



11/10/11 (Thurs.)

State of Wisconsin
2011 - 2012 LEGISLATURE



P3

LRB-2489/P3

RNK:wlj:ph

↑
Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

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1 AN ACT *to repeal* 20.370 (1) (iv), 23.33 (2) (f) 2., 23.33 (5r) (c), 23.33 (5r) (d), 23.33

2 (5r) (e), 23.33 (11p) (title), 23.33 (11p) (a) (intro.), 23.33 (11p) (a) 1., 23.33 (11p)

3 (a) 3., 23.33 (11p) (a) 5. and 23.33 (11p) (b) to (i); *to renumber* 23.33 (11p) (a)

4 2. and 23.33 (11p) (a) 4.; *to renumber and amend* 23.33 (2) (f) 1., 23.33 (4) (e)

5 3. and 23.33 (11p) (a) 6.; *to amend* 20.370 (3) (as), 20.370 (5) (ct), 20.370 (5) (er),

6 23.119 (1) (b), 23.33 (title), 23.33 (1) (ic), 23.33 (1) (ir), 23.33 (1) (it), 23.33 (1) (iw),

7 23.33 (1) (j), 23.33 (1) (jn), 23.33 (1) (n), 23.33 (1) (o), 23.33 (2) (a), 23.33 (2) (b)

8 (intro.), 23.33 (2) (b) 1., 23.33 (2) (b) 2., 23.33 (2) (b) 2m. b., 23.33 (2) (b) 2m. c.,

9 23.33 (2) (b) 3m., 23.33 (2) (c), 23.33 (2) (d), 23.33 (2) (dm) 1., 23.33 (2) (dm) 2.,

10 23.33 (2) (dm) 3., 23.33 (2) (dm) 4., 23.33 (2) (e), 23.33 (2) (g), 23.33 (2) (gm), 23.33

11 (2) (ig) 2., 23.33 (2) (ir) 1., 23.33 (2) (o), 23.33 (2) (p) 2., 23.33 (2g) (a), 23.33 (2g)

12 (b) 3., 23.33 (2g) (c) 2., 23.33 (2g) (e) 4., 23.33 (2g) (f) 2., 23.33 (2j) (b), 23.33 (2j)

13 (c), 23.33 (2j) (d), 23.33 (2j) (e), 23.33 (2m) (title), 23.33 (2m) (a) (intro.), 23.33

14 (2m) (a) 1., 23.33 (2m) (a) 2., 23.33 (2m) (a) 3., 23.33 (2m) (b), 23.33 (3) (intro.),

15 23.33 (3) (c), 23.33 (3) (cm), 23.33 (3) (d), 23.33 (3) (h), 23.33 (3g) (intro.), 23.33

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

1 23.33 (3) (em), 23.33 (4) (e) 3. a., 23.33 (4) (e) 3. b., 23.33 (4) (e) 3m., 23.33 (5)
2 (am), 23.33 (6) (i), 23.33 (6r), 23.33 (9) (bg), 25.29 (1) (dr), 25.40 (2) (b) 27. and
3 100.48 (1) (d) of the statutes; **relating to:** regulating utility terrain vehicles,
4 granting rule-making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

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

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

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

6 **SECTION 2.** 20.370 (3) (as) of the statutes is amended to read:

7 20.370 (3) (as) *Law enforcement — all-terrain vehicle and utility terrain vehicle*
8 *enforcement.* The amounts in the schedule from moneys received from all-terrain
9 vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e), for state law
10 enforcement operations related to all-terrain vehicles and utility terrain vehicles,
11 including actual enforcement, safety training, accident reporting, and similar
12 activities.

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

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

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

1 20.370 (5) (er) *Enforcement aids — all-terrain vehicle and utility terrain*
2 *vehicle enforcement.* The amounts in the schedule from moneys received from
3 all-terrain vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e) for local
4 law enforcement aids.

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

6 20.370 (5) (gq) *Utility terrain vehicle aids.* All moneys received as utility
7 terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) (c) to provide aid to towns,
8 villages, cities, counties, and federal agencies for local law enforcement on, and for
9 maintenance or improvement of, all-terrain vehicle trails on which the operation of
10 a utility terrain vehicle is permitted, and for state and nonstate utility terrain vehicle
11 projects.

12 **SECTION 6.** 20.370 (9) (hw) of the statutes is created to read:

13 20.370 (9) (hw) *Utility terrain vehicle fees.* All moneys received by the
14 department as provided under s. 23.33 (2) (om) for issuing and renewing utility
15 terrain vehicle certificates and registrations by the department under s. 23.33 (2) (i).

16 **SECTION 7.** 20.855 (4) (v) of the statutes is created to read:

17 20.855 (4) (v) *Transfer to conservation fund; utility terrain vehicle formula.*
18 From the transportation fund, a sum sufficient in an amount equal to the amount to
19 be paid into the conservation fund as determined under s. 25.29 (1) (dr). The amounts
20 may be paid at such intervals during each fiscal year as the secretary of
21 administration deems appropriate or necessary.

22 **SECTION 8.** 23.119 (1) (b) of the statutes is amended to read:

23 23.119 (1) (b) “Off-highway vehicle” means a motor-driven craft or vehicle
24 principally manufactured for off-highway use but does not include a snowmobile or,
25 all-terrain vehicle, or utility terrain vehicle.

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

2 **23.33** (title) **All-terrain vehicles and utility terrain vehicles.**

3 **SECTION 10.** 23.33 (1) (ic) of the statutes is amended to read:

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

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

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

12 **SECTION 12.** 23.33 (1) (it) of the statutes is amended to read:

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

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

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

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

23 **23.33 (1)** (j) “Owner” means a person who has lawful possession of an
24 all-terrain vehicle or utility terrain vehicle by virtue of legal title or equitable

1 interest in the ~~all-terrain~~ vehicle which entitles the person to possession of the
2 ~~all-terrain~~ vehicle.

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

4 23.33 (1) (jn) "Registration documentation" means an all-terrain vehicle or
5 utility terrain vehicle registration certificate, a validated registration receipt, or a
6 registration decal.

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

8 23.33 (1) (n) "Used exclusively on private property" means use of an all-terrain
9 vehicle or utility terrain vehicle by the owner of the ~~all-terrain~~ vehicle or a member
10 of his or her immediate family only on land owned or leased by the ~~all-terrain~~ vehicle
11 owner or a member of his or her immediate family.

12 **SECTION 17.** 23.33 (1) (nc) of the statutes is created to read:

13 23.33 (1) (nc) "Utility terrain vehicle dealer" means a person engaged in the sale
14 of utility terrain vehicles for a profit at wholesale or retail.

15 **SECTION 18.** 23.33 (1) (nd) of the statutes is created to read:

16 23.33 (1) (nd) "Utility terrain vehicle distributor" means a person who sells or
17 distributes utility terrain vehicles to utility terrain vehicle dealers or who maintains
18 distributor representatives.

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

20 23.33 (1) (nh) "Utility terrain vehicle manufacturer" means a person engaged
21 in the manufacture of utility terrain vehicles for sale to the public.

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

23 23.33 (1) (np) "Utility terrain vehicle renter" means a person engaged in the
24 rental or leasing of utility terrain vehicles to the public.

25 **SECTION 21.** 23.33 (1) (o) of the statutes is amended to read:

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

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

6 23.33 (1m) UTILITY TERRAIN VEHICLE PROGRAM. (a) In this subsection:

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

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

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

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

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

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

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

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

23 23.33 (2) (a) Requirement. ↓ Except as provided in sub. (2k), no
24 permission for the operation of an all-terrain vehicle or utility terrain vehicle within
25 this state unless the all-terrain vehicle or utility terrain vehicle is registered for

~~of a sign to which registration stickers are~~

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

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7 SECTION 24. 23.33 (2) ~~(am)~~ ^{(c) 2.} of the statutes is created to read:

8 23.33 (2) ~~(am)~~ ^{(c) 2.} ~~Display~~. A person who is required to register an all-terrain
9 vehicle or utility terrain vehicle for public use shall attach his or her own plate to the
10 rear of the vehicle and shall ~~attach~~ ^{affix} a registration decal, furnished by the department,
11 ~~to~~ ^{to} each side of the vehicle in a place that is forward of the operator of the vehicle and
12 that is in a place that is clearly visible. The plate shall be a minimum of 4 inches in
13 height and a minimum of 7 1/2 inches in width. The plate shall be white and shall
14 display, in black lettering, the registration number for the all-terrain vehicle or
15 utility terrain vehicle issued by the department. The registration number shall be
16 displayed so that it is a minimum of 1 1/2 inches in height, with a minimum of a 3/16
17 inch stroke. The person required to register the all-terrain vehicle or utility terrain
18 vehicle shall maintain the plate so that it is in legible condition.

****NOTE. I did not include the requirement that the registration 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.

19 SECTION 25. 23.33 (2) (b) (intro.) of the statutes is amended to read:

20 23.33 (2) (b) Exemptions. (intro.) An all-terrain vehicle or utility terrain
21 vehicle is exempt from registration if it is:

22 SECTION 26. 23.33 (2) (b) 1. of the statutes is amended to read:

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

4 *Please Fix comp* SECTION 27. ^{RP;} 23.33 (2) (b) 2. ~~of the statutes is amended to read~~

5 ~~23.33 (2) (b) 2. Covered by a valid registration in another state, province or~~
6 ~~country if there is some identification of registration displayed on the all-terrain~~
7 ~~vehicle or utility terrain vehicle and it has not been in this state for more than 15~~
8 ~~consecutive days.~~

****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.

9 SECTION 28. 23.33 (2) (b) 2m. b. of the statutes is amended to read:

10 23.33 (2) (b) 2m. b. The all-terrain vehicle or utility terrain vehicle displays
11 the registration decal required by the tribe or band.

12 SECTION 29. 23.33 (2) (b) 2m. c. of the statutes is amended to read:

13 23.33 (2) (b) 2m. c. The all-terrain vehicle or utility terrain vehicle has not
14 been, for more than 15 consecutive days, in that portion of this state that is outside
15 the boundaries of the reservation where it is registered.

16 SECTION 30. 23.33 (2) (b) 3m. of the statutes is amended to read:

17 23.33 (2) (b) 3m. Present in this state, for a period not to exceed 15 days, and
18 if it is used exclusively as part of an advertisement being made for the manufacturer
19 of the all-terrain vehicle or utility terrain vehicle.

20 *Please Fix comp* SECTION 31. 23.33 (2) (c) of the statutes is ^{renumbered 23.33 (2)(c)1. and} amended to read:

21 23.33 (2) (c) ^{1.} ~~Registration; public use; fee~~ Any all-terrain vehicle or utility
22 terrain vehicle may be registered for public use. The fee for the issuance or renewal
23 of a registration certificate for public use for an all-terrain vehicle or utility terrain

1 vehicle is \$30. The department shall impose an additional late fee of \$5 for the
 2 renewal of a registration certificate under this ^{subdivision}~~paragraph~~ that is filed after the
 3 expiration date of the registration certificate unless the renewal is included with an
 4 application to transfer the registration certificate.

5 **SECTION 32.** 23.33 (2) (d) of the statutes is amended to read:

6 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle or utility
 7 terrain vehicle used exclusively for agricultural purposes or used exclusively on
 8 private property may be registered for private use. The fee for the issuance of a
 9 registration certificate for private use is \$15.

10 **SECTION 33.** 23.33 (2) (dm) 1. of the statutes is amended to read:

11 23.33 (2) (dm) 1. Every person who is an all-terrain vehicle ^{or utility terrain vehicle} manufacturer,
 12 all-terrain vehicle ^{or utility terrain vehicle} dealer, all-terrain vehicle ^{or utility terrain vehicle} distributor, or all-terrain vehicle
 13 ^{or utility terrain vehicle} renter or any combination thereof engaged in business in this state shall register
 14 with the department and obtain from the department a commercial all-terrain
 15 vehicle ^{and utility terrain vehicle} certificate. ~~Every person who is a utility terrain vehicle manufacturer, utility~~
 16 ~~terrain vehicle dealer, utility terrain vehicle distributor, or utility terrain vehicle~~
 17 ~~renter or any combination thereof engaged in business in this state shall register~~
 18 ~~with the department and obtain from the department a commercial utility terrain~~
 19 ~~vehicle certificate.~~

20 **SECTION 34.** 23.33 (2) (dm) 2. of the statutes is amended to read:

21 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
 22 vehicle ^{and} ~~or~~ utility terrain vehicle certificate is \$90. Upon receipt of the application
 23 form required by the department and the fee required under this subdivision, the
 24 department shall issue ^{no strike} to the ^{no strike} applicant a ~~the appropriate~~ commercial all-terrain

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1 vehicle ~~or commercial~~ ^{and} utility terrain vehicle certificate and 3 reflectorized plates.

2 The fee for additional reflectorized plates is \$30 per plate.

3 SECTION 35. 23.33 (2) (dm) 3. of the statutes is amended to read:

4 23.33 (2) (dm) 3. A person who is required to obtain a commercial all-terrain
5 vehicle certificate ~~or commercial utility terrain vehicle certificate~~ ^{and utility terrain vehicle} under subd. 1.
6 shall attach in a clearly visible place a reflectorized plate to any all-terrain vehicle
7 or utility terrain vehicle that the person leases, rents, offers for sale or otherwise
8 allows to be used whenever the all-terrain vehicle or utility terrain vehicle is being
9 operated.

10 SECTION 36. 23.33 (2) (dm) 3. of the statutes, as affected by 2011 Wisconsin Act
11 (this act), is repealed and recreated to read:

12 23.33 (2) (dm) 3. A person who is required to obtain a commercial all-terrain
13 vehicle ~~or commercial~~ ^{and} utility terrain vehicle certificate under subd. 1. shall attach
14 ~~certification~~ ^{registration} decals issued by the department, to removable signs that are ^{temporarily} firmly
15 mounted on any all-terrain vehicle or utility terrain vehicle that the person leases,
16 rents, offers for sale or otherwise allows to be used whenever the all-terrain vehicle
17 or utility terrain vehicle is being operated.

18 SECTION 37. 23.33 (2) (dm) 4. of the statutes is amended to read:

19 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial
20 all-terrain vehicle certificates ~~or commercial utility terrain vehicle certificates~~
21 reflectorized plates. ^{and utility terrain vehicle}

22 SECTION 38. 23.33 (2) (e) of the statutes is amended to read:

23 23.33 (2) (e) *Other fees.* The fee for the transfer of an all-terrain vehicle or
24 utility terrain vehicle registration certificate is \$5. The fee for the issuance of a
25 duplicate all-terrain vehicle or utility terrain vehicle registration certificate,

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1 duplicate commercial all-terrain vehicle ~~or~~ ^{and} utility terrain vehicle certificate or
2 duplicate registration decals is \$5. The fee for the issuance of registration decals to
3 a county or municipality is \$5. There is no fee for the issuance of registration decals
4 to the state.

5 **SECTION 39.** 23.33 (2) (f) 1. of the statutes is renumbered 23.33 (2) (f) and
6 amended to read:

7 23.33 (2) (f) ~~Except as provided under subd. 2., an all-terrain vehicle A~~
8 public-use registration certificate for an all-terrain vehicle or utility terrain vehicle
9 is valid for a 2-year period beginning on April 1 or the date of issuance or renewal
10 and ending March ³¹ of the 2nd year following the date of issuance or renewal.

11 **SECTION 40.** 23.33 (2) (f) 2. of the statutes is repealed.

12 **SECTION 41.** 23.33 (2) (g) of the statutes is amended to read:

13 23.33 (2) (g) *Effective period; private use.* An all-terrain vehicle or utility
14 terrain vehicle private-use registration certificate is valid from the date of issuance
15 until ownership of the all-terrain vehicle or utility terrain vehicle is transferred.

16 **SECTION 42.** 23.33 (2) (gm) of the statutes is amended to read:

17 23.33 (2) (gm) *Effective period; commercial owners.* 1. Except as provided
18 under subd. 2., a commercial all-terrain vehicle ~~or~~ ^{and} utility terrain vehicle certificate
19 is valid for a 2-year period.

20 2. The department may specify by rule an annual expiration date for
21 commercial all-terrain vehicle ~~or~~ ^{and} utility terrain vehicle certificates and may reduce
22 the effective period of a commercial all-terrain vehicle ~~or~~ ^{and} utility terrain vehicle
23 certificate so it expires on that date.

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

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

9 **SECTION 44.** 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 ~~who~~ issues a validated registration receipt under par.
13 (ig) 1. a. shall collect a service fee of \$3 each time the agent issues a ~~the~~ validated
14 registration receipt under par. (ig) 1. a. The agent shall retain the entire amount
15 of each service fee the agent collects.

16 **SECTION 45.** 23.33 (2) (o) of the statutes is amended to read:

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

20 **SECTION 46.** 23.33 (2) (om) of the statutes is created to read:

21 23.33 (2) (om) *Receipt of utility terrain vehicle fees.* All fees remitted to or
22 collected by the department under par. (ir) for services provided regarding utility
23 terrain vehicles shall be credited to the appropriation account under s. 20.370 (9)
24 (hw).

25 **SECTION 47.** 23.33 (2) (p) 2. of the statutes is amended to read:

1 23.33 (2) (p) 2. The department may establish by rule additional procedures
2 and requirements for all-terrain vehicle or utility terrain vehicle registration.

3 **SECTION 48.** 23.33 (2g) (a) of the statutes is amended to read:

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

11 **SECTION 49.** 23.33 (2g) (b) 3. of the statutes is amended to read:

12 23.33 (2g) (b) 3. For a registration certificate issued, transferred or renewed
13 under this subsection, the effective period shall be the same as it would be for the
14 equivalent registration certificate under sub. (2) (f) ~~1.~~ or (g) ~~or under a rule~~
15 ~~promulgated under sub. (2) (f) 2.~~

16 **SECTION 50.** 23.33 (2g) (c) 2. of the statutes is amended to read:

17 23.33 (2g) (c) 2. The Lac du Flambeau band shall use registration decals that
18 are substantially similar to those under sub. (2) with regard to color, size, legibility,
19 information content and placement on the all-terrain vehicle or utility terrain
20 vehicle.

21 **SECTION 51.** 23.33 (2g) (e) 4. of the statutes is amended to read:

22 23.33 (2g) (e) 4. The Lac du Flambeau band shall collect the sales and use taxes
23 due under s. 77.61 (1) on any all-terrain vehicle or utility terrain vehicle registered
24 under this subsection and make the report in respect to those taxes. On or before the

1 15th day of each month, the Lac du Flambeau band shall pay to the department of
2 revenue all taxes that the Lac du Flambeau band collected in the previous month.

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

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

9 SECTION 53. 23.33 (2j) (b) of the statutes is amended to read:

10 23.33 (2j) (b) Except as provided in par. (e) ^{and sub. (2k)} ~~or (em)~~, no person may operate ^{plain} ~~an~~
11 ~~all-terrain vehicle~~ ^{no strike} ~~a~~ ^{or utility} ~~terrain vehicle~~ on a public all-terrain vehicle corridor in this
12 state unless a nonresident trail pass issued under this subsection is ^{displayed} ~~displayed~~ on the
13 all-terrain ~~terrain~~ vehicle. ^{forward half of the}

14 SECTION ~~54~~ 23.33 (2j) (c) of the statutes is amended to read:
15 23.33 (2j) (c) The fee for ^{an annual} ~~a~~ nonresident trail pass issued for ~~an all-terrain~~
16 ~~vehicle or utility terrain vehicle~~ that is exempt from registration under sub. (2) (b)
17 ~~is~~ ^{this subsection} \$34.25. A nonresident trail pass issued for ~~such an all-terrain vehicle or utility~~
18 ~~terrain vehicle~~ ^{under this subsection may be issued} may be issued only by the department and persons appointed by the
19 department and expires on June 30 ~~March 31~~ of each year.

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20 SECTION 55. 23.33 (2j) (d) of the statutes is amended to read:

21 23.33 (2j) (d) There is no fee for a nonresident trail pass issued for an
22 all-terrain vehicle or utility terrain vehicle that is registered under sub. (2g) or s.
23 23.35. The department or Indian tribe or band shall issue a nonresident trail pass
24 for such an all-terrain vehicle or utility terrain vehicle when it issues the
25 registration certificate for the all-terrain vehicle. The department shall provide

permanently affixed in a highly visible location

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.

3 SECTION 56. 23.33 (2j) (e) of the statutes is amended to read:

4 23.33 (2j) (e) An all-terrain vehicle or a utility terrain vehicle that is registered
5 under sub. (2) (a) or an all-terrain vehicle or utility terrain vehicle that is exempt
6 from registration under sub. (2) (b) 1., 3., 3m., or 4. is exempt from having a
7 nonresident trail pass displayed as required under par. (b). The department may
8 promulgate a rule to exempt all-terrain vehicles and utility terrain vehicles that are
9 exempt from registration under sub. (2) (b) 5. from having nonresident trail passes
10 displayed as required under par. (b) or may promulgate a rule to exempt owners of
11 such ~~all-terrain~~ vehicles from having to pay any applicable nonresident trail pass
12 fee.

13 SECTION 57. 23.33 (2j) (em) of the statutes is created to read:

14 23.33 (2j) (em) ~~The department may not require a person operating an~~
15 ~~all-terrain vehicle or utility terrain vehicle on a public all-terrain vehicle corridor~~
16 ~~in this state on the first full weekend in June of each year to be issued or to display~~
17 ~~a nonresident trail pass as required under par. (b).~~

18 SECTION 58. 23.33 (2m) (title) of the statutes is amended to read:

19 23.33 (2m) (title) RENTAL OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN
20 VEHICLES.

21 SECTION 59. 23.33 (2m) (a) (intro.) of the statutes is amended to read:

22 23.33 (2m) (a) (intro.) No person who is engaged in the rental or leasing of
23 all-terrain vehicles or utility terrain vehicles to the public may do any of the
24 following:

25 SECTION 60. 23.33 (2m) (a) 1. of the statutes is amended to read:

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

5 **SECTION 61.** 23.33 (2m) (a) 2. of the statutes is amended to read:

6 23.33 (2m) (a) 2. Rent or lease an all-terrain vehicle or utility terrain vehicle
7 to a person under 16 years of age.

8 **SECTION 62.** 23.33 (2m) (a) 3. of the statutes is amended to read:

9 23.33 (2m) (a) 3. Rent or lease an all-terrain vehicle or utility terrain vehicle
10 without first ascertaining that any person under the age of 18 who will be on the
11 ~~all-terrain~~ vehicle has protective headgear of the type required under s. 347.485 (1)
12 (a).

13 **SECTION 63.** 23.33 (2m) (b) of the statutes is amended to read:

14 23.33 (2m) (b) A person who is engaged in the rental or leasing of all-terrain
15 vehicles or utility terrain vehicles to the public shall have clean, usable protective
16 headgear available for rent in sufficient quantity to provide headgear to all persons
17 under the age of 18 who will be on all-terrain vehicles or utility terrain vehicles that
18 the person rents or leases.

19 **SECTION 64.** 23.33 (3) (intro.) of the statutes is amended to read:

20 23.33 (3) RULES OF OPERATION. (intro.) No person may operate an all-terrain
21 vehicle or utility terrain vehicle:

22 **SECTION 65.** 23.33 (3) (c) of the statutes is amended to read:

23 23.33 (3) (c) On the private property of another without the consent of the
24 owner or lessee. Failure to post private property does not imply consent for
25 all-terrain vehicle or utility terrain vehicle use.

1 **SECTION 66.** 23.33 (3) (cm) of the statutes is amended to read:

2 23.33 (3) (cm) On public property that is posted as closed to all-terrain vehicle
3 or utility terrain vehicle operation or on which the operation of an all-terrain vehicle
4 or utility terrain vehicle is prohibited by law.

5 **SECTION 67.** 23.33 (3) (d) of the statutes is amended to read:

6 23.33 (3) (d) On Indian lands without the consent of the tribal governing body
7 or Indian owner. Failure to post Indian lands does not imply consent for all-terrain
8 vehicle or utility terrain vehicle use.

9 **SECTION 68.** 23.33 (3) (em) of the statutes is created to read:

10 23.33 (3) (em) With a passenger riding in or on any part of a utility terrain
11 vehicle that is not designed or intended to be used by passengers.

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

13 23.33 (3) (h) On the frozen surface of public waters within 100 feet of a person
14 not in or on an all-terrain vehicle, utility terrain vehicle, or motor vehicle or within
15 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.

16 **SECTION 70.** 23.33 (3g) (intro.) of the statutes is amended to read:

17 23.33 (3g) USE OF HEADGEAR. (intro.) No person may operate or be a passenger
18 on an all-terrain vehicle or utility terrain vehicle without wearing protective
19 headgear of the type required under s. 347.485 (1) (a) and with the chin strap
20 properly fastened, unless one of the following applies:

21 **SECTION 71.** 23.33 (3g) (c) of the statutes is amended to read:

22 23.33 (3g) (c) The all-terrain vehicle or utility terrain vehicle is being operated
23 for an agricultural purpose.

24 **SECTION 72.** 23.33 (3g) (d) of the statutes is amended to read:

1 23.33 (3g) (d) The all-terrain vehicle or utility terrain vehicle is being operated
2 by a person on land under the management and control of the person's immediate
3 family.

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

5 23.33 (4) (a) *Freeways.* No person may operate an all-terrain vehicle or utility
6 terrain vehicle upon any part of any freeway which is a part of the federal system of
7 interstate and defense highways. No person may operate an all-terrain vehicle or
8 utility terrain vehicle upon any part of any other freeway unless the department of
9 transportation authorizes all-terrain the use of that vehicle use on that freeway. No
10 person may operate an all-terrain vehicle or utility terrain vehicle with a snow
11 removal device attached upon any part of any freeway under any circumstances.

12 **SECTION 74.** 23.33 (4) (b) of the statutes is amended to read:

13 23.33 (4) (b) *Other highways; operation restricted.* No person may operate an
14 all-terrain vehicle or utility terrain vehicle on a highway except as authorized under
15 pars. (d), (e), and (f) and sub. (11) (am) 2. or as authorized by rules promulgated by
16 the department and approved by the department of transportation.

17 **SECTION 75.** 23.33 (4) (c) 1. of the statutes is amended to read:

18 23.33 (4) (c) 1. Paragraphs (a) and (b) do not apply to the operator of an
19 all-terrain vehicle or utility terrain vehicle owned by a municipality, state agency,
20 or public utility, or by the Great Lakes Indian Fish and Wildlife Commission, while
21 the operator is engaged in an emergency or in the operation of an all-terrain vehicle
22 or utility terrain vehicle directly related to the functions of the municipality, state
23 agency, or public utility, or of the Great Lakes Indian Fish and Wildlife Commission,
24 if safety does not require strict adherence to these restrictions.

25 **SECTION 76.** 23.33 (4) (c) 1m. of the statutes is amended to read:

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

5 **SECTION 77.** 23.33 (4) (c) 2. of the statutes is amended to read:

6 23.33 (4) (c) 2. Paragraph (b) does not apply to a highway blocked off for special
7 all-terrain vehicle or utility terrain vehicle events. A county, town, city or village
8 may block off highways under its jurisdiction for the purpose of allowing special
9 all-terrain vehicle or utility terrain vehicle events. No state trunk highway or
10 connecting highway, or part thereof, may be blocked off by any county, town, city or
11 village for any all-terrain vehicle or utility terrain vehicle race or derby. A county,
12 town, city or village shall notify the local police department and the county sheriff's
13 office at least one week in advance of the time and place of any all-terrain vehicle
14 or utility terrain vehicle race or derby which may result in any street, or part thereof,
15 of the county, town, city or village being blocked off.

16 **SECTION 78.** 23.33 (4) (d) (intro.) of the statutes is amended to read:

17 23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an
18 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway
19 only in the following situations:

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

21 23.33 (4) (d) 1. To cross a roadway. The crossing of a roadway is authorized only
22 if the crossing is done in the most direct manner practicable, if the crossing is made
23 at a place where no obstruction prevents a quick and safe crossing, and if the operator
24 stops the all-terrain vehicle or utility terrain vehicle prior to the crossing and yields

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

3 **SECTION 80.** 23.33 (4) (d) 2. of the statutes is amended to read:

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

9 **SECTION 81.** 23.33 (4) (d) 3. of the statutes is amended to read:

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

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

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

23 **SECTION 83.** 23.33 (4) (d) 5. of the statutes is amended to read:

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

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

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

7 **SECTION 84.** 23.33 (4) (d) 6. of the statutes is amended to read:

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

12 **SECTION 85.** 23.33 (4) (e) (intro.) of the statutes is amended to read:

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

17 **SECTION 86.** 23.33 (4) (e) 3. of the statutes is renumbered 23.33 (4) (e) 3. (intro.)
18 and amended to read:

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

23 **SECTION 87.** 23.33 (4) (e) 3. a. of the statutes is created to read:

1 23.33 (4) (e) 3. a. The all-terrain vehicle route or trail is located at least 40 feet
2 from the roadway or is separated from the roadway by a head lamp barrier.

3 **SECTION 88.** 23.33 (4) (e) 3. b. of the statutes is created to read:

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

9 **SECTION 89.** 23.33 (4) (e) 3m. of the statutes is created to read:

10 23.33 (4) (e) 3m. During daylight hours, travel may be in either direction
11 regardless of the flow of motor vehicle traffic.

12 **SECTION 90.** 23.33 (4) (f) of the statutes is amended to read:

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

1 an all-terrain vehicle or utility terrain vehicle shall comply with the applicable speed
2 limit and with par. (e) 1., 2., 3., 3m., and 5.

3 **SECTION 91.** 23.33 (4c) (title) of the statutes is amended to read:

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

6 **SECTION 92.** 23.33 (4c) (a) 1. of the statutes is amended to read:

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

11 **SECTION 93.** 23.33 (4c) (a) 2. of the statutes is amended to read:

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

15 **SECTION 94.** 23.33 (4c) (a) 2m. of the statutes is amended to read:

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

20 **SECTION 95.** 23.33 (4c) (a) 3. of the statutes is amended to read:

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

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

1 23.33 (4c) (b) 1. ‘Causing injury while under the influence of an intoxicant.’
2 No person while under the influence of an intoxicant to a degree which renders him
3 or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle
4 may cause injury to another person by the operation of an all-terrain vehicle or
5 utility terrain vehicle.

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

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

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

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

16 **SECTION 99.** 23.33 (4g) (a) of the statutes is amended to read:

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

22 **SECTION 100.** 23.33 (4g) (b) of the statutes is amended to read:

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

1 or utility terrain vehicle law or for the purpose of deciding whether or not to request
2 a chemical test under sub. (4p). Following the preliminary breath screening test,
3 chemical tests may be required of the person under sub. (4p).

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

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

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

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

20 **SECTION 103.** 23.33 (4p) (a) 1. of the statutes is amended to read:

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

1 chemical tests of his or her breath, blood or urine for the purpose of authorized
2 analysis if he or she is arrested for a violation of the intoxicated operation of an
3 all-terrain vehicle or utility terrain vehicle law and if he or she is requested to submit
4 to the test by a law enforcement officer.

5 **SECTION 104.** 23.33 (4p) (a) 3. of the statutes is amended to read:

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

13 **SECTION 105.** 23.33 (4p) (b) 4. of the statutes is amended to read:

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

25 **SECTION 106.** 23.33 (4p) (c) 1. of the statutes is amended to read:

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

10 **SECTION 107.** 23.33 (4p) (c) 2. of the statutes is amended to read:

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

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

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

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

6 **SECTION 109.** 23.33 (4p) (e) 1. of the statutes is amended to read:

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

10 **SECTION 110.** 23.33 (4p) (e) 2. of the statutes is amended to read:

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

14 **SECTION 111.** 23.33 (4t) of the statutes is amended to read:

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

19 **SECTION 112.** 23.33 (4x) (title) of the statutes is amended to read:

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

22 **SECTION 113.** 23.33 (4z) (a) 1. of the statutes is amended to read:

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

1 SECTION 114. 23.33 (4z) (a) 2. of the statutes is amended to read:

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

4 SECTION 115. 23.33 (4z) (b) of the statutes is amended to read:

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

9 SECTION 116. 23.33 (5) (a) (title) of the statutes is amended to read:

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

11 SECTION 117. 23.33 (5) (am) of the statutes is created to read:

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

14 ~~or she has an operator's license under ch. 343 and~~ is at least 16 years of age.

STET

15 2. A person who is under 16 years of age may operate a utility terrain vehicle
16 without an operator's license if the person operates the utility terrain vehicle for an
17 agricultural purpose and he or she is under the supervision of a person over 18 years
18 of age. For purposes of this subdivision, supervision does not require that the person
19 under 16 years of age be subject to continuous direction or by the person over 18 years
20 of age.

21 SECTION 118. 23.33 (5) (b) of the statutes is amended to read:

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

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

8 **SECTION 119.** 23.33 (5) (c) of the statutes is amended to read:

9 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who
10 operates an all-terrain vehicle or utility terrain vehicle exclusively on land under the
11 management and control of the person's immediate family. Paragraphs (a) and (b)
12 ~~do not apply to the operation of an all-terrain vehicle or utility terrain vehicle by a~~
13 ~~person at least 12 years of age but under 16 years of age who holds a valid certificate~~
14 ~~issued by another state or a province of Canada.~~

15 **SECTION 120.** 23.33 (5) (d) of the statutes is amended to read:

16 23.33 (5) (d) *Safety certification program established.* The department shall
17 establish or supervise the establishment of a program of instruction on all-terrain
18 vehicle and utility terrain vehicle laws, including the intoxicated operation of an
19 all-terrain vehicle or utility terrain vehicle law, regulations, safety and related
20 subjects. The department shall establish by rule an instruction fee for this program.
21 The department shall issue certificates to persons successfully completing the
22 program. An instructor conducting the program of instruction under this paragraph
23 shall collect the fee from each person who receives instruction. The department may
24 determine the portion of this fee, which may not exceed 50%, that the instructor may
25 retain to defray expenses incurred by the instructor in conducting the program. The

1 instructor shall remit the remainder of the fee or, if nothing is retained, the entire
2 fee to the department. The department shall issue a duplicate certificate of
3 accomplishment to a person who is entitled to a duplicate certificate of
4 accomplishment and who pays a fee of \$2.75.

5 **SECTION 121.** 23.33 (5r) (b) of the statutes is amended to read:

6 23.33 (5r) (b) The department shall establish a program to make incentive
7 payments to private landowners who permit public all-terrain vehicle corridors on
8 their lands on which both all-terrain vehicles and utility vehicles may be operated
9 and who apply for the payments.

10 ~~**SECTION 122.** 23.33 (5r) (c) of the statutes is repealed.~~

11 ~~**SECTION 123.** 23.33 (5r) (d) of the statutes is repealed.~~

12 ~~**SECTION 124.** 23.33 (5r) (e) of the statutes is repealed.~~

13 **SECTION 125.** 23.33 (6) (a), (b), (c), (d), (e) and (h) of the statutes are amended
14 to read:

15 23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain
16 vehicle during hours of darkness or during daylight hours on any highway
17 right-of-way is required to display a lighted headlamp and tail lamp on the
18 all-terrain vehicle or utility terrain vehicle.

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

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

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

3 (e) Every all-terrain vehicle and utility terrain vehicle is required to be
4 equipped with a functioning muffler to prevent excessive or unusual noise and with
5 a functioning spark arrester of a type approved by the U.S. forest service. This
6 paragraph does not apply to an all-terrain vehicle or utility terrain vehicle that is
7 operated exclusively by means of an electric motor.

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

12 **SECTION 126.** 23.33 (6) (i) of the statutes is created to read:

13 23.33 (6) (i) No person may operate a utility terrain vehicle unless each
14 passenger is wearing a safety belt installed by the manufacturer and fastened in a
15 manner prescribed by the manufacturer of the safety belt which permits the safety
16 belt to act as a body restraint.

17 **SECTION 127.** 23.33 (6m) of the statutes is amended to read:

18 23.33 (6m) NOISE LIMITS. No person may manufacture, sell, rent or operate an
19 all-terrain vehicle or utility terrain vehicle that is constructed in such a manner that
20 noise emitted from the ~~all-terrain~~ vehicle exceeds 96 decibels on the A scale as
21 measured in the manner prescribed under rules promulgated by the department.

22 **SECTION 128.** 23.33 (6r) of the statutes is created to read:

23 23.33 (6r) PASSENGER RESTRICTIONS. No person may ride in or on any part of a
24 utility terrain vehicle that is not designed or intended to be used by passengers.

25 **SECTION 129.** 23.33 (7) of the statutes is amended to read:

1 23.33 (7) ACCIDENTS. (a) If an accident results in the death of any person or in
2 the injury of any person which requires the treatment of the person by a physician,
3 the operator of each all-terrain vehicle and utility terrain vehicle involved in the
4 accident shall give notice of the accident to a conservation warden or local law
5 enforcement officer as soon as possible and shall file a written report of the accident
6 with the department on the form provided by it within 10 days after the accident.

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

11 **SECTION 130.** 23.33 (8) (d) of the statutes is amended to read:

12 23.33 (8) (d) *Restrictions.* The designating authority may specify effective
13 periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit
14 the operation of an all-terrain vehicle or utility terrain vehicle during certain periods
15 of the year. This paragraph does not apply to an all-terrain vehicle or a utility terrain
16 vehicle that is operated exclusively by means of an electric motor.

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

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

24 **SECTION 132.** 23.33 (8) (f) 1. of the statutes is amended to read:

1 23.33 (8) (f) *Interference with signs and standards prohibited.* 1. No person
2 may intentionally remove, damage, deface, move ~~or~~, obstruct, or interfere with the
3 effective operation of any uniform all-terrain vehicle route or trail sign or standard
4 ~~or intentionally interfere with the effective operation of any uniform all-terrain~~
5 ~~vehicle route or trail sign or standards~~ or any uniform sign or standard for the
6 operation of a utility terrain vehicle on an all-terrain vehicle route or trail if the sign
7 or standard is legally placed by the state, any municipality or any authorized
8 individual.

9 **SECTION 133.** 23.33 (8) (f) 2. of the statutes is amended to read:

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

19 **SECTION 134.** 23.33 (9) (a) of the statutes is amended to read:

20 23.33 (9) (a) *Enforcement.* The department may utilize moneys received under
21 sub. (2) for all-terrain vehicle and utility terrain vehicle registration aids
22 administration and for the purposes specified under s. 20.370 (3) (as) and (5) (er)
23 including costs associated with enforcement, safety education, accident reports and
24 analysis, law enforcement aids to counties, and other similar costs in administering
25 and enforcing this section.

1 **SECTION 135.** 23.33 (9) (bg) of the statutes is created to read:

2 23.33 (9) (bg) *Projects for utility terrain vehicles.* A project to improve or
3 maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for aid
4 from the appropriation account under s. 20.370 (5) (gq). }
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5 **SECTION 136.** 23.33 (11) (a) of the statutes is amended to read:

6 23.33 (11) (a) Counties, towns, cities and villages may enact ordinances
7 regulating all-terrain vehicles and utility terrain vehicles on all-terrain vehicle
8 trails maintained by or on all-terrain vehicle routes designated by the county, city,
9 town or village.

10 **SECTION 137.** 23.33 (11) (am) 2. of the statutes is amended to read:

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

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

18 23.33 (11) (b) If a county, town, city, or village adopts an ordinance regulating
19 all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send
20 a copy of the ordinance to the department and to the office of any law enforcement
21 agency of the municipality or county having jurisdiction over any highway
22 designated as an all-terrain vehicle route.

23 **SECTION 139.** 23.33 (11p) (title) of the statutes is repealed.

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

25 **SECTION 141.** 23.33 (11p) (a) 1. of the statutes is repealed.

1 SECTION 142. 23.33 (11p) (a) 2. of the statutes is renumbered 23.33 (1) (fm).

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2 ~~SECTION 143. 23.33 (11p) (a) 3. of the statutes is repealed~~

3 SECTION 144. 23.33 (11p) (a) 4. of the statutes is renumbered 23.33 (1) (im).

4 SECTION 145. 23.33 (11p) (a) 5. of the statutes is repealed.

5 SECTION 146. 23.33 (11p) (a) 6. of the statutes is renumbered 23.33 (1) (ng) and
6 23.33 (1) (ng) (intro.), ~~1~~, ~~2~~ and ~~3~~, ^{b. a. and c.} as renumbered, are amended to read:

7 ~~23.33 (1) (ng) (intro.) "Utility terrain vehicle" means a motor driven device,
8 other than a golf cart or low-speed vehicle that does not meet federal motor vehicle
9 safety standards, that is designed to be used primarily off of a highway, and that has,
10 and was originally manufactured with, all of the following:~~

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11 ~~1/2~~ ^{a.} ~~A gross~~ ^{net} weight of more than 900 pounds but not more than 1,999 pounds.

***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

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

15 ~~c.~~ ^{c.} A cargo box or dump box installed by the manufacturer.

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16 SECTION 147. 23.33 (11p) (b) to (i) of the statutes are repealed.

17 SECTION 148. 23.33 (12) (b) of the statutes is amended to read:

18 23.33 (12) (b) No operator of an all-terrain vehicle or utility terrain vehicle may
19 refuse to stop after being requested or signaled to do so by a law enforcement officer
20 or a commission warden, as defined in s. 939.22 (5).

21 SECTION 149. 23.33 (13) (b) (title) of the statutes is amended to read:

22 23.33 (13) (b) (title) *Penalties related to intoxicated operation of an all-terrain
23 vehicle or utility terrain vehicle.*

1 **SECTION 150.** 23.33 (13) (b) 2. of the statutes is amended to read:

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

8 **SECTION 151.** 23.33 (13) (b) 3. of the statutes is amended to read:

9 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
10 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
11 more times previously under the intoxicated operation of an all-terrain vehicle or
12 utility terrain vehicle law or refusal law shall be fined not less than \$600 nor more
13 than \$2,000 and shall be imprisoned not less than 30 days nor more than one year
14 in the county jail.

15 **SECTION 152.** 23.33 (13) (b) 4. of the statutes is amended to read:

16 23.33 (13) (b) 4. A person who violates sub. (4c) (a) 3. or (4p) (e) and who has
17 not attained the age of ~~19~~ 21 shall forfeit not more than \$50.

18 **SECTION 153.** 23.33 (13) (bg) of the statutes is amended to read:

19 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
20 *vehicle or utility terrain vehicle; underage passengers.* If there is a passenger under
21 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a
22 violation that gives rise to a conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the
23 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
24 under pars. (b) 1., 2., and 3. for the conviction are doubled.

25 **SECTION 154.** 23.33 (13) (br) (title) of the statutes is amended to read:

1 23.33 (13) (br) (title) *Penalties related to intoxicated operation of an all-terrain*
2 *vehicle or utility terrain vehicle; enhancers.*

3 **SECTION 155.** 23.33 (13) (dm) of the statutes is amended to read:

4 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person
5 is convicted of a violation of the intoxicated operation of an all-terrain vehicle or
6 utility terrain vehicle law, the clerk of the court in which the conviction occurred, or
7 the justice, judge or magistrate of a court not having a clerk, shall forward to the
8 department the record of such conviction. The record of conviction forwarded to the
9 department shall state whether the offender was involved in an accident at the time
10 of the offense.

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

12 23.33 (13) (e) *Alcohol, controlled substances or controlled substance analogs;*
13 *assessment.* In addition to any other penalty or order, a person who violates sub. (4c)
14 (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the
15 operation of an all-terrain vehicle or utility terrain vehicle, shall be ordered by the
16 court to submit to and comply with an assessment by an approved public treatment
17 facility for an examination of the person's use of alcohol, controlled substances or
18 controlled substance analogs. The assessment order shall comply with s. 343.30 (1q)
19 (c) 1. a. to c. Intentional failure to comply with an assessment ordered under this
20 paragraph constitutes contempt of court, punishable under ch. 785.

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

22 23.33 (13) (f) *Restoration or replacement of signs and standards.* In addition
23 to any other penalty, the court may order the defendant to restore or replace any
24 uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or

1 standard for the operation of a utility terrain vehicle on an all-terrain vehicle route
2 or trail, that the defendant removed, damaged, defaced, moved or obstructed.

3 **SECTION 158.** 23.35 (1) (intro.) of the statutes is amended to read:

4 23.35 (1) (intro.) The secretary shall enter into a reciprocal agreement with a
5 federally recognized American Indian tribe or band in this state to exempt, from the
6 registration and certification requirements of this state, boats, snowmobiles ~~and~~,
7 all-terrain vehicles, and utility terrain vehicles that are owned by tribal or band
8 members and registered under a registration program established by the tribe or
9 band if the tribe or band requests the agreement and if the registration program does
10 all of the following:

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

12 23.35 (1) (a) Requires that boats, snowmobiles ~~and~~, all-terrain vehicles, and
13 utility terrain vehicles display decals or identification numbers showing valid
14 registration by the tribe or band.

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

16 23.35 (1) (b) Employs registration decals and certificates of number that are
17 substantially similar to those employed by the registration or certification programs
18 of this state with regard to size, legibility, information content and placement on the
19 boat, snowmobile ~~or~~, all-terrain vehicle, or utility terrain vehicle.

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

21 23.35 (1) (e) Provides reciprocal exemptions, from the tribe's or band's
22 registration requirements, for boats, snowmobiles ~~and~~, all-terrain vehicles, and
23 utility terrain vehicles registered or certified by this state that are substantially as
24 favorable as the exemptions enjoyed by the tribe or the band under the agreement.
25 In this paragraph, "reciprocal exemption" means an exemption under the agreement

1 that exempts from a tribe's or band's registration requirements, for operation within
2 the boundaries of the tribe's or band's reservation, a boat, snowmobile ~~or~~, all-terrain
3 vehicle, or utility terrain vehicle that is owned by a person who is not a member of
4 the tribe or band and that is registered or certified by this state to the same extent
5 that the agreement exempts from state registration and certification requirements,
6 for the operation outside the boundaries of the tribe's or band's reservation, a boat,
7 snowmobile ~~or~~, all-terrain vehicle, or utility terrain vehicle that is registered by the
8 tribe or band.

9 **SECTION 162.** 23.35 (2) of the statutes is amended to read:

10 23.35 (2) An agreement entered into under sub. (1) may cover a registration
11 program for boats, snowmobiles ~~or~~, all-terrain vehicles, or utility terrain vehicles or
12 any combination thereof.

13 **SECTION 163.** 25.29 (1) (b) of the statutes is amended to read:

14 25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on
15 all-terrain vehicles, utility terrain vehicles, boats and snowmobiles collected under
16 ss. 23.33, 30.52 (4), 350.12 and 350.122.

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

18 25.29 (1) (dm) For fiscal year ~~1991-92~~ 2012-13 and for each fiscal year
19 thereafter, an amount equal to the estimated all-terrain vehicle gas tax payment.
20 The estimated all-terrain vehicle gas tax payment is calculated by multiplying the
21 sum of the number of all-terrain vehicles registered for public use under s. 23.33 (2)
22 (c) or (2g) and the number of ~~reflectorized plates~~ commercial all-terrain vehicle
23 ~~certificates~~ registration stickers issued ~~or renewed~~ under s. 23.33 (2) (dm) on the last day of February of
24 the previous fiscal year by 25 gallons and multiplying that product by the excise tax
25 imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

1 **SECTION 165.** 25.29 (1) (dr) of the statutes is created to read:

2 25.29 (1) (dr) An amount equal to the estimated utility terrain vehicle gas tax
3 payment. The estimated utility terrain vehicle gas tax payment is calculated by
4 multiplying the sum of the number of utility terrain vehicles registered for public use
5 under s. 23.33 (2) (c) or (2g) and the number of commercial utility terrain vehicle
6 certificates ^{stickers} issued ~~or renewed~~ under s. 23.33 (2) (dm) on the last day of February of
7 the previous fiscal year by 25 gallons and multiplying that product by the excise tax
8 imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

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9 **SECTION 166.** 25.40 (2) (b) 27. of the statutes is created to read:

10 25.40 (2) (b) 27. Section 20.855 (4) (v).

11 **SECTION 167.** 25.40 (3) (b) 14. of the statutes is amended to read:

12 25.40 (3) (b) 14. Transfers to the conservation fund for motor fuel tax collections
13 on the use of fuel by snowmobiles, all-terrain vehicles, utility terrain vehicles, and
14 motorboats.

15 **SECTION 168.** 30.26 (4) (title) of the statutes is amended to read:

16 30.26 (4) (title) SNOWMOBILES AND, ALL-TERRAIN VEHICLES, AND UTILITY TERRAIN
17 VEHICLES.

18 **SECTION 169.** 30.26 (4) (a) (intro.) and (b) of the statutes are amended to read:

19 30.26 (4) (a) (intro.) The department may not prohibit the crossing of a bridge
20 over a wild river by an all-terrain vehicle or utility terrain vehicle traveling on an
21 all-terrain vehicle trail, as defined under s. 23.33 (1) (d), or by a snowmobile
22 traveling on a snowmobile trail, as defined under s. 350.01 (17) that is constructed
23 in any of the following locations:

24 (b) The state shall permit all-terrain vehicles, utility terrain vehicles, and
25 snowmobiles to travel in a corridor across any state land that separates an

1 all-terrain vehicle trail or a snowmobile trail and the bridges constructed at the
2 locations listed under par. (a).

3 **SECTION 170.** 30.29 (1) (b) of the statutes is amended to read:

4 30.29 (1) (b) "Motor vehicle" includes a utility terrain vehicle, as defined in s.
5 23.33 (1) (ng), and an all-terrain vehicle, as defined in s. 340.01 (2g).

6 **SECTION 171.** 70.11 (45m) of the statutes is amended to read:

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

11 **SECTION 172.** 77.51 (13) (am) of the statutes is amended to read:

12 77.51 (13) (am) Any person making any retail sale of a motor vehicle, aircraft,
13 snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer,
14 all-terrain vehicle, utility terrain vehicle, or boat registered or titled, or required to
15 be registered or titled, under the laws of this state or of the United States.

16 **SECTION 173.** 77.51 (13s) of the statutes is amended to read:

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

20 **SECTION 174.** 77.54 (7) (b) (intro.) of the statutes is amended to read:

21 77.54 (7) (b) (intro.) If the item transferred is a motor vehicle, snowmobile,
22 recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain
23 vehicle, utility terrain vehicle, or aircraft and the item is registered or titled, or
24 required to be registered or titled, in this state or if the item is a boat that is registered
25 or titled, or required to be registered or titled, in this state or under the laws of the

1 United States, the exemption under par. (a) applies only if all of the following
2 conditions are fulfilled:

3 **SECTION 175.** 77.61 (1) (a) of the statutes is amended to read:

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

8 **SECTION 176.** 77.61 (1) (b) of the statutes is amended to read:

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

13 **SECTION 177.** 77.61 (1) (c) of the statutes is amended to read:

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

21 **SECTION 178.** 77.78 of the statutes, as affected by 2011 Wisconsin Act 32, is
22 amended to read:

23 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
24 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
25 vehicle, or aircraft that is required to be registered by this state may be registered

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.

5 **SECTION 179.** 78.01 (2) (e) of the statutes is amended to read:

6 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and
7 equipment; other than use in a snowmobile, an all-terrain vehicle or utility terrain
8 vehicle that is not registered for private use under s. 23.33 (2) (d) or a recreational
9 motorboat; and delivered directly into the consumer's storage tank in an amount of
10 not less than 100 gallons.

11 **SECTION 180.** 78.01 (2m) (f) of the statutes is amended to read:

12 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than
13 use in a snowmobile, an all-terrain vehicle or utility terrain vehicle that is not
14 registered for private use under s. 23.33 (2) (d) or (2g) or in a recreational motorboat
15 or if no claim for a refund for the tax on the diesel fuel may be made under s. 78.75
16 (1m) (a) 3.

17 **SECTION 181.** 78.40 (1) of the statutes is amended to read:

18 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
19 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The
20 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply
21 tanks of motor vehicles in this state, attaches at the time of delivery and shall be
22 collected by the dealer from the alternate fuels user and shall be paid to the
23 department. The tax, with respect to alternate fuels acquired by any alternate fuels
24 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a
25 motor vehicle, or of a snowmobile, an all-terrain vehicle or utility terrain vehicle that

1 is not registered for private use under s. 23.33 (2) (d) or (2g) or a recreational
2 motorboat, attaches at the time of the use of the fuel and shall be paid to the
3 department by the user. The department may permit any supplier of alternate fuels
4 to report and pay to the department the tax on alternate fuels delivered into the
5 storage facility of an alternate fuels user or retailer which will be consumed for
6 alternate fuels tax purposes or sold at retail.

7 **SECTION 182.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

8 78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel
9 upon which has been paid the tax required under this chapter for the purpose of
10 operating an all-terrain vehicle, as defined under s. 340.01 (2g), or a utility terrain
11 vehicle, as defined under s. 23.33 (1) (ng), may not be reimbursed or repaid the
12 amount of tax paid unless the all-terrain vehicle or utility terrain vehicle is
13 registered for private use under s. 23.33 (2) (d) or (2g).

14 **SECTION 183.** 78.75 (1m) (a) 3. of the statutes is amended to read:

15 78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed. The forms shall
16 indicate that refunds are not available for motor vehicle fuel or alternate fuels used
17 for motorboats, except motorboats exempt from registration as motor vehicles under
18 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle
19 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile
20 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and
21 areas. The forms shall indicate that refunds are not available for motor vehicle fuel
22 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the
23 ~~all-terrain~~ vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall
24 indicate that estimated all-terrain vehicle or utility terrain vehicle motor vehicle
25 fuel or alternate fuels tax payments are used for all-terrain vehicle trails and areas.

1 The forms shall also indicate that refunds are not available for the tax on less than
2 100 gallons. The department shall distribute forms in sufficient quantities to each
3 county clerk.

4 **SECTION 184.** 100.48 (1) (d) of the statutes is created to read:

5 100.48 (1) (d) "Utility terrain vehicle" has the meaning given in s. 23.33 (1) (ng).

6 **SECTION 185.** 100.48 (2), (3) (a) and (4) (c) of the statutes are amended to read:

7 100.48 (2) No person may, either personally or through an agent, remove,
8 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
9 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain
10 vehicle, or a boat with the intent to defraud by changing or affecting the number of
11 hours of operation indicated on the hour meter.

12 (3) (a) Nothing in this section shall prevent the service, repair or replacement
13 of an hour meter if the number of hours of operation indicated on the hour meter
14 remains the same as before the service, repair or replacement. If an hour meter
15 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain
16 vehicle, or a boat is incapable of registering the same number of hours of operation
17 as before its service, repair or replacement, the hour meter shall be adjusted to read
18 zero, and a sticker shall be affixed by the owner of the vehicle or device to which the
19 hour meter is attached or an agent, in proximity to the hour meter, specifying the
20 number of hours of operation recorded on the hour meter prior to its service, repair
21 or replacement and the date on which it was serviced, repaired or replaced. No
22 person who services, repairs or replaces an hour meter attached to farm equipment,
23 a snowmobile, an all-terrain vehicle, a utility terrain vehicle, or a boat that is
24 incapable of registering the same number of hours of operation as before such service,

1 repair or replacement may fail to adjust the hour meter to read zero or fail to affix
2 the sticker required by this paragraph.

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

7 **SECTION 186.** 322.111 of the statutes is amended to read:

8 **322.111 Article 111 — Drunken or reckless operation of an all-terrain**
9 **vehicle, utility terrain vehicle, vehicle, snowmobile, aircraft, or vessel.** Any
10 person who violates s. 23.33 (3) (a) or (4c), 30.68, 30.681, 114.09, 346.62, 346.63 (1)
11 or (2), 350.10 (1) (b), 350.101, 940.25, or 940.09 where the offense involved the
12 operation or physical control of an aircraft, all-terrain vehicle, utility terrain vehicle,
13 snowmobile, vehicle or vessel on or off a highway shall be punished as the
14 court-martial may direct.

15 **SECTION 187.** 323.20 of the statutes is amended to read:

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

20 **SECTION 188.** 340.01 (32) (intro.) of the statutes is amended to read:

21 340.01 (32) (intro.) “Motorcycle” means a motor vehicle, excluding a tractor ~~or~~,
22 an all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess
23 of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind,
24 with a power source as an integral part of the vehicle, and which meets the conditions
25 under par. (a) or (b):

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1 **SECTION 189.** 340.01 (35) of the statutes is amended to read:

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

9 **SECTION 190.** 341.057 of the statutes is amended to read:

10 **341.057 All-terrain vehicles and utility terrain vehicles.** All-terrain
11 vehicles and utility terrain vehicles are not required to be registered under this
12 chapter but shall be registered under s. 23.33 (2) or (2g).

13 **SECTION 191.** 344.61 (1) of the statutes is amended to read:

14 344.61 (1) Notwithstanding s. 344.01 (2) (b), "motor vehicle" does not include
15 trailers, semitrailers, ~~and all-terrain vehicles, and utility terrain vehicles.~~

16 **SECTION 192.** 345.11 (1r) of the statutes is amended to read:

17 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
18 be used for violations of s. 23.33 relating to highway use or ordinances enacted in
19 accordance with that section if the violation is committed on a highway, but no points
20 may be assessed against the driving record of the operator of an all-terrain vehicle
21 or utility terrain vehicle. When the uniform traffic citation is used, the report of
22 conviction shall be forwarded to the department. When the citation form under s.
23 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

24 **SECTION 193.** 346.02 (11) of the statutes is amended to read:

1 346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN
2 VEHICLES. The operator of an all-terrain vehicle or a utility terrain vehicle on a
3 roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20,
4 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44,
5 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71,
6 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9) but is not
7 subject to any other provision of this chapter.

8 **SECTION 194.** 346.66 (1) (c) of the statutes is amended to read:

9 346.66 (1) (c) Sections 346.67 to 346.70 do not apply to accidents involving only
10 snowmobiles, all-terrain vehicles, utility terrain vehicles, or vehicles propelled by
11 human power or drawn by animals.

12 **SECTION 195.** 346.71 (1) of the statutes is amended to read:

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

25 **SECTION 196.** 346.71 (2) of the statutes is amended to read:

1 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
2 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
3 electric personal assistive mobility device operator 14 years of age or older and who
4 died within 6 hours of the time of the accident, the coroner or medical examiner of
5 the county where the death occurred shall require that a blood specimen of at least
6 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her
7 death, by the coroner or medical examiner or by a physician so designated by the
8 coroner or medical examiner or by a qualified person at the direction of the physician.
9 All funeral directors shall obtain a release from the coroner or medical examiner of
10 the county where the accident occurred as provided in s. 979.01 (4) prior to
11 proceeding with embalming any body coming under the scope of this section. The
12 blood so drawn shall be forwarded to a laboratory approved by the department of
13 health services for analysis of the alcoholic content of the blood specimen. The
14 coroner or medical examiner causing the blood to be withdrawn shall be notified of
15 the results of each analysis made and shall forward the results of each such analysis
16 to the department of health services. If the death involved a motor vehicle, the
17 department shall keep a record of all such examinations to be used for statistical
18 purposes only and the department shall disseminate and make public the
19 cumulative results of the examinations without identifying the individuals involved.
20 If the death involved an all-terrain vehicle or utility terrain vehicle, the department
21 of natural resources shall keep a record of all such examinations to be used for
22 statistical purposes only and the department of natural resources shall disseminate
23 and make public the cumulative results of the examinations without identifying the
24 individuals involved.

25 **SECTION 197.** 347.24 (1) (c) of the statutes is amended to read:

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

4 **SECTION 198.** 347.415 (1g) of the statutes is amended to read:

5 347.415 (1g) In this section, "odometer" means an instrument for measuring
6 and recording the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain
7 vehicle, or utility terrain vehicle has traveled while in operation, but does not include
8 any auxiliary instrument designed to be reset to zero to measure and record the
9 actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain vehicle, or utility
10 terrain vehicle has traveled on trips.

11 **SECTION 199.** 347.415 (1m) of the statutes is amended to read:

12 347.415 (1m) No person may, either personally or through an agent, remove,
13 replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any
14 motor vehicle, snowmobile, ~~or~~ all-terrain vehicle, or utility terrain vehicle with the
15 intent to change or affect the number of miles indicated thereon.

16 **SECTION 200.** 885.235 (1g) (intro.) of the statutes is amended to read:

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

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

5 **SECTION 201.** 885.235 (1k) of the statutes is amended to read:

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

17 **SECTION 202.** 895.043 (6) of the statutes, as created by 2011 Wisconsin Act 2,
18 is amended to read:

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

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

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

4 **SECTION 203.** 895.049 of the statutes is amended to read:

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

14 **SECTION 204.** 895.52 (1) (g) of the statutes is amended to read:

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

1 **SECTION 205.** 895.525 (2) of the statutes is amended to read:

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

13 **SECTION 206.** 901.053 of the statutes is amended to read:

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

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

3 **SECTION 207.** 938.17 (title) of the statutes is amended to read:

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

7 **SECTION 208.** 938.17 (1) (intro.) of the statutes is amended to read:

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

21 **SECTION 209.** 938.343 (9) of the statutes is amended to read:

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

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1 SECTION 210. Fiscal changes.

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

5 SECTION 211. Effective dates. This act takes effect on ~~June 30~~ ^{July 1}, 2012, or the
6 day after publication, whichever is later, except as follows:

7 (1) The treatment of section 23.33 (2) ~~(dm) 3m. and (ir)~~ ^{(ir) 1. and (2j)(c)} and the repeal and
8 recreation of section 23.33 (2) (dm) 3. of the statutes take effect on March 1, 2014.

9 (END)

ing and amendment of the statutes and
The renumber of section 23.33 (2j)(c) of the statutes and the creation
of section 23.33 (2j)(c) 2. and the amendment of
Section 23.33 (2) (dm) 2. (by SECTION #), 3. (by SECTION #),
and 4. (by SECTION #) and (ir) 1. of the statutes
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1 **SECTION #** 23.33 (2) (a) of the statutes, as affected by 2011 Wisconsin Act ...
2 (this act), is amended to read:
3 23.33 (2) (a) *Requirement.* Except as provided in sub. (2k), no person may
4 operate and no owner may give permission for the operation of an all-terrain vehicle
5 or utility terrain vehicle within this state unless the all-terrain vehicle or utility
6 terrain vehicle is registered for public use or for private use under this subsection or
7 sub. (2g), is exempt from registration, or is operated with a reflectorized plate or a
8 sign to which registration stickers are attached in the manner specified under par.
9 (dm) 3. No person may operate and no owner may give permission for the operation
10 of an all-terrain vehicle on an all-terrain vehicle route or an all-terrain vehicle trail
11 unless the all-terrain vehicle is registered for public use under this subsection or
12 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.

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13 **SECTION #** 25.29 (1) (dm) of the statutes is renumbered 25.29 (1) (dm) 1. and
14 amended to read:
15 25.29 (1) (dm) 1. ~~For fiscal year 1991-92 and for each fiscal year thereafter,~~
16 an An amount equal to the estimated all-terrain vehicle gas tax payment. ~~The~~
17 2. For fiscal years before fiscal year 2012-13, the estimated all-terrain vehicle
18 gas tax payment is calculated by multiplying the sum of the number of all-terrain
19 vehicles registered for public use under s. 23.33 (2) (c) or (2g) and the number of
20 reflectorized plates issued under s. 23.33 (2) (dm) on the last day of February of the

1 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 ~~4~~ 25.29 (1) (dm) 3. of the statutes is created to read:

4 25.29 (1) (dm) 3. For fiscal year 2012-13 and fiscal year 2013-14, the estimated
5 all-terrain vehicle gas tax payment is calculated by multiplying the sum of the
6 number of all-terrain vehicles and utility terrain vehicles registered for public use
7 under s. 23.33 (2) (c) or (2g) and the number of reflectorized plates issued under s.
8 23.33 (2) (dm) on the last day of February of the previous fiscal year by 25 gallons and
9 multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day
10 of February of the previous fiscal year.

11 SECTION ~~4~~ 25.29 (1) (dm) 4. of the statutes is created to read:

12 25.29 (1) (dm) 4. For fiscal year 2014-15, and for each fiscal year thereafter,
13 the estimated all-terrain vehicle gas tax payment is calculated by multiplying the
14 sum of the number of all-terrain vehicles and utility terrain vehicles registered for
15 public use under s. 23.33 (2) (c) or (2g) and the number of commercial all-terrain
16 vehicle and utility terrain vehicle registration stickers issued under s. 23.33 (2) (dm)
17 on the last day of February of the previous fiscal year by 25 gallons and multiplying
18 that product by the excise tax imposed under s. 78.01 (1) on the last day of February
19 of the previous fiscal year.

****NOTE: These provisions will need additional drafting. The calculation of the gas tax formula is complicated by the fact that the dates on which the various provisions of this bill, if enacted, become law are different ^{from} ~~than~~ the dates used for calculating the gas tax formula. In the interest of getting this redraft to you in as timely a fashion as possible, I have not made all the changes that will be required in these provisions.

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/P2ins
RNK::

Create
Auto Ref
A

INSERT 11-2

1 SECTION ~~#~~ 23.33 (2) (dm) 2. of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:

3 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
4 vehicle and utility terrain vehicle certificate is \$90. Upon receipt of the application
5 form required by the department and the fee required under this subdivision, the
6 department shall issue to the applicant a commercial all-terrain vehicle and utility
7 terrain vehicle certificate and 3 reflectorized plates registration stickers. The fee for
8 additional reflectorized plates registration stickers is \$30 per plate sticker.

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.

Create
Auto Ref
B

INSERT 11-17

9 SECTION ~~#~~ 23.33 (2) (dm) 3. of the statutes, as affected by 2011 Wisconsin Act
10 (this act), is amended to read:

11 23.33 (2) (dm) 3. (intro.) A person who is required to obtain a commercial
12 all-terrain vehicle and utility terrain vehicle certificate under subd. 1. shall attach
13 in a clearly visible place a reflectorized plate issued by the department under s. 23.33
14 (2) (dm) 2., 2009 stats. or a similar plate or sign that is removable and temporarily
15 but securely mounted to any all-terrain vehicle or utility terrain vehicle that the
16 person leases, rents, offers for sale or otherwise allows to be used whenever the
17 all-terrain vehicle or utility terrain vehicle is being operated. A registration sticker
18 issued by the department shall be affixed to the plate or sign specified under this
19 subdivision.

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: This provision, at your request, requires the signs to be removable and also to be temporarily mounted. Isn't a removable sign always temporary? Is there another concept that you are trying to capture by referring to the sign as "temporarily mounted"? Why is it necessary to include this requirement at all? Aren't all plates and signs, by their very nature, temporary and removable?

INSERT 11-21

Create
Auto Ref
C

1 SECTION ~~23.33~~ 23.33 (2) (dm) 4. of the statutes, as affected by 2011 Wisconsin Act

2 (this act), is amended to read:

3 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial
4 all-terrain vehicle and utility terrain vehicle certificates or reflectorized plates
5 registration stickers.

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 16-17

6 SECTION ~~23.33~~ 23.33 (2k) of the statutes is created to read:

7 23.33 (2k) WEEKEND EXEMPTION. A person may operate an all-terrain vehicle
8 or utility terrain vehicle in this state during the first full weekend in June of each
9 year without registering the all-terrain vehicle or utility terrain vehicle under sub.
10 (2) and without having been issued or displaying a nonresident trail pass under sub.
11 (2j).

INSERT 30-25

12 SECTION ~~23.33~~ 23.33 (5) (b) 1m. of the statutes is created to read:

13 23.33 (5) (b) 1m. No person who is at least 16 years of age and who is born on
14 or after January 1, 1988 may operate a utility terrain vehicle unless he or she holds

1 a valid safety certificate issued by the department, another state, or a province of
2 Canada.

INSERT 36-4

3 **(No fl)** The maximum amount allowed for aid under this paragraph is \$100 per mile
4 for all-terrain vehicle trails that are maintained not less than 3 months per year
5 including the months of June, July, and August. If the requests for aid for projects
6 under this paragraph exceed the funds available, the department shall distribute
7 available funds to qualified applicants on a proportional basis.

INSERT 37-2

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

10 23.33 (1) (ik) "Low pressure tire" means ~~a tire that has a minimum width of 6~~
11 ~~inches and that is designed to be inflated with an operating pressure not to exceed~~
12 ~~20 pounds per square inch as recommended by the manufacturer~~ has the meaning
13 given in s. 340.01 (27g). ✓

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 37-10

Strike extra spaces

14 23.33 (1) (ng) (intro.) "Utility terrain vehicle" means a all of the following:
15 1. A motor driven device that does not meet federal motor vehicle safety
16 standards, other than a golf cart or [^] low-speed vehicle, dune buggy, go-kart,
17 mini-truck, tracked vehicle, or neighborhood electric vehicle, that is designed to be

1 used primarily off of a highway, and that has, and was originally manufactured with,
2 all of the following:

INSERT 37-15

3 ~~SECTION 23.33~~ 23.33 (1) (ng) 2. of the statutes is created to read:

4 23.33 (1) (ng) 2. A motor driven device that has a net weight of more than 900
5 pounds, that is originally manufactured with a width of 50 inches or less, that is
6 equipped with a seat designed to be straddled by the operator, and that is designed
7 by the manufacturer to travel on 3 or more low-pressure tires.

INSERT 48-25

8 ~~SECTION 340.01~~ 340.01 (27g) of the statutes is amended to read:

9 340.01 (27g) "Low-pressure tire" means a tire that has a minimum width of
10 6 inches and that is designed to be inflated with an operating pressure not to exceed
11 ~~10~~ 20 pounds per square inch as recommended by the manufacturer.

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.

INSERT 57-1

12 ~~SECTION 23.33~~ Nonstatutory provisions.

13 (1) Notwithstanding the fees specified in section 23.33 (2) (c) of the statutes,
14 as affected by this act, the department of natural resources may charge a fee under
15 section 23.33 (2) (c) of the statutes, as affected by this act, that is calculated on a
16 proportional basis if the changes in the public-use registration period under section

1 23.33 (2) (f) of the statutes, as affected by this act, cause a public-use registration
2 certificate that is issued on or after the effective date of this subsection to expire in
3 less than 2 years after the date of issuance.

BILL

operates an ATV on a public ATV corridor in this state on the first Saturday and consecutive Sunday in June of each year is exempt from the nonresident trail pass requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

23.33 (2j) (b) Except as provided in par. pars. (e) and (em), no person may operate an all-terrain vehicle on a public all-terrain vehicle corridor in this state unless a nonresident trail pass issued under this subsection is displayed on the all-terrain vehicle.

INSERT 15-19

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

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

SECTION ~~1~~ 23.33 (2j) (c) 2. of the statutes is created to read:

23.33 (2j) (c) 2. The fee for a 5-day nonresident trail pass issued ^{for an} ~~for an~~ under this subsection ~~all-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 vehicle~~ may be issued only by the department and persons appointed by the department.

~~SECTION 4. 23.33 (2j) (d) of the statutes is amended to read:~~

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2489/P3dn

RNK:.....

wj

Date

This redraft remains in preliminary form. Please review the redraft very closely given the extent of the changes in the redraft. Feel free to contact me if you have any questions with regard to this version of the 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/P3dn
RNK:wlj:rs

November 11, 2011

This redraft remains in preliminary form. Please review the redraft very closely given the extent of the changes in the redraft. Feel free to contact me if you have any questions with regard to this version of the draft.

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

Kite, Robin

From: Moench, Lucas
Sent: Tuesday, November 15, 2011 5:45 PM
To: Kite, Robin
Subject: Materials for Drafting meeting
Attachments: LRB 2489P3 additions and changes Draft 7.3.doc; Private Agr ATV Decal.jpg; Private ATV Decal.jpg
Robin-

I just wanted to send you the materials that we will be working off of on Friday so you can look over them and get a jump on what we will be discussing. The "Draft 7.3" document attached is primarily what we'll be working off of. However, the e-mail below from Penny Kanable at DNR is important too as it responds directly to one of the notes that you put in the draft.

Let me know if you have questions.

Thanks,

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

=====
From: Kanable, Penny J - DNR [mailto:Penny.Kanable@Wisconsin.gov]
Sent: Monday, November 14, 2011 3:20 PM
To: Randy Harden; Hank Wozniel; Rob McConnell
Cc: Conklin, Diane L - DNR; Eddy, Gary D - DNR; Randy Harden
Subject: RE: UTV Proposal

Thanks for the reminder - I had forgot about the Polaris ranger conversation.

In regard to the question under Section 39.

****NOTE: This provision, at your request, requires the signs to be removable and to be temporarily mounted. Isn't a removable sign always temporary? Is there another concept that you are trying to capture by referring to the sign as "temporarily mounted"? Why is it necessary to include this requirement at all? Aren't all plates and signs, by their very nature, temporary and removable?

For consistency between boat dealers and ATV/UTV dealers, I copied the requirement for display by boat dealers from Chapter 30, Stats: (c) *Decals for boats owned by manufacturers and dealers*. Notwithstanding par. (a), a manufacturer or dealer in boats, motors, or trailers who has paid the fee under s. 30.52 (3) (im) may attach or affix the certification decals to removable signs to be temporarily but firmly mounted upon or attached to the boat while the boat is being operated.

I sent a separate email regarding the private decals. I don't think that we need to add in code/or statute what language is included on the decal as our vehicle registration system is currently programmed to enter the registration type and vehicle type to those decals.

Penny Kanable
Administrative Policy Advisor
Bureau of Customer & Outreach Services
Wisconsin Department of Natural Resources
101 South Webster Street
Madison, WI 53703
(☎) phone: (608) 264-8985
(☎) fax: (608) 264-6130
(✉) e-mail: penny.kanable@wi.gov

-----Original Message-----
From: Kanable, Penny J - DNR [mailto:Penny.Kanable@Wisconsin.gov]
Sent: Monday, November 14, 2011 3:11 PM
To: Randy Harden
Subject: Emailing: Private Agr ATV Decal, Private ATV Decal

Randy - attached are the "private" decals for ATV. Once we re-program our vehicle registration system to include UTVs the sticker would have PRIVATE (AGR) UTV or PRIVATE UTV

Draft 7.3
LRB-2489/P3 Additions and Changes 11/14/2011

Diane – Please check over Sections 5, 49, 50, 138 and 216 to make sure the money is going to the right places. – Thanks

✓ OK **Section 25 – Amend – Add UTV & Exception (2k) & replace “sticker” with “decal”**

SECTION 25. 23.33 (2) (a) of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

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

✓ OK **Section 30 – Repeal ? – Same as Section 28 but this applies to the tribes**

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

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

✓ **Section 34 – Amend – Add decal information for Private/ag registrations**

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

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

A person who is required to register an all-terrain vehicle or utility terrain vehicle used exclusively for agricultural purposes or used exclusively on private property shall affix a registration decal to each side of the vehicle in a place that is forward of the operator of the vehicle and that is in a place that is clearly visible.

Section 37 – Amend – replace “sticker” with “decal”

SECTION 37. 23.33 (2) (dm) 2. of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain vehicle and 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 commercial all-terrain vehicle and utility terrain vehicle certificate and 3 ~~reflectorized plates registration stickers~~ decal. The fee for additional ~~reflectorized plates registration stickers~~ decals is \$30 per plate ~~sticker~~ decal.

OK ✓

Section 39 – See Note – Check with Penny – replace “sticker” with “decal”

SECTION 39. 23.33 (2) (dm) 3. of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

23.33 (2) (dm) 3. (intro.) A person who is required to obtain a commercial all-terrain vehicle and utility terrain vehicle certificate under subd. 1. shall attach in a clearly visible place a reflectorized plate issued by the department under s. 23.33 (2) (dm) 2., 2009 stats., or a similar plate or sign that is removable and temporarily but securely mounted 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. A registration sticker-decal issued by the department shall be affixed to the plate or sign specified under this subdivision.

✓
see e-mail

****NOTE: This provision, at your request, requires the signs to be removable and to be temporarily mounted. Isn't a removable sign always temporary? Is there another concept that you are trying to capture by referring to the sign as "temporarily mounted"? Why is it necessary to include this requirement at all? Aren't all plates and signs, by their very nature, temporary and removable?

Section 41 – Amend – replace “stickers” with “decals”

SECTION 41. 23.33 (2) (dm) 4. of the statutes, as affected by 2011 Wisconsin Act (this act), is amended to read:

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

OK ✓

Section 46 – Amend – As per Penny – make registration for commercial owners the same as ATV/UTV registration period

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

23.33 (2) (gm) *Effective period; commercial owners.* 1. ~~Except as provided under subd. 2., a commercial all-terrain vehicle and utility terrain vehicle certificate is valid for a 2-year period.~~

2. ~~The department may specify by rule an annual expiration date for commercial all-terrain vehicle and utility terrain vehicle certificates and may reduce the effective period of a commercial all-terrain vehicle and utility terrain vehicle certificate so it expires on that date.~~

1. A commercial – use registration certificate for an all-terrain or utility terrain vehicle is valid 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.

Sec. 48 → 3/1/2015 eff date
Section 58 – Check section 217 (Effective Dates) Should start July 1 2012 not March 1, 2014

SECTION 58. 23.33 (2j) (c) of the statutes is renumbered 23.33 (2j) (c) 1. and amended to read:

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

OK
Section 149 – When 23.33 (11p) (a) 6. is renumbered are all of these also renumbered ? I think the answer is Yes, but just checking again.

23.33(11p)(a)6.d. A steering wheel.

23.33(11p)(a)6.e. A tail light.

23.33(11p)(a)6.f. A brake light.

23.33(11p)(a)6.g. Two headlights.

23.33(11p)(a)6.h. A width of not more than 65 inches.

23.33(11p)(a)6.i. Seats for at least 2 occupants, all of which seating is designed not to be straddled.

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

Section 169 – See Drafter Note & replace “stickers” with “decals”

SECTION 169. 25.29 (1) (dm) 4. of the statutes is created to read:
25.29 (1) (dm) 4. For fiscal year 2014–15, and for each fiscal year thereafter, the estimated all-terrain vehicle gas tax payment is calculated by multiplying the sum of the number of all-terrain vehicles and utility terrain vehicles registered for public use under s. 23.33 (2) (c) or (2g) and the number of commercial all-terrain vehicle and utility terrain vehicle registration stickers decals issued under s. 23.33 (2) (dm) on the last day of February of the previous fiscal year by 25 gallons and multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day of February of the previous fiscal year.

***NOTE: These provisions will need additional drafting. The calculation of the gas tax formula is complicated by the fact that the dates on which the various provisions of this bill, if enacted, become law are different from the dates used for calculating the gas tax formula. In the interest of getting this redraft to you in as timely a fashion

Section 175 – Amend – (left Terrain out)

SECTION 175. 70.11 (45m) of the statutes is amended to read:
70.11 (45m) SNOWMOBILE ~~AND~~, ALL-TERRAIN VEHICLE, AND UTILITY TERRAIN VEHICLE CLUBS. Trail groomers owned by a snowmobile club or, an all-terrain vehicle club, or a utility terrain vehicle club that is exempt from taxation under section 501 (c) (3), (4), or (7) of the Internal Revenue Code.

Section 217 – Amend – Renumbering and amendment of section 23.33(2j)(c) of the statutes should take effect July 1, 2012 not March 1, 2014 ??

SECTION 217. **Effective dates.** This act takes effect on July 1, 2012, or the day after publication, whichever is later, except as follows:
(1) The treatment of SECTION 23.33 (2) (a) (by SECTION 25), (dm) 2. (by SECTION 37), 3. (by SECTION 39), and 4. (by SECTION 41) and (ir) 1. of the statutes, ~~the renumbering and amendment of section 23.33 (2j) (c) of the statutes,~~ and the creation of section 23.33 (2j) (c) 2. of the statutes take effect on March 1, 2014.

From: "Kanable, Penny J - DNR" <Penny.Kanable@Wisconsin.gov>
Date: Fri, Nov 18, 2011 10:14 am
Subject: UTV Legislative Proposal
To: "Hank Wozniel" <hankwozniel@charter.net>, "Randy Harden"
<randy.harden@nohvis.com>
Cc: "Brookbank, Diane L - DNR" <Diane.Brookbank@wisconsin.gov>

We need to discuss the effective dates of the proposed legislation before it is introduced. There is a probability that we will extend our current contract to March 2015. We would request that the effective date for Section 48 - 23.33(2)(ir)1 be extended until March 1, 2015.

If this section goes into effect in 2014, the DNR would be responsible for funding the customer validation fee paid to the contractor for internet transactions from March 2014 to March 2015. This fee is included in our contract price for the Vehicle Registration System. This funding would have to be provided through the registration fees.

Give me a call to discuss. Thanks!

SECTION 217. Effective dates. This act takes effect on July 1, 2012, or the day after publication, whichever is later, except as follows:

(1) The treatment of SECTION 23.33 (2) (a) (by SECTION 25), (dm) 2. (by SECTION 37), 3. (by SECTION 39), and 4. (by SECTION 41) and (ir) 1. of the statutes, the renumbering and amendment of section 23.33 (2j) (c) of the statutes, and the creation of section 23.33 (2j) (c) 2. of the statutes take effect on March 1, 2014.

Penny Kanable

Administrative Policy Advisor
Bureau of Customer & Outreach Services
Wisconsin Department of Natural Resources
101 South Webster Street
Madison, WI 53703

(📞) phone: (608) 264-8985

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Find us on Facebook: www.facebook.com/WIDNR

LRB-2489 -
11/18/11

155

meeting w/ Lucas, Randy Harden, Hank
Wozniak etc.

only delay is 23.33(2)(r)1. - March 1, 2015
everything else - July 1, 2012
change sticker to decal

re: nonstat. include commercial registrations

re: 25.29

Re: SECTION 167 - before 2013-14

Section 168 - 2013-14 - both reflect plates
& decals

Section 169 - OK as in draft