

2017 DRAFTING REQUEST

Bill

For: **André Jacque (608) 266-9870** Drafter: **zwyatt**
 By: **Adam** Secondary Drafters:
 Date: **5/17/2017** May Contact:
 Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**
zachary.wyatt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

ATV route signage

Instructions:

See attached

Per ZDW

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 5/18/2017	kfollett 5/19/2017			
/P1	zwyatt 6/15/2017	kfollett 6/15/2017	hkohn 5/19/2017		State S&L
/1			lparisi 6/15/2017	lparisi 6/15/2017	State S&L

FE Sent For:

*at 2
intro*

<END>

Wyatt, Zachary

From: Tobias, Adam
Sent: Tuesday, May 16, 2017 4:59 PM
To: Mueller, Eric; Wyatt, Zachary; Shovers, Marc
Subject: Bill draft request
Attachments: DI for ATV Routes.pdf

Eric, Zachary and Marc,

After looking at your areas of expertise, I think you are the three I need to contact about **this**. But if you're not, if you could point me in the right direction I would appreciate it.

Can you please take the language in the attached document and turn it into a bill? The language deals with signage for ATV routes.

Rep. Jacque also asked if you could please put a rush on this.

If you need any additional information or have questions, please don't hesitate to contact **us**.

Thanks!!!

Kindest regards,

Adam Tobias
Office of Rep. André Jacque
2nd Assembly District
608-266-9870
Office 212 North

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Wisconsin Towns Association

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MEMO TO: Representative Jacque
FROM: Rick Manthe, Wisconsin Towns Association Legal Counsel
RE: Clarifying ATV Route Signing Requirements
DATE: 5/16/17

The Wisconsin Towns Association respectfully requests a bill draft to clarify Wis. Stat. § 23.33(8) as it concerns signing ATV routes. Currently, municipalities that designate a highway as an ATV route must sign the highway to alert ATV users of the route. However, the statute does not specify the frequency of the signs. WTA is seeking a bill draft that would clarify this process by creating two separate methods of signing ATV routes:

1. If a municipality has designated all highways as ATV routes, it could satisfy the signing requirement by posting signs at the entrance of all highways leading into the town.
2. If the municipality has designated only certain highways as ATV routes, then the municipality would be required to sign any entrances to that designated route.

WTA is requesting this change to provide clarity and uniformity to the statutes as the law is currently open to interpretation. In one example a town was told to put up a sign every half-mile even though all roads are open to ATVs. In other areas municipalities are given more discretion for the frequency of sign placement. This statutory change would provide clarity to ATV users and municipalities alike. Both would have certain expectations of where to expect the placement of ATV route signs. This in turn would lead to fewer infractions and less costs for enforcement and prosecution of violations, as well as possible litigation costs for improper signage. These changes could also reduce costs of signing highways, especially if a municipality opens all roads to ATVs. The signing could be done with a smaller amount of signs as compared to signing at a set interval regardless of highway entrances. For these reasons WTA believes a statutory change is necessary.

Thank you for your support in this matter. Please feel free to contact the Wisconsin Towns Association if there are any questions.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to renumber* 23.33 (8) (e); *to renumber and amend* 23.33 (8) (b); and
2 *to create* 23.33 (8) (b) 2., 23.33 (8) (e) 2., 23.33 (8) (e) 3. and 23.33 (8) (e) 4. of
3 the statutes; **relating to:** all-terrain vehicle route signage.

Analysis by the Legislative Reference Bureau

This bill makes changes to requirements for signs placed to mark all-terrain vehicle (ATV) routes.

Under current law, a town, village, city, or county (political subdivision) may designate highways or sidewalks as ATV routes. In addition, it may authorize the operation of utility terrain vehicles (UTVs) on ATV routes. Rules promulgated by the Department of Natural Resources require that all ATV routes be marked by signs at the beginning of the route and at intervals along the route as needed to enable ATV operators to follow the route.

The bill provides that, if a political subdivision designates specific highways within its territorial boundaries as ATV routes, the political subdivision is required to erect a sign at each point on a highway where the ATV route begins and at each point where the ATV route intersects a highway that is not part of the route. Alternatively, the bill authorizes a political subdivision to designate all highways within its territorial boundaries as ATV routes and to erect signs at the entrances to the political subdivision alerting motorists of this designation. The bill also provides that if a political subdivision erects these entrance signs, DNR may not require it to erect or maintain additional signs along the ATV routes.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 23.33 (8) (b) of the statutes is renumbered 23.33 (8) (b) 1. and
2 amended to read:

3 23.33 (8) (b) 1. ~~A~~ Subject to subd. 3., a town, village, city, or county may
4 designate highways as all-terrain vehicle routes.

5 3. No state trunk highway or connecting highway may be designated as an
6 all-terrain vehicle route unless the department of transportation approves the
7 designation.

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

9 23.33 (8) (b) 2. Subject to subd. 3., a town, village, city, or county may designate
10 all highways within its territorial boundaries as all-terrain vehicle routes.

11 **SECTION 3.** 23.33 (8) (e) of the statutes is renumbered 23.33 (8) (e) 1.

12 **SECTION 4.** 23.33 (8) (e) 2. of the statutes is created to read:

13 23.33 (8) (e) 2. Except as provided in subd. 3., if a town, village, city, or county
14 designates specific highways within its territorial boundaries as all-terrain vehicle
15 routes under par. (b) 2., the town, village, city, or county shall erect a sign at each
16 point on a highway where the all-terrain vehicle route begins and at each point
17 where the all-terrain vehicle route intersects a highway that is not designated as an
18 all-terrain vehicle route.

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

20 23.33 (8) (e) 3. If a town, village, city, or county designates all highways within
21 its territorial boundaries as all-terrain vehicle routes under par. (b) 2., the town,

1 village, city, or county may erect a sign on each highway that crosses its territorial
2 boundary in a position to be viewed by motorists as they enter the town, village, city,
3 or county. The signs shall alert motorists that all highways within the town, village,
4 city, or county have been designated as all-terrain vehicle routes.

5 **SECTION 6.** 23.33 (8) (e) 4. of the statutes is created to read:

6 23.33 (8) (e) 4. If a town, village, city, or county erects and maintains signs
7 under subd. 3., the department may not require the town, village, city, or county to
8 erect any additional signs marking the all-terrain vehicle routes within the town,
9 village, city, or county.

10

(END)