



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 369

Assembly Amendments 1 to 4

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2013 Assembly Bill 369

2013 Assembly Bill 369 establishes requirements for the operation and registration of off-highway vehicles that are similar to the requirements that apply under current law to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). The bill creates two classes of off-highway vehicles along with a corresponding registration fee. The bill also creates an off-highway vehicle council, requires the Department of Natural Resources (DNR) to establish a program that provides grants to off-highway vehicle organizations that promote off-highway vehicles, requires the DNR to establish a damage claims program to owners of property damaged by off-highway vehicles, requires the DNR to supervise an off-highway vehicle trail system, and establishes operating and equipment requirements for off-highway vehicles. The bill requires that registration fees collected through the program are to be deposited in the transportation fund and provides that an equal amount of money from the general fund is to be used to fund the program.

Assembly Amendment 1

The bill requires the DNR to create an application for registration certificates. This application must include the name and address of every owner of an off-highway vehicle.

Assembly Amendment 1 requires that the application also include the identification number of the off-highway vehicle. Furthermore, if an off-highway vehicle has not been assigned an identification number by the manufacturer or the identification number is no longer visible, the DNR must assign the off-highway vehicle a new identification number.

Assembly Amendment 2

Assembly Amendment 2 provides the DNR an exemption from certain emergency rule-making procedures. For purposes of promulgating rules governing the DNR's allocation of funds for off-highway vehicle projects, the amendment provides that the DNR is not required to provide evidence that promulgating rules as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated to administer the off-highway vehicle program.

Assembly Amendment 2 also provides that the DNR may award grants beginning on July 1, 2016, and may accept grant applications beginning on January 1, 2016.

Assembly Amendment 3

Under the bill, a person is prohibited from operating a Class B off-highway vehicle unless the vehicle is equipped with an unopened kit that is capable of absorbing, containing, and collecting a spill of a minimum of 3.75 gallons (commonly referred to as a "spill kit").

Assembly Amendment 3 applies the spill kit requirement to both a person operating a Class B off-highway vehicle and a person operating a Class A off-highway vehicle on an off-highway vehicle trail.

Assembly Amendment 4

The bill prohibits a person from operating an off-highway vehicle while under the influence of an intoxicant, which is defined in the bill as "any alcohol beverage, controlled substance, controlled substance analog or other drug, or any combination thereof." This definition was consistent with the definition of "intoxicant" used in the laws that regulate the operation of ATVs and UTVs at the time of the bill's introduction.

Since the bill's introduction, the Legislature passed 2013 Wisconsin Act 83. Act 83 expanded the definition of "intoxicant" to include hazardous inhalants. Under Act 83, "hazardous inhalant" is defined to mean "a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling required by state or federal law, or in a manner that is not intended by the manufacturer of the substance and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes."

Assembly Amendment 4 expands the definition of "intoxicant" in the bill to include "hazardous inhalants," consistent with the definition of "intoxicant" provided by Act 83.

Bill History

Assembly Amendments 1, 2, and 3 were offered by Representative Mursau on January 23, 2014. On January 29, 2014, the Assembly Committee on Natural Resources and Sporting Heritage voted to recommend adoption of Assembly Amendment 1 on a vote of Ayes, 15; Noes 0, Assembly Amendment 2 on a vote of Ayes, 12; Noes 3, and Assembly Amendment 3 on a vote of Ayes 14; Noes 1. On the same day, the committee voted to introduce and

recommend adoption of Assembly Amendment 4 on a vote of Ayes 15; Noes, 0, and recommend passage of the bill, as amended, on a vote of Ayes 13; Noes, 2.

MQ:jal