

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

LRB-2685/P1dn  
ARG:cmh:jf

September 8, 2011

ATTN: Laura Rose

The attached draft is not complete. Changes to these two definitions will impact numerous statutory provisions. Although the inconsistency between s. 340.01 (35) and s. 340.01 (74) creates confusion and leaves significant room for interpretation, resolving this inconsistency, as is done in the attached draft, may have a substantive effect on numerous provisions, as discussed further below.

Section 340.01 (74) is amended in this draft to add ATVs as an exclusion in the definition of vehicle. This definition is cross-referenced in ss. 30.07 (1) (g), 167.31 (1) (h), 287.81 (1) (b), and 346.62 (1) (d). Section 340.01 (35) is amended in this draft to add electric personal assistive mobility devices (EPAMDs, or "Segways" under a common trade name) as an exclusion in the definition of motor vehicle. This definition is cross-referenced in ss. 30.01 (3w), 77.83 (2) (c), 100.205 (1) (c), 100.21 (1) (d), 100.42 (1) (h), 100.45 (1) (c), 100.51 (5) (a) 1., 110.20 (1) (b), 175.60 (1) (e), 285.30 (1) (b), 422.413 (2g) (intro.), 895.043 (6), 948.605 (1) (am), and 968.20 (3) (a) and (b). Moreover, in the hundreds of places where these terms are used in s. 23.33 and chs. 340 to 349 and 351, this draft could have a substantive effect on the statutory provision. I have reviewed numerous provisions that are affected by the definitional changes in this draft, and on the whole I don't believe that the changes are problematic. However, DOT and DNR should review the provisions and they might have a different opinion. The provisions that I do find problematic are discussed below.

Should s. 287.81 (1) (b) be amended to also include ATVs?

This draft may make a substantive change by eliminating ATVs from the scope of s. 30.07 if no treatment of s. 30.07 (1) (g) is added. Should s. 30.07 (1) (g) be treated to include ATVs in the definition of "vehicle"?

The draft should also either amend s. 167.31 (1) (h) to specifically include ATVs (otherwise the reference to ATVs in s. 167.31 (4) (bt) 3. is rendered meaningless) or, alternatively, repeal s. 167.31 (4) (bt) 3. Which option do you prefer?

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