



2013 SENATE BILL 32

February 19, 2013 – Introduced by Senators LEIBHAM, PETROWSKI and TAYLOR, cosponsored by Representatives SEVERSON, RIPP, BIES, BROOKS, CZAJA, ENDSLEY, KESTELL and MURTHA. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT** *to renumber and amend* 23.33 (5) (a) and 23.33 (5) (c); *to amend* 23.33
2 (3) (g) and 23.33 (5) (am) 2.; and *to create* 23.33 (3) (gm), 23.33 (5) (a) 4., 23.33
3 (5) (c) 1., 23.33 (5) (c) 2. b., 23.33 (5) (c) 3. and 23.33 (5) (c) 4. of the statutes;
4 **relating to:** age and speed restrictions on, and safety certification
5 requirements for, the operation of all-terrain vehicles and utility terrain
6 vehicles.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person who is at least 12 years of age and who was born on or after January 1, 1988, may operate an all-terrain vehicle (ATV), and no person who is at least 16 years of age and who was born on or after January 1, 1988, may operate a utility terrain vehicle (UTV), unless he or she holds a valid safety certificate issued by the Department of Natural Resources, another state, or a province of Canada that indicates that the person successfully completed a program of instruction on ATV and UTV laws and safety. One of the current law exceptions to this requirement allows a person to operate an ATV or UTV exclusively on land under the management and control of the person's immediate family without a safety certificate. This bill creates additional exceptions to the safety certificate requirement. The bill specifies that a person is not required to have a safety certificate to operate an ATV or UTV on land under the management and control of a person who consents to the operation of an ATV or UTV on his or her land.

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The bill provides that, for this exception to apply to a person who is under 12 years of age, the person must be accompanied by his or her parent or guardian or by a person who is over 18 years of age who is designated by the parent or guardian (designated adult).

This bill also exempts from the safety certificate requirement a person who operates an ATV or UTV at a sponsored ATV or UTV demonstration event, provided that the person wears protective headgear, the person operates the ATV or UTV in a closed-course area, and, if the person is under 18 years of age, he or she is accompanied by a parent or guardian or a designated adult.

Current law allows a person to operate an ATV or UTV on the roadway portion of a highway only under certain conditions. Under one of these conditions, current law generally allows a person to operate an ATV or UTV on the extreme right side of a roadway that is designated as an ATV route. Under another condition, current law allows a person to operate an ATV or UTV on a roadway of a highway that is an ATV trail. This bill specifies that a person who is under 16 years of age may operate an ATV on a roadway under either of these two specific conditions only if he or she is accompanied by his or her parent or by another designated adult.

Under current law, no person may operate an ATV or UTV at a speed exceeding ten miles per hour when within 150 feet of a dwelling. Under this bill, this ten mile per hour speed limit also applies when the person is operating an ATV or UTV within 100 feet of another person who is not operating a motor vehicle. Under the bill, the ten mile per hour speed limit does not apply to a person operating an ATV or UTV on a roadway that is designated as an ATV route.

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

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

2 23.33 (3) (g) When within 150 feet of a dwelling at a speed exceeding 10 miles
3 per hour. The speed limit specified in this paragraph does not apply to a person
4 operating an all-terrain vehicle or utility terrain vehicle on a roadway that is
5 designated as an all-terrain vehicle route.

6 **SECTION 2.** 23.33 (3) (gm) of the statutes is created to read:

7 23.33 (3) (gm) At a speed exceeding 10 miles per hour or without yielding the
8 right-of-way when within 100 feet of another person who is not operating a motor
9 vehicle. This paragraph does not apply to a person operating an all-terrain vehicle

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1 or utility terrain vehicle on a roadway that is designated as an all-terrain vehicle
2 route.

3 **SECTION 3.** 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. (intro.)
4 and amended to read:

5 23.33 (5) (a) 1. (intro.) ~~No~~ Subject to subds. 2. to 5., no person under 12 years
6 of age may operate an all-terrain vehicle unless ~~he~~ any of the following applies:

7 a. He or she is operating the all-terrain vehicle for an agricultural purpose and
8 he or she is under the supervision of a person over 18 years of age ~~or unless he.~~ For
9 purposes of this subd. 1. a., supervision does not require that the person under 12
10 years of age be subject to continuous direction or control by the person over 18 years
11 of age.

12 b. He or she is operating a small all-terrain vehicle on an all-terrain vehicle
13 trail designated by the department and he or she is accompanied by his or her parent.

14 2. No person who is under 12 years of age may operate an all-terrain vehicle
15 which ~~that~~ is an implement of husbandry on a roadway under any circumstances.

16 3. No person who is under 12 years of age may operate an all-terrain vehicle
17 on a roadway under the authorization provided under sub. (4) (d) 6. under any
18 circumstances.

19 5. No person who is under 16 years of age may operate an all-terrain vehicle
20 under the authorization provided under sub. (4) (f) under any circumstances.

21 6. No person who is under 12 years of age may rent or lease an all-terrain
22 vehicle. ~~For purposes of this paragraph, supervision does not require that the person~~
23 ~~under 12 years of age be subject to continuous direction or control by the person over~~
24 ~~18 years of age.~~

25 **SECTION 4.** 23.33 (5) (a) 4. of the statutes is created to read:

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1 23.33 (5) (a) 4. No person who is under 16 years of age may operate an
2 all-terrain vehicle under the authority provided under sub. (4) (d) 4. or 7. unless the
3 person is accompanied by his or her parent or guardian or by a person who is at least
4 18 years of age who is designated by the parent or guardian.

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

6 23.33 (5) (am) 2. A person who is under 16 years of age may operate a utility
7 terrain vehicle if the person operates the utility terrain vehicle for an agricultural
8 purpose and he or she is under the supervision of a person over 18 years of age. For
9 purposes of this subdivision, supervision does not require that the person under 16
10 years of age be subject to continuous direction or control by the person over 18 years
11 of age.

12 **SECTION 6.** 23.33 (5) (c) of the statutes is renumbered 23.33 (5) (c) 2. (intro.) and
13 amended to read:

14 23.33 (5) (c) 2. (intro.) Paragraphs (a), (am), and (b) do not apply to a person who
15 operates an all-terrain vehicle or utility terrain vehicle exclusively on land that is
16 either of the following:

17 a. Land under the management and control of the person's immediate family.

18 **SECTION 7.** 23.33 (5) (c) 1. of the statutes is created to read:

19 23.33 (5) (c) 1. In this paragraph, "land on which operation is authorized"
20 means land under the management and control of a person who consents to the
21 operation of an all-terrain vehicle or utility terrain vehicle on the land.

22 **SECTION 8.** 23.33 (5) (c) 2. b. of the statutes is created to read:

23 23.33 (5) (c) 2. b. Land, other than land described under subd. 2. a., on which
24 operation is authorized.

25 **SECTION 9.** 23.33 (5) (c) 3. of the statutes is created to read:

