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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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<b>2005 Assembly Bill 375</b>	<b>Assembly Amendment 1, as Amended by Assembly Amendment 1</b>
<i>Memo published:</i> September 26, 2005	<i>Contact:</i> Don Salm, Senior Staff Attorney (266-8540)

*Assembly Amendment 1* relates to the operation of all-terrain vehicles (ATVs) on highways for the purpose of certain types of access.

*Assembly Amendment 1* to *Assembly Amendment 1* was a technical amendment adding an inadvertently omitted word.

**Current Law**

Under current law, a person may not operate an ATV on the roadway of a highway, street, or road except under certain limited circumstances.

**2005 Assembly Bill 375**

2005 Assembly Bill 375 specifically authorizes the operation of ATVs on a portion of a roadway and shoulder of a highway, street, or road if the highway, street, or road is within the jurisdiction of a county, town, city, or village (municipality) that has enacted an ordinance that allows the operation of ATVs for the purposes of residential access or access to and from a lodging establishment or a campground. A municipality may not enact an ordinance for access to and from lodging unless it has also enacted an ordinance for residential access.

**For a state trunk highway:**

1. **Residential Access.** Subject to item 3., below, a municipality may enact an ordinance allowing the operation of ATVs on a roadway and shoulder of a state trunk highway for any portion of the highway that is within the jurisdiction of the municipality for the purpose of traveling the shortest distance that is necessary to go between a residence and the ATV route or ATV trail that is closest to that residence.

2. ***Lodging Establishment Access.*** Subject to item 3., below, a municipality may enact an ordinance allowing the operation of ATVs on a roadway and shoulder of a state trunk highway for any portion of the highway that is within the jurisdiction of the municipality for the purpose of traveling the shortest distance that is necessary to go between a lodging establishment and the ATV route or ATV trail that is closest to that lodging establishment if the municipality also enacts or has in effect a “residence” ordinance enacted under item 1., above.
3. ***Department of Transportation (DOT) Approval Required if Distance More Than One-Quarter Mile.*** A county or town may not enact an ordinance under item 1. or 2. that will allow the operation of ATVs on a roadway and shoulder of a portion of a state trunk highway that is ***more than one-quarter mile in length*** unless the county or town has first received approval from the DOT to allow the operation of ATVs on the roadway and shoulder of that portion of the state trunk highway. The portion of the highway that may be open to this access must be the shortest distance between the residence or lodging and the ATV route or trail.

**For any other highway**, the distance may not be more than five miles.

**Assembly Amendment 1, as Amended by Assembly Amendment 1**

Assembly Amendment 1, as amended by Assembly Amendment 1:

1. Adds a provision to the ***state trunk highway*** provisions noted above, specifying that a county or town may not enact an ordinance under items 1. or 2., above, that will allow the operation of ATVs on a roadway and shoulder of a portion of a state trunk highway ***that is one-quarter mile in length or less*** if the operation of ATVs on the roadway and shoulder ***has been prohibited by rule by the DOT based on a finding by the DOT that such operation is unsafe.***
2. Creates a new provision ***relating to highways in state parks or forests***, specifying that a municipality may not enact an ordinance ***under either the state trunk highway or “other highway”*** provisions in the bill (see above) that will allow the operation of ATVs on roadways or shoulders of highways that are located within a state park or state forest ***if the operation of ATVs is prohibited*** within the state park or state forest.
3. Add the state traffic patrol to the entities to be sent a copy of the municipal ordinance if a county, town, city, or village adopts an ordinance regulating ATVs [s. 23.33 (1) (b), Stats., as amended by the bill].

**Legislative History**

On June 8, 2005, the Assembly Committee on Highway Safety recommended adoption of Assembly Amendment 1 to Assembly Amendment 1; adoption of Assembly Amendment 1; and passage of the bill as amended; all on votes of Ayes, 7; Noes, 0.

On September 22, 2005, the Joint Committee on Finance recommended adoption of Assembly Amendment 1 to Assembly Amendment 1; adoption of Assembly Amendment 1; and passage of the bill as amended; all on votes of Ayes, 16; Noes, 0.

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