



(Soon)

**State of Wisconsin**  
**2011 - 2012 LEGISLATURE**



P2

LRB-2489-PT

RNK:wj:rs

↑  
Stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

In 9/15  
Due 9/26  
Monday  
Friday  
8/23  
please

D-Note

regen. cat.

1 **AN ACT to repeal** 20.370 (1) (iv), 23.33 (1) (bc), 23.33 (2) (f) 2., 23.33 (11p) (title),  
2 23.33 (11p) (a) (intro.), 23.33 (11p) (a) 1., 23.33 (11p) (a) 5. and 23.33 (11p) (b)  
3 to (i); **to renumber** 23.33 (11p) (a) 2., 23.33 (11p) (a) 3., 23.33 (11p) (a) 4. and  
4 23.33 (11p) (a) 6.; **to renumber and amend** 23.33 (2) (f) 1.; **to amend** 20.855  
5 (4) (u), 23.119 (1) (b), 23.33 (title), 23.33 (1) (ic), 23.33 (1) (ir), 23.33 (1) (it), 23.33  
6 (1) (iw), 23.33 (1) (j), 23.33 (1) (jn), 23.33 (1) (n), 23.33 (2) (c), 23.33 (2) (dm) 1.,  
7 23.33 (2) (dm) 2., 23.33 (2) (dm) 3., 23.33 (2) (dm) 4., 23.33 (2) (e), 23.33 (2) (gm),  
8 23.33 (2) (ig) 2., 23.33 (2) (o), 23.33 (2) (p) 2., 23.33 (2g) (b) 3., 23.33 (2j) (b), 23.33  
9 (2j) (c), 23.33 (2j) (e), 23.33 (2m) (title), 23.33 (2m) (a) (intro.), 23.33 (2m) (a) 1.,  
10 23.33 (2m) (a) 2., 23.33 (2m) (a) 3., 23.33 (2m) (b), 23.33 (3) (intro.), 23.33 (3) (c),  
11 23.33 (3) (cm), 23.33 (3) (d), 23.33 (3) (h), 23.33 (3g) (intro.), 23.33 (3g) (c), 23.33  
12 (3g) (d), 23.33 (4) (a), 23.33 (4) (b), 23.33 (4) (c) 1., 23.33 (4) (c) 1m., 23.33 (4) (c)  
13 2., 23.33 (4) (d) (intro.), 23.33 (4) (d) 1., 23.33 (4) (d) 2., 23.33 (4) (d) 3., 23.33 (4)  
14 (d) 4., 23.33 (4) (d) 6., 23.33 (4) (e) (intro.), 23.33 (4) (f), 23.33 (4c) (title), 23.33  
15 (4c) (a) 1., 23.33 (4c) (a) 2., 23.33 (4c) (a) 2m., 23.33 (4c) (a) 3., 23.33 (4c) (b) 1.,

1 23.33 (4c) (b) 2., 23.33 (4c) (b) 2m., 23.33 (4g) (a), 23.33 (4g) (b), 23.33 (4j), 23.33  
 2 (4L), 23.33 (4p) (a) 1., 23.33 (4p) (a) 3., 23.33 (4p) (b) 4., 23.33 (4p) (c) 1., 23.33  
 3 (4p) (c) 2., 23.33 (4p) (d), 23.33 (4p) (e) 1., 23.33 (4p) (e) 2., 23.33 (4x) (title), 23.33  
 4 (4z) (a) 1., 23.33 (4z) (a) 2., 23.33 (4z) (b), 23.33 (5) (a) (title), 23.33 (5) (b), 23.33  
 5 (5) (c), 23.33 (5) (d), 23.33 (6) (a), (b), (c), (d), (e) and (h), 23.33 (6m), 23.33 (7),  
 6 23.33 (8) (d), 23.33 (8) (f) 1., 23.33 (9) (a), 23.33 (11) (a), 23.33 (11) (am) 2., 23.33  
 7 (11) (b), 23.33 (12) (b), 23.33 (13) (b) (title), 23.33 (13) (b) 2., 23.33 (13) (b) 3.,  
 8 23.33 (13) (bg), 23.33 (13) (br) (title), 23.33 (13) (dm), 23.33 (13) (e), 25.29 (1) (b),  
 9 25.29 (1) (dm), 25.40 (3) (b) 14., 77.51 (13s), 78.01 (2) (e), 78.01 (2m) (f), 78.40  
 10 (1), 78.75 (1m) (a) 2m., 78.75 (1m) (a) 3., 322.111, 885.235 (1g) (intro.), 885.235  
 11 (1k), 895.049, 895.52 (1) (g), 895.525 (2), 901.053, 938.17 (title), 938.17 (1)  
 12 (intro.) and 938.343 (9); and **to create** 20.370 (5) (gq), 20.370 (9) (hw), 23.119  
 13 (1) (d), 23.33 (1) (jr), 23.33 (1) (nc), 23.33 (1) (nd), 23.33 (1) (nh), 23.33 (1) (np),  
 14 23.33 (1m), 23.33 (2) (am), 23.33 (2) (dm) 3m., 23.33 (2) (om), 23.33 (3) (em),  
 15 23.33 (5) (am), 23.33 (6) (i) and 23.33 (9) (bg) of the statutes; **relating to:**  
 16 regulating utility terrain vehicles <sup>granting rule-making authority</sup> and making appropriations.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

17 **SECTION 1.** 20.370 (1) (iv) of the statutes is repealed.

18 **SECTION 2.** 20.370 (5) (gq) of the statutes is created to read:

19 20.370 (5) (gq) *Utility terrain vehicle aids.* All moneys received as utility  
 20 terrain vehicle fees under s. 23.33 (2) (c) <sup>to (e)</sup> and (2j) (c) to provide aid to towns, villages,

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1 cities, counties, and federal agencies for local law enforcement on, and for  
2 maintenance or improvement of, all-terrain vehicle trails on which the operation of  
3 a utility terrain vehicle is permitted.

4 SECTION 3. 20.370 (9) (hw) of the statutes is created to read:

5 20.370 (9) (hw) *Utility terrain vehicle fees.* All moneys received by the  
6 department as provided under s. 23.33 (2) (om) for issuing and renewing utility  
7 terrain vehicle certificates and registrations by the department under s. 23.33 (2) (i).

8 SECTION 4. 20.855 (4) (u) of the statutes is amended to read:

9 20.855 (4) (u) *Transfer to conservation fund; all-terrain terrain vehicle*  
10 *formula.* From the transportation fund, a sum sufficient in an amount equal to the  
11 amount to be paid into the conservation fund as determined under s. 25.29 (1) (dm).  
12 The amounts may be paid at such intervals during each fiscal year as the secretary  
13 of administration deems appropriate or necessary.

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14 SECTION 5. 23.119 (1) (b) of the statutes is amended to read:

15 23.119 (1) (b) "Off-highway vehicle" means a motor-driven craft or vehicle  
16 principally manufactured for off-highway use but does not include a snowmobile or  
17 ~~all-terrain terrain~~ vehicle. *no strike* *or utility terrain vehicle*

18 SECTION 6. 23.119 (1) (d) of the statutes is created to read:

19 23.119 (1) (d) "Terrain vehicle" has the meaning given in s. 23.33 (1) (jr).

20 SECTION 7. 23.33 (title) of the statutes is amended to read: ~~2~~

21 23.33 (title) *no strike* ~~All-terrain Terrain~~ vehicles. *and utility terrain vehicles*

22 SECTION 8. 23.33 (1) (bc) of the statutes is repealed.

23 SECTION 9. 23.33 (1) (ic) of the statutes is amended to read:

1 23.33 (1) (ic) "Intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ <sup>or utility</sup> ~~a terrain~~ vehicle law"

2 means sub. (4c) or a local ordinance in conformity therewith or, if the operation of <sup>plain</sup> ~~an~~

3 <sup>no strike</sup> ~~all-terrain~~ <sup>or utility</sup> ~~a terrain~~ vehicle is involved, s. 940.09 or 940.25.

4 SECTION 10. 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 <sup>no strike</sup> ~~an all-terrain~~ <sup>or utility terrain vehicle</sup> ~~a terrain~~ vehicle or to physically manipulate or activate

7 any of the controls of ~~an all-terrain~~ <sup>the</sup> ~~a terrain~~ vehicle necessary to put it in motion.

8 SECTION 11. 23.33 (1) (it) of the statutes is amended to read:

9 23.33 (1) (it) "Operation" means the exercise of physical control over the speed

10 or direction of <sup>no strike</sup> ~~an all-terrain~~ <sup>or utility terrain vehicle</sup> ~~a terrain~~ vehicle or the physical manipulation or

11 activation of any of the controls of ~~an all-terrain~~ <sup>the</sup> ~~a terrain~~ vehicle necessary to put

12 it in motion.

13 SECTION 12. 23.33 (1) (iw) of the statutes is amended to read:

14 23.33 (1) (iw) "Operator" means a person who operates <sup>no strike</sup> ~~an all-terrain~~ <sup>plain</sup> ~~a terrain~~

15 vehicle, who is responsible for the operation of ~~an all-terrain~~ ~~a terrain~~ vehicle or who

16 is supervising the operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle <sup>or utility terrain vehicle</sup>

17 SECTION 13. 23.33 (1) (j) of the statutes is amended to read:

18 23.33 (1) (j) "Owner" means a person who has lawful possession of <sup>no strike</sup> ~~an~~

19 <sup>no strike</sup> ~~all-terrain~~ ~~a terrain~~ vehicle by virtue of legal title or equitable interest in the

20 <sup>STET</sup> ~~all-terrain~~ ~~terrain~~ vehicle which entitles the person to possession of the ~~all-terrain~~ ~~terrain~~ <sup>STET</sup>

21 ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup>

22 SECTION 14. 23.33 (1) (jn) of the statutes is amended to read:

23 23.33 (1) (jn) "Registration documentation" means <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~

24 vehicle registration certificate, a validated registration receipt, or a registration

25 decal.

or utility terrain vehicle

1 SECTION 15. 23.33 (1) (jr) of the statutes is created to read:

2 23.33 (1) (jr) "Terrain vehicle" means an all-terrain vehicle or a utility terrain  
3 vehicle.

4 SECTION 16. 23.33 (1) (n) of the statutes is amended to read:

5 23.33 (1) (n) "Used exclusively on private property" means use of no strike  
an all-terrain

6 a terrain vehicle by the owner of the all-terrain ~~terrain~~ vehicle or a member of his  
7 or her immediate family only on land owned or leased by the all-terrain ~~terrain~~  
8 vehicle owner or a member of his or her immediate family.

9 SECTION 17. 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 18. 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 19. 23.33 (1) (nh) of the statutes is created to read:

17 23.33 (1) (nh) "Utility terrain vehicle manufacturer" means a person engaged  
18 in the manufacture of utility terrain vehicles for sale to the public.

19 SECTION 20. 23.33 (1) (np) of the statutes is created to read:

20 23.33 (1) (np) "Utility terrain vehicle renter" means a person engaged in the  
21 rental or leasing of utility terrain vehicles to the public.

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

23 23.33 (1m) UTILITY TERRAIN VEHICLE PROGRAM. (a) In this subsection:

24 1. "Federal agency" means a federal agency that receives state aid for a  
25 nonstate terrain vehicle project under sub. (9) (b).

utility terrain

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1 2. "Municipality" means a city, village, or town.

2 (b) The department or a federal agency, county, or municipality may designate  
3 any of the following located within their respective jurisdictions:

4 1. All-terrain vehicle routes ~~and~~ trails that may be used by operators of utility  
5 terrain vehicles. *all-terrain vehicle*  
*and public all-terrain vehicle corridors*

6 2. All-terrain vehicle routes ~~and~~ trails upon which utility terrain vehicle use  
7 is prohibited. *all-terrain vehicle*

8 (c) No person may operate a utility terrain vehicle on an all-terrain vehicle  
9 route or trail unless the all-terrain vehicle route or trail is designated as an  
10 all-terrain vehicle route or trail that may be used by operators of utility terrain  
11 vehicles as provided under this subsection.

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12 SECTION 22. 23.33 (2) (am) of the statutes is created to read:

13 ~~23.33 (2) (am) Display. A person who is required to register a terrain vehicle  
14 for public use shall ~~attach front and rear plates~~ *a plate* to the terrain vehicle. Each plate  
15 ~~shall be~~ *that* ~~4 inches in height and 7 inches in width~~ *a minimum of 7 1/2*, shall be clearly visible, and shall  
16 be at least 12 inches from the ground. The ~~plates~~ *plate* shall display the registration  
17 number for the ~~terrain vehicle and a registration decal issued by the department.~~  
18 The person required to register the ~~terrain~~ *terrain* vehicle shall maintain the ~~plates and~~  
19 ~~decal~~ *it is* so that ~~they are~~ in legible condition.~~

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20 SECTION 23. 23.33 (2) (c) of the statutes is amended to read:

21 23.33 (2) (c) ~~Registration; public use; fee.~~ *no strike* Any ~~all-terrain~~ *all-terrain* vehicle may  
22 be registered for public use. The fee for the issuance or renewal of a registration  
23 certificate for public use for an all-terrain vehicle is \$30. The fee for the issuance or  
24 renewal of a registration certificate for public use for a utility terrain vehicle is \$60.  
25 The department shall impose an additional late fee of \$5 for the renewal of a

or utility terrain vehicle

or utility terrain vehicle

1 registration certificate under this paragraph that is filed after the expiration date  
2 of the registration certificate. *unless the renewal is included with an application*  
*to transfer the registration certificate*

3 **SECTION 24.** 23.33 (2) (dm) 1. of the statutes is amended to read:

4 23.33 (2) (dm) 1. Every person who is an all-terrain vehicle manufacturer,  
5 all-terrain vehicle dealer, all-terrain vehicle distributor ~~or~~, all-terrain vehicle  
6 renter, utility terrain vehicle manufacturer, utility vehicle dealer, utility vehicle  
7 distributor, or utility vehicle renter, or any combination thereof engaged in business  
8 in this state shall register with the department and obtain from the department a  
9 commercial ~~all-terrain terrain~~ vehicle certificate.

10 **SECTION 25.** 23.33 (2) (dm) 2. of the statutes is amended to read:

11 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain  
12 ~~terrain~~ vehicle *or utility terrain vehicle* certificate is \$90. Upon receipt of the application form required by  
13 the department and the fee *required under this subdivision*, the department shall  
14 issue ~~to the applicant a~~ *Strike extra space* commercial all-terrain ~~terrain~~ vehicle *no strike* certificate and 3  
15 reflectorized plates. The fee for additional reflectorized plates is \$30 per plate.

16 **SECTION 26.** 23.33 (2) (dm) 3. of the statutes is amended to read:

17 ~~23.33 (2) (dm) 3.~~ A person who is required to obtain a commercial all-terrain  
18 terrain vehicle certificate *or commercial utility terrain vehicle certificate* under subd. 1. shall attach in a clearly visible place a  
19 reflectorized plate to any all-terrain ~~terrain~~ vehicle *no strike* that the person leases, rents, *or utility terrain vehicle*  
20 offers for sale or otherwise allows to be used whenever the all-terrain ~~terrain~~ vehicle  
21 is being operated.

22 **SECTION 27.** 23.33 (2) (dm) 3m. of the statutes is created to read:

23 23.33 (2) (dm) 3m. For the renewal of a commercial utility terrain vehicle certificate  
24 issued to a utility terrain vehicle manufacturer, utility terrain vehicle dealer, utility  
25 ~~terrain vehicle distributor, or utility terrain vehicle renter,~~ the department may

the appropriate

or commercial utility terrain vehicle

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1 issue renewal stickers to be attached to reflectorized plates issued upon original  
2 registration of the utility terrain vehicle.

3 SECTION 28. 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 no strike ~~all-terrain terrain~~ vehicle certificates or commercial utility terrain vehicle certificates  
or reflectorized plates.

6 SECTION 29. 23.33 (2) (e) of the statutes is amended to read:

7 23.33 (2) (e) *Other fees.* The fee for the transfer of no strike = plain ~~an all-terrain terrain~~  
8 vehicle or utility terrain vehicle registration certificate is \$5. The fee for the issuance of a duplicate  
9 no strike ~~all-terrain terrain~~ vehicle or utility terrain vehicle registration certificate, duplicate commercial no strike  
10 ~~terrain~~ vehicle or utility terrain vehicle certificate or duplicate registration decals is \$5. The fee for the  
11 issuance of registration decals to a county or municipality is \$5. There is no fee for  
12 the issuance of registration decals to the state.

13 SECTION 30. 23.33 (2) (f) 1. of the statutes is renumbered 23.33 (2) (f) and  
14 amended to read:

15 23.33 (2) (f) Except as provided under subd. 2., an all-terrain ~~terrain~~ vehicle  
16 A public-use registration certificate, is valid for a 2-year period beginning on April 1  
17 or the date of issuance or renewal and ending March 1 of the <sup>2nd</sup> ~~second~~ year following  
18 the date of issuance or renewal.

19 SECTION 31. 23.33 (2) (f) 2. of the statutes is repealed.

20 SECTION 32. 23.33 (2) (gm) of the statutes is amended to read:

21 23.33 (2) (gm) *Effective period; commercial owners.* 1. Except as provided  
22 under subd. 2., a commercial no strike ~~all-terrain terrain~~ vehicle or utility terrain vehicle  
23 2-year period.

24 2. The department may specify by rule an annual expiration date for  
25 commercial no strike ~~all-terrain terrain~~ vehicle or utility terrain vehicle certificates and may reduce the effective

for an all-terrain vehicle or utility terrain vehicle

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1 period of a commercial <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> certificate so it expires on that  
2 date.

3 SECTION 33. 23.33 (2) (ig) 2. of the statutes is amended to read:

4 23.33 (2) (ig) 2. Under either procedure under subd. 1., the applicant shall  
5 receive any remaining items of registration documentation directly from the  
6 department at a later date. The items of registration documentation issued at the  
7 time of the submittal of the application under either procedure shall be sufficient to  
8 allow the ~~all-terrain~~ ~~terrain~~ vehicle for which the application is submitted to be  
9 operated in compliance with the registration requirements under this subsection.  
10 The items of registration documentation issued under subd. 1. b. shall include at  
11 least one registration decal.

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12 SECTION 34. 23.33 (2) (o) of the statutes is amended to read:

13 23.33 (2) (o) *Receipt of all-terrain vehicle fees*. All fees remitted to or collected  
14 by the department under par. (ir) for services provided regarding all-terrain vehicles  
15 shall be credited to the appropriation account under s. 20.370 (9) (hu).

16 SECTION 35. 23.33 (2) (om) of the statutes is created to read:

17 23.33 (2) (om) *Receipt of utility terrain vehicle fees*. All fees remitted to or  
18 collected by the department under par. (ir) for services provided regarding utility  
19 terrain vehicles shall be credited to the appropriation account under s. 20.370 (9)  
20 (hw).

21 SECTION 36. 23.33 (2) (p) 2. of the statutes is amended to read:

22 23.33 (2) (p) 2. The department may establish by rule additional procedures  
23 and requirements for <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> registration.

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24 SECTION 37. 23.33 (2g) (b) 3. of the statutes is amended to read:

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

5           **SECTION 38.** 23.33 (2j) (b) of the statutes is amended to read:

6           23.33 (2j) (b) ~~Except as provided in par. (e), no person may operate an~~  
 7 ~~all-terrain vehicle~~ <sup>no strike</sup> ~~(terrain vehicle on a public all-terrain vehicle corridor in this~~  
 8 state unless a nonresident trail pass issued under this subsection is displayed on the  
 9 ~~all-terrain terrain~~ vehicle.

10          **SECTION 39.** 23.33 (2j) (c) of the statutes is amended to read:

11          23.33 (2j) (c) The fee for a nonresident trail pass issued for an all-terrain  
 12 vehicle <sup>or utility terrain vehicle</sup> that is exempt from registration under sub. (2) (b) 2. is \$34.25. A nonresident  
 13 trail pass issued for such an all-terrain vehicle <sup>or utility terrain vehicle</sup> may be issued only by the department  
 14 and persons appointed by the department and expires on ~~June 30~~ March 31 of each  
 15 year.

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

17          23.33 (2j) (e) <sup>No strike</sup> ~~An all-terrain~~ ~~terrain~~ vehicle <sup>or a utility terrain vehicle</sup> that is registered under sub. (2)  
 18 (a) or ~~an all-terrain vehicle~~ that is exempt from registration under sub. (2) (b) 1., 3.,  
 19 3m., or 4. is exempt from having a nonresident trail pass displayed as required under  
 20 par. (b). The department may promulgate a rule to exempt all-terrain vehicles that  
 21 are exempt from registration under sub. (2) (b) 5. from having nonresident trail  
 22 passes displayed as required under par. (b) or may promulgate a rule to exempt  
 23 owners of such ~~all-terrain~~ vehicles from having to pay any applicable nonresident  
 24 trail pass fee.

25          **SECTION 41.** 23.33 (2m) (title) of the statutes is amended to read:

or utility terrain vehicle

and utility terrain vehicles

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23.33 (2m) (title) RENTAL OF ~~ALL-TERRAIN TERRAIN~~ VEHICLES

no strike

and utility <sup>(CS)</sup>  
terrain vehicles

SECTION 42. 23.33 (2m) (a) (intro.) of the statutes is amended to read:

23.33 (2m) (a) (intro.) No person who is engaged in the rental or leasing of

no strike  
all-terrain

~~terrain~~ vehicles <sup>or utility terrain vehicles</sup> to the public may do any of the following:

SECTION 43. 23.33 (2m) (a) 1. of the statutes is amended to read:

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

no strike

SECTION 44. 23.33 (2m) (a) 2. of the statutes is amended to read:

23.33 (2m) (a) 2. Rent or lease ~~an all-terrain a terrain~~ vehicle <sup>or utility terrain vehicle</sup> to a person under 16 years of age.

no strike

SECTION 45. 23.33 (2m) (a) 3. of the statutes is amended to read:

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

no strike

SECTION 46. 23.33 (2m) (b) of the statutes is amended to read:

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

no strike

SECTION 47. 23.33 (3) (intro.) of the statutes is amended to read:

23.33 (3) RULES OF OPERATION. (intro.) No person may operate ~~an all-terrain a terrain~~ vehicle <sup>or utility terrain vehicle</sup>:

no strike

SECTION 48. 23.33 (3) (c) of the statutes is amended to read:

1           23.33 (3) (c) On the private property of another without the consent of the  
 2 owner or lessee. Failure to post private property does not imply consent for  
 3 ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> use.

4           **SECTION 49.** 23.33 (3) (cm) of the statutes is amended to read:

5           23.33 (3) (cm) On public property that is posted as closed to ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~  
 6 vehicle <sup>or utility terrain vehicle</sup> operation or on which the operation of ~~an all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle is  
 7 prohibited by law. or utility terrain vehicle

8           **SECTION 50.** 23.33 (3) (d) of the statutes is amended to read:

9           23.33 (3) (d) On Indian lands without the consent of the tribal governing body  
 10 or Indian owner. Failure to post Indian lands does not imply consent for ~~all-terrain~~ <sup>no strike</sup>  
 11 ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> use.

12           **SECTION 51.** 23.33 (3) (em) of the statutes is created to read:

13           23.33 (3) (em) With a passenger ~~in the cargo box or dump box of~~ a utility terrain  
 14 vehicles ~~riding in or on any part of~~ <sup>plain</sup>

15           **SECTION 52.** 23.33 (3) (h) of the statutes is amended to read:

16           23.33 (3) (h) On the frozen surface of public waters within 100 feet of a person  
 17 not in or on ~~an all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle <sup>utility terrain vehicle</sup> or motor vehicle or within 100 feet of a  
 18 fishing shanty at a speed exceeding 10 miles per hour.

19           **SECTION 53.** 23.33 (3g) (intro.) of the statutes is amended to read:

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

24           **SECTION 54.** 23.33 (3g) (c) of the statutes is amended to read:

that is not designed or intended to be used by passengers

plain →

or utility terrain vehicle

1           23.33 (3g) (c) The <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle is being operated for an  
2 agricultural purpose.

3           **SECTION 55.** 23.33 (3g) (d) of the statutes is amended to read:

4           23.33 (3g) (d) The <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle is being operated by a person on  
5 land under the management and control of the person's immediate family.

6           **SECTION 56.** 23.33 (4) (a) of the statutes is amended to read:

7           23.33 (4) (a) *Freeways.* No person may operate <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle  
8 upon any part of any freeway which is a part of the federal system of interstate and  
9 defense highways. No person may operate <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle upon any

10 part of any other freeway unless the department of transportation authorizes  
11 ~~all-terrain~~ ~~terrain~~ vehicle <sup>the use of that</sup> use on that freeway. No person may operate <sup>no strike</sup> ~~an all-terrain~~

12 ~~a terrain~~ vehicle with a snow removal device attached upon any part of any freeway  
13 under any circumstances.

14           **SECTION 57.** 23.33 (4) (b) of the statutes is amended to read:

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

19           **SECTION 58.** 23.33 (4) (c) 1. of the statutes is amended to read:

20           23.33 (4) (c) 1. Paragraphs (a) and (b) do not apply to the operator of <sup>no strike</sup> ~~an~~  
21 <sup>no strike</sup> ~~all-terrain~~ ~~a terrain~~ vehicle owned by a municipality, state agency, or public utility,  
22 or by the Great Lakes Indian Fish and Wildlife Commission, while the operator is

23 engaged in an emergency or in the operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle,  
24 directly related to the functions of the municipality, state agency, or public utility, or

or utility terrain vehicle

1 of the Great Lakes Indian Fish and Wildlife Commission, if safety does not require  
2 strict adherence to these restrictions.

3 SECTION 59. 23.33 (4) (c) 1m. of the statutes is amended to read:

4 23.33 (4) (c) 1m. Paragraphs (a) and (b) do not apply to the operator of <sup>no strike</sup> ~~an~~  
5 <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle who is engaged in land surveying operations, if safety  
6 does not require strict adherence to the restrictions under pars. (a) and (b).

7 SECTION 60. 23.33 (4) (c) 2. of the statutes is amended to read:

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

17 SECTION 61. 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 <sup>no strike</sup> ~~an~~  
19 <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle on the roadway portion of any highway only in the  
20 following situations:

21 SECTION 62. 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 <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle prior to the crossing and yields the right-of-way

or utility terrain vehicle

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

or utility terrain vehicle

3 **SECTION 63.** 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~~ <sup>no strike</sup> ~~terrain~~ vehicle on this type of roadway  
6 is authorized only during the seasons when no maintenance occurs and only if the  
7 roadway is not officially closed to ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle traffic.

8 **SECTION 64.** 23.33 (4) (d) 3. of the statutes is amended to read:

9 23.33 (4) (d) 3. To cross a bridge, culvert, or railroad right-of-way. The crossing  
10 of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is  
11 officially closed to ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle traffic. The crossing is authorized only  
12 if the crossing is done in the most direct manner practicable, if the crossing is made  
13 at a place where no obstruction prevents a quick and safe crossing, and if the operator  
14 stops the ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle prior to the crossing, pedestrians, and electric  
15 personal assistive mobility devices using the roadway.

16 **SECTION 65.** 23.33 (4) (d) 4. of the statutes is amended to read:

17 23.33 (4) (d) 4. On roadways which are designated as ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle  
18 routes. Operation of ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicles and utility terrain vehicles on a roadway which is an ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~  
19 ~~terrain~~ vehicle route is authorized only for the extreme right side of the roadway  
20 except that left turns may be made from any part of the roadway which is safe given  
21 prevailing conditions.

22 **SECTION 66.** 23.33 (4) (d) 6. of the statutes is amended to read:

23 23.33 (4) (d) 6. On roadways if the operator of the ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle  
24 is a person who holds a Class A permit or a Class B permit under s. 29.193 (2) and  
or utility terrain vehicle

INSB  
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1 who is traveling for the purposes of hunting or is otherwise engaging in an activity  
2 authorized by the permit.

3 SECTION 67. 23.33 (4) (e) (intro.) of the statutes is amended to read:

4 23.33 (4) (e) *Operation adjacent to roadway.* (intro.) A person may operate <sup>no strike</sup> an  
5 <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> adjacent to a roadway on an all-terrain vehicle route or  
6 trail if the person operates the <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> in the following manner:

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7 SECTION 68. 23.33 (4) (f) of the statutes is amended to read:

8 23.33 (4) (f) *Operation with snow removal device attached.* Except as prohibited  
9 under par. (a), and subject to ordinances enacted under sub. (11) (am) 2., a person  
10 may operate <sup>no strike</sup> ~~an all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> with a snow removal device attached on  
11 a roadway or adjacent to a roadway or on a public sidewalk during the period  
12 beginning on October 1 and ending on April 30 of each year for the purpose of  
13 removing snow if such operation is necessary to travel to or from a site where the  
14 snow removal device will be used. The travel necessary to or from the site may not  
15 exceed 2 miles. Operation of such <sup>no strike</sup> ~~an all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> on a roadway or  
16 adjacent to a roadway is authorized only if the applicable roadway speed limit is 45  
17 miles per hour or less. Operation on a roadway of such <sup>no strike</sup> ~~an all-terrain~~ ~~terrain~~  
18 vehicle <sup>or utility terrain vehicle</sup> is authorized only for the extreme right side of the roadway except that left  
19 turns may be made from any part of the roadway where it is safe to do so given  
20 prevailing conditions. Operation adjacent to a roadway of such <sup>no strike</sup> ~~an all-terrain~~ ~~terrain~~  
21 vehicle <sup>or utility terrain vehicle</sup> shall comply with the applicable speed limit and with par. (e) 1., 2.,  
22 <sup>3 m.</sup> 3., and 5.

23 SECTION 69. 23.33 (4c) (title) of the statutes is amended to read:

24 23.33 (4c) (title) INTOXICATED OPERATION OF <sup>no strike</sup> ~~AN ALL-TERRAIN~~ ~~TERRAIN~~ VEHICLE.

25 SECTION 70. 23.33 (4c) (a) 1. of the statutes is amended to read:

<sup>CS</sup>  
or utility terrain vehicle



or utility terrain vehicle

1 23.33 (4c) (a) 1. 'Operating while under the influence of an intoxicant.' No  
2 person may operate <sup>no strike</sup> ~~an all-terrain~~ a ~~terrain~~ vehicle while under the influence of an  
3 intoxicant to a degree which renders him or her incapable of safe operation of <sup>plain</sup> ~~an~~  
4 <sup>plain</sup> ~~all-terrain~~ a ~~terrain~~ vehicle.

5 SECTION 71. 23.33 (4c) (a) 2. of the statutes is amended to read:

6 23.33 (4c) (a) 2. 'Operating with alcohol concentrations at or above specified  
7 levels.' No person may engage in the operation of <sup>no strike</sup> ~~an all-terrain~~ a ~~terrain~~ vehicle  
8 while the person has an alcohol concentration of 0.08 or more.

9 SECTION 72. 23.33 (4c) (a) 2m. of the statutes is amended to read:

10 23.33 (4c) (a) 2m. 'Operating with a restricted controlled substance.' No person  
11 may engage in the operation of <sup>no strike</sup> ~~an all-terrain~~ a ~~terrain~~ vehicle while the person has  
12 a detectable amount of a restricted controlled substance in his or her blood.

13 SECTION 73. 23.33 (4c) (a) 3. of the statutes is amended to read:

14 23.33 (4c) (a) 3. 'Operating with alcohol concentrations at specified levels;  
15 below age <sup>21</sup> 19.' If a person has not attained the age of <sup>21</sup> 19, the person may not engage  
16 in the operation of <sup>no strike</sup> ~~an all-terrain~~ a ~~terrain~~ vehicle while he or she has an alcohol  
17 concentration of more than 0.0 but not more than 0.08.

18 SECTION 74. 23.33 (4c) (b) 1. of the statutes is amended to read:

19 23.33 (4c) (b) 1. 'Causing injury while under the influence of an intoxicant.'  
20 No person while under the influence of an intoxicant to a degree which renders him  
21 or her incapable of safe operation of <sup>no strike</sup> ~~an all-terrain~~ a ~~terrain~~ vehicle may cause injury  
22 to another person by the operation of <sup>no strike</sup> ~~an all-terrain~~ a ~~terrain~~ vehicle.

23 SECTION 75. 23.33 (4c) (b) 2. of the statutes is amended to read:

or utility terrain vehicle

1 23.33 (4c) (b) 2. 'Causing injury with alcohol concentrations at or above  
2 specified levels.' No person who has an alcohol concentration of 0.08 or more may  
3 cause injury to another person by the operation of ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~ vehicle.

4 SECTION 76. 23.33 (4c) (b) 2m. of the statutes is amended to read:

5 23.33 (4c) (b) 2m. 'Causing injury while operating with a restricted controlled  
6 substance.' No person who has a detectable amount of a restricted controlled  
7 substance in his or her blood may cause injury to another person by the operation of  
8 ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~ vehicle.

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

10 23.33 (4g) (a) Requirement. A person shall provide a sample of his or her breath  
11 for a preliminary breath screening test if a law enforcement officer has probable  
12 cause to believe that the person is violating or has violated the intoxicated operation  
13 of ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~ vehicle law and if, prior to an arrest, the law enforcement  
14 officer requested the person to provide this sample.

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

16 23.33 (4g) (b) Use of test results. A law enforcement officer may use the results  
17 of a preliminary breath screening test for the purpose of deciding whether or not to  
18 arrest a person for a violation of the intoxicated operation of ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~  
19 vehicle law or for the purpose of deciding whether or not to request a chemical test  
20 under sub. (4p). Following the preliminary breath screening test, chemical tests may  
21 be required of the person under sub. (4p).

22 SECTION 79. 23.33 (4j) of the statutes is amended to read:

23 23.33 (4j) APPLICABILITY OF THE INTOXICATED OPERATION OF ~~AN ALL-TERRAIN~~ <sup>no strike</sup> ~~A~~  
24 ~~TERRAIN~~ <sup>or utility terrain vehicle</sup> VEHICLE LAW. In addition to being applicable upon highways, the intoxicated  
25 operation of ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~ vehicle law is applicable upon all premises held

or utility terrain vehicle

1 out to the public for use of their <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicles, <sup>or utility terrain vehicles</sup> whether such premises  
 2 are publicly or privately owned and whether or not a fee is charged for the use thereof.

3 **SECTION 80.** 23.33 (4L) of the statutes is amended to read:

4 23.33 (4L) IMPLIED CONSENT. Any person who engages in the operation of <sup>no strike</sup> ~~an~~  
 5 <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> upon the public highways of this state, or in those areas  
 6 enumerated in sub. (4j), is deemed to have given consent to provide one or more  
 7 samples of his or her breath, blood or urine for the purpose of authorized analysis as  
 8 required under sub. (4p). Any person who engages in the operation of <sup>no strike</sup> ~~an all-terrain~~  
 9 ~~a terrain~~ vehicle <sup>or utility terrain vehicle</sup> within this state is deemed to have given consent to submit to one  
 10 or more chemical tests of his or her breath, blood or urine for the purpose of  
 11 authorized analysis as required under sub. (4p).

12 **SECTION 81.** 23.33 (4p) (a) 1. of the statutes is amended to read:

13 23.33 (4p) (a) 1. 'Samples; submission to tests.' A person shall provide one or  
 14 more samples of his or her breath, blood or urine for the purpose of authorized  
 15 analysis if he or she is arrested for a violation of the intoxicated operation of <sup>no strike</sup> ~~an~~  
 16 <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> law and if he or she is requested to provide the sample  
 17 by a law enforcement officer. A person shall submit to one or more chemical tests of  
 18 his or her breath, blood or urine for the purpose of authorized analysis if he or she  
 19 is arrested for a violation of the intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ ~~terrain~~  
 20 vehicle <sup>or utility terrain vehicle</sup> law and if he or she is requested to submit to the test by a law enforcement  
 21 officer.

22 **SECTION 82.** 23.33 (4p) (a) 3. of the statutes is amended to read:

23 23.33 (4p) (a) 3. 'Unconscious person.' A person who is unconscious or  
 24 otherwise not capable of withdrawing consent is presumed not to have withdrawn  
 25 consent under this paragraph, and if a law enforcement officer has probable cause

or utility terrain vehicle

1 to believe that the person violated the intoxicated operation of <sup>no strike</sup> ~~(an all-terrain~~  
2 ~~terrain)~~ vehicle law, one or more chemical tests may be administered to the person  
3 without a request under subd. 1. and without providing information under subd. 2.

4 SECTION 83. 23.33 (4p) (b) 4. of the statutes is amended to read:

5 23.33 (4p) (b) 4. 'Validity; procedure.' A chemical test of blood or urine  
6 conducted for the purpose of authorized analysis is valid as provided under s. 343.305  
7 (6). The duties and responsibilities of the laboratory of hygiene, department of  
8 health services and department of transportation under s. 343.305 (6) apply to a  
9 chemical test of blood or urine conducted for the purpose of authorized analysis  
10 under this subsection. Blood may be withdrawn from a person arrested for a  
11 violation of the intoxicated operation of <sup>no strike</sup> ~~(an all-terrain)~~ ~~terrain~~ vehicle law only by  
12 a physician, registered nurse, medical technologist, physician assistant or person  
13 acting under the direction of a physician and the person who withdraws the blood,  
14 the employer of that person and any hospital where blood is withdrawn have  
15 immunity from civil or criminal liability as provided under s. 895.53

16 SECTION 84. 23.33 (4p) (c) 1. of the statutes is amended to read:

17 23.33 (4p) (c) 1. 'Additional chemical test.' If a person is arrested for a violation  
18 of the intoxicated operation of <sup>no strike</sup> ~~(an all-terrain)~~ ~~terrain~~ vehicle law or is the operator  
19 of <sup>no strike</sup> ~~(an all-terrain)~~ ~~terrain~~ vehicle involved in an accident resulting in great bodily  
20 harm to or the death of someone and if the person is requested to provide a sample  
21 or to submit to a test under par. (a) 1., the person may request the test facility to  
22 administer the additional chemical test specified under par. (b) 3. or, at his or her own  
23 expense, reasonable opportunity to have any qualified person administer a chemical  
24 test of his or her breath, blood or urine for the purpose of authorized analysis.

25 SECTION 85. 23.33 (4p) (c) 2. of the statutes is amended to read:

1           23.33 (4p) (c) 2. 'Optional test.' If a person is arrested for a violation of the  
2 intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle <sup>or utility terrain vehicle</sup> law and if the person is not  
3 requested to provide a sample or to submit to a test under par. (a) 1., the person may  
4 request the test facility to administer a chemical test of his or her breath or, at his  
5 or her own expense, reasonable opportunity to have any qualified person administer  
6 a chemical test of his or her breath, blood or urine for the purpose of authorized  
7 analysis. If a test facility is unable to perform a chemical test of breath, the person  
8 may request the test facility to administer the designated chemical test under par.  
9 (b) 2. or the additional chemical test under par. (b) 3.

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

11           23.33 (4p) (d) *Admissibility; effect of test results; other evidence.* The results  
12 of a chemical test required or administered under par. (a), (b) or (c) are admissible  
13 in any civil or criminal action or proceeding arising out of the acts committed by a  
14 person alleged to have violated the intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~  
15 vehicle <sup>or utility terrain vehicle</sup> law on the issue of whether the person was under the influence of an  
16 intoxicant or the issue of whether the person had alcohol concentrations at or above  
17 specified levels or a detectable amount of a restricted controlled substance in his or  
18 her blood. Results of these chemical tests shall be given the effect required under s.  
19 885.235. This subsection does not limit the right of a law enforcement officer to  
20 obtain evidence by any other lawful means.

21           **SECTION 87.** 23.33 (4p) (e) 1. of the statutes is amended to read:

22           23.33 (4p) (e) 1. Whether the law enforcement officer had probable cause to  
23 believe the person was violating or had violated the intoxicated operation of <sup>no strike</sup> ~~an~~  
24 <sup>no strike</sup> ~~all-terrain~~ ~~a terrain~~ vehicle <sup>or utility terrain vehicle</sup> law.

25           **SECTION 88.** 23.33 (4p) (e) 2. of the statutes is amended to read:

or utility terrain vehicle

1 23.33 (4p) (e) 2. Whether the person was lawfully placed under arrest for  
2 violating the intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle law.

3 SECTION 89. 23.33 (4x) (title) of the statutes is amended to read:

4 23.33 (4x) (title) OFFICER'S ACTION AFTER ARREST FOR OPERATING <sup>no strike</sup> ~~AN ALL-TERRAIN~~  
5 ~~A TERRAIN~~ VEHICLE <sup>or utility terrain vehicle</sup> <sup>CS</sup> WHILE UNDER INFLUENCE OF INTOXICANT.

6 SECTION 90. 23.33 (4z) (a) 1. of the statutes is amended to read:

7 23.33 (4z) (a) 1. Inform <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle operators of the prohibitions  
8 and penalties included in the intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle  
9 law.

10 SECTION 91. 23.33 (4z) (a) 2. of the statutes is amended to read:

11 23.33 (4z) (a) 2. Provide for the development of signs briefly explaining the  
12 intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle law.

13 SECTION 92. 23.33 (4z) (b) of the statutes is amended to read:

14 23.33 (4z) (b) The department shall develop and issue an educational pamphlet  
15 on the intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle law to be distributed,  
16 beginning in 1989, to persons issued <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle registration  
17 certificates under subs. (2) and (2g).

18 SECTION 93. 23.33 (5) (a) (title) of the statutes is amended to read:

19 23.33 (5) (a) (title) Age All-terrain vehicles; age restriction.

20 SECTION 94. 23.33 (5) (am) of the statutes is created to read:

21 23.33 (5) (am) Utility terrain vehicles; age restriction. 1. Except as provided  
22 in subd. 2., no person may operate, rent, or lease a utility terrain vehicle unless he  
23 or she has an operator's license under ch. 343 and is at least 16 years of age.

24 2. A person who is under 16 years of age may operate a utility terrain vehicle  
25 without an operator's license if the person operates the utility terrain vehicle for an

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or utility terrain vehicle

1 agricultural purpose and he or she is under the supervision of a person over 18 years  
2 of age. For purposes of this subdivision, supervision does not require that the person  
3 under 16 years of age be subject to continuous direction or by the person over 18 years  
4 of age.

5 SECTION 95. 23.33 (5) (b) of the statutes is amended to read:

6 23.33 (5) (b) ~~All-terrain Terrain-vehicle safety certificate.~~ <sup>Safety E</sup> 1. No person who is  
7 at least 12 years of age and who is born on or after January 1, 1988, may operate <sup>no strike</sup> an

8 <sup>no strike</sup> ~~all-terrain terrain~~ vehicle unless he or she holds a valid safety certificate.

9 2. Any person who is required to hold <sup>no strike</sup> ~~an all-terrain a terrain~~ vehicle safety  
10 certificate while operating <sup>no strike</sup> ~~an all-terrain a terrain~~ vehicle shall carry the certificate  
11 on the <sup>no strike</sup> ~~all-terrain terrain~~ vehicle and shall display the certificate to a law  
12 enforcement officer on request. Persons enrolled in a safety certification program  
13 approved by the department may operate <sup>no strike</sup> ~~an all-terrain a terrain~~ vehicle in an area  
14 designated by the instructor.

or utility terrain vehicle

15 SECTION 96. 23.33 (5) (c) of the statutes is amended to read:

16 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who  
17 operates <sup>no strike</sup> ~~an all-terrain a terrain~~ vehicle exclusively on land under the management  
18 and control of the person's immediate family. Paragraphs (a) and (b) do not apply to  
19 the operation of an all-terrain vehicle <sup>or utility terrain vehicle</sup> by a person at least 12 years of age but under  
20 16 years of age who holds a valid certificate issued by another state or a province of  
21 Canada.

22 SECTION 97. 23.33 (5) (d) of the statutes is amended to read:

23 23.33 (5) (d) *Safety certification program established.* The department shall  
24 establish or supervise the establishment of a program of instruction on <sup>no strike</sup> ~~all-terrain~~  
25 ~~terrain~~ vehicle laws, including the intoxicated operation of <sup>no strike</sup> ~~an all-terrain terrain~~

and utility terrain vehicle

or utility terrain vehicle ✓

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

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11 **SECTION 98.** 23.33 (6) (a), (b), (c), (d), (e) and (h) of the statutes are amended  
 12 to read:

or utility terrain vehicle

13 23.33 (6) (a) A person who operates ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~ vehicle during  
 14 hours of darkness or during daylight hours on any highway right-of-way is required  
 15 to display a lighted headlamp and tail lamp on the ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle.

16 (b) The headlamp on ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~ vehicle is required to display a  
 17 white light of sufficient illuminating power to reveal any person, vehicle or  
 18 substantial object at a distance of at least 200 feet ahead of the ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~  
 19 vehicle.

20 (c) The tail lamp on ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~ vehicle is required to display a red  
 21 light plainly visible during hours of darkness from a distance of 500 feet to the rear.

22 (d) Every ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle is required to be equipped with at least one  
 23 brake operated either by hand or by foot.

and utility terrain vehicle ✓

22



INS.  
25-2

(e) Every <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>and utility terrain vehicle</sup> 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.

(h) A person who operates <sup>no strike</sup> ~~an all-terrain~~ ~~terrain~~ vehicle <sup>or utility terrain vehicle</sup> 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.

**SECTION 99.** 23.33 (6) (i) of the statutes is created to read:

23.33 (6) (i) No person may operate a utility terrain vehicle unless each passenger is wearing a safety belt <sup>installed by the manufacturer</sup> ~~approved by the department~~ and fastened in a manner prescribed by the manufacturer of the safety belt which permits the safety belt to act as a body restraint.

**SECTION 100.** 23.33 (6m) of the statutes is amended to read:

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

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**SECTION 101.** 23.33 (7) of the statutes is amended to read:

23.33 (7) ACCIDENTS. (a) If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>and utility terrain vehicle</sup> involved in the accident shall give notice of the accident to a conservation warden or local law enforcement officer as soon as possible and shall file a written report of the accident with the department on the form provided by it within 10 days after the accident.

**SECTION 101**

*or utility terrain vehicle*

1 (b) If the operator of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle is physically incapable of  
2 making the report required by this subsection and there was another witness to the  
3 accident capable of making the report, the witness may make the report.

4 **SECTION 102.** 23.33 (8) (d) of the statutes is amended to read:

5 23.33 (8) (d) *Restrictions.* The designating authority may specify effective  
6 periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit  
7 the operation of <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle during certain periods of the year.

8 **SECTION 103.** 23.33 (8) (f) 1. of the statutes is amended to read:

9 23.33 (8) (f) *Interference with signs and standards prohibited.* 1. No person  
10 may intentionally remove, damage, deface, move ~~or~~, obstruct, ~~or interfere with the~~  
11 ~~effective operation of~~ any uniform all-terrain vehicle route or trail sign or standard  
12 ~~or intentionally interfere with the effective operation of any uniform all-terrain~~  
13 ~~vehicle route or trail sign or standards~~ if the sign or standard is legally placed by the  
14 state, any municipality or any authorized individual.

15 **SECTION 104.** 23.33 (9) (a) of the statutes is amended to read:

16 23.33 (9) (a) *Enforcement.* The department may utilize moneys received under  
17 sub. (2) for <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicle <sup>and utility terrain vehicle</sup> registration aids administration and for the  
18 purposes specified under s. 20.370 (3) (as) and (5) (er) including costs associated with  
19 enforcement, safety education, accident reports and analysis, law enforcement aids  
20 to counties, and other similar costs in administering and enforcing this section.

21 **SECTION 105.** 23.33 (9) (bg) of the statutes is created to read:

22 23.33 (9) (bg) *Terrain vehicle projects.* <sup>for utility terrain vehicles (I)</sup> A project to improve or maintain  
23 all-terrain vehicle trails for use by utility terrain vehicles is eligible for aid from the  
24 appropriation account under s. 20.370 (5) (gq).

25 **SECTION 106.** 23.33 (11) (a) of the statutes is amended to read:

<sup>any</sup> ~~or uniform sign~~ <sup>or</sup> ~~and~~ ~~standards~~ <sup>for the operation of a</sup>  
~~utility terrain vehicle~~ <sup>on an all-terrain vehicle route or trail</sup>

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26-14

1 23.33 (11) (a) Counties, towns, cities and villages may enact ordinances  
2 regulating ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ <sup>and utility terrain vehicles</sup> vehicles on all-terrain vehicle trails maintained by or  
3 on all-terrain vehicle routes designated by the county, city, town or village.

4 SECTION 107. 23.33 (11) (am) 2. of the statutes is amended to read:

5 23.33 (11) (am) 2. For a roadway, or for a portion of a roadway, that is located  
6 within the territorial boundaries of a city, village, or town, the city, village, or town  
7 may enact an ordinance to authorize the operation of ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ <sup>and utility terrain vehicles</sup> vehicles  
8 with snow removal devices attached on the roadway, or adjacent to the roadway, if  
9 the applicable roadway speed limit is greater than 45 miles per hour, and regardless  
10 of whether the city, village, or town has jurisdiction over the roadway.

11 SECTION 108. 23.33 (11) (b) of the statutes is amended to read:

12 23.33 (11) (b) If a county, town, city, or village adopts an ordinance regulating  
13 all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send  
14 a copy of the ordinance to the department and to the office of any law enforcement  
15 agency of the municipality or county having jurisdiction over any highway  
16 designated as an all-terrain vehicle route.

17 SECTION 109. 23.33 (11p) (title) of the statutes is repealed.

18 SECTION 110. 23.33 (11p) (a) (intro.) of the statutes is repealed.

19 SECTION 111. 23.33 (11p) (a) 1. of the statutes is repealed.

20 SECTION 112. 23.33 (11p) (a) 2. of the statutes is renumbered 23.33 (1) (fm).

21 SECTION 113. 23.33 (11p) (a) 3. of the statutes is ~~renumbered 23.33 (1) (ij)~~ <sup>repealed</sup>

22 SECTION 114. 23.33 (11p) (a) 4. of the statutes is renumbered 23.33 (1) (im).

23 SECTION 115. 23.33 (11p) (a) 5. of the statutes is repealed.

24 SECTION 116. 23.33 (11p) (a) 6. of the statutes is renumbered 23.33 (1) (ng).

25 SECTION 117. 23.33 (11p) (b) to (i) of the statutes are repealed.

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INS,  
2-7-24

or utility terrain vehicle

1 SECTION 118. 23.33 (12) (b) of the statutes is amended to read:

2 23.33 (12) (b) No operator of <sup>no strike</sup> ~~an all-terrain a terrain~~ vehicle may refuse to stop  
3 after being requested or signaled to do so by a law enforcement officer or a  
4 commission warden, as defined in s. 939.22 (5).

5 SECTION 119. 23.33 (13) (b) (title) of the statutes is amended to read:

6 23.33 (13) (b) (title) *Penalties related to intoxicated operation of* <sup>no strike</sup> ~~an all-terrain~~  
7 ~~a terrain~~ vehicle <sup>(I)</sup> or utility terrain vehicle

8 SECTION 120. 23.33 (13) (b) 2. of the statutes is amended to read:

9 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.  
10 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the  
11 current violation, was convicted previously under the intoxicated operation of <sup>no strike</sup> ~~an~~  
12 <sup>no strike</sup> ~~all-terrain a terrain~~ vehicle law or the refusal law shall be fined not less than \$300  
13 nor more than \$1,100 and shall be imprisoned not less than 5 days nor more than 6  
14 months.

15 SECTION 121. 23.33 (13) (b) 3. of the statutes is amended to read:

16 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and  
17 who, within 5 years prior to the arrest for the current violation, was convicted 2 or  
18 more times previously under the intoxicated operation of <sup>no strike</sup> ~~an all-terrain a terrain~~  
19 vehicle law or refusal law shall be fined not less than \$600 nor more than \$2,000 and  
20 shall be imprisoned not less than 30 days nor more than one year in the county jail.

21 SECTION 122. 23.33 (13) (bg) of the statutes is amended to read:

22 23.33 (13) (bg) *Penalties related to intoxicated operation of* <sup>no strike</sup> ~~an all-terrain~~  
23 ~~a terrain~~ vehicle <sup>(I)</sup> or utility terrain vehicle *underage passengers.* If there is a passenger under 16 years of age  
24 on the <sup>no strike</sup> ~~all-terrain terrain~~ vehicle, at the time of a violation that gives rise to a  
25 conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and

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or utility terrain vehicle

1 maximum forfeitures, fines, and terms of imprisonment under pars. (b) 1., 2., and 3.  
2 for the conviction are doubled.

3 SECTION 123. 23.33 (13) (br) (title) of the statutes is amended to read:

4 23.33 (13) (br) (title) *Penalties related to intoxicated operation of* <sup>no strike</sup> ~~an all-terrain~~  
5 ~~aterrain~~ vehicle, <sup>or utility terrain vehicle</sup> enhancers. (E)

6 SECTION 124. 23.33 (13) (dm) of the statutes is amended to read:

7 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person  
8 is convicted of a violation of the intoxicated operation of <sup>no strike</sup> ~~an all-terrain~~ ~~aterrain~~  
9 vehicle) law, the clerk of the court in which the conviction occurred, or the justice,  
10 judge or magistrate of a court not having a clerk, shall forward to the department the  
11 record of such conviction. The record of conviction forwarded to the department shall  
12 state whether the offender was involved in an accident at the time of the offense.

13 SECTION 125. 23.33 (13) (e) of the statutes is amended to read:

14 23.33 (13) (e) *Alcohol, controlled substances or controlled substance analogs;*  
15 *assessment.* In addition to any other penalty or order, a person who violates sub. (4c)  
16 (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the  
17 operation of <sup>no strike</sup> ~~an all-terrain~~ ~~aterrain~~ vehicle, shall be ordered by the court to submit  
18 to and comply with an assessment by an approved public treatment facility for an  
19 examination of the person's use of alcohol, controlled substances or controlled  
20 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a.  
21 to c. Intentional failure to comply with an assessment ordered under this paragraph  
22 constitutes contempt of court, punishable under ch. 785.

23 SECTION 126. 25.29 (1) (b) of the statutes is amended to read:

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29-22

1 25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on  
2 ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicles, <sup>utility terrain vehicles</sup> boats and snowmobiles collected under ss. 23.33, 30.52  
3 (4), 350.12 and 350.122.

4 SECTION 127. 25.29 (1) (dm) of the statutes is amended to read:

5 25.29 (1) (dm) For fiscal year ~~1991-92~~ <sup>no strike</sup> 2012-13 and for each fiscal year  
6 thereafter, an amount equal to the estimated ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle <sup>and utility terrain vehicle</sup> gas tax  
7 payment. The estimated ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicle <sup>and utility terrain vehicle</sup> gas tax payment is calculated  
8 by multiplying the sum of the number of ~~all-terrain~~ <sup>no strike</sup> ~~terrain~~ vehicles <sup>and utility terrain vehicle</sup> registered for  
9 public use under s. 23.33 (2) (c) or (2g) and the number of reflectorized plates issued  
10 under s. 23.33 (2) (dm) on the last day of February of the previous fiscal year by 25  
11 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on  
12 the last day of February of the previous fiscal year.

13 SECTION 128. 25.40 (3) (b) 14. of the statutes is amended to read:

14 25.40 (3) (b) 14. Transfers to the conservation fund for motor fuel tax collections  
15 on the use of fuel by snowmobiles, <sup>no strike</sup> ~~all-terrain~~ ~~terrain~~ vehicles, <sup>utility terrain vehicles</sup> and motorboats.

16 SECTION 129. 77.51 (13s) of the statutes is amended to read:

17 77.51 (13s) "Safety classes" means all classes approved by the department of  
18 natural resources related to hunting, including hunting with a bow, and related to  
19 firearms, all-terrain vehicles, utility terrain vehicles, boats, and snowmobiles.

20 SECTION 130. 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, <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle that is  
23 not registered for private use under s. 23.33 (2) (d) or a recreational motorboat; and  
24 delivered directly into the consumer's storage tank in an amount of not less than 100  
25 gallons.

or utility terrain vehicle

INS.  
30-12

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30-15

INS.  
30-19

or utility terrain vehicle

1       **SECTION 131.** 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 a terrain~~ vehicle, that is not registered for private  
4 use under s. 23.33 (2) (d) or (2g) or in a recreational motorboat or if no claim for a  
5 refund for the tax on the diesel fuel may be made under s. 78.75 (1m) (a) 3.

6       **SECTION 132.** 78.40 (1) of the statutes is amended to read:

7       78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate  
8 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The  
9 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply  
10 tanks of motor vehicles in this state, attaches at the time of delivery and shall be  
11 collected by the dealer from the alternate fuels user and shall be paid to the  
12 department. The tax, with respect to alternate fuels acquired by any alternate fuels  
13 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a  
14 motor vehicle, or of a snowmobile, ~~an all-terrain a terrain~~ vehicle, that is not  
15 registered for private use under s. 23.33 (2) (d) or (2g) or a recreational motorboat,  
16 attaches at the time of the use of the fuel and shall be paid to the department by the  
17 user. The department may permit any supplier of alternate fuels to report and pay  
18 to the department the tax on alternate fuels delivered into the storage facility of an  
19 alternate fuels user or retailer which will be consumed for alternate fuels tax  
20 purposes or sold at retail.

21       **SECTION 133.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

22       78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel  
23 upon which has been paid the tax required under this chapter for the purpose of  
24 operating ~~an all-terrain terrain~~ vehicle, as defined under s. 340.01 (2g), may not be

or a utility terrain vehicle, as defined under s. 23.33 (1)(ng),

or utility terrain vehicle

no strike

1 reimbursed or repaid the amount of tax paid unless the ~~all-terrain~~ ~~terrain~~ vehicle  
2 is registered for private use under s. 23.33 (2) (d) or (2g).

3 SECTION 134. 78.75 (1m) (a) 3. of the statutes is amended to read:

4 78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed. The forms shall  
5 indicate that refunds are not available for motor vehicle fuel or alternate fuels used  
6 for motorboats, except motorboats exempt from registration as motor vehicles under  
7 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle  
8 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile  
9 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and  
10 areas. The forms shall indicate that refunds are not available for motor vehicle fuel  
11 or alternate fuels used for ~~all-terrain~~ ~~terrain~~ vehicles, or utility terrain vehicles  
12 vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall indicate  
13 that estimated ~~all-terrain~~ ~~terrain~~ vehicle motor vehicle fuel or alternate fuels tax  
14 payments are used for all-terrain vehicle trails and areas. The forms shall also  
15 indicate that refunds are not available for the tax on less than 100 gallons. The  
16 department shall distribute forms in sufficient quantities to each county clerk.

no strike

or utility terrain vehicles

no strike

INS.  
32-16

17 SECTION 135. 322.111 of the statutes is amended to read:

18 322.111 Article 111 ~~Drunk or reckless operation of an all-terrain~~

no strike

19 ~~terrain~~ vehicle, utility terrain vehicle, ~~vehicle, snowmobile, aircraft, or vessel~~. Any person who  
20 violates s. 23.33 (3) (a) or (4c), 30.68, 30.681, 114.09, 346.62, 346.63 (1) or (2), 350.10  
21 (1) (b), 350.101, 940.25, or 940.09 where the offense involved the operation or  
22 physical control of an aircraft, ~~all-terrain~~ ~~terrain~~ vehicle, utility terrain vehicle,  
23 vessel on or off a highway shall be punished as the court-martial may direct.

no strike

utility terrain vehicle,

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24 SECTION 136. 885.235 (1g) (intro.) of the statutes is amended to read:



or utility terrain vehicle

1           885.235 (1g) (intro.) In any action or proceeding in which it is material to prove  
2           that a person was under the influence of an intoxicant or had a prohibited alcohol  
3           concentration or a specified alcohol concentration while operating or driving a motor  
4           vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating  
5           a motorboat, except a sailboat operating under sail alone, while operating a  
6           snowmobile, while operating ~~an all-terrain~~ <sup>no strike</sup> ~~a terrain~~ vehicle, or while handling a  
7           firearm, evidence of the amount of alcohol in the person's blood at the time in  
8           question, as shown by chemical analysis of a sample of the person's blood or urine or  
9           evidence of the amount of alcohol in the person's breath, is admissible on the issue  
10          of whether he or she was under the influence of an intoxicant or had a prohibited  
11          alcohol concentration or a specified alcohol concentration if the sample was taken  
12          within 3 hours after the event to be proved. The chemical analysis shall be given  
13          effect as follows without requiring any expert testimony as to its effect:

14           **SECTION 137.** 885.235 (1k) of the statutes is amended to read:

15           885.235 (1k) In any action or proceeding in which it is material to prove that  
16           a person had a detectable amount of a restricted controlled substance in his or her  
17           blood while operating or driving a motor vehicle or, if the vehicle is a commercial  
18           motor vehicle, on duty time, while operating a motorboat, except a sailboat operating  
19           under sail alone, while operating a snowmobile, while operating ~~an all-terrain~~ <sup>no strike</sup> ~~a~~  
20           ~~terrain~~ vehicle, or while handling a firearm, if a chemical analysis of a sample of the  
21           person's blood shows that the person had a detectable amount of a restricted  
22           controlled substance in his or her blood, the court shall treat the analysis as prima  
23           facie evidence on the issue of the person having a detectable amount of a restricted  
24           controlled substance in his or her blood without requiring any expert testimony as  
25           to its effect.

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33-25

1 SECTION 138. 895.049 of the statutes is amended to read:

2 **895.049 Recovery by a person who fails to use protective headgear**  
3 **while operating certain motor vehicles.** Notwithstanding s. 895.045, failure by  
4 a person who operates or is a passenger on a <sup>utility</sup> terrain vehicle, as defined in s. 23.33  
5 (1) <sup>(na)</sup> ~~a~~ motorcycle, as defined in s. 340.01 (32), <sup>no strike</sup> ~~an all-terrain vehicle, as defined~~  
6 <sup>no strike</sup> ~~in s. 340.01 (2g),~~ or a snowmobile, as defined in s. 340.01 (58a), on or off a highway,  
7 to use protective headgear shall not reduce recovery for injuries or damages by the  
8 person or the person's legal representative in any civil action. This section does not  
9 apply to any person required to wear protective headgear under s. 23.33 (3g) or  
10 347.485 (1).

11 SECTION 139. 895.52 (1) (g) of the statutes is amended to read:

12 895.52 (1) (g) "Recreational activity" means any outdoor activity undertaken  
13 for the purpose of exercise, relaxation or pleasure, including practice or instruction  
14 in any such activity. "Recreational activity" includes hunting, fishing, trapping,  
15 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,  
16 bird-watching, motorcycling, operating <sup>no strike</sup> ~~an all-terrain~~ a terrain vehicle, ballooning,  
17 hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing,  
18 skating, water sports, sight-seeing, rock-climbing, cutting or removing wood,  
19 climbing observation towers, animal training, harvesting the products of nature,  
20 sport shooting and any other outdoor sport, game or educational activity.  
21 "Recreational activity" does not include any organized team sport activity sponsored  
22 by the owner of the property on which the activity takes place.

23 SECTION 140. 895.525 (2) of the statutes is amended to read:

24 895.525 (2) DEFINITION. In this section, "recreational activity" means any  
25 activity undertaken for the purpose of exercise, relaxation or pleasure, including

or utility terrain vehicle

or utility terrain vehicle

1 practice or instruction in any such activity. "Recreational activity" includes hunting,  
2 fishing, trapping, camping, bowling, billiards, picnicking, exploring caves, nature  
3 study, dancing, bicycling, horseback riding, horseshoe-pitching, bird-watching,  
4 motorcycling, operating <sup>no strike</sup> ~~an all-terrain~~ ~~a terrain~~ vehicle, ballooning, curling,  
5 throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding,  
6 snowmobiling, skiing, skating, participation in water sports, weight and fitness  
7 training, sight-seeing, rock-climbing, cutting or removing wood, climbing  
8 observation towers, animal training, harvesting the products of nature, sport  
9 shooting and any other sport, game or educational activity.

10 SECTION 141. 901.053 of the statutes is amended to read:

11 **901.053 Admissibility of evidence relating to use of protective**  
12 **headgear while operating certain motor vehicles.** Evidence of use or nonuse  
13 of protective headgear by a person, other than a person required to wear protective  
14 headgear under s. 23.33 (3g) or 347.485 (1), who operates or is a passenger on a  
15 <sup>utility</sup> terrain vehicle, as defined in s. 23.33 (1) ~~(1g)~~ <sup>(ng)</sup>, a motorcycle, as defined in s. 340.01 (32),  
16 <sup>no strike</sup> ~~an all-terrain~~ vehicle, as defined in s. 340.01 (2g), or a snowmobile, as defined in s.  
17 340.01 (58a), on or off a highway, is not admissible in any civil action for personal  
18 injury or property damage. This section does not apply to the introduction of such  
19 evidence in a civil action against the manufacturer or producer of the protective  
20 headgear arising out of any alleged deficiency or defect in the design or manufacture  
21 of the protective headgear or, with respect to such use of protective headgear, in a civil  
22 action on the sole issue of whether the protective headgear contributed to the  
23 personal injury or property damage incurred by another person.

24 SECTION 142. 938.17 (title) of the statutes is amended to read:

), and utility terrain vehicle

1 **938.17** (title) **Jurisdiction over traffic, boating, snowmobile, and**  
2 **all-terrain ~~terrain~~ vehicle** ), and utility terrain vehicle (25)  
3 **violations and over civil law and ordinance**  
4 **violations.**

4 **SECTION 143.** 938.17 (1) (intro.) of the statutes is amended to read:

5 938.17 (1) TRAFFIC, BOATING, SNOWMOBILE <sup>2</sup> AND no strike ~~ALL-TERRAIN TERRAIN~~ VEHICLE  
6 VIOLATIONS. (intro.) Except for violations of ss. 342.06 (2) and 344.48 (1), and  
7 violations of ss. 30.67 (1) and 346.67 (1) when death or injury occurs, courts of  
8 criminal and civil jurisdiction have exclusive jurisdiction in proceedings against  
9 juveniles 16 years of age or older for violations of s. 23.33, of ss. 30.50 to 30.80, of chs.  
10 341 to 351, and of traffic regulations, as defined in s. 345.20, and nonmoving traffic  
11 violations, as defined in s. 345.28 (1). A juvenile charged with a traffic, boating,  
12 snowmobile, or no strike ~~all-terrain terrain~~ vehicle ), or utility terrain vehicle  
13 jurisdiction shall be treated as an adult before the trial of the proceeding except that  
14 the juvenile may be held in secure custody only in a juvenile detention facility. A  
15 juvenile convicted of a traffic, boating, snowmobile, or no strike ~~all-terrain terrain~~ vehicle  
16 ), or utility terrain vehicle offense in a court of criminal or civil  
17 jurisdiction shall be treated as an adult for sentencing purposes except as follows:

18 **SECTION 144.** 938.343 (9) of the statutes is amended to read:

19 938.343 (9) no strike ~~ALL-TERRAIN TERRAIN~~ VEHICLE SAFETY COURSE. If the violation is one  
20 under s. 23.33 or under an ordinance enacted in accordance with s. 23.33 concerning  
21 the use of no strike ~~all-terrain terrain~~ vehicles, or utility terrain vehicles order the juvenile to attend no strike ~~an all-terrain~~  
22 ~~terrain~~ vehicle safety course.

23 **SECTION 145. Fiscal changes.** or utility terrain vehicle

1           (1) The unencumbered balance in the appropriation account under section  
2           20.370 (1) (iv) of the statutes is transferred to the appropriation account under  
3           section 20.370 (5) (gq) of the statutes, as created by this act.

4           **SECTION 146. Effective date.**

5           (1) This act takes effect on June 30, 2012, or on the day after publication,  
6           whichever is later.

INS.  
37-6

7

(END)