

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/P2ins.
RNK:.....

INSERT 2-17

1 **SECTION ~~4~~ 20.370 (3)** (as) of the statutes is amended to read:
2 **20.370 (3)** (as) *Law enforcement — all-terrain vehicle and utility terrain vehicle*
3 *enforcement.* The amounts in the schedule from moneys received from all-terrain
4 vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e), for state law
5 enforcement operations related to all-terrain vehicles and utility terrain vehicles,
6 including actual enforcement, safety training, accident reporting, and similar
7 activities.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32.

8 **SECTION ~~4~~ 20.370 (5)** (ct) of the statutes is amended to read:
9 **20.370 (5)** (ct) *Recreation aids — all-terrain vehicle and utility terrain vehicle*
10 *project aids; gas tax payment.* As a continuing appropriation, an amount equal to the
11 estimated all-terrain vehicle and utility terrain vehicle gas tax payment to provide
12 aid to towns, villages, cities, counties and federal agencies for nonstate all-terrain
13 vehicle and utility terrain vehicle projects.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32.

14 **SECTION ~~4~~ 20.370 (5)** (er) of the statutes is amended to read:
15 **20.370 (5)** (er) *Enforcement aids — all-terrain vehicle and utility terrain*
16 *vehicle enforcement.* The amounts in the schedule from moneys received from
17 all-terrain vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e) for local
18 law enforcement aids.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110,

929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22m to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32.

INSERT 3-2

1 **Not** , ^{and} for state and nonstate utility terrain vehicle projects, and for incentive
2 payments to landowners for public all-terrain vehicle corridors under s. 23.33 (5r)
3 on which the operation of utility terrain vehicles is allowed

INSERT 3-13

4 ~~SECTION 20.855~~ (4) (v) of the statutes is created to read:
5 20.855 (4) (v) *Transfer to conservation fund; utility terrain vehicle formula.*
6 From the transportation fund, a sum sufficient in an amount equal to the amount to
7 be paid into the conservation fund as determined under s. 25.29 (1) (dr). The amounts
8 may be paid at such intervals during each fiscal year as the secretary of
9 administration deems appropriate or necessary.

INSERT 5-21

10 ~~SECTION 23.33~~ (1) (o) of the statutes is amended to read:
11 23.33 (1) (o) "Validated registration receipt" means a receipt issued by the
12 department or an agent under sub. (2) (ig) 1. a. that shows that an application and
13 the required fees for a registration certificate has have been submitted to the
14 department or an agent appointed under sub. (2) (i) 3.

15 **Cross-reference:** ~~Cross-reference:~~ ~~Cross-reference:~~ See also definitions in s. 340.01. **Cross-reference:**
History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 6-1

1 3. "Public all-terrain vehicle corridor" has the meaning given in sub. (2j) (a). ✓

INSERT 6-10

2 ^{No ff} route, all-terrain vehicle trail, or public all-terrain vehicle corridor unless it is
3 designated as an all-terrain vehicle route, all-terrain vehicle trail, or public
4 all-terrain vehicle corridor that may be used by operators of utility terrain

INSERT 6-19

5 SECTION ~~#~~ 23.33 (2) (a) of the statutes is amended to read:

6 23.33 (2) (a) *Requirement.* No person may operate and no owner may give
7 permission for the operation of an all-terrain vehicle or utility terrain vehicle within
8 this state unless the all-terrain vehicle or utility terrain vehicle is registered for
9 public use or for private use under this subsection or sub. (2g) ✓, is exempt from
10 registration, or is operated with a reflectorized plate attached in the manner
11 specified under par. (dm) 3. No person may operate and no owner may give
12 permission for the operation of an all-terrain vehicle or utility terrain vehicle on an
13 all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain vehicle
14 or utility terrain vehicle ↓ is registered for public use under this subsection or sub. (2g).

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

15 SECTION ~~#~~ 23.33 (2) (am) of the statutes is created to read:

16 23.33 (2) (am) *Display.* A person who is required to register an all-terrain
17 vehicle or utility terrain vehicle for public use shall attach his or her own plate to the
18 rear of the vehicle and shall attach a registration decal, furnished by the department,
19 on each side of the vehicle in a place that is forward of the operator of the vehicle and

1 that is in a place that is clearly visible. The plate shall be a minimum of 4 inches in
 2 height and a minimum of 7 1/2 inches in width. The plate shall be white and shall
 3 display, in black lettering, the registration number for the all-terrain vehicle or
 4 utility terrain vehicle issued by the department. The person required to register the
 5 all-terrain vehicle or utility terrain vehicle shall maintain the plate so that it is in
 6 legible condition. The registration number shall be displayed so that it is a minimum
 7 of 1 1/2 inches in height, with a minimum of a 3/16 inch stroke.

****NOTE: I did not include the requirement that the registration must be displayed *
 so that the letters are placed "left to right" or "in English" because whenever the statutes
 establish any requirement for a writing, the assumption is that the writing must be in
 English and read in the manner that English is read.

8 ~~SECTION 23.33~~ (2) (b) (intro.) of the statutes is amended to read:
 9 23.33 (2) (b) *Exemptions.* (intro.) An all-terrain vehicle or utility terrain
 10 vehicle is exempt from registration if it is:

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

11 ~~SECTION 23.33~~ (2) (b) 1. of the statutes is amended to read:
 12 23.33 (2) (b) 1. Owned by the United States, another state or a political
 13 subdivision thereof, but the exterior of the all-terrain vehicle or utility terrain
 14 vehicle shall display in a visible manner the name of the owner.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

15 ~~SECTION 23.33~~ (2) (b) 2. of the statutes is amended to read:
 16 23.33 (2) (b) 2. Covered by a valid registration in another state, province or
 17 country if there is some identification of registration displayed on the all-terrain
 18 vehicle or utility terrain vehicle and it has not been in this state for more than 15
 19 consecutive days.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

****NOTE: I am not certain that this provision, as amended, meets your intent. The
 draft language provided to me implies that you may have intended to repeal s. 23.33 (2)

(b) 2. entirely. Please let me know if your intent was to repeal this provision rather than to amend it to include utility terrain vehicles.

1 **SECTION ~~11~~ 23.33 (2) (b) 2m. b.** of the statutes is amended to read:

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

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

4 **SECTION ~~12~~ 23.33 (2) (b) 2m. c.** of the statutes is amended to read:

5 **23.33 (2) (b) 2m. c.** The all-terrain vehicle or utility terrain vehicle has not
6 been, for more than 15 consecutive days, in that portion of this state that is outside
7 the boundaries of the reservation where it is registered.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

8 **SECTION ~~13~~ 23.33 (2) (b) 3m.** of the statutes is amended to read:

9 **23.33 (2) (b) 3m.** Present in this state, for a period not to exceed 15 days, and
10 if it is used exclusively as part of an advertisement being made for the manufacturer
11 of the all-terrain vehicle or utility terrain vehicle.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 7-9

12 **SECTION 14. 23.33 (2) (d)** of the statutes is amended to read:

13 **23.33 (2) (d) *Registration; private use; fee.*** An all-terrain vehicle or utility
14 terrain vehicle used exclusively for agricultural purposes or used exclusively on
15 private property may be registered for private use. The fee for the issuance of a
16 registration certificate for private use is \$15.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

17 **SECTION 15. 23.33 (2) (dm) 1.** of the statutes is amended to read:

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

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 8-2

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

11 23.33 (2) (dm) 3. A person who is required to obtain a commercial all-terrain
 12 vehicle certificate or commercial utility terrain vehicle certificate under subd. 1.
 13 shall attach in a clearly visible place a reflectorized plate to any all-terrain vehicle
 14 or utility terrain vehicle that the person leases, rents, offers for sale or otherwise
 15 allows to be used whenever the all-terrain vehicle or utility terrain vehicle is being
 16 operated.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

17 **SECTION 17.** 23.33 (2) (dm) 3. of the statutes is repealed and recreated to read:

18 23.33 (2) (dm) 3. A person who is required to obtain a commercial all-terrain
 19 vehicle or commercial utility terrain vehicle certificate under subd. 1. shall attach
 20 certification decals issued by the department to removable signs that are firmly

, as affected by 2011 Wisconsin Act (this act),

1 mounted on any all-terrain vehicle or utility terrain vehicle that the person leases,
2 rents, offers for sale or otherwise allows to be used whenever the all-terrain vehicle
3 or utility terrain vehicle is being operated.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

4 **SECTION 18.** 23.33 (2) (dm) 3m. of the statutes is repealed. *l*

INSERT 8-19

5 **SECTION 19.** 23.33 (2) (g) of the statutes is amended to read:

6 23.33 (2) (g) *Effective period; private use.* An all-terrain vehicle or utility
7 terrain vehicle private-use registration certificate is valid from the date of issuance
8 until ownership of the all-terrain vehicle or utility terrain vehicle is transferred.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 9-11

9 **SECTION 20.** 23.33 (2) (ir) 1. of the statutes is amended to read:

10 23.33 (2) (ir) 1. In addition to the applicable fee under par. (c), (d), or (e), each
11 agent appointed under par. (i) 3. who accepts an application for registration
12 documentation in person and *l* and who issues a validated registration receipt under
13 par. (ig) 1. a. shall collect a service fee of \$3 each time the agent issues ^{*Strike extra spaces*} a the validated
14 registration receipt under par. (ig) 1. a. The agent shall retain the entire amount of
15 each service fee the agent collects.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 9-23

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

2 **23.33 (2g) (a) Authorization for issuance.** The Lac du Flambeau band may
3 issue registration certificates for public use or private use for all-terrain vehicles or
4 utility terrain vehicles that are equivalent to the registration certificates for public
5 use or private use that are issued by the department. The Lac du Flambeau band
6 may renew and transfer a registration certificate that it or the department has
7 issued. The Lac du Flambeau band may issue duplicates of only those registration
8 certificates that it issues under this subsection.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 10-9

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

10 **23.33 (2g) (c) 2.** The Lac du Flambeau band shall use registration decals that
11 are substantially similar to those under sub. (2) with regard to color, size, legibility,
12 information content and placement on the all-terrain vehicle or utility terrain
13 vehicle.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

14 **SECTION 23.** 23.33 (2g) (e) 4. of the statutes is amended to read:

15 **23.33 (2g) (e) 4.** The Lac du Flambeau band shall collect the sales and use taxes
16 due under s. 77.61 (1) on any all-terrain vehicle or utility terrain vehicle registered
17 under this subsection and make the report in respect to those taxes. On or before the
18 15th day of each month, the Lac du Flambeau band shall pay to the department of
19 revenue all taxes that the Lac du Flambeau band collected in the previous month.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

20 **SECTION 24.** 23.33 (2g) (f) 2. of the statutes is amended to read:

1 23.33 (2g) (f) 2. A requirement that the fees collected by the Lac du Flambeau
 2 band under par. (b) be used only for a program for registering all-terrain vehicles or
 3 utility terrain vehicles, for regulating all-terrain vehicles or utility terrain vehicles
 4 and their operation and for providing all-terrain vehicle trails and all-terrain
 5 vehicle and utility terrain vehicle facilities.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

6 **SECTION 25.** 23.33 (2j) (b) of the statutes is amended to read:

7 23.33 (2j) (b) Except as provided in par. (e) ^{or (em)}, no person may operate an
 8 all-terrain vehicle or utility terrain vehicle on a public all-terrain vehicle corridor
 9 in this state unless a nonresident trail pass issued under this subsection is displayed
 10 on permanently affixed in a clearly visible place on the forward half of the all-terrain
 11 vehicle or utility terrain vehicle.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 10-15

12 **SECTION 26.** 23.33 (2j) (d) of the statutes is amended to read:

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

1 Indian tribes or bands that register all-terrain vehicles or utility terrain vehicles
2 under sub. (2g) or s. 23.35 with a supply of trail passes.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 10-24

3 **SECTION ~~24~~.** 23.33 (2j) (em) of the statutes is created to read:

4 23.33 (2j) (em) The department may not require a person operating an
5 all-terrain vehicle or utility terrain vehicle on a public all-terrain vehicle corridor
6 in this state on the first full weekend in June of each year to be issued or to display
7 a nonresident trail pass as required under par. (b).

INSERT 16-6

8 **SECTION ~~24~~.** 23.33 (4) (e) 3. of the statutes is renumbered 23.33 (4) (e) 3. (intro.)
9 and amended to read:

10 23.33 (4) (e) 3. (intro.) During hours of darkness in the same direction as motor
11 vehicle traffic in the nearest lane, ~~although during daylight hours travel may be in~~
12 ~~either direction regardless of the flow of motor vehicle traffic. unless all of the~~
13 following apply:

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

14 **SECTION ~~24~~.** 23.33 (4) (e) 3. a. of the statutes is created to read:

15 23.33 (4) (e) 3. a. The all-terrain vehicle route or trail is located at least 40 feet
16 from the roadway or is separated from the roadway by a head lamp barrier.

17 **SECTION ~~24~~.** 23.33 (4) (e) 3. b. of the statutes is created to read:

18 23.33 (4) (e) 3. b. The use of the all-terrain vehicle route or trail is approved
19 by the department of transportation with respect to all-terrain vehicle routes or

1 trails located near or crossing state trunk highways or by the officer in charge of
2 maintenance with respect to all-terrain vehicle routes or trails located near or
3 crossing other highways.

4 ~~SECTION 31.~~ 23.33 (4) (e) 3m. of the statutes is created to read:

5 23.33 (4) (e) 3m. During daylight hours, travel may be in either direction
6 regardless of the flow of motor vehicle traffic.

INSERT 22-2

7 ~~SECTION 32.~~ 23.33 (4t) of the statutes is amended to read:

8 23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
9 a person for a violation of the intoxicated operation of an all-terrain vehicle or utility
10 vehicle law or the refusal law, the law enforcement officer shall notify the department
11 of the arrest as soon as practicable.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 24-10

12 ~~SECTION 33.~~ 23.33 (5r) (b) of the statutes is amended to read:

13 23.33 (5r) (b) The department shall establish a program to make incentive
14 payments to private landowners who permit public all-terrain vehicle corridors on
15 their lands on which both all-terrain vehicles and utility vehicles may be operated
16 and who apply for the payments.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

17 ~~SECTION 34.~~ 23.33 (5r) (c) of the statutes is repealed.

18 ~~SECTION 35.~~ 23.33 (5r) (d) of the statutes is repealed.

1 SECTION ~~36~~ 23.33 (5r) (e) of the statutes is repealed.

INSERT 25-2

No ff

2 This paragraph does not apply to an all-terrain vehicle or a utility terrain
3 vehicle that is operated exclusively by means of an electric motor.

Score

INSERT 25-17

4 SECTION ~~37~~ 23.33 (6r) of the statutes is created to read:

5 23.33 (6r) PASSENGER RESTRICTIONS. No person may ride in or on any part of a
6 utility terrain vehicle that is not designed or intended to be used by passengers.

INSERT 26-7

7 SECTION ~~38~~ 23.33 (8) (e) of the statutes is amended to read:

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

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 26-14

14 SECTION ~~39~~ 23.33 (8) (f) 2. of the statutes is amended to read:

15 23.33 (8) (f) 2. No person may possess any uniform all-terrain vehicle route or
16 trail sign or standard, or any uniform sign or standard for the operation of a utility

1 terrain vehicle on an all-terrain vehicle route or trail, of the type established by the
 2 department for the warning, instruction or information of the public, unless he or she
 3 obtained the uniform ~~all-terrain vehicle route or trail~~ sign or standard in a lawful
 4 manner. Possession of a uniform all-terrain vehicle route or trail sign or standard
 5 or uniform sign or standard for the operation of a utility terrain vehicle on an
 6 all-terrain vehicle route or trail creates a rebuttable presumption of illegal
 7 possession.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 27-24

8 **SECTION ~~40~~ 23.33 (11p) (a) 6.** of the statutes is renumbered 23.33 (1) (ng) and
 9 23.33 (1) (ng) (intro.), 1., 2. and 3., as renumbered, are amended to read:

10 23.33 (1) (ng) (intro.) “Utility terrain vehicle” means a motor driven device,
 11 ~~other than a golf cart or low-speed vehicle~~ that does not meet federal motor vehicle
 12 safety standards, that is designed to be used primarily off of a highway, and that has,
 13 and was originally manufactured with, all of the following:

14 1. A gross weight of ~~more than 900 pounds~~ but not more than 1,999 pounds.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

****NOTE: I have not included the additional language requested for the amendment to this provision because I do not understand why it is necessary. Please let me know if you think the additional language is necessary and I will include it in the next version based on your further explanation. 5

15 2. Four or more ~~low-pressure tires~~, each of which has a minimum width of 6
 16 inches and is designed to be inflated with an operating pressure not to exceed 20
 17 pounds per square inch as recommended by the manufacturer.

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

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 28-20

2 ~~SECTION 41.~~ 23.33 (13) (b) 4. of the statutes is amended to read:

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

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

INSERT 29-22

5 ~~SECTION 42.~~ 23.33 (13) (f) of the statutes is amended to read:

6 23.33 (13) (f) *Restoration or replacement of signs and standards.* In addition
7 to any other penalty, the court may order the defendant to restore or replace any
8 uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or
9 standard for the operation of a utility terrain vehicle on an all-terrain vehicle route
10 or trail, that the defendant removed, damaged, defaced, moved or obstructed.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

11 ~~SECTION 43.~~ 23.35 (1) (intro.) of the statutes is amended to read:

12 23.35 (1) (intro.) The secretary shall enter into a reciprocal agreement with a
13 federally recognized American Indian tribe or band in this state to exempt, from the
14 registration and certification requirements of this state, boats, snowmobiles and,
15 all-terrain vehicles, and utility terrain vehicles that are owned by tribal or band
16 members and registered under a registration program established by the tribe or

1 band if the tribe or band requests the agreement and if the registration program does
2 all of the following:

3 History: 1993 a. 405.

SECTION 44. 23.35 (1) (a) of the statutes is amended to read:

4 23.35 (1) (a) Requires that boats, snowmobiles, and all-terrain vehicles, and
5 utility terrain vehicles display decals or identification numbers showing valid
6 registration by the tribe or band.

7 History: 1993 a. 405.

SECTION 45. 23.35 (1) (b) of the statutes is amended to read:

8 23.35 (1) (b) Employs registration decals and certificates of number that are
9 substantially similar to those employed by the registration or certification programs
10 of this state with regard to size, legibility, information content and placement on the
11 boat, snowmobile or, all-terrain vehicle, or utility terrain vehicle.

12 History: 1993 a. 405.

SECTION 46. 23.35 (1) (e) of the statutes is amended to read:

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

1 snowmobile ~~or~~, all-terrain vehicle, or utility terrain vehicle that is registered by the
2 tribe or band.

History: 1993 a. 405.

3 **SECTION ~~47.~~ 23.35 (2)** of the statutes is amended to read:

4 23.35 (2) An agreement entered into under sub. (1) may cover a registration

5 program for boats, snowmobiles ~~or~~, all-terrain vehicles, or utility terrain vehicles

6 or any combination thereof.

History: 1993 a. 405.

INSERT 30-12

7 **SECTION ~~48.~~ 25.29 (1) (dm)** of the statutes is amended to read:

8 25.29 (1) (dm) For fiscal year ~~1991-92~~ 2012-13 and for each fiscal year
9 thereafter, an amount equal to the estimated all-terrain vehicle gas tax payment.

10 The estimated all-terrain vehicle gas tax payment is calculated by multiplying the
11 sum of the number of all-terrain vehicles registered for public use under s. 23.33 (2)

12 (c) or (2g) and the number of ~~reflectorized plates~~ commercial all-terrain vehicle
13 certificates issued or renewed under s. 23.33 (2) (dm) on the last day of February of
14 the previous fiscal year by 25 gallons and multiplying that product by the excise tax
15 imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248; 1999 a. 9; 2001 a. 16, 56, 105; 2003 a. 166; ~~2007 a. 204~~; 2009 a. 28.

16 **SECTION ~~49.~~ 25.29 (1) (dr)** of the statutes is created to read:

17 25.29 (1) (dr) An amount equal to the estimated utility terrain vehicle gas tax
18 payment. The estimated utility terrain vehicle gas tax payment is calculated by
19 multiplying the sum of the number of utility terrain vehicles registered for public use
20 under s. 23.33 (2) (c) or (2g) and the number of commercial utility terrain vehicle
21 certificates issued or renewed under s. 23.33 (2) (dm) on the last day of February of

① the previous fiscal year by 25 gallons and multiplying that product by the excise tax
2 imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

3 SECTION ~~30.~~ 25.40 (2) (b) 27. of the statutes is created to read:

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

INSERT 30-15

5 SECTION ~~31.~~ 30.26 (4) (title) of the statutes is amended to read:

⑥ 30.26 (4) (title) SNOWMOBILES AND ALL-TERRAIN VEHICLES, AND UTILITY TERRAIN
7 VEHICLES.

History: 2003 a. 248; 2009 a. 7, 32, 276.

8 SECTION ~~52.~~ 30.26 (4) (a) (intro.) and (b) of the statutes are amended to read:

9 30.26 (4) (a) (intro.) The department may not prohibit the crossing of a bridge
10 over a wild river by an all-terrain vehicle or utility terrain vehicle traveling on an
11 all-terrain vehicle trail, as defined under s. 23.33 (1) (d), or by a snowmobile
12 traveling on a snowmobile trail, as defined under s. 350.01 (17) that is constructed
13 in any of the following locations:

History: 2003 a. 248; 2009 a. 7, 32, 276.

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

History: 2003 a. 248; 2009 a. 7, 32, 276.

18 SECTION ~~53.~~ 30.29 (1) (b) of the statutes is amended to read:

①⑨ 30.29 (1) (b) "Motor vehicle" includes a utility terrain vehicle as defined in s.
②⑩ 23.33 (1) (ng) and an all-terrain vehicle, as defined in s. 340.01 (2g).

History: 1981 c. 189; 1987 a. 374; 1991 a. 39; 2003 a. 118; 2009 a. 28, 377; 13.92 (1) (bm) 2.

21 SECTION 54. 70.11 (45m) of the statutes is amended to read:

- 1 70.11 (45m) SNOWMOBILE AND ~~AND~~ ALL-TERRAIN VEHICLE, AND UTILITY VEHICLE CLUBS.
- 2 Trail groomers owned by a snowmobile club ~~or~~, an all-terrain vehicle club, or a utility
- 3 vehicle club that is exempt from taxation under section 501 (c) (3), (4), or (7) of the
- 4 Internal Revenue Code.

NOTE: NOTE: Sub. (45m) was created as sub. (45) by 2009 Wis. Act 155 and renumbered to sub. (45m) by the legislative reference bureau under s. 13.92 (1) (bm) 2.NOTE:

History: 1971 c. 152, 154, 312; 1973 c. 90; 1973 c. 333 s. 201m; 1973 c. 335 s. 13; 1975 c. 39; 1975 c. 94 s. 91 (10); 1975 c. 199; 1977 c. 29 ss. 745m, 1646 (3), 1647 (5), (7); 1977 c. 83 s. 26; 1977 c. 273, 282, 391, 418, 447; 1979 c. 34 s. 2102 (39) (g); 1979 c. 221, 225; 1979 c. 310 s. 12; 1981 c. 20; 1983 a. 27 ss. 1177, 1178, 1179f; 1983 a. 189 s. 329 (16); 1983 a. 201, 327; 1985 a. 26, 29, 316, 332; 1987 a. 10, 27, 395, 399; 1987 a. 403 s. 256; 1989 a. 25, 31, 307; 1991 a. 37, 39, 269; 1993 a. 263, 307, 399, 490; 1995 a. 27 ss. 3344 to 3348m, 9126 (19); 1995 a. 201, 227, 247, 366; 1997 a. 27, 35, 134, 147, 164, 184, 237; 1999 a. 9, 32, 63, 65; 1999 a. 150 ss. 624, 672; 1999 a. 167, 185; 2001 a. 16, 38, 59, 103; 2003 a. 195, 291; 2005 a. 4, 22, 70, 74, 335; 2007 a. 19; 2007 a. 20 ss. 1932 to 1934f, 9121 (6) (a); 2009 a. 28, 152, 155; 2011 a. 7, 10; 2011 a. 32; s. 13.92 (1) (bm) 2.

- 5 SECTION ~~55~~. 77.51 (13) (am) of the statutes is amended to read:
- 6 77.51 (13) (am) Any person making any retail sale of a motor vehicle, aircraft,
- 7 snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer,
- 8 all-terrain vehicle, utility terrain vehicle, or boat registered or titled, or required to
- 9 be registered or titled, under the laws of this state or of the United States.

History: 1973 c. 333; 1975 c. 39, 41, 99, 224; 1975 c. 413 s. 18; 1977 c. 29, 418; 1979 c. 1 ss. 57 to 59, 61, 62; 1979 c. 174; 1981 c. 20; 1981 c. 79 s. 17; 1983 a. 23, 27; 1983 a. 189 ss. 92 to 108, 329 (12); 1983 a. 510, 538; 1983 a. 544 ss. 13 to 46, 47 (1) (b); 1985 a. 29, 332; 1987 a. 27, 399; 1989 a. 31, 335, 336; 1991 a. 39, 269, 316; 1993 a. 16, 112, 184; 1997 a. 27, 237; 1999 a. 9, 83; 2001 a. 45, 102; 2003 a. 48; 2005 a. 25, 327, 441, 479; 2007 a. 11, 20, 130; 2009 a. 2 ss. 225 to 345, 389; 2009 a. 12 s. 18; 2009 a. 28 ss. 1830b to 1836h, 1844 to 1846; 2009 a. 276, 330.

INSERT 30-19

- 10 SECTION ~~55~~. 77.54 (7) (b) (intro.) of the statutes is amended to read:
- 11 77.54 (7) (b) (intro.) If the item transferred is a motor vehicle, snowmobile,
- 12 recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain
- 13 vehicle, utility terrain vehicle, or aircraft and the item is registered or titled, or
- 14 required to be registered or titled, in this state or if the item is a boat that is registered
- 15 or titled, or required to be registered or titled, in this state or under the laws of the
- 16 United States, the exemption under par. (a) applies only if all of the following
- 17 conditions are fulfilled:

History: 1971 c. 64, 154, 215, 311; 1973 c. 90, 156, 240; 1975 c. 39, 96, 102, 146, 200; 1977 c. 29; 1977 c. 83 ss. 13, 26; 1977 c. 250, 368, 418; 1979 c. 1, 34, 87, 174; 1981 c. 20; 1981 c. 79 s. 18; 1981 c. 96 s. 67; 1981 c. 264; 1981 c. 282 s. 47; 1981 c. 317; 1983 a. 27 ss. 1284d to 1284np, 2202 (38); 1983 a. 189 ss. 101, 106, 329 (5), (12), (13); 1983 a. 192, 287, 405, 426, 498, 510, 538, 544; 1985 a. 29, 149, 332; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31, 238, 270, 335, 359; 1991 a. 37, 39, 269, 316; 1993 a. 16, 263, 332; 1995 a. 27, 125, 225, 227; 1997 a. 27, 35, 41, 184, 237, 291; 1999 a. 9, 65, 83; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 16, 103, 109; 2003 a. 99, 128; 2005 a. 25, 74, 141, 149, 335, 366, 479; 2007 a. 11, 19, 20, 97, 130; 2009 a. 2, 28, 185, 204, 330; 2011 a. 7, 10, 32; s. 13.92 (2) (i).

1 ~~SECTION 57.~~ 77.61 (1) (a) of the statutes is amended to read:

2 77.61 (1) (a) No motor vehicle, boat, snowmobile, recreational vehicle, as
3 defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
4 vehicle,[✓] or aircraft shall be registered or titled in this state unless the registrant
5 presents proof that the sales or use taxes imposed by this subchapter have been paid.

History: 1971 c. 125; 1975 c. 186, 224; 1977 c. 29, 200, 418; 1979 c. 89, 125, 174; 1981 c. 20; 1983 a. 189 s. 329 (12); 1983 a. 405; 1983 a. 544 s. 47 (1); 1985 a. 29, 41; 1987 a. 27, 92, 119, 246; 1989 a. 31, 122, 359; 1991 a. 39, 269, 316; 1993 a. 205, 399; 1995 a. 27, 233, 280; 1997 a. 27, 191, 237; 1999 a. 83; 2001 a. 44, 103; 2005 a. 25, 49; 2007 a. 11, 20; 2009 a. 2, 28, 276.

6 ~~SECTION 58.~~ 77.61 (1) (b) of the statutes is amended to read:

7 77.61 (1) (b) In the case of motor vehicles, boats, snowmobiles, recreational
8 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
9 utility terrain vehicles,[✓] or aircraft purchased from a retailer, the registrant shall
10 present proof that the tax has been paid to such retailer.

History: 1971 c. 125; 1975 c. 186, 224; 1977 c. 29, 200, 418; 1979 c. 89, 125, 174; 1981 c. 20; 1983 a. 189 s. 329 (12); 1983 a. 405; 1983 a. 544 s. 47 (1); 1985 a. 29, 41; 1987 a. 27, 92, 119, 246; 1989 a. 31, 122, 359; 1991 a. 39, 269, 316; 1993 a. 205, 399; 1995 a. 27, 233, 280; 1997 a. 27, 191, 237; 1999 a. 83; 2001 a. 44, 103; 2005 a. 25, 49; 2007 a. 11, 20; 2009 a. 2, 28, 276.

11 ~~SECTION 59.~~ 77.61 (1) (c) of the statutes is amended to read:

12 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational
13 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
14 utility terrain vehicles,[✓] or aircraft registered or titled, or required to be registered or
15 titled, in this state purchased from persons who are not retailers, the purchaser shall
16 file a sales tax return and pay the tax prior to registering or titling the motor vehicle,
17 boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), semitrailer,
18 all-terrain vehicle, utility terrain vehicle,[✓] or aircraft in this state.

History: 1971 c. 125; 1975 c. 186, 224; 1977 c. 29, 200, 418; 1979 c. 89, 125, 174; 1981 c. 20; 1983 a. 189 s. 329 (12); 1983 a. 405; 1983 a. 544 s. 47 (1); 1985 a. 29, 41; 1987 a. 27, 92, 119, 246; 1989 a. 31, 122, 359; 1991 a. 39, 269, 316; 1993 a. 205, 399; 1995 a. 27, 233, 280; 1997 a. 27, 191, 237; 1999 a. 83; 2001 a. 44, 103; 2005 a. 25, 49; 2007 a. 11, 20; 2009 a. 2, 28, 276.

19 **SECTION 60.** 77.78 of the statutes is amended to read:

20 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
21 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
22 vehicle,[✓] or aircraft that is required to be registered by this state may be registered

has affected by 2011 Wisconsin Act 32[^]
Δ

1 or titled by this state unless the registrant files a sales and use tax report and pays
2 the county tax and special district tax at the time of registering or titling to the state
3 agency that registers or titles the property. That state agency shall transmit those
4 tax revenues to the department of revenue.

~~NOTE; NOTE: This section is shown as amended eff. 9-28-11 by 2011 Wis. Act 32. Prior to 9-28-11 it reads:NOTE:~~

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

History: 1985 a. 41; 1995 a. 56; 2007 a. 11; 2009 a. 28; 2011 a. 32.

INSERT 32-16

9 SECTION ~~61~~ 100.48 (1) (d) of the statutes is created to read:

10 100.48 (1) (d) "Utility terrain vehicle" has the meaning given in s. 23.33 (1) (ng).

11 SECTION 62. 100.48 (2), (3) (a) and (4) (c) of the statutes are amended to read:

12 100.48 (2) No person may, either personally or through an agent, remove,
13 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
14 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain
15 vehicle, or a boat with the intent to defraud by changing or affecting the number of
16 hours of operation indicated on the hour meter.

History: 1997 a. 278; 2003 a. 166.

17 (3) (a) Nothing in this section shall prevent the service, repair or replacement
18 of an hour meter if the number of hours of operation indicated on the hour meter
19 remains the same as before the service, repair or replacement. If an hour meter
20 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain
21 vehicle, or a boat is incapable of registering the same number of hours of operation
22 as before its service, repair or replacement, the hour meter shall be adjusted to read
23 zero, and a sticker shall be affixed by the owner of the vehicle or device to which the
24 hour meter is attached or an agent, in proximity to the hour meter, specifying the

1 number of hours of operation recorded on the hour meter prior to its service, repair
 2 or replacement and the date on which it was serviced, repaired or replaced. No
 3 person who services, repairs or replaces an hour meter attached to farm equipment,
 4 a snowmobile, an all-terrain vehicle, a utility terrain vehicle, or a boat that is
 5 incapable of registering the same number of hours of operation as before such service,
 6 repair or replacement may fail to adjust the hour meter to read zero or fail to affix
 7 the sticker required by this paragraph.

History: 1997 a. 278; 2003 a. 166.

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

History: 1997 a. 278; 2003 a. 166.

INSERT 32-23

12 SECTION ~~33~~. 323.20 of the statutes is amended to read:

13 **323.20 Emergency use of vehicles.** In responding to an official request for
 14 help during any declared state of emergency, any person may operate a boat or any
 15 motor vehicle, including a snowmobile or , all-terrain vehicle, or utility terrain
 16 vehicle, that is not registered in this state.

History: 2009 a. 42 s. 109; Stats. 2009 s. 323.20.

17 SECTION ~~34~~. 340.01 (32) (intro.) of the statutes is amended to read:

18 (18) 340.01 (32) (intro.) "Motorcycle" means a motor vehicle, excluding a tractor or
 19 , an all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in
 20 excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with

1 no wind, with a power source as an integral part of the vehicle, and which meets the
2 conditions under par. (a) or (b):

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32.

3 ~~SECTION 65.~~ 340.01 (35) of the statutes is amended to read:

4 340.01 (35) "Motor vehicle" means a vehicle, including a combination of 2 or
5 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
6 operated exclusively on a rail. "Motor vehicle" includes, without limitation, a
7 commercial motor vehicle or a vehicle which is propelled by electric power obtained
8 from overhead trolley wires but not operated on rails. A snowmobile and an
9 all-terrain vehicle, and a utility terrain vehicle shall ~~only~~ be considered motor
10 vehicles for purposes made specifically applicable by statute.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32.

11 ~~SECTION 66.~~ 341.057 of the statutes is amended to read:

12 **341.057 All-terrain vehicles and utility terrain vehicles.** All-terrain
13 vehicles and utility terrain vehicles are not required to be registered under this
14 chapter but shall be registered under s. 23.33 (2) or (2g).

History: 1985 a. 29; 1997 a. 27.

15 ~~SECTION 67.~~ 344.61 (1) of the statutes is amended to read:

16 344.61 (1) Notwithstanding s. 344.01 (2) (b), "motor vehicle" does not include
17 trailers, semitrailers, and all-terrain vehicles, and utility terrain vehicles.

History: 2009 a. 28.

18 ~~SECTION 68.~~ 345.11 (1r) of the statutes is amended to read:

19 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
20 be used for violations of s. 23.33 relating to highway use or ordinances enacted in

1 accordance with that section if the violation is committed on a highway, but no points
 2 may be assessed against the driving record of the operator of an all-terrain vehicle
 3 or utility terrain vehicle. When the uniform traffic citation is used, the report of
 4 conviction shall be forwarded to the department. When the citation form under s.
 5 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120; 1999 a. 31, 140; 2001 a. 27; 2003 a. 33; 2009 a. 55, 367.

6 ~~SECTION 69.~~ 346.02 (11) of the statutes is amended to read:

7 346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN
 8 VEHICLES. The operator of an all-terrain vehicle or a utility terrain vehicle on a
 9 roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20,
 10 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44,
 11 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71,
 12 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9) but is not
 13 subject to any other provision of this chapter.

History: 1971 c. 125, 277; 1981 c. 390 s. 252; 1983 a. 243; 1985 a. 29, 69; 1989 a. 56 s. 259; 1989 a. 335 s. 89; 1995 a. 138; 2001 a. 90; 2009 a. 46.

14 ~~SECTION 70.~~ 346.66 (1) (c) of the statutes is amended to read:

15 346.66 (1) (c) Sections 346.67 to 346.70 do not apply to accidents involving only
 16 snowmobiles, all-terrain vehicles, utility terrain vehicles, or vehicles propelled by
 17 human power or drawn by animals.

History: 1971 c. 277; 1985 a. 29; 1995 a. 127; 2009 a. 62.

18 ~~SECTION 71.~~ 346.71 (1) of the statutes is amended to read:

19 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day
 20 of each month, report in writing any accident involving a motor vehicle occurring
 21 within the coroner's or medical examiner's jurisdiction resulting in the death of any
 22 person during the preceding calendar month. If the accident involved an all-terrain
 23 vehicle or utility terrain vehicle, the report shall be made to the department of

1 natural resources and shall include the information specified by that department.
2 If the accident involved any other motor vehicle, the report shall be made to the
3 department and shall include the information specified by the department. The
4 coroner or medical examiner of the county where the death occurs, if the accident
5 occurred in another jurisdiction, shall, immediately upon learning of the death,
6 report it to the coroner or medical examiner of the county where the accident
7 occurred, as provided in s. 979.01 (1).

8 History: 1973 c. 272; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1983 a. 485; 1985 a. 29; 1987 a. 302; 1995 a. 27 s. 9126 (19); 2001 a. 90; 2007 a. 20 s. 9121 (6) (a).

SECTION 12. 346.71 (2) of the statutes is amended to read:

9 **346.71 (2)** In cases of death involving a motor vehicle in which the decedent was
10 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
11 electric personal assistive mobility device operator 14 years of age or older and who
12 died within 6 hours of the time of the accident, the coroner or medical examiner of
13 the county where the death occurred shall require that a blood specimen of at least
14 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her
15 death, by the coroner or medical examiner or by a physician so designated by the
16 coroner or medical examiner or by a qualified person at the direction of the physician.
17 All funeral directors shall obtain a release from the coroner or medical examiner of
18 the county where the accident occurred as provided in s. 979.01 (4) prior to
19 proceeding with embalming any body coming under the scope of this section. The
20 blood so drawn shall be forwarded to a laboratory approved by the department of
21 health services for analysis of the alcoholic content of the blood specimen. The
22 coroner or medical examiner causing the blood to be withdrawn shall be notified of
23 the results of each analysis made and shall forward the results of each such analysis
24 to the department of health services. If the death involved a motor vehicle, the

1 department shall keep a record of all such examinations to be used for statistical
 2 purposes only and the department shall disseminate and make public the
 3 cumulative results of the examinations without identifying the individuals involved.
 4 If the death involved an all-terrain vehicle or utility terrain vehicle, the department
 5 of natural resources shall keep a record of all such examinations to be used for
 6 statistical purposes only and the department of natural resources shall disseminate
 7 and make public the cumulative results of the examinations without identifying the
 8 individuals involved.

History: 1973 c. 272; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1983 a. 485; 1985 a. 29; 1987 a. 302; 1995 a. 27 s. 9126 (19); 2001 a. 90; 2007 a. 20 s. 9121 (6) (a).

9 ~~SECTION 347.24~~ 347.24 (1) (c) of the statutes is amended to read:

10 347.24 (1) (c) An implement of husbandry which is an all-terrain vehicle or
 11 utility terrain vehicle need only comply with the lamp requirements established
 12 under s. 23.33 (6).

History: 1977 c. 418; 1983 a. 124; 1985 a. 29; 1993 a. 455; 2001 a. 104.

13 ~~SECTION 347.415~~ 347.415 (1g) of the statutes is amended to read:

14 347.415 (1g) In this section, "odometer" means an instrument for measuring
 15 and recording the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain
 16 vehicle, or utility terrain vehicle has traveled while in operation, but does not include
 17 any auxiliary instrument designed to be reset to zero to measure and record the
 18 actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain vehicle, or utility
 19 terrain vehicle has traveled on trips.

History: 1975 c. 121, 199; 1977 c. 29 s. 1654 (7) (a); 1993 a. 159; 2003 a. 166.

20 ~~SECTION 347.415~~ 347.415 (1m) of the statutes is amended to read:

21 347.415 (1m) No person may, either personally or through an agent, remove,
 22 replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any

1 motor vehicle, snowmobile, or all-terrain vehicle, or utility terrain vehicle with the
2 intent to change or affect the number of miles indicated thereon.

History: 1975 c. 121, 199; 1977 c. 29 s. 1654 (7) (a); 1993 a. 159; 2003 a. 166.

INSERT 33-25

as created by 2011 Wisconsin Act 2 ✓

3 SECTION ~~76~~ 895.043 (6) of the statutes is amended to read:

4 895.043 (6) LIMITATION ON DAMAGES. Punitive damages received by the plaintiff
5 may not exceed twice the amount of any compensatory damages recovered by the
6 plaintiff or \$200,000, whichever is greater. This subsection does not apply to a
7 plaintiff seeking punitive damages from a defendant whose actions under sub. (3)
8 included the operation of a vehicle, including a motor vehicle as defined under s.
9 340.01 (35), a snowmobile as defined under s. 340.01 (58a), an all-terrain vehicle as
10 defined under s. 340.01 (2g), a utility terrain vehicle as defined under s. 23.33 (1) (ng),
11 and a boat as defined under s. 30.50 (2), while under the influence of an intoxicant
12 to a degree that rendered the defendant incapable of safe operation of the vehicle.
13 In this subsection, "intoxicant" has the meaning given in s. 30.50 (4e).

History: 1995 a. 17; 1997 a. 71; 1999 a. 79; 2005 a. 155 s. 71; Stats. 2005 s. 895.043; 2005 a. 388 s. 216; 2009 a. 274; 2011 a. 2; s. 35.17 correction in (6).

INSERT 37-6

14 SECTION ~~77~~ **Effective dates.** This act takes effect on June 30, 2012 or the day
15 after publication, whichever is later, except as follows:

16 (1) The repeal and recreation of section 23.33 (2) (dm) 3. and the repeal of
17 ~~section 23.33 (2) (dm) 3m. of the statutes~~ takes effect on March 1, 2014.

STET

treatment of section 23.33 (2) (dm) 3m and (ir) and the

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/P2insB
RNK:.....

INSERT B 15-21

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SECTION 1. 23.33 (4) (d) 5. of the statutes is amended to read:

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

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35.

****NOTE: Is this amended language consistent with your intent? That is, could a utility terrain vehicle be used as an implement of husbandry?

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/P2dn

RNK:.....

WLy

Date

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

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

X The draft also does not include the creation of a 5^{SP}-day trail pass nor does it include the incorporation of certain DNR rules as requested. I will include these changes in the next version of the draft.

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

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

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

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

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/P2dn
RNK:wlj:ph

September 26, 2011

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

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

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

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

✓

Draft 6.3
LRB-2489/P2 Additions and Changes 10/10/2011

Drafter's notes - Create under 23.33(1) Definitions – used in 70.11(45) – section 172

“Utility terrain vehicle club” means a club consisting of individuals that promotes the recreational use of utility terrain vehicles.

only define in ch 70 if snowmobile or ATV clubs defined

Create under 23.33 (1) Definitions

“Utility Terrain Vehicle Route” means a highway or sidewalk designated for use by utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

don't need

Create under 23.33 (1) Definitions

“Utility Terrain Vehicle Trail” means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by utility 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.

don't need

Section 27 - Repeal

23.33(2)(b)2.

2. Covered by a valid registration in another state, province or country if there is some identification of registration displayed on the all-terrain ~~terrain~~ vehicle and it has not been in this state for more than 15 consecutive days.

Section 34 – Penny – This would be in effect until March 1, 2014

23.33(2) (dm)2

2. The fee for the issuance or renewal of a commercial all-terrain vehicle or utility terrain vehicle certificate is \$90. Upon receipt of the application form required by the department and the fee required under this subdivision, the department shall issue to the applicant a the appropriate commercial all-terrain vehicle or commercial utility terrain vehicle certificate and 3 reflectorized plates . The fee for additional reflectorized plates is \$30 per plate .

add provision to RC (2)(dm)2 \$50 don't accept reflectorized plates after March 1, 2014

Section 36 - Amend– Penny – Effective March 1, 2014 (Section 211)

23.33(2)(dm)3. of the statutes, as affected by 2011 Wisconsin Act ... (this act), is repealed and recreated to read:



3. A person who is required to obtain a commercial all-terrain or utility terrain vehicle certificate under subd. 1. shall attach or affix the certification decals to removable signs that are temporarily but firmly mounted upon or attached to any all-terrain vehicle or

utility terrain vehicle that the person leases, rents, offers for sale or otherwise allows to be used whenever the all-terrain vehicle or utility terrain vehicle is being operated.

Section 39. – Amend Date – Penny would be interested in “prorating” the fee for customers during the transitional period.

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


because of move from July to March

Section 44. – Amend - Penny – Effective March 1, 2014

23.33 (2) (ir) 1. of the statutes is amended to read:
23.33 (2) (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. The provision will be effective March 1, 2014

make these changes

Section 53 - Amend

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

make these changes

Create under 23.33 (2j) (c) 2. – (from LRB-1420/1 – Trail pass bill) Effective March 1, 2014 - Penny:

23.33(2j) (c) 2.
2. The fee for a 5-day nonresident trail pass issued for an all-terrain vehicle or a utility terrain vehicle that is exempt from registration under sub. (2) (b) 2. is \$19.25. A 5-day nonresident trail pass issued for such ~~an all-terrain a~~ vehicle may be issued only by the department and persons appointed by the department.

||

SECTION 57. 23.33 (2j) (em) create – include tribes?

23.33 (2j) (em) The department may not require a person operating an all-terrain vehicle or utility terrain vehicle on a public all-terrain vehicle corridor in this state on the first full weekend in June of each year to be issued or to display a nonresident trail pass as required under par. (b) or public and private registration as required under 23.33(2) (a)?

all ATV & UTV can have a first weekend

Section 83 – OK – Yes, a utility terrain vehicle can be used as an implement of husbandry.

23.33(4)(d)5. of the statutes is amended to read:

Don't step?

Requires WR to prorate fees during "transition"

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

Section 117 – Re-evaluate? – Possible take out Motor Vehicle Driver License – not in Pilot Program

23.33(5)(am) of the statutes is created to read:

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

Section 118 – keep the same as the original statute – do not amend

23.33(5)(b)

(b) All-terrain vehicle safety certificate.

1. No person who is at least 12 years of age and who is born on or after January 1, 1988, may operate an all-terrain vehicle unless he or she holds a valid safety certificate.

Section 118 – Create for Utility Terrain Vehicle - Possibly keep what was in the Pilot Program?

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).

Section 119 - Amend

23.33 (5)(c)

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

Section 122 – Don't Repeal

23.33(5r)(c)



✓ take out for lic. but still must be 16

see notes in draft


✓ what's more c 450

see notes


✓



Section 123 – Don't Repeal

23.33(5r)(d) 

Section 124 – Don't Repeal


23.33(5r)(e) 

Section 130 – Amend

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 or utility terrain vehicle during certain periods of the year. ~~This paragraph does not apply to an all-terrain vehicle or a utility terrain vehicle that is operated exclusively by means of an electric motor.~~

Amend

23.33(8)(b) 

(b) Routes. A town, village, city or county may designate highways as all-terrain terrain vehicle and utility terrain vehicle routes. No state trunk highway or connecting highway may be designated as an all-terrain terrain vehicle or utility terrain vehicle route unless the department of transportation approves the designation.


Amend

23.33(8)(c) 

(c) Trails. A town, village, city, county or the department may designate corridors through land which it owns or controls, or for which it obtains leases, easements or permission, for use as all-terrain terrain-vehicle or utility terrain vehicle trails.

Section 143 – How will the UTV “low pressure tire” definition affect the ATV “low pressure tire”? How do we eliminate confusion? We still need to call it a low pressure tire – can we call it a “Utility terrain vehicle low pressure tire”?

Example: Changing the definition that was used in the UTV pilot program for tires.

23.33(11p)(a)3. 

3. "Utility terrain vehicle low pressure tire" means a tire that has a minimum width of 6 inches and that is designed to be inflated with an operating pressure not to exceed 20 pounds per square inch as recommended by the manufacturer.

This is the definition that is used for ATV's:

Handwritten note: "don't need"

Handwritten note: "Change 20 for base + UTV - low pressure tire - not to exceed 20 pps"

change to
20 ppsi
in 340.01
(27g)

340.01(27g)



(27g) "Low-pressure tire" means a tire that has a minimum width of 6 inches and that is designed to be inflated with an operating pressure not to exceed ~~10~~ pounds per square inch as recommended by the manufacturer.

340.01(2g)



(2g) "All-terrain vehicle" means an engine-driven device which has a net weight of 900 pounds or less, which is originally manufactured with a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed by the manufacturer to travel on 3 or more low-pressure tires.

Section 146 – Additional language is necessary - Amend and Renumber

23.33(1)(ng)



23.33(1)(ng)

(intro) "Utility terrain vehicle" means a motor driven device, other than a golf cart, or low-speed vehicle, dune buggy, rock crawler, sand car, sand rail, off-road go kart, trophy kart, mini-truck, tracked vehicle, neighborhood electric vehicle and any vehicle that ~~comply does not~~ meet 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:

} add

Amend

23.33(1)(ng)1



1. A gross weight of ~~more than 900 pounds but~~ not more than 1,999 pounds. An all terrain vehicle may also be defined as a utility terrain vehicle that meets the ATV definition if it weights more than 900 lbs and less than 1,999 lbs.

Amend

23.33(1)(ng)2

2. Four or more utility terrain vehicle low pressure tires, each of which has a minimum width of 6 inches and is designed to be inflated with an operating pressure not to exceed 20 pounds per square inch as recommended by the manufacturer.

OK

23.33(1)(ng)3



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

RENUMBER 23.33(11P)(a)6.d. to k.

23.33(1)(ng)4 A steering wheel.

23.33(1)(ng)5. A tail light.

23.33(1)(ng)6. A brake light.

23.33(1)(ng)7. Two headlights.

23.33(1)(ng)8. A width of not more than 65 inches.

23.33(1)(ng)9. Seats for at least 2 occupants, all of which seating is designed not to be straddled.

already in draft

23.33(1)(ng)10. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
23.33(1)(ng)11. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

already on draft

Section 211 – 23.33(2)(dm)3m. was Created in the first draft but does not appear in Current Law

23.33(2) (dm) 3m.

For the renewal of a commercial terrain vehicle certificate issued to a utility terrain vehicle manufacturer, utility terrain vehicle dealer, utility terrain vehicle distributor, or utility terrain vehicle renter, the department may issue renewal stickers to be attached to reflectorized plates issued upon original registration of the utility terrain vehicle.

all earlier notes - previous instructions up to 2/10/14

Section 211 – Can't find (1r) ?

Effective Dates. This act takes effect on June 30, 2012, or the day after publication, whichever is later, except as follows:

(1) The treatment of section ~~23.33(2)(dm)3m.~~ and (1r) and the repeal and recreation of section 23.33(2)(dm)3. of the statutes take effect on March 1, 2014

List of items that take effect on March 1, 2014:

- ✓ 1. Section 36 – commercial registration and certificates
- ✓ 2. Section 44 - \$3 supplemental fees (2)(1r)1.
- ✓ 3. 5 day non-resident Trail Pass

Create into Statute 23.33 ?

NR 64.14(2)



(2) Utility terrain trail maintenance. The department may provide state aid for trail maintenance costs equal to the approved eligible project costs which may not exceed:

NR 64.14(2)(b)



(b) ~~\$450~~ \$100 per mile for ~~summer~~-maintenance. Trails eligible for ~~summer~~ maintenance shall be maintained for a total of not less than 3 months ~~nor more than 8 months~~ per year including the months of June, July and August.

Create into Statute 23.33?

NR 64.14(4)



(4) PRORATION. Should utility terrain vehicle funds not be sufficient to satisfy the total request for a priority ranked purpose, i.e., either maintenance ~~insurance~~, or ~~land acquisition~~, improvement of all-terrain vehicle trails on which the operation of a utility terrain vehicle is permitted, the utility terrain vehicle funds shall be distributed to sponsors on a proportional basis for that purpose.

add just for UTVs

in addition to other aid for ATVs for trails open to UTVs

Randy Harden

From: Hank Wozniel [hankwozniel@charter.net]
Sent: Monday, October 10, 2011 7:19 PM
To: Lucas Moench
Cc: Rob McConnell; Randy Harden
Subject: Fw: LRB 2489P2 additions and changes Draft 6.3
Attachments: LRB 2489P2 additions and changes Draft 6.3.doc

Hi Lucas,
Here is today's updates after speaking with Penny. This should help clarify lots of effective dates.
Thanks
Hank

----- Original Message -----

From: Hank Wozniel
To: Penny Kanable
Cc: Rob McConnell ; Randy Harden
Sent: Monday, October 10, 2011 4:53 PM
Subject: LRB 2489P2 additions and changes Draft 6.3

Hi Penny,
Here is a little recap of our phone conversation today and I have also sent you in the attachment the most up-to date draft changes (as of today - Draft 6.3).

1. ATV & UTV registration and new plate program is effective June 30, 2012
2. Non-Resident Trail Pass would be effective June 30, 2012 (section 54)
3. \$5 Late Fee would be effective June 30, 2012 (section 31)
4. Free Weekend of Riding would be effective June 30, 2012
5. Five Day Non-Resident Trail Pass would be effective March 1, 2014 ✓
6. New Commercial Registration with certificate would be effective March 1, 2014 ✓
7. \$3 Supplemental Fee would be effective March 1, 2014 (Section 44) ✓
8. Public-use registration certificate ending date is March 31, not March 1 (Section 39)

Also, you had indicated that the department would be interested in "prorating" the fee during the transition period. Is that for both the Public and Non-Resident Trail Pass? *- only public*

I also made the change back to reflectorized plates in section 34.

After you have an opportunity to review all this information and find something that we need to address please give me a call.

Thanks again for all your help
Hank

I also made the change back to reflectorized plates in section 34.

After you have an opportunity to review all this information and find something that we need to address please give me a call.

Thanks again for all your help
Hank

Kite, Robin

From: Randy Harden [randy.harden@nohvis.com]
Sent: Friday, October 14, 2011 2:27 PM
To: Randy Harden; Eddy, Gary D - DNR
Cc: Hank Wozniel; robmconnell.watva@juno.com; Moench, Lucas; Kite, Robin
Subject: RE: Thursday's meeting - Safety certification clarifications
 See my correction below , the part that reads "age 12 -~~13~~ 15 to"

From: Randy Harden
Sent: Friday, October 14, 2011 2:25 PM
To: gary.eddy@wisconsin.gov
Cc: Hank Wozniel; robmconnell.watva@juno.com; Moench, Lucas - LEGIS; Randy Harden; robin.kite@legis.wisconsin.gov
Subject: Thursday's meeting - Safety certification clarifications

Hi Gary:

Sorry to put you on the spot yesterday without even getting a chance to warm up before the call when we all were over in Senator Leibham's office with the bill drafter Robin Kite and Lucas <hi Robin & Lucas!>. ☺

Also thanks for the text afterward which leads me to this e-mail. I just want to be sure we're all on the same page as we're trying to get the draft done ASAP. Time is running down so we want to get this monster out and to the rest of the lawmakers for their co-sponsorship. As I mentioned, we were going over several sections of the existing 23.33 statute when we came across Section 119 related to the exceptions to / for safety certificates.

SECTION 119. 23.33 (5) (c) of the statutes is amended to read:
23.33 (5) (c) Exceptions. Paragraphs (a) and (b) do not apply to a person who operates an all-terrain vehicle or utility terrain vehicle exclusively on land under the management and control of the person's immediate family. Paragraphs (a) and (b) do not apply to the operation of an all-terrain vehicle or utility terrain vehicle by a person at least 12 years of age but under 16 years of age who holds a valid certificate issued by another state or a province of Canada.

The letter A exception applies to youthful operators on their immediate family lands. I *think* we're all in tune that no one is looking to change anything in this regard, meaning current statute and future change would remain the way it is now, that the parent controls the age / size / all aspects on ATV riding for their family on their *own family lands*?

Just to be sure we don't *assume* anything <we all know what can happen then>, your advice to either agree or not to agree on that point is requested as we are looking to you and the department to guide us on this.

I think (?) paragraph b was a left over and/or not attended to remain in 23.33 statute when we changed to the age 12 -~~13~~ 15 to "born on or after 1/1/1988 date requirement" back in 2002 or sometime around there?

10/14/2011

In order to give Robin the "intent" we are after, maybe a few examples will help me/us better understand your clarifications and also so Robin can write it accordingly.

First example:

A kid from a different state who's home state provides ATV safety training & certification to a 10 year old. That 10 year old then travels to Wisconsin to ride ATVs with said certificate from their state in hand.

Assumption is Wisconsin would not recognize that youth's 10 year certificate as our state has the no one under age 12 can ride without the parent (currently anyway) and thus the 10 year youth from the other state could not ride alone without parent(s) in Wisconsin as our state is age 12 or 1/1/1988?

Second example:

A 21 year old comes to ride in Wisconsin. His home state only requires that youth age 12 through 15 be safety certified when riding ATVs in that state (like Wisconsin used to be). When that 21 year old comes to ride ATVs in Wisconsin, does this person then have to take and pass our Wisconsin safety course (online or otherwise) before they ride here as they fall under the "born after date of 1/1/1988" even though when riding in their own state because of his age, that person wasn't required to be safety certified when riding ATVs there?

As we know, each year this age group that requires Wisconsin safety certification gets older. I assume this scenario already happens with hunting requirements, snowmobiling and other outdoor requirement that has their own "born after date", it's just that as non law enforcement citizens we have no experience with which to answer these questions and examples, thus we request your experience and authority so we are consistent with how law enforcement would prefer the law be written or adjusted.

Robin / Lucas: Any other clarifications we need from Gary / Law Enforcement in this section? Our big challenge on this one is to ask the correct questions! 😊

Thanks Gary.

Randy

Kite, Robin

From: Hank Wozniel [hankwozniel@charter.net]
Sent: Wednesday, October 26, 2011 1:25 PM
To: Moench, Lucas; Kite, Robin
Cc: Rob McConnell; Randy Harden
Subject: Fw: Thursday's meeting - Safety certification clarifications

Hi Robin and Lucas,
 Gary Eddy got back to us with the changes that we requested for the UTV bill along with some more explanations.
 Happy Halloween
 Hank

----- Original Message -----

From: Eddy, Gary D - DNR
To: hankwozniel@charter.net ; Harden, Randy ; robmccconnell.watva@juno.com
Sent: Tuesday, October 25, 2011 3:39 PM
Subject: FW: Thursday's meeting - Safety certification clarifications

Hi Hank,
 Here is the needed change (below in purple/increased font size). There are several ways to insert this language or move it around, but this is the least intrusive.

Randy: I also answered your other questions on the very bottom of this e-mail.

Thanks gents! -- Gary

23.33(5)(b)**(b) All-terrain vehicle safety certificate.**

23.33(5)(b)1.

1. No person who is at least 12 years of age and who is born on or after January 1, 1988, may operate an all-terrain vehicle unless he or she holds a valid safety certificate.

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.

23.33(5)(c)

(c) Exceptions. Paragraphs (a) and (b) do not apply to a person who operates an all-terrain vehicle exclusively on land under the management and control of the person's immediate family. Paragraphs (a) and (b) do not apply to a person at least 12 years of age ~~but under 16 years of age~~ and who is born on or after January 1, 1988 who holds a valid certificate issued by another state or a province of Canada.

From: Randy Harden
Sent: Friday, October 14, 2011 2:25 PM
To: gary.eddy@wisconsin.gov
Cc: Hank Wozniel; robmccconnell.watva@juno.com; Moench, Lucas - LEGIS; Randy Harden;

10/26/2011

robin.kite@legis.wisconsin.gov

Subject: Thursday's meeting - Safety certification clarifications

Hi Gary:

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Just to be sure we don't *assume* anything <we all know what can happen then>, your advice to either agree or not to agree on that point is requested as we are looking to you and the department to guide us on this.

AGREE.

I think (?) paragraph b was a left over and/or not attended to remain in 23.33 statute when we changed to the age 12 -~~13~~ 15 to "born on or after 1/1/1988 date requirement" back in 2002 or sometime around there?

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A kid from a different state who's home state provides ATV safety training & certification to a 10 year old. That 10 year old then travels to Wisconsin to ride ATVs with said certificate from their state in hand.

Assumption is Wisconsin would not recognize that youth's 10 year certificate as our state has the no one under age 12 can ride without the parent (currently anyway) and thus the 10 year youth from the other

state could not ride alone without parent(s) in Wisconsin as our state is age 12 or 1/1/1988?

AGREE .

Second example:

A 21 year old comes to ride in Wisconsin. His home state only requires that youth age 12 through 15 be safety certified when riding ATVs in that state (like Wisconsin used to be). When that 21 year old comes to ride ATVs in Wisconsin, does this person then have to take and pass our Wisconsin safety course (online or otherwise) before they ride here as they fall under the "born after date of 1/1/1988" even though when riding in their own state because of his age, that person wasn't required to be safety certified when riding ATVs there?

YES. When in WI, the rider needs to comply with all WI laws. This rider is required by WI law to complete ATV Safety (in this state, another state or province of Canada) prior to riding. This currently happens with the other programs (hunt, boat and snow). This also how most other states operate.....when in Rome.

As we know, each year this age group that requires Wisconsin safety certification gets older. I assume this scenario already happens with hunting requirements, snowmobiling and other outdoor requirement that has their own "born after date", it's just that as non law enforcement citizens we have no experience with which to answer these questions and examples, thus we request your experience and authority so we are consistent with how law enforcement would prefer the law be written or adjusted.

Robin / Lucas: Any other clarifications we need from Gary / Law Enforcement in this section? Our big challenge on this one is to ask the correct questions! ☺

Thanks Gary.

Randy

Kite, Robin

From: Randy Harden [randy.harden@nohvis.com]
Sent: Monday, October 31, 2011 3:35 PM
To: Kite, Robin
Cc: Hank Wozniel; robmccconnell.watva@juno.com; Moench, Lucas
Subject: RE: Monday, October 24

Hi Robin:

Thanks for the e-mail, I neglected to catch that difference before.

My suggestion would be to use "net weight" for all weight definitions, ATV and UTV so we are consistent.

Given that's the same terminology being used and accepted in the current ATV statute, for the sake of not having to change anything else we don't have to, let's take the easy way out on that one!

Thanks.

Randy

From: Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]
Sent: Monday, October 31, 2011 2:49 PM
To: Randy Harden
Cc: Hank Wozniel; robmccconnell.watva@juno.com; Moench, Lucas
Subject: RE: Monday, October 24

Randy:

I'm sorry that I haven't responded to your email before this. As I am sure you know, we are in the midst of an extremely busy floor period. But I am almost finished with the redraft and I have a question that concerns the definition of a UTV: I understand that in addition to defining a UTV as specified in the previous draft, you want the draft to specify that a "large" ATV can qualify as a UTV. I noticed, however, that under the UTV program, the definition of a UTV includes a weight limitation that is expressed as "**gross weight**" but the weight limitation in the definition of an ATV (see s. 340.01 (2g), stats.) is expressed as "**net weight**". Given that the definition of an ATV in current law uses "net weight", should the weight limitation for a UTV use "net weight"? And if so, should the draft change the weight limit to reflect the change from gross to net weight?

Please give me a call if you want to discuss this further.

Thanks.
Robin

From: Randy Harden [mailto:randy.harden@nohvis.com]
Sent: Wednesday, October 19, 2011 5:15 PM
To: Kite, Robin
Cc: 'Hank Wozniel'; robmccconnell.watva@juno.com
Subject: Monday, October 24

Hi Robin,

I hope you aren't blowing away, it sure is windy up here in Sheboygan tonight.

10/31/2011

Just a quick e-mail to let you know Hank, Rob and I will be in Madison attending a 12:05 PM senate hearing. There are only two bills scheduled in our committee hearing so we shouldn't be long <it's actually that youth ATV bill / grandparent's bill you drafted!>. The point of this e-mail is to touch bases with you in case you'd like to meet in person if any additional drafting questions may come up.

I know you have spoken to Hank by phone, he is also following up on a few items for us. We certainly don't have to meet on Monday, the purpose of this e-mail is to simply let you know we'll be down at the capitol just in case something does come up on your end and you'd rather meet in person to discuss.

Thanks again for all the great work you are doing.

Best Regards,

Randy Harden
(920) 694-1881