

2011 DRAFTING REQUEST

Bill

Received: **02/11/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Jeff Wigand**

May Contact:

Drafter: **rkite**

Subject: **Nat. Res. - boats snomos ATVs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

ATV age, safety certificate, and headgear requirements

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>
/?	rkite 03/09/2011	jdye 03/17/2011		_____			
/1			rschluet 03/18/2011	_____	lparisi 03/18/2011		
/2	rkite 07/26/2011	jdye 07/27/2011	rschluet 07/27/2011	_____	mbarman 07/27/2011	lparisi 10/04/2011	

FE Sent For:

→ **Not Needed**

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/1		<i>1/2</i> rschlue 03/18/2011		_____	lparisi 03/18/2011		

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/?	rkite	1/3 1/17 jld 3/17/11		to 3/18 RS			

FE Sent For:

<END>

Email from Jeff Weigand 4/10/11

Robin,

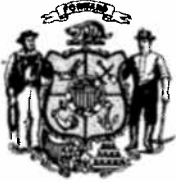
Just looking over my notes I realize I have a few other bills that we need drafted. I'm not certain but I believe all of these would be your issue areas. Please advise if otherwise.

Instead of calling you I decided to e-mail these requests for clarity and better understanding. Please give me a call if you need clarification on any of these requests.

3) Last session you worked on SB 606 for Senator Plale. We would like that bill re-drafted this year.

3/9 -

Called Jeff in Subhan's office & told him that SB-606 was reported out of committee as amended by SA 2. He asked that we redraft incorporate the amendment.



State of Wisconsin
2009 - 2010 LEGISLATURE

Rm not run
1422/1

LRB-8918/3
RNK:djb:ph

DUE FRIDAY

2009 SENATE BILL 606

2011 BILL

LPS
PWL
DONE

In
3/9

March 10, 2010 - Introduced by Senators PLALE, HOLPERIN, HANSEN, TAYLOR and GROTHMAN, cosponsored by Representatives VRUWINK and SUDER. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

Gen

D-Note

- 1 AN ACT *to repeal* 23.33 (3g) (b); *to renumber and amend* 23.33 (5) (a) and 23.33
- 2 (5) (c); *to amend* 23.33 (5) (b) 2.; and *to create* 23.33 (5) (a) 3. and 23.33 (5) (c)
- 3 2. of the statutes; **relating to:** age restrictions, headgear requirements, and
- 4 safety certificate requirements regarding the operation of an all-terrain
- 5 vehicle. ✓

Analysis by the Legislative Reference Bureau

Under current law, no person under the age of 12[✓] may operate an all-terrain vehicle[✓] (ATV) unless he or she is operating the ATV for an agricultural purpose and he or she is under the supervision of a person over 18[✓] years of age (agricultural purpose exception), or unless he or she is operating a small ATV on an ATV trail designated by the Department of Natural Resources (DNR)[✓] and he or she is accompanied by his or her parent. Current law defines[✓] "accompanied" to mean subject to continuous verbal direction or control.[✓] Under current law, supervision is a lesser standard because it does not require a person to be subject to continuous direction and control. Under an[✓] exception to the age restrictions in current law, a person who is under the age of 12[✓] may operate any ATV if the person operates the ATV exclusively on land under the management and control of the person's immediate family (family property exception).[✓]

This bill allows a person under the age of 12[✓] to operate an ATV any place that any other person may operate an ATV provided that the person under the age of 12 is operating a small ATV and he or she is accompanied, and not just supervised, by

SENATE BILL 606

his or her parent or guardian or a person who is at least 18[✓] years old who is designated by the parent or guardian (accompanied by a parent or designee).[✓]

This bill maintains the agricultural purpose exception in current law so that a person under the age of 12 may still operate an ATV of any size for an agricultural purpose if he or she is under the supervision of a person over 18 years of age. The bill also maintains the family property exception so that a person under the age of 12 need not operate a small ATV or be accompanied by a parent, guardian, or other person in order to operate an ATV on land under the management and control of his or her immediate family.[✓] *from operating* [✓]

Current law imposes certain restrictions on the operation of an ATV on a roadway. One of those restrictions prohibits a person under the age of 12 from operating an ATV on a roadway unless the agricultural purpose exception applies and the ATV is not an implement of husbandry. This bill ~~allows~~ a person who is under the age of 12 ~~to operate~~ an ATV on a roadway, regardless of the purpose, ~~provided that the ATV is a small ATV and the person is accompanied by a parent or designee.~~ *prohibits*

Under current law, no person who is at least 12 years of age and who was born on or after January 1, 1988, may operate an ATV unless he or she holds a valid safety certificate issued by DNR that indicates that the person successfully completed a program of instruction on ATV laws and safety. A person who operates an ATV exclusively on land under the management and control of the person's immediate family is exempt from this requirement. This bill creates an additional exemption. The bill provides that a person is exempt from the safety certificate requirement if the person operates an ATV at a sponsored ATV demonstration event, the sponsor of the event requires the person to wear protective headgear, and the person operates the ATV in a closed-course area at a speed not exceeding 15 miles per hour. If the person is under 18 years of age, the person must be accompanied by a parent or designee.

Under current law, with certain exceptions, a person who is under 18 years of age must wear protective headgear if the person operates or is a passenger of an ATV. Among the exceptions to this requirement is an exception for a person who is traveling for the purposes of hunting or fishing and who is at least 12 years old. This bill eliminates this exception to the headgear requirement.

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

- 1 SECTION 1. 23.33 (3g) (b) of the statutes is repealed. [✓]
- 2 SECTION 2. 23.33 (5) (a) [✓] of the statutes is renumbered 23.33 (5) (a) 1. (intro.) [✓]
- 3 and amended to read:
- 4 23.33 (5) (a) 1. (intro.) [✓] No person under 12 years of age may operate an
- 5 all-terrain vehicle unless he any of the following apply: ^{applies}

NO
✓ The bill prohibits a person who is under 16 years of age from operating an ATV on a roadway for nonagricultural purposes unless the person is at least 12 years of age and *NO*

SENATE BILL 606

Strike

~~No person who is under 16 years of age may operate an all-terrain vehicle under the authorization provided under~~

1 a. He or she is operating the ~~an~~ all-terrain vehicle for an agricultural purpose
2 and he or she is under the supervision of a person over 18 years of age ~~or unless he,~~

3 b. He or she is operating an all-terrain vehicle that is a small all-terrain
4 ~~vehicle on an all-terrain vehicle trail designated by the department and he or she~~
5 ~~is accompanied by his or her parent. No person who is under 12 years of age may~~

6 ~~operate an all-terrain vehicle which is an implement of husbandry on a roadway~~
7 ~~under any circumstances. No person who is under 12 years of age may operate an~~
8 ~~all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d)~~

Sub. (4)
(f)
under
any
circum-
stances

↑
Strik

9 6. ~~under any circumstances.~~ No person who is under 12 years of age may rent or lease
10 ~~an all-terrain vehicle or guardian or by a person at least 18 years of age who is~~
11 designated by the parent or guardian.

12 2. For purposes of this paragraph subd. 1. a. supervision does not require that
13 the person under 12 years of age be subject to continuous direction or control by the
14 person over 18 years of age.

~~SECTION 3. 23.33 (5) (a) 3. of the statutes is created to read:
23.33 (5) (a) 3. In addition to the restrictions in subd. 1., no person who is under
12 years of age may operate an all-terrain vehicle that is an implement of husbandry
on a roadway unless the person is operating a small all-terrain vehicle and the
person is accompanied by his or her parent or guardian or by a person at least 18
years of age who is designated by the parent or guardian.~~

✓
INSERT
3-20

21 SECTION 4. 23.33 (5) (b) 2. of the statutes is amended to read:

22 23.33 (5) (b) 2. Any person who is required to hold an all-terrain vehicle safety
23 certificate while operating an all-terrain vehicle shall carry the certificate on the
24 all-terrain vehicle and shall display the certificate to a law enforcement officer on
25 request. Persons enrolled in a safety certification program approved by the

SENATE BILL 606**SECTION 4**

1 department or a safety education program approved by the department may operate
2 an all-terrain vehicle in an area designated by the instructor.

3 **SECTION 5.** 23.33 (5) (c) ~~of the statutes~~ is renumbered 23.33 (5) (c) 1. and
4 amended to read:

5 23.33 (5) (c) 1. Paragraphs (a) and (b) do not apply to a person who operates an
6 all-terrain vehicle exclusively on land under the management and control of the
7 person's immediate family. ~~Paragraphs (a) and Paragraph (b) do~~ does not apply to
8 a person at least 12 years of age but under 16 years of age who holds a valid certificate
9 issued by another state or a province of Canada.

10 **SECTION 6.** 23.33 (5) (c) 2. of the statutes is created to read:

11 23.33 (5) (c) 2. Notwithstanding the all-terrain safety certificate requirement
12 under par. (b), a person is not required to hold a valid safety certificate if all of the
13 following apply:

14 a. The person operates an all-terrain vehicle at an all-terrain vehicle
15 demonstration event.

16 b. The event is sponsored by an all-terrain vehicle dealer, an all-terrain vehicle
17 club, this state, a city, a village, a town, or a county.

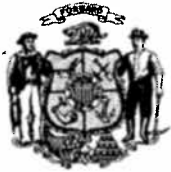
18 c. If the person is under 18 years of age, the person is accompanied by his or
19 her parent or guardian or by a person at least 18 years of age who is designated by
20 the parent or guardian.

21 d. The sponsor of the event requires the person to wear protective headgear of
22 the type required under s. 347.485 (1).

23 e. The person operates the all-terrain vehicle in a closed-course area at a speed
24 not exceeding 15 miles per hour.

25 (END)

D-note
↓



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1859/1
RNK:jld:ph

~~SENATE AMENDMENT 2,
TO 2009 SENATE BILL 606~~

March 22, 2010 - Offered by Senator PLALE

INSERT 3-20

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 15: delete lines 15 to 20 and substitute:

3 SECTION ~~311~~. 23.33 (5) (am)^x of the statutes is created to read:

4 23.33 (5) (am) ~~Roadway restrictions~~ # ← not from
5 par. (a) 1. ✓ no person under 12 ✓ years of age may operate an all-terrain vehicle on a
6 roadway under any circumstances.

7 2. No person under 16 ✓ years of age may operate an all-terrain vehicle on a
8 roadway for a nonagricultural purpose unless the person is at least 12 ✓ years of age
9 and is accompanied by his or her parent or guardian or by a person at least 18 ✓ years
10 of age who is designated by the parent or guardian.
11 (end ins)

LEAD

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

LRB-1422/1dn

RNK:.....

jld

This is a redraft of 2009 Senate Bill 606 as amended by Senate Amendment 2. ✓ Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

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

LRB-1422/1dn
RNK:jld:rs

March 17, 2011

This is a redraft of 2009 Senate Bill 606 as amended by Senate Amendment 2. Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Moench, Lucas
Sent: Monday, July 25, 2011 11:39 AM
To: Kite, Robin
Subject: Revisions to LRB 1422/1

Robin-

I know you are in the process of revising the UTV bill for us, and certainly that should still take priority, but I wanted to put in the following drafting request so you can take care of it when you have a chance.

Revisions to LRB-1422/1

DELETE Section 1 of the draft

Please contact me with any questions.

Thank You,

Lucas Moench
Office of State Senator Joe Leibham
9th Senate District
608-266-2056



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1422/0
RNK:jld:rs

Rm
run
2

2011 BILL

In
7/26

X

regen.
cat.

1 AN ACT *to repeal* 23.33 (3g) (b); *to renumber and amend* 23.33 (5) (a) and 23.33
 2 (5) (c); *to amend* 23.33 (5) (b) 2.; and *to create* 23.33 (5) (am) and 23.33 (5) (c)
 3 2. of the statutes; **relating to:** age restrictions, headgear requirements, and
 4 safety certificate requirements regarding the operation of an all-terrain
 5 vehicle.

Analysis by the Legislative Reference Bureau

Under current law, no person under the age of 12 may operate an all-terrain vehicle (ATV) unless he or she is operating the ATV for an agricultural purpose and he or she is under the supervision of a person over 18 years of age (agricultural purpose exception), or unless he or she is operating a small ATV on an ATV trail designated by the Department of Natural Resources (DNR) and he or she is accompanied by his or her parent. Current law defines "accompanied" to mean subject to continuous verbal direction or control. Under current law, supervision is a lesser standard because it does not require a person to be subject to continuous direction and control. Under an exception to the age restrictions in current law, a person who is under the age of 12 may operate any ATV if the person operates the ATV exclusively on land under the management and control of the person's immediate family (family property exception).

This bill allows a person under the age of 12 to operate an ATV any place that any other person may operate an ATV provided that the person under the age of 12 is operating a small ATV and he or she is accompanied, and not just supervised, by

BILL

his or her parent or guardian or a person who is at least 18 years old who is designated by the parent or guardian (accompanied by a parent or designee).

This bill maintains the agricultural purpose exception in current law so that a person under the age of 12 may still operate an ATV of any size for an agricultural purpose if he or she is under the supervision of a person over 18 years of age. The bill also maintains the family property exception so that a person under the age of 12 need not operate a small ATV or be accompanied by a parent, guardian, or other person in order to operate an ATV on land under the management and control of his or her immediate family.

Current law imposes certain restrictions on the operation of an ATV on a roadway. One of those restrictions prohibits a person under the age of 12 from operating an ATV on a roadway unless the agricultural purpose exception applies and the ATV is not an implement of husbandry. This bill prohibits a person who is under the age of 12 from operating an ATV on a roadway, regardless of the purpose. The bill prohibits a person who is under 16 years of age from operating an ATV on a roadway for nonagricultural purposes unless the person is at least 12 years of age and is accompanied by a parent or designee.

Under current law, no person who is at least 12 years of age and who was born on or after January 1, 1988 may operate an ATV unless he or she holds a valid safety certificate issued by DNR that indicates that the person successfully completed a program of instruction on ATV laws and safety. A person who operates an ATV exclusively on land under the management and control of the person's immediate family is exempt from this requirement. This bill creates an additional exemption. The bill provides that a person is exempt from the safety certificate requirement if the person operates an ATV at a sponsored ATV demonstration event, the sponsor of the event requires the person to wear protective headgear, and the person operates the ATV in a closed-course area at a speed not exceeding 15 miles per hour. If the person is under 18 years of age, the person must be accompanied by a parent or designee.

~~Under current law, with certain exceptions, a person who is under 18 years of age must wear protective headgear if the person operates or is a passenger of an ATV. Among the exceptions to this requirement is an exception for a person who is traveling for the purposes of hunting or fishing and who is at least 12 years old. This bill eliminates this exception to the headgear requirement.~~

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

1

~~SECTION 1. 23.33 (3g) (b) of the statutes is repealed.~~

2

SECTION 2. 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. (intro.)

3

and amended to read:

BILL

1 23.33 (5) (a) 1. (intro.) No person under 12 years of age may operate an
2 all-terrain vehicle unless he any of the following applies:

3 a. He or she is operating the an all-terrain vehicle for an agricultural purpose
4 and he or she is under the supervision of a person over 18 years of age ~~or unless he.~~

5 b. He or she is operating an all-terrain vehicle that is a small all-terrain
6 vehicle ~~on an all-terrain vehicle trail designated by the department~~ and he or she
7 is accompanied by his or her parent. ~~No person who is under 12 years of age may~~
8 ~~operate an all-terrain vehicle which is an implement of husbandry on a roadway~~
9 ~~under any circumstances. No person who is under 12 years of age may operate an~~
10 ~~all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d)~~
11 ~~6. under any circumstances. No person who is under 16 years of age may operate an~~
12 ~~all-terrain vehicle under the authorization provided under sub. (4) (f) under any~~
13 ~~circumstances. No person who is under 12 years of age may rent or lease an~~
14 ~~all-terrain vehicle~~ or guardian or by a person at least 18 years of age who is
15 designated by the parent or guardian.

16 2. For purposes of this paragraph subd. 1. a., supervision does not require that
17 the person under 12 years of age be subject to continuous direction or control by the
18 person over 18 years of age.

19 **SECTION 3.** 23.33 (5) (am) of the statutes is created to read:

20 23.33 (5) (am) *Roadway restrictions.* 1. In addition to the restrictions under
21 par. (a) 1., no person under 12 years of age may operate an all-terrain vehicle on a
22 roadway under any circumstances.

23 2. No person under 16 years of age may operate an all-terrain vehicle on a
24 roadway for a nonagricultural purpose unless the person is at least 12 years of age

BILL

1 and is accompanied by his or her parent or guardian or by a person at least 18 years
2 of age who is designated by the parent or guardian.

3 **SECTION 4.** 23.33 (5) (b) 2. of the statutes is amended to read:

4 23.33 (5) (b) 2. Any person who is required to hold an all-terrain vehicle safety
5 certificate while operating an all-terrain vehicle shall carry the certificate on the
6 all-terrain vehicle and shall display the certificate to a law enforcement officer on
7 request. Persons enrolled in a safety certification program approved by the
8 department or a safety education program approved by the department may operate
9 an all-terrain vehicle in an area designated by the instructor.

10 **SECTION 5.** 23.33 (5) (c) of the statutes is renumbered 23.33 (5) (c) 1. and
11 amended to read:

12 23.33 (5) (c) 1. Paragraphs (a) and (b) do not apply to a person who operates an
13 all-terrain vehicle exclusively on land under the management and control of the
14 person's immediate family. ~~Paragraphs (a) and Paragraph (b) do~~ does not apply to
15 a person ~~at least 12 years of age but under 16 years of age~~ who holds a valid certificate
16 issued by another state or a province of Canada.

17 **SECTION 6.** 23.33 (5) (c) 2. of the statutes is created to read:

18 23.33 (5) (c) 2. Notwithstanding the all-terrain safety certificate requirement
19 under par. (b), a person is not required to hold a valid safety certificate if all of the
20 following apply:

21 a. The person operates an all-terrain vehicle at an all-terrain vehicle
22 demonstration event.

23 b. The event is sponsored by an all-terrain vehicle dealer, an all-terrain vehicle
24 club, this state, a city, a village, a town, or a county.

Parisi, Lori

From: Moench, Lucas
Sent: Monday, October 03, 2011 4:27 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1422/2 Topic: ATV age, safety certificate, and headgear requirements

Please Jacket LRB 11-1422/2 for the SENATE.