gen ✓ prohibiting the
AN ACT ...; relating to: operation of snowmobiles and all-terrain vehicles ✓ on
2 certain lands.

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

3 SECTION 1. 23.33 (3) (cm) ✓ of the statutes is created to read:
4 23.33 (3) (cm) On county, town, city, or village ✓ land that is posted as closed to
5 all-terrain ✓ vehicle operation or on which the operation of an ✓ all-terrain vehicle is
6 prohibited by ordinance. ✓

7 SECTION 2. 350.10 (1) (fm) ✓ of the statutes is created to read:
8 350.10 (1) (fm) On county, town, city, or village ✓ land that is posted as closed to
9 snowmobile operation ✓ or on which the operation of a snowmobile is prohibited by
10 ordinance. ✓



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2465/1
RNK:jld:jf

Mike
Lutz
7-7456

2009 SENATE BILL 264

Kedzie

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.

Analysis by the Legislative Reference Bureau

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

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.

ask
land is
closed unless
posted open.
lakes → public
Trust
Doctrine

23.50
→ cannot
enforce
under
this
section

regulation on
Posted or prohibited by local ordinance
→ Municipal lands - non-state lands

Government
land?

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:

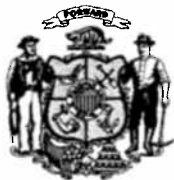
2 350.10 (1) (f) On the ~~private~~ property of another without the consent of the
3 owner or lessee. Failure to post ~~private~~ such property does not imply consent for
4 snowmobile use. Any other motor-driven craft or vehicle principally manufactured
5 for off-highway use shall at all times have the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

7

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

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RNK:jld:ph
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EJF

SENATE SUBSTITUTE AMENDMENT,
TO 2009 SENATE BILL 264

Reger

1 AN ACT to create 23.33 (3) (cm) and 350.10 (1) (fm) of the statutes; relating to:
2 prohibiting the operation of snowmobiles and all-terrain vehicles on certain
3 lands property

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

4 SECTION 1. 23.33 (3) (cm) of the statutes is created to read: public property
5 23.33 (3) (cm) On county, town, city, or village land that is posted as closed to
6 all-terrain vehicle operation or on which the operation of an all-terrain vehicle is
7 prohibited by ordinance law

8 SECTION 2. 350.10 (1) (fm) of the statutes is created to read:
9 350.10 (1) (fm) On county, town, city, or village land that is posted as closed to
10 snowmobile operation or on which the operation of a snowmobile is prohibited by
11 ordinance law