

2011 DRAFTING REQUEST

Bill

Received: **07/29/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

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

By/Representing: **Lucas Moench**

May Contact:

Drafter: **rkite**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulating the use of utility terrain vehicles

Instructions:

See attached

Drafting History:

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/P2	rkite 09/15/2011	wjackson 09/22/2011	phenry 09/26/2011	_____	lparisi 09/26/2011		
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/P4	rkite	wjackson	jfrantze	_____	ggodwin		S&L

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FE Sent For:

*At intro
12/28/2011*

<END>

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ph*

[Signature]
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FE Sent For:

<END>

Kite, Robin

From: Moench, Lucas
Sent: Thursday, April 14, 2011 12:51 PM
To: Kite, Robin
Subject: LRB 1421/1 Revisions
Attachments: UTV Bill changes 3 2011.doc

*Per Lucas -
OK to enter as
new LRB*

Hello,

Earlier this session, you had drafted LRB 1421/1 for our office. I believe you worked with Jeff on this issue. After contacting some of the groups involved, I have compiled a list of changes and additions that we would like made to LRB 1421/1. If you have questions on any of these items, please let me know.

1) Revise and put in statute:

NR 64.03 Registration. (3) EXPIRATION. (a) All-terrain vehicle public use registration shall be valid for 2 years beginning July 1 April 1 or the date of issuance or renewal and ending June 30 March 31 of the second year following the date of issuance or renewal.

2) Make the following revisions:

Proposed Revisions to Ch. 23.33, Wisconsin Statutes

23.33 All-terrain Vehicles

Revise

23.33 (1) DEFINITIONS

(o) "Validated registration receipt" means a receipt issued by the department or an agent under sub. (2) (ig) 1. a. that shows that

an application and the required fees for a registration certificate has been submitted to the department or to an appointed agent.

Create

23.33(2) REGISTRATION

(ca) Late fee: A late fee of \$5.00 will be charged if the public use registration is not renewed prior to the expiration date of the registration unless the renewal is included with an application to transfer the registration.

Revise

23.33(2) REGISTRATION

(ir) *Registration; supplemental fees.* 1. In addition to the applicable fee under par. (c), (d), or (e), each agent appointed under par. (i) 3. who accepts an application in person and issues a validated registration receipt under par. (ig) 1. a. shall collect a service fee of \$3 each time the agent issues a validated registration receipt under par. (ig) 1. a. The agent shall retain the entire amount of each service fee the agent

collects.

Revise

23.33 (2j) NONRESIDENT TRAIL PASSES

(c) The fee for a nonresident trail pass issued for an all-terrain vehicle that is exempt from registration under sub. (2) (b) 2. is \$34.25. A nonresident trail pass issued for such an all-terrain vehicle may be issued only by the department and

persons appointed by the department and expires on ~~June 30~~ March 31 of each year.

Proposed Revision to Chapter NR 64, Wisconsin Administrative Code

NR 64.03 Registration. **(3) EXPIRATION.** (a) All-terrain vehicle public use registration shall be valid for 2 years beginning ~~July 1~~ April 1 or the date of issuance or renewal and ending ~~June 30~~ March 31 of the second year following the date of issuance or renewal.

3) Make the revisions from the attached document



UTV Bill changes
3 2011.doc (3...

Thank You,

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

Per Lucas -

4/27

For questions, call:

Hank Wozniak - ATV Assoc.

262-628-2998

Lucas also thinks that this draft &
LRB-1420 should be merged

Per Diane Conklin

wants ^{UTV pilot} registration money to be
used as start-up for UTVs
wants \$20,000 to come out of pilot
program for "start-up"

Diane Conklin - DNR - (715) 822-8583
Grant Manager for ATV + UTV Program -
UTV registration into ATV

change UTV regis fee to \$30 +
not \$60

(414) 702 2998 - cell
(262) 628 - 2998 - home

Randy
(920) 980-9835

7/15 -

Lucas gave permission to talk to LFB

7/29 - O.K. to enter as new draft

8-4-11

Called Hank Wozniak -

Wants UTV's to be treated like ATV's for almost all purposes -
except - doesn't want ATV money to be used on trails where UTVs are not allowed

so, e.g., same laws re: ATVs should apply re firearms, snowplows etc.

Re: "safety program" (5m) - keep just ATVs


Hank's cell - (414) 702-2998

Randy Harden - (920) 980-9835


An Act to repeal, amend and create statutes relating to 23.33

23.33 


23.33 All-terrain vehicles.

23.33(1) 


(1) **Definitions.** As used in this section

23.33(1)(bc) 


(bc) "All-terrain vehicle club" means a club consisting of individuals that promotes the recreational use of all-terrain vehicles. (either add UTV or UTV separate definition)

23.33(1)(bd) 


(bd) "All-terrain vehicle dealer" means a person engaged in the sale of all-terrain vehicles for a profit at wholesale or retail. (Either add UTV or separate UTV definition)

23.33(1)(bh) 


(bh) "All-terrain vehicle distributor" means a person who sells or distributes all-terrain vehicles to all-terrain vehicle dealers or who maintains distributor representatives. (Either add UTV or separate UTV definition)

23.33(1)(bp) 


(bp) "All-terrain vehicle manufacturer" means a person engaged in the manufacture of all-terrain vehicles for sale to the public. (Either add UTV or separate UTV definition)

23.33(1)(bt) 


(bt) "All-terrain vehicle renter" means a person engaged in the rental or leasing of all-terrain vehicles to the public. (Either add UTV or separate UTV definition)

23.33(1)(c) 

(c) "All-terrain vehicle route" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section. (Make a new UTV route definition)


23.33(1)(d) 

(d) "All-terrain vehicle trail" means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic. (Make a new UTV Trail definition)


23.33(1)(ic) 

(ic) "Intoxicated operation of an all-terrain vehicle law" means sub. (4c) or a local


ordinance in conformity therewith or, if the operation of an all-terrain vehicle is involved, s. 940.09 or 940.25. (Amend to add UTV)

✓ 23.33(1)(ir) 


(ir) "Operate" means to exercise physical control over the speed or direction of an all-terrain vehicle or to physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it in motion. (Amend to add UTV)

✓ 23.33(1)(it) 


(it) "Operation" means the exercise of physical control over the speed or direction of an all-terrain vehicle or the physical manipulation or activation of any of the controls of an all-terrain vehicle necessary to put it in motion. (Amend to add UTV)

✓ 23.33(1)(iw) 


(iw) "Operator" means a person who operates an all-terrain vehicle, who is responsible for the operation of an all-terrain vehicle or who is supervising the operation of an all-terrain vehicle. (Amend to add UTV)

✓ 23.33(1)(j) 


(j) "Owner" means a person who has lawful possession of an all-terrain vehicle by virtue of legal title or equitable interest in the all-terrain vehicle which entitles the person to possession of the all-terrain vehicle. (Amend to add UTV)

23.33(1)(jn) 


(jn) "Registration documentation" means an all-terrain vehicle registration certificate, a validated registration receipt, or a registration decal. (Amend to add UTV) 7
○

✓ 23.33(1)(n) 


(n) "Used exclusively on private property" means use of an all-terrain vehicle by the owner of the all-terrain vehicle or a member of his or her immediate family only on land owned or leased by the all-terrain vehicle owner or a member of his or her immediate family. (Amend to add UTV)

✓ 23.33(2) 


(2) Registration. (See Amended 23.33(1p)(f)) (We request that registered ATVs and UTVs must display the current use registration number and decal on a user-furnished front and rear plate 4" high and 7" long. The plate must be clearly visible on the front and back of the vehicle and at least 12 inches from the ground. The plate and decal must be maintained in a clear and legible condition. The registration letters and numbers must be at least 1 1/4" high, in English and placed from left to right with black letters and numbers and a contrasting white plate. We also need to allocate a UTV dealer / distributor / manufacture dealer plate option similar to the current ATV program but instead of issuing actual plates every two years, the DNR registration bureau will issue renewal stickers for the plates.)

✓ 23.33(2)(c) 


yes private use?
(c) *Registration; public use; fee.* Any all-terrain vehicle may be registered for public use. The fee for the issuance or renewal of a registration certificate for public use is \$30. (Amend: Fee for UTV is \$60.)

✓ 23.33(2)(o) 


(o) *Receipt of fees.* All fees remitted to or collected by the department under par. (ir) shall be credited to the appropriation account under s. 20.370 (9) (hu). (Fees for UTV should go to the UTV account)

✓ 23.33(2j) 


(2j) Nonresident trail passes. (For purposes of all of (2j) a utility terrain vehicle is considered an all-terrain vehicle)

✓ 23.33(2j)(a) 


(a) In this subsection, "public all-terrain vehicle corridor" means an all-terrain vehicle trail or other established all-terrain vehicle corridor that is open to the public but does not include an all-terrain vehicle route. (Amend to add UTV)

✓ 23.33(2j)(b) 


(b) Except as provided in par. (e), no person may operate an all-terrain vehicle on a public all-terrain vehicle corridor in this state unless a nonresident trail pass issued under this subsection is displayed on the all-terrain vehicle. (Amend to add UTV)

✓ 23.33(2j)(c) 


(c) The fee for a nonresident trail pass issued for an all-terrain vehicle that is exempt from registration under sub. (2) (b) 2. is \$34.25. A nonresident trail pass issued for such an all-terrain vehicle may be issued only by the department and persons appointed by the department and expires on June 30 of each year. (Amend to add UTV and make decision on expiration date of March 31 ?)

✓ 23.33(2m) 


(2m) Rental of all-terrain vehicles. (For purposes of all of (2m) a utility terrain vehicle is considered an all-terrain vehicle)

✓ 23.33(2m)(a)2. 


2. Rent or lease an all-terrain vehicle to a person under 16 years of age. (UTVs will also requires a driver's license for operation also see 23.33(11p)(g) for valid safety certificate being needed)

✓ 23.33(3) 


(3) Rules of operation. No person may operate an all-terrain vehicle: (For purposes of all of (3) a utility terrain vehicle is considered an all-terrain vehicle)

✓ 23.33(3g) 

(3g) Use of headgear. No person may operate or be a passenger on an all-terrain vehicle without wearing protective headgear of the type required under s. 347.485 (1) (a) and with the chin strap properly fastened, unless one of the following applies: (For purposes of all of (3g) a utility terrain vehicle is considered an all-terrain vehicle)

✓ 23.33(4) 


(4) Operation on or near highways. (For purposes of all of (4) a utility terrain vehicle is considered an all-terrain vehicle)

23.33(4c) 

(4c) Intoxicated operation of an all-terrain vehicle. (For purposes of all of (4c) a utility terrain vehicle is considered an all-terrain vehicle)(Note: A law should be inserted that "No opened alcoholic beverage containers on your person in a UTV on a public trail or route. No one under the legal drinking age may transport any intoxicants – open or closed")


Note →

> 0


23.33(4g) 

(4g) Preliminary breath screening test. (For purposes of all of (4g) a utility terrain vehicle is considered an all-terrain vehicle)


{ (4) (g) (4) (g) include

23.33(4p) 


(4p) Chemical tests. (For puposes of all of (4p) a utility terrain vehicle is considered an all-terrain vehicle)

23.33(4t) 

(4t) Report arrest to department. If a law enforcement officer arrests a person for a violation of the intoxicated operation of an all-terrain vehicle law or the refusal law, the law enforcement officer shall notify the department of the arrest as soon as practicable. (For purposes of all of (4t) a utility terrain vehicle is considered an all-terrain vehicle)

23.33(4x) 


(4x) Officer's action after arrest for operating an all-terrain vehicle while under influence of intoxicant. A person arrested for a violation of sub. (4c) (a) 1. or 2. or a local ordinance in conformity therewith or sub. (4c) (b) 1. or 2. may not be released until 12 hours have elapsed from the time of his or her arrest or unless a chemical test administered under sub. (4p) (a) 1. shows that the person has an alcohol concentration of 0.05 or less, but the person may be released to his or her attorney, spouse, relative or other responsible adult at any time after arrest. (For purposes of all of (4x) a utility terrain vehicle is considered an all-terrain vehicle)

✓ 23.33(4z) 


(4z) Public education program. (Amend 23.33(11p)(e)2 to add (4z) - For purposes of all of (4z) a utility terrain vehicle is considered an all-terrain vehicle)

Same except
No w/ license


operate
license
under
Ch. 343

✓ 23.33(5) 

(5) Age restrictions; safety certification program.


23.33(5)(b)2. 

2. Any person who is required to hold an all-terrain vehicle safety certificate while operating an all-terrain vehicle shall carry the certificate on the all-terrain vehicle and shall display the certificate to a law enforcement officer on request. Persons enrolled in a safety certification program approved by the department may operate an all-terrain vehicle in an area designated by the instructor. (Amend to include Utility terrain vehicles)

✓ 23.33(5)(d) 


(d) *Safety certification program established.* The department shall establish or supervise the establishment of a program of instruction on all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle law, regulations, safety and related subjects. The department shall establish by rule an instruction fee for this program. The department shall issue certificates to persons successfully completing the program. An instructor conducting the program of instruction under this paragraph shall collect the fee from each person who receives instruction. The department may determine the portion of this fee, which may not exceed 50%, that the instructor may retain to defray expenses incurred by the instructor in conducting the program. The instructor shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department. The department shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of accomplishment and who pays a fee of \$2.75. (Amend to include Utility terrain vehicles)

D-Note


23.33(5m) 

(5m) Safety program.


leave as is per Randy

23.33(5r) 


(5r) Landowner incentive program.

✓ 23.33(5r)(a) 

(a) In this subsection "public all-terrain vehicle corridor" has the meaning given in s. 23.33 (2j) (a). (Amend to make sure UTVs are allowed on "Public all-terrain vehicle corridors")

23.33(6) 

(6) Equipment requirements.

✓ 23.33(6)(a) 

(a) A person who operates an all-terrain vehicle during hours of darkness or during

daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp on the all-terrain vehicle. (Amend to add Utility terrain vehicle)

✓ 23.33(6)(b)



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

✓ 23.33(6)(c)



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

✓ 23.33(6)(d)



(d) Every all-terrain vehicle is required to be equipped with at least one brake operated either by hand or by foot. (Amend to add Utility terrain vehicle)

✓ 23.33(6)(e)



(e) Every all-terrain vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. forest service. (Amend to add Utility terrain vehicle)

✓ 23.33(6)(h)



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

✓ 23.33(6m)



(6m) **Noise limits.** No person may manufacture, sell, rent or operate an all-terrain vehicle that is constructed in such a manner that noise emitted from the all-terrain vehicle exceeds 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the department (Amend to add Utility terrain vehicle)

✓ 23.33(7)



(7) **Accidents.** (For purposes of all of (7)) a utility terrain vehicle is considered an all-terrain vehicle)

✓ 23.33(8)




(8) **Routes and trails.**

✓ 23.33(8)(a)




(a) *Department authority.* The department shall encourage and supervise a system of all-terrain vehicle routes and trails. The department may establish standards and procedures


for certifying the designation of all-terrain vehicle routes and trails. (Amend to add Utility terrain vehicle)

23.33(8)(d) 


(d) *Restrictions.* The designating authority may specify effective periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit the operation of an all-terrain vehicle during certain periods of the year. (Amend to add Utility terrain vehicles)

23.33(8)(e) 


(e) *Signs.* The department, in cooperation with the department of transportation, shall establish uniform all-terrain vehicle route and trail signs and standards. The standards may not require that any additional signs be placed on all-terrain vehicle routes concerning the operation of all-terrain vehicles with snow removal devices attached. (Amend to add Utility terrain vehicles)

23.33(8)(f) 


(f) *Interference with signs and standards prohibited.* (Amend to add Utility terrain vehicles)

23.33(8)(f)1. 

1. No person may intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual. (Amend to add Utility terrain vehicles)

23.33(8)(f)2. 

2. No person may possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession. (Amend to add Utility terrain vehicles)

23.33(9) 


(9) Administration; enforcement; aids. (We are asking that UTV funding not be allowed for "ONLY UTV" trails, instead the allocation of this account budget would always be required to include ATV eligibility under the current program. Our request is to have the UTV dollars be an "add on" to the current ATV trail aids, using an equitable prorate formula (rate per mile) that may be needed at the beginning period of the UTV registration program. If an eligible sponsor wishes to add UTVs to the ATV trails, they would be eligible for an additional / supplemental rate of \$100 per mile for summer maintenance funding in addition to the existing ATV rate.) (If the total amount dollars requested for UTV project funding made in a given fiscal year would exceed the amount

yes
(b)
(c)
no UTV
only trails
local district
which ATV
trails to
use


entirely that designates trail

(5)(c)(ii)?


available for the payments, the department shall establish a system to prorate the payments.)

23.33(9)(a) 


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

23.33(9)(b) 


(b) *All-terrain vehicle projects.* Any of the following all-terrain vehicle projects are eligible for funding as a state all-terrain vehicle project from the appropriation account under s. 20.370 (1) (ms) or for aid as a nonstate all-terrain vehicle project from the appropriation accounts under s. 20.370 (5) (ct) and (cu): (Amend so that UTV funds could only be used if UTVs were allowed on the projects ATV trail or Route) (The allocation of the UTV account budget would always require that UTV funds be an "add on" to the ATV trail aids.)

23.33(9)(b)1. 


1. Acquisition of an easement or land in fee simple. (UTV funds should not be used for this)

23.33(9)(b)2. 


2. An all-terrain vehicle facility such as a parking area, riding area, shelter, toilets or other improvement. (UTV funds should not be used for this)

23.33(9)(b)3. 


3. Development of all-terrain vehicle routes or all-terrain vehicle trails. (UTV funds should not be used for this)

23.33(9)(b)4. 


4. Development or maintenance of a snowmobile route or trail or an off-the-road motorcycle trail or facility if the route, trail or facility is open for use by all-terrain vehicles. (UTV funds should not be used for this)

23.33(9)(b)5. 


5. Maintenance of all-terrain vehicle routes or all-terrain vehicle trails. (UTV funds may be used for this. If the total amount of requests for maintenance payments made in a given fiscal year would exceed the amount available for the payments, the department shall establish a system to prorate the payments.)

23.33(9)(b)6. 


6. Purchase of liability insurance. (UTV funds should not be used for this)

23.33(9)(c) 


(c) *Signs*. In addition to the projects listed in par. (b), the department may provide aid under this subsection to a town, village, city or county for up to 100% of the cost of placing signs developed under sub. (4z) (a) 2. (UTV funds may be used for signs needed to add UTVs to a ATV trail or route)

23.33(10) 


(10) Liability of landowners. Section 895.52 applies to this section. (A utility terrain vehicle that is operated as authorized under this subsection is considered an all-terrain vehicle)

23.33(11) 


(11) Local ordinances.

23.33(11)(am)2. 


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

23.33(11)(b) 


(b) If a county, town, city or village adopts an ordinance regulating all-terrain vehicles, its clerk shall immediately send a copy of the ordinance to the department and to the office of any law enforcement agency of the municipality or county having jurisdiction over any highway designated as an all-terrain vehicle route. (Amend to include Utility terrain vehicle)

23.33(11p) 

(11p) Utility terrain vehicle pilot program. (Amend to read Utility Terrain Vehicle Program)


23.33(11p)(a)6. 

6. "Utility terrain vehicle" means a motor driven device, other than a golf cart or low-speed vehicle, that is designed to be used primarily off of a highway and that has, and was originally manufactured with, all of the following: (Amend: "Utility terrain vehicle" means an ATV that meets the ATV definition except it weighs more than 900 lbs and less than 1,999 lbs or a motor driven device, other than a golf cart, low speed vehicle, dune buggy, rock crawler, sand car, sand rail, neighborhood electric vehicle and any vehicles that comply with Federal Motor Vehicle Safety standards, that is designed to be used primarily off of a highway and that has, and was originally manufactured with, all of the following:) (Also, add to the list: Operating front and rear brake system,)


23.33(11p)(a)6.c. 

c. A cargo box or dump box. (Amend:to: A Manufacturer installed cargo box or dump box) (Note: a law should be added that "No operator shall carry a passenger in the cargo bed / cargo box / dump box of a UTV")


current law

23.33(11p)(a)6.h. 


h. A width of not more than 65 inches. (Stays at 65 inches)

23.33(11p)(a)6.i. 


i. Seats for at least 2 occupants, all of which seating is designed not to be straddled. (Note: a law should be added that "No operator of a UTV shall carry more passengers than recommended by the manufacturer in the vehicles owner's manual." Also, "No person shall operate or be a passenger in a UTV unless wearing a seat belt")

23.33(11p)(b) 


(b) The department of natural resources, in consultation with the department of transportation, shall administer a pilot program to investigate the effects of using utility terrain vehicles on routes and trails that are used and authorized to be used by all-terrain vehicles, to evaluate whether it is feasible and appropriate to expand the allowable use of utility terrain vehicles. (This statute should be repealed)

23.33(11p)(c)1. 


1. The department, any federal agency, and any county is eligible to participate in the pilot program. If a county elects to participate in the ~~pilot~~ utility terrain vehicle program, the governing body of the county shall adopt a resolution to that effect. If a county adopts such a resolution, the resolution shall apply to all of the municipalities within the county unless the governing body of a municipality adopts a resolution that provides that the municipality will not participate in the pilot program. The governing body of each participating county or municipality may withdraw from the pilot program ~~before July 1, 2012~~, by adopting a resolution to that effect. (This Statute should be amended as noted)

23.33(11p)(d) 


(d) The department or a federal agency, county, or municipality that participates in the ~~pilot~~ utility terrain vehicle program may designate any of the following located within their respective jurisdictions: (This Statute should be amended as noted)

23.33(11p)(e) 


(e) For the purposes of all of the following, a utility terrain vehicle that is operated as authorized under this subsection is considered an all-terrain vehicle:

23.33(11p)(e)2. 


2. Subsections (3), (3g), (4), (4c) to (4x), (6), (7), (10), (12), and (13). (Amend to add (2), (2j), (2m), (4z), (6m), (6h))

23.33(11p)(f) 


(f) No person may operate or give permission for the operation of, a utility terrain vehicle on an all-terrain vehicle route or trail designated by the department or a federal agency, county, or municipality under par. (d) 1. unless the utility terrain vehicle is registered for public use by the department. The department shall register a utility terrain vehicle and collect fees for registration of a utility terrain vehicle under this subsection in the same manner as the department registers and collects fees for registration of all-terrain vehicles ~~for public use~~ under sub. (2). All fees collected by the department under this subsection shall be credited to the appropriation account under s. 20.370 (1) (iv), (iw) (Amend as noted)

23.33(11p)(g) 


(g) No person under the age of 16 may operate a utility terrain vehicle on an all-terrain vehicle route or trail designated under par. (d) 1. No person who is at least 16 years of age and who is born on or after January 1, 1988, may operate a utility terrain vehicle on an all-terrain vehicle route or trail designated under par. (d) 1. unless he or she holds a valid all-terrain vehicle safety certificate issued under sub. (5) (d) and a valid motor vehicle license. (Amend as noted)

23.33(11p)(h)1. 


~~1. The department of natural resources, in consultation with the department of transportation and with the federal agencies, counties, and municipalities participating in the pilot program, shall evaluate the effect of using utility terrain vehicles on all terrain vehicle routes and trails. Except as provided in subd. 2., the department of natural resources shall report the results of its evaluation to the legislature under s. 13.172 (2) no later than June 30, 2012. (Repeal this whole statute)~~

23.33(11p)(h)2. 

~~2. The department may report the results of its evaluation under subd. 1 in the form of an addendum to the evaluation submitted by the department under s. 23.33 (11m) (g), 2007 stats. The department is not required to report the results of its evaluation as specified under subd. 1. if the department's evaluation is substantially the same as the evaluation submitted by the department under s. 23.33 (11m) (g), 2007 stats. (Repeal this whole statute)~~

23.33(11p)(i) 

~~(i) The pilot program under this subsection does not apply after June 30, 2012. (Repeal this whole statute)~~

23.33(12) 

(12) Enforcement. (A utility terrain vehicle that is operated as authorized under this subsection is considered an all-terrain vehicle)

23.33(13)



(13) Penalties. (A utility terrain vehicle that is operated as authorized under this subsection is considered an all-terrain vehicle)

20.370 (1) (iv) of the statutes is repealed.

20.370 (1) (iw) of the statutes is created to read:

20.370 (1) (iw) Utility terrain vehicle fees. All moneys received from registration fees under s. 23.33 (11p) (f) for administration of the utility terrain vehicle program under s. 23.33 (11p).

Fiscal Changes: (The ATV program has a gas tax formula for allocating a portion of state gas tax as a way to balance non-road use. A statute will need to be written so that UTVs would be counted and considered the same as ATVs in the formula.)

(1) The unencumbered balance in the appropriation account under section 20.370 (1) (iv), 2009 stats., is transferred to the appropriation account under section 20.370 (1) (iw) of the statutes, as created by this act.

(END)

*Add UTV def. to ch 340?
see also 341.057*