

State of Wisconsin



2019 Senate Bill 583

Date of enactment: **March 3, 2020**

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2019 WISCONSIN ACT 183

(Vetoed in Part)

AN ACT to repeal 23.33 (1) (iq), 23.33 (2) (b) 4. and 340.01 (36r); **to renumber and amend** 23.33 (9) (bg); **to amend** 20.370 (5) (ct), 20.370 (5) (cu), 23.33 (1) (ng) 1. b., 23.33 (1) (ng) 1. h., 23.33 (1) (ng) 2. a., 23.33 (1) (ng) 2. b., 23.33 (1) (ng) 2. d., 23.33 (2) (b) 1., 23.33 (2j) (e), 23.33 (3) (em), 23.33 (4) (d) (intro.), 23.33 (6) (a), 23.33 (6) (f), 23.33 (6) (g), 23.33 (6r), 23.33 (9) (bb), 23.33 (9) (bg) (title), 340.01 (2g) and 346.02 (11); and **to create** 23.33 (1) (fe), 23.33 (1) (jd), 23.33 (1) (jqm), 23.33 (1) (ng) 2. e., 23.33 (2) (b) 1m., 23.33 (3) (ht), 23.33 (3g) (e), 23.33 (3g) (f), 23.33 (4z) (a) 3., 23.33 (6) (cd), 23.33 (6) (ch), 23.33 (6) (cp), 23.33 (6) (ct), 23.33 (9) (b) 7., 23.33 (9) (b) 8., 23.33 (9) (bc), 23.33 (9) (bg) 2., 23.33 (11m) and 23.90 (7) of the statutes; **relating to:** regulation of all-terrain vehicles and utility terrain vehicles, all-terrain vehicle projects, and making an appropriation.

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

SECTION 1. 20.370 (5) (ct) of the statutes is amended to read:

20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax payment.* As a continuing appropriation, an amount equal to the estimated all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties, and federal agencies for nonstate all-terrain vehicle projects and to provide aid to nonprofit organizations for the production of maps and digital information applications under s. 23.33 (9) (b) 7., communications equipment under s. 23.33 (9) (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

SECTION 2. 20.370 (5) (cu) of the statutes is amended to read:

20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a continuing appropriation, the amounts in the schedule from moneys received from all-terrain

vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages, cities, counties, and federal agencies for nonstate all-terrain vehicle projects and to provide aid to nonprofit organizations for the production of maps and digital information applications under s. 23.33 (9) (b) 7., communications equipment under s. 23.33 (9) (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

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

23.33 (1) (fe) “Federal agency” means the United States, any department of the United States, or any corporation, agency, or instrumentality that is created, designated, or established by the United States.

SECTION 3m. 23.33 (1) (iq) of the statutes is repealed.

SECTION 4. 23.33 (1) (jd) of the statutes is created to read:

23.33 (1) (jd) “Public utility” has the meaning given in s. 196.01 (5).

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

SECTION 5. 23.33 (1) (jqm) of the statutes is created to read:

23.33 (1) (jqm) “State agency” means any office, department, or independent agency in the executive branch of state government.

SECTION 6. 23.33 (1) (ng) 1. b. of the statutes is amended to read:

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

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

23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle’s basic operation.

SECTION 8. 23.33 (1) (ng) 2. a. of the statutes is amended to read:

23.33 (1) (ng) 2. a. It ~~has~~ does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of ~~more than 900 pounds but~~ not more than 2000 pounds.

SECTION 9. 23.33 (1) (ng) 2. b. of the statutes is amended to read:

23.33 (1) (ng) 2. b. It has a width of ~~50~~ 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle’s basic operation.

SECTION 10. 23.33 (1) (ng) 2. d. of the statutes is amended to read:

23.33 (1) (ng) 2. d. It travels on 3 or more ~~low-pressure tires or non-pneumatic tires.~~

SECTION 10m. 23.33 (1) (ng) 2. e. of the statutes is created to read:

23.33 (1) (ng) 2. e. It is not an all-terrain vehicle, as defined in s. 340.01 (2g).

SECTION 11e. 23.33 (2) (b) 1. of the statutes is amended to read:

23.33 (2) (b) 1. ~~Owned by the United States, or leased by a federal agency, state agency, political subdivision of the state, or another state or a political subdivision thereof, but if the exterior of the all-terrain vehicle or utility terrain vehicle shall display in a visible manner the name of the owner displays the name of the government entity in a visible manner, except as provided in subd. 1m.~~

SECTION 11m. 23.33 (2) (b) 1m. of the statutes is created to read:

23.33 (2) (b) 1m. Owned or leased by a federal agency, state agency, political subdivision of the state, or another state or a political subdivision thereof and used for enforcement purposes.

SECTION 11s. 23.33 (2) (b) 4. of the statutes is repealed.

SECTION 11u. 23.33 (2j) (e) of the statutes is amended to read:

23.33 (2j) (e) An all-terrain vehicle or a utility terrain vehicle that is registered under sub. (2) (a) or an all-terrain vehicle or utility terrain vehicle that is exempt from registration under sub. (2) (b) 1., 1m., 3., or 3m., ~~or 4.~~ is exempt from having a nonresident trail pass or temporary trail use receipt displayed as required under par. (b). The department may promulgate a rule to exempt all-terrain vehicles and utility terrain vehicles that are exempt from registration under sub. (2) (b) 5. from having nonresident trail passes or temporary trail use receipts displayed as required under par. (b) or may promulgate a rule to exempt owners of such vehicles from having to pay any applicable nonresident trail pass fee.

SECTION 12. 23.33 (3) (em) of the statutes is amended to read:

23.33 (3) (em) ~~With~~ Except as provided in sub. (11m), with a passenger riding in or on any part of ~~a~~ an all-terrain vehicle or utility terrain vehicle that is not designed or intended to be used by passengers while the all-terrain vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle trail, or roadway as authorized in this section .

SECTION 13. 23.33 (3) (ht) of the statutes is created to read:

23.33 (3) (ht) On all-terrain vehicles routes, all-terrain vehicles trails, public lands, or roadways unless the person complies with all stop signs, yield signs, and other regulatory signs established by rule under sub. (8) (e).

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

23.33 (3g) (e) The person is being transported for medical reasons while under the care of emergency personnel.

SECTION 15. 23.33 (3g) (f) of the statutes is created to read:

23.33 (3g) (f) The person is an emergency responder who is responding to an emergency that is directly related to the function of a city, town, village, county, state agency, federal agency, federally recognized American Indian tribe, or public safety corporation.

SECTION 16. 23.33 (4) (d) (intro.) of the statutes is amended to read:

23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway if the person complies with the applicable speed limit and only in the following situations:

SECTION 17. 23.33 (4z) (a) 3. of the statutes is created to read:

23.33 (4z) (a) 3. Provide for the development of safety information signs.

Vetoed
In Part

SECTION 18. 23.33 (6) (a) of the statutes is amended to read:

23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain vehicle ~~during hours of darkness or during daylight hours on any highway right-of-way~~ is required to display a lighted headlamp and tail lamp on the all-terrain vehicle or utility terrain vehicle.

SECTION 19. 23.33 (6) (cd) of the statutes is created to read:

23.33 (6) (cd) Except as provided in sub. (11m), no person may operate an all-terrain vehicle or utility terrain vehicle that is equipped with any of the following:

1. A lamp that emits any color of light other than white or amber and that is visible from directly in front of the all-terrain vehicle or utility terrain vehicle.

2. A lamp that emits any color of light other than red, yellow, amber, or white and that is visible from directly behind the all-terrain vehicle or utility terrain vehicle.

3. A flashing, oscillating, or rotating lamp that emits any color other than yellow or amber.

SECTION 20. 23.33 (6) (ch) of the statutes is created to read:

23.33 (6) (ch) Except as provided in sub. (11m), if an all-terrain vehicle or utility terrain vehicle with headlamps is equipped with additional adverse weather lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain vehicle may not light more than 4 lamps on the front of the all-terrain vehicle or utility terrain vehicle simultaneously, not including flashing amber or yellow lights, within 500 feet of an oncoming all-terrain vehicle, utility terrain vehicle, or other vehicle upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public area.

SECTION 21. 23.33 (6) (cp) of the statutes is created to read:

23.33 (6) (cp) Except as provided in sub. (11m), when the operator of an all-terrain vehicle or utility terrain vehicle equipped with multiple-beam headlamps, adverse weather lamps, spot lamps, auxiliary lamps, high-beam lamps, or any other lamps other than those required by this subsection approaches an oncoming all-terrain vehicle, utility terrain vehicle, or other vehicle within 500 feet or approaches or follows an all-terrain vehicle, utility terrain vehicle, or other vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress, or tilt the multiple-beam headlamps, adverse weather lamps, spot lamps, auxiliary lamps, high-beam lamps, or any other lamps of the all-terrain vehicle or utility terrain vehicle so that the glaring rays are not directed or reflected into the eyes of the operator of the other vehicle, all-terrain vehicle, or utility terrain vehicle. This paragraph does not prohibit an operator from intermittently flashing the high-beam headlamps of the

all-terrain vehicle or utility terrain vehicle at an oncoming all-terrain vehicle, utility terrain vehicle, or other vehicle whose high-beam headlamps are lit.

SECTION 22. 23.33 (6) (ct) of the statutes is created to read:

23.33 (6) (ct) 1. Any all-terrain vehicle or utility terrain vehicle may be equipped with not more than 2 backup lamps that shall be directed to project a white or amber light illuminating the area to the rear of the vehicle for a distance not to exceed 75 feet.

2. No lighted backup lamp or white lamp visible from directly behind may be displayed on any all-terrain vehicle or utility terrain vehicle upon a highway, all-terrain vehicle route, all-terrain vehicle trail, frozen water, or public area where use of all-terrain vehicles or utility terrain vehicles is allowed except when the all-terrain vehicle or utility terrain vehicle is about to be or is being driven backward. Whenever a backup lamp on an all-terrain vehicle or utility terrain vehicle is lighted, the tail lamp or tail lamps on the all-terrain vehicle or utility terrain vehicle shall also be lighted.

SECTION 23. 23.33 (6) (f) of the statutes is amended to read:

23.33 (6) (f) An all-terrain vehicle or utility terrain vehicle may not be modified so that its maximum width exceeds 50 inches the width allowed for a utility terrain vehicle under sub. (1) (ng) 1. h. or 2. b. or the width allowed for an all-terrain vehicle under s. 340.01 (2g). This paragraph does not apply to the operation of an all-terrain vehicle or utility terrain vehicle on private property.

SECTION 24. 23.33 (6) (g) of the statutes is amended to read:

23.33 (6) (g) An all-terrain vehicle or utility terrain vehicle may not be operated with ~~tires anything~~ other than low-pressure tires or non-pneumatic tires. This paragraph does not apply to the operation of an all-terrain vehicle or utility terrain vehicle on private property or on frozen waters.

SECTION 25. 23.33 (6r) of the statutes is amended to read:

23.33 (6r) PASSENGER RESTRICTIONS. ~~No~~ Except as provided in sub. (11m), no person may ride in or on any part of ~~a~~ an all-terrain vehicle or utility terrain vehicle that is not designed or intended to be used by passengers while the all-terrain vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle trail, frozen water, or highway as authorized by this section. This subsection does not apply to the operation of an all-terrain vehicle or utility terrain vehicle on private property.

SECTION 26. 23.33 (9) (b) 7. of the statutes is created to read:

23.33 (9) (b) 7. Production of trail maps and a state-wide digital information application for providing safety, regulatory, and riding opportunity information.

Vetoed
In Part

Vetoed
In Part

SECTION 27. 23.33 (9) (b) 8. of the statutes is created to read:

23.33 (9) (b) 8. Acquisition and maintenance of communications equipment for providing support to organizations that meet the eligibility requirements under sub. (5m) (b).

SECTION 28. 23.33 (9) (bb) of the statutes is amended to read:

23.33 (9) (bb) *Signs.* In addition to the projects listed in par. (b), the department may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town, village, city ~~or~~ county, or nonprofit organization for up to 100 percent of the cost of placing signs developed under sub. (4z) (a) 2. and 3.

SECTION 29. 23.33 (9) (bc) of the statutes is created to read:

23.33 (9) (bc) *All-terrain vehicle trail maintenance funding.* The department may provide state aid for trail maintenance costs equal to the approved eligible project costs, which may not exceed the following:

1. For winter maintenance of all-terrain vehicle trails that are shared with snowmobiles and that are eligible for winter maintenance, \$100 per mile.

2. For winter maintenance of all-terrain vehicle trails that are not shared with snowmobiles and that are eligible for winter maintenance, \$200 per mile.

3. For summer maintenance of all-terrain vehicle trails, \$600 per mile.

SECTION 30. 23.33 (9) (bg) (title) of the statutes is amended to read:

23.33 (9) (bg) (title) *Projects Funding for utility terrain vehicles.*

SECTION 31. 23.33 (9) (bg) of the statutes is renumbered 23.33 (9) (bg) 1. and amended to read:

23.33 (9) (bg) 1. A project to improve or maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for summer funding as a state utility terrain vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5) (eu) and (gr). The maximum amount allowed for aid under this ~~paragraph~~ subdivision is \$100 ~~\$200~~ per mile for all-terrain vehicle trails that are maintained not less than 3 months per year including the months of June, July, and August.

3. If the requests for aid for projects under this paragraph exceed the funds available, the department shall distribute available funds to qualified applicants on a proportional basis.

SECTION 32. 23.33 (9) (bg) 2. of the statutes is created to read:

23.33 (9) (bg) 2. A project to improve or maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for winter funding as a state utility terrain vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as a nonstate utility vehicle

project from the appropriation accounts under s. 20.370 (5) (eu) and (gr). The maximum amount allowed for aid under this subdivision is \$100 per mile for all-terrain vehicle trails that are maintained not less than 2 months nor more than 6 months per year including the months of January and February.

SECTION 33. 23.33 (11m) of the statutes is created to read:

23.33 (11m) EXCEPTIONS. Subsections (3) (em), (6) (cd), (ch), (cp), and (i), and (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle owned or leased by a city, village, town, county, state agency, federal agency, federally recognized American Indian tribe, public safety corporation, or public utility while the operator is engaged in an emergency.

SECTION 33m. 23.90 (7) of the statutes is created to read:

23.90 (7) In an action under s. 23.33 (2h) (a) 1. for intentionally making a false statement on an application for a registration, the defendant may be tried in the defendant's county of residence at the time that the complaint is filed, in the county where the defendant purchased the all-terrain vehicle or utility terrain vehicle if purchased from a dealer, or in the county where the department of natural resources received the application.

SECTION 34. 340.01 (2g) of the statutes is amended to read:

340.01 (2g) "All-terrain vehicle" means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more ~~low-pressure tires or non-pneumatic~~ tires.

SECTION 34m. 340.01 (36r) of the statutes is repealed.

SECTION 35. 346.02 (11) of the statutes is amended to read:

346.02 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES. The operator of an all-terrain vehicle or a utility terrain vehicle on a roadway is subject to ss. 346.04, 346.06, ~~346.075 (1)~~, 346.11, 346.14 (1m), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, ~~346.67~~, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9) but is not subject to any other provision of this chapter.

SECTION 37. NR 64.14 (6) (b) 5. of the administrative code is amended to read:

NR 64.14 (6) (b) 5. Trails shall not be routed through ~~or by areas of anticipated conflict that may include, but~~

are not limited to, wilderness areas, game preserves, winter browse areas, experimental stations, nurseries, or plantations and residences.
