



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 277

**Senate Substitute
Amendment 2**

Memo published: March 4, 2004

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Under current law, the Department of Natural Resources (DNR) administers the laws relating to the operation and registration of all-terrain vehicles (ATVs) and providing funding for ATV projects, such as trails, and for ATV vehicle safety. 2003 Senate Bill 277 proposed multiple changes to those laws.

Changes Made by Substitute Amendment

Senate Substitute Amendment 2 to 2003 Senate Bill 277 differs from the original legislation in the following respects:

1. The original legislation broadened the provisions that exempt ATV operators from having to comply with certain regulations on private land. Under current law, certain restrictions relating to supervision and safety certificates do not apply to certain minors if they are operating the ATV on land that is exclusively under the control of the minor's immediate family. Senate Bill 277 broadened the exemption to include any land that was "not open to the public." *Senate Substitute Amendment 2* removes this provision, retaining current law.

2. Senate Bill 277 proposed increasing the number of gallons used in calculating the estimated ATV gas tax payment from 25 to 52 gallons. This change would have affected the balances available in the state transportation fund. *Senate Substitute Amendment 2* does not include the provision regarding the transfer of gas tax payments.

3. Senate Bill 277 proposed increasing the appropriation for ATV safety education by \$200,000 SEG. *Senate Substitute Amendment 2* reduces this amount to \$154,200 SEG to reflect the \$45,800 SEG in 2004-05 provided by the Joint Committee on Finance on February 4, 2004 for similar purposes.

4. Senate Bill 277 proposed providing \$30,000 SEG for a Department of Tourism study on the impact of recreational operation of ATVs on statewide tourism and economic development. *Senate Substitute Amendment 2* deletes this provision.

5. Senate Substitute Amendment 2 specifies that \$280,000 in law enforcement-related funding be one-time funding.

6. Senate Substitute Amendment 2 makes other technical changes in the bill to reflect and accommodate the provisions of the substitute amendment.

Provisions Retained in Substitute Amendment

The provisions *retained* from the original legislation in the substitute amendment include the following:

1. Increases in registration-related fees for ATVs.

2. Creation of a nonresident trail pass that must be displayed on any ATV that is being operated in this state on public trails and corridors and that is exempt from being registered in the state because the ATV is in the state for less than 15 consecutive days or because the ATV has been registered by an American Indian tribe or band that has an agreement with the state for registering ATVs. The assigned cost of the nonresident trail pass is \$17.25.

3. Requires safety training for public use by any person who is at least 12 years old and born on or after January 1, 1988.

4. The penalties imposed on a person operating an ATV under the influence of an intoxicant or controlled substances are increased if the person's alcohol level is above a given level.

5. The manufacturing, sale, rental, or operation of an ATV is prohibited if the ATV is constructed in such a manner that the noise from the ATV exceeds 96 decibels on the A scale as measured in compliance with rules promulgated by DNR.

6. The appropriations are increased for ATV trails, safety education, and law enforcement from increases in trail fees and ATV registration fees.

Legislative History

Senate Bill 277 was referred to the Senate Committee on Higher Education and Tourism on October 13, 2003 and had a public hearing before the committee on October 15, 2003. By polling, the committee in executive session on January 15, 2004 adopted Senate Substitute Amendment 1 and recommended passage of the bill as amended on a vote of Ayes, 5, Noes, 0. The bill was placed on the Senate Calendar for January 22, 2004 by the Senate Organization Committee. After being read a second time, the bill was referred to the Joint Committee on Finance by the Senate on January 22, 2004. The Joint Committee reported introduction and adoption of Senate Substitute Amendment 2 on a vote Ayes, 15; Noes, 0, and recommended passage of the bill as amended by the same vote on February 24, 2004. On February 26, 2004, the Senate adopted Senate Substitute Amendment 2 on a voice vote and passed the bill on a vote of Ayes, 33; Noes, 0.