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State of Misconsin 1995 - 1996 LEGISLATURE

## **1995 ASSEMBLY BILL 196**

March 13, 1995 – Introduced by Representatives MUSSER, BOYLE, BRANDEMUEHL, KAUFERT, BALDUS, NASS, RYBA, COLEMAN, GROTHMAN and WARD, cosponsored by Senators Cowles, BRESKE, ZIEN and Schultz. Referred to Committee on Natural Resources.

1 AN ACT to amend 23.33 (1) (jp) and 23.33 (5) (a) of the statutes; relating to: the

operation of all-terrain vehicles by minors.

## Analysis by the Legislative Reference Bureau

This bill makes the following changes to the laws regulating the operation of all-terrain vehicles (ATVs) by minors:

1. Under current law, minors under the age of 12 may operate small ATVs on ATV trails designated by the department of natural resources (DNR). Currently, a small ATV is defined as one that has 4 wheels and an engine that does not have more than a specific amount of power. The bill eliminates from the definition the requirement that small ATVs have 4 wheels.

2. Under current law, a minor under the age of 12 may operate an ATV only if the minor either is operating the ATV under adult supervision for an agricultural purpose or is operating a small ATV on a DNR-designated trail and is accompanied by a parent. The bill eliminates the limitation of using only DNR-designated trails for the operation of small ATVs. The bill changes the requirement that a minor be accompanied by a parent when operating a small ATV by allowing the minor to be accompanied by any person who is at least 18 years of age.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 23.33 (1) (jp) of the statutes is amended to read:

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23.33 (1) (jp) "Small all-terrain vehicle" means an all-terrain vehicle that has 1  $\mathbf{2}$ 4 wheels and that has either an engine certified by the manufacturer at not more 3 than 90 cubic centimeters or an equivalent power unit. 4 **SECTION 2.** 23.33 (5) (a) of the statutes is amended to read: 5 23.33 (5) (a) Age restriction. No person under 12 years of age may operate an 6 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an 7 agricultural purpose and he or she is under the supervision of a person over 18 years 8 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain 9 vehicle trail designated by the department and he or she is accompanied by his or her 10 parent a person who is at least 18 years of age. No person who is under 12 years of 11 age may operate an all-terrain vehicle which is an implement of husbandry on a 12roadway under any circumstances. No person who is under 12 years of age may operate an all-terrain vehicle on a roadway under the authorization provided under 1314sub. (4) (d) 6. under any circumstances. No person who is under 12 years of age may 15rent or lease an all-terrain vehicle. For purposes of this paragraph, supervision does 16 not require that the person under 12 years of age be subject to continuous direction 17or control by the person over 18 years of age.

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(END)