

2013 DRAFTING REQUEST

Bill

Received: 10/25/2012 Received By: rkite
 Wanted: As time permits Same as LRB:
 For: Joseph Leibham (608) 266-2056 By/Representing: Lucas Moench
 May Contact: Drafter: rkite
 Subject: Nat. Res. - boats snomos ATVs Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Leibham@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Modification of ATV and UTV operation restrictions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 11/1/2012			_____			
/P1	rkite 12/11/2012	jdyer 11/6/2012	rschluet 11/6/2012	_____	sbasford 11/6/2012		
/P2	rkite 12/18/2012	jdyer 12/12/2012	rschluet 12/12/2012	_____	srose 12/12/2012		
/P3	rkite	jdyer	rschluet	_____	sbasford		

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	12/26/2012	12/19/2012	12/19/2012	_____	12/19/2012		
/1	rkite 1/7/2013	jdyer 1/2/2013	rschluet 1/2/2013	_____	sbasford 1/2/2013		
/2		jdyer 1/8/2013	phenry 1/8/2013	_____	sbasford 1/8/2013	srose 2/5/2013	

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not needed

<END>

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Pre Topic:

No specific pre topic given

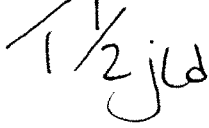
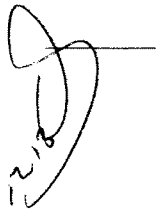
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11/21/12
 11/21/12
 11/21/12
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1?	rkite	PI 11/6 jld					
			11/6/12				

FE Sent For:

<END>

Kite, Robin

From: Moench, Lucas
Sent: Thursday, October 25, 2012 11:12 AM
To: Kite, Robin
Subject: Drafting Request

Robin-

Here is our last drafting request for ATVs/UTVs. We would like a bill that does the following:

1. All of Section 5 from 2011 SB 235 (LRB 1422/2).
2. Provide that an individual who is under age 16 but at least 12 may only operate an ATV/UTV on a roadway under the authorization provided in ss. 23.33(4)(d)4 and (4)(d)7 if that individual is accompanied by a person over 18 years of age.
3. Specify that the exemption granted under 23.33(5)(c) also applies to a person operating an ATV/UTV on land under the management and control of an individual designated by the parent/guardian, "designee", provided the individual operating under the new exemption is accompanied by a person over 18.
4. Amend s. 23.33(3)(g) so that it only applies to ATV/UTV operation on a trail, or sidewalk that has been designated as an ATV route. (3)(g) should NOT apply to roadways.
5. Create a speed limit of 10 mph for individuals operating ATVs/UTVs on a roadway if the operation occurs within 100 ft. of another individual who is not operating a motor vehicle.

Let me know if you have any questions.

Thanks,

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

Kite, Robin

From: Moench, Lucas
Sent: Thursday, October 25, 2012 2:21 PM
To: Kite, Robin
Subject: RE: Drafting Request

Robin-

Thanks for the question. You are correct- for items 2, 4, and 5, roadway is the correct word. However, upon reviewing item #5, I realized the instructions that I gave you are the opposite of what I want. The speed limit in #5 should be for everywhere EXCEPT roadways (trails & sidewalks), not only FOR roadways. Sorry for that confusion.

Thanks,

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

From: Kite, Robin
Sent: Thursday, October 25, 2012 1:48 PM
To: Moench, Lucas
Subject: RE: Drafting Request

Lucas:

I have some questions about this request. In items 2, 4, and 5 below, you refer to the operation of ATVs and UTVs on roadways. Roadways are generally the portion of a vehicular corridor that is open to regular traffic. That is, it does not include the shoulder or any other part of the corridor that is not generally used for regular traffic. A highway, on the other hand, includes the roadway and all of the other parts of the corridor such as the shoulder. This is important because ATV routes may include the entire highway and not just the roadway. Please confirm that you meant to refer only to roadways in your instructions rather than to highways.

If you would like to talk about this issue, please feel free to give me a call.

Thanks.
Robin

From: Moench, Lucas
Sent: Thursday, October 25, 2012 11:12 AM
To: Kite, Robin
Subject: Drafting Request

Robin-

Here is our last drafting request for ATVs/UTVs. We would like a bill that does the following:

✓ 1. All of Section 5 from 2011 SB 235 (LRB 1422/2).

2. Provide that an individual who is under age 16 but at least 12 may only operate an ATV/UTV on a roadway under the authorization provided in ss. 23.33(4)(d)4 and (4)(d)7 if that individual is accompanied by a person over 18 years of age.

not submitted
1

have to be 16

Re: 2.
make more
restrictive re: roadways → 12, 13, 14, 15

- 3. Specify that the exemption granted under 23.33(5)(c) also applies to a person operating an ATV/UTV on land under the management and control of an individual designated by the parent/guardian, "designee", provided the individual operating under the new exemption is accompanied by a person over 18.
- 4. Amend s. 23.33(3)(g) so that it only applies to ATV/UTV operation on a trail, or sidewalk that has been designated as an ATV route. (3)(g) should NOT apply to roadways.
- 5. Create a speed limit of 10 mph for individuals operating ATVs/UTVs ^{other than} on a roadway if the operation occurs within 100 ft. of another individual who is not operating a motor vehicle.

Lucas follow up email

Let me know if you have any questions.

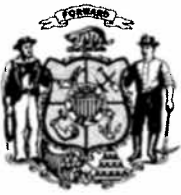
Thanks,

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

Private prop. OK if OK w/ parent or w/ someone over 18 - under 12

Do as preliminary -

Per Lucas -
Add x-ref to ^{23.33}(5)(am) in (5)(c)



State of Wisconsin
2013 - 2014 LEGISLATURE



RM
run
PI

LRB-0447/pe
RNK:

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Im
11/1

X

Gen

age and speed

and safety
certification
requirements
for,

1
2

AN ACT ...; relating to restrictions on the operation of all-terrain vehicles and utility terrain vehicles.

Analysis by the Legislative Reference Bureau

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

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

3
4
5
6
7

SECTION 1. 23.33 (3) (g) of the statutes is amended to read:
23.33 (3) (g) When within 150 feet of a dwelling at a speed exceeding 10 miles per hour. The speed limit in this paragraph does not apply to a person operating an all-terrain vehicle or utility terrain vehicle on a roadway that is designated as an all-terrain vehicle route.

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, 51, 208, 258.

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

1 23.33 (3) (gm) At a speed exceeding 10[✓] miles per hour when within[✓] 100 feet
 2 of another person who is not operating a motor vehicle. The speed limit[✓] in this ^{specified}
 3 paragraph[✓] does not apply to a person operating an all-terrain vehicle or utility
 4 terrain vehicle on a roadway that is designated as an all-terrain vehicle route.

5 **SECTION 3.** 23.33 (5) (a)[✓] of the statutes is renumbered 23.33 (5) (a)^{1.} (intro.) and
 6 amended to read:

7 23.33 (5) (a) ^(intro.) All-terrain vehicles; age restriction. 1. ^(intro.) No Subject to subds. 2. to
 8 5., no person under 12 years of age may operate an all-terrain vehicle unless he any
 9 of the following applies:[✓]

10 a. He or she is operating the all-terrain vehicle for an agricultural purpose and
 11 he or she is under the supervision of a person over 18 years of age ~~or unless he~~. For
 12 purposes of ^{this} subdivision 1. a., supervision does not require that the person under 12
 13 years of age be subject to continuous direction or control by the person over[✓] 18 years
 14 of age.[✓]

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

17 2. No person who is under 12 years of age may operate an all-terrain vehicle
 18 which[✓] that is an implement of husbandry on a roadway under any circumstances.

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

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

24 6. No person who is under 12 years of age may rent or lease an all-terrain
 25 vehicle. [✓] For purposes of this paragraph, supervision does not require that the person

1 ~~under 12 years of age be subject to continuous direction or control by the person over~~
 2 ~~18 years of age.~~ ✓

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, 51, 208, 258.

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

4 23.33 (5) (a) 4. No person who is under 16 ✓ years of age may operate an
 5 all-terrain vehicle under the authority provided under sub. (4) (d) 4. ✓ or 7. ✓ unless the
 6 person is accompanied by a person who is over 18 ✓ years of age.

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

8 23.33 (5) (c) 1. In this paragraph, "land on which operation is authorized"
 9 means land under the management and control of a person who consents to the
 10 operation of an all-terrain vehicle or utility ^{terrain} vehicle on the land. ✓

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

13 23.33 (5) (c) 2. (a) ^(intro.) Paragraphs (a), (am), ✓ and (b) do not apply to a person who
 14 operates an all-terrain vehicle or utility terrain vehicle exclusively on land that is
 15 either of the following: ✓

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

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, 51, 208, 258.

17 **SECTION 7.** 23.33 (5) (c) 2. b. ✓ of the statutes is created to read:

18 23.33 (5) (c) 2. b. Land, other than land described under subd. 2. a. ✓, on which
 19 operation is authorized.

20 **SECTION 8.** 23.33 (5) (c) 3. ✓ of the statutes is created to read:

21 23.33 (5) (c) 3. A person who operates an all-terrain vehicle or utility terrain
 22 vehicle on land on which operation is authorized qualifies for the exception under

1 subd. 2. b. [✓] only if the person operates the all-terrain vehicle or utility terrain vehicle
2 when accompanied by a person who is over 18 [✓] years of age.

3 SECTION 9. 23.33 (5) (c) 4. [✓] of the statutes is created to read:

4 23.33 (5) (c) 4. Notwithstanding the safety certificate requirements under par.
5 (b), [✓] a person is not required to hold a safety certificate if all [✓] of the following apply:

6 a. The person operates an all-terrain vehicle or utility terrain vehicle at an
7 all-terrain vehicle or utility terrain vehicle demonstration event. [✓]

8 b. The event under subd. 2. [✓] a. is sponsored by an all-terrain vehicle dealer, a
9 utility terrain vehicle dealer, an all-terrain vehicle club, a utility terrain vehicle
10 club, this state, a city, a village, a town, or a county. [✓]

11 c. If the person is under 18 [✓] years of age, the person is accompanied by his or
12 her parent or guardian or ^{is accompanied} by a person over 18 years of age who is designated by the
13 parent or guardian. [✓]

14 d. The sponsor of the event under subd. 2. a. requires the person ^{to wear} ^{Notwithstanding sub. (3g)(a) ✓}
15 protective headgear of the type required under s. 347.485 (1). [✓]

16 e. The person operates the all-terrain vehicle or utility terrain vehicle in a
17 closed-course area at a speed not exceeding 15 [✓] miles per hour.

18 (END)

^{(CS) ✓}
**** Note: Should this speed limit be reduced to 10 miles per hour so that it doesn't conflict with the 10 mile per hour speed limit established in s. 23.33 (3)(gm), as created in this draft?

Kite, Robin

From: Moench, Lucas
Sent: Thursday, November 29, 2012 12:38 PM
To: Kite, Robin
Subject: Revisions to LRB 0447/P1

Robin-

We have a couple of changes that we would like made to LRB 0447/P1.

Section 2- We would like this section to be structured more in the form of taking NR 64.07(2) and putting it into statute with some minor modifications. So, taking the current Section 2 language (all of which is good and should be kept), we want to add in a requirement to "yield the right-of-way" as in NR 64.07(2). Also, we would like to preserve the exemption from the rule by specifying "except as provided under s. 346.02(11) stats., where applicable" in the Section 2 language. Note that the cross-reference here is more specific than in current rule. That is what we want.

Section 9- The point raised in your embedded draft note is a good one. However, because of the way these things actually work out in the real world, the solution to the question you pose is quite complicated. That said, what we would like to do is this: within Section 9, get rid of s. 23.33(5)(c)4.e. as created in the draft. Instead, we would like 4.e. to read something along the lines of the following: "the person operates the ATV or UTV in a closed-course area in the manner prescribed by the event sponsor." ✓

New Section- Due to a mistake in 2011 Act 208, s. 23.33(5)(am)2 has the word "control" missing. This is noted in current statute, which indicates corrective legislation will be developed. Can we go ahead and fix this now? ✓

Bill can be drafted as a /P2. If you have questions, give me a call.

Thanks,

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

11/30/12
Per Lucas -

Gary Eddy - 7-7455

Call him re: 346 x-ref - Lucas isn't sure why NR 64.07(2) has x-ref. to ^{ch.}346 - thinks Gary Eddy will know answer I told Lucas that it seems as if this x-ref is unnecessary - but wants to "codify" the rule in statute left message for Gary Eddy to call me

12/5 - called and left another message for Gary Eddy

12/5/12

Spoke w/ Gary Eddy

He doesn't know why there is a
X-ref to ch. 346 in NR 64.07(2) &
see no reason that it must also
be in any statute that "codifies"
NR 64.07(2)

Kite, Robin

From: Kite, Robin
Sent: Tuesday, December 11, 2012 2:16 PM
To: Moench, Lucas
Subject: RE: Revisions to LRB 0447/P1

Lucas:

As you suggested, I spoke to Gary Eddy to determine whether he knew why NR 64.07 (2) contains the phrase: "except as provided under ch. 346 stats., where applicable." He is not aware of anything in particular under ch. 346 that would conflict with the language in NR 64.07 (2). I asked him if he had an objection to removing this cross-reference in the proposed language and he said that he did not. Consequently, in drafting the language that you requested, I will leave the cross-reference out. If you want to discuss this issue, give me a call.

Thanks.
Robin

From: Moench, Lucas
Sent: Thursday, November 29, 2012 12:38 PM
To: Kite, Robin
Subject: Revisions to LRB 0447/P1

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We have a couple of changes that we would like made to LRB 0447/P1.

Section 2- We would like this section to be structured more in the form of taking NR 64.07(2) and putting it into statute with some minor modifications. So, taking the current Section 2 language (all of which is good and should be kept), we want to add in a requirement to "yield the right-of-way" as in NR 64.07(2). Also, we would like to preserve the exemption from the rule by specifying "except as provided under s. 346.02(11) stats., where applicable" in the Section 2 language. Note that the cross-reference here is more specific than in current rule. That is what we want.

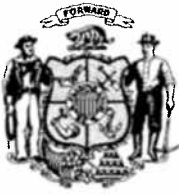
Section 9- The point raised in your embedded draft note is a good one. However, because of the way these things actually work out in the real world, the solution to the question you pose is quite complicated. That said, what we would like to do is this: within Section 9, get rid of s. 23.33(5)(c)4.e. as created in the draft. Instead, we would like 4.e. to read something along the lines of the following: "the person operates the ATV or UTV in a closed-course area in the manner prescribed by the event sponsor."

New Section- Due to a mistake in 2011 Act 208, s. 23.33(5)(am)2 has the word "control" missing. This is noted in current statute, which indicates corrective legislation will be developed. Can we go ahead and fix this now?

Bill can be drafted as a /P2. If you have questions, give me a call.

Thanks,

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



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0447/P1

RNk:jld

Rm
P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
12/11

LX

regen. cat

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

Analysis by the Legislative Reference Bureau

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

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

6 **SECTION 1.** 23.33 (3) (g) of the statutes is amended to read:
7 23.33 (3) (g) When within 150 feet of a dwelling at a speed exceeding 10 miles
8 per hour. The speed limit specified in this paragraph does not apply to a person
9 operating an all-terrain vehicle or utility terrain vehicle on a roadway that is
10 designated as an all-terrain vehicle route.

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

2 23.33 (3) (gm) At a speed exceeding 10 miles per hour ^{or without yielding the right-of-way} when within 100 feet of
3 another person who is not operating a motor vehicle. The speed limit specified in this
4 paragraph does not apply to a person operating an all-terrain vehicle or utility
5 terrain vehicle on a roadway that is designated as an all-terrain vehicle route.

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

8 23.33 (5) (a) 1. (intro.) ~~No~~ Subject to subds. 2. to 5., no person under 12 years
9 of age may operate an all-terrain vehicle unless ~~he~~ any of the following applies:

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

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

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

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

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

24 6. No person who is under 12 years of age may rent or lease an all-terrain
25 vehicle. ~~For purposes of this paragraph, supervision does not require that the person~~

1 ~~under 12 years of age be subject to continuous direction or control by the person over~~
2 ~~18 years of age.~~

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

4 23.33 (5) (a) 4. No person who is under 16 years of age may operate an
5 all-terrain vehicle under the authority provided under sub. (4) (d) 4. or 7. unless the
6 person is accompanied by a person who is over 18 years of age.

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

9 23.33 (5) (c) 2. (intro.) Paragraphs (a), (am), and (b) do not apply to a person who
10 operates an all-terrain vehicle or utility terrain vehicle exclusively on land that is
11 either of the following:

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

13 **SECTION 6.** 23.33 (5) (c) 1. of the statutes is created to read:

14 23.33 (5) (c) 1. In this paragraph, "land on which operation is authorized"
15 means land under the management and control of a person who consents to the
16 operation of an all-terrain vehicle or utility terrain vehicle on the land.

17 **SECTION 7.** 23.33 (5) (c) 2. b. of the statutes is created to read:

18 23.33 (5) (c) 2. b. Land, other than land described under subd. 2. a., on which
19 operation is authorized.

20 **SECTION 8.** 23.33 (5) (c) 3. of the statutes is created to read:

21 23.33 (5) (c) 3. A person who operates an all-terrain vehicle or utility terrain
22 vehicle on land on which operation is authorized qualifies for the exception under
23 subd. 2. b. only if the person operates the all-terrain vehicle or utility terrain vehicle
24 when accompanied by a person who is over 18 years of age.

25 **SECTION 9.** 23.33 (5) (c) 4. of the statutes is created to read:

INS
3-6

1 23.33 (5) (c) 4. Notwithstanding the safety certificate requirements under par.

2 (b), a person is not required to hold a safety certificate if all of the following apply:

3 a. The person operates an all-terrain vehicle or utility terrain vehicle at an
4 all-terrain vehicle or utility terrain vehicle demonstration event.

5 b. The event under subd. 2. a. is sponsored by an all-terrain vehicle dealer, a
6 utility terrain vehicle dealer, an all-terrain vehicle club, a utility terrain vehicle
7 club, this state, a city, a village, a town, or a county.

8 c. If the person is under 18 years of age, the person is accompanied by his or
9 her parent or guardian or is accompanied by a person over 18 years of age who is
10 designated by the parent or guardian.

11 d. Notwithstanding sub. (3g) (a), the person wears protective headgear of the
12 type required under s. 347.485 (1).

13 e. The person operates the all-terrain vehicle or utility terrain vehicle in a
14 closed-course area ~~at a speed not exceeding 15 miles per hour.~~

***NOTE: Should this speed limit be reduced to 10 miles per hour so that it doesn't conflict with the 10 mile per hour speed limit established in s. 23.33 (3) (gm), as created in this draft?

(END)

in the manner prescribed by the event sponsor

15

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0447/P2ins.
RNK:.....

INSERT 3-6

1 **SECTION 1.** 23.33 (5) (am) 2. of the statutes is amended to read:
2 23.33 (5) (am) 2. A person who is under 16 years of age may operate a utility
3 terrain vehicle if the person operates the utility terrain vehicle for an agricultural
4 purpose and he or she is under the supervision of a person over 18 years of age. For
5 purposes of this subdivision, supervision does not require that the person under 16
6 years of age be subject to continuous direction or control by the person over 18 years
7 of age.

NOTE: NOTE: A missing word is shown in brackets. Corrective legislation is pending. NOTE
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, 51, 208, 258.

Kite, Robin

From: Moench, Lucas
Sent: Tuesday, December 18, 2012 11:37 AM
To: Kite, Robin
Subject: Revisions to LRB 447/P2

Robin-

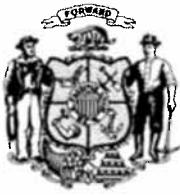
We have a couple of revisions we would like made to LRB 447.

- ✓ Section 4: In line 10, we would like this to read "person is accompanied by his or her parent or guardian or is accompanied by a person over 18 years of age who is designated by the parent or guardian."
- ✓ Section 9: In line 11, as above, we would like this to read "when accompanied by his or her parent or guardian or accompanied by a person over 18 years of age who is designated by the parent or guardian."
- ✓ In short, for both sections, we want the parent/guardian to be required to make an affirmative action in "designating" (as with the youth hunt).
- ✓ Sections 7, 8, 9: Under the P2, these three sections work together to create an additional exemption from 23.33(a), (am) and (b) for youth operating on "land on which operation is authorized" if accompanied by an adult. We would like to change the draft so this exemption (formally outlined in Section 9) is only applicable to individuals under 12 years of age (in addition to the requirements for the exemption already in the draft).

Give me a call if you need to discuss.

Thanks,

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



State of Wisconsin
2013 - 2014 LEGISLATURE



RM
P3

LRB-0447/P3

RNK:jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
12/18

X

Regen

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

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

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

7 **SECTION 1.** 23.33 (3) (g) of the statutes is amended to read:
8 23.33 (3) (g) When within 150 feet of a dwelling at a speed exceeding 10 miles
9 per hour. The speed limit specified in this paragraph does not apply to a person

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

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

4 23.33 (3) (gm) At a speed exceeding 10 miles per hour or without yielding the
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6 vehicle. This paragraph does not apply to a person operating an all-terrain vehicle
7 or utility terrain vehicle on a roadway that is designated as an all-terrain vehicle
8 route.

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11 23.33 (5) (a) 1. (intro.) ~~No~~ Subject to subds. 2. to 5., no person under 12 years
12 of age may operate an all-terrain vehicle unless he any of the following applies:

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

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

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

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

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

3 6. No person who is under 12 years of age may rent or lease an all-terrain
4 vehicle. ~~For purposes of this paragraph, supervision does not require that the person~~
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6 ~~18 years of age.~~

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9 all-terrain vehicle under the authority provided under sub. (4) (d) 4. or 7. unless the
10 person is accompanied by a person who is over 18 years of age.

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

12 23.33 (5) (am) 2. A person who is under 16 years of age may operate a utility
13 terrain vehicle if the person operates the utility terrain vehicle for an agricultural
14 purpose and he or she is under the supervision of a person over 18 years of age. For
15 purposes of this subdivision, supervision does not require that the person under 16
16 years of age be subject to continuous direction or control by the person over 18 years
17 of age.

18 **SECTION 6.** 23.33 (5) (c) of the statutes is renumbered 23.33 (5) (c) 2. (intro.) and
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20 23.33 (5) (c) 2. (intro.) Paragraphs (a), (am), and (b) do not apply to a person who
21 operates an all-terrain vehicle or utility terrain vehicle exclusively on land that is
22 either of the following:

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

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

INS.
3-10

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2 means land under the management and control of a person who consents to the
3 operation of an all-terrain vehicle or utility terrain vehicle on the land.

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8 23.33 (5) (c) 3. A person who operates an all-terrain vehicle or utility terrain
9 vehicle on land on which operation is authorized qualifies for the exception under
10 subd. 2. b. only if the person ^{is under 12 years of age and} operates the all-terrain vehicle or utility terrain vehicle
11 when accompanied by a person who is over 18 years of age.

12 SECTION 10. 23.33 (5) (c) 4. of the statutes is created to read:

13 23.33 (5) (c) 4. Notwithstanding the safety certificate requirements under par.
14 (b), a person is not required to hold a safety certificate if all of the following apply:

15 a. The person operates an all-terrain vehicle or utility terrain vehicle at an
16 all-terrain vehicle or utility terrain vehicle demonstration event.

17 b. The event under subd. 2. a. is sponsored by an all-terrain vehicle dealer, a
18 utility terrain vehicle dealer, an all-terrain vehicle club, a utility terrain vehicle
19 club, this state, a city, a village, a town, or a county.

20 c. If the person is under 18 years of age, the person is accompanied by his or
21 her parent or guardian or is accompanied by a person over 18 years of age who is
22 designated by the parent or guardian.

23 d. Notwithstanding sub. (3g) (a), the person wears protective headgear of the
24 type required under s. 347.485 (1).

INS.
4-11

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0447/P3ins.
RNK:.....

INSERT 3-10 AND 4-11

- 1 his or her parent or guardian or ~~accompanied~~ by a person who is at least 18
- 2 years of age who is designated by the parent or guardian. ~~NO~~

Kite, Robin

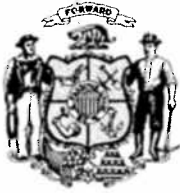
From: Moench, Lucas
Sent: Thursday, December 20, 2012 2:10 PM
To: Kite, Robin
Subject: LRB 447/P3

Robin-

We have reviewed LRB 447/P3 and do not have any further changes at this point. Therefore, we are ready for you to take this into introducible form as a /1.

Thanks,

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



State of Wisconsin
2013 - 2014 LEGISLATURE



Rm
num

LRB-0447/P3

RNK:jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2013 BILL

X

Regen

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

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

IJS
ANALYSIS

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8 23.33 (3) (g) When within 150 feet of a dwelling at a speed exceeding 10 miles
9 per hour. The speed limit specified in this paragraph does not apply to a person

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2 designated as an all-terrain vehicle route.

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

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

9 **SECTION 3.** 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. (intro.)
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12 of age may operate an all-terrain vehicle unless ~~he~~ any of the following applies:

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

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

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

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

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9 [✓]all-terrain vehicle under the authority provided under sub. (4) (d) 4. or 7. unless the
10 person is accompanied by his or her parent or guardian or by a person who is at least
11 18 years of age who is designated by the parent or guardian.

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13 23.33 (5) (am) 2. A person who is under 16 years of age may operate a utility
14 terrain vehicle if the person operates the utility terrain vehicle for an agricultural
15 purpose and he or she is under the supervision of a person over 18 years of age. For
16 purposes of this subdivision, supervision does not require that the person under 16
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18 of age.

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20 amended to read:

21 23.33 (5) (c) 2. (intro.) Paragraphs (a), (am), and (b) do not apply to a person who
22 operates an all-terrain vehicle or utility terrain vehicle exclusively on land that is
23 either of the following:

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

1 23.33 (5) (c) 1. In this paragraph, “land on which operation is authorized”
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3 operation of an all-terrain vehicle or utility terrain vehicle on the land.

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10 subd. 2. b. only if the person is under 12 years of age and operates the all-terrain
11 vehicle or utility terrain vehicle when accompanied by his or her parent or guardian
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16 (b), a person is not required to hold a safety certificate if all of the following apply:

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18 all-terrain vehicle or utility terrain vehicle demonstration event.

19 b. The event under subd. 2. a. is sponsored by an all-terrain vehicle dealer, a
20 utility terrain vehicle dealer, an all-terrain vehicle club, a utility terrain vehicle
21 club, this state, a city, a village, a town, or a county.

22 c. If the person is under 18 years of age, the person is accompanied by his or
23 her parent or guardian or is accompanied by a person over 18 years of age who is
24 designated by the parent or guardian.

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0447/lins.
RNK:.....

utility terrain vehicle

all-terrain vehicle

INSERT ANALYSIS

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 ~~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 ~~UTV~~ unless he or she holds a valid safety certificate issued by the Department of Natural Resources (DNR), 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. 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~~ 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. *
or
UTV

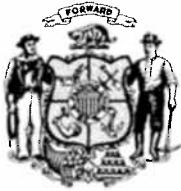
Current law allows a person to operate an ~~ATV~~ or ~~UTV~~ on the roadway portion of a highway only in limited circumstances. Current law allows a person to operate an ~~ATV~~ or ~~UTV~~ on roadways that are designated as ~~ATV~~ routes but generally only on the extreme right side of the roadway. Current law also allows a person to operate a ~~ATV~~ or ~~UTV~~ on a roadway of a highway that is an ~~ATV~~ trail. This bill establishes additional limits with regard to the operation of an ~~ATV~~ on a roadway. The bill specifies that a person who is under 16 years of age may operate an ~~ATV~~ on a roadway as allowed under current law 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 10 miles per hour when within 150 feet of a dwelling. Under this bill, this 10 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 10 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. *

13-0447 —

Tel. call from Lucas in Sen Leibman's office

wants revision to analysis that corresponds
to SECTION 4 of the bill
in the last sentence of the next
to last paragraph, clarify by
specifically referring to the law as
in the bill



[50m]

State of Wisconsin
2013 - 2014 LEGISLATURE



RM
run
2
LRB-0447
RNK:jld:rs

2013 BILL

In
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X Regen

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 in limited circumstances. Current law allows a person to operate an ATV or UTV on roadways that are designated as ATV routes but generally only on the extreme right side of the roadway. Current law also allows a person to operate an ATV or UTV on a roadway of a highway that is an ATV trail. This bill establishes additional limits with regard to the operation of an ATV on a roadway. The bill specifies that a person who is under 16 years of age may operate an ATV on a roadway as allowed under current law only if he or she is accompanied by his or her parent or by another designated adult. *INS. ANALYSIS* ✓

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:

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INSERT ANALYSIS

no ch 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

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Rose, Stefanie

From: Moench, Lucas
Sent: Tuesday, February 05, 2013 9:57 AM
To: LRB.Legal
Subject: Draft Review: LRB -0447/2 Topic: Modification of ATV and UTV operation restrictions

Please Jacket LRB -0447/2 for the SENATE.