



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Senate Bill 32**

**Assembly Amendment 2**

*Memo published:* May 2, 2013

*Contact:* David Moore, Staff Attorney (266-1946)

2013 Senate Bill 32, as passed by the Senate, makes various changes to the age limits and speed restrictions that apply to the operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs).

### **2013 Senate Bill, as Amended by the Senate**

Under current law, a person younger than 12 years of age may only operate an ATV under the following circumstances:

- He or she is operating a small ATV on an ATV trail designated by the Department of Natural Resources (DNR) and is accompanied by his or her parent.
- He or she is operating the ATV on land under the management and control of his or her immediate family.
- He or she is operating the ATV for agricultural purposes and is under the supervision of a person over 18 years of age.

Additionally, a person younger than 16 years of age may only operate a UTV under the latter two exceptions applicable to ATV operation, described above.

Senate Bill 32 provides an additional circumstance under which a person younger than 12 years of age may operate an ATV or UTV. The bill authorizes a person younger than 12 years of age to operate an ATV or UTV on land under the management and control of a person who consents to the operation of an ATV or UTV on the land if the child is accompanied by his or her parent or guardian or by a person who is designated by the parent or guardian.

Current law prohibits a person from operating an ATV or UTV unless he or she holds a valid safety certificate. This requirement applies to persons who are at least 12 years old with respect to ATV

operation, and persons who are at least 16 years old with respect to UTV operation. Current law provides an exception to this requirement for operation on land under the management and control of the person's immediate family. Senate Bill 32 provides an additional circumstance under which a person is exempted from the safety certificate requirement. This exemption applies to operation at qualified ATV or UTV demonstration events, as long as the operation is on a closed course and the person wears protective headgear. If the person is under 18 years of age, he or she must also be accompanied by his or her parent or guardian, or a person designated by his or her parent or guardian.

Current law authorizes the operation of ATVs or UTVs on the roadway portion of a highway only in specified instances. These instances include operation on portions of highways that have been designated as ATV trails or ATV routes. Senate Bill 32 provides that a person who is under 16 years of age may only operate an ATV under these circumstances if he or she is accompanied by his or her parent or guardian or another adult designated by his or her parent or guardian.

Under current law, no person may operate an ATV or UTV at a speed exceeding 10 miles per hour within 100 feet of a dwelling. Senate Bill 32 applies this speed limit to operation within 100 feet of another person who is not operating a motor vehicle. It exempts from the 10 miles per hour limit operation on a roadway that is designated as an ATV route, and operation while competing in a sanctioned race or derby.

### **Assembly Amendment 2**

Assembly Amendment 2 to Senate Bill 32 makes two changes to the bill. First, it specifies the 10 miles per hour speed limit does not apply to operation within 100 feet of persons operating ATVs, UTVs, or snowmobiles. Second, it authorizes persons under age 12 to operate a small ATV on an ATV trail if he or she is accompanied by his or her parent or guardian or a person who is at least 18 years of age and is designated by the parent or guardian. Current law authorizes such operation only if the child is accompanied by his or her parent.

### **Senate Action**

#### ***Senate Amendment 1***

Senate Amendment 1 provided that the 10 miles per hour speed limit does not apply to operation while competing in a sanctioned race or derby. It also clarified that DNR may not impose a speed restriction more stringent than specified by statute.

### **Bill History**

The Senate adopted Senate Amendment 1 on a voice vote, and passed the bill as amended on a voice vote on April 9, 2013.

The Assembly Committee on Transportation offered Assembly Amendment 2 on April 25, 2013. On the same day, the committee unanimously recommended adoption of Assembly Amendment 2 and concurrence in the bill, as amended.

DM:jal