



wanted 12/7

State of Wisconsin
2011 - 2012 LEGISLATURE



Rm
run

LRB-2489/P4
RNK:wlj:jf

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2011 BILL

D-Note

regen. cat.

1 **AN ACT to repeal** 20.370 (1) (iv), 23.33 (2) (b) 2., 23.33 (2) (b) 2m. c., 23.33 (2) (f)

2 2., 23.33 (2) (gm) 2., 23.33 (11p) (title), 23.33 (11p) (a) (intro.), 23.33 (11p) (a) 1.,

3 23.33 (11p) (a) 5. and 23.33 (11p) (b) to (i); **to renumber** 23.33 (11p) (a) 2. and

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

5 (2) (gm) 1., 23.33 (2j) (c), 23.33 (4) (e) 3., 23.33 (11p) (a) 3., 23.33 (11p) (a) 6. and

6 25.29 (1) (dm); **to amend** 20.370 (3) (as), 20.370 (5) (ct), 20.370 (5) (er), 23.119

7 (1) (b), 23.33 (title), 23.33 (1) (ic), 23.33 (1) (ir), 23.33 (1) (it), 23.33 (1) (iw), 23.33

8 (1) (j), 23.33 (1) (jn), 23.33 (1) (n), 23.33 (1) (o), 23.33 (2) (a), 23.33 (2) (b) (intro.),

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

10 1., 23.33 (2) (dm) 2., 23.33 (2) (dm) 3., 23.33 (2) (dm) 4., 23.33 (2) (e), 23.33 (2)

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

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

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

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

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

1 (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), 25.40 (3) (b) 14., 30.26 (4) (title), 30.26 (4) (a) (intro.) and
16 (b), 30.29 (1) (b), 70.11 (45m), 77.51 (13) (am), 77.51 (13s), 77.54 (7) (b) (intro.),
17 77.61 (1) (a), 77.61 (1) (b), 77.61 (1) (c), 77.78, 78.01 (2) (e), 78.01 (2m) (f), 78.40
18 (1), 78.75 (1m) (a) 2m., 78.75 (1m) (a) 3., 100.48 (2), (3) (a) and (4) (c), 322.111,
19 323.20, 340.01 (27g), 340.01 (32) (intro.), 340.01 (35), 341.057, 344.61 (1), 345.11
20 (1r), 346.02 (11), 346.66 (1) (c), 346.71 (1), 346.71 (2), 347.24 (1) (c), 347.415 (1g),
21 347.415 (1m), 885.235 (1g) (intro.), 885.235 (1k), 895.043 (6), 895.049, 895.52
22 (1) (g), 895.525 (2), 901.053, 938.17 (title), 938.17 (1) (intro.) and 938.343 (9);
23 and **to create** 20.370 (5) (gq), 20.370 (9) (hw), 20.855 (4) (v), 23.33 (1) (nc), 23.33
24 (1) (nd), 23.33 (1) (ng) 2., 23.33 (1) (nh), 23.33 (1) (np), 23.33 (1m), 23.33 (2) (c)
25 2., 23.33 (2) (om), 23.33 (2j) (c) 2., 23.33 (2k), 23.33 (3) (em), 23.33 (4) (e) 3. a.,

and operation
registration of all-terrain vehicles and

1 23.33 (4) (e) 3. b., 23.33 (4) (e) 3m., 23.33 (5) (am), 23.33 (5) (b) 1m., 23.33 (6) (i),
2 23.33 (6r), 23.33 (9) (bg), 25.29 (1) (dm) 3., 25.29 (1) (dm) 4., 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.

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

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

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

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

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

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

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

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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 ^{fees} 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 non-state~~ utility terrain vehicle
11 projects.

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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~~ ^{documentation} 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) (ng) 2. of the statutes is created to read:

20 23.33 (1) (ng) 2. A motor driven device that has a net weight of more than 900
21 pounds, that is originally manufactured with a width of 50 inches or less, that is
22 equipped with a seat designed to be straddled by the operator, and that is designed
23 by the manufacturer to travel on 3 or more low-pressure tires.

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

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

3 **SECTION 21.** 23.33 (1) (np) of the statutes is created to read:

4 23.33 (1) (np) "Utility terrain vehicle renter" means a person engaged in the
5 rental or leasing of utility terrain vehicles to the public.

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

7 23.33 (1) (o) "Validated registration receipt" means a receipt issued by the
8 department or an agent under sub. (2) (ig) 1. a. that shows that an application and
9 the required fees for a registration certificate has have been submitted to the
10 department or an agent appointed under sub. (2) (i) 3.

11 **SECTION 23.** 23.33 (1m) of the statutes is created to read:

12 23.33 (1m) UTILITY TERRAIN VEHICLE PROGRAM. (a) In this subsection:

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

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

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

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

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

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

23 (c) No person may operate a utility terrain vehicle on an all-terrain vehicle
24 route, all-terrain vehicle trail, or public all-terrain vehicle corridor unless it is
25 designated as an all-terrain vehicle route, all-terrain vehicle trail, or public

1 all-terrain vehicle corridor that may be used by operators of utility terrain vehicles
2 as provided under this subsection.

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

4 23.33 (2) (a) *Requirement.* ~~No~~ Except as provided in sub. (2k), no person may
5 operate and no owner may give permission for the operation of an all-terrain vehicle
6 or utility terrain vehicle within this state unless the all-terrain vehicle or utility
7 terrain vehicle is registered for public use or for private use under this subsection or
8 sub. (2g), is exempt from registration, or is operated with a reflectorized plate or a
9 sign to which registration decals are attached in the manner ^{and containing registration decal} specified under par.
10 (dm) 3. ~~No~~ Except as provided in sub. (2k), no person may operate and no owner may
11 give permission for the operation of an all-terrain vehicle or utility terrain vehicle
12 on an all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain
13 vehicle or utility terrain vehicle is registered for public use under this subsection or
14 sub. (2g).

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

16 23.33 (2) (b) *Exemptions.* (intro.) An all-terrain vehicle or utility terrain
17 vehicle is exempt from registration if it is:

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

19 23.33 (2) (b) 1. Owned by the United States, another state or a political
20 subdivision thereof, but the exterior of the all-terrain vehicle or utility terrain
21 vehicle shall display in a visible manner the name of the owner.

22 SECTION 27. 23.33 (2) (b) 2. of the statutes is repealed.

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

24 23.33 (2) (b) 2m. b. The all-terrain vehicle or utility terrain vehicle displays
25 the registration decal required by the tribe or band.

1 **SECTION 29.** 23.33 (2) (b) 2m. c. of the statutes is repealed:

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

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

6 **SECTION 31.** 23.33 (2) (c) of the statutes is renumbered 23.33 (2) (c) 1 and
7 amended to read:

8 23.33 (2) (c) 1. Any all-terrain vehicle or utility terrain vehicle may be
9 registered for public use. The fee for the issuance or renewal of a registration
10 certificate for public use for an all-terrain vehicle or utility terrain vehicle is \$30.
11 The department shall impose an additional late fee of \$5 for the renewal of a
12 registration certificate under this subdivision that is filed after the expiration date
13 of the registration certificate unless the renewal is included with an application to
14 transfer the registration certificate.

15 **SECTION 32.** 23.33 (2) (c) 2. of the statutes is created to read:

16 23.33 (2) (c) 2. A person who is required to register an all-terrain vehicle or
17 utility terrain vehicle for public use shall attach his or her own plate to the rear of
18 the vehicle and shall affix a registration decal, furnished by the department, to each
19 side of the vehicle in a place that is forward of the operator of the vehicle and that
20 is in a place that is clearly visible. The plate shall be a minimum of 4 inches in height
21 and a minimum of 7 1/2 inches in width. The plate shall be white and shall display,
22 in black lettering, the registration number for the all-terrain vehicle or utility
23 terrain vehicle issued by the department. The registration number shall be
24 displayed so that it is a minimum of 1 1/2 inches in height, with a minimum of a 3/16

1 inch stroke. The person required to register the all-terrain vehicle or utility terrain
2 vehicle shall maintain the plate so that it is in legible condition.

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

4 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle or utility
5 terrain vehicle used exclusively for agricultural purposes or used exclusively on
6 private property may be registered for private use. The fee for the issuance of a
7 registration certificate for private use is \$15. A person who registers an all-terrain
8 vehicle or utility terrain vehicle for private use shall affix a registration decal,
9 furnished by the department, to each side of the vehicle in a place that is forward of
10 the operator of the vehicle and that is in a place that is clearly visible.

11 **SECTION 34.** 23.33 (2) (dm) 1. of the statutes is amended to read:

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

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

19 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
20 vehicle and utility terrain vehicle certificate is \$90. Upon receipt of the application
21 form required by the department and the fee required under this subdivision, the
22 department shall issue to the applicant a commercial all-terrain vehicle and utility
23 terrain vehicle certificate and ~~3 reflectorized plates~~ registration decals. The fee for
24 additional ~~reflectorized plates~~ registration decals is \$30 per plate decal.

25 **SECTION 36.** 23.33 (2) (dm) 3. of the statutes is amended to read:

1 23.33 (2) (dm) 3. A person who is required to obtain a commercial all-terrain
2 vehicle and utility terrain vehicle certificate under subd. 1. shall attach in a clearly
3 visible place a reflectorized plate issued by the department under s. 23.33 (2) (dm)
4 2., 2009 stats., or a similar plate or sign that is removable and temporarily but firmly
5 mounted to any all-terrain vehicle or utility terrain vehicle that the person leases,
6 rents, offers for sale or otherwise allows to be used whenever the all-terrain vehicle
7 or utility terrain vehicle is being operated. A registration decal issued by the
8 department shall be affixed to the plate or sign specified under this subdivision.

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

10 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial
11 all-terrain vehicle and utility terrain vehicle certificates or reflectorized plates
12 registration decals.

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

14 23.33 (2) (e) *Other fees.* The fee for the transfer of an all-terrain vehicle and
15 utility terrain vehicle registration certificate is \$5. The fee for the issuance of a
16 duplicate all-terrain vehicle or utility terrain vehicle registration certificate,
17 duplicate commercial all-terrain vehicle and utility terrain vehicle certificate or
18 duplicate registration decals is \$5. The fee for the issuance of registration decals to
19 a county or municipality is \$5. There is no fee for the issuance of registration decals
20 to the state.

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

23 23.33 (2) (f) ~~Except as provided under subd. 2., an all-terrain vehicle~~ A
24 public-use registration certificate for an all-terrain vehicle or utility terrain vehicle

1 is valid ~~for a 2-year period~~ beginning on April 1 or the date of issuance or renewal
2 and ending March 31 of the 2nd year following the date of issuance or renewal.

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

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

5 23.33 (2) (g) *Effective period; private use.* An all-terrain vehicle or utility
6 terrain vehicle private-use registration certificate is valid from the date of issuance
7 until ownership of the all-terrain vehicle or utility terrain vehicle is transferred.

8 **SECTION 42.** 23.33 (2) (gm) 1. of the statutes is renumbered 23.33 (2) (gm) and
9 amended to read:

10 23.33 (2) (gm) ~~Except as provided under subd. 2., a~~ A commercial all-terrain
11 vehicle and utility terrain vehicle certificate is valid ~~for a 2-year period~~ beginning
12 on April 1 or the date of issuance or renewal and ending March 31 of the 2nd year
13 following the date of issuance or renewal.

14 **SECTION 43.** 23.33 (2) (gm) 2. of the statutes is repealed.

15 **SECTION 44.** 23.33 (2) (ig) 2. of the statutes is amended to read:

16 23.33 (2) (ig) 2. Under either procedure under subd. 1., the applicant shall
17 receive any remaining items of registration documentation directly from the
18 department at a later date. The items of registration documentation issued at the
19 time of the submittal of the application under either procedure shall be sufficient to
20 allow the ~~all-terrain~~ vehicle for which the application is submitted to be operated in
21 compliance with the registration requirements under this subsection. The items of
22 registration documentation issued under subd. 1. b. shall include at least one
23 registration decal.

24 **SECTION 45.** 23.33 (2) (ir) 1. of the statutes is amended to read:

1 23.33 (2) (ir) 1. In addition to the applicable fee under par. (c), (d), or (e), each
2 agent appointed under par. (i) 3. who accepts an application to issue, renew, or
3 transfer registration documentation in person and issues a validated registration
4 receipt under par. (ig) 1. a. shall collect a service fee of \$3 each time the agent issues
5 ~~a validated registration the receipt under par. (ig) 1. a.~~ The agent shall retain the
6 entire amount of each service fee the agent collects.

7 **SECTION 46.** 23.33 (2) (o) of the statutes is amended to read:

8 23.33 (2) (o) *Receipt of all-terrain vehicle fees.* All fees remitted to or collected
9 by the department under par. (ir) for services provided regarding all-terrain vehicles
10 shall be credited to the appropriation account under s. 20.370 (9) (hu).

11 **SECTION 47.** 23.33 (2) (om) of the statutes is created to read:

12 23.33 (2) (om) *Receipt of utility terrain vehicle fees.* All fees remitted to or
13 collected by the department under par. (ir) for services provided regarding utility
14 terrain vehicles shall be credited to the appropriation account under s. 20.370 (9)
15 ~~stet~~ (hw).

16 **SECTION 48.** 23.33 (2) (p) 2. of the statutes is amended to read:

17 23.33 (2) (p) 2. The department may establish by rule additional procedures
18 and requirements for all-terrain vehicle or utility terrain vehicle registration.

19 **SECTION 49.** 23.33 (2g) (a) of the statutes is amended to read:

20 23.33 (2g) (a) *Authorization for issuance.* The Lac du Flambeau band may
21 issue registration certificates for public use or private use for all-terrain vehicles or
22 utility terrain vehicles that are equivalent to the registration certificates for public
23 use or private use that are issued by the department. The Lac du Flambeau band
24 may renew and transfer a registration certificate that it or the department has

1 issued. The Lac du Flambeau band may issue duplicates of only those registration
2 certificates that it issues under this subsection.

3 **SECTION 50.** 23.33 (2g) (b) 3. of the statutes is amended to read:

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

8 **SECTION 51.** 23.33 (2g) (c) 2. of the statutes is amended to read:

9 23.33 (2g) (c) 2. The Lac du Flambeau band shall use registration decals that
10 are substantially similar to those under sub. (2) with regard to color, size, legibility,
11 information content and placement on the all-terrain vehicle or utility terrain
12 vehicle.

13 **SECTION 52.** 23.33 (2g) (e) 4. of the statutes is amended to read:

14 23.33 (2g) (e) 4. The Lac du Flambeau band shall collect the sales and use taxes
15 due under s. 77.61 (1) on any all-terrain vehicle or utility terrain vehicle registered
16 under this subsection and make the report in respect to those taxes. On or before the
17 15th day of each month, the Lac du Flambeau band shall pay to the department of
18 revenue all taxes that the Lac du Flambeau band collected in the previous month.

19 **SECTION 53.** 23.33 (2g) (f) 2. of the statutes is amended to read:

20 23.33 (2g) (f) 2. A requirement that the fees collected by the Lac du Flambeau
21 band under par. (b) be used only for a program for registering all-terrain vehicles or
22 utility terrain vehicles, for regulating all-terrain vehicles or utility terrain vehicles
23 and their operation and for providing all-terrain vehicle trails and all-terrain
24 vehicle and utility terrain vehicle facilities.

25 **SECTION 54.** 23.33 (2j) (b) of the statutes is amended to read:

1 23.33 (2j) (b) Except as provided in par. (e) and sub. (2k), no person may operate
2 an all-terrain vehicle or a utility terrain vehicle on a public all-terrain vehicle
3 corridor in this state unless a nonresident trail pass issued under this subsection is
4 displayed permanently affixed in a highly visible location on the all-terrain forward
5 half of the vehicle.

6 **SECTION 55.** 23.33 (2j) (c) of the statutes is renumbered 23.33 (2j) (c) 1. and
7 amended to read:

8 23.33 (2j) (c) 1. The fee for ~~a~~ an annual nonresident trail pass issued ~~for an~~
9 ~~all-terrain vehicle that is exempt from registration under sub. (2) (b) 2.~~ under this
10 section is \$34.25. ~~A~~ An annual nonresident trail pass issued ~~for such an all-terrain~~
11 ~~vehicle~~ may be issued only by the department and persons appointed by the
12 department and expires on ~~June 30~~ March 31 of each year.

13 **SECTION 56.** 23.33 (2j) (c) 2. of the statutes is created to read:

14 23.33 (2j) (c) 2. The fee for a 5-day nonresident trail pass issued under this
15 section is \$19.25. A 5-day nonresident trail pass may be issued only by the
16 department and persons appointed by the department.

17 **SECTION 57.** 23.33 (2j) (d) of the statutes is amended to read:

18 23.33 (2j) (d) There is no fee for a nonresident trail pass issued for an
19 all-terrain vehicle or utility terrain vehicle that is registered under sub. (2g) or s.
20 23.35. The department or Indian tribe or band shall issue a nonresident trail pass
21 for such an all-terrain vehicle or utility terrain vehicle when it issues the
22 registration certificate for the ~~all-terrain~~ vehicle. The department shall provide
23 Indian tribes or bands that register all-terrain vehicles or utility terrain vehicles
24 under sub. (2g) or s. 23.35 with a supply of trail passes.

25 **SECTION 58.** 23.33 (2j) (e) of the statutes is amended to read:

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

10 **SECTION 59.** 23.33 (2k) of the statutes is created to read:

11 23.33 (2k) WEEKEND EXEMPTION. A person may operate an all-terrain vehicle
12 or utility terrain vehicle in this state during the first full weekend in June of each
13 year without registering the all-terrain vehicle or utility terrain vehicle under sub.
14 (2) and without having been issued or displaying a nonresident trail pass under sub.
15 (2j).

16 **SECTION 60.** 23.33 (2m) (title) of the statutes is amended to read:

17 23.33 (2m) (title) RENTAL OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN
18 VEHICLES.

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

20 23.33 (2m) (a) (intro.) No person who is engaged in the rental or leasing of
21 all-terrain vehicles or utility terrain vehicles to the public may do any of the
22 following:

23 **SECTION 62.** 23.33 (2m) (a) 1. of the statutes is amended to read:

24 23.33 (2m) (a) 1. Rent or lease an all-terrain vehicle or utility terrain vehicle
25 for operation by a person who will be operating ~~an all-terrain~~ the vehicle for the first

1 time unless the person engaged in the rental or leasing gives the person instruction
2 on how to operate ~~an all-terrain~~ the vehicle.

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

4 23.33 (2m) (a) 2. Rent or lease an all-terrain vehicle or utility terrain vehicle
5 to a person under 16 years of age.

6 **SECTION 64.** 23.33 (2m) (a) 3. of the statutes is amended to read:

7 23.33 (2m) (a) 3. Rent or lease an all-terrain vehicle or utility terrain vehicle
8 without first ascertaining that any person under the age of 18 who will be on the
9 ~~all-terrain~~ vehicle has protective headgear of the type required under s. 347.485 (1)
10 (a).

11 **SECTION 65.** 23.33 (2m) (b) of the statutes is amended to read:

12 23.33 (2m) (b) A person who is engaged in the rental or leasing of all-terrain
13 vehicles or utility terrain vehicles to the public shall have clean, usable protective
14 headgear available for rent in sufficient quantity to provide headgear to all persons
15 under the age of 18 who will be on all-terrain vehicles or utility terrain vehicles that
16 the person rents or leases.

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

18 23.33 (3) RULES OF OPERATION. (intro.) No person may operate an all-terrain
19 vehicle or utility terrain vehicle:

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

21 23.33 (3) (c) On the private property of another without the consent of the
22 owner or lessee. Failure to post private property does not imply consent for
23 all-terrain vehicle or utility terrain vehicle use.

24 **SECTION 68.** 23.33 (3) (cm) of the statutes is amended to read:

1 23.33 (3) (cm) On public property that is posted as closed to all-terrain vehicle
2 or utility terrain vehicle operation or on which the operation of an all-terrain vehicle
3 or utility terrain vehicle is prohibited by law.

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

5 23.33 (3) (d) On Indian lands without the consent of the tribal governing body
6 or Indian owner. Failure to post Indian lands does not imply consent for all-terrain
7 vehicle or utility terrain vehicle use.

8 **SECTION 70.** 23.33 (3) (em) of the statutes is created to read:

9 23.33 (3) (em) With a passenger riding in or on any part of a utility terrain
10 vehicle that is not designed or intended to be used by passengers.

11 **SECTION 71.** 23.33 (3) (h) of the statutes is amended to read:

12 23.33 (3) (h) On the frozen surface of public waters within 100 feet of a person
13 not in or on an all-terrain vehicle, utility terrain vehicle, or motor vehicle or within
14 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.

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

16 23.33 (3g) USE OF HEADGEAR. (intro.) No person may operate or be a passenger
17 on an all-terrain vehicle or utility terrain vehicle without wearing protective
18 headgear of the type required under s. 347.485 (1) (a) and with the chin strap
19 properly fastened, unless one of the following applies:

20 **SECTION 73.** 23.33 (3g) (c) of the statutes is amended to read:

21 23.33 (3g) (c) The all-terrain vehicle or utility terrain vehicle is being operated
22 for an agricultural purpose.

23 **SECTION 74.** 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 75.** 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 76.** 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 77.** 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 78.** 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 79.** 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 80.** 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 81.** 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 82.** 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 83.** 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 84.** 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 85.** 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.

7 **SECTION 86.** 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 87.** 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 88.** 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 89.** 23.33 (4) (e) 3. a. of the statutes is created to read:

24 23.33 (4) (e) 3. a. The all-terrain vehicle route or trail is located at least 40 feet
25 from the roadway or is separated from the roadway by a head lamp barrier.

1 **SECTION 90.** 23.33 (4) (e) 3. b. of the statutes is created to read:

2 23.33 (4) (e) 3. b. The use of the all-terrain vehicle route or trail is approved
3 by the department of transportation with respect to all-terrain vehicle routes or
4 trails located near or crossing state trunk highways or by the officer in charge of
5 maintenance with respect to all-terrain vehicle routes or trails located near or
6 crossing other highways.

7 **SECTION 91.** 23.33 (4) (e) 3m. of the statutes is created to read:

8 23.33 (4) (e) 3m. During daylight hours, travel may be in either direction
9 regardless of the flow of motor vehicle traffic.

10 **SECTION 92.** 23.33 (4) (f) of the statutes is amended to read:

11 23.33 (4) (f) *Operation with snow removal device attached.* Except as prohibited
12 under par. (a), and subject to ordinances enacted under sub. (11) (am) 2., a person
13 may operate an all-terrain vehicle or utility terrain vehicle with a snow removal
14 device attached on a roadway or adjacent to a roadway or on a public sidewalk during
15 the period beginning on October 1 and ending on April 30 of each year for the purpose
16 of removing snow if such operation is necessary to travel to or from a site where the
17 snow removal device will be used. The travel necessary to or from the site may not
18 exceed 2 miles. Operation of such an all-terrain vehicle or utility terrain vehicle on
19 a roadway or adjacent to a roadway is authorized only if the applicable roadway
20 speed limit is 45 miles per hour or less. Operation on a roadway of such an all-terrain
21 vehicle or utility terrain vehicle is authorized only for the extreme right side of the
22 roadway except that left turns may be made from any part of the roadway where it
23 is safe to do so given prevailing conditions. Operation adjacent to a roadway of such
24 an all-terrain vehicle or utility terrain vehicle shall comply with the applicable speed
25 limit and with par. (e) 1., 2., 3., 3m., and 5.

1 **SECTION 93.** 23.33 (4c) (title) of the statutes is amended to read:

2 23.33 **(4c)** (title) INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE OR UTILITY
3 TERRAIN VEHICLE.

4 **SECTION 94.** 23.33 (4c) (a) 1. of the statutes is amended to read:

5 23.33 **(4c)** (a) 1. 'Operating while under the influence of an intoxicant.' No
6 person may operate an all-terrain vehicle or utility terrain vehicle while under the
7 influence of an intoxicant to a degree which renders him or her incapable of safe
8 operation of an all-terrain vehicle or utility terrain vehicle.

9 **SECTION 95.** 23.33 (4c) (a) 2. of the statutes is amended to read:

10 23.33 **(4c)** (a) 2. 'Operating with alcohol concentrations at or above specified
11 levels.' No person may engage in the operation of an all-terrain vehicle or utility
12 terrain vehicle while the person has an alcohol concentration of 0.08 or more.

13 **SECTION 96.** 23.33 (4c) (a) 2m. of the statutes is amended to read:

14 23.33 **(4c)** (a) 2m. 'Operating with a restricted controlled substance.' No person
15 may engage in the operation of an all-terrain vehicle or utility terrain vehicle while
16 the person has a detectable amount of a restricted controlled substance in his or her
17 blood.

18 **SECTION 97.** 23.33 (4c) (a) 3. of the statutes is amended to read:

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

23 **SECTION 98.** 23.33 (4c) (b) 1. of the statutes is amended to read:

24 23.33 **(4c)** (b) 1. 'Causing injury while under the influence of an intoxicant.'
25 No person while under the influence of an intoxicant to a degree which renders him

1 or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle
2 may cause injury to another person by the operation of an all-terrain vehicle or
3 utility terrain vehicle.

4 **SECTION 99.** 23.33 (4c) (b) 2. of the statutes is amended to read:

5 23.33 (4c) (b) 2. 'Causing injury with alcohol concentrations at or above
6 specified levels.' No person who has an alcohol concentration of 0.08 or more may
7 cause injury to another person by the operation of an all-terrain vehicle or utility
8 terrain vehicle.

9 **SECTION 100.** 23.33 (4c) (b) 2m. of the statutes is amended to read:

10 23.33 (4c) (b) 2m. 'Causing injury while operating with a restricted controlled
11 substance.' No person who has a detectable amount of a restricted controlled
12 substance in his or her blood may cause injury to another person by the operation of
13 an all-terrain vehicle or utility terrain vehicle.

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

15 23.33 (4g) (a) *Requirement.* A person shall provide a sample of his or her breath
16 for a preliminary breath screening test if a law enforcement officer has probable
17 cause to believe that the person is violating or has violated the intoxicated operation
18 of an all-terrain vehicle or utility terrain vehicle law and if, prior to an arrest, the
19 law enforcement officer requested the person to provide this sample.

20 **SECTION 102.** 23.33 (4g) (b) of the statutes is amended to read:

21 23.33 (4g) (b) *Use of test results.* A law enforcement officer may use the results
22 of a preliminary breath screening test for the purpose of deciding whether or not to
23 arrest a person for a violation of the intoxicated operation of an all-terrain vehicle
24 or utility terrain vehicle law or for the purpose of deciding whether or not to request

1 a chemical test under sub. (4p). Following the preliminary breath screening test,
2 chemical tests may be required of the person under sub. (4p).

3 **SECTION 103.** 23.33 (4j) of the statutes is amended to read:

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

10 **SECTION 104.** 23.33 (4L) of the statutes is amended to read:

11 **23.33 (4L) IMPLIED CONSENT.** Any person who engages in the operation of an
12 all-terrain vehicle or utility terrain vehicle upon the public highways of this state,
13 or in those areas enumerated in sub. (4j), is deemed to have given consent to provide
14 one or more samples of his or her breath, blood or urine for the purpose of authorized
15 analysis as required under sub. (4p). Any person who engages in the operation of an
16 all-terrain vehicle or utility terrain vehicle within this state is deemed to have given
17 consent to submit to one or more chemical tests of his or her breath, blood or urine
18 for the purpose of authorized analysis as required under sub. (4p).

19 **SECTION 105.** 23.33 (4p) (a) 1. of the statutes is amended to read:

20 **23.33 (4p) (a) 1.** 'Samples; submission to tests.' A person shall provide one or
21 more samples of his or her breath, blood or urine for the purpose of authorized
22 analysis if he or she is arrested for a violation of the intoxicated operation of an
23 all-terrain vehicle or utility terrain vehicle law and if he or she is requested to
24 provide the sample by a law enforcement officer. A person shall submit to one or more
25 chemical tests of his or her breath, blood or urine for the purpose of authorized

1 analysis if he or she is arrested for a violation of the intoxicated operation of an
2 all-terrain vehicle or utility terrain vehicle law and if he or she is requested to submit
3 to the test by a law enforcement officer.

4 **SECTION 106.** 23.33 (4p) (a) 3. of the statutes is amended to read:

5 23.33 (4p) (a) 3. 'Unconscious person.' A person who is unconscious or
6 otherwise not capable of withdrawing consent is presumed not to have withdrawn
7 consent under this paragraph, and if a law enforcement officer has probable cause
8 to believe that the person violated the intoxicated operation of an all-terrain vehicle
9 or utility terrain vehicle law, one or more chemical tests may be administered to the
10 person without a request under subd. 1. and without providing information under
11 subd. 2.

12 **SECTION 107.** 23.33 (4p) (b) 4. of the statutes is amended to read:

13 23.33 (4p) (b) 4. 'Validity; procedure.' A chemical test of blood or urine
14 conducted for the purpose of authorized analysis is valid as provided under s. 343.305
15 (6). The duties and responsibilities of the laboratory of hygiene, department of
16 health services and department of transportation under s. 343.305 (6) apply to a
17 chemical test of blood or urine conducted for the purpose of authorized analysis
18 under this subsection. Blood may be withdrawn from a person arrested for a
19 violation of the intoxicated operation of an all-terrain vehicle or utility terrain
20 vehicle law only by a physician, registered nurse, medical technologist, physician
21 assistant or person acting under the direction of a physician and the person who
22 withdraws the blood, the employer of that person and any hospital where blood is
23 withdrawn have immunity from civil or criminal liability as provided under s. 895.53

24 **SECTION 108.** 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 109.** 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 110.** 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 111.** 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 112.** 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 113.** 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 terrain vehicle law or the refusal law, the law enforcement officer shall notify the
18 department of the arrest as soon as practicable.

19 **SECTION 114.** 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 115.** 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 116.** 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 117.** 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 118.** 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 119.** 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 is at least 16 years of age.

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 120.** 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 unless he or she holds a valid safety certificate issued by the
25 department, another state, or a province of Canada.

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 121.** 23.33 (5) (b) 1m. of the statutes is created to read:

9 23.33 (5) (b) 1m. No person who is at least 16 years of age and who is born on
10 or after January 1, 1988, may operate a utility terrain vehicle unless he or she holds
11 a valid safety certificate issued by the department, another state, or a province of
12 Canada.

13 **SECTION 122.** 23.33 (5) (c) of the statutes is amended to read:

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

19 **SECTION 123.** 23.33 (5) (d) of the statutes is amended to read:

20 23.33 (5) (d) *Safety certification program established.* The department shall
21 establish or supervise the establishment of a program of instruction on all-terrain
22 vehicle and utility terrain vehicle laws, including the intoxicated operation of an
23 all-terrain vehicle or utility terrain vehicle law, regulations, safety and related
24 subjects. The department shall establish by rule an instruction fee for this program.
25 The department shall issue certificates to persons successfully completing the

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

9 **SECTION 124.** 23.33 (5r) (b) of the statutes is amended to read:

10 23.33 (5r) (b) The department shall establish a program to make incentive
11 payments to private landowners who permit public all-terrain vehicle corridors on
12 their lands on which both all-terrain vehicles and utility terrain vehicles may be
13 operated and who apply for the payments.

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

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

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

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

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

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

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

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

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

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

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

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

1 23.33 (6r) PASSENGER RESTRICTIONS. No person may ride in or on any part of a
2 utility terrain vehicle that is not designed or intended to be used by passengers.

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

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

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

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

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

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

21 23.33 (8) (e) *Signs.* The department, in cooperation with the department of
22 transportation, shall establish uniform all-terrain vehicle route and trail signs and
23 standards and uniform signs and standards for the operation of utility terrain
24 vehicles on all-terrain vehicle routes and trails. The standards may not require that

1 any additional signs be placed on all-terrain vehicle routes concerning the operation
2 of all-terrain vehicles or utility terrain vehicles with snow removal devices attached.

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

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

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

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

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

23 23.33 (9) (a) *Enforcement.* The department may utilize moneys received under
24 sub. (2) for all-terrain vehicle and utility terrain vehicle registration aids
25 administration and for the purposes specified under s. 20.370 (3) (as) and (5) (er)

1 including costs associated with enforcement, safety education, accident reports and
2 analysis, law enforcement aids to counties, and other similar costs in administering
3 and enforcing this section.

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

5 23.33 (9) (bg) *Projects for utility terrain vehicles.* A project to improve or
6 maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for aid
7 from the appropriation account under s. 20.370 (5) (g) (c). The maximum amount
8 allowed for aid under this paragraph is \$100 per mile for all-terrain vehicle trails
9 that are maintained not less than 3 months per year including the months of June,
10 July, and August. If the requests for aid for projects under this paragraph exceed the
11 funds available, the department shall distribute available funds to qualified
12 applicants on a proportional basis.

13 **SECTION 136.** 23.33 (11) (a) of the statutes is amended to read:

14 23.33 (11) (a) Counties, towns, cities and villages may enact ordinances
15 regulating all-terrain vehicles and utility terrain vehicles on all-terrain vehicle
16 trails maintained by or on all-terrain vehicle routes designated by the county, city,
17 town or village.

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

19 23.33 (11) (am) 2. For a roadway, or for a portion of a roadway, that is located
20 within the territorial boundaries of a city, village, or town, the city, village, or town
21 may enact an ordinance to authorize the operation of all-terrain vehicles and utility
22 terrain vehicles with snow removal devices attached on the roadway, or adjacent to
23 the roadway, if the applicable roadway speed limit is greater than 45 miles per hour,
24 and regardless of whether the city, village, or town has jurisdiction over the roadway.

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

1 23.33 (11) (b) If a county, town, city, or village adopts an ordinance regulating
2 all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send
3 a copy of the ordinance to the department and to the office of any law enforcement
4 agency of the municipality or county having jurisdiction over any highway
5 designated as an all-terrain vehicle route.

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

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

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

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

10 **SECTION 143.** 23.33 (11p) (a) 3. of the statutes is renumbered 23.33 (1) (ik) and
11 amended to read:

12 23.33 (1) (ik) “Low pressure tire” ~~means a tire that has a minimum width of 6~~
13 ~~inches and that is designed to be inflated with an operating pressure not to exceed~~
14 ~~20 pounds per square inch as recommended by the manufacturer~~ has the meaning
15 given in s. 340.01 (27g).

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

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

18 **SECTION 146.** 23.33 (11p) (a) 6. of the statutes is renumbered 23.33 (1) (ng)
19 (intro.) and 23.33 (1) (ng) (intro.) and 1. a. and c., as renumbered, are amended to
20 read:

21 23.33 (1) (ng) (intro.) “Utility terrain vehicle” means ~~a~~ all of the following:

22 1. A motor driven device that does not meet federal motor vehicle safety
23 standards, other than a golf cart or, low-speed vehicle, dune buggy, go-kart,
24 mini-truck, tracked vehicle, or neighborhood electric vehicle, that is designed to be

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

- 3 a. A ~~gross net~~ weight of ~~more than 900 pounds but~~ not more than 1,999 pounds.
4 c. A cargo box ~~or dump box~~ installed by the manufacturer.

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

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

7 23.33 (12) (b) No operator of an all-terrain vehicle or utility terrain vehicle may
8 refuse to stop after being requested or signaled to do so by a law enforcement officer
9 or a commission warden, as defined in s. 939.22 (5).

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

11 23.33 (13) (b) (title) *Penalties related to intoxicated operation of an all-terrain*
12 *vehicle or utility terrain vehicle.*

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

14 23.33 (13) (b) 2. Except as provided under subd. 3., a person who violates sub.
15 (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the
16 current violation, was convicted previously under the intoxicated operation of an
17 all-terrain vehicle or utility terrain vehicle law or the refusal law shall be fined not
18 less than \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days
19 nor more than 6 months.

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

21 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and
22 who, within 5 years prior to the arrest for the current violation, was convicted 2 or
23 more times previously under the intoxicated operation of an all-terrain vehicle or
24 utility terrain vehicle law or refusal law shall be fined not less than \$600 nor more

1 than \$2,000 and shall be imprisoned not less than 30 days nor more than one year
2 in the county jail.

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

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

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

7 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
8 *vehicle or utility terrain vehicle; underage passengers.* If there is a passenger under
9 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a
10 violation that gives rise to a conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the
11 applicable minimum and maximum forfeitures, fines, and terms of imprisonment
12 under pars. (b) 1., 2., and 3. for the conviction are doubled.

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

14 23.33 (13) (br) (title) *Penalties related to intoxicated operation of an all-terrain*
15 *vehicle or utility terrain vehicle; enhancers.*

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

17 23.33 (13) (dm) *Reporting convictions to the department.* Whenever a person
18 is convicted of a violation of the intoxicated operation of an all-terrain vehicle or
19 utility terrain vehicle law, the clerk of the court in which the conviction occurred, or
20 the justice, judge or magistrate of a court not having a clerk, shall forward to the
21 department the record of such conviction. The record of conviction forwarded to the
22 department shall state whether the offender was involved in an accident at the time
23 of the offense.

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

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

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

11 23.33 (13) (f) *Restoration or replacement of signs and standards.* In addition
12 to any other penalty, the court may order the defendant to restore or replace any
13 uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or
14 standard for the operation of a utility terrain vehicle on an all-terrain vehicle route
15 or trail, that the defendant removed, damaged, defaced, moved or obstructed.

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

17 23.35 (1) (intro.) The secretary shall enter into a reciprocal agreement with a
18 federally recognized American Indian tribe or band in this state to exempt, from the
19 registration and certification requirements of this state, boats, snowmobiles ~~and,~~
20 all-terrain vehicles, and utility terrain vehicles that are owned by tribal or band
21 members and registered under a registration program established by the tribe or
22 band if the tribe or band requests the agreement and if the registration program does
23 all of the following:

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

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

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

5 23.35 (1) (b) Employs registration decals and certificates of number that are
6 substantially similar to those employed by the registration or certification programs
7 of this state with regard to size, legibility, information content and placement on the
8 boat, snowmobile ~~or~~, all-terrain vehicle, or utility terrain vehicle.

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

10 23.35 (1) (e) Provides reciprocal exemptions, from the tribe's or band's
11 registration requirements, for boats, snowmobiles ~~and~~, all-terrain vehicles, and
12 utility terrain vehicles registered or certified by this state that are substantially as
13 favorable as the exemptions enjoyed by the tribe or the band under the agreement.
14 In this paragraph, "reciprocal exemption" means an exemption under the agreement
15 that exempts from a tribe's or band's registration requirements, for operation within
16 the boundaries of the tribe's or band's reservation, a boat, snowmobile ~~or~~, all-terrain
17 vehicle, or utility terrain vehicle that is owned by a person who is not a member of
18 the tribe or band and that is registered or certified by this state to the same extent
19 that the agreement exempts from state registration and certification requirements,
20 for the operation outside the boundaries of the tribe's or band's reservation, a boat,
21 snowmobile ~~or~~, all-terrain vehicle, or utility terrain vehicle that is registered by the
22 tribe or band.

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

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

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

5 25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on
6 all-terrain vehicles, utility terrain vehicles, boats and snowmobiles collected under
7 ss. 23.33, 30.52 (4), 350.12 and 350.122.

8 **SECTION 164.** 25.29 (1) (dm) of the statutes is renumbered 25.29 (1) (dm) 1. and
9 amended to read:

10 25.29 (1) (dm) 1. ~~For fiscal year 1991-92 and for each fiscal year thereafter, an~~
11 An amount equal to the estimated all-terrain vehicle gas tax payment. ~~The~~

12 2. For fiscal years before fiscal year 2013-14, the estimated all-terrain vehicle
13 gas tax payment is calculated by multiplying the sum of the number of all-terrain
14 vehicles registered for public use under s. 23.33 (2) (c) or (2g) and the number of
15 reflectorized plates issued under s. 23.33 (2) (dm), 2009 stats., on the last day of
16 February of the previous fiscal year by 25 gallons and multiplying that product by
17 the excise tax imposed under s. 78.01 (1) on the last day of February of the previous
18 fiscal year.

19 **SECTION 165.** 25.29 (1) (dm) 3. of the statutes is created to read:

20 25.29 (1) (dm) 3. For fiscal year 2013-14, the estimated all-terrain vehicle gas
21 tax payment is calculated by multiplying the sum of the number of all-terrain
22 vehicles ~~and utility terrain vehicles~~ registered for public use under s. 23.33 (2) (c) or
23 (2g), the number of reflectorized plates issued under s. 23.33 (2) (dm), 2009 stats.,
24 and the number of commercial all-terrain vehicle and utility terrain vehicle
25 registration decals 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 166.** 25.29 (1) (dm) 4. of the statutes is created to read:

4 25.29 (1) (dm) 4. For fiscal year 2014-15, and for each fiscal year thereafter,
5 the estimated all-terrain vehicle gas tax payment is calculated by multiplying the
6 sum of the number of all-terrain vehicles ~~and utility terrain vehicles~~ registered for
7 public use under s. 23.33 (2) (c) or (2g) and the number of commercial all-terrain
8 vehicle and utility terrain vehicle registration decals issued under s. 23.33 (2) (dm)
9 on the last day of February of the previous fiscal year by 25 gallons and multiplying
10 that product by the excise tax imposed under s. 78.01 (1) on the last day of February
11 of the previous fiscal year.

12 **SECTION 167.** 25.40 (2) (b) 27. of the statutes is created to read:

13 25.40 (2) (b) 27. Section 20.855 (4) (v).

14 **SECTION 168.** 25.40 (3) (b) 14. of the statutes is amended to read:

15 25.40 (3) (b) 14. Transfers to the conservation fund for motor fuel tax collections
16 on the use of fuel by snowmobiles, all-terrain vehicles, utility terrain vehicles, and
17 motorboats.

18 **SECTION 169.** 30.26 (4) (title) of the statutes is amended to read:

19 30.26 (4) (title) SNOWMOBILES ~~AND~~ ALL-TERRAIN VEHICLES, AND UTILITY TERRAIN
20 VEHICLES.

21 **SECTION 170.** 30.26 (4) (a) (intro.) and (b) of the statutes are amended to read:

22 30.26 (4) (a) (intro.) The department may not prohibit the crossing of a bridge
23 over a wild river by an all-terrain vehicle or utility terrain vehicle traveling on an
24 all-terrain vehicle trail, as defined under s. 23.33 (1) (d), or by a snowmobile

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1 traveling on a snowmobile trail, as defined under s. 350.01 (17) that is constructed
2 in any of the following locations:

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

7 **SECTION 171.** 30.29 (1) (b) of the statutes is amended to read:

8 30.29 (1) (b) "Motor vehicle" includes a utility terrain vehicle, as defined in s.
9 23.33 (1) (ng), and an all-terrain vehicle, as defined in s. 340.01 (2g).

10 **SECTION 172.** 70.11 (45m) of the statutes is amended to read:

11 70.11 (45m) SNOWMOBILE ~~AND~~, ALL-TERRAIN VEHICLE, AND UTILITY TERRAIN
12 VEHICLE CLUBS. Trail groomers owned by a snowmobile club ~~or~~, an all-terrain vehicle
13 club, or a utility terrain vehicle club that is exempt from taxation under section 501
14 (c) (3), (4), or (7) of the Internal Revenue Code.

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

16 77.51 (13) (am) Any person making any retail sale of a motor vehicle, aircraft,
17 snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer,
18 all-terrain vehicle, utility terrain vehicle, or boat registered or titled, or required to
19 be registered or titled, under the laws of this state or of the United States.

20 **SECTION 174.** 77.51 (13s) of the statutes is amended to read:

21 77.51 (13s) "Safety classes" means all classes approved by the department of
22 natural resources related to hunting, including hunting with a bow, and related to
23 firearms, all-terrain vehicles, utility terrain vehicles, boats, and snowmobiles.

24 **SECTION 175.** 77.54 (7) (b) (intro.) of the statutes is amended to read:

1 77.54 (7) (b) (intro.) If the item transferred is a motor vehicle, snowmobile,
2 recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain
3 vehicle, utility terrain vehicle, or aircraft and the item is registered or titled, or
4 required to be registered or titled, in this state or if the item is a boat that is registered
5 or titled, or required to be registered or titled, in this state or under the laws of the
6 United States, the exemption under par. (a) applies only if all of the following
7 conditions are fulfilled:

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

9 77.61 (1) (a) No motor vehicle, boat, snowmobile, recreational vehicle, as
10 defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
11 vehicle, or aircraft shall be registered or titled in this state unless the registrant
12 presents proof that the sales or use taxes imposed by this subchapter have been paid.

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

14 77.61 (1) (b) 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 purchased from a retailer, the registrant shall
17 present proof that the tax has been paid to such retailer.

18 **SECTION 178.** 77.61 (1) (c) of the statutes is amended to read:

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

1 **SECTION 179.** 77.78 of the statutes, as affected by 2011 Wisconsin Act 32, is
2 amended to read:

3 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
4 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
5 vehicle, or aircraft that is required to be registered by this state may be registered
6 or titled by this state unless the registrant files a sales and use tax report and pays
7 the county tax and special district tax at the time of registering or titling to the state
8 agency that registers or titles the property. That state agency shall transmit those
9 tax revenues to the department of revenue.

10 **SECTION 180.** 78.01 (2) (e) of the statutes is amended to read:

11 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and
12 equipment; other than use in a snowmobile, an all-terrain vehicle or utility terrain
13 vehicle that is not registered for private use under s. 23.33 (2) (d) or a recreational
14 motorboat; and delivered directly into the consumer's storage tank in an amount of
15 not less than 100 gallons.

16 **SECTION 181.** 78.01 (2m) (f) of the statutes is amended to read:

17 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than
18 use in a snowmobile, an all-terrain vehicle or utility terrain vehicle that is not
19 registered for private use under s. 23.33 (2) (d) or (2g) or in a recreational motorboat
20 or if no claim for a refund for the tax on the diesel fuel may be made under s. 78.75
21 (1m) (a) 3.

22 **SECTION 182.** 78.40 (1) of the statutes is amended to read:

23 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
24 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The
25 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply

1 tanks of motor vehicles in this state, attaches at the time of delivery and shall be
2 collected by the dealer from the alternate fuels user and shall be paid to the
3 department. The tax, with respect to alternate fuels acquired by any alternate fuels
4 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a
5 motor vehicle, or of a snowmobile, an all-terrain vehicle or utility terrain vehicle that
6 is not registered for private use under s. 23.33 (2) (d) or (2g) or a recreational
7 motorboat, attaches at the time of the use of the fuel and shall be paid to the
8 department by the user. The department may permit any supplier of alternate fuels
9 to report and pay to the department the tax on alternate fuels delivered into the
10 storage facility of an alternate fuels user or retailer which will be consumed for
11 alternate fuels tax purposes or sold at retail.

12 **SECTION 183.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

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

19 **SECTION 184.** 78.75 (1m) (a) 3. of the statutes is amended to read:

20 78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed. The forms shall
21 indicate that refunds are not available for motor vehicle fuel or alternate fuels used
22 for motorboats, except motorboats exempt from registration as motor vehicles under
23 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle
24 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile
25 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and

1 areas. The forms shall indicate that refunds are not available for motor vehicle fuel
2 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the
3 ~~all-terrain~~ vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall
4 indicate that estimated all-terrain vehicle or utility terrain vehicle motor vehicle
5 fuel or alternate fuels tax payments are used for all-terrain vehicle trails and areas.
6 The forms shall also indicate that refunds are not available for the tax on less than
7 100 gallons. The department shall distribute forms in sufficient quantities to each
8 county clerk.

9 **SECTION 185.** 100.48 (1) (d) of the statutes is created to read:

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

11 **SECTION 186.** 100.48 (2), (3) (a) and (4) (c) of the statutes are amended to read:

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

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

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

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

11 **SECTION 187.** 322.111 of the statutes is amended to read:

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

19 **SECTION 188.** 323.20 of the statutes is amended to read:

20 **323.20 Emergency use of vehicles.** In responding to an official request for
21 help during any declared state of emergency, any person may operate a boat or any
22 motor vehicle, including a snowmobile ~~or~~, all-terrain vehicle, or utility terrain
23 vehicle, that is not registered in this state.

24 **SECTION 189.** 340.01 (27g) of the statutes is amended to read:

1 340.01 (27g) "Low-pressure tire" means a tire that has a minimum width of
2 6 inches and that is designed to be inflated with an operating pressure not to exceed
3 10 ~~20~~ pounds per square inch as recommended by the manufacturer.

4 **SECTION 190.** 340.01 (32) (intro.) of the statutes is amended to read:

5 340.01 (32) (intro.) "Motorcycle" means a motor vehicle, excluding a tractor ~~or,~~
6 an all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess
7 of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind,
8 with a power source as an integral part of the vehicle, and which meets the conditions
9 under par. (a) or (b):

10 **SECTION 191.** 340.01 (35) of the statutes is amended to read:

11 340.01 (35) "Motor vehicle" means a vehicle, including a combination of 2 or
12 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
13 operated exclusively on a rail. "Motor vehicle" includes, without limitation, a
14 commercial motor vehicle or a vehicle which is propelled by electric power obtained
15 from overhead trolley wires but not operated on rails. A snowmobile ~~and,~~ an
16 all-terrain vehicle, and a utility terrain vehicle shall ~~only~~ be considered motor
17 vehicles only for purposes made specifically applicable by statute.

18 **SECTION 192.** 341.057 of the statutes is amended to read:

19 **341.057 All-terrain vehicles and utility terrain vehicles.** All-terrain
20 vehicles and utility terrain vehicles are not required to be registered under this
21 chapter but shall be registered under s. 23.33 (2) or (2g).

22 **SECTION 193.** 344.61 (1) of the statutes is amended to read:

23 344.61 (1) Notwithstanding s. 344.01 (2) (b), "motor vehicle" does not include
24 trailers, semitrailers, ~~and~~ all-terrain vehicles, and utility terrain vehicles.

25 **SECTION 194.** 345.11 (1r) of the statutes is amended to read:

1 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
2 be used for violations of s. 23.33 relating to highway use or ordinances enacted in
3 accordance with that section if the violation is committed on a highway, but no points
4 may be assessed against the driving record of the operator of an all-terrain vehicle
5 or utility terrain vehicle. When the uniform traffic citation is used, the report of
6 conviction shall be forwarded to the department. When the citation form under s.
7 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

8 **SECTION 195.** 346.02 (11) of the statutes is amended to read:

9 346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN
10 VEHICLES. The operator of an all-terrain vehicle or a utility terrain vehicle on a
11 roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20,
12 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44,
13 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71,
14 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9) but is not
15 subject to any other provision of this chapter.

16 **SECTION 196.** 346.66 (1) (c) of the statutes is amended to read:

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

20 **SECTION 197.** 346.71 (1) of the statutes is amended to read:

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

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

8 **SECTION 198.** 346.71 (2) of the statutes is amended to read:

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

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

8 **SECTION 199.** 347.24 (1) (c) of the statutes is amended to read:

9 347.24 (1) (c) An implement of husbandry which is an all-terrain vehicle or
10 utility terrain vehicle need only comply with the lamp requirements established
11 under s. 23.33 (6).

12 **SECTION 200.** 347.415 (1g) of the statutes is amended to read:

13 347.415 (1g) In this section, "odometer" means an instrument for measuring
14 and recording the actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain
15 vehicle, or utility terrain vehicle has traveled while in operation, but does not include
16 any auxiliary instrument designed to be reset to zero to measure and record the
17 actual distance that a motor vehicle, snowmobile, ~~or~~ all-terrain vehicle, or utility
18 terrain vehicle has traveled on trips.

19 **SECTION 201.** 347.415 (1m) of the statutes is amended to read:

20 347.415 (1m) No person may, either personally or through an agent, remove,
21 replace, disconnect, reset, tamper with, alter, or fail to connect the odometer of any
22 motor vehicle, snowmobile, ~~or~~ all-terrain vehicle, or utility terrain vehicle with the
23 intent to change or affect the number of miles indicated thereon.

24 **SECTION 202.** 885.235 (1g) (intro.) of the statutes is amended to read:

1 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
2 that a person was under the influence of an intoxicant or had a prohibited alcohol
3 concentration or a specified alcohol concentration while operating or driving a motor
4 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
5 a motorboat, except a sailboat operating under sail alone, while operating a
6 snowmobile, while operating an all-terrain vehicle or utility terrain vehicle or while
7 handling a firearm, evidence of the amount of alcohol in the person's blood at the time
8 in question, as shown by chemical analysis of a sample of the person's blood or urine
9 or evidence of the amount of alcohol in the person's breath, is admissible on the issue
10 of whether he or she was under the influence of an intoxicant or had a prohibited
11 alcohol concentration or a specified alcohol concentration if the sample was taken
12 within 3 hours after the event to be proved. The chemical analysis shall be given
13 effect as follows without requiring any expert testimony as to its effect:

14 **SECTION 203.** 885.235 (1k) of the statutes is amended to read:

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

1 **SECTION 204.** 895.043 (6) of the statutes, as created by 2011 Wisconsin Act 2,
2 is amended to read:

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

13 **SECTION 205.** 895.049 of the statutes is amended to read:

14 **895.049 Recovery by a person who fails to use protective headgear**
15 **while operating certain motor vehicles.** Notwithstanding s. 895.045, failure by
16 a person who operates or is a passenger on a utility terrain vehicle, as defined in s.
17 23.33 (1) (ng), a motorcycle, as defined in s. 340.01 (32), an all-terrain vehicle, as
18 defined in s. 340.01 (2g), or a snowmobile, as defined in s. 340.01 (58a), on or off a
19 highway, to use protective headgear shall not reduce recovery for injuries or damages
20 by the person or the person’s legal representative in any civil action. This section
21 does not apply to any person required to wear protective headgear under s. 23.33 (3g)
22 or 347.485 (1).

23 **SECTION 206.** 895.52 (1) (g) of the statutes is amended to read:

24 895.52 (1) (g) “Recreational activity” means any outdoor activity undertaken
25 for the purpose of exercise, relaxation or pleasure, including practice or instruction

1 in any such activity. "Recreational activity" includes hunting, fishing, trapping,
2 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,
3 bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain
4 vehicle, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,
5 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or
6 removing wood, climbing observation towers, animal training, harvesting the
7 products of nature, sport shooting and any other outdoor sport, game or educational
8 activity. "Recreational activity" does not include any organized team sport activity
9 sponsored by the owner of the property on which the activity takes place.

10 **SECTION 207.** 895.525 (2) of the statutes is amended to read:

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

22 **SECTION 208.** 901.053 of the statutes is amended to read:

23 **901.053 Admissibility of evidence relating to use of protective**
24 **headgear while operating certain motor vehicles.** Evidence of use or nonuse
25 of protective headgear by a person, other than a person required to wear protective

1 headgear under s. 23.33 (3g) or 347.485 (1), who operates or is a passenger on a utility
2 terrain vehicle, as defined in s. 23.33 (1) (ng), a motorcycle, as defined in s. 340.01
3 (32), an all-terrain vehicle, as defined in s. 340.01 (2g), or a snowmobile, as defined
4 in s. 340.01 (58a), on or off a highway, is not admissible in any civil action for personal
5 injury or property damage. This section does not apply to the introduction of such
6 evidence in a civil action against the manufacturer or producer of the protective
7 headgear arising out of any alleged deficiency or defect in the design or manufacture
8 of the protective headgear or, with respect to such use of protective headgear, in a civil
9 action on the sole issue of whether the protective headgear contributed to the
10 personal injury or property damage incurred by another person.

11 **SECTION 209.** 938.17 (title) of the statutes is amended to read:

12 **938.17 (title) Jurisdiction over traffic, boating, snowmobile, and**
13 **all-terrain vehicle, and utility terrain vehicle violations and over civil law**
14 **and ordinance violations.**

15 **SECTION 210.** 938.17 (1) (intro.) of the statutes is amended to read:

16 938.17 (1) TRAFFIC, BOATING, SNOWMOBILE AND, ALL-TERRAIN VEHICLE, AND UTILITY
17 TERRAIN VEHICLE VIOLATIONS. (intro.) Except for violations of ss. 342.06 (2) and 344.48
18 (1), and violations of ss. 30.67 (1) and 346.67 (1) when death or injury occurs, courts
19 of criminal and civil jurisdiction have exclusive jurisdiction in proceedings against
20 juveniles 16 years of age or older for violations of s. 23.33, of ss. 30.50 to 30.80, of chs.
21 341 to 351, and of traffic regulations, as defined in s. 345.20, and nonmoving traffic
22 violations, as defined in s. 345.28 (1). A juvenile charged with a traffic, boating,
23 snowmobile, ~~or~~ all-terrain vehicle, or utility terrain vehicle offense in a court of
24 criminal or civil jurisdiction shall be treated as an adult before the trial of the
25 proceeding except that the juvenile may be held in secure custody only in a juvenile

1 detention facility. A juvenile convicted of a traffic, boating, snowmobile, or
2 all-terrain vehicle, or utility terrain vehicle offense in a court of criminal or civil
3 jurisdiction shall be treated as an adult for sentencing purposes except as follows:

4 **SECTION 211.** 938.343 (9) of the statutes is amended to read:

5 938.343 (9) ALL-TERRAIN OR UTILITY TERRAIN VEHICLE SAFETY COURSE. If the
6 violation is one under s. 23.33 or under an ordinance enacted in accordance with s.
7 23.33 concerning the use of all-terrain vehicles or utility terrain vehicles, order the
8 juvenile to attend an all-terrain vehicle or utility terrain vehicle safety course.

9 **SECTION 212. Nonstatutory provisions.**

10 (1) Notwithstanding the fees specified in section 23.33 (2) (c) of the statutes,
11 as affected by this act, the department of natural resources may charge a fee under
12 section 23.33 (2) (c) of the statutes, as affected by this act, that is calculated on a
13 proportional basis if the changes in the public-use registration period under section
14 23.33 (2) (f) of the statutes, as affected by this act, cause a public-use registration
15 certificate that is issued on or after the effective date of this subsection to expire in
16 less than 2 years after the date of issuance.

17 (2) Notwithstanding the fees specified in section 23.33 (2) (dm) 2. of the
18 statutes, as affected by this act, the department of natural resources may charge a
19 fee under section 23.33 (2) (dm) 2. of the statutes, as affected by this act, that is
20 calculated on a proportional basis if the changes in the registration period for a
21 commercial all-terrain vehicle and utility terrain vehicle certificate cause a
22 commercial all-terrain vehicle and utility terrain vehicle certificate that is issued on
23 or after the effective date of this subsection to expire in less than 2 years after the
24 date of issuance.

25 **SECTION 213. Fiscal changes.**

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

4 **SECTION 214. Effective dates.** This act takes effect on July 1, 2012, or the day
 5 after publication, whichever is later, except as follows:

6 (1) The treatment of ~~Section 23.33~~^{7 (No CS)} (2) (ir) 1. of the statutes takes effect on March
 7 1, 2015.

8 (END)

INS
59-7

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/lins.
RNK:.....

INSERT ANALYSIS

Under current law, the Department of Natural Resources (DNR) regulates the operation of all-terrain vehicles (ATVs). DNR also regulates utility terrain vehicles (UTVs), in consultation with the Department of Transportation, under a pilot program that expires on June 30, 2012.

UTV pilot program

Under current law, a UTV is defined as a motor driven device, other than a golf cart or low-speed vehicle, that is designed to be used primarily off of a highway and that has, and was originally manufactured with, certain features, including a gross weight of more than 900 pounds but not more than 1,999 pounds, a cargo or dump box, four or more low-pressure tires, non-straddling seats for at least two occupants, and certain safety systems.

The UTV pilot program allows ^{DNR} ~~the department~~, a federal agency, a county, or a municipality to designate an ~~all-terrain vehicle~~ ^{ATV} route or trail within its respective jurisdiction for use by persons operating UTVs. The UTV pilot program provides that if a county adopts a resolution electing to participate in the pilot program, then the resolution applies to all of the municipalities within the county unless a municipality adopts a resolution to opt out of the program.

DNR registers
Under the UTV pilot program, no person may operate a UTV on a designated ATV route or trail unless ^{the UTV is registered by DNR} ~~the UTV is registered by DNR~~. The UTV pilot program authorizes DNR to register and charge registration fees for UTVs in the same manner as it registers and charges registration fees for ATVs that are registered for public use under current law. Under the UTV pilot program, certain laws that apply to ATVs also apply to UTVs, including traffic citation laws, rules of operation, prohibitions on operation while intoxicated, and certain equipment requirements. The UTV pilot program prohibits a person who is younger than 16 from operating a UTV and requires a person who is born on or after January 1, 1988, and who operates a UTV to hold a valid all-terrain vehicle safety certificate.

UTV operation and funding under the bill ^{UTV}

*** This bill eliminates the ~~temporary~~ ^{UTV} pilot program and establishes a permanent method for regulating the use of UTVs on ATV routes and trails. As with the pilot program, the bill authorizes DNR and federal agencies, counties, and municipalities to designate ATV routes and trails that may be used by persons operating UTVs. Under the bill, as under the pilot program, most of the laws that apply to the operation of ATVs also apply to the operation of UTVs. As under the UTV pilot program, the bill allows the operation of UTVs only on those ATV routes and trails that are specifically designated as open to UTV operation. The bill requires DNR to establish uniform signs and standards for the operation of UTVs on ATV routes and trails. The definition of a UTV under the bill is similar to the definition under the pilot program except that it also specifies that a vehicle does not qualify as a UTV if the vehicle would meet federal motor vehicle safety standards, or if it is a dune buggy, go-kart, mini-truck, tracked vehicle, or neighborhood electric vehicle. The bill also provides that a vehicle that satisfies all requirements to meet the definition

* of an ATV^g qualifies instead as a UTV if the vehicle exceeds the size limit under the ATV definition.

* As under the UTV pilot program, the bill generally prohibits a person under the age of 16 from operating a UTV. The bill authorizes a person who is under 16 years of age to operate a UTV if the person operates the UTV for an agricultural purpose and the person is under the supervision of a person who is over 18 years of age. As under current law, as it applies to ATV operation, these age restrictions do not apply to a person who operates a UTV exclusively on land under the management and control of the person's immediate family.

* Under current law, the ATV program administered by DNR is primarily funded by fees generated from ATV registrations and the sale of trail passes. Under this bill, the UTV program is also primarily funded by UTV registrations and the sale of trail passes but the bill authorizes DNR to expend these funds primarily for projects to improve or maintain those ~~ATV~~^{ATV} ~~maintain vehicle~~ trails that may be used by operators of UTVs.

fund The ATV program under current law is also funded by an annual transfer from the transportation fund to the conservation fund of an amount equal to the estimated ATV gas tax payment. The amount of the estimated ATV gas tax ^opayment is calculated for each fiscal year by multiplying the number of registered ATVs (except those registered only for private use) by 25 gallons and then multiplying this product by the excise tax imposed on gasoline and diesel fuel on the last day of February of the previous fiscal year. This bill requires a similar annual transfer from the transportation fund to the conservation ^ofund. The amount of the transfer under the bill is equal to the estimated UTV gas tax payment. This amount is calculated in the same manner as the ATV gas tax payment is calculated except that it does not include, in that calculation, commercial UTV registrations.

Miscellaneous provisions

This bill makes various other changes to the laws relating to ATVs. The changes include the following:

↓ 1. Current law does not require ATVs that are registered for public use to display a registration plate. This bill requires a person who owns an ATV or UTV that is registered for public use to furnish a plate on which the registration number is displayed. The bill also requires the person to affix a registration decal, furnished by DNR, to each side of the ATV or UTV.

↓ 2. The bill requires a person who registers an ATV or ^gUTV for private use to affix a registration decal, furnished by DNR, to each side of the ATV or UTV. Current law does not require ATVs registered for private use to display registration decals.

3. Under current law, a manufacturer, dealer, distributor, or renter (commercial dealer) of ATVs must register with DNR and obtain a commercial ATV certificate. Upon registration, DNR issues ³reflectORIZED plates to the commercial dealer and the dealer may allow the ATV to be operated only if a reflectORIZED plate is attached to the ATV. Under this bill, a commercial dealer of ATVs, UTVs, or both, must register with DNR and obtain a commercial ATV and UTV certificate. The bill requires a commercial dealer of ATVs or UTVs to display a plate or sign on the ATV or UTV but does not require DNR to supply reflectORIZED plates. Under the bill, DNR

(a non resident trail pass)

must issue registration decals upon registering a commercial dealer of ATVs or UTVs and the commercial dealer may not allow the ATV or UTV to be operated without a decal affixed to the plate or sign furnished by the commercial dealer.

ATV
this

4. Under current law, with certain exceptions, a person who operates an ATV on a public ~~all-terrain vehicle~~ trail must obtain a nonresident trail pass from DNR and display the pass on the ATV. A person who registers an ATV is exempt from requirement. This bill requires that a nonresident trail pass issued to an operator of an ATV or UTV must be permanently affixed in a highly visible location on the forward half of the ATV or UTV.

5. A nonresident trail pass issued under current law expires on June 30 of each year. This bill changes the expiration date for these annual passes to March 31 and ~~also~~ authorizes DNR to issue ~~5~~ ³⁰-day nonresident trail passes.

6. This bill provides that registration and nonresident trail pass requirements do not apply to a person operating an ATV or UTV during the first full weekend in June of each year.

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

INSERT 4-1

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

2 20.370 (1) (iw) *Utility terrain vehicle fees.* All moneys received from utility
3 terrain vehicle fees under s. 23.33 (2) (c) to (e) for administration of the utility terrain
4 vehicle program under s. 23.33 (1m). This paragraph does not apply after June 30,
5 2013.

6 SECTION ~~#~~ 20.370 (1) (mr) of the statutes is created to read:

7 20.370 (1) (mr) *General program operations — state utility terrain vehicle*
8 *projects.* The amounts in the schedule from moneys received from utility terrain
9 vehicle fees under s. 23.33 (2) (c) to (e) for state utility terrain vehicle projects.

10 SECTION 3. 20.370 (3) (as) of the statutes is amended to read:

11 20.370 (3) (as) *Law enforcement — all-terrain vehicle and utility terrain vehicle*
12 *enforcement.* The amounts in the schedule from moneys received from all-terrain
13 vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e), for state law

1 enforcement operations related to all-terrain vehicles and utility terrain vehicles,
2 including actual enforcement, safety training, accident reporting, and similar
3 activities.

4 ~~SECTION 20.370~~ (5) (cv) of the statutes is amended to read:

5 20.370 (5) (cv) *Recreation aids — all-terrain vehicle and utility terrain vehicle*
6 *landowner incentive program.* Biennially, from the moneys received by the
7 department under s. 23.33 (2j), the amounts in the schedule for incentive payments
8 to landowners ~~for public all-terrain vehicle corridors~~ under s. 23.33 (5r).

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

INSERT 4-11

9 ~~SECTION 20.370~~ (5) (eu) of the statutes is created to read:

10 20.370 (5) (eu) *Recreation aids — utility terrain vehicle project aids.* As a
11 continuing appropriation, the amounts in the schedule from moneys received from
12 utility terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
13 cities, counties, and federal agencies for nonstate utility terrain vehicle projects.

14 ~~SECTION 20.370~~ (5) (gr) of the statutes is created to read:

15 20.370 (5) (gr) *Recreation aids — utility terrain vehicle project aids; gas tax*
16 *payment.* As a continuing appropriation, an amount equal to the estimated utility

1 terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties and
2 federal agencies for nonstate utility vehicle projects.

INSERT 36-7

3 **No ff** for funding as a state utility terrain vehicle project from the appropriation
4 account under s. 20.370 (1) (mr) or for aid as a nonstate utility vehicle project from
5 the appropriation accounts under s. 20.370 (5) (eu) and (gr)

INSERT 43-11

6 ~~SECTION 25.29~~ (1) (dr) of the statutes is created to read:
7 25.29 (1) (dr) For fiscal year 2013-14 and for each fiscal year thereafter, an
8 amount equal to the estimated utility terrain vehicle gas tax payment. The
9 estimated utility terrain vehicle gas tax payment is calculated by multiplying the
10 sum of the number of utility terrain vehicles registered for public use under s. 23.33
11 (2) (c) or (2g) on the last day of February of the previous fiscal year by 25 gallons and
12 multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day
13 of February of the previous fiscal year.

INSERT 59-7

14 **EFF DATE** (2) The treatment of sections 20.370 (1) (mr), (3) (as), and (5) (cv), (er), (eu), and
15 (gr) and 23.33 (9) (bg) of the statutes takes effect on July 1, 2013.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/1dn
RNK: /:....

WJ

Date

bill law enforcement

As you know, I have made significant changes to the appropriations in this version of the draft. In general, the draft requires that UTV fees be credited to one appropriation that sunsets on June 30, 2013. Beginning on July 1, 2013, the fees are credited to various other appropriations created in the draft. This approach allows for the amounts in the ch. 20, stats., appropriations schedule to be established in the next biennial budget. The appropriations in the draft that take effect on July 1, 2013, are based on similar appropriations in current law under the ATV program. Please note, however, that I have not created separate UTV appropriations for state law enforcement or law enforcement aids. Instead, the amounts appropriated for law enforcement apply to both ATVs and UTVs. I have taken this approach because the activities of law enforcement officers cannot easily be attributed to either ATV law enforcement or UTV law enforcement. I recommend that you have Erin Probst at the Legislative Fiscal Bureau review this version of the draft to ensure that the appropriations and the overall funding mechanism established in the draft for the UTV program is workable.

*

*

Under the UTV pilot program in current law, the term "federal agency" is defined to mean a federal agency that receives state aid for a nonstate ATV project. I'm not sure why that definition exists in ~~current~~ law but I do not think it is necessary in this draft so I have eliminated it.

current

As we have discussed on previous occasions, the definition of a UTV in this draft specifically excludes certain vehicles such as mini-trucks, dune buggies, go-karts, and neighborhood electric vehicles. These terms are not defined in the draft. The term "neighborhood electric vehicle" is particularly vague. Without definitions, these terms are not particularly meaningful. For example, when is a truck a mini-truck? The fact that a manufacturer calls a vehicle a mini-truck does not necessarily make it a mini-truck. Furthermore, under the draft, a UTV is a motor driven device that does not meet federal motor vehicle safety standards. Would a go-kart generally meet such standards? If not, why is it listed? I think the listing of these vehicles has the potential to cause confusion. As we have previously discussed, you may wish to consider eliminating them.

*

Robin N. Kite
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E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/1dn
RNK:wlj:rs

December 7, 2011

As you know, I have made significant changes to the appropriations in this version of the draft. In general, the draft requires that UTV fees be credited to one appropriation that sunsets on June 30, 2013. Beginning on July 1, 2013, the fees are credited to various other appropriations created in the draft. This approach allows for the amounts in the ch. 20, stats., appropriations schedule to be established in the next biennial budget bill. The appropriations in the draft that take effect on July 1, 2013, are based on similar appropriations in current law under the ATV program. Please note, however, that I have not created separate UTV appropriations for state law enforcement or law enforcement aids. Instead, the amounts appropriated for law enforcement apply to both ATV and UTV law enforcement. I have taken this approach because the activities of law enforcement officers cannot easily be attributed to either ATV law enforcement or UTV law enforcement. I recommend that you have Erin Probst at the Legislative Fiscal Bureau review this version of the draft to ensure that the appropriations and the overall funding mechanism established in the draft for the UTV program are workable.

Under the UTV pilot program in current law, the term "federal agency" is defined to mean a federal agency that receives state aid for a nonstate ATV project. I'm not sure why that definition exists in current law but I do not think it is necessary in this draft so I have eliminated it.

As we have discussed on previous occasions, the definition of a UTV in this draft specifically excludes certain vehicles such as mini-trucks, dune buggies, go-karts, and neighborhood electric vehicles. These terms are not defined in the draft. The term "neighborhood electric vehicle" is particularly vague. Without definitions, these terms are not particularly meaningful. For example, when is a truck a mini-truck? The fact that a manufacturer calls a vehicle a mini-truck does not necessarily make it a mini-truck. Furthermore, under the draft, a UTV is a motor driven device that does not meet federal motor vehicle safety standards. Would a go-kart generally meet such standards? If not, why is it listed? I think the listing of these vehicles has the potential to cause confusion. As we have previously discussed, you may wish to consider eliminating them.

Robin N. Kite
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Per Lucas -

Will provide redraft instructions:

re: definition of UTV -
refer to FMVSS standards on eff date of bill
take out reference to neighborhood
electric vehicle (under def. of low-speed
vehicle in ch. 340, this is a type of low-speed
vehicle

Change definition of low speed vehicle to
the definition in ch 340

Kite, Robin

From: Moench, Lucas
Sent: Friday, December 09, 2011 3:44 PM
To: Kite, Robin
Subject: Drafting Instructions

Robin-

We have completed our review of the /1 UTV bill draft. Here are the changes we would like made for the /2, in addition to what we talked about yesterday afternoon. A couple of things to note- first, I had mentioned yesterday about some appropriations changes. We will not be needing these. Second, since there is substantial drafting changes that will be made to Section 148, let me know if you have any questions or something doesn't look like it will work.

LRB Analysis

✓ **Page 4-** Last sentence, 1st paragraph.

"The bill also provides that a vehicle that satisfies all requirements to meet the definition of an ATV qualifies instead as a UTV if the vehicle exceeds the size limit under the ATV definition."

We think size in that sentence should read "weight". As per Section 21, this issue refers to ATVs that heavier than standard ATVs, thus weight instead of size is the criterion.

✓ **Page 5-** Item #5

The analysis you have is correct, as per Section 57. However, the draft also changes the dates for a public use registration certificate in Section 41. Do you need to include a reference to this action in the analysis?

The Draft

✓ **Section 126-** We want to maintain current law with respect to the landowner incentive program. It should not be necessary that trails involved with this program permit UTVs. Therefore, remove the changes in this section. This may also necessitate a slight language change in Section 4. ?

✓ **Section 132, lines 7-8-** The material that you strike-out is not in current law. That was material that you added in a previous draft and we later had deleted.

✓ **Section 145, line 6-** "is" should be "in"

✓ **Section 148-** As we discussed over the phone, you are going to be reworking this section significantly. In addition to the instructions we discussed over the phone, we would like to make the following changes:

Define mini-truck in the draft. Aaron Gary drafted this for us last session for something else. We like this definition, so we will use it.

340.01(34)
"Minitruck" means a motor truck having a top speed of not more than 60 miles per hour that is all of the following:

- (a) Powered by an internal combustion engine with a piston or rotor displacement of not less than 660 cubic centimeters.
- (b) Not more than 60 inches in width.
- (c) Not more than 1,600 pounds in dry, unloaded weight.
- (d) Manufactured with a locking enclosed cab and a heated interior.

The list on p. 40 lines 14-15 should be changed to read: "other than a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle".

Thanks,

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