

**2013 Senate Bill 310 (LRB -3104)**

An Act to repeal 23.33 (1) (ng) 1. i.; to renumber and amend 23.33 (1) (ng) 2.; to amend 23.33 (1) (ng) 1. (intro.), 23.33 (1) (ng) 1. a., 23.33 (1) (ng) 1. b., 23.33 (4) (d) 3. and 340.01 (2g); and to create 23.33 (1) (iq), 23.33 (3e) and 340.01 (36r) of the statutes; relating to: the definitions of an all-terrain vehicle and a utility terrain vehicle, restrictions on operating an all-terrain vehicle or a utility terrain vehicle on a roadway, and seating requirements for utility terrain vehicles.

**2013**

09-24.	S.	Introduced by Senators <b>Harsdorf, Petrowski, Tiffany, Vinehout, Cowles, Moulton, Kedzie, Leibham, Shilling, Grothman, Lassa and Hansen</b> ; cosponsored by Representatives <b>Severson, A. Ott, Bernier, Czaja, Danou, Krug, T. Larson, Marklein, Milroy, Mursau, Nygren, Petryk, Ringhand, Ripp, Smith, Spiros, Steineke, Swearingen, Tauchen, Wright, Endsley and Kuglitsch</b> .....	376
09-24.	S.	Read first time and referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs .....	376
10-02.	S.	Public hearing held	
10-03.	S.	Senate Amendment 1 offered by Senator Harsdorf ( <b>LRB a0884</b> ) .....	386
10-11.	S.	Executive action taken	
10-11.	S.	Report adoption of Senate Amendment 1 recommended by Committee on Transportation, Public Safety, and Veterans and Military Affairs, Ayes 5, Noes 0	
10-11.	S.	Report passage as amended recommended by Committee on Transportation, Public Safety, and Veterans and Military Affairs, Ayes 5, Noes 0	
10-11.	S.	Available for scheduling	
10-14.	S.	Placed on calendar 10-15-2013 pursuant to Senate Rule 18(1)	
10-15.	S.	Rules suspended and taken up	
10-15.	S.	Read a second time	
10-15.	S.	Senate Amendment 1 <b>adopted</b>	
10-15.	S.	Ordered to a third reading	
10-15.	S.	Rules suspended	
10-15.	S.	Read a third time and <b>passed</b>	
10-15.	S.	Ordered immediately messaged	
10-15.	A.	Received from Senate .....	359
10-15.	A.	Read .....	359
10-15.	A.	Rules suspended and taken up .....	359
10-15.	A.	Read a second time .....	359
10-15.	A.	Ordered to a third reading .....	359
10-15.	A.	Rules suspended .....	359
10-15.	A.	Read a third time and <b>concurred in</b> .....	359
10-15.	A.	Ordered immediately messaged .....	359
10-15.	S.	Received from Assembly concurred in	

*MB*

**2013**  
**ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

Orig     Engr           SubAmdt       

13 - 3104/1

Amendments to above (if none, write "NONE"):

SA1 — a 0884/1

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

10-16-13

Date

*J. Miller*

Enrolling Drafter



## 2013 SENATE BILL 310

September 24, 2013 - Introduced by Senators HARSDORF, PETROWSKI, TIFFANY, VINEHOUT, COWLES, MOULTON, KEDZIE, LEIBHAM, SHILLING, GROTHMAN, LASSA and HANSEN, cosponsored by Representatives SEVERSON, A. OTT, BERNIER, CZAJA, DANOU, KRUG, T. LARSON, MARKLEIN, MILROY, MURSAU, NYGREN, PETRYK, RINGHAND, RIPP, SMITH, SPIROS, STEINEKE, SWEARINGEN, TAUCHEN, WRIGHT, ENDSLEY and KUGLITSCH. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1     **AN ACT** *to repeal* 23.33 (1) (ng) 1. i.; *to renumber and amend* 23.33 (1) (ng) 2.;  
2             *to amend* 23.33 (1) (ng) 1. (intro.), 23.33 (1) (ng) 1. a., 23.33 (1) (ng) 1. b., 23.33  
3             (4) (d) 3. and 340.01 (2g); and *to create* 23.33 (1) (iq), 23.33 (3e) and 340.01 (36r)  
4             of the statutes; **relating to:** the definitions of an all-terrain vehicle and a  
5             utility terrain vehicle, restrictions on operating an all-terrain vehicle or a  
6             utility terrain vehicle on a roadway, and seating requirements for utility terrain  
7             vehicles.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Natural Resources administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). Current law provides that a device qualifies as an ATV or a UTV if it meets certain requirements. Among the requirements for an ATV is that it is designed by the manufacturer to travel on three or more low-pressure tires. A UTV must be either originally manufactured with four or more low-pressure tires or be designed by the manufacturer to travel on 3 or more low-pressure tires depending on whether the UTV meets certain other requirements. This bill changes these tire requirements so that the tires may also be non-pneumatic tires. The bill provides that a non-pneumatic tire is a tire that, as designed by the manufacturer, has a minimum width of six inches, has a reinforced structure, and is not supported

**SENATE BILL 310**

by air pressure. The bill also provides that in order to qualify as an ATV or UTV, the vehicle must have been commercially designed and manufactured with the requisite specifications.

Under current law, a device qualifies as a UTV if it weighs more than 900 pounds and meets certain other requirements. This bill specifies that a device does not qualify as a UTV unless it also weighs no more than 2,000 pounds.

Under current law, a UTV that meets certain requirements must have seats, designed not to be straddled, for at least two occupants. This bill eliminates this requirement. The bill does not change current law that requires certain other UTVs to have a seat designed by the operator to be straddled. The bill also prohibits a person from operating a UTV while seated on or allowing other occupants to be seated on a seat that is not original to the UTV as manufactured.

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

1           **SECTION 1.** 23.33 (1) (iq) of the statutes is created to read:

2           23.33 (1) (iq) "Non-pneumatic tire" means a tire that is designed by the  
3 manufacturer to meet all of the following requirements:

4           1. To have a minimum width of 6 inches.

5           2. To have a reinforced structure.

6           3. To not be supported by air pressure.

7           **SECTION 2.** 23.33 (1) (ng) 1. (intro.) of the statutes is amended to read:

8           23.33 (1) (ng) 1. (intro.) A commercially designed and manufactured motor  
9 driven device that does not meet federal motor vehicle safety standards in effect on  
10 July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or  
11 tracked vehicle, that is designed to be used primarily off of a highway, and that has,  
12 and was originally manufactured with, all of the following:

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

14           23.33 (1) (ng) 1. a. A net weight, without fluids, of less than 2,000 pounds or  
15 less.

**SENATE BILL 310**

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

2           23.33 (1) (ng) 1. b. Four or more low-pressure tires or non-pneumatic tires.

3           **SECTION 5.** 23.33 (1) (ng) 1. i. of the statutes is repealed.

4           **SECTION 6.** 23.33 (1) (ng) 2. of the statutes is renumbered 23.33 (1) (ng) 2.  
5 (intro.) and amended to read:

6           23.33 (1) (ng) 2. (intro.) A commercially designed and manufactured motor  
7 driven device ~~that has~~ to which all of the following applies:

8           a. It has a net weight, without fluids, of more than 900 pounds, ~~that is originally~~  
9 ~~manufactured with~~ but not more than 2000 pounds.

10           b. It has a width of 50 inches or less, ~~that,~~

11           c. It is equipped with a seat designed to be straddled by the operator, ~~and that~~  
12 ~~is designed by the manufacturer to travel.~~

13           d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

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

15           23.33 (3e) ORIGINAL SEATING. No person may operate a utility terrain vehicle  
16 unless he or she, and every occupant of the utility terrain vehicle, is seated on a seat  
17 that is original to the utility terrain vehicle as manufactured.

18           **SECTION 8.** 23.33 (4) (d) 3. of the statutes is amended to read:

19           23.33 (4) (d) 3. To cross a bridge, culvert, or railroad right-of-way. The crossing  
20 of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is  
21 officially closed to all-terrain vehicle or utility terrain vehicle traffic. The crossing  
22 is authorized only if the crossing is done in the most direct manner practicable, if the  
23 crossing is made at a place where no obstruction prevents a quick and safe crossing,  
24 and if the operator stops the vehicle prior to the crossing and yields the right-of-way

**SENATE BILL 310**

1 to other vehicles, pedestrians, and electric personal assistive mobility devices using  
2 the roadway.

(NS SA1-1)

3 **SECTION 9.** 340.01 (2g) of the statutes is amended to read:

4 340.01 (2g) "All-terrain vehicle" means ~~an engine-driven~~ a commercially  
5 designed and manufactured motor-driven device ~~which~~ that has a net weight,  
6 without fluids, of 900 pounds or less, ~~which is originally manufactured with~~ has a  
7 width of 50 inches or less, ~~which~~ is equipped with a seat designed to be straddled by  
8 the operator, and ~~which is designed by the manufacturer to travel~~ travels on 3 or  
9 more low-pressure tires or non-pneumatic tires.

10 **SECTION 10.** 340.01 (36r) of the statutes is created to read:

11 340.01 (36r) "Non-pneumatic tire" means a tire that is designed by the  
12 manufacturer to meet all of the following requirements:

- 13 (a) To have a minimum width of 6 inches.
- 14 (b) To have a reinforced structure.
- 15 (c) To not be supported by air pressure.

16 (END)



**SENATE AMENDMENT 1,  
TO SENATE BILL 310**

October 3, 2013 – Offered by Senator HARSDORF.

SAI-1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 2: after that line insert:

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

4 23.33 (6) (g) An all-terrain vehicle may not be operated with tires other than  
5 low-pressure tires or non-pneumatic tires”.

6 (END)