

Clearinghouse Rule 25-059

The statement of scope for this rule, SS 071-24, was approved by the Governor on June 27, 2024, published in Register No. 823A2 on July 8, 2024, and approved by the Natural Resources Board on September 25, 2024. This rule was approved by the Governor on [insert date].

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD RENUMBERING AND AMENDING, AMENDING, AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **renumber and amend** NR 64.02 (1) and 64.07 (4); to **amend** NR 64 (chapter title), 64.01, 64.02 (9m), 64.03 (2) (a), (3) (a) and (b), (4) to (9), (10) (a) and (b), and (b) (Note), 64.04 (1) to (3), 64.05, 64.06 (title) and (1) to (4), 64.07 (1), (2), and (3), 64.08 (intro.), (1) and (2), 64.085, 64.09 (intro.), 64.11 (1) and (2), 64.12 (4) to (6), (7) (a) (Note) and (c), 64.14 (2r) (b) 1. and 2., (5) (c) (intro.), 1., and 3., (6) (c) (diagram) 1. (purpose statement) and 3. (purpose statement) and (9) (ar) 2., 3., and 4.; to **repeal and recreate** NR 64.02 (2) and (3); to **create** NR 64.02 (1), (9m) (Note), (10m), and (16), 64.03 (11), 64.07 (1) (d), and (4) to (8), relating to all-terrain vehicles.

LE-05-24

Analysis Prepared by the Department of Natural Resources

1. Statutes Interpreted: Sections 23.33 (2) (p) 2., (3) (i), (6m), and (9), and 227.11 (2) (a), Wis. Stats.

2. and 3. Statutory Authority and Explanation of Agency Authority: The department has authority under s. 23.33, Wis. Stats., to promulgate administrative rules for the implementation of the all-terrain vehicle and utility terrain vehicle program.

Section 23.33 (2) (a), Wis. Stats., authorizes the department to establish procedures and requirements for all-terrain vehicle and utility terrain vehicle registration.

Section 23.33 (3) (i), Wis. Stats., prohibits a person from operating an all-terrain vehicle or utility terrain vehicle in a manner which violates rules promulgated by the department.

Section 23.33 (6m), Wis. Stats., authorizes the department to prescribe a method for the measurement of noise emitted from an all-terrain vehicle or utility terrain vehicle.

Section 23.33 (9), Wis. Stats., authorizes the department to utilize money from all-terrain vehicle and utility terrain vehicle registration to administer aids for all-terrain vehicle and utility terrain vehicle projects. Under s. 227.11, Stats., the department is authorized to promulgate rules to interpret s. 23.33, Wis. Stats., such as creating standards to allocate funding for all-terrain vehicle and utility terrain vehicle projects.

In addition, general authority is granted by s. 227.11 (2) (a), Wis. Stats., to interpret the agency's statutory authority in order to effectuate the purposes of s. 23.33, Wis. Stats.

4. Related Statutes or Rules: No related rules are currently being developed. Section 23.33, Wis. Stats., relating to all-terrain and utility terrain vehicles, is the related statute.

5. Plain Language Analysis: Chapter NR 64, Wis. Adm. Code, establishes standards for the implementation of an all-terrain vehicle and utility terrain vehicle program under s. 23.33, Wis. Stats.,

including registration, trail use and signage, rules of operation, public education and safety programs and funding, equipment standards, and noise limits.

Chapter NR 64, Wis. Adm. Code, has not been updated since 2012 and does not address utility terrain vehicles which have come on the market since this code was created in 1986. Not updating ch. NR 64, Wis. Adm. Code, will continue to cause a lack of clarity for the general public who desire to be in compliance with the law and for law enforcement who desire enforcement certainty.

Throughout this rule order, the term “utility terrain vehicle” is added where the term “all-terrain vehicle” appears in ch. NR 64, Wis. Adm. Code, to clarify that certain provisions pertaining to all-terrain vehicles also apply to utility terrain vehicles.

Section-by-section details of this rule order are outlined below.

SECTIONS 1 to 7. Adds the term “utility terrain vehicles” to the chapter title and purpose and applicability section. Adds a definition for “off-highway vehicle dealer.” Amends the definitions of “all-terrain vehicle area” to include utility terrain vehicles. Clarifies that the definitions of “all-terrain vehicle,” “all-terrain vehicle route,” “all-terrain vehicle trail,” and “utility terrain vehicle” have the meanings given in statute. Clarifies the trail connection function within the definition of “hybrid trail.”

SECTION 8. Changes the two-year registration period effective dates from beginning on July 1 or the date of issuance or renewal and ending on June 30 of the second year following the date of issuance or renewal, to April 1 and March 31, respectively, to conform with s. 23.33 (2) (f), Wis. Stats.

Allows owners to apply for a duplicate registration or transfer a registration in the method prescribed by the department, rather than on a registration form. Eliminates the ability of authorized agents to issue duplicate registrations. Replaces outdated reference to “2-part renewal application” with “notice of registration renewal” for consistency with current registration renewal procedures.

SECTION 9. Allows the department to revoke a registration or trail pass if the fee payment cannot be processed or collected.

SECTION 10. Adds the phrase “valid temporary operating” before “receipt” to clarify that an individual may operate an all-terrain vehicle or utility terrain vehicle while in possession of a valid temporary operating receipt until permanent registration decals are received and permanently attached and displayed on the all-terrain vehicle or utility terrain vehicle.

SECTION 11. Requires utility terrain vehicle owners to notify the department of a change of address for vehicle registration.

SECTION 12. Replaces the term “all-terrain vehicle dealer” with the term “off-highway vehicle dealer,” which is created in this rule to clarify that the requirements to complete dealer applications for registration and to maintain dealer records apply to the sale of all-terrain vehicles and utility terrain vehicles.

Makes it optional, rather than required, for an off-highway vehicle dealer to complete an application that a vehicle is to be registered in another state and to mail a copy of the application to the department.

Deletes the outdated effective date provision pertaining to dealers accepting vehicles for trade that are registered in another state.

SECTION 13. Provides that operating rules and provisions pertaining to the rate of speed and operating

distance from a person or object as established in s. NR 64.07, Wis. Adm. Code, also apply to utility terrain vehicles.

Incorporates by reference the revised Society of Automotive Engineers Standard J1287 measurement scale for noise violations.

SECTION 14. Lists where copies and amendments of the testing standards for measurement of noise violations may be obtained.

SECTION 15. Adopts the disorderly operation standard contained in s. NR 45.05 (1) (a) 4., Wis. Adm. Code, for all-terrain vehicles and utility terrain vehicles.

Supplements the rules of operation found in s. 23.33 (3) and (6) (i), Wis. Stats., by requiring that an operator or passenger in an all-terrain vehicle or utility terrain vehicle use a safety belt and eye protection. Prohibits using an all-terrain vehicle or utility terrain vehicle to tow objects bearing any person.

Provides that all-terrain vehicle or utility terrain vehicle operators must maintain an unobstructed view through the windshield and windows when operating the vehicle. Establishes maximum window tint percentages for utility terrain vehicles, substantially similar to requirements for motor vehicles in s. Trans 305.32 (5), Wis. Adm. Code.

SECTION 16. Provides that an owner, or other person in charge or control, may not authorize or permit operation of a utility terrain vehicle under certain circumstances.

SECTION 17. Adds utility terrain vehicles to the current administrative code provision which states that an operator or owner may not deny inspection or refuse testing of an all-terrain vehicle.

SECTION 18. Clarifies that the department-established safety certification program for all-terrain vehicles shall include utility terrain vehicles.

SECTION 19. Adds deaths resulting from utility terrain vehicle accidents to the list of deaths which coroners and medical examiners must report to the Department of Natural Resources. Requires a blood specimen to be drawn in cases of death resulting from a utility terrain vehicle accident, the same as the current requirement for death resulting from an all-terrain vehicle accident.

SECTION 20. Adds utility terrain vehicles to the public areas where the operation of all-terrain vehicles is currently allowed or prohibited.

SECTION 21. Adds utility terrain vehicles to existing administrative code provisions pertaining to maintenance funding of hybrid trails ("troutes").

Increases the design load weight limit for bridges when determining eligibility for all-terrain vehicle trail aid to better reflect modern design standards.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

No federal regulations apply. None of the rule proposals violate or conflict with the provisions established in the Federal Code of Regulations.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The department held a preliminary public hearing and comment period on Statement of Scope SS 071-24 (DNR Number LE-05-24) on August 23, 2024. One individual registered in support and provided a written comment in support of updating ch. NR 64, Wis. Adm. Code, to make it more consistent with s. 23.33, Wis. Stats.

8. Comparison with Similar Rules in Adjacent States:

Illinois, Iowa, Michigan, and Minnesota all establish standards for all-terrain vehicle and utility terrain vehicle operation, similar to what is proposed in this rule order. Highlights of these regulations are as follows:

Disorderly operation: Illinois, Iowa, Michigan, and Minnesota all generally address careless and reckless operation. This rule order proposes to also include actions that are unreasonably loud, disruptive, or otherwise interfere with peace, welfare, and safety.

Eye protection: Iowa requires helmet use in designated off-highway vehicle parks; Michigan requires helmet use and eyewear for passengers and operators with some exceptions; Minnesota does not require eye protection for all-terrain vehicles but does require it for off-highway motorcycles.

Noise standards: Illinois, Iowa, Michigan and Minnesota have all adopted Society of Automotive Engineers Standard J1287, *Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles*. This rule order proposes to clarify that Wisconsin would adopt the most recent revised standard dated April 28, 2017, which maintains the limit of 96 decibels in current law.

Obstruction of View and Window tint: Generally, states that prohibit obstruction of view and establish maximum window tint percentages for all-terrain vehicles or utility terrain vehicles follow the respective state's laws for motor vehicles, which is the approach proposed in this rule order.

Safety belts: Illinois, Iowa, Michigan, and Minnesota all require passengers to use manufacturer safety belts or the equivalent in good working order; Michigan and Minnesota also require operators to use them.

Trail aid grants: Illinois, Iowa, Michigan, and Minnesota all have grant programs for the acquisition, development, and operation of all-terrain vehicle trails funded by vehicle registration fees. These neighboring states do not address requirements for bridge weight limits by administrative rule.

Towing of objects: Iowa doesn't allow the operation of an all-terrain vehicle with more people than it was designed to carry. Michigan allows the use of an all-terrain vehicle for towing a fish shanty or supply shed over frozen public waters. Minnesota requires the use of a straight-arm bar if towing a trailer or other device containing human passengers. Illinois law does not address this provision.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

With this rule, the department will modernize outdated provisions of ch. NR 64, Wis. Adm. Code, relating to all-terrain vehicles in order to make them consistent with s. 23.33, Wis. Stats., relating to both all-terrain vehicles and utility terrain vehicles.

The proposals included in this rule reflect the current recreational vehicle market and associated

equipment offerings, as well as changing user patterns and the recreational environment. They have been peer-reviewed for justification, enforceability, and completeness by the department's Bureau of Customer and Outreach Services, Bureau of Community Financial Assistance, Bureau of Legal Services, and Division of Public Safety and Resource Protection.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

Since the department has already established a program for regulating the use of all-terrain vehicles and utility terrain vehicles, costs to implement the proposed rule and economic impacts on users are expected to be minimal.

The department will gather public comments to determine if any individuals, businesses, local governments, or other entities expect to be adversely impacted economically by the rule. The proposed rule is not likely to have a significant economic impact on small businesses. The proposed rule imposes no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

11. Effect on Small Business (initial regulatory flexibility analysis):

The proposed rules do not specifically regulate small business and would not impose reporting requirements. There are no design or operational standards contained in the rule.

12. Agency Contact Person:

Lt. Jacob Holsclaw, Off-Highway Vehicle Administrator
Department of Natural Resources
1300 West Clairemont Ave.
Eau Claire, WI 54701
jacob.holsclaw@wisconsin.gov; (715) 491-0283

13. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:
Sandra Smith-Loomans
Department of Natural Resources
Division of Public Safety and Resource Protection – LE/8
P.O. Box 7921
101 S. Webster St.
Madison, WI 53707-7921
sandra.smithloomans@wisconsin.gov; (715) 563-1416

Comments may be submitted to the department contact person listed above or to DNRAAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's website, at <https://dnr.wisconsin.gov/calendar>. Comments may also be submitted through the Wisconsin Administrative Rules Website at <https://docs.legis.wisconsin.gov/code/chr/active>.

The consent of the Attorney General will be requested for the incorporation by reference of revised 2017-04-28, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles*.

RULE TEXT

SECTION 1. Chapter NR 64 (title) is amended to read:

Chapter NR 64

ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

SECTION 2. NR 64.01 is amended to read:

NR 64.01 Purpose and applicability. This chapter applies to owners and operators of all-terrain vehicles or utility terrain vehicles, dealers who sell all-terrain vehicles or utility terrain vehicles, towns, villages, cities, counties, the state, and federal agencies. This chapter establishes standards for the implementation of the all-terrain vehicle and utility terrain vehicle programs under s. 23.33, Stats.

SECTION 3. NR 64.02 (1) is renumbered NR 64.02 (1m) and amended to read:

NR 64.02 (1m) "All-terrain vehicle area" means a designated area that contains all-terrain vehicle or utility terrain vehicle riding courses and support facilities.

SECTION 4. NR 64.02 (1) is created to read:

NR 64.02 (1) "All-terrain vehicle" has the meaning given in s. 340.01 (2g), Stats.

SECTION 5. NR 64.02 (2) and (3) are repealed and recreated to read:

NR 64.02 (2) "All-terrain vehicle route" ~~means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction.~~ has the meaning given in s. 23.33 (1) (c), Stats.

(3) "All-terrain vehicle trail" ~~means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways which are not seasonally maintained for motor vehicle traffic.~~ has the meaning given in s. 23.33 (1) (d), Stats.

SECTION 6. NR 64.02 (9m) is amended to read:

(9m) “Hybrid ~~Trail (Troute)~~ trail” means an all-terrain vehicle trail and all-terrain vehicle route combination that allows all-terrain vehicles and motor vehicles to ~~utilize~~ use the same linear surface and the combination is used ~~as a trail connector as defined in sub. (15)~~ to connect one all-terrain vehicle trail to another all-terrain vehicle trail or services.

SECTION 7. NR 64.02 (9m) (Note), (10m), and (16) are created to read:

(9m) (Note) Note: A hybrid trail is commonly referred to as a “troute.”

(10m) “Off-highway vehicle dealer” means a person engaged in the wholesale or retail sale of all-terrain vehicles or utility terrain vehicles for a profit.

(16) “Utility terrain vehicle” has the meaning given in s. 23.33 (1) (ng), Stats.

SECTION 8. NR 64.03 (2) (a), (3) (a) and (b), (4) to (9), (10) (a) and (b), and (b) (Note) are amended to read:

NR 64.03 (2) ISSUANCE. (a) The department shall issue 2 registration decals with the registration certificate for each all-terrain vehicle or utility terrain vehicle owned by an individual owner. The decals shall be no larger than 4 inches in height and 4 inches in width or 4 inches in diameter and shall contain reference to the state, the department, and a machine identification number. Registration decals for all-terrain vehicles or utility terrain vehicles registered for public use shall also contain a reference to the expiration date of the registration.

(3) EXPIRATION. (a) All-terrain vehicle or utility terrain vehicle public use registration shall be valid for 2 years beginning ~~July 1~~ April 1 or the date of issuance or renewal and ending ~~June 30~~ March 31 of the second year following the date of issuance or renewal.

(b) All-terrain vehicle or utility terrain vehicle private use registration shall be valid from the date of issuance until ownership of the all-terrain vehicle or utility terrain vehicle is transferred.

(4) DUPLICATE. If a registration certificate or registration decal for an all-terrain vehicle or utility terrain vehicle is lost or destroyed, the owner may apply for a duplicate ~~on a form provided~~ in the method

prescribed by the department. Upon receipt of a proper application and the required fee, the department ~~or its authorized agents~~ shall issue a duplicate registration certificate or registration ~~decals~~ decals to the owner.

(5) TRANSFER. Upon transfer of ownership of an all-terrain vehicle or utility terrain vehicle for which a registration certificate has been issued, the seller shall deliver the assigned certificate to the purchaser at the time of sale. The purchaser shall complete an application for transfer ~~on a form provided in the method prescribed~~ by the department and mail or deliver it to the department within 10 days after the date of purchase.

(6) RENEWAL. Prior to the end of the registration period, the department shall send the ~~owner~~ registrant of each all-terrain vehicle or utility terrain vehicle registered for public use a ~~2-part renewal application~~ notice of registration renewal. The owner shall ~~complete and sign both portions of the renewal application and return one portion and~~ return the proper fee to the department. ~~Upon receipt of the registration certificate and the registration decals, the owner shall destroy the remaining portion of the application.~~ Failure to receive a ~~renewal application~~ notice of registration renewal does not relieve the ~~owner~~ registrant of the obligation to renew the all-terrain vehicle or utility terrain vehicle registration.

(7) JUNKED VEHICLES. If an all-terrain vehicle or utility terrain vehicle is junked, the owner shall return the registration certificate to the department marked "junked."

(8) OWNED BY A COUNTY OR MUNICIPALITY. All-terrain vehicles and utility terrain vehicles owned and operated by the state or by any county or municipality of this state shall display registration decals.

(9) MUNICIPAL REGISTRATION AND FEES. No municipality may register or license all-terrain vehicles or utility terrain vehicles. Municipalities may charge a seasonal or daily all-terrain vehicle area use fee but may not charge a seasonal or daily trail use fee if the municipality receives trail maintenance aids under s. NR 64.14.

(10) NONRESIDENT TRAIL PASS. (a) An all-terrain vehicle or utility terrain vehicle that is not registered pursuant to s. 23.33 (2) (a), Stats., or is not exempt from registration under s. 23.33 (2) (b) 1. or 3., Stats., is exempt from displaying out of state registration if the all-terrain vehicle or utility terrain vehicle displays a current Wisconsin all-terrain vehicle or utility terrain vehicle nonresident ~~trail pass~~ trail pass and has not been in Wisconsin for more than 15 consecutive days.

(b) The nonresident trail pass shall be permanently affixed to the forward half of the all-terrain vehicle or utility terrain vehicle in a manner that is visible at all times.

(b) (Note) **Note:** This exemption will allow nonresidents to operate their ATVs or UTVs in the state for up to 15 days without obtaining Wisconsin registration even though the ATV or UTV is not registered in the nonresident's home state.

SECTION 9. NR 64.03 (11) is created to read:

NR 64.03 (11) REVOCATION FOR NONPAYMENT OF FEE. The department may revoke any registration or trail pass issued if the payment of any fee required for issuance of the registration or trail pass cannot be processed or collected.

SECTION 10. NR 64.04 (1) to (3) are amended to read:

NR 64.04 (1) Registration decals shall be permanently affixed to the all-terrain vehicle or utility terrain vehicle by the decal's own adhesive on both sides of the vehicle in a position forward of the operator that is clearly visible. The owner of an all-terrain vehicle or utility terrain vehicle shall maintain the registration decals in a legible condition at all times.

(2) Except as provided in sub. (3), the decals shall be permanently attached and displayed on the all-terrain vehicle or utility terrain vehicle before any person operates the vehicle.

(3) A person may operate an all-terrain vehicle or utility terrain vehicle without having the registration decals displayed as provided in sub. (2) if the owner has a valid temporary operating receipt ~~validated issued~~ by the department or its authorized agents. The operator shall ~~have possess~~ the ~~validated~~ valid temporary operating receipt ~~in his or her possession~~ at all times when operating the all-terrain

vehicle or utility terrain vehicle and shall exhibit it upon demand for inspection by any person authorized to enforce this section under s. 23.33 (12), Stats. Upon receipt, the registration decals shall be displayed in the manner indicated in sub. (2).

SECTION 11. NR 64.05 is amended to read:

NR 64.05 Change of address. If the owner of a registered all-terrain vehicle or utility terrain vehicle changes ~~his or her address~~, the address where the vehicle is kept, the owner shall notify the department in writing of the new address within 15 days after the address change.

SECTION 12. NR 64.06 (title) and (1) to (4) are amended to read:

NR 64.06 (title) Completion of application for registration by ~~all-terrain vehicle dealers~~ off-highway vehicle dealers.

(1) When an ~~all-terrain~~ off-highway vehicle dealer sells an all-terrain vehicle or utility terrain vehicle, the dealer shall require the buyer to complete an application for a registration certificate and collect the required fee at the time of sale. The dealer shall mail the application and fee to the department no later than 7 days after the date of sale. The department shall provide combination application and receipt forms and the dealer shall furnish the buyer with a complete receipt showing that application for registration has been made. The operator of the all-terrain vehicle or utility terrain vehicle shall possess ~~have~~ this completed receipt ~~in his or her possession~~ while operating the ~~all-terrain~~ vehicle until the registration decals are received. No dealer may charge an additional fee to the buyer for performing the service required under this section.

(2) When an ~~all-terrain~~ off-highway vehicle dealer sells an all-terrain vehicle or utility terrain vehicle to a person from another state who wishes to register that ~~all-terrain~~ vehicle in his or her home state, the dealer ~~shall~~ may complete an application that the ~~all-terrain~~ vehicle is to be registered in another state, furnish the buyer with one copy and retain one copy for the dealer's records and ~~shall~~ may mail one copy to the department no later than 7 days after the date of sale.

(3) Every ~~all-terrain-off-highway~~ vehicle dealer shall maintain, for one year, a record in the form prescribed by the department for each new all-terrain vehicle or utility terrain vehicle sold. These records shall be open for inspection by the department.

(4) ~~Commencing 6 months after August 1, 1986, no~~ No off-highway vehicle dealer may accept an all-terrain vehicle or utility terrain vehicle in trade unless it is registered with the department or another state.

SECTION 13. NR 64.07 (1), (2), and (3) are amended to read:

NR 64.07 (1) PROHIBITED OPERATION. In addition to the provisions of s. 23.33 (3), Stats., no person may operate an all-terrain vehicle or utility terrain vehicle:

(2) VEHICLE SPEED. The operator of an all-terrain vehicle or utility terrain vehicle shall slow ~~his~~ or her the vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an all-terrain vehicle, a utility terrain vehicle, a snowmobile, a motorcycle, or is towing any trailer, toboggan, sled, skis, bicycle, skates or toy vehicle bearing any person on the frozen waters of the state, except as provided under ch. 346, Stats., where applicable.

(3) ~~ALL-TERRAIN~~ VEHICLE NOISE EMISSIONS AND TESTING. No person may manufacture, sell, rent or operate an all-terrain vehicle or utility terrain vehicle that is constructed or altered in a manner that noise emitted from the ~~all-terrain~~ vehicle exceeds 96 decibels on the A scale when measured in the manner prescribed in the ~~reaffirmed 1998-07~~, revised 2017-04-28, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Levels of Stationary Motorcycles*, which is incorporated by reference.

SECTION 14. NR 64.07 (4) is renumbered NR 64.07 (3) (Note) and amended to read:

NR 64.07 (3) (Note): Note: Copies and amendments of the Society of Automotive Engineers Technical Report ~~1998-07~~2017-04-28, Society of Automotive Engineers Standard J1287, entitled *Measurement of Exhaust Sound Levels of Stationary Motorcycles*, is are available for inspection ~~in the~~ following offices:

- ~~(a) The Department of Natural Resources, 101 S. Webster St., Madison, Wisconsin 53707.~~
- ~~(b) The Office of the Secretary of State, 30 W. Mifflin St., Madison, Wisconsin 53707.~~
- ~~(c) The Legislative Reference Bureau, One E. Main St., Madison, Wisconsin.~~
- ~~(d) The Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.~~

at the Legislative Reference Bureau, One E. Main St., Madison, Wisconsin 53703, and for purchase at the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096, (877) 606-7323, <https://www.sae.org/about/contact>.

SECTION 15. NR 64.07 (1) (d) and (4) to (8) are created to read:

NR 64.07 (1) (d) In a manner which is unreasonably loud, disruptive, or otherwise interferes with peace, welfare, and safety, including unnecessary spinning or squealing of tires, revving of an engine, or blowing of a horn.

(4) SAFETY BELTS. No person may operate a utility terrain vehicle unless the operator and each passenger are wearing a safety belt installed by the manufacturer and fastened in a manner prescribed by the manufacturer of the safety belt that permits the safety belt to act as a body restraint.

(5) EYE PROTECTION. No person may operate or be a passenger in an all-terrain vehicle or utility terrain vehicle without wearing glasses, goggles, or a protective face shield, unless the all-terrain vehicle or utility terrain vehicle has a windshield.

(6) TOWING OF OBJECTS. No person may operate, and no owner may give permission for the operation of, an all-terrain vehicle or utility terrain vehicle on a trail or route open to the public when such vehicle or combination of vehicles is towing any trailer, toboggan, sled, skis, bicycle, skates or toy vehicle bearing any person.

(7) OBSTRUCTION OF VIEW. No person may operate an all-terrain vehicle or utility terrain vehicle with any item placed or suspended in or on the vehicle windshield so as to obstruct the driver's clear vision through the windshield. The front side windows, rear side windows, rear window, and vent of

an all-terrain vehicle or utility terrain vehicle may not have any posters, stickers, or other nontransparent material upon them, other than a certificate or sticker issued by order of a governmental agency.

(8) WINDOW TINT. Except as provided in pars. (a) to (c), no person may operate a utility terrain vehicle on a trail, route, or frozen water of the state with window tint.

(a) The front windows, rear side windows, rear window, and vent may be tinted by the window manufacturer or by the application of window tinting film to the inside of the window so long as the tinting is not reflective and permits passage through the windows of at least 50 percent of the visible light striking the windows.

(b) The rear side windows and rear window may be tinted by the window manufacturer or by the application of window tinting film to the inside of the window so long as the tinting is not reflective and permits passage through the windows of at least 35 percent of the visible light striking the windows.

(c) The windshield of a utility terrain vehicle may be tinted by the manufacturer or by applying window tinting film so long as the tinting shall only be on the portion of the windshield above a line five inches underneath and parallel to the top of the windshield.

SECTION 16. NR 64.08 (intro.), (1), and (2) are amended to read:

NR 64.08 Owner permitting operation. An owner or other person having charge or control of an all-terrain vehicle or utility terrain vehicle may not authorize or permit any person to operate the ~~all-terrain~~ vehicle if the person is:

(1) Prohibited from operating an all-terrain vehicle or utility terrain vehicle under s. 23.33 (5), Stats.;

(2) Incapable of operating an all-terrain vehicle or utility terrain vehicle because of a physical or mental disability, or

SECTION 17. NR 64.085 is amended to read:

NR 64.085 Refusal to allow testing. No operator or owner of any all-terrain vehicle or utility terrain vehicle may deny inspection or may refuse to operate ~~his or her all-terrain~~ the vehicle in a manner

prescribed by the law enforcement officer who reasonably suspects a violation of all-terrain vehicle or utility terrain vehicle equipment requirements found in s. 23.33, Stats.

SECTION 18. NR 64.09 (intro.) is amended to read:

NR 64.09 Safety certification program. The department shall establish a program of instruction on all-terrain vehicle and utility terrain vehicle laws, regulations, safety and related subjects. The program shall include the following:

SECTION 19. NR 64.11 (1) and (2) are amended to read:

NR 64.11 (1) Every coroner or medical examiner shall, on or before the 10th day of each month, report in writing to the department the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving an all-terrain vehicle or utility terrain vehicle and the circumstances of such accident.

(2) In cases of death involving an all-terrain vehicle or utility terrain vehicle in which the decedent died within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of the decedent within 12 hours after death by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of a physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this section. The blood drawn shall be forwarded to a laboratory approved by the department of health services for analysis of the alcoholic and controlled substance content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the department of health services. The department of health services shall keep a record of all such examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the department of health services. The department shall reimburse coroners and medical examiners for the

costs incurred in submitting reports and taking blood specimens and laboratories for the costs incurred in analyzing blood specimens under this section.

SECTION 20. NR 64.12 (4) to (6), (7) (a) (Note) and (c) are amended to read:

NR 64.12 (4) A town, city, village or county may designate a route as an all-terrain vehicle route during certain periods of the year and prohibit the operation of all-terrain vehicles or utility terrain vehicles on that route during other periods of the year.

(5) All-terrain vehicle or utility terrain vehicle operation is not permitted on state trunk highways or connecting highways except as provided for under s. 23.33 (4), Stats., or sub. (2) or (3).

(6) No person may operate an all-terrain vehicle or utility terrain vehicle on a restricted all-terrain vehicle route during any period of the year when the operation of all-terrain vehicles or utility terrain vehicles is prohibited.

(7) (a) (Note) Note: For information on whom to contact for the construction of signs for all-terrain vehicle routes, contact your ~~DNR Regional Community Service Specialist shown online at~~ <http://dnr.wi.gov/files/PDF/pubs/cf/CF0023.pdf>. local county highway department.

(7) (c) An all-terrain vehicle route sign with directional arrow, where appropriate, shall be placed at the beginning of an all-terrain vehicle route and at such locations and intervals as necessary to enable all-terrain vehicle or utility terrain vehicle operators to follow the route.

SECTION 21. NR 64.14 (2r) (b) 1. and 2., (5) (c) (intro.), 1., and 3., (6) (c) (diagram) 1. (purpose statement) and 3. (purpose statement) and (9) (ar) 2., 3., and 4. are amended to read:

NR 64.14 (2r) (b) 1. For eligible applicants not receiving gas tax for a road on which all-terrain vehicles or utility terrain vehicles will also be traveling, not more than 50 percent of the per-mile rate as identified in sub. (2)

2. For eligible applicants receiving gas tax for a road on which all-terrain vehicles or utility terrain vehicles will also be traveling, the per-mile rate identified in sub. (2) minus the gas tax received, not to exceed 50 percent of rate in sub. (2).

(5) (c) *Easement or lease.* For trail purposes, the width of the all-terrain vehicle right-of-way may not exceed one rod. The easement or lease shall contain, at a minimum, the right to sign, right of limited construction, right to maintain, right of use by all-terrain vehicles or utility terrain vehicles and necessary trail grooming equipment. Cost sharing is limited to the minimum land area necessary for the all-terrain vehicle trail.

1. All local units of government, state and federal agencies shall certify to the department that easements, leases, permits, or other appropriate agreements secured grant public access and use of the land for all-terrain vehicles or utility terrain vehicles. The local units, state or federal agencies shall maintain a current file of all easements, leases or permits which include the name of the property owner, description of the property, duration of the lease, easement or permit, and amount to be paid for the lease, easement or permit.

3. The cost of leasing land for all-terrain vehicles or utility terrain vehicles other than trail right-of-ways shall be based on the appraised value of the easement.

(6) (c) (diagram) 1. (purposed statement) Purpose: To delineate when the trail is available for all-terrain vehicle or utility terrain vehicle use during the year.

3. Purpose: (purpose statement) To inform all-terrain vehicle or utility terrain vehicle operators that operating while intoxicated is illegal.

(9) (ar) 2. Costs that are not eligible for development and rehabilitation cost sharing include all of the following: construction and replacement of bridge railings only, decking and patching of decking, grading or minor repair to approaches, construction and bridge repairs to bring bridge structure within any existing codes, construction and reinforcement of bridge structures to accommodate weights in excess of ~~14,000~~ 25,000 pounds and deck construction and replacement for the primary purpose of accommodating larger grooming equipment.

3. Cost sharing for the purchase and installation of prefabricated bridges shall be limited to structures with a maximum design load of ~~14,000~~ 25,000 pounds unless there are circumstances that warrant a capacity greater than 25,000 pounds.

4. Cost sharing for the purchase of materials and construction of bridges built on site by either contractors or clubs shall be limited to a maximum design load of ~~14,000~~ 25,000 pounds unless there are circumstances that warrant a capacity greater than ~~14,000~~ 25,000 pounds. ~~for no demonstrated increase in cost.~~

SECTION 22. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 23. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

BY _____

For Karen Hyun, Ph.D., Secretary