



2013 ASSEMBLY BILL 743

February 10, 2014 - Introduced by Representatives MARKLEIN, BORN, BROOKS, CZAJA, KAUFERT, KLEEFISCH, KNODL, KULP, T. LARSON, MILROY, NERISON, A. OTT, PETRYK, RINGHAND, SKOWRONSKI, STEINEKE, SWEARINGEN and VRUWINK, cosponsored by Senators LEIBHAM and L. TAYLOR. Referred to Committee on Natural Resources and Sporting Heritage.

1 **AN ACT** *to renumber and amend* 23.33 (4) (d) 3.; *to amend* 23.33 (4) (b), 23.33
2 (11) (am) 1. and 23.33 (11) (b); and *to create* 23.33 (4) (d) 3. b. and 23.33 (11)
3 (am) 3. of the statutes; **relating to:** the operation of all-terrain vehicles and
4 utility terrain vehicles on highway bridges.

Analysis by the Legislative Reference Bureau

Under current law, a person may operate an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) on the roadway portion of a highway only in certain situations, including to cross a bridge. However, current law prohibits a person operating an ATV or UTV from crossing a bridge on a roadway that is officially closed to ATV or UTV traffic. This bill allows a person to operate an ATV or UTV on the roadway or shoulder of a highway for the purpose of crossing a bridge even if the roadway is officially closed to ATV or UTV traffic if the bridge is within the territorial boundaries of a county that has enacted an ordinance allowing the operation of an ATV or UTV on that roadway and shoulder for the purpose of crossing the bridge and within the territorial boundaries of a city, village, or town that has enacted a similar ordinance applicable to that bridge.

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:

ASSEMBLY BILL 743**SECTION 1**

1 **SECTION 1.** 23.33 (4) (b) of the statutes is amended to read:

2 23.33 (4) (b) *Other highways; operation restricted.* No person may operate an
3 all-terrain vehicle or utility terrain vehicle on a highway except as authorized under
4 pars. (d), (e), and (f) and sub. (11) (am) 2. or 3. or as authorized by rules promulgated
5 by the department and approved by the department of transportation.

6 **SECTION 2.** 23.33 (4) (d) 3. of the statutes, as affected by 2013 Wisconsin Act 67,
7 is renumbered 23.33 (4) (d) 3. a. and amended to read:

8 23.33 (4) (d) 3. a. To cross a bridge, culvert, or railroad right-of-way. The
9 crossing of a bridge, culvert, or railroad right-of-way is not authorized if the
10 roadway is officially closed to all-terrain vehicle or utility terrain vehicle traffic,
11 except as provided in subd. 3. b. The crossing is authorized only if the crossing is done
12 in the most direct manner practicable, if the crossing is made at a place where no
13 obstruction prevents a quick and safe crossing, and if the operator stops the vehicle
14 prior to the crossing and yields the right-of-way to other vehicles, pedestrians, and
15 electric personal assistive mobility devices using the roadway.

16 **SECTION 3.** 23.33 (4) (d) 3. b. of the statutes is created to read:

17 23.33 (4) (d) 3. b. A person may operate an all-terrain vehicle or utility terrain
18 vehicle on the roadway or shoulder of any highway to cross a bridge that is 1,000 feet
19 in length or less if the operation is in compliance with a county ordinance adopted
20 under sub. (11) (am) 3. that applies to that bridge and a city, village, or town
21 ordinance adopted under sub. (11) (am) 3. that applies to that bridge.

22 **SECTION 4.** 23.33 (11) (am) 1. of the statutes is amended to read:

23 23.33 (11) (am) 1. Any county, town, city, or village may enact an ordinance
24 ~~which~~ that is in strict conformity with this section and rules promulgated by the

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1 department under this section, if the ordinance encompasses all aspects
2 encompassed by this section, except as provided in ~~subd.~~ subds. 2. and 3.

3 **SECTION 5.** 23.33 (11) (am) 3. of the statutes is created to read:

4 23.33 (11) (am) 3. A county, city, village, or town may enact an ordinance to
5 authorize the operation of all-terrain vehicles and utility terrain vehicles on a
6 highway bridge that is 1,000 feet in length or less and located within the territorial
7 boundaries of the county, city, village, or town regardless of whether the county, city,
8 village, or town has jurisdiction over the highway. Any such ordinance shall require
9 a person crossing a bridge to do all of the following:

10 a. Cross the bridge in the most direct manner practicable and at a place where
11 no obstruction prevents a quick and safe crossing.

12 b. Stay as far to the right of the roadway or shoulder as practicable.

13 c. Stop the vehicle prior to the crossing.

14 d. Yield the right-of-way to other vehicles, pedestrians, and electric personal
15 assistive mobility devices using the roadway or shoulder.

16 **SECTION 6.** 23.33 (11) (b) of the statutes is amended to read:

17 23.33 (11) (b) If a county, town, city, or village adopts an ordinance regulating
18 all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send
19 a copy of the ordinance to the department, to the state traffic patrol, and to the office
20 of any law enforcement agency of ~~the municipality or each~~ county, town, city, or
21 village having jurisdiction over any ~~highway designated as an all-terrain vehicle~~
22 route of the highways to which the ordinance applies.

23 (END)