

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/P2dn
RNK:wlj:ph

September 26, 2011

This redraft makes extensive changes to the previous version of the draft. Given the scope of the changes requested, please review the draft closely.

This redraft does not contain certain requested changes. For example, the instructions included a request to amend certain statutes to refer to the issuance of a “certificate of number” instead of a “certificate.” What is the difference between a “certificate” and a “certificate of number”?

The draft also does not include the creation of a five-day trail pass nor does it include the incorporation of certain DNR rules as requested. I will include these changes in the next version of the draft.

Please note that this version of the draft, as requested, amends s. 340.01 (35), stats., which contains the definition of “motor vehicle.” That definition generally applies throughout s. 23.33 and chs. 340 to 349 and 351. See s. 340.01 (intro.), stats. The definition is also cross-referenced in all of the following statutes: ss. 30.01 (3w), 77.83 (2) (c), 100.205 (1) (c), 100.21 (1) (d), 100.42 (1) (h), 100.45 (1) (c), 100.51 (5) (a) 1., 110.20 (1) (b), 175.60 (1) (e), 285.30 (1) (b), 422.413 (2g) (intro.), 895.043 (6), 948.605 (1) (am), and 968.20 (3) (a) and (b). The definition in current law for “motor vehicle” in s. 340.01 (35) is quite broad and includes most “self-propelled” vehicles. I believe that under current law this definition encompasses utility terrain vehicles. The current definition also provides that an all-terrain vehicle is a motor vehicle only for purposes where it is “made specifically applicable by statute.” Consequently, in current law, throughout chs. 340 to 349 and 351, and in the statutes identified above, a utility terrain vehicle *is* a motor vehicle but an all-terrain vehicle *is not* a motor vehicle unless made specifically applicable by statute. Under this draft, I have amended the definition in s. 340.01 (35) so that utility terrain vehicles are treated just like all-terrain vehicles. That is, under the draft, they are not “motor vehicles” except for purposes where specifically made applicable. That means that throughout chs. 340 to 349 and 351, and in the statutes identified above, the definition of “motor vehicle” will not include utility terrain vehicle, “except where specifically made applicable.” Please review all of these statutes to make sure that this result is consistent with your intent.

As with the previous version of the draft, I made certain assumptions with regard to funding for the UTV program. After you review the draft, and particularly the

appropriations in the draft, I recommend that we arrange another meeting to make sure that the funding for the UTV program under the draft meets your intent.

Please feel free to contact me if you have any questions with regard to this draft.

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