



State Senator Sheila Harsdorf

Date: September 25, 2013

To: Assembly Committee on Natural Resources and Sporting Heritage

Fr: Senator Sheila Harsdorf

Re: Assembly Bill 381 — updating the definition of an all-terrain vehicle (ATV)

Dear Chair Ott and Committee Members:

Thank you for holding a public hearing on Assembly Bill 381 (AB 381), which would update the definitions of all-terrain and utility terrain vehicles, more commonly known as ATVs and UTVs. I appreciate the opportunity to speak in support of the passage of AB 381.

In drafting this legislation, Representative Severson and I have worked closely with a number of stakeholders in the ATV industry, including Polaris Industries, the Wisconsin ATV Association, the Department of Natural Resources (DNR), and trail manager groups. Their input has provided valuable insight and we appreciate their involvement.

The updated definitions are needed to allow Wisconsin manufacturers of ATVs and UTVs to respond to market demand for products that currently do not meet Wisconsin's statutory definitions of ATVs and UTVs, and therefore could not be operated on Wisconsin's network of trails. Enabling these manufacturers to respond to consumer demand will help to ensure the job security of Wisconsinites employed in the production of these vehicles and their components, in an industry that typically provides workers with benefits and family-sustaining wages.

Current law requires that ATVs and UTVs operate on low-pressure tires, but manufacturers such as Polaris Industries have developed a new type of airless tire known as a non-pneumatic tire that would not satisfy that requirement. AB 381 would change the definitions of ATV and UTV to allow these vehicles to be equipped with non-pneumatic tires. Non-pneumatic tires have a reinforced structure and offer operators the benefits of being more durable, never needing air-ups, and because they are airless they cannot go flat.

Additionally, the bill would replace the current requirement that an ATV be "engine-driven" to a requirement that the ATV be "motor-driven." This change is needed in order to allow electric battery-powered devices to be marketed. Electric batteries offer recreational consumers and hunters the benefit of quieter operation, which is also a benefit to those that live near ATV trails or recreational areas. State law already defines UTVs with the language "motor-driven," and this bill would adopt that same language for ATVs.

AB 381 also makes two changes regarding the seating of UTVs. First, it eliminates a requirement that a UTV must have seating for two occupants if it is not designed to be straddled. Second, it requires that all riders of UTVs be seated on a seat that is original to the UTV as manufactured. The first provision will allow UTV manufacturers to innovate with regards to seating configurations, while the second provision is to address safety concerns raised by trail organizations. In some cases, individuals modify a UTV to add additional seating. Such additions pose safety concerns, as the UTV has only been rigorously tested with the seating that is original to the UTV as manufactured.

At the request of the DNR, the bill would also alter the statutes concerning weight limits such that the *dry* weight of the vehicle is considered, rather than the *net* weight. The dry weight is simply the weight of the vehicle without any fluids. Adopting this suggested change would align current DNR enforcement practices with the statutes. Currently, the statutes use the term “net weight,” even though the DNR actually considers the dry weight of the vehicle, as provided by the manufacturer, when enforcing weight limits. The bill also adds a top-end weight limit of 2,000 pounds for UTVs at the request of trail managers.

Lastly, and also at the DNR’s request, AB 381 contains corrective language to amend a flawed statute to ensure that operators of ATVs and UTVs must yield the right-of-way when crossing a bridge, culvert, or railroad.

I urge your support of AB 381 as a commonsense piece of legislation to help meet the market demands of ATV and UTV consumers. By meeting those needs our state will be in a better position to continue to foster a growing tourism industry while also maintaining jobs in a vital manufacturing industry. Thank you again for allowing me to speak in favor of the passage of AB 381, and I would welcome the opportunity to take questions.



ERIK SEVERSON

STATE REPRESENTATIVE • 28TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 381 Assembly Committee on Natural Resources and Sporting Heritage

September 25, 2013

I would like to thank Chairman Ott and the members of the committee for holding a hearing on Assembly Bill 381. I would also like to thank Sen. Harsdorf for her leadership on this important issue. I apologize that I am unable to testify before the Committee in person.

This legislation seeks to modify and update the definition of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) in order to keep up with the ever changing recreational vehicle market. As consumer demand changes, Wisconsin's ATV/UTV definitions need to be updated from time to time to reflect new products and ideas.

These new innovations include allowing for non-pneumatic tires, electric battery-powered motors, and different seating configurations. Unfortunately, current law is very precise when it comes to the type of tire, engine, and seating on ATVs and UTVs. Assembly Bill 381 will allow for manufacturers to incorporate these features on new products and allow them to be used on Wisconsin's trail system.

As Sen. Harsdorf and I have worked on this legislation, we listened to experts from the Wisconsin ATV/UTV Association, the Department of Natural Resources, the Wisconsin State Park System, the United States Forest Services, the Wisconsin County Forests Association, and various trail manager groups in order to develop a consensus.

Lastly, current law was required to correct some errors regarding crossing of bridges, culverts and railroads. This legislation corrects these errors to clarify that ATVs and UTVs must yield to the right-of-way when crossing

Thank you again Chairman Ott and Committee Members for taking the time to hold this public hearing and I look forward to working with you on passage of this legislation.

Lynda Chilstrom
Testimony
Wisconsin Assembly
Committee on Natural Resources and Sporting Heritage
September 25, 2013

- Chairman Ott and members of the committee,
- My name is Lynda Chilstrom, and I represent Polaris Industries. With me is Rich Haddad with Polaris Defense. Thank you for your time today.
- The outdoor recreation industry is incredibly important to Wisconsin's economy and the economies of other states throughout the country.
- In June 2012, the Western Governors Association released a study that identified \$646 billion being spent nationwide annually on outdoor recreation, including gear, vehicles, trips, travel-related expenses, and more.
- In Wisconsin, the study identified that consumers annually spend \$11.9 billion on outdoor recreation, including off-road motorcycle, ATV, and recreational off-highway vehicle use.
- Additionally, Wisconsin's outdoor recreation industry:
 - Provides \$3.6 billion in wage and salary income;
 - Generates \$844 million in state and local tax revenue; and
 - Supports 142,000 direct jobs.
- Over the last several years, ATV sales across the country have declined while side-by-side sales have increased.
- In recent years, consumer demand has prompted ORV manufacturers to develop innovative machines that have both recreational and utility purposes, as well as standard accessories that increase versatility and safety.
- For example, typical ATVs are built for a single operator; however, consumers increasingly want to ride a single machine with another person.
- Narrow side-by-side machines and two-person, straddle-seat machines are being manufactured with a 50" maximum width that are capable of maneuvering narrow federal, state and county trail systems.

- ORV manufacturers are committed to meeting the needs of their customers who benefit from the improved features and accessories for several reasons.
 - Consumers increasingly want accessories installed at the factory, because standard features and accessories are covered by the manufacturer's warranty and are less expensive overall.
 - The alternative is for consumers to add accessories after the purchase, which could be installed incorrectly, risk riders' safety, and invalidate the vehicle warranty.
 - Additionally, ORV riders today include older adults and disabled people who enjoy trail riding and hunting. Their convenience necessitates machines with different seating configurations and additional safety features.
- The majority of statutory ORV definitions across the country were developed in the 1980s and 1990s.
- Polaris has been working to update ATV definitions in several states across the country, including Wisconsin, so that there is consistency among state definitions and manufacturers can react more quickly to consumer demand.
- As a part of this effort, Polaris has collaborated with several outdoor recreation stakeholders in Wisconsin, including the Wisconsin Department of Natural Resources, Wisconsin All-Terrain Vehicle Association, Wisconsin County Forests Association, and U.S. Forest Service.
- The definition update that Polaris is seeking simply recognizes in statute the evolution of the innovative products that are currently available on the market and likely future product offerings in the narrow side-by-side category.
- Assembly Bill 381 would:
 - Update Wisconsin's ATV and UTV definitions;
 - Create a non-pneumatic tire definition and original manufacturer seating provision; and
 - Clarify UTV operation when crossing a roadway.
- In regards to the ATV definition 340.01 (2g), Polaris is seeking to:
 - Insert "commercially designed and manufactured motor-driven" in the introduction;
 - Add "non-pneumatic tires;" and
 - Change the weight requirement to "900 pounds or less without fluids."

- In regards to the UTV definition 23.33 (1) (ng) 1., Polaris is seeking to:
 - Insert “commercially designed and manufactured motor-driven” in the introduction;
 - Add “non-pneumatic tires;”
 - Change the weight requirement to “2,000 pounds or less without fluids;” and
 - Remove the reference to non-straddle seating for at least two occupants.
- In regards to the UTV definition 23.33 (1) (ng) 2., Polaris is seeking to:
 - Insert “commercially designed and manufactured motor-driven” in the introduction;
 - Add “non-pneumatic tires;” and
 - Change the weight requirement to “more than 900 pounds but not more than 2,000 pounds without fluids.”
- In addition, Polaris is seeking to create a non-pneumatic tire definition in sections 340.01 (36r) and 23.33 (1) (iq). Our specific requests include:
 - A minimum width of 6 inches;
 - A reinforced structure for the tire; and
 - A tire that is not supported by air pressure.
- Finally, Polaris is seeking to create an original seating provision in 23.33 (3e), which would require every occupant to be seated on a seat that is original as manufactured.
- Wisconsin is a premier state for ATV and UTV riding.
- Polaris strongly believes that the definition changes included in Assembly Bill 381 are important to increase trail access and strengthen Wisconsin’s outdoor recreation industry.
- On behalf of Polaris Industries, I respectfully urge your committee to support the requested definition changes outlined in Assembly Bill 381.
- Chairman Ott and members of the committee, I am happy to answer questions about the bill, and Mr. Haddad is here to answer any questions about the non-pneumatic tire.
- Thank you.

All-Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs)

The need for change in state definitions

Overview

- State statutes define ATVs and UTVs based on features such as weight, width, length, engine capacity, number of wheels, wheel diameter, and steering devices. Each state has different definitions, and some states differentiate ATVs from other off-road vehicles (ORVs). **In Wisconsin, ATVs and UTVs are limited by width, weight, type of engine, number and type of tires, and seating configuration.**
- **Polaris Industries and other ORV manufacturers are interested in updating state statutes to reflect new designs, technologies and circumstances in ORV manufacturing.** Today's innovative models have surpassed statute definitions that did not anticipate the new styles of ORVs. A statute update will legalize machines that consumers want to use for work and recreation.



Specific change requests for ATV definition 340.01 (2g):

- **Introduction** – insert “commercially designed and manufactured motor-driven”
- **Tires** – add “or non-pneumatic tires”
- **Weight** – change weight requirement to “900 pounds or less without fluids”

Specific change requests for UTV definition 23.33 (1) (ng) 1.:

- **Intro** – insert “commercially designed and manufactured motor-driven”
- **Tires** – add “or non-pneumatic tires”
- **Weight** – change weight requirement to “2,000 pounds or less without fluids”
- **Seat configuration** – remove the reference to non-straddle seating for at least two occupants



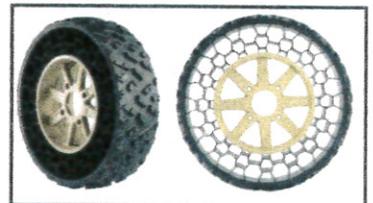
Specific change requests for UTV definition 23.33 (1) (ng) 2.:

- **Intro** – insert “commercially designed and manufactured motor-driven”
- **Tires** – add “or non-pneumatic tires”
- **Weight** – change weight requirement to “more than 900 pounds but not more than 2,000 pounds without fluids”



Specific requests for creating non-pneumatic tire definition 340.01 (36r) and 23.33 (1) (iq):

- **Width** – minimum of 6 inches
- **Structure** – reinforced structure
- **Air pressure** – not supported by air pressure



Specific request for creating an original seating provision 23.33 (3e):

- **Vehicle occupants** – every occupant is seated on a seat that is original as manufactured

Why change is needed

- Many of the ORV legal definitions in state statutes were originally drafted in the 1980s and early 1990s.
- In recent years, consumer demand has prompted ORV manufacturers to develop innovative machines that have both recreational and utility purposes, as well as standard accessories that increase versatility and safety.
- For example, typical ATVs are built for a single operator, however consumers increasingly want to ride a single machine with another person. **Narrow side-by-side machines and two-person, straddle-seat machines are being manufactured with a 50" maximum width that are capable of maneuvering narrow federal, state and county trail systems.**
- ORV manufacturers are committed to meeting the needs of their customers who benefit from the improved features and accessories for many reasons, including:
 - Consumers increasingly want accessories installed at the factory because standard features and accessories are covered by the manufacturer's warranty and are less expensive overall. The alternative is for consumers to add accessories after the purchase, which could be installed incorrectly, risk riders' safety, and invalidate the vehicle warranty.
 - **ORV riders today include older adults and disabled people who enjoy trail riding and hunting. Their convenience necessitates machines with different seating configurations, additional safety features, etc.**
- Polaris Industries has collaborated with outdoor recreation stakeholders, including the Wisconsin Department of Natural Resources, the Wisconsin All-Terrain Vehicle Association, Wisconsin County Forests Association, and U.S. Forest Service, on the proposed definition updates.

ORV product types

- **ATVs**
 - Typically feature 4 wheels, 50" width, straddle seating, and handlebars
 - Accommodate 1-2 riders
 - Typical dry weight: 400-1,000 pounds
 - Examples: Polaris Sportsman, Arctic Cat Thunder Cat, Honda FourTrax, Yamaha Grizzly, Can-Am Outlander, Kawasaki Brute Force, Suzuki KingQuad
- **Utility side-by-side vehicles**
 - Typically feature 4 or 6 wheels, 60"-65" width, bench or bucket seating, a steering wheel, and a cargo or dump box
 - Accommodate 2 or more riders
 - Typical dry weight: 1,100-2,000 pounds
 - Examples: Polaris RANGER, John Deere Gator, Arctic Cat Prowler, Yamaha Rhino, Honda Big Red, Kawasaki Mule
- **Sport side-by-side vehicles**
 - New product type featuring 4 wheels, 50"-65" width, low-profile bucket seating, and a steering wheel
 - Accommodate 2 or more riders
 - Typical dry weight: 1,000-1,300 pounds
 - Examples: Polaris RANGER RZR, Arctic Cat Wildcat, Can-Am Commander, Can-Am Maverick, Kawasaki Teryx



For more information:

Contact Polaris Industries representative Forbes McIntosh at 608-255-0029 or forbes@wis-gps.com.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



**Wisconsin Department of Natural Resources testimony on
AB 381
ATV and UTV definitions, restrictions on operating an ATV or UTV on a
highway and seating requirements for UTVs
Assembly Natural Resources and Sporting Heritage Committee
September 25th
417 North**

Testimony by: Gary Eddy, ATV Administrator, DNR Bureau of Law Enforcement

The Department is testifying for informational purposes regarding AB 381. This bill amends the ATV and UTV definitions to include language specifying that machines must be “commercially designed and manufactured” and also specifies that the legal weight of the vehicles be looked at in terms of “dry weight”. Language was created to permit “non-pneumatic” tires on ATVs and UTVs in addition to low pressure tires. This bill also amends the definition of a second UTV category so that the weight is restricted to a maximum of 2,000 pounds.

This bill creates a requirement that all occupants in a UTV must be seated in a seat original to the vehicle when manufactured and amends language specifying that when ATVs and UTVs are legally entering a roadway to cross a bridge, culvert or railroad right of way they must first yield the right of way to other vehicles.

I would be happy to answer any questions.