

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-SB400)**

Received: 03/02/2010

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Andy Jorgensen (608) 266-3790

By/Representing: Darryl Teske

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:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Speed limits and lights for all-terrain vehicles

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**Instructions:**

See attached

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**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	mglass 03/04/2010	csicilia 03/08/2010	mduchek 03/08/2010	_____	cduerst 03/08/2010	cduerst 03/08/2010	

FE Sent For:

<END>

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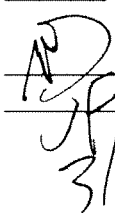
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FE Sent For:

<END>

**Gibson-Glass, Mary**

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**From:** Konopacki, Larry  
**Sent:** Tuesday, March 02, 2010 10:03 AM  
**To:** Gibson-Glass, Mary  
**Cc:** Teske, Darryl  
**Subject:** SB 400-amendment request

Hello Mary, the following amendment request is from Darryl Teske in Rep. Jorgensen's office.

Please draft an assembly amendment to Section 5 of SB 400, as amended and passed by the Senate, to allow a city, village, or town to authorize the operation of ATV's, for the purposes and under the restrictions described in the bill, on or adjacent to highways within its geographical boundaries with speed limits exceeding 45 mph, excepting freeways. Also under Section 5 of the bill, instead of a single rotating or flashing light, require the presence of one or more flashing or rotating amber or yellow lights, require that at least one of these lights be visible from any direction while the vehicle is being operated on or adjacent to a highway, and remove the requirement that these lights be mounted at the highest practicable point on the vehicle.

Thank you Mary, and please let me know if you have any questions.

Larry

---

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

SB 321  
349.26  
territorial  
boundaries

349.26



D-Note

A.M  
Mon

~~Fix~~

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,

TO 2009 SENATE BILL 400

45

# Page 2, line 16: after ~~(f)~~ insert and  
sub. (11)(am) 2.

bill link

5

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 2: delete lines 2 to 6, as affected by senate amendment 1, and
- 3 substitute "of removing snow and if such operation is necessary to travel to or from
- 4 a site where the snow removal device will be used and if the all-terrain vehicle meets
- 5 the lighting requirements under s. 23.33 (6) (h). The travel necessary to or from the
- 6 site may not exceed 2 miles. Operation of such an all-terrain vehicle on a roadway
- 7 or adjacent to a roadway is authorized only if the applicable roadway speed limit is
- 8 45 miles per hour, except as provided in s. 23.33 (11) (am) 2. Operation on a roadway
- 9 of such an". or less
- 10 **2.** Page 3, line 25: after that line insert:
- 11 "SECTION 6m. 23.33 (6) (h) of the statutes is created to read:

1 23.33 (6) (h) A person who operates an all-terrain vehicle with a snow removal  
2 device attached as authorized under s. 23.33 (4) (f) is required to display at least one  
3 or more flashing or rotating amber or yellow lights, and at least one of these lights  
4 shall be visible from every direction.”

5 **3.** Page 4, line 7: after that line insert:

6 “SECTION 7a. 23.33 (11) (am) of the statutes is renumbered 23.33 (11) (am) 1.  
7 and amended to read: e

8 23.33 (11) (am) 1. Any county, town, city or village may enact an ordinance  
9 which is in strict conformity with this section and rules promulgated by the  
10 department under this section, if the ordinance encompasses all aspects  
11 encompassed by this section, except as provided in subd. 2.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85.

12 SECTION 7m. 23.33 (11) (am) 2. of the statutes is created to read:

13 23.33 (11) (am) 2. Notwithstanding sub. (4) (f), for a roadway that is located  
14 within the territorial boundaries of a city, village, or town, the city, village, or town  
15 may enact an ordinance to allow all-terrain vehicles with snow removal devices  
16 attached to be operated on the roadway, or adjacent to the roadway, even if the  
17 applicable roadway speed limit is greater than 45 miles per hour, and regardless of  
18 whether the city, village or town has jurisdiction over the roadway.

19 SECTION 7r. 23.33 (11m) (e) 2. of the statutes is amended to read:

20 23.33 (11m) (e) 2. Subsections (3), (3g), (4), (4c) to (4x), (6) (a) to (g), (7), (10),  
21 (12), and (13).”

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85.

INSERT 2-21

D-note

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa1722/lins  
MGG:.....

SAC ✓

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**Insert 2-21**

1. Page 4, line 6: after that line insert: n

~~SECTION 70.~~ 23.33 (12) (a) of the statutes is amended to read:

23.33 (12) (a) An officer of the state traffic patrol under s. 110.07 (1), inspector under s. 110.07 (3), conservation warden appointed by the department under s. 23.10, county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in ~~conformity~~ accordance with this section.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85.

~~SECTION 70.~~ 345.11 (1r) of the statutes is amended to read:

345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall be used for violations of s. 23.33 relating to highway use or ordinances enacted in ~~conformity~~ accordance with that section if the violation is committed on a highway, but no points may be assessed against the driving record of the operator of an all-terrain vehicle. When the uniform traffic citation is used, the report of conviction shall be forwarded to the department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies. ✓

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120; 1999 a. 31, 140; 2001 a. 27; 2003 a. 33; 2009 a. 55.

→ INS 2-21A

SECTION 7y. AM, 938.343 (9)

✓

INS 2-21A

938.343

no B CS

Ⓟ

(9) All-terrain vehicle safety course. If the violation is one under s. 23.33 or under an ordinance enacted in conformity with s. 23.33 concerning the use of all-terrain vehicles, order the juvenile to attend an all-terrain vehicle safety course. ✓

accordance

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

LRBa1722/1dn

MGG:/:....

*cjs*

*— date —*

I did not except “freeways” in s. 23.33 (11) (am) 2. because current law prohibits the operation of ATVs on a freeway which is a part of the federal interstate system and any other freeway unless it is authorized by DOT. See s. 23.33 (4) (a).

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215



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

LRBa1722/1dn  
MGG:cjs:md

March 8, 2010

I did not except "freeways" in s. 23.33 (11) (am) 2. because current law prohibits the operation of ATVs on a freeway which is a part of the federal interstate system and any other freeway unless it is authorized by DOT. See s. 23.33 (4) (a).

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