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LRB-2489/1

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Stays

2011 BILL

D-Note

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

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

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

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

5 (2j) (c), 23.33 (4) (e) 3., 23.33 (11p) (a) 3., 23.33 (11p) (a) 6. and 25.29 (1) (dm);

6 **to amend** 20.370 (3) (as), 20.370 (5) (cv), 20.370 (5) (er), 23.119 (1) (b), 23.33

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

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

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

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

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

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

13 (d), 23.33 (2j) (e), 23.33 (2m) (title), 23.33 (2m) (a) (intro.), 23.33 (2m) (a) 1., 23.33

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

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1 (3) (cm), 23.33 (3) (d), 23.33 (3) (h), 23.33 (3g) (intro.), 23.33 (3g) (c), 23.33 (3g)
2 (d), 23.33 (4) (a), 23.33 (4) (b), 23.33 (4) (c) 1., 23.33 (4) (c) 1m., 23.33 (4) (c) 2.,
3 23.33 (4) (d) (intro.), 23.33 (4) (d) 1., 23.33 (4) (d) 2., 23.33 (4) (d) 3., 23.33 (4) (d)
4 4., 23.33 (4) (d) 5., 23.33 (4) (d) 6., 23.33 (4) (e) (intro.), 23.33 (4) (f), 23.33 (4c)
5 (title), 23.33 (4c) (a) 1., 23.33 (4c) (a) 2., 23.33 (4c) (a) 2m., 23.33 (4c) (a) 3., 23.33
6 (4c) (b) 1., 23.33 (4c) (b) 2., 23.33 (4c) (b) 2m., 23.33 (4g) (a), 23.33 (4g) (b), 23.33
7 (4j), 23.33 (4L), 23.33 (4p) (a) 1., 23.33 (4p) (a) 3., 23.33 (4p) (b) 4., 23.33 (4p) (c)
8 1., 23.33 (4p) (c) 2., 23.33 (4p) (d), 23.33 (4p) (e) 1., 23.33 (4p) (e) 2., 23.33 (4t),
9 23.33 (4x) (title), 23.33 (4z) (a) 1., 23.33 (4z) (a) 2., 23.33 (4z) (b), 23.33 (5) (a)
10 (title), 23.33 (5) (b), 23.33 (5) (c), 23.33 (5) (d), 23.33 (5r) (b), 23.33 (6) (a), (b), (c),
11 (d), (e) and (h), 23.33 (6m), 23.33 (7), 23.33 (8) (d), 23.33 (8) (e), 23.33 (8) (f) 1.,
12 23.33 (8) (f) 2., 23.33 (9) (a), 23.33 (11) (a), 23.33 (11) (am) 2., 23.33 (11) (b), 23.33
13 (12) (b), 23.33 (13) (b) (title), 23.33 (13) (b) 2., 23.33 (13) (b) 3., 23.33 (13) (b) 4.,
14 23.33 (13) (bg), 23.33 (13) (br) (title), 23.33 (13) (dm), 23.33 (13) (e), 23.33 (13)
15 (f), 23.35 (1) (intro.), 23.35 (1) (a), 23.35 (1) (b), 23.35 (1) (e), 23.35 (2), 25.29 (1)
16 (b), 25.40 (3) (b) 14., 30.26 (4) (title), 30.26 (4) (a) (intro.) and (b), 30.29 (1) (b),
17 70.11 (45m), 77.51 (13) (am), 77.51 (13s), 77.54 (7) (b) (intro.), 77.61 (1) (a), 77.61
18 (1) (b), 77.61 (1) (c), 77.78, 78.01 (2) (e), 78.01 (2m) (f), 78.40 (1), 78.75 (1m) (a)
19 2m., 78.75 (1m) (a) 3., 100.48 (2), (3) (a) and (4) (c), 322.111, 323.20, 340.01 (27g),
20 340.01 (32) (intro.), 340.01 (35), 341.057, 344.61 (1), 345.11 (1r), 346.02 (11),
21 346.66 (1) (c), 346.71 (1), 346.71 (2), 347.24 (1) (c), 347.415 (1g), 347.415 (1m),
22 885.235 (1g) (intro.), 885.235 (1k), 895.043 (6), 895.049, 895.52 (1) (g), 895.525
23 (2), 901.053, 938.17 (title), 938.17 (1) (intro.) and 938.343 (9); and **to create**
24 20.370 (1) (iw), 20.370 (1) (mr), 20.370 (5) (eu), 20.370 (5) (gr), 20.370 (9) (hw),
25 20.855 (4) (v), 23.33 (1) (nc), 23.33 (1) (nd), 23.33 (1) (ng) 2., 23.33 (1) (nh), 23.33

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

Analysis by the Legislative Reference Bureau

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, a federal agency, a county, or a municipality to designate an 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.

Under the UTV pilot program, no person may operate a UTV on a designated ATV route or trail unless DNR registers the UTV. 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

This bill eliminates the 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

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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, ^{or} tracked vehicle, ~~or neighborhood electric vehicle~~. 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~~ ^{weight} 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 trails that may be used by operators of UTVs.

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 payment 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 fund. 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.

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2. The bill requires a person who registers an ATV or UTV 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 three reflectorized 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 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.

4. Under current law, with certain exceptions, a person who operates an ATV on a public ATV 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 this 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 authorizes DNR to issue five-day nonresident trail passes.

7. ~~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.

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

1 **SECTION 1.** 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 2.** 20.370 (1) (mr) of the statutes is created to read:

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

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

5 20.370 (3) (as) *Law enforcement — all-terrain vehicle and utility terrain vehicle*
6 *enforcement.* The amounts in the schedule from moneys received from all-terrain
7 vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e), for state law
8 enforcement operations related to all-terrain vehicles and utility terrain vehicles,
9 including actual enforcement, safety training, accident reporting, and similar
10 activities.

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

12 ~~20.370 (5) (cv) *Recreation aids — all-terrain vehicle and utility terrain vehicle*~~
13 ~~*landowner incentive program.* Biennially, from the moneys received by the~~
14 ~~department under s. 23.33 (2j), the amounts in the schedule for incentive payments~~
15 ~~to landowners for public all-terrain vehicle corridors under s. 23.33 (5r).~~

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

17 20.370 (5) (er) *Enforcement aids — all-terrain vehicle and utility terrain*
18 *vehicle enforcement.* The amounts in the schedule from moneys received from
19 all-terrain vehicle and utility terrain vehicle fees under s. 23.33 (2) (c) to (e) for local
20 law enforcement aids.

21 **SECTION 6.** 20.370 (5) (eu) of the statutes is created to read:

22 20.370 (5) (eu) *Recreation aids — utility terrain vehicle project aids.* As a
23 continuing appropriation, the amounts in the schedule from moneys received from
24 utility terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
25 cities, counties, and federal agencies for nonstate utility terrain vehicle projects.

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1 **SECTION 7.** 20.370 (5) (gr) of the statutes is created to read:

2 20.370 (5) (gr) *Recreation aids — utility terrain vehicle project aids; gas tax*
3 *payment.* As a continuing appropriation, an amount equal to the estimated utility
4 terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties, and
5 federal agencies for nonstate utility vehicle projects.

6 **SECTION 8.** 20.370 (9) (hw) of the statutes is created to read:

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

10 **SECTION 9.** 20.855 (4) (v) of the statutes is created to read:

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

16 **SECTION 10.** 23.119 (1) (b) of the statutes is amended to read:

17 23.119 (1) (b) “Off-highway vehicle” means a motor-driven craft or vehicle
18 principally manufactured for off-highway use but does not include a snowmobile or,
19 all-terrain vehicle, or utility terrain vehicle.

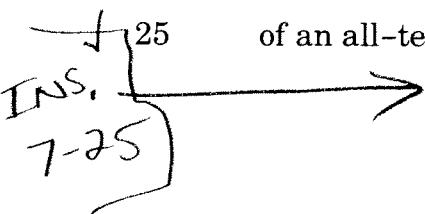
20 **SECTION 11.** 23.33 (title) of the statutes is amended to read:

21 **23.33 (title) All-terrain vehicles and utility terrain vehicles.**

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

23 23.33 (1) (ic) “Intoxicated operation of an all-terrain or utility terrain vehicle
24 law” means sub. (4c) or a local ordinance in conformity therewith or, if the operation
25 of an all-terrain or utility terrain vehicle is involved, s. 940.09 or 940.25.

INS.
7-25

A handwritten note in the bottom left corner of the page. It consists of the word "INS." followed by "7-25" in a larger font. A large arrow points from this note towards the right margin, specifically pointing to line 25 of the text.

BILL**SECTION 13**

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

2 23.33 (1) (ir) "Operate" means to exercise physical control over the speed or
3 direction of an all-terrain vehicle or utility terrain vehicle or to physically
4 manipulate or activate any of the controls of ~~an all-terrain~~ the vehicle necessary to
5 put it in motion.

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

7 23.33 (1) (it) "Operation" means the exercise of physical control over the speed
8 or direction of an all-terrain vehicle or utility terrain vehicle or the physical
9 manipulation or activation of any of the controls of ~~an all-terrain~~ the vehicle
10 necessary to put it in motion.

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

12 23.33 (1) (iw) "Operator" means a person who operates an all-terrain vehicle
13 or utility terrain vehicle, who is responsible for the operation of an all-terrain vehicle
14 or utility terrain vehicle or who is supervising the operation of an all-terrain vehicle
15 or utility terrain vehicle.

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

17 23.33 (1) (j) "Owner" means a person who has lawful possession of an
18 all-terrain vehicle or utility terrain vehicle by virtue of legal title or equitable
19 interest in the ~~all-terrain~~ vehicle which entitles the person to possession of the
20 ~~all-terrain~~ vehicle.

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

22 23.33 (1) (jn) "Registration documentation" means an all-terrain vehicle or
23 utility terrain vehicle registration certificate, a validated registration receipt, or a
24 registration decal.

25 **SECTION 18.** 23.33 (1) (n) of the statutes is amended to read:

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1 23.33 (1) (n) “Used exclusively on private property” means use of an all-terrain
2 vehicle or utility terrain vehicle by the owner of the ~~all-terrain~~ vehicle or a member
3 of his or her immediate family only on land owned or leased by the ~~all-terrain~~ vehicle
4 owner or a member of his or her immediate family.

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

6 23.33 (1) (nc) “Utility terrain vehicle dealer” means a person engaged in the sale
7 of utility terrain vehicles for a profit at wholesale or retail.

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

9 23.33 (1) (nd) “Utility terrain vehicle distributor” means a person who sells or
10 distributes utility terrain vehicles to utility terrain vehicle dealers or who maintains
11 distributor representatives.

12 **SECTION 21.** 23.33 (1) (ng) 2. of the statutes is created to read:

13 23.33 (1) (ng) 2. A motor driven device that has a net weight of more than 900
14 pounds, that is originally manufactured with a width of 50 inches or less, that is
15 equipped with a seat designed to be straddled by the operator, and that is designed
16 by the manufacturer to travel on 3 or more low-pressure tires.

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

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

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

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

23 **SECTION 24.** 23.33 (1) (o) of the statutes is amended to read:

24 23.33 (1) (o) “Validated registration receipt” means a receipt issued by the
25 department or an agent under sub. (2) (ig) 1. a. that shows that an application and

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1 the required fees for a registration certificate ~~has~~ have been submitted to the
2 department or an agent appointed under sub. (2) (i) 3.

3 **SECTION 25.** 23.33 (1m) of the statutes is created to read:

4 23.33 (1m) UTILITY TERRAIN VEHICLE PROGRAM. (a) In this subsection:

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

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

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

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

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

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

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

19 23.33 (2) (a) *Requirement.* ~~No~~ Except as provided in sub. (2k), no person may
20 operate and no owner may give permission for the operation of an all-terrain vehicle
21 or utility terrain vehicle within this state unless the all-terrain vehicle or utility
22 terrain vehicle is registered for public use or for private use under this subsection or
23 sub. (2g), is exempt from registration, or is operated with a reflectorized plate or a
24 sign attached in the manner and containing registration decals specified under par.
25 (dm) 3. ~~No~~ Except as provided in sub. (2k), no person may operate and no owner may

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1 give permission for the operation of an all-terrain vehicle or utility terrain vehicle
2 on an all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain
3 vehicle or utility terrain vehicle is registered for public use under this subsection or
4 sub. (2g).

5 **SECTION 27.** 23.33 (2) (b) (intro.) of the statutes is amended to read:

6 23.33 (2) (b) *Exemptions.* (intro.) An all-terrain vehicle or utility terrain
7 vehicle is exempt from registration if it is:

8 **SECTION 28.** 23.33 (2) (b) 1. of the statutes is amended to read:

9 23.33 (2) (b) 1. Owned by the United States, another state or a political
10 subdivision thereof, but the exterior of the all-terrain vehicle or utility terrain
11 vehicle shall display in a visible manner the name of the owner.

12 **SECTION 29.** 23.33 (2) (b) 2. of the statutes is repealed.

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

14 23.33 (2) (b) 2m. b. The all-terrain vehicle or utility terrain vehicle displays
15 the registration decal required by the tribe or band.

16 **SECTION 31.** 23.33 (2) (b) 2m. c. of the statutes is repealed:

17 **SECTION 32.** 23.33 (2) (b) 3m. of the statutes is amended to read:

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

21 **SECTION 33.** 23.33 (2) (c) of the statutes is renumbered 23.33 (2) (c) 1 and
22 amended to read:

23 23.33 (2) (c) 1. Any all-terrain vehicle or utility terrain vehicle may be
24 registered for public use. The fee for the issuance or renewal of a registration
25 certificate for public use for an all-terrain vehicle or utility terrain vehicle is \$30.

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

5 **SECTION 34.** 23.33 (2) (c) 2. of the statutes is created to read:

6 23.33 (2) (c) 2. A person who is required to register an all-terrain vehicle or
7 utility terrain vehicle for public use shall attach his or her own plate to the rear of
8 the vehicle and shall affix a registration decal, furnished by the department, to each
9 side of the vehicle in a place that is forward of the operator of the vehicle and that
10 is in a place that is clearly visible. The plate shall be a minimum of 4 inches in height
11 and a minimum of 7 1/2 inches in width. The plate shall be white and shall display,
12 in black lettering, the registration number for the all-terrain vehicle or utility
13 terrain vehicle issued by the department. The registration number shall be
14 displayed so that it is a minimum of 1 1/2 inches in height, with a minimum of a 3/16
15 inch stroke. The person required to register the all-terrain vehicle or utility terrain
16 vehicle shall maintain the plate so that it is in legible condition.

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

18 23.33 (2) (d) *Registration; private use; fee.* An all-terrain vehicle or utility
19 terrain vehicle used exclusively for agricultural purposes or used exclusively on
20 private property may be registered for private use. The fee for the issuance of a
21 registration certificate for private use is \$15. A person who registers an all-terrain
22 vehicle or utility terrain vehicle for private use shall affix a registration decal,
23 furnished by the department, to each side of the vehicle in a place that is forward of
24 the operator of the vehicle and that is in a place that is clearly visible.

25 **SECTION 36.** 23.33 (2) (dm) 1. of the statutes is amended to read:

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

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

8 23.33 (2) (dm) 2. The fee for the issuance or renewal of a commercial all-terrain
9 vehicle and utility terrain vehicle certificate is \$90. Upon receipt of the application
10 form required by the department and the fee required under this subdivision, the
11 department shall issue to the applicant a commercial all-terrain vehicle and utility
12 terrain vehicle certificate and 3 ~~reflectorized plates~~ registration decals. The fee for
13 additional ~~reflectorized plates~~ registration decals is \$30 per ~~plate~~ decal.

14 **SECTION 38.** 23.33 (2) (dm) 3. of the statutes is amended to read:

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

23 **SECTION 39.** 23.33 (2) (dm) 4. of the statutes is amended to read:

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1 23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial
2 all-terrain vehicle and utility terrain vehicle certificates or ~~reflectorized plates~~
3 registration decals.

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

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

12 **SECTION 41.** 23.33 (2) (f) 1. of the statutes is renumbered 23.33 (2) (f) and
13 amended to read:

14 23.33 (2) (f) ~~Except as provided under subd. 2., an all-terrain vehicle A~~
15 public-use registration certificate for an all-terrain vehicle or utility terrain vehicle
16 is valid ~~for a 2-year period~~ beginning on April 1 or the date of issuance or renewal
17 and ending March 31 of the 2nd year following the date of issuance or renewal.

18 **SECTION 42.** 23.33 (2) (f) 2. of the statutes is repealed.

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

20 23.33 (2) (g) *Effective period; private use.* An all-terrain vehicle or utility
21 terrain vehicle private-use registration certificate is valid from the date of issuance
22 until ownership of the all-terrain vehicle or utility terrain vehicle is transferred.

23 **SECTION 44.** 23.33 (2) (gm) 1. of the statutes is renumbered 23.33 (2) (gm) and
24 amended to read:

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

5 **SECTION 45.** 23.33 (2) (gm) 2. of the statutes is repealed.

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

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

15 **SECTION 47.** 23.33 (2) (ir) 1. of the statutes is amended to read:

16 23.33 (2) (ir) 1. In addition to the applicable fee under par. (c), (d), or (e), each
17 agent appointed under par. (i) 3. who accepts an application to issue, renew, or
18 transfer registration documentation in person and issues a validated registration
19 receipt under par. (ig) 1. a. shall collect a service fee of \$3 each time the agent issues
20 ~~a validated registration~~ the receipt under par. (ig) 1. a. The agent shall retain the
21 entire amount of each service fee the agent collects.

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

23 23.33 (2) (o) *Receipt of all-terrain vehicle fees.* All fees remitted to or collected
24 by the department under par. (ir) for services provided regarding all-terrain vehicles
25 shall be credited to the appropriation account under s. 20.370 (9) (hu).

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1 **SECTION 49.** 23.33 (2) (om) of the statutes is created to read:

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

6 **SECTION 50.** 23.33 (2) (p) 2. of the statutes is amended to read:

7 23.33 (2) (p) 2. The department may establish by rule additional procedures
8 and requirements for all-terrain vehicle or utility terrain vehicle registration.

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

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

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

18 23.33 (2g) (b) 3. For a registration certificate issued, transferred or renewed
19 under this subsection, the effective period shall be the same as it would be for the
20 equivalent registration certificate under sub. (2) (f) ~~1.~~ or (g) ~~or under a rule~~
21 ~~promulgated under sub. (2) (f) 2.~~

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

23 23.33 (2g) (c) 2. The Lac du Flambeau band shall use registration decals that
24 are substantially similar to those under sub. (2) with regard to color, size, legibility,

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1 information content and placement on the all-terrain vehicle or utility terrain
2 vehicle.

3 **SECTION 54.** 23.33 (2g) (e) 4. of the statutes is amended to read:

4 23.33 (2g) (e) 4. The Lac du Flambeau band shall collect the sales and use taxes
5 due under s. 77.61 (1) on any all-terrain vehicle or utility terrain vehicle registered
6 under this subsection and make the report in respect to those taxes. On or before the
7 15th day of each month, the Lac du Flambeau band shall pay to the department of
8 revenue all taxes that the Lac du Flambeau band collected in the previous month.

9 **SECTION 55.** 23.33 (2g) (f) 2. of the statutes is amended to read:

10 23.33 (2g) (f) 2. A requirement that the fees collected by the Lac du Flambeau
11 band under par. (b) be used only for a program for registering all-terrain vehicles or
12 utility terrain vehicles, for regulating all-terrain vehicles or utility terrain vehicles
13 and their operation and for providing all-terrain vehicle trails and all-terrain
14 vehicle and utility terrain vehicle facilities.

15 **SECTION 56.** 23.33 (2j) (b) of the statutes is amended to read:

16 23.33 (2j) (b) Except as provided in par. (e) and sub. (2k), no person may operate
17 an all-terrain vehicle or a utility terrain vehicle on a public all-terrain vehicle
18 corridor in this state unless a nonresident trail pass issued under this subsection is
19 displayed permanently affixed in a highly visible location on the all-terrain forward
20 half of the vehicle.

21 **SECTION 57.** 23.33 (2j) (c) of the statutes is renumbered 23.33 (2j) (c) 1. and
22 amended to read:

23 23.33 (2j) (c) 1. The fee for ~~a~~ an annual nonresident trail pass issued ~~for an~~
24 ~~all-terrain vehicle that is exempt from registration under sub. (2) (b) 2. under this~~
25 section is \$34.25. A Annual nonresident trail pass issued for such an all-terrain

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1 ~~vehicle~~ may be issued only by the department and persons appointed by the
2 department and expires on ~~June 30~~ March 31 of each year.

3 **SECTION 58.** 23.33 (2j) (c) 2. of the statutes is created to read:

4 23.33 (2j) (c) 2. The fee for a 5-day nonresident trail pass issued under this
5 section is \$19.25. A 5-day nonresident trail pass may be issued only by the
6 department and persons appointed by the department.

7 **SECTION 59.** 23.33 (2j) (d) of the statutes is amended to read:

8 23.33 (2j) (d) There is no fee for a nonresident trail pass issued for an
9 all-terrain vehicle or utility terrain vehicle that is registered under sub. (2g) or s.
10 23.35. The department or Indian tribe or band shall issue a nonresident trail pass
11 for such an all-terrain vehicle or utility terrain vehicle when it issues the
12 registration certificate for the ~~all-terrain~~ vehicle. The department shall provide
13 Indian tribes or bands that register all-terrain vehicles or utility terrain vehicles
14 under sub. (2g) or s. 23.35 with a supply of trail passes.

15 **SECTION 60.** 23.33 (2j) (e) of the statutes is amended to read:

16 23.33 (2j) (e) An all-terrain vehicle or a utility terrain vehicle that is registered
17 under sub. (2) (a) or an all-terrain vehicle or utility terrain vehicle that is exempt
18 from registration under sub. (2) (b) 1., 3., 3m., or 4. is exempt from having a
19 nonresident trail pass displayed as required under par. (b). The department may
20 promulgate a rule to exempt all-terrain vehicles and utility terrain vehicles that are
21 exempt from registration under sub. (2) (b) 5. from having nonresident trail passes
22 displayed as required under par. (b) or may promulgate a rule to exempt owners of
23 such ~~all-terrain~~ vehicles from having to pay any applicable nonresident trail pass
24 fee.

25 **SECTION 61.** 23.33 (2k) of the statutes is created to read:

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1 **23.33 (2k) WEEKEND EXEMPTION.** A person may operate an all-terrain vehicle
2 or utility terrain vehicle in this state during the first full weekend in June of each
3 year without registering the all-terrain vehicle or utility terrain vehicle under sub.
4 (2) and without having been issued or displaying a nonresident trail pass under sub.
5 (2j).

6 **SECTION 62.** 23.33 (2m) (title) of the statutes is amended to read:

7 **23.33 (2m) (title)** RENTAL OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN
8 VEHICLES.

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

10 **23.33 (2m) (a) (intro.)** No person who is engaged in the rental or leasing of
11 all-terrain vehicles or utility terrain vehicles to the public may do any of the
12 following:

13 **SECTION 64.** 23.33 (2m) (a) 1. of the statutes is amended to read:

14 **23.33 (2m) (a) 1.** Rent or lease an all-terrain vehicle or utility terrain vehicle
15 for operation by a person who will be operating ~~an all-terrain~~ the vehicle for the first
16 time unless the person engaged in the rental or leasing gives the person instruction
17 on how to operate ~~an all-terrain~~ the vehicle.

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

19 **23.33 (2m) (a) 2.** Rent or lease an all-terrain vehicle or utility terrain vehicle
20 to a person under 16 years of age.

21 **SECTION 66.** 23.33 (2m) (a) 3. of the statutes is amended to read:

22 **23.33 (2m) (a) 3.** Rent or lease an all-terrain vehicle or utility terrain vehicle
23 without first ascertaining that any person under the age of 18 who will be on the
24 ~~all-terrain~~ vehicle has protective headgear of the type required under s. 347.485 (1)
25 (a).

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1 **SECTION 67.** 23.33 (2m) (b) of the statutes is amended to read:

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

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

8 23.33 **(3)** RULES OF OPERATION. (intro.) No person may operate an all-terrain
9 vehicle or utility terrain vehicle:

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

11 23.33 **(3)** (c) On the private property of another without the consent of the
12 owner or lessee. Failure to post private property does not imply consent for
13 all-terrain vehicle or utility terrain vehicle use.

14 **SECTION 70.** 23.33 (3) (cm) of the statutes is amended to read:

15 23.33 **(3)** (cm) On public property that is posted as closed to all-terrain vehicle
16 or utility terrain vehicle operation or on which the operation of an all-terrain vehicle
17 or utility terrain vehicle is prohibited by law.

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

19 23.33 **(3)** (d) On Indian lands without the consent of the tribal governing body
20 or Indian owner. Failure to post Indian lands does not imply consent for all-terrain
21 vehicle or utility terrain vehicle use.

22 **SECTION 72.** 23.33 (3) (em) of the statutes is created to read:

23 23.33 **(3)** (em) With a passenger riding in or on any part of a utility terrain
24 vehicle that is not designed or intended to be used by passengers.

25 **SECTION 73.** 23.33 (3) (h) of the statutes is amended to read:

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1 23.33 (3) (h) On the frozen surface of public waters within 100 feet of a person
2 not in or on an all-terrain vehicle, utility terrain vehicle, or motor vehicle or within
3 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.

4 **SECTION 74.** 23.33 (3g) (intro.) of the statutes is amended to read:

5 23.33 (3g) USE OF HEADGEAR. (intro.) No person may operate or be a passenger
6 on an all-terrain vehicle or utility terrain vehicle without wearing protective
7 headgear of the type required under s. 347.485 (1) (a) and with the chin strap
8 properly fastened, unless one of the following applies:

9 **SECTION 75.** 23.33 (3g) (c) of the statutes is amended to read:

10 23.33 (3g) (c) The all-terrain vehicle or utility terrain vehicle is being operated
11 for an agricultural purpose.

12 **SECTION 76.** 23.33 (3g) (d) of the statutes is amended to read:

13 23.33 (3g) (d) The all-terrain vehicle or utility terrain vehicle is being operated
14 by a person on land under the management and control of the person's immediate
15 family.

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

17 23.33 (4) (a) *Freeways.* No person may operate an all-terrain vehicle or utility
18 terrain vehicle upon any part of any freeway which is a part of the federal system of
19 interstate and defense highways. No person may operate an all-terrain vehicle or
20 utility terrain vehicle upon any part of any other freeway unless the department of
21 transportation authorizes ~~all-terrain~~ the use of that vehicle use on that freeway. No
22 person may operate an all-terrain vehicle or utility terrain vehicle with a snow
23 removal device attached upon any part of any freeway under any circumstances.

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

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1 23.33 (4) (b) *Other highways; operation restricted.* No person may operate an
2 all-terrain vehicle or utility terrain vehicle on a highway except as authorized under
3 pars. (d), (e), and (f) and sub. (11) (am) 2. or as authorized by rules promulgated by
4 the department and approved by the department of transportation.

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

6 23.33 (4) (c) 1. Paragraphs (a) and (b) do not apply to the operator of an
7 all-terrain vehicle or utility terrain vehicle owned by a municipality, state agency,
8 or public utility, or by the Great Lakes Indian Fish and Wildlife Commission, while
9 the operator is engaged in an emergency or in the operation of an all-terrain vehicle
10 or utility terrain vehicle directly related to the functions of the municipality, state
11 agency, or public utility, or of the Great Lakes Indian Fish and Wildlife Commission,
12 if safety does not require strict adherence to these restrictions.

13 **SECTION 80.** 23.33 (4) (c) 1m. of the statutes is amended to read:

14 23.33 (4) (c) 1m. Paragraphs (a) and (b) do not apply to the operator of an
15 all-terrain vehicle or utility terrain vehicle who is engaged in land surveying
16 operations, if safety does not require strict adherence to the restrictions under pars.
17 (a) and (b).

18 **SECTION 81.** 23.33 (4) (c) 2. of the statutes is amended to read:

19 23.33 (4) (c) 2. Paragraph (b) does not apply to a highway blocked off for special
20 all-terrain vehicle or utility terrain vehicle events. A county, town, city or village
21 may block off highways under its jurisdiction for the purpose of allowing special
22 all-terrain vehicle or utility terrain vehicle events. No state trunk highway or
23 connecting highway, or part thereof, may be blocked off by any county, town, city or
24 village for any all-terrain vehicle or utility terrain vehicle race or derby. A county,
25 town, city or village shall notify the local police department and the county sheriff's

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1 office at least one week in advance of the time and place of any all-terrain vehicle
2 or utility terrain vehicle race or derby which may result in any street, or part thereof,
3 of the county, town, city or village being blocked off.

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

5 23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an
6 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway
7 only in the following situations:

8 **SECTION 83.** 23.33 (4) (d) 1. of the statutes is amended to read:

9 23.33 (4) (d) 1. To cross a roadway. The crossing of a roadway is authorized only
10 if the crossing is done in the most direct manner practicable, if the crossing is made
11 at a place where no obstruction prevents a quick and safe crossing, and if the operator
12 stops the all-terrain vehicle or utility terrain vehicle prior to the crossing and yields
13 the right-of-way to other vehicles, pedestrians, and electric personal assistive
14 mobility devices using the roadway.

15 **SECTION 84.** 23.33 (4) (d) 2. of the statutes is amended to read:

16 23.33 (4) (d) 2. On any roadway which is seasonally not maintained for motor
17 vehicle traffic. Operation of an all-terrain vehicle or utility terrain vehicle on this
18 type of roadway is authorized only during the seasons when no maintenance occurs
19 and only if the roadway is not officially closed to all-terrain vehicle or utility terrain
20 vehicle traffic.

21 **SECTION 85.** 23.33 (4) (d) 3. of the statutes is amended to read:

22 23.33 (4) (d) 3. To cross a bridge, culvert, or railroad right-of-way. The crossing
23 of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is
24 officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing
25 is authorized only if the crossing is done in the most direct manner practicable, if the

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1 crossing is made at a place where no obstruction prevents a quick and safe crossing,
2 and if the operator stops the ~~all-terrain~~ vehicle prior to the crossing, pedestrians,
3 and electric personal assistive mobility devices using the roadway.

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

5 23.33 (4) (d) 4. On roadways which are designated as all-terrain vehicle routes.
6 Operation of all-terrain vehicles and utility terrain vehicles on a roadway which is
7 an all-terrain vehicle route is authorized only for the extreme right side of the
8 roadway except that left turns may be made from any part of the roadway which is
9 safe given prevailing conditions.

10 **SECTION 87.** 23.33 (4) (d) 5. of the statutes is amended to read:

11 23.33 (4) (d) 5. On roadways if the all-terrain vehicle or utility terrain vehicle
12 is an implement of husbandry, if the all-terrain vehicle or utility terrain vehicle is
13 used exclusively for agricultural purposes and if the all-terrain vehicle or utility
14 terrain vehicle is registered for private use under sub. (2) (d) or (2g). Operation of
15 an all-terrain vehicle or utility terrain vehicle which is an implement of husbandry
16 on a roadway is authorized only for the extreme right side of the roadway except that
17 left turns may be made from any part of the roadway which is safe given prevailing
18 conditions.

19 **SECTION 88.** 23.33 (4) (d) 6. of the statutes is amended to read:

20 23.33 (4) (d) 6. On roadways if the operator of the all-terrain vehicle or utility
21 terrain vehicle is a person who holds a Class A permit or a Class B permit under s.
22 29.193 (2) and who is traveling for the purposes of hunting or is otherwise engaging
23 in an activity authorized by the permit.

24 **SECTION 89.** 23.33 (4) (e) (intro.) of the statutes is amended to read:

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1 23.33 (4) (e) *Operation adjacent to roadway.* (intro.) A person may operate an
2 all-terrain vehicle or utility terrain vehicle adjacent to a roadway on an all-terrain
3 vehicle route or trail if the person operates the all-terrain vehicle or utility terrain
4 vehicle in the following manner:

5 **SECTION 90.** 23.33 (4) (e) 3. of the statutes is renumbered 23.33 (4) (e) 3. (intro.)
6 and amended to read:

7 23.33 (4) (e) 3. (intro.) During hours of darkness in the same direction as motor
8 vehicle traffic in the nearest lane, ~~although during daylight hours travel may be in~~
9 ~~either direction regardless of the flow of motor vehicle traffic.~~ unless all of the
10 following apply:

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

12 23.33 (4) (e) 3. a. The all-terrain vehicle route or trail is located at least 40 feet
13 from the roadway or is separated from the roadway by a head lamp barrier.

14 **SECTION 92.** 23.33 (4) (e) 3. b. of the statutes is created to read:

15 23.33 (4) (e) 3. b. The use of the all-terrain vehicle route or trail is approved
16 by the department of transportation with respect to all-terrain vehicle routes or
17 trails located near or crossing state trunk highways or by the officer in charge of
18 maintenance with respect to all-terrain vehicle routes or trails located near or
19 crossing other highways.

20 **SECTION 93.** 23.33 (4) (e) 3m. of the statutes is created to read:

21 23.33 (4) (e) 3m. During daylight hours, travel may be in either direction
22 regardless of the flow of motor vehicle traffic.

23 **SECTION 94.** 23.33 (4) (f) of the statutes is amended to read:

24 23.33 (4) (f) *Operation with snow removal device attached.* Except as prohibited
25 under par. (a), and subject to ordinances enacted under sub. (11) (am) 2., a person

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1 may operate an all-terrain vehicle or utility terrain vehicle with a snow removal
2 device attached on a roadway or adjacent to a roadway or on a public sidewalk during
3 the period beginning on October 1 and ending on April 30 of each year for the purpose
4 of removing snow if such operation is necessary to travel to or from a site where the
5 snow removal device will be used. The travel necessary to or from the site may not
6 exceed 2 miles. Operation of such an all-terrain vehicle or utility terrain vehicle on
7 a roadway or adjacent to a roadway is authorized only if the applicable roadway
8 speed limit is 45 miles per hour or less. Operation on a roadway of such an all-terrain
9 vehicle or utility terrain vehicle is authorized only for the extreme right side of the
10 roadway except that left turns may be made from any part of the roadway where it
11 is safe to do so given prevailing conditions. Operation adjacent to a roadway of such
12 an all-terrain vehicle or utility terrain vehicle shall comply with the applicable speed
13 limit and with par. (e) 1., 2., 3., 3m., and 5.

14 **SECTION 95.** 23.33 (4c) (title) of the statutes is amended to read:

15 23.33 **(4c)** (title) INTOXICATED OPERATION OF AN ALL-TERRAIN VEHICLE OR UTILITY
16 TERRAIN VEHICLE.

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

18 23.33 **(4c)** (a) 1. 'Operating while under the influence of an intoxicant.' No
19 person may operate an all-terrain vehicle or utility terrain vehicle while under the
20 influence of an intoxicant to a degree which renders him or her incapable of safe
21 operation of an all-terrain vehicle or utility terrain vehicle.

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

23 23.33 **(4c)** (a) 2. 'Operating with alcohol concentrations at or above specified
24 levels.' No person may engage in the operation of an all-terrain vehicle or utility
25 terrain vehicle while the person has an alcohol concentration of 0.08 or more.

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

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

6 **SECTION 99.** 23.33 (4c) (a) 3. of the statutes is amended to read:

7 23.33 (4c) (a) 3. 'Operating with alcohol concentrations at specified levels;
8 below age ~~19~~ 21.' If a person has not attained the age of ~~19~~ 21, the person may not
9 engage in the operation of an all-terrain vehicle or utility terrain vehicle while he
10 or she has an alcohol concentration of more than 0.0 but not more than 0.08.

11 **SECTION 100.** 23.33 (4c) (b) 1. of the statutes is amended to read:

12 23.33 (4c) (b) 1. 'Causing injury while under the influence of an intoxicant.'
13 No person while under the influence of an intoxicant to a degree which renders him
14 or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle
15 may cause injury to another person by the operation of an all-terrain vehicle or
16 utility terrain vehicle.

17 **SECTION 101.** 23.33 (4c) (b) 2. of the statutes is amended to read:

18 23.33 (4c) (b) 2. 'Causing injury with alcohol concentrations at or above
19 specified levels.' No person who has an alcohol concentration of 0.08 or more may
20 cause injury to another person by the operation of an all-terrain vehicle or utility
21 terrain vehicle.

22 **SECTION 102.** 23.33 (4c) (b) 2m. of the statutes is amended to read:

23 23.33 (4c) (b) 2m. 'Causing injury while operating with a restricted controlled
24 substance.' No person who has a detectable amount of a restricted controlled

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1 substance in his or her blood may cause injury to another person by the operation of
2 an all-terrain vehicle or utility terrain vehicle.

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

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

9 **SECTION 104.** 23.33 (4g) (b) of the statutes is amended to read:

10 23.33 (4g) (b) *Use of test results.* A law enforcement officer may use the results
11 of a preliminary breath screening test for the purpose of deciding whether or not to
12 arrest a person for a violation of the intoxicated operation of an all-terrain vehicle
13 or utility terrain vehicle law or for the purpose of deciding whether or not to request
14 a chemical test under sub. (4p). Following the preliminary breath screening test,
15 chemical tests may be required of the person under sub. (4p).

16 **SECTION 105.** 23.33 (4j) of the statutes is amended to read:

17 23.33 (4j) **APPLICABILITY OF THE INTOXICATED OPERATION OF AN ALL-TERRAIN**
18 **VEHICLE OR UTILITY TERRAIN VEHICLE LAW.** In addition to being applicable upon
19 highways, the intoxicated operation of an all-terrain vehicle or utility terrain vehicle
20 law is applicable upon all premises held out to the public for use of their all-terrain
21 vehicles or utility terrain vehicles, whether such premises are publicly or privately
22 owned and whether or not a fee is charged for the use thereof.

23 **SECTION 106.** 23.33 (4L) of the statutes is amended to read:

24 23.33 (4L) **IMPLIED CONSENT.** Any person who engages in the operation of an
25 all-terrain vehicle or utility terrain vehicle upon the public highways of this state,

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1 or in those areas enumerated in sub. (4j), is deemed to have given consent to provide
2 one or more samples of his or her breath, blood or urine for the purpose of authorized
3 analysis as required under sub. (4p). Any person who engages in the operation of an
4 all-terrain vehicle or utility terrain vehicle within this state is deemed to have given
5 consent to submit to one or more chemical tests of his or her breath, blood or urine
6 for the purpose of authorized analysis as required under sub. (4p).

7 **SECTION 107.** 23.33 (4p) (a) 1. of the statutes is amended to read:

8 23.33 (4p) (a) 1. 'Samples; submission to tests.' A person shall provide one or
9 more samples of his or her breath, blood or urine for the purpose of authorized
10 analysis if he or she is arrested for a violation of the intoxicated operation of an
11 all-terrain vehicle or utility terrain vehicle law and if he or she is requested to
12 provide the sample by a law enforcement officer. A person shall submit to one or more
13 chemical tests of his or her breath, blood or urine for the purpose of authorized
14 analysis if he or she is arrested for a violation of the intoxicated operation of an
15 all-terrain vehicle or utility terrain vehicle law and if he or she is requested to submit
16 to the test by a law enforcement officer.

17 **SECTION 108.** 23.33 (4p) (a) 3. of the statutes is amended to read:

18 23.33 (4p) (a) 3. 'Unconscious person.' A person who is unconscious or
19 otherwise not capable of withdrawing consent is presumed not to have withdrawn
20 consent under this paragraph, and if a law enforcement officer has probable cause
21 to believe that the person violated the intoxicated operation of an all-terrain vehicle
22 or utility terrain vehicle law, one or more chemical tests may be administered to the
23 person without a request under subd. 1. and without providing information under
24 subd. 2.

25 **SECTION 109.** 23.33 (4p) (b) 4. of the statutes is amended to read:

BILL**SECTION 109**

1 23.33 (4p) (b) 4. 'Validity; procedure.' A chemical test of blood or urine
2 conducted for the purpose of authorized analysis is valid as provided under s. 343.305
3 (6). The duties and responsibilities of the laboratory of hygiene, department of
4 health services and department of transportation under s. 343.305 (6) apply to a
5 chemical test of blood or urine conducted for the purpose of authorized analysis
6 under this subsection. Blood may be withdrawn from a person arrested for a
7 violation of the intoxicated operation of an all-terrain vehicle or utility terrain
8 vehicle law only by a physician, registered nurse, medical technologist, physician
9 assistant or person acting under the direction of a physician and the person who
10 withdraws the blood, the employer of that person and any hospital where blood is
11 withdrawn have immunity from civil or criminal liability as provided under s. 895.53

12 **SECTION 110.** 23.33 (4p) (c) 1. of the statutes is amended to read:

13 23.33 (4p) (c) 1. 'Additional chemical test.' If a person is arrested for a violation
14 of the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law or
15 is the operator of an all-terrain vehicle or utility terrain vehicle involved in an
16 accident resulting in great bodily harm to or the death of someone and if the person
17 is requested to provide a sample or to submit to a test under par. (a) 1., the person
18 may request the test facility to administer the additional chemical test specified
19 under par. (b) 3. or, at his or her own expense, reasonable opportunity to have any
20 qualified person administer a chemical test of his or her breath, blood or urine for the
21 purpose of authorized analysis.

22 **SECTION 111.** 23.33 (4p) (c) 2. of the statutes is amended to read:

23 23.33 (4p) (c) 2. 'Optional test.' If a person is arrested for a violation of the
24 intoxicated operation of an all-terrain vehicle or utility terrain vehicle law and if the
25 person is not requested to provide a sample or to submit to a test under par. (a) 1.,

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1 the person may request the test facility to administer a chemical test of his or her
2 breath or, at his or her own expense, reasonable opportunity to have any qualified
3 person administer a chemical test of his or her breath, blood or urine for the purpose
4 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
5 the person may request the test facility to administer the designated chemical test
6 under par. (b) 2. or the additional chemical test under par. (b) 3.

7 **SECTION 112.** 23.33 (4p) (d) of the statutes is amended to read:

8 23.33 (4p) (d) *Admissibility; effect of test results; other evidence.* The results
9 of a chemical test required or administered under par. (a), (b) or (c) are admissible
10 in any civil or criminal action or proceeding arising out of the acts committed by a
11 person alleged to have violated the intoxicated operation of an all-terrain vehicle or
12 utility terrain vehicle law on the issue of whether the person was under the influence
13 of an intoxicant or the issue of whether the person had alcohol concentrations at or
14 above specified levels or a detectable amount of a restricted controlled substance in
15 his or her blood. Results of these chemical tests shall be given the effect required
16 under s. 885.235. This subsection does not limit the right of a law enforcement officer
17 to obtain evidence by any other lawful means.

18 **SECTION 113.** 23.33 (4p) (e) 1. of the statutes is amended to read:

19 23.33 (4p) (e) 1. Whether the law enforcement officer had probable cause to
20 believe the person was violating or had violated the intoxicated operation of an
21 all-terrain vehicle or utility terrain vehicle law.

22 **SECTION 114.** 23.33 (4p) (e) 2. of the statutes is amended to read:

23 23.33 (4p) (e) 2. Whether the person was lawfully placed under arrest for
24 violating the intoxicated operation of an all-terrain vehicle or utility terrain vehicle
25 law.

BILL**SECTION 115**

1 **SECTION 115.** 23.33 (4t) of the statutes is amended to read:

2 23.33 (4t) REPORT ARREST TO DEPARTMENT. If a law enforcement officer arrests
3 a person for a violation of the intoxicated operation of an all-terrain vehicle or utility
4 terrain vehicle law or the refusal law, the law enforcement officer shall notify the
5 department of the arrest as soon as practicable.

6 **SECTION 116.** 23.33 (4x) (title) of the statutes is amended to read:

7 23.33 (4x) (title) OFFICER'S ACTION AFTER ARREST FOR OPERATING AN ALL-TERRAIN
8 VEHICLE OR UTILITY TERRAIN VEHICLE WHILE UNDER INFLUENCE OF INTOXICANT.

9 **SECTION 117.** 23.33 (4z) (a) 1. of the statutes is amended to read:

10 23.33 (4z) (a) 1. Inform all-terrain vehicle and utility terrain vehicle operators
11 of the prohibitions and penalties included in the intoxicated operation of an
12 all-terrain vehicle or utility terrain vehicle law.

13 **SECTION 118.** 23.33 (4z) (a) 2. of the statutes is amended to read:

14 23.33 (4z) (a) 2. Provide for the development of signs briefly explaining the
15 intoxicated operation of an all-terrain vehicle or utility terrain vehicle law.

16 **SECTION 119.** 23.33 (4z) (b) of the statutes is amended to read:

17 23.33 (4z) (b) The department shall develop and issue an educational pamphlet
18 on the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law to
19 be distributed, beginning in 1989, to persons issued all-terrain vehicle or utility
20 terrain vehicle registration certificates under subs. (2) and (2g).

21 **SECTION 120.** 23.33 (5) (a) (title) of the statutes is amended to read:

22 23.33 (5) (a) (title) *Age All-terrain vehicles; age restriction.*

23 **SECTION 121.** 23.33 (5) (am) of the statutes is created to read:

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1 23.33 (5) (am) *Utility terrain vehicles; age restriction.* 1. Except as provided
2 in subd. 2., no person may operate, rent, or lease a utility terrain vehicle unless he
3 or she is at least 16 years of age.

4 2. A person who is under 16 years of age may operate a utility terrain vehicle
5 if the person operates the utility terrain vehicle for an agricultural purpose and he
6 or she is under the supervision of a person over 18 years of age. For purposes of this
7 subdivision, supervision does not require that the person under 16 years of age be
8 subject to continuous direction or by the person over 18 years of age.

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

10 23.33 (5) (b) ~~*All-terrain vehicle safety*~~ *Safety certificate.* 1. No person who is
11 at least 12 years of age and who is born on or after January 1, 1988, may operate an
12 all-terrain vehicle unless he or she holds a valid safety certificate issued by the
13 department, another state, or a province of Canada.

14 2. Any person who is required to hold an all-terrain vehicle or utility terrain
15 vehicle safety certificate while operating an all-terrain vehicle or utility terrain
16 vehicle shall carry the certificate on the all-terrain vehicle or utility terrain vehicle
17 and shall display the certificate to a law enforcement officer on request. Persons
18 enrolled in a safety certification program approved by the department may operate
19 an all-terrain vehicle or utility terrain vehicle in an area designated by the
20 instructor.

21 **SECTION 123.** 23.33 (5) (b) 1m. of the statutes is created to read:

22 23.33 (5) (b) 1m. No person who is at least 16 years of age and who is born on
23 or after January 1, 1988, may operate a utility terrain vehicle unless he or she holds
24 a valid safety certificate issued by the department, another state, or a province of
25 Canada.

BILL**SECTION 124**

1 **SECTION 124.** 23.33 (5) (c) of the statutes is amended to read:

2 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who
3 operates an all-terrain vehicle or utility terrain vehicle exclusively on land under the
4 management and control of the person's immediate family. ~~Paragraphs (a) and (b)~~
5 ~~do not apply to a person at least 12 years of age but under 16 years of age who holds~~
6 ~~a valid certificate issued by another state or a province of Canada.~~

7 **SECTION 125.** 23.33 (5) (d) of the statutes is amended to read:

8 23.33 (5) (d) *Safety certification program established.* The department shall
9 establish or supervise the establishment of a program of instruction on all-terrain
10 vehicle and utility terrain vehicle laws, including the intoxicated operation of an
11 all-terrain vehicle or utility terrain vehicle law, regulations, safety and related
12 subjects. The department shall establish by rule an instruction fee for this program.
13 The department shall issue certificates to persons successfully completing the
14 program. An instructor conducting the program of instruction under this paragraph
15 shall collect the fee from each person who receives instruction. The department may
16 determine the portion of this fee, which may not exceed 50%, that the instructor may
17 retain to defray expenses incurred by the instructor in conducting the program. The
18 instructor shall remit the remainder of the fee or, if nothing is retained, the entire
19 fee to the department. The department shall issue a duplicate certificate of
20 accomplishment to a person who is entitled to a duplicate certificate of
21 accomplishment and who pays a fee of \$2.75.

22 **SECTION 126.** 23.33 (5r) (b) of the statutes is amended to read:

23 23.33 (5r) (b) The department shall establish a program to make incentive
24 payments to private landowners who permit public all-terrain vehicle corridors on

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1 ~~their lands on which both all-terrain vehicles and utility terrain vehicles may be~~
2 ~~operated and who apply for the payments.~~

3 **SECTION 127.** 23.33 (6) (a), (b), (c), (d), (e) and (h) of the statutes are amended
4 to read:

5 23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain
6 vehicle during hours of darkness or during daylight hours on any highway
7 right-of-way is required to display a lighted headlamp and tail lamp on the
8 all-terrain vehicle or utility terrain vehicle.

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

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

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

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

23 (h) A person who operates an all-terrain vehicle or utility terrain vehicle with
24 a snow removal device attached as authorized under s. 23.33 (4) (f) is required to

BILL**SECTION 127**

1 display at least one or more flashing or rotating amber or yellow lights, and at least
2 one of these lights shall be visible from every direction.

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

4 23.33 (6) (i) No person may operate a utility terrain vehicle unless each
5 passenger is wearing a safety belt installed by the manufacturer and fastened in a
6 manner prescribed by the manufacturer of the safety belt which permits the safety
7 belt to act as a body restraint.

8 **SECTION 129.** 23.33 (6m) of the statutes is amended to read:

9 23.33 (6m) NOISE LIMITS. No person may manufacture, sell, rent or operate an
10 all-terrain vehicle or utility terrain vehicle that is constructed in such a manner that
11 noise emitted from the ~~all-terrain~~ vehicle exceeds 96 decibels on the A scale as
12 measured in the manner prescribed under rules promulgated by the department.

13 **SECTION 130.** 23.33 (6r) of the statutes is created to read:

14 23.33 (6r) PASSENGER RESTRICTIONS. No person may ride in or on any part of a
15 utility terrain vehicle that is not designed or intended to be used by passengers.

16 **SECTION 131.** 23.33 (7) of the statutes is amended to read:

17 23.33 (7) ACCIDENTS. (a) If an accident results in the death of any person or in
18 the injury of any person which requires the treatment of the person by a physician,
19 the operator of each all-terrain vehicle and utility terrain vehicle involved in the
20 accident shall give notice of the accident to a conservation warden or local law
21 enforcement officer as soon as possible and shall file a written report of the accident
22 with the department on the form provided by it within 10 days after the accident.

23 (b) If the operator of an all-terrain vehicle or utility terrain vehicle is physically
24 incapable of making the report required by this subsection and there was another

1 witness to the accident capable of making the report, the witness may make the
2 report.

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

4 23.33 (8) (d) *Restrictions.* The designating authority may specify effective
5 periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit
6 the operation of an all-terrain vehicle or utility terrain vehicle during certain periods
7 of the year. This paragraph does not apply to an all-terrain vehicle or a utility terrain
8 vehicle that is operated exclusively by means of an electric motor.

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

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

16 **SECTION 134.** 23.33 (8) (f) 1. of the statutes is amended to read:

17 23.33 (8) (f) *Interference with signs and standards prohibited.* 1. No person
18 may intentionally remove, damage, deface, move ~~or~~, obstruct, or interfere with the
19 effective operation of any uniform all-terrain vehicle route or trail sign or standard
20 or intentionally interfere with the effective operation of any uniform all-terrain
21 vehicle route or trail sign or standards or any uniform sign or standard for the
22 operation of a utility terrain vehicle on an all-terrain vehicle route or trail if the sign
23 or standard is legally placed by the state, any municipality or any authorized
24 individual.

25 **SECTION 135.** 23.33 (8) (f) 2. of the statutes is amended to read:

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1 23.33 (8) (f) 2. No person may possess any uniform all-terrain vehicle route or
2 trail sign or standard, or any uniform sign or standard for the operation of a utility
3 terrain vehicle on an all-terrain vehicle route or trail, of the type established by the
4 department for the warning, instruction or information of the public, unless he or she
5 obtained the uniform ~~all-terrain vehicle route or trail~~ sign or standard in a lawful
6 manner. Possession of a uniform all-terrain vehicle route or trail sign or standard
7 or uniform sign or standard for the operation of a utility terrain vehicle on an
8 all-terrain vehicle route or trail creates a rebuttable presumption of illegal
9 possession.

10 **SECTION 136.** 23.33 (9) (a) of the statutes is amended to read:

11 23.33 (9) (a) *Enforcement.* The department may utilize moneys received under
12 sub. (2) for all-terrain vehicle and utility terrain vehicle registration aids
13 administration and for the purposes specified under s. 20.370 (3) (as) and (5) (er)
14 including costs associated with enforcement, safety education, accident reports and
15 analysis, law enforcement aids to counties, and other similar costs in administering
16 and enforcing this section.

17 **SECTION 137.** 23.33 (9) (bg) of the statutes is created to read:

18 23.33 (9) (bg) *Projects for utility terrain vehicles.* A project to improve or
19 maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for
20 funding as a state utility terrain vehicle project from the appropriation account
21 under s. 20.370 (1) (mr) or for aid as a nonstate utility vehicle project from the
22 appropriation accounts under s. 20.370 (5) (eu) and (gr). The maximum amount
23 allowed for aid under this paragraph is \$100 per mile for all-terrain vehicle trails
24 that are maintained not less than 3 months per year including the months of June,
25 July, and August. If the requests for aid for projects under this paragraph exceed the

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1 funds available, the department shall distribute available funds to qualified
2 applicants on a proportional basis.

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

4 23.33 (11) (a) Counties, towns, cities and villages may enact ordinances
5 regulating all-terrain vehicles and utility terrain vehicles on all-terrain vehicle
6 trails maintained by or on all-terrain vehicle routes designated by the county, city,
7 town or village.

8 **SECTION 139.** 23.33 (11) (am) 2. of the statutes is amended to read:

9 23.33 (11) (am) 2. For a roadway, or for a portion of a roadway, that is located
10 within the territorial boundaries of a city, village, or town, the city, village, or town
11 may enact an ordinance to authorize the operation of all-terrain vehicles and utility
12 terrain vehicles with snow removal devices attached on the roadway, or adjacent to
13 the roadway, if the applicable roadway speed limit is greater than 45 miles per hour,
14 and regardless of whether the city, village, or town has jurisdiction over the roadway.

15 **SECTION 140.** 23.33 (11) (b) of the statutes is amended to read:

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

21 **SECTION 141.** 23.33 (11p) (title) of the statutes is repealed.

22 **SECTION 142.** 23.33 (11p) (a) (intro.) of the statutes is repealed.

23 **SECTION 143.** 23.33 (11p) (a) 1. of the statutes is repealed.

24 **SECTION 144.** 23.33 (11p) (a) 2. of the statutes is renumbered 23.33 (1) (fm).

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1 SECTION 145. 23.33 (11p) (a) 3. of the statutes is renumbered 23.33 (1) (ik) and
2 amended to read:

3 23.33 (1) (ik) "Low pressure tire" means a tire that has a minimum width of 6
4 inches and that is designed to be inflated with an operating pressure not to exceed
5 20 pounds per square inch as recommended by the manufacturer has the meaning
6 given ⁱⁿ is s. 340.01 (27g).

7 ~~SECTION 146. 23.33 (11p) (a) 4. of the statutes is renumbered 23.33 (1) (im).~~

8 SECTION 147. 23.33 (11p) (a) 5. of the statutes is repealed.

9 SECTION 148. 23.33 (11p) (a) 6. of the statutes is renumbered 23.33 (1) (ng)
10 (intro.) and 23.33 (1) (ng) (intro.) and 1. a. and c., as renumbered, are amended to
11 read:

12 23.33 (1) (ng) (intro.) "Utility terrain vehicle" means ~~a~~ all of the following:

13 1. ~~A motor driven device that does not meet federal motor vehicle safety~~
14 ~~standards, other than a golf cart or, low speed vehicle, dune buggy, go-kart,~~
15 ~~mini-truck, tracked vehicle, or neighborhood electric vehicle, that is designed to be~~
16 ~~used primarily off of a highway, and that has, and was originally manufactured with,~~
17 all of the following:

- 18 a. A gross net weight of more than 900 pounds but not more ^{less} than ~~1,999~~ ^{2,000} pounds.
- 19 c. A cargo box ~~or dump box~~ installed by the manufacturer.

20 SECTION 149. 23.33 (11p) (b) to (i) of the statutes are repealed.

21 SECTION 150. 23.33 (12) (b) of the statutes is amended to read:

22 23.33 (12) (b) No operator of an all-terrain vehicle or utility terrain vehicle may
23 refuse to stop after being requested or signaled to do so by a law enforcement officer
24 or a commission warden, as defined in s. 939.22 (5).

25 SECTION 151. 23.33 (13) (b) (title) of the statutes is amended to read:

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

3 **SECTION 152.** 23.33 (13) (b) 2. of the statutes is amended to read:

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

10 **SECTION 153.** 23.33 (13) (b) 3. of the statutes is amended to read:

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

17 **SECTION 154.** 23.33 (13) (b) 4. of the statutes is amended to read:

18 23.33 (13) (b) 4. A person who violates sub. (4c) (a) 3. or (4p) (e) and who has
19 not attained the age of ~~19~~ 21 shall forfeit not more than \$50.

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

21 23.33 (13) (bg) *Penalties related to intoxicated operation of an all-terrain*
22 *vehicle or utility terrain vehicle; underage passengers.* If there is a passenger under
23 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a
24 violation that gives rise to a conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the

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

3 **SECTION 156.** 23.33 (13) (br) (title) of the statutes is amended to read:

4 23.33 (13) (br) (title) *Penalties related to intoxicated operation of an all-terrain*
5 *vehicle or utility terrain vehicle; enhancers.*

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

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

14 **SECTION 158.** 23.33 (13) (e) of the statutes is amended to read:

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

24 **SECTION 159.** 23.33 (13) (f) of the statutes is amended to read:

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1 23.33 (13) (f) *Restoration or replacement of signs and standards.* In addition
2 to any other penalty, the court may order the defendant to restore or replace any
3 uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or
4 standard for the operation of a utility terrain vehicle on an all-terrain vehicle route
5 or trail, that the defendant removed, damaged, defaced, moved or obstructed.

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

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

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

15 23.35 (1) (a) Requires that boats, snowmobiles and, all-terrain vehicles, and
16 utility terrain vehicles display decals or identification numbers showing valid
17 registration by the tribe or band.

18 **SECTION 162.** 23.35 (1) (b) of the statutes is amended to read:

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

23 **SECTION 163.** 23.35 (1) (e) of the statutes is amended to read:

24 23.35 (1) (e) Provides reciprocal exemptions, from the tribe's or band's
25 registration requirements, for boats, snowmobiles and, all-terrain vehicles, and

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1 utility terrain vehicles registered or certified by this state that are substantially as
2 favorable as the exemptions enjoyed by the tribe or the band under the agreement.
3 In this paragraph, “reciprocal exemption” means an exemption under the agreement
4 that exempts from a tribe’s or band’s registration requirements, for operation within
5 the boundaries of the tribe’s or band’s reservation, a boat, snowmobile ~~or~~, all-terrain
6 vehicle, or utility terrain vehicle that is owned by a person who is not a member of
7 the tribe or band and that is registered or certified by this state to the same extent
8 that the agreement exempts from state registration and certification requirements,
9 for the operation outside the boundaries of the tribe’s or band’s reservation, a boat,
10 snowmobile ~~or~~, all-terrain vehicle, or utility terrain vehicle that is registered by the
11 tribe or band.

12 **SECTION 164.** 23.35 (2) of the statutes is amended to read:

13 23.35 (2) An agreement entered into under sub. (1) may cover a registration
14 program for boats, snowmobiles ~~or~~, all-terrain vehicles, or utility terrain vehicles or
15 any combination thereof.

16 **SECTION 165.** 25.29 (1) (b) of the statutes is amended to read:

17 25.29 (1) (b) One percent of all sales and use taxes under s. 77.61 (1) on
18 all-terrain vehicles, utility terrain vehicles, boats and snowmobiles collected under
19 ss. 23.33, 30.52 (4), 350.12 and 350.122.

20 **SECTION 166.** 25.29 (1) (dm) of the statutes is renumbered 25.29 (1) (dm) 1. and
21 amended to read:

22 25.29 (1) (dm) 1. ~~For fiscal year 1991-92 and for each fiscal year thereafter, an~~
23 An amount equal to the estimated all-terrain vehicle gas tax payment. The

24 2. For fiscal years before fiscal year 2013-14, the estimated all-terrain vehicle
25 gas tax payment is calculated by multiplying the sum of the number of all-terrain

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1 vehicles registered for public use under s. 23.33 (2) (c) or (2g) and the number of
2 reflectorized plates issued under s. 23.33 (2) (dm), 2009 stats., on the last day of
3 February of the previous fiscal year by 25 gallons and multiplying that product by
4 the excise tax imposed under s. 78.01 (1) on the last day of February of the previous
5 fiscal year.

6 **SECTION 167.** 25.29 (1) (dm) 3. of the statutes is created to read:

7 25.29 (1) (dm) 3. For fiscal year 2013-14, the estimated all-terrain vehicle gas
8 tax payment is calculated by multiplying the sum of the number of all-terrain
9 vehicles registered for public use under s. 23.33 (2) (c) or (2g), the number of
10 reflectorized plates issued under s. 23.33 (2) (dm), 2009 stats., and the number of
11 commercial all-terrain vehicle registration decals issued under s. 23.33 (2) (dm) on
12 the last day of February of the previous fiscal year by 25 gallons and multiplying that
13 product by the excise tax imposed under s. 78.01 (1) on the last day of February of
14 the previous fiscal year.

15 **SECTION 168.** 25.29 (1) (dm) 4. of the statutes is created to read:

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

23 **SECTION 169.** 25.29 (1) (dr) of the statutes is created to read:

24 25.29 (1) (dr) For fiscal year 2013-14 and for each fiscal year thereafter, an
25 amount equal to the estimated utility terrain vehicle gas tax payment. The

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1 estimated utility terrain vehicle gas tax payment is calculated by multiplying the
2 sum of the number of utility terrain vehicles registered for public use under s. 23.33
3 (2) (c) or (2g) on the last day of February of the previous fiscal year by 25 gallons and
4 multiplying that product by the excise tax imposed under s. 78.01 (1) on the last day
5 of February of the previous fiscal year.

6 **SECTION 170.** 25.40 (2) (b) 27. of the statutes is created to read:

7 25.40 (2) (b) 27. Section 20.855 (4) (v).

8 **SECTION 171.** 25.40 (3) (b) 14. of the statutes is amended to read:

9 25.40 (3) (b) 14. Transfers to the conservation fund for motor fuel tax collections
10 on the use of fuel by snowmobiles, all-terrain vehicles, utility terrain vehicles, and
11 motorboats.

12 **SECTION 172.** 30.26 (4) (title) of the statutes is amended to read:

13 30.26 (4) (title) SNOWMOBILES AND, ALL-TERRAIN VEHICLES, AND UTILITY TERRAIN
14 VEHICLES.

15 **SECTION 173.** 30.26 (4) (a) (intro.) and (b) of the statutes are amended to read:

16 30.26 (4) (a) (intro.) The department may not prohibit the crossing of a bridge
17 over a wild river by an all-terrain vehicle or utility terrain vehicle traveling on an
18 all-terrain vehicle trail, as defined under s. 23.33 (1) (d), or by a snowmobile
19 traveling on a snowmobile trail, as defined under s. 350.01 (17) that is constructed
20 in any of the following locations:

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

25 **SECTION 174.** 30.29 (1) (b) of the statutes is amended to read:

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

3 **SECTION 175.** 70.11 (45m) of the statutes is amended to read:

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

8 **SECTION 176.** 77.51 (13) (am) of the statutes is amended to read:

9 77.51 (13) (am) Any person making any retail sale of a motor vehicle, aircraft,
10 snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer,
11 all-terrain vehicle, utility terrain vehicle, or boat registered or titled, or required to
12 be registered or titled, under the laws of this state or of the United States.

13 **SECTION 177.** 77.51 (13s) of the statutes is amended to read:

14 77.51 (13s) "Safety classes" means all classes approved by the department of
15 natural resources related to hunting, including hunting with a bow, and related to
16 firearms, all-terrain vehicles, utility terrain vehicles, boats, and snowmobiles.

17 **SECTION 178.** 77.54 (7) (b) (intro.) of the statutes is amended to read:

18 77.54 (7) (b) (intro.) If the item transferred is a motor vehicle, snowmobile,
19 recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain
20 vehicle, utility terrain vehicle, or aircraft and the item is registered or titled, or
21 required to be registered or titled, in this state or if the item is a boat that is registered
22 or titled, or required to be registered or titled, in this state or under the laws of the
23 United States, the exemption under par. (a) applies only if all of the following
24 conditions are fulfilled:

25 **SECTION 179.** 77.61 (1) (a) of the statutes is amended to read:

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

5 **SECTION 180.** 77.61 (1) (b) of the statutes is amended to read:

6 77.61 (1) (b) In the case of motor vehicles, boats, snowmobiles, recreational
7 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
8 utility terrain vehicles, or aircraft purchased from a retailer, the registrant shall
9 present proof that the tax has been paid to such retailer.

10 **SECTION 181.** 77.61 (1) (c) of the statutes is amended to read:

11 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational
12 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles,
13 utility terrain vehicles, or aircraft registered or titled, or required to be registered or
14 titled, in this state purchased from persons who are not retailers, the purchaser shall
15 file a sales tax return and pay the tax prior to registering or titling the motor vehicle,
16 boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), semitrailer,
17 all-terrain vehicle, utility terrain vehicle, or aircraft in this state.

18 **SECTION 182.** 77.78 of the statutes, as affected by 2011 Wisconsin Act 32, is
19 amended to read:

20 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
21 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
22 vehicle, or aircraft that is required to be registered by this state may be registered
23 or titled by this state unless the registrant files a sales and use tax report and pays
24 the county tax and special district tax at the time of registering or titling to the state

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1 agency that registers or titles the property. That state agency shall transmit those
2 tax revenues to the department of revenue.

3 **SECTION 183.** 78.01 (2) (e) of the statutes is amended to read:

4 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and
5 equipment; other than use in a snowmobile, an all-terrain vehicle or utility terrain
6 vehicle that is not registered for private use under s. 23.33 (2) (d) or a recreational
7 motorboat; and delivered directly into the consumer's storage tank in an amount of
8 not less than 100 gallons.

9 **SECTION 184.** 78.01 (2m) (f) of the statutes is amended to read:

10 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than
11 use in a snowmobile, an all-terrain vehicle or utility terrain vehicle that is not
12 registered for private use under s. 23.33 (2) (d) or (2g) or in a recreational motorboat
13 or if no claim for a refund for the tax on the diesel fuel may be made under s. 78.75
14 (1m) (a) 3.

15 **SECTION 185.** 78.40 (1) of the statutes is amended to read:

16 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate
17 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The
18 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply
19 tanks of motor vehicles in this state, attaches at the time of delivery and shall be
20 collected by the dealer from the alternate fuels user and shall be paid to the
21 department. The tax, with respect to alternate fuels acquired by any alternate fuels
22 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a
23 motor vehicle, or of a snowmobile, an all-terrain vehicle or utility terrain vehicle that
24 is not registered for private use under s. 23.33 (2) (d) or (2g) or a recreational
25 motorboat, attaches at the time of the use of the fuel and shall be paid to the

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1 department by the user. The department may permit any supplier of alternate fuels
2 to report and pay to the department the tax on alternate fuels delivered into the
3 storage facility of an alternate fuels user or retailer which will be consumed for
4 alternate fuels tax purposes or sold at retail.

5 **SECTION 186.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

6 78.75 **(1m)** (a) 2m. A person who uses motor vehicle fuel or an alternate fuel
7 upon which has been paid the tax required under this chapter for the purpose of
8 operating an all-terrain vehicle, as defined under s. 340.01 (2g), or a utility terrain
9 vehicle, as defined under s. 23.33 (1) (ng), may not be reimbursed or repaid the
10 amount of tax paid unless the all-terrain vehicle or utility terrain vehicle is
11 registered for private use under s. 23.33 (2) (d) or (2g).

12 **SECTION 187.** 78.75 (1m) (a) 3. of the statutes is amended to read:

13 78.75 **(1m)** (a) 3. Claims under subd. 1. shall be made and filed. The forms shall
14 indicate that refunds are not available for motor vehicle fuel or alternate fuels used
15 for motorboats, except motorboats exempt from registration as motor vehicles under
16 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle
17 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile
18 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and
19 areas. The forms shall indicate that refunds are not available for motor vehicle fuel
20 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the
21 ~~all-terrain~~ vehicle is registered for private use under s. 23.33 (2) (d) or (2g) and shall
22 indicate that estimated all-terrain vehicle or utility terrain vehicle motor vehicle
23 fuel or alternate fuels tax payments are used for all-terrain vehicle trails and areas.
24 The forms shall also indicate that refunds are not available for the tax on less than

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1 100 gallons. The department shall distribute forms in sufficient quantities to each
2 county clerk.

3 **SECTION 188.** 100.48 (1) (d) of the statutes is created to read:

4 100.48 (1) (d) "Utility terrain vehicle" has the meaning given in s. 23.33 (1) (ng).

5 **SECTION 189.** 100.48 (2), (3) (a) and (4) (c) of the statutes are amended to read:

6 100.48 (2) No person may, either personally or through an agent, remove,
7 replace, disconnect, reset, tamper with, alter, or fail to connect, an hour meter
8 attached to farm equipment, a snowmobile, an all-terrain vehicle, a utility terrain
9 vehicle, or a boat with the intent to defraud by changing or affecting the number of
10 hours of operation indicated on the hour meter.

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

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

5 **SECTION 190.** 322.111 of the statutes is amended to read:

6 **322.111 Article 111 — Drunken or reckless operation of an all-terrain**
7 **vehicle, utility terrain vehicle, vehicle, snowmobile, aircraft, or vessel.** Any
8 person who violates s. 23.33 (3) (a) or (4c), 30.68, 30.681, 114.09, 346.62, 346.63 (1)
9 or (2), 350.10 (1) (b), 350.101, 940.25, or 940.09 where the offense involved the
10 operation or physical control of an aircraft, all-terrain vehicle, utility terrain vehicle,
11 snowmobile, vehicle or vessel on or off a highway shall be punished as the
12 court-martial may direct.

13 **SECTION 191.** 323.20 of the statutes is amended to read:

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

18 **SECTION 192.** 340.01 (27g) of the statutes is amended to read:

19 340.01 (27g) “Low-pressure tire” means a tire that has a minimum width of
20 6 inches and that is designed to be inflated with an operating pressure not to exceed
21 ~~10~~ 20 pounds per square inch as recommended by the manufacturer.

22 **SECTION 193.** 340.01 (32) (intro.) of the statutes is amended to read:

23 340.01 (32) (intro.) “Motorcycle” means a motor vehicle, excluding a tractor ~~or~~,
24 an all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess
25 of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind,

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1 with a power source as an integral part of the vehicle, and which meets the conditions
2 under par. (a) or (b):

3 **SECTION 194.** 340.01 (35) of the statutes is amended to read:

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

11 **SECTION 195.** 341.057 of the statutes is amended to read:

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

15 **SECTION 196.** 344.61 (1) of the statutes is amended to read:

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

18 **SECTION 197.** 345.11 (1r) of the statutes is amended to read:

19 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
20 be used for violations of s. 23.33 relating to highway use or ordinances enacted in
21 accordance with that section if the violation is committed on a highway, but no points
22 may be assessed against the driving record of the operator of an all-terrain vehicle
23 or utility terrain vehicle. When the uniform traffic citation is used, the report of
24 conviction shall be forwarded to the department. When the citation form under s.
25 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

BILL**SECTION 198**

1 **SECTION 198.** 346.02 (11) of the statutes is amended to read:

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

9 **SECTION 199.** 346.66 (1) (c) of the statutes is amended to read:

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

13 **SECTION 200.** 346.71 (1) of the statutes is amended to read:

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

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1 **SECTION 201.** 346.71 (2) of the statutes is amended to read:

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

BILL**SECTION 202**

1 **SECTION 202.** 347.24 (1) (c) of the statutes is amended to read:

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

5 **SECTION 203.** 347.415 (1g) of the statutes is amended to read:

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

12 **SECTION 204.** 347.415 (1m) of the statutes is amended to read:

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

17 **SECTION 205.** 885.235 (1g) (intro.) of the statutes is amended to read:

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

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1 or evidence of the amount of alcohol in the person's breath, is admissible on the issue
2 of whether he or she was under the influence of an intoxicant or had a prohibited
3 alcohol concentration or a specified alcohol concentration if the sample was taken
4 within 3 hours after the event to be proved. The chemical analysis shall be given
5 effect as follows without requiring any expert testimony as to its effect:

6 **SECTION 206.** 885.235 (1k) of the statutes is amended to read:

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

18 **SECTION 207.** 895.043 (6) of the statutes, as created by 2011 Wisconsin Act 2,
19 is amended to read:

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

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1 defined under s. 340.01 (2g), a utility terrain vehicle as defined under s. 23.33 (1) (ng),
2 and a boat as defined under s. 30.50 (2), while under the influence of an intoxicant
3 to a degree that rendered the defendant incapable of safe operation of the vehicle.
4 In this subsection, “intoxicant” has the meaning given in s. 30.50 (4e).

5 **SECTION 208.** 895.049 of the statutes is amended to read:

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

15 **SECTION 209.** 895.52 (1) (g) of the statutes is amended to read:

16 895.52 (1) (g) “Recreational activity” means any outdoor activity undertaken
17 for the purpose of exercise, relaxation or pleasure, including practice or instruction
18 in any such activity. “Recreational activity” includes hunting, fishing, trapping,
19 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,
20 bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain
21 vehicle, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,
22 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or
23 removing wood, climbing observation towers, animal training, harvesting the
24 products of nature, sport shooting and any other outdoor sport, game or educational

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1 activity. "Recreational activity" does not include any organized team sport activity
2 sponsored by the owner of the property on which the activity takes place.

3 **SECTION 210.** 895.525 (2) of the statutes is amended to read:

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

15 **SECTION 211.** 901.053 of the statutes is amended to read:

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

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1 of the protective headgear or, with respect to such use of protective headgear, in a civil
2 action on the sole issue of whether the protective headgear contributed to the
3 personal injury or property damage incurred by another person.

4 **SECTION 212.** 938.17 (title) of the statutes is amended to read:

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

8 **SECTION 213.** 938.17 (1) (intro.) of the statutes is amended to read:

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

22 **SECTION 214.** 938.343 (9) of the statutes is amended to read:

23 938.343 (9) ALL-TERRAIN OR UTILITY TERRAIN VEHICLE SAFETY COURSE. If the
24 violation is one under s. 23.33 or under an ordinance enacted in accordance with s.

BILL

1 23.33 concerning the use of all-terrain vehicles or utility terrain vehicles, order the
2 juvenile to attend an all-terrain vehicle or utility terrain vehicle safety course.

SECTION 215. Nonstatutory provisions.

3
4 (1) Notwithstanding the fees specified in section 23.33 (2) (c) of the statutes,
5 as affected by this act, the department of natural resources may charge a fee under
6 section 23.33 (2) (c) of the statutes, as affected by this act, that is calculated on a
7 proportional basis if the changes in the public-use registration period under section
8 23.33 (2) (f) of the statutes, as affected by this act, cause a public-use registration
9 certificate that is issued on or after the effective date of this subsection to expire in
10 less than 2 years after the date of issuance.

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

SECTION 216. Fiscal changes.

19
20 (1) The unencumbered balance in the appropriation account under section
21 20.370 (1) (iv) of the statutes is transferred to the appropriation account under
22 section 20.370 (1) (iw) of the statutes, as created by this act.

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

2011-2012 DRAFTING INSERT
FROM THE
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LRB-2489/2ins.
RNK:.....

INSERT ANALYSIS

26. two
5. A public-use registration certificate for an ATV under current law is valid for a 2-year period. This bill specifies that a public-use registration certificate is valid for both an ATV and a UTV beginning on April 1 or the date of issuance or renewal and ending March 31 of the 2nd year following the date of issuance or renewal.
2 second

INSERT 7-25

- 1 SECTION # 23.33 (1) (ip) of the statutes is created to read:
2 23.33 (1) (ip) "Mini-truck" means a motor truck, as defined in s. 340.01 (34),
3 having a top speed of not more than 60 miles per hour, and that is all of the following:
4 1. Powered by an internal combustion engine with a piston or rotor
5 displacement of not less than 660 cubic centimeters.
6 2. Not more than 60 inches wide.
7 3. Not more than 1,600 pounds in dry, unloaded weight.
8 4. Manufactured with a locking enclosed cab and a heated interior.

INSERT 40-17

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

strike
extra spaces

→ in effect on the effective date of this subdivision....
[LRB inserts date]

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2489/2insB
RNK:.....

INSERT 40-7

1 SECTION ~~#~~ 23.33 (1p) (a) 4. of the statutes is renumbered 23.33 (1) (im) and
2 amended to read:

3 23.33 (1) (im) "Low-speed vehicle" ~~means a low-speed vehicle, as defined in~~
4 ~~49 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and~~
5 ~~that was originally manufactured to meet the applicable equipment standards under~~
6 ~~49 CFR 571.500~~ has the meaning given in s.^Δ340.01 (27h).[↓]

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

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

LRB-2489/2dn

RNK:1:....

Wlj

Date

, stats. 9

This redraft incorporates your redraft instructions. Please note that because you have requested that the draft maintain current law with respect to the landowner incentive program, the draft also eliminates the amendment of s. 20.370 (5) (cv) that was in the previous versions of the draft. Also, I made an additional change in the definition of a UTV in this redraft. In the previous versions of the draft, the definition includes a requirement that the vehicle have a net weight of not more than 1,999 pounds. I have changed the language so that it now provides that the net weight must be less than 2,000 pounds. I think this more accurately describes the desired weight limit.

Please give me a call if you have any questions.

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

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

LRB-2489/2dn
RNK:wlj:ph

December 14, 2011

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Please give me a call if you have any questions.

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Basford, Sarah

From: Moench, Lucas
Sent: Sunday, December 18, 2011 2:53 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2489/2 Topic: Regulating the use of utility terrain vehicles

Please Jacket LRB 11-2489/2 for the SENATE.