



2011 SENATE BILL 354

1 **AN ACT** *to repeal* 23.33 (2) (b) 2., 23.33 (2) (b) 2m. c., 23.33 (2) (f) 2., 23.33 (2) (gm)
2 2., 23.33 (11p) (title), 23.33 (11p) (a) (intro.), 23.33 (11p) (a) 1., 23.33 (11p) (a)
3 5. and 23.33 (11p) (b) to (i); *to renumber* 23.33 (11p) (a) 2.; *to renumber and*
4 **amend** 23.33 (2) (c), 23.33 (2) (f) 1., 23.33 (2) (gm) 1., 23.33 (2j) (c), 23.33 (4) (e)
5 3., 23.33 (11p) (a) 3., 23.33 (11p) (a) 4., 23.33 (11p) (a) 6. and 25.29 (1) (dm); *to*
6 **amend** 20.370 (3) (as), 20.370 (5) (er), 23.119 (1) (b), 23.33 (title), 23.33 (1) (ag),
7 23.33 (1) (ic), 23.33 (1) (ir), 23.33 (1) (it), 23.33 (1) (iw), 23.33 (1) (j), 23.33 (1) (jn),
8 23.33 (1) (n), 23.33 (1) (o), 23.33 (2) (a), 23.33 (2) (b) (intro.), 23.33 (2) (b) 1., 23.33
9 (2) (b) 2m. b., 23.33 (2) (b) 3m., 23.33 (2) (d), 23.33 (2) (dm) 1., 23.33 (2) (dm) 2.,
10 23.33 (2) (dm) 3., 23.33 (2) (dm) 4., 23.33 (2) (e), 23.33 (2) (g), 23.33 (2) (ig) 2.,
11 23.33 (2) (ir) 1., 23.33 (2) (o), 23.33 (2) (p) 2., 23.33 (2g) (a), 23.33 (2g) (b) 3., 23.33
12 (2g) (c) 2., 23.33 (2g) (e) 4., 23.33 (2g) (f) 2., 23.33 (2j) (b), 23.33 (2j) (d), 23.33 (2j)
13 (e), 23.33 (2m) (title), 23.33 (2m) (a) (intro.), 23.33 (2m) (a) 1., 23.33 (2m) (a) 2.,
14 23.33 (2m) (a) 3., 23.33 (2m) (b), 23.33 (3) (intro.), 23.33 (3) (c), 23.33 (3) (cm),

SENATE BILL 354

1 23.33 (3) (d), 23.33 (3) (h), 23.33 (3c) (a), 23.33 (3c) (b), 23.33 (3g) (intro.), 23.33
2 (3g) (c), 23.33 (3g) (d), 23.33 (4) (a), 23.33 (4) (b), 23.33 (4) (c) 1., 23.33 (4) (c) 1m.,
3 23.33 (4) (c) 2., 23.33 (4) (d) (intro.), 23.33 (4) (d) 1., 23.33 (4) (d) 2., 23.33 (4) (d)
4 3., 23.33 (4) (d) 4., 23.33 (4) (d) 5., 23.33 (4) (d) 6., 23.33 (4) (e) (intro.), 23.33 (4)
5 (f), 23.33 (4c) (title), 23.33 (4c) (a) 1., 23.33 (4c) (a) 2., 23.33 (4c) (a) 2m., 23.33
6 (4c) (a) 3., 23.33 (4c) (b) 1., 23.33 (4c) (b) 2., 23.33 (4c) (b) 2m., 23.33 (4g) (a), 23.33
7 (4g) (b), 23.33 (4j), 23.33 (4L), 23.33 (4p) (a) 1., 23.33 (4p) (a) 3., 23.33 (4p) (b)
8 4., 23.33 (4p) (c) 1., 23.33 (4p) (c) 2., 23.33 (4p) (d), 23.33 (4p) (e) 1., 23.33 (4p)
9 (e) 2., 23.33 (4t), 23.33 (4x) (title), 23.33 (4z) (a) 1., 23.33 (4z) (a) 2., 23.33 (4z)
10 (b), 23.33 (5) (a) (title), 23.33 (5) (b), 23.33 (5) (c), 23.33 (5) (d), 23.33 (6) (a), (b),
11 (c), (d), (e) and (h), 23.33 (6m), 23.33 (7), 23.33 (8) (d), 23.33 (8) (e), 23.33 (8) (f)
12 1., 23.33 (8) (f) 2., 23.33 (9) (a), 23.33 (11) (a), 23.33 (11) (am) 2., 23.33 (11) (b),
13 23.33 (12) (b), 23.33 (13) (b) (title), 23.33 (13) (b) 2., 23.33 (13) (b) 3., 23.33 (13)
14 (b) 4., 23.33 (13) (bg), 23.33 (13) (br) (title), 23.33 (13) (dm), 23.33 (13) (e), 23.33
15 (13) (f), 23.35 (1) (intro.), 23.35 (1) (a), 23.35 (1) (b), 23.35 (1) (e), 23.35 (2), 25.29
16 (1) (b), 25.40 (3) (b) 14., 30.26 (4) (title), 30.26 (4) (a) (intro.) and (b), 30.29 (1)
17 (b), 70.11 (45m), 77.51 (13) (am), 77.51 (13s), 77.53 (17), 77.53 (18), 77.54 (7) (b)
18 (intro.), 77.61 (1) (a), 77.61 (1) (b), 77.61 (1) (c), 77.73 (2), 77.78, 78.01 (2) (e),
19 78.01 (2m) (f), 78.40 (1), 78.75 (1m) (a) 2m., 78.75 (1m) (a) 3., 100.48 (2), (3) (a)
20 and (4) (c), 322.111, 323.20, 340.01 (27g), 340.01 (32) (intro.), 340.01 (35),
21 341.057, 344.61 (1), 345.11 (1r), 346.02 (11), 346.66 (1) (c), 346.71 (1), 346.71 (2),
22 347.24 (1) (c), 347.415 (1g), 347.415 (1m), 348.01 (2) (d), 885.235 (1g) (intro.),
23 885.235 (1k), 895.043 (6), 895.049, 895.52 (1) (g), 895.525 (2), 901.053, 938.17
24 (title), 938.17 (1) (intro.) and 938.343 (9); and **to create** 20.370 (1) (iw), 20.370
25 (1) (mr), 20.370 (5) (eu), 20.370 (5) (gr), 20.370 (9) (hw), 20.855 (4) (v), 23.33 (1)

SENATE BILL 354

1 (ip), 23.33 (1) (nc), 23.33 (1) (nd), 23.33 (1) (ng) 2., 23.33 (1) (nh), 23.33 (1) (np),
2 23.33 (1m), 23.33 (2) (c) 2., 23.33 (2) (om), 23.33 (2j) (c) 2., 23.33 (2k), 23.33 (3)
3 (em), 23.33 (4) (e) 3. a., 23.33 (4) (e) 3. b., 23.33 (4) (e) 3m., 23.33 (5) (am), 23.33
4 (5) (b) 1m., 23.33 (6) (i), 23.33 (6r), 23.33 (9) (bg), 25.29 (1) (dm) 3., 25.29 (1) (dm)
5 4., 25.29 (1) (dr), 25.40 (2) (b) 27. and 100.48 (1) (d) of the statutes; **relating to:**
6 registration and operation of all-terrain vehicles and utility terrain vehicles,
7 granting rule-making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1.** 20.370 (1) (iw) of the statutes is created to read:

9 20.370 (1) (iw) *Utility terrain vehicle fees.* All moneys received from utility
10 terrain vehicle fees under s. 23.33 (2) (c) to (e) for administration of the utility terrain
11 vehicle program under s. 23.33 (1m). This paragraph does not apply after June 30,
12 2013.

13 **SECTION 2.** 20.370 (1) (mr) of the statutes is created to read:

14 20.370 (1) (mr) *General program operations — state utility terrain vehicle*
15 *projects.* The amounts in the schedule from moneys received from utility terrain
16 vehicle fees under s. 23.33 (2) (c) to (e) for state utility terrain vehicle projects.

17 **SECTION 3.** 20.370 (3) (as) of the statutes is amended to read:

18 20.370 (3) (as) *Law enforcement — all-terrain vehicle and utility terrain vehicle*
19 *enforcement.* The amounts in the schedule from moneys received from all-terrain
20 vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e), for state law
21 enforcement operations related to all-terrain vehicles and utility terrain vehicles,

SENATE BILL 354**SECTION 3**

1 including actual enforcement, safety training, accident reporting, and similar
2 activities.

3 **SECTION 4.** 20.370 (5) (er) of the statutes is amended to read:

4 20.370 (5) (er) *Enforcement aids — all-terrain vehicle and utility terrain*
5 *vehicle enforcement.* The amounts in the schedule from moneys received from
6 all-terrain vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e) for local
7 law enforcement aids.

8 **SECTION 5.** 20.370 (5) (eu) of the statutes is created to read:

9 20.370 (5) (eu) *Recreation aids — utility terrain vehicle project aids.* As a
10 continuing appropriation, the amounts in the schedule from moneys received from
11 utility terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
12 cities, counties, and federal agencies for nonstate utility terrain vehicle projects.

13 **SECTION 6.** 20.370 (5) (gr) of the statutes is created to read:

14 20.370 (5) (gr) *Recreation aids — utility terrain vehicle project aids; gas tax*
15 *payment.* As a continuing appropriation, an amount equal to the estimated utility
16 terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties, and
17 federal agencies for nonstate utility vehicle projects.

18 **SECTION 7.** 20.370 (9) (hw) of the statutes is created to read:

19 20.370 (9) (hw) *Utility terrain vehicle fees.* All moneys received by the
20 department as provided under s. 23.33 (2) (om) for issuing and renewing utility
21 terrain vehicle registration documentation by the department under s. 23.33 (2) (i).

22 **SECTION 8.** 20.855 (4) (v) of the statutes is created to read:

23 20.855 (4) (v) *Transfer to conservation fund; utility terrain vehicle formula.*
24 From the transportation fund, a sum sufficient in an amount equal to the amount to
25 be paid into the conservation fund as determined under s. 25.29 (1) (dr). The amounts

SENATE BILL 354

1 may be paid at such intervals during each fiscal year as the secretary of
2 administration deems appropriate or necessary.

3 **SECTION 9.** 23.119 (1) (b) of the statutes is amended to read:

4 23.119 (1) (b) “Off-highway vehicle” means a motor-driven craft or vehicle
5 principally manufactured for off-highway use but does not include a snowmobile or
6 all-terrain vehicle, or utility terrain vehicle.

7 **SECTION 10.** 23.33 (title) of the statutes is amended to read:

8 **23.33** (title) **All-terrain vehicles and utility terrain vehicles.**

9 **SECTION 10m.** 23.33 (1) (ag) of the statutes is amended to read:

10 23.33 (1) (ag) “Agricultural purpose” means includes a purpose related to
11 ~~beekeeping, operating commercial feedlots, dairying, egg production, floriculture,~~
12 ~~fish or fur farming, forest and game management, grazing, livestock raising,~~
13 ~~operating orchards, plant greenhouses or nurseries, poultry raising, raising grain,~~
14 ~~grass, mint or seed crops, sod farming or raising fruits, nuts, berries~~ the
15 transportation of farm implements, equipment, supplies, or vegetables products on
16 a farm or between farms.

17 **SECTION 11.** 23.33 (1) (ic) of the statutes is amended to read:

18 23.33 (1) (ic) “Intoxicated operation of an all-terrain or utility terrain vehicle
19 law” means sub. (4c) or a local ordinance in conformity therewith or, if the operation
20 of an all-terrain or utility terrain vehicle is involved, s. 940.09 or 940.25.

21 **SECTION 12.** 23.33 (1) (ip) of the statutes is created to read:

22 23.33 (1) (ip) “Mini-truck” means a motor truck, as defined in s. 340.01 (34),
23 having a top speed of not more than 60 miles per hour, and that is all of the following:

24 1. Powered by an internal combustion engine with a piston or rotor
25 displacement of not less than 660 cubic centimeters.

SENATE BILL 354**SECTION 12**

1 2. Not more than 60 inches wide.

2 3. Not more than 1,600 pounds in dry, unloaded weight.

3 4. Manufactured with a locking enclosed cab and a heated interior.

4 **SECTION 13.** 23.33 (1) (ir) of the statutes is amended to read:

5 23.33 (1) (ir) “Operate” means to exercise physical control over the speed or
6 direction of an all-terrain vehicle or utility terrain vehicle or to physically
7 manipulate or activate any of the controls of an ~~all-terrain~~ the vehicle necessary to
8 put it in motion.

9 **SECTION 14.** 23.33 (1) (it) of the statutes is amended to read:

10 23.33 (1) (it) “Operation” means the exercise of physical control over the speed
11 or direction of an all-terrain vehicle or utility terrain vehicle or the physical
12 manipulation or activation of any of the controls of an ~~all-terrain~~ the vehicle
13 necessary to put it in motion.

14 **SECTION 15.** 23.33 (1) (iw) of the statutes is amended to read:

15 23.33 (1) (iw) “Operator” means a person who operates an all-terrain vehicle
16 or utility terrain vehicle, who is responsible for the operation of an all-terrain vehicle
17 or utility terrain vehicle or who is supervising the operation of an all-terrain vehicle
18 or utility terrain vehicle.

19 **SECTION 16.** 23.33 (1) (j) of the statutes is amended to read:

20 23.33 (1) (j) “Owner” means a person who has lawful possession of an
21 all-terrain vehicle or utility terrain vehicle by virtue of legal title or equitable
22 interest in the ~~all-terrain~~ vehicle which entitles the person to possession of the
23 ~~all-terrain~~ vehicle.

24 **SECTION 17.** 23.33 (1) (jn) of the statutes is amended to read:

SENATE BILL 354

1 23.33 (1) (jn) “Registration documentation” means an all-terrain vehicle or
2 utility terrain vehicle registration certificate, a validated registration receipt, or a
3 registration decal.

4 **SECTION 18.** 23.33 (1) (n) of the statutes is amended to read:

5 23.33 (1) (n) “Used exclusively on private property” means use of an all-terrain
6 vehicle or utility terrain vehicle by the owner of the all-terrain vehicle or a member
7 of his or her immediate family only on land owned or leased by the all-terrain vehicle
8 owner or a member of his or her immediate family.

9 **SECTION 19.** 23.33 (1) (nc) of the statutes is created to read:

10 23.33 (1) (nc) “Utility terrain vehicle dealer” means a person engaged in the sale
11 of utility terrain vehicles for a profit at wholesale or retail.

12 **SECTION 20.** 23.33 (1) (nd) of the statutes is created to read:

13 23.33 (1) (nd) “Utility terrain vehicle distributor” means a person who sells or
14 distributes utility terrain vehicles to utility terrain vehicle dealers or who maintains
15 distributor representatives.

16 **SECTION 21.** 23.33 (1) (ng) 2. of the statutes is created to read:

17 23.33 (1) (ng) 2. A motor driven device that has a net weight of more than 900
18 pounds, that is originally manufactured with a width of 50 inches or less, that is
19 equipped with a seat designed to be straddled by the operator, and that is designed
20 by the manufacturer to travel on 3 or more low-pressure tires.

21 **SECTION 22.** 23.33 (1) (nh) of the statutes is created to read:

22 23.33 (1) (nh) “Utility terrain vehicle manufacturer” means a person engaged
23 in the manufacture of utility terrain vehicles for sale to the public.

24 **SECTION 23.** 23.33 (1) (np) of the statutes is created to read:

SENATE BILL 354**SECTION 23**

1 23.33 (1) (np) “Utility terrain vehicle renter” means a person engaged in the
2 rental or leasing of utility terrain vehicles to the public.

3 **SECTION 24.** 23.33 (1) (o) of the statutes is amended to read:

4 23.33 (1) (o) “Validated registration receipt” means a receipt issued by the
5 department or an agent under sub. (2) (ig) 1. a. that shows that an application and
6 the required fees for a registration certificate ~~has~~ have been submitted to the
7 department or an agent appointed under sub. (2) (i) 3.

8 **SECTION 25.** 23.33 (1m) of the statutes is created to read:

9 23.33 (1m) UTILITY TERRAIN VEHICLE PROGRAM. (a) In this subsection:

- 10 1. “Municipality” means a city, village, or town.
11 2. “Public all-terrain vehicle corridor” has the meaning given in sub. (2j) (a).
12 (b) The department or a federal agency, county, or municipality may designate
13 any of the following located within their respective jurisdictions:

14 1. All-terrain vehicle routes, all-terrain vehicle trails, and public all-terrain
15 vehicle corridors that may be used by operators of utility terrain vehicles.

16 2. All-terrain vehicle routes, all-terrain vehicle trails, and public all-terrain
17 vehicle corridors upon which utility terrain vehicle use is prohibited.

18 (c) No person may operate a utility terrain vehicle on an all-terrain vehicle
19 route, all-terrain vehicle trail, or public all-terrain vehicle corridor unless it is
20 designated as an all-terrain vehicle route, all-terrain vehicle trail, or public
21 all-terrain vehicle corridor that may be used by operators of utility terrain vehicles
22 as provided under this subsection.

23 **SECTION 26.** 23.33 (2) (a) of the statutes is amended to read:

24 23.33 (2) (a) *Requirement.* ~~No~~ Except as provided in sub. (2k), no person may
25 operate and no owner may give permission for the operation of an all-terrain vehicle

SENATE BILL 354

1 or utility terrain vehicle within this state unless the all-terrain vehicle or utility
2 terrain vehicle is registered for public use or for private use under this subsection or
3 sub. (2g), is exempt from registration, or is operated with a reflectorized plate or a
4 sign attached in the manner and containing registration decals specified under par.
5 (dm) 3. ~~No~~ Except as provided in sub. (2k), no person may operate and no owner may
6 give permission for the operation of an all-terrain vehicle or utility terrain vehicle
7 on an all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain
8 vehicle or utility terrain vehicle is registered for public use under this subsection or
9 sub. (2g).

10 **SECTION 27.** 23.33 (2) (b) (intro.) of the statutes is amended to read:

11 23.33 (2) (b) *Exemptions.* (intro.) An all-terrain vehicle or utility terrain
12 vehicle is exempt from registration if it is:

13 **SECTION 28.** 23.33 (2) (b) 1. of the statutes is amended to read:

14 23.33 (2) (b) 1. Owned by the United States, another state or a political
15 subdivision thereof, but the exterior of the all-terrain vehicle or utility terrain
16 vehicle shall display in a visible manner the name of the owner.

17 **SECTION 29.** 23.33 (2) (b) 2. of the statutes is repealed.

18 **SECTION 30.** 23.33 (2) (b) 2m. b. of the statutes is amended to read:

19 23.33 (2) (b) 2m. b. The all-terrain vehicle or utility terrain vehicle displays
20 the registration decal required by the tribe or band.

21 **SECTION 31.** 23.33 (2) (b) 2m. c. of the statutes is repealed:

22 **SECTION 32.** 23.33 (2) (b) 3m. of the statutes is amended to read:

23 23.33 (2) (b) 3m. Present in this state, for a period not to exceed 15 days, and
24 if it is used exclusively as part of an advertisement being made for the manufacturer
25 of the all-terrain vehicle or utility terrain vehicle.

SENATE BILL 354**SECTION 33**

1 **SECTION 33.** 23.33 (2) (c) of the statutes is renumbered 23.33 (2) (c) 1 and
2 amended to read:

3 23.33 **(2)** (c) 1. Any all-terrain vehicle or utility terrain vehicle may be
4 registered for public use. The fee for the issuance or renewal of a registration
5 certificate for public use for an all-terrain vehicle or utility terrain vehicle is \$30.
6 The department shall impose an additional late fee of \$5 for the renewal of a
7 registration certificate under this subdivision that is filed after the expiration date
8 of the registration certificate unless the renewal is included with an application to
9 transfer the registration certificate.

10 **SECTION 34.** 23.33 (2) (c) 2. of the statutes is created to read:

11 23.33 **(2)** (c) 2. A person who is required to register an all-terrain vehicle or
12 utility terrain vehicle for public use shall attach his or her own plate to the rear of
13 the vehicle and shall affix a registration decal, furnished by the department, to each
14 side of the vehicle in a place that is forward of the operator of the vehicle and that
15 is in a place that is clearly visible. The plate shall be a minimum of 4 inches in height
16 and a minimum of 7 1/2 inches in width. The plate shall be white and shall display,
17 in black lettering, the registration number for the all-terrain vehicle or utility
18 terrain vehicle issued by the department. The registration number shall be
19 displayed so that it is a minimum of 1 1/2 inches in height, with a minimum of a 3/16
20 inch stroke. The person required to register the all-terrain vehicle or utility terrain
21 vehicle shall maintain the plate so that it is in legible condition.

22 **SECTION 35.** 23.33 (2) (d) of the statutes is amended to read:

23 23.33 **(2)** (d) *Registration; private use; fee.* An all-terrain vehicle or utility
24 terrain vehicle used exclusively for agricultural purposes or used exclusively on
25 private property may be registered for private use. The fee for the issuance of a

SENATE BILL 354

1 registration certificate for private use is \$15. A person who registers an all-terrain
2 vehicle or utility terrain vehicle for private use shall affix a registration decal,
3 furnished by the department, to each side of the vehicle in a place that is forward of
4 the operator of the vehicle and that is in a place that is clearly visible.

5 **SECTION 36.** 23.33 (2) (dm) 1. of the statutes is amended to read:

6 23.33 (2) (dm) 1. Every person who is an all-terrain vehicle or utility terrain
7 vehicle manufacturer, all-terrain vehicle or utility terrain vehicle dealer, all-terrain
8 vehicle or utility terrain vehicle distributor, or all-terrain vehicle or utility terrain
9 vehicle renter or any combination thereof engaged in business in this state shall
10 register with the department and obtain from the department a commercial
11 all-terrain vehicle and utility terrain vehicle certificate.

12 **SECTION 37.** 23.33 (2) (dm) 2. of the statutes is amended to read:

13 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
14 vehicle and utility terrain vehicle certificate is \$90. Upon receipt of the application
15 form required by the department and the fee required under this subdivision, the
16 department shall issue to the applicant a commercial all-terrain vehicle and utility
17 terrain vehicle certificate and 3 ~~reflectorized plates~~ registration decals. The fee for
18 additional ~~reflectorized plates~~ registration decals is \$30 per plate decal.

19 **SECTION 38.** 23.33 (2) (dm) 3. of the statutes is amended to read:

20 23.33 (2) (dm) 3. A person who is required to obtain a commercial all-terrain
21 vehicle and utility terrain vehicle certificate under subd. 1. shall attach in a clearly
22 visible place a reflectorized plate issued by the department under s. 23.33 (2) (dm)
23 2., 2009 stats., or a similar plate or sign that is removable and temporarily but firmly
24 mounted to any all-terrain vehicle or utility terrain vehicle that the person leases,
25 rents, offers for sale or otherwise allows to be used whenever the all-terrain vehicle

SENATE BILL 354**SECTION 38**

1 or utility terrain vehicle is being operated. A registration decal issued by the
2 department shall be affixed to the plate or sign specified under this subdivision.

3 **SECTION 39.** 23.33 (2) (dm) 4. of the statutes is amended to read:

4 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial
5 all-terrain vehicle and utility terrain vehicle certificates or reflectorized plates
6 registration decals.

7 **SECTION 40.** 23.33 (2) (e) of the statutes is amended to read:

8 23.33 (2) (e) *Other fees.* The fee for the transfer of an all-terrain vehicle and
9 utility terrain vehicle registration certificate is \$5. The fee for the issuance of a
10 duplicate all-terrain vehicle or utility terrain vehicle registration certificate,
11 duplicate commercial all-terrain vehicle and utility terrain vehicle certificate or
12 duplicate registration decals is \$5. The fee for the issuance of registration decals to
13 a county or municipality is \$5. There is no fee for the issuance of registration decals
14 to the state.

15 **SECTION 41.** 23.33 (2) (f) 1. of the statutes is renumbered 23.33 (2) (f) and
16 amended to read:

17 23.33 (2) (f) ~~Except as provided under subd. 2., an all-terrain vehicle A~~
18 public-use registration certificate for an all-terrain vehicle or utility terrain vehicle
19 is valid for a 2-year period beginning on April 1 or the date of issuance or renewal
20 and ending March 31 of the 2nd year following the date of issuance or renewal.

21 **SECTION 42.** 23.33 (2) (f) 2. of the statutes is repealed.

22 **SECTION 43.** 23.33 (2) (g) of the statutes is amended to read:

23 23.33 (2) (g) *Effective period; private use.* An all-terrain vehicle or utility
24 terrain vehicle private-use registration certificate is valid from the date of issuance
25 until ownership of the all-terrain vehicle or utility terrain vehicle is transferred.

SENATE BILL 354

1 **SECTION 44.** 23.33 (2) (gm) 1. of the statutes is renumbered 23.33 (2) (gm) and
2 amended to read:

3 23.33 (2) (gm) ~~Except as provided under subd. 2., a~~ A commercial all-terrain
4 vehicle and utility terrain vehicle certificate is valid for a 2-year period beginning
5 on April 1 or the date of issuance or renewal and ending March 31 of the 2nd year
6 following the date of issuance or renewal.

7 **SECTION 45.** 23.33 (2) (gm) 2. of the statutes is repealed.

8 **SECTION 46.** 23.33 (2) (ig) 2. of the statutes is amended to read:

9 23.33 (2) (ig) 2. Under either procedure under subd. 1., the applicant shall
10 receive any remaining items of registration documentation directly from the
11 department at a later date. The items of registration documentation issued at the
12 time of the submittal of the application under either procedure shall be sufficient to
13 allow the ~~all-terrain~~ vehicle for which the application is submitted to be operated in
14 compliance with the registration requirements under this subsection. The items of
15 registration documentation issued under subd. 1. b. shall include at least one
16 registration decal.

17 **SECTION 47.** 23.33 (2) (ir) 1. of the statutes is amended to read:

18 23.33 (2) (ir) 1. In addition to the applicable fee under par. (c), (d), or (e), each
19 agent appointed under par. (i) 3. who accepts an application to issue, renew, or
20 transfer registration documentation in person and issues a validated registration
21 receipt under par. (ig) 1. a. shall collect a service fee of \$3 each time the agent issues
22 ~~a validated registration~~ the receipt under par. (ig) 1. a. The agent shall retain the
23 entire amount of each service fee the agent collects.

24 **SECTION 48.** 23.33 (2) (o) of the statutes is amended to read:

SENATE BILL 354**SECTION 48**

1 23.33 (2) (o) *Receipt of all-terrain vehicle fees.* All fees remitted to or collected
2 by the department under par. (ir) for services provided regarding all-terrain vehicles
3 shall be credited to the appropriation account under s. 20.370 (9) (hu).

4 **SECTION 49.** 23.33 (2) (om) of the statutes is created to read:

5 23.33 (2) (om) *Receipt of utility terrain vehicle fees.* All fees remitted to or
6 collected by the department under par. (ir) for services provided regarding utility
7 terrain vehicles shall be credited to the appropriation account under s. 20.370 (9)
8 (hw).

9 **SECTION 50.** 23.33 (2) (p) 2. of the statutes is amended to read:

10 23.33 (2) (p) 2. The department may establish by rule additional procedures
11 and requirements for all-terrain vehicle or utility terrain vehicle registration.

12 **SECTION 51.** 23.33 (2g) (a) of the statutes is amended to read:

13 23.33 (2g) (a) *Authorization for issuance.* The Lac du Flambeau band may
14 issue registration certificates for public use or private use for all-terrain vehicles or
15 utility terrain vehicles that are equivalent to the registration certificates for public
16 use or private use that are issued by the department. The Lac du Flambeau band
17 may renew and transfer a registration certificate that it or the department has
18 issued. The Lac du Flambeau band may issue duplicates of only those registration
19 certificates that it issues under this subsection.

20 **SECTION 52.** 23.33 (2g) (b) 3. of the statutes is amended to read:

21 23.33 (2g) (b) 3. For a registration certificate issued, transferred or renewed
22 under this subsection, the effective period shall be the same as it would be for the
23 equivalent registration certificate under sub. (2) (f) 1. or (g) ~~or under a rule~~
24 ~~promulgated under sub. (2) (f) 2.~~

25 **SECTION 53.** 23.33 (2g) (c) 2. of the statutes is amended to read:

SENATE BILL 354

1 23.33 (2g) (c) 2. The Lac du Flambeau band shall use registration decals that
2 are substantially similar to those under sub. (2) with regard to color, size, legibility,
3 information content and placement on the all-terrain vehicle or utility terrain
4 vehicle.

5 **SECTION 54.** 23.33 (2g) (e) 4. of the statutes is amended to read:

6 23.33 (2g) (e) 4. The Lac du Flambeau band shall collect the sales and use taxes
7 due under s. 77.61 (1) on any all-terrain vehicle or utility terrain vehicle registered
8 under this subsection and make the report in respect to those taxes. On or before the
9 15th day of each month, the Lac du Flambeau band shall pay to the department of
10 revenue all taxes that the Lac du Flambeau band collected in the previous month.

11 **SECTION 55.** 23.33 (2g) (f) 2. of the statutes is amended to read:

12 23.33 (2g) (f) 2. A requirement that the fees collected by the Lac du Flambeau
13 band under par. (b) be used only for a program for registering all-terrain vehicles or
14 utility terrain vehicles, for regulating all-terrain vehicles or utility terrain vehicles
15 and their operation and for providing all-terrain vehicle trails and all-terrain
16 vehicle and utility terrain vehicle facilities.

17 **SECTION 56.** 23.33 (2j) (b) of the statutes is amended to read:

18 23.33 (2j) (b) Except as provided in par. (e) and sub. (2k), no person may operate
19 an all-terrain vehicle or a utility terrain vehicle on a public all-terrain vehicle
20 corridor in this state unless a nonresident trail pass issued under this subsection is
21 displayed permanently affixed in a highly visible location on the all-terrain forward
22 half of the vehicle.

23 **SECTION 57.** 23.33 (2j) (c) of the statutes is renumbered 23.33 (2j) (c) 1. and
24 amended to read:

SENATE BILL 354**SECTION 57**

1 23.33 (2j) (c) 1. The fee for ~~a~~ an annual nonresident trail pass issued ~~for an~~
2 ~~all-terrain vehicle that is exempt from registration under sub. (2) (b) 2.~~ under this
3 section is \$34.25. ~~A~~ An annual nonresident trail pass issued ~~for such an all-terrain~~
4 ~~vehicle~~ may be issued only by the department and persons appointed by the
5 department and expires on ~~June 30~~ March 31 of each year.

6 **SECTION 58.** 23.33 (2j) (c) 2. of the statutes is created to read:

7 23.33 (2j) (c) 2. The fee for a 5-day nonresident trail pass issued under this
8 section is \$19.25. A 5-day nonresident trail pass may be issued only by the
9 department and persons appointed by the department.

10 **SECTION 59.** 23.33 (2j) (d) of the statutes is amended to read:

11 23.33 (2j) (d) There is no fee for a nonresident trail pass issued for an
12 all-terrain vehicle or utility terrain vehicle that is registered under sub. (2g) or s.
13 23.35. The department or Indian tribe or band shall issue a nonresident trail pass
14 for such an all-terrain vehicle or utility terrain vehicle when it issues the
15 registration certificate for the all-terrain vehicle. The department shall provide
16 Indian tribes or bands that register all-terrain vehicles or utility terrain vehicles
17 under sub. (2g) or s. 23.35 with a supply of trail passes.

18 **SECTION 60.** 23.33 (2j) (e) of the statutes is amended to read:

19 23.33 (2j) (e) An all-terrain vehicle or a utility terrain vehicle that is registered
20 under sub. (2) (a) or an all-terrain vehicle or utility terrain vehicle that is exempt
21 from registration under sub. (2) (b) 1., 3., 3m., or 4. is exempt from having a
22 nonresident trail pass displayed as required under par. (b). The department may
23 promulgate a rule to exempt all-terrain vehicles and utility terrain vehicles that are
24 exempt from registration under sub. (2) (b) 5. from having nonresident trail passes
25 displayed as required under par. (b) or may promulgate a rule to exempt owners of

SENATE BILL 354

1 such ~~all-terrain~~ vehicles from having to pay any applicable nonresident trail pass
2 fee.

3 **SECTION 61.** 23.33 (2k) of the statutes is created to read:

4 23.33 **(2k)** WEEKEND EXEMPTION. A person may operate an all-terrain vehicle
5 or utility terrain vehicle in this state during the first full weekend in June of each
6 year without registering the all-terrain vehicle or utility terrain vehicle under sub.
7 (2) and without having been issued or displaying a nonresident trail pass under sub.
8 (2j).

9 **SECTION 62.** 23.33 (2m) (title) of the statutes is amended to read:

10 23.33 **(2m)** (title) RENTAL OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN
11 VEHICLES.

12 **SECTION 63.** 23.33 (2m) (a) (intro.) of the statutes is amended to read:

13 23.33 **(2m)** (a) (intro.) No person who is engaged in the rental or leasing of
14 all-terrain vehicles or utility terrain vehicles to the public may do any of the
15 following:

16 **SECTION 64.** 23.33 (2m) (a) 1. of the statutes is amended to read:

17 23.33 **(2m)** (a) 1. Rent or lease an all-terrain vehicle or utility terrain vehicle
18 for operation by a person who will be operating ~~an all-terrain~~ the vehicle for the first
19 time unless the person engaged in the rental or leasing gives the person instruction
20 on how to operate ~~an all-terrain~~ the vehicle.

21 **SECTION 65.** 23.33 (2m) (a) 2. of the statutes is amended to read:

22 23.33 **(2m)** (a) 2. Rent or lease an all-terrain vehicle or utility terrain vehicle
23 to a person under 16 years of age.

24 **SECTION 66.** 23.33 (2m) (a) 3. of the statutes is amended to read:

SENATE BILL 354**SECTION 66**

1 23.33 **(2m)** (a) 3. Rent or lease an all-terrain vehicle or utility terrain vehicle
2 without first ascertaining that any person under the age of 18 who will be on the
3 all-terrain vehicle has protective headgear of the type required under s. 347.485 (1)
4 (a).

5 **SECTION 67.** 23.33 (2m) (b) of the statutes is amended to read:

6 23.33 **(2m)** (b) A person who is engaged in the rental or leasing of all-terrain
7 vehicles or utility terrain vehicles to the public shall have clean, usable protective
8 headgear available for rent in sufficient quantity to provide headgear to all persons
9 under the age of 18 who will be on all-terrain vehicles or utility terrain vehicles that
10 the person rents or leases.

11 **SECTION 68.** 23.33 (3) (intro.) of the statutes is amended to read:

12 23.33 **(3)** RULES OF OPERATION. (intro.) No person may operate an all-terrain
13 vehicle or utility terrain vehicle:

14 **SECTION 69.** 23.33 (3) (c) of the statutes is amended to read:

15 23.33 **(3)** (c) On the private property of another without the consent of the
16 owner or lessee. Failure to post private property does not imply consent for
17 all-terrain vehicle or utility terrain vehicle use.

18 **SECTION 70.** 23.33 (3) (cm) of the statutes is amended to read:

19 23.33 **(3)** (cm) On public property that is posted as closed to all-terrain vehicle
20 or utility terrain vehicle operation or on which the operation of an all-terrain vehicle
21 or utility terrain vehicle is prohibited by law.

22 **SECTION 71.** 23.33 (3) (d) of the statutes is amended to read:

23 23.33 **(3)** (d) On Indian lands without the consent of the tribal governing body
24 or Indian owner. Failure to post Indian lands does not imply consent for all-terrain
25 vehicle or utility terrain vehicle use.

SENATE BILL 354

1 **SECTION 72.** 23.33 (3) (em) of the statutes is created to read:

2 23.33 **(3)** (em) With a passenger riding in or on any part of a utility terrain
3 vehicle that is not designed or intended to be used by passengers.

4 **SECTION 73.** 23.33 (3) (h) of the statutes is amended to read:

5 23.33 **(3)** (h) On the frozen surface of public waters within 100 feet of a person
6 not in or on an all-terrain vehicle, utility terrain vehicle, or motor vehicle or within
7 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.

8 **SECTION 73g.** 23.33 (3c) (a) of the statutes, as affected by 2011 Wisconsin Act
9 51, is amended to read:

10 23.33 **(3c)** (a) No person may operate an all-terrain vehicle or utility terrain
11 vehicle with any firearm in his or her possession unless the firearm is unloaded or
12 is a handgun, as defined in s. 175.60 (1) (bm).

13 **SECTION 73j.** 23.33 (3c) (b) of the statutes, as affected by 2011 Wisconsin Act
14 51, is amended to read:

15 23.33 **(3c)** (b) Paragraph (a) does not apply to a firearm that is placed or
16 possessed on an all-terrain vehicle or utility terrain vehicle that is stationary, as
17 defined in s. 167.31 (1) (fg).

18 **SECTION 74.** 23.33 (3g) (intro.) of the statutes is amended to read:

19 23.33 **(3g)** USE OF HEADGEAR. (intro.) No person may operate or be a passenger
20 on an all-terrain vehicle or utility terrain vehicle without wearing protective
21 headgear of the type required under s. 347.485 (1) (a) and with the chin strap
22 properly fastened, unless one of the following applies:

23 **SECTION 75.** 23.33 (3g) (c) of the statutes is amended to read:

24 23.33 **(3g)** (c) The all-terrain vehicle or utility terrain vehicle is being operated
25 for an agricultural purpose.

SENATE BILL 354**SECTION 76**

1 **SECTION 76.** 23.33 (3g) (d) of the statutes is amended to read:

2 23.33 **(3g)** (d) The all-terrain vehicle or utility terrain vehicle is being operated
3 by a person on land under the management and control of the person's immediate
4 family.

5 **SECTION 77.** 23.33 (4) (a) of the statutes is amended to read:

6 23.33 **(4)** (a) *Freeways.* No person may operate an all-terrain vehicle or utility
7 terrain vehicle upon any part of any freeway which is a part of the federal system of
8 interstate and defense highways. No person may operate an all-terrain vehicle or
9 utility terrain vehicle upon any part of any other freeway unless the department of
10 transportation authorizes ~~all-terrain~~ the use of that vehicle use on that freeway. No
11 person may operate an all-terrain vehicle or utility terrain vehicle with a snow
12 removal device attached upon any part of any freeway under any circumstances.

13 **SECTION 78.** 23.33 (4) (b) of the statutes is amended to read:

14 23.33 **(4)** (b) *Other highways; operation restricted.* No person may operate an
15 all-terrain vehicle or utility terrain vehicle on a highway except as authorized under
16 pars. (d), (e), and (f) and sub. (11) (am) 2. or as authorized by rules promulgated by
17 the department and approved by the department of transportation.

18 **SECTION 79.** 23.33 (4) (c) 1. of the statutes is amended to read:

19 23.33 **(4)** (c) 1. Paragraphs (a) and (b) do not apply to the operator of an
20 all-terrain vehicle or utility terrain vehicle owned by a municipality, state agency,
21 or public utility, or by the Great Lakes Indian Fish and Wildlife Commission, while
22 the operator is engaged in an emergency or in the operation of an all-terrain vehicle
23 or utility terrain vehicle directly related to the functions of the municipality, state
24 agency, or public utility, or of the Great Lakes Indian Fish and Wildlife Commission,
25 if safety does not require strict adherence to these restrictions.

SENATE BILL 354

1 **SECTION 80.** 23.33 (4) (c) 1m. of the statutes is amended to read:

2 23.33 **(4)** (c) 1m. Paragraphs (a) and (b) do not apply to the operator of an
3 all-terrain vehicle or utility terrain vehicle who is engaged in land surveying
4 operations, if safety does not require strict adherence to the restrictions under pars.
5 (a) and (b).

6 **SECTION 81.** 23.33 (4) (c) 2. of the statutes is amended to read:

7 23.33 **(4)** (c) 2. Paragraph (b) does not apply to a highway blocked off for special
8 all-terrain vehicle or utility terrain vehicle events. A county, town, city or village
9 may block off highways under its jurisdiction for the purpose of allowing special
10 all-terrain vehicle or utility terrain vehicle events. No state trunk highway or
11 connecting highway, or part thereof, may be blocked off by any county, town, city or
12 village for any all-terrain vehicle or utility terrain vehicle race or derby. A county,
13 town, city or village shall notify the local police department and the county sheriff's
14 office at least one week in advance of the time and place of any all-terrain vehicle
15 or utility terrain vehicle race or derby which may result in any street, or part thereof,
16 of the county, town, city or village being blocked off.

17 **SECTION 82.** 23.33 (4) (d) (intro.) of the statutes is amended to read:

18 23.33 **(4)** (d) *Operation on roadway.* (intro.) A person may operate an
19 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway
20 only in the following situations:

21 **SECTION 83.** 23.33 (4) (d) 1. of the statutes is amended to read:

22 23.33 **(4)** (d) 1. To cross a roadway. The crossing of a roadway is authorized only
23 if the crossing is done in the most direct manner practicable, if the crossing is made
24 at a place where no obstruction prevents a quick and safe crossing, and if the operator
25 stops the all-terrain vehicle or utility terrain vehicle prior to the crossing and yields

SENATE BILL 354**SECTION 83**

1 the right-of-way to other vehicles, pedestrians, and electric personal assistive
2 mobility devices using the roadway.

3 **SECTION 84.** 23.33 (4) (d) 2. of the statutes is amended to read:

4 23.33 (4) (d) 2. On any roadway which is seasonally not maintained for motor
5 vehicle traffic. Operation of an all-terrain vehicle or utility terrain vehicle on this
6 type of roadway is authorized only during the seasons when no maintenance occurs
7 and only if the roadway is not officially closed to all-terrain vehicle or utility terrain
8 vehicle traffic.

9 **SECTION 85.** 23.33 (4) (d) 3. of the statutes is amended to read:

10 23.33 (4) (d) 3. To cross a bridge, culvert, or railroad right-of-way. The crossing
11 of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is
12 officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing
13 is authorized only if the crossing is done in the most direct manner practicable, if the
14 crossing is made at a place where no obstruction prevents a quick and safe crossing,
15 and if the operator stops the all-terrain vehicle prior to the crossing, pedestrians,
16 and electric personal assistive mobility devices using the roadway.

17 **SECTION 86.** 23.33 (4) (d) 4. of the statutes is amended to read:

18 23.33 (4) (d) 4. On roadways which are designated as all-terrain vehicle routes.
19 Operation of all-terrain vehicles and utility terrain vehicles on a roadway which is
20 an all-terrain vehicle route is authorized only for the extreme right side of the
21 roadway except that left turns may be made from any part of the roadway which is
22 safe given prevailing conditions.

23 **SECTION 87.** 23.33 (4) (d) 5. of the statutes is amended to read:

24 23.33 (4) (d) 5. On roadways if the all-terrain vehicle or utility terrain vehicle
25 is an implement of husbandry, if the all-terrain vehicle or utility terrain vehicle is

SENATE BILL 354

1 used exclusively for agricultural purposes and if the all-terrain vehicle or utility
2 terrain vehicle is registered for private use under sub. (2) (d) or (2g). Operation of
3 an all-terrain vehicle or utility terrain vehicle which is an implement of husbandry
4 on a roadway is authorized only for the extreme right side of the roadway except that
5 left turns may be made from any part of the roadway which is safe given prevailing
6 conditions.

7 **SECTION 88.** 23.33 (4) (d) 6. of the statutes is amended to read:

8 23.33 (4) (d) 6. On roadways if the operator of the all-terrain vehicle or utility
9 terrain vehicle is a person who holds a Class A permit or a Class B permit under s.
10 29.193 (2) and who is traveling for the purposes of hunting or is otherwise engaging
11 in an activity authorized by the permit.

12 **SECTION 89.** 23.33 (4) (e) (intro.) of the statutes is amended to read:

13 23.33 (4) (e) *Operation adjacent to roadway.* (intro.) A person may operate an
14 all-terrain vehicle or utility terrain vehicle adjacent to a roadway on an all-terrain
15 vehicle route or trail if the person operates the all-terrain vehicle or utility terrain
16 vehicle in the following manner:

17 **SECTION 90.** 23.33 (4) (e) 3. of the statutes is renumbered 23.33 (4) (e) 3. (intro.)
18 and amended to read:

19 23.33 (4) (e) 3. (intro.) During hours of darkness in the same direction as motor
20 vehicle traffic in the nearest lane, ~~although during daylight hours travel may be in~~
21 ~~either direction regardless of the flow of motor vehicle traffic.~~ unless all of the
22 following apply:

23 **SECTION 91.** 23.33 (4) (e) 3. a. of the statutes is created to read:

24 23.33 (4) (e) 3. a. The all-terrain vehicle route or trail is located at least 40 feet
25 from the roadway or is separated from the roadway by a head lamp barrier.

SENATE BILL 354**SECTION 92**

1 **SECTION 92.** 23.33 (4) (e) 3. b. of the statutes is created to read:

2 23.33 **(4)** (e) 3. b. The use of the all-terrain vehicle route or trail is approved
3 by the department of transportation with respect to all-terrain vehicle routes or
4 trails located near or crossing state trunk highways or by the officer in charge of
5 maintenance with respect to all-terrain vehicle routes or trails located near or
6 crossing other highways.

7 **SECTION 93.** 23.33 (4) (e) 3m. of the statutes is created to read:

8 23.33 **(4)** (e) 3m. During daylight hours, travel may be in either direction
9 regardless of the flow of motor vehicle traffic.

10 **SECTION 94.** 23.33 (4) (f) of the statutes is amended to read:

11 23.33 **(4)** (f) *Operation with snow removal device attached.* Except as prohibited
12 under par. (a), and subject to ordinances enacted under sub. (11) (am) 2., a person
13 may operate an all-terrain vehicle or utility terrain vehicle with a snow removal
14 device attached on a roadway or adjacent to a roadway or on a public sidewalk during
15 the period beginning on October 1 and ending on April 30 of each year for the purpose
16 of removing snow if such operation is necessary to travel to or from a site where the
17 snow removal device will be used. The travel necessary to or from the site may not
18 exceed 2 miles. Operation of such an all-terrain vehicle or utility terrain vehicle on
19 a roadway or adjacent to a roadway is authorized only if the applicable roadway
20 speed limit is 45 miles per hour or less. Operation on a roadway of such an all-terrain
21 vehicle or utility terrain vehicle is authorized only for the extreme right side of the
22 roadway except that left turns may be made from any part of the roadway where it
23 is safe to do so given prevailing conditions. Operation adjacent to a roadway of such
24 an all-terrain vehicle or utility terrain vehicle shall comply with the applicable speed
25 limit and with par. (e) 1., 2., 3., 3m., and 5.

SENATE BILL 354

1 **SECTION 95.** 23.33 (4c) (title) of the statutes is amended to read:

2 23.33 **(4c)** (title) INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE OR UTILITY
3 TERRAIN VEHICLE.

4 **SECTION 96.** 23.33 (4c) (a) 1. of the statutes is amended to read:

5 23.33 **(4c)** (a) 1. ‘Operating while under the influence of an intoxicant.’ No
6 person may operate an all-terrain vehicle or utility terrain vehicle while under the
7 influence of an intoxicant to a degree which renders him or her incapable of safe
8 operation of an all-terrain vehicle or utility terrain vehicle.

9 **SECTION 97.** 23.33 (4c) (a) 2. of the statutes is amended to read:

10 23.33 **(4c)** (a) 2. ‘Operating with alcohol concentrations at or above specified
11 levels.’ No person may engage in the operation of an all-terrain vehicle or utility
12 terrain vehicle while the person has an alcohol concentration of 0.08 or more.

13 **SECTION 98.** 23.33 (4c) (a) 2m. of the statutes is amended to read:

14 23.33 **(4c)** (a) 2m. ‘Operating with a restricted controlled substance.’ No person
15 may engage in the operation of an all-terrain vehicle or utility terrain vehicle while
16 the person has a detectable amount of a restricted controlled substance in his or her
17 blood.

18 **SECTION 99.** 23.33 (4c) (a) 3. of the statutes is amended to read:

19 23.33 **(4c)** (a) 3. ‘Operating with alcohol concentrations at specified levels;
20 below age ~~19~~ 21.’ If a person has not attained the age of ~~19~~ 21, the person may not
21 engage in the operation of an all-terrain vehicle or utility terrain vehicle while he
22 or she has an alcohol concentration of more than 0.0 but not more than 0.08.

23 **SECTION 100.** 23.33 (4c) (b) 1. of the statutes is amended to read:

24 23.33 **(4c)** (b) 1. ‘Causing injury while under the influence of an intoxicant.’
25 No person while under the influence of an intoxicant to a degree which renders him

SENATE BILL 354**SECTION 100**

1 or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle
2 may cause injury to another person by the operation of an all-terrain vehicle or
3 utility terrain vehicle.

4 **SECTION 101.** 23.33 (4c) (b) 2. of the statutes is amended to read:

5 23.33 (4c) (b) 2. ‘Causing injury with alcohol concentrations at or above
6 specified levels.’ No person who has an alcohol concentration of 0.08 or more may
7 cause injury to another person by the operation of an all-terrain vehicle or utility
8 terrain vehicle.

9 **SECTION 102.** 23.33 (4c) (b) 2m. of the statutes is amended to read:

10 23.33 (4c) (b) 2m. ‘Causing injury while operating with a restricted controlled
11 substance.’ No person who has a detectable amount of a restricted controlled
12 substance in his or her blood may cause injury to another person by the operation of
13 an all-terrain vehicle or utility terrain vehicle.

14 **SECTION 103.** 23.33 (4g) (a) of the statutes is amended to read:

15 23.33 (4g) (a) *Requirement.* A person shall provide a sample of his or her breath
16 for a preliminary breath screening test if a law enforcement officer has probable
17 cause to believe that the person is violating or has violated the intoxicated operation
18 of an all-terrain vehicle or utility terrain vehicle law and if, prior to an arrest, the
19 law enforcement officer requested the person to provide this sample.

20 **SECTION 104.** 23.33 (4g) (b) of the statutes is amended to read:

21 23.33 (4g) (b) *Use of test results.* A law enforcement officer may use the results
22 of a preliminary breath screening test for the purpose of deciding whether or not to
23 arrest a person for a violation of the intoxicated operation of an all-terrain vehicle
24 or utility terrain vehicle law or for the purpose of deciding whether or not to request

SENATE BILL 354

1 a chemical test under sub. (4p). Following the preliminary breath screening test,
2 chemical tests may be required of the person under sub. (4p).

3 **SECTION 105.** 23.33 (4j) of the statutes is amended to read:

4 23.33 (4j) APPLICABILITY OF THE INTOXICATED OPERATION OF AN ALL-TERRAIN
5 VEHICLE OR UTILITY TERRAIN VEHICLE LAW. In addition to being applicable upon
6 highways, the intoxicated operation of an all-terrain vehicle or utility terrain vehicle
7 law is applicable upon all premises held out to the public for use of their all-terrain
8 vehicles or utility terrain vehicles, whether such premises are publicly or privately
9 owned and whether or not a fee is charged for the use thereof.

10 **SECTION 106.** 23.33 (4L) of the statutes is amended to read:

11 23.33 (4L) IMPLIED CONSENT. Any person who engages in the operation of an
12 all-terrain vehicle or utility terrain vehicle upon the public highways of this state,
13 or in those areas enumerated in sub. (4j), is deemed to have given consent to provide
14 one or more samples of his or her breath, blood or urine for the purpose of authorized
15 analysis as required under sub. (4p). Any person who engages in the operation of an
16 all-terrain vehicle or utility terrain vehicle within this state is deemed to have given
17 consent to submit to one or more chemical tests of his or her breath, blood or urine
18 for the purpose of authorized analysis as required under sub. (4p).

19 **SECTION 107.** 23.33 (4p) (a) 1. of the statutes is amended to read:

20 23.33 (4p) (a) 1. ‘Samples; submission to tests.’ A person shall provide one or
21 more samples of his or her breath, blood or urine for the purpose of authorized
22 analysis if he or she is arrested for a violation of the intoxicated operation of an
23 all-terrain vehicle or utility terrain vehicle law and if he or she is requested to
24 provide the sample by a law enforcement officer. A person shall submit to one or more
25 chemical tests of his or her breath, blood or urine for the purpose of authorized

SENATE BILL 354**SECTION 107**

1 analysis if he or she is arrested for a violation of the intoxicated operation of an
2 all-terrain vehicle or utility terrain vehicle law and if he or she is requested to submit
3 to the test by a law enforcement officer.

4 **SECTION 108.** 23.33 (4p) (a) 3. of the statutes is amended to read:

5 23.33 **(4p)** (a) 3. ‘Unconscious person.’ A person who is unconscious or
6 otherwise not capable of withdrawing consent is presumed not to have withdrawn
7 consent under this paragraph, and if a law enforcement officer has probable cause
8 to believe that the person violated the intoxicated operation of an all-terrain vehicle
9 or utility terrain vehicle law, one or more chemical tests may be administered to the
10 person without a request under subd. 1. and without providing information under
11 subd. 2.

12 **SECTION 109.** 23.33 (4p) (b) 4. of the statutes is amended to read:

13 23.33 **(4p)** (b) 4. ‘Validity; procedure.’ A chemical test of blood or urine
14 conducted for the purpose of authorized analysis is valid as provided under s. 343.305
15 (6). The duties and responsibilities of the laboratory of hygiene, department of
16 health services and department of transportation under s. 343.305 (6) apply to a
17 chemical test of blood or urine conducted for the purpose of authorized analysis
18 under this subsection. Blood may be withdrawn from a person arrested for a
19 violation of the intoxicated operation of an all-terrain vehicle or utility terrain
20 vehicle law only by a physician, registered nurse, medical technologist, physician
21 assistant or person acting under the direction of a physician and the person who
22 withdraws the blood, the employer of that person and any hospital where blood is
23 withdrawn have immunity from civil or criminal liability as provided under s. 895.53

24 **SECTION 110.** 23.33 (4p) (c) 1. of the statutes is amended to read:

SENATE BILL 354

1 23.33 (4p) (c) 1. ‘Additional chemical test.’ If a person is arrested for a violation
2 of the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law or
3 is the operator of an all-terrain vehicle or utility terrain vehicle involved in an
4 accident resulting in great bodily harm to or the death of someone and if the person
5 is requested to provide a sample or to submit to a test under par. (a) 1., the person
6 may request the test facility to administer the additional chemical test specified
7 under par. (b) 3. or, at his or her own expense, reasonable opportunity to have any
8 qualified person administer a chemical test of his or her breath, blood or urine for the
9 purpose of authorized analysis.

10 **SECTION 111.** 23.33 (4p) (c) 2. of the statutes is amended to read:

11 23.33 (4p) (c) 2. ‘Optional test.’ If a person is arrested for a violation of the
12 intoxicated operation of an all-terrain vehicle or utility terrain vehicle law and if the
13 person is not requested to provide a sample or to submit to a test under par. (a) 1.,
14 the person may request the test facility to administer a chemical test of his or her
15 breath or, at his or her own expense, reasonable opportunity to have any qualified
16 person administer a chemical test of his or her breath, blood or urine for the purpose
17 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
18 the person may request the test facility to administer the designated chemical test
19 under par. (b) 2. or the additional chemical test under par. (b) 3.

20 **SECTION 112.** 23.33 (4p) (d) of the statutes is amended to read:

21 23.33 (4p) (d) *Admissibility; effect of test results; other evidence.* The results
22 of a chemical test required or administered under par. (a), (b) or (c) are admissible
23 in any civil or criminal action or proceeding arising out of the acts committed by a
24 person alleged to have violated the intoxicated operation of an all-terrain vehicle or
25 utility terrain vehicle law on the issue of whether the person was under the influence

SENATE BILL 354**SECTION 112**

1 of an intoxicant or the issue of whether the person had alcohol concentrations at or
2 above specified levels or a detectable amount of a restricted controlled substance in
3 his or her blood. Results of these chemical tests shall be given the effect required
4 under s. 885.235. This subsection does not limit the right of a law enforcement officer
5 to obtain evidence by any other lawful means.

6 **SECTION 113.** 23.33 (4p) (e) 1. of the statutes is amended to read:

7 23.33 **(4p)** (e) 1. Whether the law enforcement officer had probable cause to
8 believe the person was violating or had violated the intoxicated operation of an
9 all-terrain vehicle or utility terrain vehicle law.

10 **SECTION 114.** 23.33 (4p) (e) 2. of the statutes is amended to read:

11 23.33 **(4p)** (e) 2. Whether the person was lawfully placed under arrest for
12 violating the intoxicated operation of an all-terrain vehicle or utility terrain vehicle
13 law.

14 **SECTION 115.** 23.33 (4t) of the statutes is amended to read:

15 23.33 **(4t)** REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
16 a person for a violation of the intoxicated operation of an all-terrain vehicle or utility
17 terrain vehicle law or the refusal law, the law enforcement officer shall notify the
18 department of the arrest as soon as practicable.

19 **SECTION 116.** 23.33 (4x) (title) of the statutes is amended to read:

20 23.33 **(4x)** (title) OFFICER'S ACTION AFTER ARREST FOR OPERATING AN ALL-TERRAIN
21 VEHICLE OR UTILITY TERRAIN VEHICLE WHILE UNDER INFLUENCE OF INTOXICANT.

22 **SECTION 117.** 23.33 (4z) (a) 1. of the statutes is amended to read:

23 23.33 **(4z)** (a) 1. Inform all-terrain vehicle and utility terrain vehicle operators
24 of the prohibitions and penalties included in the intoxicated operation of an
25 all-terrain vehicle or utility terrain vehicle law.

SENATE BILL 354

1 **SECTION 118.** 23.33 (4z) (a) 2. of the statutes is amended to read:

2 23.33 (4z) (a) 2. Provide for the development of signs briefly explaining the
3 intoxicated operation of an all-terrain vehicle or utility terrain vehicle law.

4 **SECTION 119.** 23.33 (4z) (b) of the statutes is amended to read:

5 23.33 (4z) (b) The department shall develop and issue an educational pamphlet
6 on the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law to
7 be distributed, beginning in 1989, to persons issued all-terrain vehicle or utility
8 terrain vehicle registration certificates under subs. (2) and (2g).

9 **SECTION 120.** 23.33 (5) (a) (title) of the statutes is amended to read:

10 23.33 (5) (a) (title) *Age All-terrain vehicles; age restriction.*

11 **SECTION 121.** 23.33 (5) (am) of the statutes is created to read:

12 23.33 (5) (am) *Utility terrain vehicles; age restriction.* 1. Except as provided
13 in subd. 2., no person may operate, rent, or lease a utility terrain vehicle unless he
14 or she is at least 16 years of age.

15 2. A person who is under 16 years of age may operate a utility terrain vehicle
16 if the person operates the utility terrain vehicle for an agricultural purpose and he
17 or she is under the supervision of a person over 18 years of age. For purposes of this
18 subdivision, supervision does not require that the person under 16 years of age be
19 subject to continuous direction or by the person over 18 years of age.

20 **SECTION 122.** 23.33 (5) (b) of the statutes is amended to read:

21 23.33 (5) (b) *~~All-terrain vehicle safety~~ Safety certificate.* 1. No person who is
22 at least 12 years of age and who is born on or after January 1, 1988, may operate an
23 all-terrain vehicle unless he or she holds a valid safety certificate issued by the
24 department, another state, or a province of Canada.

SENATE BILL 354**SECTION 122**

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

8 **SECTION 123.** 23.33 (5) (b) 1m. of the statutes is created to read:

9 23.33 (5) (b) 1m. No person who is at least 16 years of age and who is born on
10 or after January 1, 1988, may operate a utility terrain vehicle unless he or she holds
11 a valid safety certificate issued by the department, another state, or a province of
12 Canada.

13 **SECTION 124.** 23.33 (5) (c) of the statutes is amended to read:

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

19 **SECTION 125.** 23.33 (5) (d) of the statutes is amended to read:

20 23.33 (5) (d) *Safety certification program established.* The department shall
21 establish or supervise the establishment of a program of instruction on all-terrain
22 vehicle and utility terrain vehicle laws, including the intoxicated operation of an
23 all-terrain vehicle or utility terrain vehicle law, regulations, safety and related
24 subjects. The department shall establish by rule an instruction fee for this program.
25 The department shall issue certificates to persons successfully completing the

SENATE BILL 354

1 program. An instructor conducting the program of instruction under this paragraph
2 shall collect the fee from each person who receives instruction. The department may
3 determine the portion of this fee, which may not exceed 50%, that the instructor may
4 retain to defray expenses incurred by the instructor in conducting the program. The
5 instructor shall remit the remainder of the fee or, if nothing is retained, the entire
6 fee to the department. The department shall issue a duplicate certificate of
7 accomplishment to a person who is entitled to a duplicate certificate of
8 accomplishment and who pays a fee of \$2.75.

9 **SECTION 126.** 23.33 (6) (a), (b), (c), (d), (e) and (h) of the statutes are amended
10 to read:

11 23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain
12 vehicle during hours of darkness or during daylight hours on any highway
13 right-of-way is required to display a lighted headlamp and tail lamp on the
14 all-terrain vehicle or utility terrain vehicle.

15 (b) The headlamp on an all-terrain vehicle or utility terrain vehicle is required
16 to display a white light of sufficient illuminating power to reveal any person, vehicle
17 or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle
18 or utility terrain vehicle.

19 (c) The tail lamp on an all-terrain vehicle or utility terrain vehicle is required
20 to display a red light plainly visible during hours of darkness from a distance of 500
21 feet to the rear.

22 (d) Every all-terrain vehicle and utility terrain vehicle is required to be
23 equipped with at least one brake operated either by hand or by foot.

24 (e) Every all-terrain vehicle and utility terrain vehicle is required to be
25 equipped with a functioning muffler to prevent excessive or unusual noise and with

SENATE BILL 354**SECTION 126**

1 a functioning spark arrester of a type approved by the U.S. forest service. This
2 paragraph does not apply to an all-terrain vehicle or utility terrain vehicle that is
3 operated exclusively by means of an electric motor.

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

8 **SECTION 127.** 23.33 (6) (i) of the statutes is created to read:

9 23.33 **(6)** (i) No person may operate a utility terrain vehicle unless each
10 passenger is wearing a safety belt installed by the manufacturer and fastened in a
11 manner prescribed by the manufacturer of the safety belt which permits the safety
12 belt to act as a body restraint.

13 **SECTION 128.** 23.33 (6m) of the statutes is amended to read:

14 23.33 **(6m)** NOISE LIMITS. No person may manufacture, sell, rent or operate an
15 all-terrain vehicle or utility terrain vehicle that is constructed in such a manner that
16 noise emitted from the ~~all-terrain~~ vehicle exceeds 96 decibels on the A scale as
17 measured in the manner prescribed under rules promulgated by the department.

18 **SECTION 129.** 23.33 (6r) of the statutes is created to read:

19 23.33 **(6r)** PASSENGER RESTRICTIONS. No person may ride in or on any part of a
20 utility terrain vehicle that is not designed or intended to be used by passengers.

21 **SECTION 130.** 23.33 (7) of the statutes is amended to read:

22 23.33 **(7)** ACCIDENTS. (a) If an accident results in the death of any person or in
23 the injury of any person which requires the treatment of the person by a physician,
24 the operator of each all-terrain vehicle and utility terrain vehicle involved in the
25 accident shall give notice of the accident to a conservation warden or local law

SENATE BILL 354

1 enforcement officer as soon as possible and shall file a written report of the accident
2 with the department on the form provided by it within 10 days after the accident.

3 (b) If the operator of an all-terrain vehicle or utility terrain vehicle is physically
4 incapable of making the report required by this subsection and there was another
5 witness to the accident capable of making the report, the witness may make the
6 report.

7 **SECTION 131.** 23.33 (8) (d) of the statutes is amended to read:

8 23.33 (8) (d) *Restrictions.* The designating authority may specify effective
9 periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit
10 the operation of an all-terrain vehicle or utility terrain vehicle during certain periods
11 of the year.

12 **SECTION 132.** 23.33 (8) (e) of the statutes is amended to read:

13 23.33 (8) (e) *Signs.* The department, in cooperation with the department of
14 transportation, shall establish uniform all-terrain vehicle route and trail signs and
15 standards and uniform signs and standards for the operation of utility terrain
16 vehicles on all-terrain vehicle routes and trails. The standards may not require that
17 any additional signs be placed on all-terrain vehicle routes concerning the operation
18 of all-terrain vehicles or utility terrain vehicles with snow removal devices attached.

19 **SECTION 133.** 23.33 (8) (f) 1. of the statutes is amended to read:

20 23.33 (8) (f) *Interference with signs and standards prohibited.* 1. No person
21 may intentionally remove, damage, deface, move or obstruct, or interfere with the
22 effective operation of any uniform all-terrain vehicle route or trail sign or standard
23 or intentionally interfere with the effective operation of any uniform all-terrain
24 vehicle route or trail sign or standards or any uniform sign or standard for the
25 operation of a utility terrain vehicle on an all-terrain vehicle route or trail if the sign

SENATE BILL 354**SECTION 133**

1 or standard is legally placed by the state, any municipality or any authorized
2 individual.

3 **SECTION 134.** 23.33 (8) (f) 2. of the statutes is amended to read:

4 23.33 **(8)** (f) 2. No person may possess any uniform all-terrain vehicle route or
5 trail sign or standard, or any uniform sign or standard for the operation of a utility
6 terrain vehicle on an all-terrain vehicle route or trail, of the type established by the
7 department for the warning, instruction or information of the public, unless he or she
8 obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful
9 manner. Possession of a uniform all-terrain vehicle route or trail sign or standard
10 or uniform sign or standard for the operation of a utility terrain vehicle on an
11 all-terrain vehicle route or trail creates a rebuttable presumption of illegal
12 possession.

13 **SECTION 135.** 23.33 (9) (a) of the statutes is amended to read:

14 23.33 **(9)** (a) *Enforcement.* The department may utilize moneys received under
15 sub. (2) for all-terrain vehicle and utility terrain vehicle registration aids
16 administration and for the purposes specified under s. 20.370 (3) (as) and (5) (er)
17 including costs associated with enforcement, safety education, accident reports and
18 analysis, law enforcement aids to counties, and other similar costs in administering
19 and enforcing this section.

20 **SECTION 136.** 23.33 (9) (bg) of the statutes is created to read:

21 23.33 **(9)** (bg) *Projects for utility terrain vehicles.* A project to improve or
22 maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for
23 funding as a state utility terrain vehicle project from the appropriation account
24 under s. 20.370 (1) (mr) or for aid as a nonstate utility vehicle project from the
25 appropriation accounts under s. 20.370 (5) (eu) and (gr). The maximum amount

SENATE BILL 354

1 allowed for aid under this paragraph is \$100 per mile for all-terrain vehicle trails
2 that are maintained not less than 3 months per year including the months of June,
3 July, and August. If the requests for aid for projects under this paragraph exceed the
4 funds available, the department shall distribute available funds to qualified
5 applicants on a proportional basis.

6 **SECTION 137.** 23.33 (11) (a) of the statutes is amended to read:

7 23.33 (11) (a) Counties, towns, cities and villages may enact ordinances
8 regulating all-terrain vehicles and utility terrain vehicles on all-terrain vehicle
9 trails maintained by or on all-terrain vehicle routes designated by the county, city,
10 town or village.

11 **SECTION 138.** 23.33 (11) (am) 2. of the statutes is amended to read:

12 23.33 (11) (am) 2. For a roadway, or for a portion of a roadway, that is located
13 within the territorial boundaries of a city, village, or town, the city, village, or town
14 may enact an ordinance to authorize the operation of all-terrain vehicles and utility
15 terrain vehicles with snow removal devices attached on the roadway, or adjacent to
16 the roadway, if the applicable roadway speed limit is greater than 45 miles per hour,
17 and regardless of whether the city, village, or town has jurisdiction over the roadway.

18 **SECTION 139.** 23.33 (11) (b) of the statutes is amended to read:

19 23.33 (11) (b) If a county, town, city, or village adopts an ordinance regulating
20 all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send
21 a copy of the ordinance to the department and to the office of any law enforcement
22 agency of the municipality or county having jurisdiction over any highway
23 designated as an all-terrain vehicle route.

24 **SECTION 140.** 23.33 (11p) (title) of the statutes is repealed.

25 **SECTION 141.** 23.33 (11p) (a) (intro.) of the statutes is repealed.

SENATE BILL 354**SECTION 142**

1 **SECTION 142.** 23.33 (11p) (a) 1. of the statutes is repealed.

2 **SECTION 143.** 23.33 (11p) (a) 2. of the statutes is renumbered 23.33 (1) (fm).

3 **SECTION 144.** 23.33 (11p) (a) 3. of the statutes is renumbered 23.33 (1) (ik) and
4 amended to read:

5 23.33 (1) (ik) “Low pressure tire” means ~~a tire that has a minimum width of 6~~
6 ~~inches and that is designed to be inflated with an operating pressure not to exceed~~
7 ~~20 pounds per square inch as recommended by the manufacturer~~ has the meaning
8 given in s. 340.01 (27g).

9 **SECTION 145.** 23.33 (11p) (a) 4. of the statutes is renumbered 23.33 (1) (im) and
10 amended to read:

11 23.33 (1) (im) “Low-speed vehicle” means ~~a low-speed vehicle, as defined in~~
12 ~~49 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and~~
13 ~~that was originally manufactured to meet the applicable equipment standards under~~
14 ~~49 CFR 571.500~~ has the meaning given in s. 340.01 (27h).

15 **SECTION 146.** 23.33 (11p) (a) 5. of the statutes is repealed.

16 **SECTION 147.** 23.33 (11p) (a) 6. of the statutes is renumbered 23.33 (1) (ng)
17 (intro.) and 23.33 (1) (ng) (intro.) and 1. a. and c., as renumbered, are amended to
18 read:

19 23.33 (1) (ng) (intro.) “Utility terrain vehicle” means ~~a~~ any of the following:

20 1. A motor driven device, other than that does not meet federal motor vehicle
21 safety standards in effect on the effective date of this subdivision [LRB inserts
22 date], that is not a golf cart or, low-speed vehicle, dune buggy, mini-truck, or tracked
23 vehicle, that is designed to be used primarily off of a highway, and that has, and was
24 originally manufactured with, all of the following:

SENATE BILL 354

1 a. A gross net weight of ~~more than 900 pounds but not more~~ less than 1,999
2 2,000 pounds.

3 c. A cargo box ~~or dump box~~ installed by the manufacturer.

4 **SECTION 148.** 23.33 (11p) (b) to (i) of the statutes are repealed.

5 **SECTION 149.** 23.33 (12) (b) of the statutes is amended to read:

6 23.33 (12) (b) No operator of an all-terrain vehicle or utility terrain vehicle may
7 refuse to stop after being requested or signaled to do so by a law enforcement officer
8 or a commission warden, as defined in s. 939.22 (5).

9 **SECTION 150.** 23.33 (13) (b) (title) of the statutes is amended to read:

10 23.33 (13) (b) (title) *Penalties related to intoxicated operation of an all-terrain*
11 *vehicle or utility terrain vehicle.*

12 **SECTION 151.** 23.33 (13) (b) 2. of the statutes is amended to read:

13 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.
14 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the
15 current violation, was convicted previously under the intoxicated operation of an
16 all-terrain vehicle or utility terrain vehicle law or the refusal law shall be fined not
17 less than \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days
18 nor more than 6 months.

19 **SECTION 152.** 23.33 (13) (b) 3. of the statutes is amended to read:

20 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
21 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
22 more times previously under the intoxicated operation of an all-terrain vehicle or
23 utility terrain vehicle law or refusal law shall be fined not less than \$600 nor more
24 than \$2,000 and shall be imprisoned not less than 30 days nor more than one year
25 in the county jail.

SENATE BILL 354**SECTION 153**

1 **SECTION 153.** 23.33 (13) (b) 4. of the statutes is amended to read:

2 23.33 **(13)** (b) 4. A person who violates sub. (4c) (a) 3. or (4p) (e) and who has
3 not attained the age of ~~19~~ 21 shall forfeit not more than \$50.

4 **SECTION 154.** 23.33 (13) (bg) of the statutes is amended to read:

5 23.33 **(13)** (bg) *Penalties related to intoxicated operation of an all-terrain*
6 *vehicle or utility terrain vehicle; underage passengers.* If there is a passenger under
7 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a
8 violation that gives rise to a conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the
9 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
10 under pars. (b) 1., 2., and 3. for the conviction are doubled.

11 **SECTION 155.** 23.33 (13) (br) (title) of the statutes is amended to read:

12 23.33 **(13)** (br) (title) *Penalties related to intoxicated operation of an all-terrain*
13 *vehicle or utility terrain vehicle; enhancers.*

14 **SECTION 156.** 23.33 (13) (dm) of the statutes is amended to read:

15 23.33 **(13)** (dm) *Reporting convictions to the department.* Whenever a person
16 is convicted of a violation of the intoxicated operation of an all-terrain vehicle or
17 utility terrain vehicle law, the clerk of the court in which the conviction occurred, or
18 the justice, judge or magistrate of a court not having a clerk, shall forward to the
19 department the record of such conviction. The record of conviction forwarded to the
20 department shall state whether the offender was involved in an accident at the time
21 of the offense.

22 **SECTION 157.** 23.33 (13) (e) of the statutes is amended to read:

23 23.33 **(13)** (e) *Alcohol, controlled substances or controlled substance analogs;*
24 *assessment.* In addition to any other penalty or order, a person who violates sub. (4c)
25 (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the

SENATE BILL 354

1 operation of an all-terrain vehicle or utility terrain vehicle, shall be ordered by the
2 court to submit to and comply with an assessment by an approved public treatment
3 facility for an examination of the person's use of alcohol, controlled substances or
4 controlled substance analogs. The assessment order shall comply with s. 343.30 (1q)
5 (c) 1. a. to c. Intentional failure to comply with an assessment ordered under this
6 paragraph constitutes contempt of court, punishable under ch. 785.

7 **SECTION 158.** 23.33 (13) (f) of the statutes is amended to read:

8 23.33 (13) (f) *Restoration or replacement of signs and standards.* In addition
9 to any other penalty, the court may order the defendant to restore or replace any
10 uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or
11 standard for the operation of a utility terrain vehicle on an all-terrain vehicle route
12 or trail, that the defendant removed, damaged, defaced, moved or obstructed.

13 **SECTION 159.** 23.35 (1) (intro.) of the statutes is amended to read:

14 23.35 (1) (intro.) The secretary shall enter into a reciprocal agreement with a
15 federally recognized American Indian tribe or band in this state to exempt, from the
16 registration and certification requirements of this state, boats, snowmobiles ~~and~~,
17 all-terrain vehicles, and utility terrain vehicles that are owned by tribal or band
18 members and registered under a registration program established by the tribe or
19 band if the tribe or band requests the agreement and if the registration program does
20 all of the following:

21 **SECTION 160.** 23.35 (1) (a) of the statutes is amended to read:

22 23.35 (1) (a) Requires that boats, snowmobiles ~~and~~, all-terrain vehicles, and
23 utility terrain vehicles display decals or identification numbers showing valid
24 registration by the tribe or band.

25 **SECTION 161.** 23.35 (1) (b) of the statutes is amended to read:

SENATE BILL 354**SECTION 161**

1 23.35 (1) (b) Employs registration decals and certificates of number that are
2 substantially similar to those employed by the registration or certification programs
3 of this state with regard to size, legibility, information content and placement on the
4 boat, snowmobile ~~or~~ all-terrain vehicle, or utility terrain vehicle.

5 **SECTION 162.** 23.35 (1) (e) of the statutes is amended to read:

6 23.35 (1) (e) Provides reciprocal exemptions, from the tribe's or band's
7 registration requirements, for boats, snowmobiles ~~and~~ all-terrain vehicles, and
8 utility terrain vehicles registered or certified by this state that are substantially as
9 favorable as the exemptions enjoyed by the tribe or the band under the agreement.
10 In this paragraph, "reciprocal exemption" means an exemption under the agreement
11 that exempts from a tribe's or band's registration requirements, for operation within
12 the boundaries of the tribe's or band's reservation, a boat, snowmobile ~~or~~ all-terrain
13 vehicle, or utility terrain vehicle that is owned by a person who is not a member of
14 the tribe or band and that is registered or certified by this state to the same extent
15 that the agreement exempts from state registration and certification requirements,
16 for the operation outside the boundaries of the tribe's or band's reservation, a boat,
17 snowmobile ~~or~~ all-terrain vehicle, or utility terrain vehicle that is registered by the
18 tribe or band.

19 **SECTION 163.** 23.35 (2) of the statutes is amended to read:

20 23.35 (2) An agreement entered into under sub. (1) may cover a registration
21 program for boats, snowmobiles ~~or~~ all-terrain vehicles, or utility terrain vehicles or
22 any combination thereof.

23 **SECTION 164.** 25.29 (1) (b) of the statutes is amended to read:

SENATE BILL 354

1 25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on
2 all-terrain vehicles, utility terrain vehicles, boats and snowmobiles collected under
3 ss. 23.33, 30.52 (4), 350.12 and 350.122.

4 **SECTION 165.** 25.29 (1) (dm) of the statutes is renumbered 25.29 (1) (dm) 1. and
5 amended to read:

6 25.29 (1) (dm) 1. ~~For fiscal year 1991–92 and for each fiscal year thereafter, an~~
7 An amount equal to the estimated all-terrain vehicle gas tax payment. The

8 2. For fiscal years before fiscal year 2013–14, the estimated all-terrain vehicle
9 gas tax payment is calculated by multiplying the sum of the number of all-terrain
10 vehicles registered for public use under s. 23.33 (2) (c) or (2g) and the number of
11 reflectorized plates issued under s. 23.33 (2) (dm), 2009 stats., on the last day of
12 February of the previous fiscal year by 25 gallons and multiplying that product by
13 the excise tax imposed under s. 78.01 (1) on the last day of February of the previous
14 fiscal year.

15 **SECTION 166.** 25.29 (1) (dm) 3. of the statutes is created to read:

16 25.29 (1) (dm) 3. For fiscal year 2013–14, the estimated all-terrain vehicle gas
17 tax payment is calculated by multiplying the sum of the number of all-terrain
18 vehicles registered for public use under s. 23.33 (2) (c) or (2g), the number of
19 reflectorized plates issued under s. 23.33 (2) (dm), 2009 stats., and the number of
20 commercial all-terrain vehicle registration decals issued under s. 23.33 (2) (dm) on
21 the last day of February of the previous fiscal year by 25 gallons and multiplying that
22 product by the excise tax imposed under s. 78.01 (1) on the last day of February of
23 the previous fiscal year.

24 **SECTION 167.** 25.29 (1) (dm) 4. of the statutes is created to read:

SENATE BILL 354**SECTION 167**

1 25.29 (1) (dm) 4. For fiscal year 2014–15, and for each fiscal year thereafter,
2 the estimated all–terrain vehicle gas tax payment is calculated by multiplying the
3 sum of the number of all–terrain vehicles registered for public use under s. 23.33 (2)
4 (c) or (2g) and the number of commercial all–terrain vehicle registration decals
5 issued under s. 23.33 (2) (dm) on the last day of February of the previous fiscal year
6 by 25 gallons and multiplying that product by the excise tax imposed under s. 78.01
7 (1) on the last day of February of the previous fiscal year.

8 **SECTION 168.** 25.29 (1) (dr) of the statutes is created to read:

9 25.29 (1) (dr) For fiscal year 2013–14 and for each fiscal year thereafter, an
10 amount equal to the estimated utility terrain vehicle gas tax payment. The
11 estimated utility terrain vehicle gas tax payment is calculated by multiplying the
12 sum of the number of utility terrain vehicles registered for public use under s. 23.33
13 (2) (c) or (2g) on the last day of February of the previous fiscal year by 25 gallons and
14 multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day
15 of February of the previous fiscal year.

16 **SECTION 169.** 25.40 (2) (b) 27. of the statutes is created to read:

17 25.40 (2) (b) 27. Section 20.855 (4) (v).

18 **SECTION 170.** 25.40 (3) (b) 14. of the statutes is amended to read:

19 25.40 (3) (b) 14. Transfers to the conservation fund for motor fuel tax collections
20 on the use of fuel by snowmobiles, all–terrain vehicles, utility terrain vehicles, and
21 motorboats.

22 **SECTION 171.** 30.26 (4) (title) of the statutes is amended to read:

23 30.26 (4) (title) SNOWMOBILES AND, ALL–TERRAIN VEHICLES, AND UTILITY TERRAIN
24 VEHICLES.

25 **SECTION 172.** 30.26 (4) (a) (intro.) and (b) of the statutes are amended to read:

SENATE BILL 354

1 30.26 **(4)** (a) (intro.) The department may not prohibit the crossing of a bridge
2 over a wild river by an all-terrain vehicle or utility terrain vehicle traveling on an
3 all-terrain vehicle trail, as defined under s. 23.33 (1) (d), or by a snowmobile
4 traveling on a snowmobile trail, as defined under s. 350.01 (17) that is constructed
5 in any of the following locations:

6 (b) The state shall permit all-terrain vehicles, utility terrain vehicles, and
7 snowmobiles to travel in a corridor across any state land that separates an
8 all-terrain vehicle trail or a snowmobile trail and the bridges constructed at the
9 locations listed under par. (a).

10 **SECTION 173.** 30.29 (1) (b) of the statutes is amended to read:

11 30.29 **(1)** (b) “Motor vehicle” includes a utility terrain vehicle, as defined in s.
12 23.33 (1) (ng), and an all-terrain vehicle, as defined in s. 340.01 (2g).

13 **SECTION 174.** 70.11 (45m) of the statutes is amended to read:

14 70.11 **(45m)** SNOWMOBILE ~~AND~~, ALL-TERRAIN VEHICLE, AND UTILITY TERRAIN
15 VEHICLE CLUBS. Trail groomers owned by a snowmobile club ~~or~~, an all-terrain vehicle
16 club, or a utility terrain vehicle club that is exempt from taxation under section 501
17 (c) (3), (4), or (7) of the Internal Revenue Code.

18 **SECTION 175.** 77.51 (13) (am) of the statutes is amended to read:

19 77.51 **(13)** (am) Any person making any retail sale of a motor vehicle, aircraft,
20 snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer,
21 all-terrain vehicle, utility terrain vehicle, or boat registered or titled, or required to
22 be registered or titled, under the laws of this state or of the United States.

23 **SECTION 176.** 77.51 (13s) of the statutes is amended to read:

SENATE BILL 354**SECTION 176**

1 77.51 (13s) “Safety classes” means all classes approved by the department of
2 natural resources related to hunting, including hunting with a bow, and related to
3 firearms, all-terrain vehicles, utility terrain vehicles, boats, and snowmobiles.

4 **SECTION 176g.** 77.53 (17) of the statutes is amended to read:

5 77.53 (17) This section does not apply to tangible personal property or items,
6 property, or goods under s. 77.52 (1) (b), (c), or (d) purchased outside this state, as
7 determined under s. 77.522, other than motor vehicles, boats, snowmobiles,
8 recreational vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain
9 vehicles, utility terrain vehicles, and airplanes registered or titled or required to be
10 registered or titled in this state, which is brought into this state by a nondomiciliary
11 for the person’s own storage, use or other consumption while temporarily within this
12 state when such property, item, or good is not stored, used or otherwise consumed in
13 this state in the conduct of a trade, occupation, business or profession or in the
14 performance of personal services for wages or fees.

15 **SECTION 176r.** 77.53 (18) of the statutes is amended to read:

16 77.53 (18) This section does not apply to the storage, use or other consumption
17 in this state of household goods or items, property, or goods under s. 77.52 (1) (b), (c),
18 or (d) for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile
19 homes, manufactured homes, as defined in s. 101.91 (2), recreational vehicles, as
20 defined in s. 340.01 (48r), trailers, semitrailers, ~~and~~ all-terrain vehicles, and utility
21 terrain vehicles, for personal use, purchased by a nondomiciliary of this state outside
22 this state, as determined under s. 77.522, 90 days or more before bringing the goods,
23 items, or property into this state in connection with a change of domicile to this state.

24 **SECTION 177.** 77.54 (7) (b) (intro.) of the statutes is amended to read:

SENATE BILL 354

1 77.54 (7) (b) (intro.) If the item transferred is a motor vehicle, snowmobile,
2 recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain
3 vehicle, utility terrain vehicle, or aircraft and the item is registered or titled, or
4 required to be registered or titled, in this state or if the item is a boat that is registered
5 or titled, or required to be registered or titled, in this state or under the laws of the
6 United States, the exemption under par. (a) applies only if all of the following
7 conditions are fulfilled:

8 **SECTION 178.** 77.61 (1) (a) of the statutes is amended to read:

9 77.61 (1) (a) No motor vehicle, boat, snowmobile, recreational vehicle, as
10 defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
11 vehicle, or aircraft shall be registered or titled in this state unless the registrant
12 presents proof that the sales or use taxes imposed by this subchapter have been paid.

13 **SECTION 179.** 77.61 (1) (b) of the statutes is amended to read:

14 77.61 (1) (b) In the case of motor vehicles, boats, snowmobiles, recreational
15 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
16 utility terrain vehicles, or aircraft purchased from a retailer, the registrant shall
17 present proof that the tax has been paid to such retailer.

18 **SECTION 180.** 77.61 (1) (c) of the statutes is amended to read:

19 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational
20 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
21 utility terrain vehicles, or aircraft registered or titled, or required to be registered or
22 titled, in this state purchased from persons who are not retailers, the purchaser shall
23 file a sales tax return and pay the tax prior to registering or titling the motor vehicle,
24 boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), semitrailer,
25 all-terrain vehicle, utility terrain vehicle, or aircraft in this state.

SENATE BILL 354**SECTION 180m**

1 **SECTION 180m.** 77.73 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 **77.73 (2)** Counties and special districts do not have jurisdiction to impose the
4 tax under s. 77.71 (2) in regard to items, property, and goods under s. 77.52 (1) (b),
5 (c), and (d), and tangible personal property, except snowmobiles, trailers,
6 semitrailers, ~~and all-terrain vehicles, and utility terrain vehicles,~~ purchased in a
7 sale that is consummated in another county or special district in this state that does
8 not have in effect an ordinance or resolution imposing the taxes under this
9 subchapter and later brought by the buyer into the county or special district that has
10 imposed a tax under s. 77.71 (2).

11 **SECTION 181.** 77.78 of the statutes, as affected by 2011 Wisconsin Act 32, is
12 amended to read:

13 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
14 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
15 vehicle, or aircraft that is required to be registered by this state may be registered
16 or titled by this state unless the registrant files a sales and use tax report and pays
17 the county tax and special district tax at the time of registering or titling to the state
18 agency that registers or titles the property. That state agency shall transmit those
19 tax revenues to the department of revenue.

20 **SECTION 182.** 78.01 (2) (e) of the statutes is amended to read:

21 **78.01 (2) (e)** Gasoline sold for nonhighway use in mobile machinery and
22 equipment; other than use in a snowmobile, an all-terrain vehicle or utility terrain
23 vehicle that is not registered for private use under s. 23.33 (2) (d) or a recreational
24 motorboat; and delivered directly into the consumer's storage tank in an amount of
25 not less than 100 gallons.

SENATE BILL 354

1 **SECTION 183.** 78.01 (2m) (f) of the statutes is amended to read:

2 78.01 **(2m)** (f) It is dyed diesel fuel and is sold for off-highway use other than
3 use in a snowmobile, an all-terrain vehicle or utility terrain vehicle that is not
4 registered for private use under s. 23.33 (2) (d) or (2g) or in a recreational motorboat
5 or if no claim for a refund for the tax on the diesel fuel may be made under s. 78.75
6 (1m) (a) 3.

7 **SECTION 184.** 78.40 (1) of the statutes is amended to read:

8 78.40 **(1)** IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
9 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The
10 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply
11 tanks of motor vehicles in this state, attaches at the time of delivery and shall be
12 collected by the dealer from the alternate fuels user and shall be paid to the
13 department. The tax, with respect to alternate fuels acquired by any alternate fuels
14 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a
15 motor vehicle, or of a snowmobile, an all-terrain vehicle or utility terrain vehicle that
16 is not registered for private use under s. 23.33 (2) (d) or (2g) or a recreational
17 motorboat, attaches at the time of the use of the fuel and shall be paid to the
18 department by the user. The department may permit any supplier of alternate fuels
19 to report and pay to the department the tax on alternate fuels delivered into the
20 storage facility of an alternate fuels user or retailer which will be consumed for
21 alternate fuels tax purposes or sold at retail.

22 **SECTION 185.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

23 78.75 **(1m)** (a) 2m. A person who uses motor vehicle fuel or an alternate fuel
24 upon which has been paid the tax required under this chapter for the purpose of
25 operating an all-terrain vehicle, as defined under s. 340.01 (2g), or a utility terrain

SENATE BILL 354**SECTION 185**

1 vehicle, as defined under s. 23.33 (1) (ng), may not be reimbursed or repaid the
2 amount of tax paid unless the all-terrain vehicle or utility terrain vehicle is
3 registered for private use under s. 23.33 (2) (d) or (2g).

4 **SECTION 186.** 78.75 (1m) (a) 3. of the statutes is amended to read:

5 78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed. The forms shall
6 indicate that refunds are not available for motor vehicle fuel or alternate fuels used
7 for motorboats, except motorboats exempt from registration as motor vehicles under
8 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle
9 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile
10 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and
11 areas. The forms shall indicate that refunds are not available for motor vehicle fuel
12 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the
13 ~~all-terrain~~ vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall
14 indicate that estimated all-terrain vehicle or utility terrain vehicle motor vehicle
15 fuel or alternate fuels tax payments are used for all-terrain vehicle trails and areas.
16 The forms shall also indicate that refunds are not available for the tax on less than
17 100 gallons. The department shall distribute forms in sufficient quantities to each
18 county clerk.

19 **SECTION 187.** 100.48 (1) (d) of the statutes is created to read:

20 100.48 **(1)** (d) “Utility terrain vehicle” has the meaning given in s. 23.33 (1) (ng).

21 **SECTION 188.** 100.48 (2), (3) (a) and (4) (c) of the statutes are amended to read:

22 100.48 **(2)** No person may, either personally or through an agent, remove,
23 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
24 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain

SENATE BILL 354

1 vehicle, or a boat with the intent to defraud by changing or affecting the number of
2 hours of operation indicated on the hour meter.

3 (3) (a) Nothing in this section shall prevent the service, repair or replacement
4 of an hour meter if the number of hours of operation indicated on the hour meter
5 remains the same as before the service, repair or replacement. If an hour meter
6 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain
7 vehicle, or a boat is incapable of registering the same number of hours of operation
8 as before its service, repair or replacement, the hour meter shall be adjusted to read
9 zero, and a sticker shall be affixed by the owner of the vehicle or device to which the
10 hour meter is attached or an agent, in proximity to the hour meter, specifying the
11 number of hours of operation recorded on the hour meter prior to its service, repair
12 or replacement and the date on which it was serviced, repaired or replaced. No
13 person who services, repairs or replaces an hour meter attached to farm equipment,
14 a snowmobile, an all-terrain vehicle, a utility terrain vehicle, or a boat that is
15 incapable of registering the same number of hours of operation as before such service,
16 repair or replacement may fail to adjust the hour meter to read zero or fail to affix
17 the sticker required by this paragraph.

18 (4) (c) Any person who violates sub. (2) or (3) with respect to an hour meter
19 attached to a snowmobile, an all-terrain vehicle, a utility terrain vehicle, or a boat
20 may be fined not more than \$5,000 or imprisoned for not more than one year in the
21 county jail, or both, for each violation.

22 **SECTION 189.** 322.111 of the statutes is amended to read:

23 **322.111 Article 111 — Drunken or reckless operation of an all-terrain**
24 **vehicle, utility terrain vehicle, vehicle, snowmobile, aircraft, or vessel.** Any
25 person who violates s. 23.33 (3) (a) or (4c), 30.68, 30.681, 114.09, 346.62, 346.63 (1)

SENATE BILL 354**SECTION 189**

1 or (2), 350.10 (1) (b), 350.101, 940.25, or 940.09 where the offense involved the
2 operation or physical control of an aircraft, all-terrain vehicle, utility terrain vehicle,
3 snowmobile, vehicle or vessel on or off a highway shall be punished as the
4 court-martial may direct.

5 **SECTION 190.** 323.20 of the statutes is amended to read:

6 **323.20 Emergency use of vehicles.** In responding to an official request for
7 help during any declared state of emergency, any person may operate a boat or any
8 motor vehicle, including a snowmobile ~~or~~, all-terrain vehicle, utility terrain
9 vehicle, that is not registered in this state.

10 **SECTION 191.** 340.01 (27g) of the statutes is amended to read:

11 340.01 (27g) “Low-pressure tire” means a tire that has a minimum width of
12 6 inches and that is designed to be inflated with an operating pressure not to exceed
13 ~~40~~ 20 pounds per square inch as recommended by the manufacturer.

14 **SECTION 192.** 340.01 (32) (intro.) of the statutes is amended to read:

15 340.01 (32) (intro.) “Motorcycle” means a motor vehicle, excluding a tractor ~~or~~,
16 an all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess
17 of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind,
18 with a power source as an integral part of the vehicle, and which meets the conditions
19 under par. (a) or (b):

20 **SECTION 193.** 340.01 (35) of the statutes is amended to read:

21 340.01 (35) “Motor vehicle” means a vehicle, including a combination of 2 or
22 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
23 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
24 commercial motor vehicle or a vehicle which is propelled by electric power obtained
25 from overhead trolley wires but not operated on rails. A snowmobile ~~and~~, an

SENATE BILL 354

1 all-terrain vehicle, and a utility terrain vehicle shall ~~only~~ be considered motor
2 vehicles only for purposes made specifically applicable by statute.

3 **SECTION 194.** 341.057 of the statutes is amended to read:

4 **341.057 All-terrain vehicles and utility terrain vehicles.** All-terrain
5 vehicles and utility terrain vehicles are not required to be registered under this
6 chapter but shall be registered under s. 23.33 (2) or (2g).

7 **SECTION 195.** 344.61 (1) of the statutes is amended to read:

8 344.61 (1) Notwithstanding s. 344.01 (2) (b), “motor vehicle” does not include
9 trailers, semitrailers, ~~and all-terrain vehicles, and utility terrain vehicles.~~

10 **SECTION 196.** 345.11 (1r) of the statutes is amended to read:

11 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
12 be used for violations of s. 23.33 relating to highway use or ordinances enacted in
13 accordance with that section if the violation is committed on a highway, but no points
14 may be assessed against the driving record of the operator of an all-terrain vehicle
15 or utility terrain vehicle. When the uniform traffic citation is used, the report of
16 conviction shall be forwarded to the department. When the citation form under s.
17 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

18 **SECTION 197.** 346.02 (11) of the statutes is amended to read:

19 346.02 (11) **APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN**
20 **VEHICLES**. The operator of an all-terrain vehicle or a utility terrain vehicle on a
21 roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20,
22 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44,
23 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71,
24 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9) but is not
25 subject to any other provision of this chapter.

SENATE BILL 354**SECTION 198**

1 **SECTION 198.** 346.66 (1) (c) of the statutes is amended to read:

2 346.66 (1) (c) Sections 346.67 to 346.70 do not apply to accidents involving only
3 snowmobiles, all-terrain vehicles, utility terrain vehicles, or vehicles propelled by
4 human power or drawn by animals.

5 **SECTION 199.** 346.71 (1) of the statutes is amended to read:

6 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day
7 of each month, report in writing any accident involving a motor vehicle occurring
8 within the coroner's or medical examiner's jurisdiction resulting in the death of any
9 person during the preceding calendar month. If the accident involved an all-terrain
10 vehicle or utility terrain vehicle, the report shall be made to the department of
11 natural resources and shall include the information specified by that department.
12 If the accident involved any other motor vehicle, the report shall be made to the
13 department and shall include the information specified by the department. The
14 coroner or medical examiner of the county where the death occurs, if the accident
15 occurred in another jurisdiction, shall, immediately upon learning of the death,
16 report it to the coroner or medical examiner of the county where the accident
17 occurred, as provided in s. 979.01 (1).

18 **SECTION 200.** 346.71 (2) of the statutes is amended to read:

19 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
20 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
21 electric personal assistive mobility device operator 14 years of age or older and who
22 died within 6 hours of the time of the accident, the coroner or medical examiner of
23 the county where the death occurred shall require that a blood specimen of at least
24 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her
25 death, by the coroner or medical examiner or by a physician so designated by the

SENATE BILL 354

1 coroner or medical examiner or by a qualified person at the direction of the physician.
2 All funeral directors shall obtain a release from the coroner or medical examiner of
3 the county where the accident occurred as provided in s. 979.01 (4) prior to
4 proceeding with embalming any body coming under the scope of this section. The
5 blood so drawn shall be forwarded to a laboratory approved by the department of
6 health services for analysis of the alcoholic content of the blood specimen. The
7 coroner or medical examiner causing the blood to be withdrawn shall be notified of
8 the results of each analysis made and shall forward the results of each such analysis
9 to the department of health services. If the death involved a motor vehicle, the
10 department shall keep a record of all such examinations to be used for statistical
11 purposes only and the department shall disseminate and make public the
12 cumulative results of the examinations without identifying the individuals involved.
13 If the death involved an all-terrain vehicle or utility terrain vehicle, the department
14 of natural resources shall keep a record of all such examinations to be used for
15 statistical purposes only and the department of natural resources shall disseminate
16 and make public the cumulative results of the examinations without identifying the
17 individuals involved.

18 **SECTION 201.** 347.24 (1) (c) of the statutes is amended to read:

19 347.24 (1) (c) An implement of husbandry which is an all-terrain vehicle or
20 utility terrain vehicle need only comply with the lamp requirements established
21 under s. 23.33 (6).

22 **SECTION 202.** 347.415 (1g) of the statutes is amended to read:

23 347.415 (1g) In this section, “odometer” means an instrument for measuring
24 and recording the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain
25 vehicle, or utility terrain vehicle has traveled while in operation, but does not include

SENATE BILL 354**SECTION 202**

1 any auxiliary instrument designed to be reset to zero to measure and record the
2 actual distance that a motor vehicle, snowmobile, ~~or all-terrain vehicle,~~ or utility
3 terrain vehicle has traveled on trips.

4 **SECTION 203.** 347.415 (1m) of the statutes is amended to read:

5 347.415 **(1m)** No person may, either personally or through an agent, remove,
6 replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any
7 motor vehicle, snowmobile, ~~or all-terrain vehicle,~~ or utility terrain vehicle with the
8 intent to change or affect the number of miles indicated thereon.

9 **SECTION 203m.** 348.01 (2) (d) of the statutes, as created by 2011 Wisconsin Act
10 59, is amended to read:

11 348.01 **(2)** (d) “Vehicle for recreational use” includes a bicycle, moped, motor
12 bicycle, motorcycle, all-terrain vehicle, utility terrain vehicle, snowmobile, boat, as
13 defined in s. 30.50 (2), sailboard, as defined in s. 30.50 (11), personal watercraft, or
14 electric personal assistive mobility device, but does not include an automobile, motor
15 truck, motor home, play vehicle, or in-line skates.

16 **SECTION 204.** 885.235 (1g) (intro.) of the statutes is amended to read:

17 885.235 **(1g)** (intro.) In any action or proceeding in which it is material to prove
18 that a person was under the influence of an intoxicant or had a prohibited alcohol
19 concentration or a specified alcohol concentration while operating or driving a motor
20 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
21 a motorboat, except a sailboat operating under sail alone, while operating a
22 snowmobile, while operating an all-terrain vehicle or utility terrain vehicle or while
23 handling a firearm, evidence of the amount of alcohol in the person’s blood at the time
24 in question, as shown by chemical analysis of a sample of the person’s blood or urine
25 or evidence of the amount of alcohol in the person’s breath, is admissible on the issue

SENATE BILL 354

1 of whether he or she was under the influence of an intoxicant or had a prohibited
2 alcohol concentration or a specified alcohol concentration if the sample was taken
3 within 3 hours after the event to be proved. The chemical analysis shall be given
4 effect as follows without requiring any expert testimony as to its effect:

5 **SECTION 205.** 885.235 (1k) of the statutes is amended to read:

6 **885.235 (1k)** In any action or proceeding in which it is material to prove that
7 a person had a detectable amount of a restricted controlled substance in his or her
8 blood while operating or driving a motor vehicle or, if the vehicle is a commercial
9 motor vehicle, on duty time, while operating a motorboat, except a sailboat operating
10 under sail alone, while operating a snowmobile, while operating an all-terrain
11 vehicle or utility terrain vehicle, or while handling a firearm, if a chemical analysis
12 of a sample of the person's blood shows that the person had a detectable amount of
13 a restricted controlled substance in his or her blood, the court shall treat the analysis
14 as prima facie evidence on the issue of the person having a detectable amount of a
15 restricted controlled substance in his or her blood without requiring any expert
16 testimony as to its effect.

17 **SECTION 206.** 895.043 (6) of the statutes, as created by 2011 Wisconsin Act 2,
18 is amended to read:

19 **895.043 (6) LIMITATION ON DAMAGES.** Punitive damages received by the plaintiff
20 may not exceed twice the amount of any compensatory damages recovered by the
21 plaintiff or \$200,000, whichever is greater. This subsection does not apply to a
22 plaintiff seeking punitive damages from a defendant whose actions under sub. (3)
23 included the operation of a vehicle, including a motor vehicle as defined under s.
24 340.01 (35), a snowmobile as defined under s. 340.01 (58a), an all-terrain vehicle as
25 defined under s. 340.01 (2g), a utility terrain vehicle as defined under s. 23.33 (1) (ng).

SENATE BILL 354**SECTION 206**

1 and a boat as defined under s. 30.50 (2), while under the influence of an intoxicant
2 to a degree that rendered the defendant incapable of safe operation of the vehicle.

3 In this subsection, “intoxicant” has the meaning given in s. 30.50 (4e).

4 **SECTION 207.** 895.049 of the statutes is amended to read:

5 **895.049 Recovery by a person who fails to use protective headgear**
6 **while operating certain motor vehicles.** Notwithstanding s. 895.045, failure by
7 a person who operates or is a passenger on a utility terrain vehicle, as defined in s.
8 23.33 (1) (ng), a motorcycle, as defined in s. 340.01 (32), an all-terrain vehicle, as
9 defined in s. 340.01 (2g), or a snowmobile, as defined in s. 340.01 (58a), on or off a
10 highway, to use protective headgear shall not reduce recovery for injuries or damages
11 by the person or the person’s legal representative in any civil action. This section
12 does not apply to any person required to wear protective headgear under s. 23.33 (3g)
13 or 347.485 (1).

14 **SECTION 208.** 895.52 (1) (g) of the statutes is amended to read:

15 **895.52 (1) (g)** “Recreational activity” means any outdoor activity undertaken
16 for the purpose of exercise, relaxation or pleasure, including practice or instruction
17 in any such activity. “Recreational activity” includes hunting, fishing, trapping,
18 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,
19 bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain
20 vehicle, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,
21 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or
22 removing wood, climbing observation towers, animal training, harvesting the
23 products of nature, sport shooting and any other outdoor sport, game or educational
24 activity. “Recreational activity” does not include any organized team sport activity
25 sponsored by the owner of the property on which the activity takes place.

SENATE BILL 354

1 **SECTION 209.** 895.525 (2) of the statutes is amended to read:

2 **895.525 (2) DEFINITION.** In this section, “recreational activity” means any
3 activity undertaken for the purpose of exercise, relaxation or pleasure, including
4 practice or instruction in any such activity. “Recreational activity” includes hunting,
5 fishing, trapping, camping, bowling, billiards, picnicking, exploring caves, nature
6 study, dancing, bicycling, horseback riding, horseshoe-pitching, bird-watching,
7 motorcycling, operating an all-terrain vehicle or utility terrain vehicle, ballooning,
8 curling, throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding,
9 snowmobiling, skiing, skating, participation in water sports, weight and fitness
10 training, sight-seeing, rock-climbing, cutting or removing wood, climbing
11 observation towers, animal training, harvesting the products of nature, sport
12 shooting and any other sport, game or educational activity.

13 **SECTION 210.** 901.053 of the statutes is amended to read:

14 **901.053 Admissibility of evidence relating to use of protective**
15 **headgear while operating certain motor vehicles.** Evidence of use or nonuse
16 of protective headgear by a person, other than a person required to wear protective
17 headgear under s. 23.33 (3g) or 347.485 (1), who operates or is a passenger on a utility
18 terrain vehicle, as defined in s. 23.33 (1) (ng), a motorcycle, as defined in s. 340.01
19 (32), an all-terrain vehicle, as defined in s. 340.01 (2g), or a snowmobile, as defined
20 in s. 340.01 (58a), on or off a highway, is not admissible in any civil action for personal
21 injury or property damage. This section does not apply to the introduction of such
22 evidence in a civil action against the manufacturer or producer of the protective
23 headgear arising out of any alleged deficiency or defect in the design or manufacture
24 of the protective headgear or, with respect to such use of protective headgear, in a civil

SENATE BILL 354**SECTION 210**

1 action on the sole issue of whether the protective headgear contributed to the
2 personal injury or property damage incurred by another person.

3 **SECTION 211.** 938.17 (title) of the statutes is amended to read:

4 **938.17 (title) Jurisdiction over traffic, boating, snowmobile, and**
5 **all-terrain vehicle, and utility terrain vehicle violations and over civil law**
6 **and ordinance violations.**

7 **SECTION 212.** 938.17 (1) (intro.) of the statutes is amended to read:

8 **938.17 (1) TRAFFIC, BOATING, SNOWMOBILE AND, ALL-TERRAIN VEHICLE, AND UTILITY**
9 **TERRAIN VEHICLE VIOLATIONS.** (intro.) Except for violations of ss. 342.06 (2) and 344.48
10 (1), and violations of ss. 30.67 (1) and 346.67 (1) when death or injury occurs, courts
11 of criminal and civil jurisdiction have exclusive jurisdiction in proceedings against
12 juveniles 16 years of age or older for violations of s. 23.33, of ss. 30.50 to 30.80, of chs.
13 341 to 351, and of traffic regulations, as defined in s. 345.20, and nonmoving traffic
14 violations, as defined in s. 345.28 (1). A juvenile charged with a traffic, boating,
15 snowmobile, ~~or~~ all-terrain vehicle, or utility terrain vehicle offense in a court of
16 criminal or civil jurisdiction shall be treated as an adult before the trial of the
17 proceeding except that the juvenile may be held in secure custody only in a juvenile
18 detention facility. A juvenile convicted of a traffic, boating, snowmobile, ~~or~~
19 all-terrain vehicle, or utility terrain vehicle offense in a court of criminal or civil
20 jurisdiction shall be treated as an adult for sentencing purposes except as follows:

21 **SECTION 213.** 938.343 (9) of the statutes is amended to read:

22 **938.343 (9) ALL-TERRAIN OR UTILITY TERRAIN VEHICLE SAFETY COURSE.** If the
23 violation is one under s. 23.33 or under an ordinance enacted in accordance with s.
24 23.33 concerning the use of all-terrain vehicles or utility terrain vehicles, order the
25 juvenile to attend an all-terrain vehicle or utility terrain vehicle safety course.

SENATE BILL 354**1 SECTION 214. Nonstatutory provisions.**

2 (1) Notwithstanding the fees specified in section 23.33 (2) (c) of the statutes,
3 as affected by this act, the department of natural resources may charge a fee under
4 section 23.33 (2) (c) of the statutes, as affected by this act, that is calculated on a
5 proportional basis if the changes in the public-use registration period under section
6 23.33 (2) (f) of the statutes, as affected by this act, cause a public-use registration
7 certificate that is issued on or after the effective date of this subsection to expire in
8 less than 2 years after the date of issuance.

9 (2) Notwithstanding the fees specified in section 23.33 (2) (dm) 2. of the
10 statutes, as affected by this act, the department of natural resources may charge a
11 fee under section 23.33 (2) (dm) 2. of the statutes, as affected by this act, that is
12 calculated on a proportional basis if the changes in the registration period for a
13 commercial all-terrain vehicle and utility terrain vehicle certificate cause a
14 commercial all-terrain vehicle and utility terrain vehicle certificate that is issued on
15 or after the effective date of this subsection to expire in less than 2 years after the
16 date of issuance.

17 SECTION 215. Fiscal changes.

18 (1) The unencumbered balance in the appropriation account under section
19 20.370 (1) (iv) of the statutes is transferred to the appropriation account under
20 section 20.370 (1) (iw) of the statutes, as created by this act.

21 **SECTION 216. Effective dates.** This act takes effect on July 1, 2012, or the day
22 after publication, whichever is later, except as follows:

23 (1) The treatment of section 23.33 (2) (ir) 1. of the statutes takes effect on March
24 1, 2015.

