



# Jeff Mursau

STATE REPRESENTATIVE • 36<sup>TH</sup> ASSEMBLY DISTRICT

## Assembly Bill 694 – Off Highway Motorcycles

Assembly Committee on Natural Resources and Sporting Heritage

By Representative Jeff Mursau

February 12, 2014

Chairman Ott and Committee Members,

Thank you for scheduling a hearing on AB 694, a bill creating a registration and funding system for recreational off-highway motorcycle trails.

In 2010, the Off Highway Motorcycle Association (OHMA) requested legislation to create a registration and trail funding program similar to Wisconsin's All-Terrain Vehicle (ATV) registration and trail funding system. Working with bill drafters over the past two and a half years, OHMA and I have drafted a responsible and limited bill to authorize and promote outdoor motorcycle recreation in Wisconsin.

Providing people a place to legally recreate in an outdoor activity has come to be recognized and encouraged in other states. There is a lack of available areas in Wisconsin for local and visiting OHM owners to recreate. I believe there to be a significant potential economic impact from local riders and out-of-state visitors if we work to create OHM trails.

### Off Highway Motorcycle Registration, Trail Grants

The Department of Natural Resources (DNR) already administers the operation and registration of ATVs and UTVs. This bill establishes requirements similar to ATVs and UTVs for the operation and registration of OHMs. The bill defines an OHM as a motorcycle designed for off-highway operation, regardless of whether it is or is not also designed for on-highway operation.

As in current ATV laws, AB 694 allows counties, municipalities and/or DNR to designate OHM routes and corridors through lands they owns or control. Money for trail and route projects, for enforcement of OHM laws, and for safety grants will be funded. While multi-use trails won't be prohibited, the bill requires DNR to prioritize trails, routes, and facilities open only for use by OHMs.

AB 694 distinguishes motorcycles registered by the Department of Transportation (DOT) from those that are not. It does not restrict the OHM owners from registering the motorcycle with DOT for highway use. However, if an owner operates an OHM on publicly funded OHM trails, the owner *must* register it with DNR and pay an annual registration fee.

The bill exempts DNR registration only in a manner similar to exemptions under current law for ATVs and UTVs. The bill also requires a person who sells OHMs for a profit at retail to register with DNR as an OHM dealer. These registration fees are placed in the transportation fund.

If a person will be operating an OHM off the highways that is not registered with DNR, or is not exempt from DNR registration, the person must pay a fee and be issued an *annual nonresident trail pass* by DNR in order to operate the OHM on a trail or other corridors open to the public for OHM recreational use.

### Off Highway Motorcycle Operation

AB 694 restricts the operation of "limited use" OHMs similarly to ATVs and UTVs. Basically, limited use OHMs are not registered with the DOT and are not allowed on the roadway portion of a highway except when necessary to cross highways. They are also allowed on highways either: 1) designated as OHM "routes;" or 2) only minimally maintained.

AB 694 regulates the operation of OHMs on areas that are adjacent to roadways or highways, and imposes a ten miles per hour speed limit OHMs are within 150 feet of a dwelling, 100 feet of people not in or on a motorized vehicle, or within 100 feet of a fishing shanty.

AB 694 creates an intoxicated operation law that applies to OHM routes, trails, and other off-highway places that are open to the recreational use of OHMs. A person would not be able to operate an OHM with an alcohol concentration of 0.08 or more. The bill has an implied consent for certain screening tests similar to that provided for in current law relating to ATV or UTV operation.

**Off Highway Motorcycle Age Restrictions**

Under AB 694, a person under the age of 12 may not operate an OHM on a highway under any circumstance and may operate an OHM off a highway only if he or she is operating a small OHM (100 cc or less) and he or she is under continuous verbal direction or control of a parent, guardian or a designated adult.

Anyone who is at least 12 of age and who was born after January 1, 1998, must hold a valid safety certificate issued upon completion of the safety instruction program. Age restrictions do not apply to the operation of OHMs on private property if the property owner consents and does not hold out the property to the public for OHM use.

AB 694 requires DNR to establish a safety certification program on OHM laws. This is similar to the current instruction requirements for operators of ATVs and UTVs.

No person renting OHMs out to the public may rent to a person under 12 years of age. OHM renters under the age 18 must have a motorcycle helmet.

**Off Highway Motorcycle Safety Program; Landowner Incentive Programs**

AB 694 requires DNR to establish a program to award grants to organizations promoting the safe operation of OHMs in a manner that is responsible and does not harm the environment. An organization receiving a grant under this program must use the grant moneys to promote and support the instruction on OHM laws.

The bill also requires DNR to establish a program under which landowners receive payments for opening their lands for OHM trails and other corridors for recreational OHM use. Nonresident trail pass fees are appropriated for making these payments.

**Off Highway Motorcycle Council**

AB 694 creates an OHM council consisting of five members who must be members of OHM clubs. It authorizes the council to make recommendations to DNR on matters relating to OHM trails and routes and on other matters relating to the operation of OHMs.

Thank you again for hearing this bill today, I am happy to take any questions you might have.



State Senator  
**Rick Gudex**

District 18

February 12, 2014

To: The Assembly Committee on Natural Resources and Sporting Heritage  
From: Sen. Rick Gudex  
Re: Assembly Bill 694

Wisconsin already has programs in place that help snowmobilers and ATV riders create and maintain trails for their sports. These programs encourage enthusiasts and beginners alike to get off their couches, into clubs and groups, and to get outside enjoying Wisconsin's beauty and the thrill of riding Wisconsin's trails.

Not to mention, supporting these sports costs the taxpayers nothing, and gives a boost to local economies.

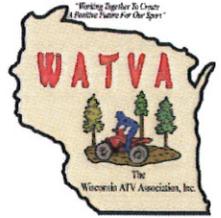
And I say the more the merrier. This bill will create similar programs for off-road motorcycles. Under the bill, off-road motorcyclists will be able to purchase a registration, and a trail pass, that will allow that rider to ride his/her motorcycle on off-road trails that are designated for that purpose.

Please note: this bill does not simply allow off-road motorcycles onto state trails alongside walkers, runners, and bicyclists. This will allow for the DNR to designate existing trails as motorcycle trails, and for the creation of new off-road motorcycle trails, which could conceivably match many of the ATV trails that already exist.

As I said before, the more the merrier. The more recreational activities we can provide for in Wisconsin, the better. The more of our citizens and tourists finding new ways to spend their time and their money supporting Wisconsin's economy, the better.

Thank you for your attention to this bill, and I urge your support.

02/12/14 - Public Hearing  
Written testimony of Randy Harden, president of the  
Wisconsin ATV UTV Association (WATVA)



**Assembly Committee on Natural Resources & Sporting Heritage  
Chair - Representative Al Ott**

*Representatives Kleefisch, Williams, Mursau, Nerison, Petryk, Steineke, Born, Swearingen,  
Skowronski, Milroy, Hebl, Clark, Danou, Hesselbein, & Shankland*

***AB 694 - Relating to the operation of off-highway motorcycles (OHM) and establishing rules,  
authorities and appropriations for a dedicated OHM registration program***

To: Chairman Ott and all committee members

Thank you for hearing testimony related to AB 694, which would establish an OHM registration program, similar to our own ATV & UTV system we are intimately involved with.

We support and applaud the organizational efforts of the off-highway motorcycle enthusiasts. As we well know, the key to responsibly and proactively managing any recreational trail program first starts with creating a mechanism such as this, which financially supports the personnel and infrastructure to adequately protect and sustain our natural resources.

Furthermore, our group appreciates the time and efforts taken by our OHM friends to reach out and share their future program objectives with our own leadership team. We look forward to working with this organizational effort, asking for our ideas, thoughts and to share our experiences to help their self-supporting registration program efforts.

My name is Bryan Much and I live in Oconomowoc.

I want to thank Representative Mursau and the co-sponsors for offering this bill. I also thank the committee for considering my remarks this morning.

My background related to this action is as follows:

-I have been working with Rep Mursau for several years as a member volunteer representing the Wisconsin Off-Highway Motorcycle Association and off-highway motorcyclists to develop this bill.

-I also serve as the Off-Highway Motorcycle representative to and Chairman of the Governor's State Trails Council and I've recently been appointed to the Governor's Off-Road Vehicle Council. I'm not speaking for those councils today, I only mention it as part of my background related to trail and off-road issues.

-I also serve as a volunteer Associate State Partner for the National Off-Highway Vehicle Conservation Council (NOHVCC) and am a member of a number of off-highway and dual sport motorcycle clubs in Wisconsin and the Great Lakes region.

-Most important though, is that I have a lot of fun off-highway motorcycling and I want to see us further develop opportunities to enjoy and benefit from this recreational interest here in Wisconsin.

Motorized recreation is a well established component of our national culture. The number of people involved in motorized recreation continues to grow. With proper planning, we have been able to provide recreational opportunities for a variety of users on our public lands. In the motorized area, some groups like snowmobile and ATV riders have made great strides in establishing trails particular to their mode of recreation. In the case of off-highway motorcycles, the unique trails that provide the desired experience are sorely lacking in Wisconsin. Many off-highway motorcyclists find that they must travel to other states to ride. Our citizens and our state economy would be better served if we provided for this type of recreation within our own borders.

As an example, Michigan has about 3,500 miles of off-road vehicle trails. Of that, about 22% (somewhere around 760 miles) is restricted to off-highway motorcycles only. Other trails are also open to OHM.

In Wisconsin, we have about 2,000 miles of ATV trails. In addition, we have less than 50 miles of single track off-highway motorcycle trail. There are about six miles in Douglas County that spill over from a Minnesota motorcycle trail, about 17 miles in Clark County (currently closed for rehab), about 19 miles in Jackson County, and about two miles at the Bong Recreation Area in Kenosha County. ATV trails are often not open to off-highway motorcyclists. This is determined by the local jurisdiction.

Off-highway motorcyclists often seek the same kinds of experiences as do other recreationists. They can ride their motorcycles to enjoy scenic views, observe wildlife, take photographs, and generally enjoy the outdoors with family and friends. In some cases it can be aptly described as motorized hiking.

In addition, off-highway motorcyclists seek the challenge, excitement, sense of adventure and accomplishment of riding well designed and constructed off-highway motorcycle single track trails. Just as a mountain bike trail is unique to the needs of a mountain versus a street bicyclist, so is the unique trail design sought by off-highway motorcyclists.

Although off-highway motorcycling is fun on a variety of paths including some ATV trails, the preferred recreational experience is on a single-track motorcycle trail.

What are some of the characteristics of the trails we seek via this bill?

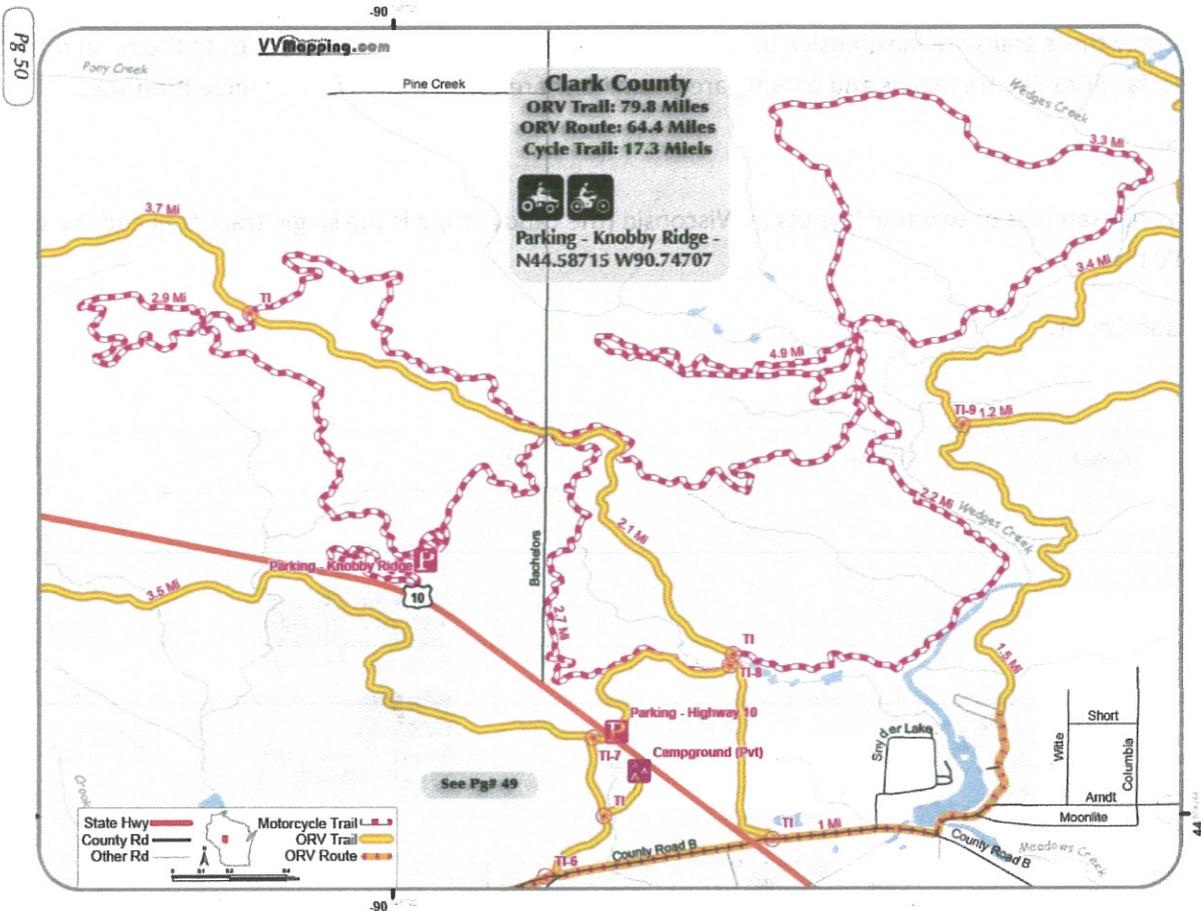
These trails are generally narrow with clearances of 40" at the shoulders and 18-30" near the tread way. (ATVs are about 48" wide.) Since these trails are narrow and winding and are often laid out in wooded areas, they are usually not very visible to others in an area. They often resemble well-worn game trails.



Some trail loops are tight and technical and others are more open and flowing to accommodate a broad range of skill levels. Lots of curves and rolling terrain make for an excellent experience.



Clark County.



As a point of clarification, Jackson and Clark County sell county trail passes to motorcyclists that use their trails.

With regard to the number of off-highway motorcyclists that will be served by this bill. It is difficult to pin down an exact number. Once a program is in place, like for ATVs and snowmobiles, it is easy to count registrations. Without one, it is a matter of making some kind of estimate.

The Wisconsin Statewide Comprehensive Outdoor Recreation Plan (SCORP) no longer breaks out specific user groups when it estimates off-road vehicle riding participants. I did find that Chapter 2 of the 2005-2010 WI SCORP lists that of those that participated in outdoor recreation in Wisconsin at that time, 5.9% participated in off-road motorcycling with the number of participants being estimated at 245,000. Even though this is "old" data, we know that motorized recreation has continued to show steady growth.

We also must consider that as we create more trails, opportunity will grow the sport and create even more demand.

With regard to economic impact, there are direct and indirect expenditures associated with off-highway motorcycling. A comprehensive study conducted in Colorado ([http://www.nohvcc.org/docs/economic-impacts/CO\\_OHV\\_Economic\\_Impact\\_FR.pdf?sfvrsn=0](http://www.nohvcc.org/docs/economic-impacts/CO_OHV_Economic_Impact_FR.pdf?sfvrsn=0)) indicates that average state resident household day trip expenditures ran about \$111 and overnight trip expenditures ran about \$315 dollars. For non-resident households, day trips ran about \$142 and overnight trip expenses averaged \$1,021.

Annual expenditures (things like maintenance, repairs, storage, and miscellaneous items) ran an average of \$1,288 dollars for Colorado households.

Beyond the direct trip and annual expenditures, there is also the economic impact of sales of off-highway motorcycles and the indirect and induced downstream sales (multiplier effects) that add even more to the favorable economic impact of off-highway motorcycling. The sales value of new dirt or dual sport motorcycles in Colorado was estimated at nearly \$28M.

We already know the positive and significant economic impact of snowmobiling and ATV riding here in Wisconsin. Off-highway motorcycling is more of the same excellent economic benefit.

We want trail opportunities here in Wisconsin so we can spend our recreation dollars here in our home state instead of having to travel elsewhere to find the recreational experience we are looking for. Let's build our economy and create more job opportunities here at home - especially in the rural areas where much of our trail riding would be done. Food, fuel, lodging, clothing, vehicles, trailers, parts, repair services, and accessories are all part of the mix.

With this enabling legislation, we can create the opportunities that will keep our dollars circulating in our economy instead of sending them to another state. Not only do we keep our dollars at home, but we also encourage people from other states to spend their recreation dollars here in Wisconsin.

So, how does this bill make all this happen?

1. We create a sticker program to generate the funds to pay our own way to build and sustain motorcycle trails here in Wisconsin. These funds can also contribute toward our use of other motorized trails where we are permitted to do so. As a side note, the bill does not throw open the door to use ATV trails. That decision will still be made, as it is now, by local jurisdictions.
2. We implement a safety education program that puts us on a par with other users of public land like snowmobiles, ATVs, and hunters. We don't teach people how to ride a motorcycle in a course like this, we teach them how to share public resources safely and responsibly.
3. We provide for off-highway motorcycle routes just as we have for ATVs. These are corridors where unlicensed vehicles are allowed to traverse roads to connect segments of a trail system. Not all trail systems can manage to have complete loops without using a roadway to cross a bridge, avoid a wetland,

or other land not available to ride on. Without routes, the trail would end at the road. As an example, this is a problem in Jackson County right now. If a family were riding the county trail in a mixed group of motorcycles and ATVs, the trail would end for the motorcycles when it joined a road. Routes for off-highway motorcycles fixes this problem.

4. We establish the necessary regulation of off-highway motorcycle riding on public land and on the frozen waters of Wisconsin. I should mentioned that ice riding is a popular winter activity for off-highway motorcyclists here in Wisconsin.

So to summarize, this bill allows us to create a program that:

- allows off-highway motorcyclists to pay their own way in pursuit of their recreational interest.
- keeps the recreation dollars of Wisconsin citizens around to grow the Wisconsin economy instead of exporting those dollars to other states.
- implements the necessary safety education and regulation.
- allows for the creation of off-highway motorcycle routes.

In the handout I attached some notes that summarize the registration particular aspects of the bill which may answer some of the basic questions. I also included some information about the types of motorcycles that are being addressed in this bill. I know that the terminology associated with the various types of bikes can be confusing so I hope those notes make the distinction clearer.

I also want to thank the Wisconsin ATV Association for sharing their insight and experience as we developed a program for off-highway motorcycles. Sharing their knowledge and offering their support proved to be very valuable as we sought to get a well developed and compatible program for motorcycles.

Thank you for your consideration in this matter and I ask for your support of the bill. It is very important to the many citizens of Wisconsin that enjoy off-highway motorcycling and to those that could benefit from the positive economic impact.

With that, I will be happy to answer any questions you may have.

Table 2-1: Wisconsin Outdoor Recreation Participants by Activity (Age 16+)

Activity	Percent Participating	Number of Participants (1,000s)	Activity	Percent Participating	Number of Participants (1,000s)
Walk for pleasure	85.8	3,567	Hunting – small game	14.5	603
Family gathering	78.9	3,280	Rafting	14.4	599
View/photograph natural scenery	67.5	2,806	Fishing – coldwater	13.9	578
Gardening or landscaping for pleasure	65.3	2,715	Visit a dog park to walk a pet	12.4	515
Visit nature centers, etc.	65.3	2,715	Tennis outdoors	12.3	511
Driving for pleasure	60.3	2,507	Waterskiing	12.2	507
View/photograph other wildlife	57.0	2,369	Basketball outdoors	11.6	482
Attend outdoor sports events	56.9	2,365	Boat tours or excursions	11.5	478
Picnicking	56.6	2,353	Skiing – cross-country	11.4	474
Sightseeing	55.3	2,299	Fishing – ice	11.4	474
View/photograph wildflowers, trees, etc.	50.0	2,079	Fishing – Great Lakes	11.0	457
Bicycling	49.3	2,049	Hunting – upland birds	10.5	436
Visit a beach	47.3	1,966	Rowing	10.1	420
Swimming in lakes, streams, etc.	45.8	1,904	Softball	10.1	420
Visit historic sites	45.2	1,879	Horseback riding (any type)	9.8	407
Yard games, e.g., horseshoes	44.8	1,862	Soccer outdoors	9.8	407
View/photograph birds	40.9	1,700	Use personal watercraft	9.7	403
Fishing – freshwater	40.7	1,692	Skiing – downhill	9.7	403
Gather mushrooms, berries, etc.	39.5	1,642	Disc golf	8.8	366
Attend outdoor concerts, plays, etc.	38.5	1,600	Horseback riding on trails	8.1	337
Visit a wilderness or primitive area	38.3	1,592	Snowshoeing	8.0	333
Swimming in an outdoor pool	38.3	1,592	Snorkeling	7.7	320
Visit outdoor theme/water park	37.6	1,563	Baseball	7.0	291
Fishing – warmwater	37.0	1,538	Football	7.0	291
Motorboating	36.4	1,513	Backpacking	6.9	287
Day hiking	35.0	1,455	Paintball games	6.6	274
Camping – developed	32.3	1,343	Rock climbing	5.9	245
Visit a farm or agricultural setting	31.8	1,322	Off-road motorcycling	5.9	245
Running or jogging	29.4	1,222	Hunting – migratory bird	5.0	208
Sledding	29.3	1,218	Handball or racquetball outdoors	5.0	208
View/photograph fish	28.1	1,168	Sailing	4.9	204
Visit other waterside (besides beach)	26.4	1,097	Fishing – fly	4.8	199
Golf	25.9	1,077	Snowboarding	4.7	195
Off-road driving with an ATV	23.4	973	Ice hockey outdoors	4.0	166
Canoeing	20.5	852	Mountain climbing	3.4	141
Mountain biking (off-road)	20.4	848	Orienteering	2.7	112
Target shooting	20.2	840	Skateboarding	2.6	108
Inline skating	20.0	831	Kayaking – recreation/sit-on-top	2.4	99
Visit prehistoric/archeological sites	19.4	806	Skiing – telemark	2.4	99
Hunting – big game	19.2	798	Geocaching	2.0	83
Trail running	18.6	773	Kayaking – whitewater	1.8	75
Snowmobiling	18.3	761	Caving	1.6	67
Mountain biking (single track)	18.0	748	Scuba diving	1.3	54
Off-road 4-wheel driving (SUV)	17.7	736	Dog sledding	1.1	46
Ice skating outdoors	16.6	690	Windsurfing	0.7	29
Nature-based educational programs	16.3	678	Surfing	0.3	12
Camping – primitive	16.0	665	Kayaking – touring/sea	0.2	8
Volleyball outdoors	14.8	615			



**(Bill) "Off-Highway Motorcycle" means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway.**

Includes both:

Dual Sport (DS) Motorcycle: A type of street legal motorcycle that is designed for on and off-road use. Dual sport motorcycles are equipped with street legal equipment such as lights, mirrors, turn signals, a horn, and therefore can be registered with the Department of Transportation and licensed for highway use. This type of motorcycle affords the benefit of being able to travel on highways on a motorcycle that is capable of been ridden on off-highway motorcycle trails or frozen waters. For the purposes of registration and regulation, dual sport motorcycles are considered as off-highway motorcycles when ridden on designated trails in the off-highway mode. Dual sport motorcycles are often ridden on dirt forest roads and paths that are open to other vehicles licensed for highways. A "Limited Use Off-Highway Motorcycle" is generally not permitted to travel these roads under current guidelines.



Dirt Bikes (also known as limited use off-highway motorcycles): Commonly referred to as "dirt bikes", these motorcycles are designed for informal off-road recreation over varied terrain. They may or may not have lights, but are generally not equipped with all of the components required to register them with the Department of Transportation for highway use. May be ridden on ice with studded tires.



**(Bill) "Limited use off-highway motorcycle" means an off-highway motorcycle that is not registered by the department of transportation for use on highways.**

Includes:

Dirt Bikes (also known as limited use off-highway motorcycles): Commonly referred to as "dirt bikes", these motorcycles are designed for informal off-road recreation over varied terrain. They may or may not have lights, but are generally not equipped with all of the components required to register them with the Department of Transportation for highway use. Maybe be ridden on ice with studded tires.



Trials Motorcycle: Trials motorcycles are made as light as possible, with no seat (as they are designed to be ridden standing up), in order to provide maximum freedom of body positioning and stunt capability for use in observed trials competitions. Trials riding usually involves low speed motorcycle handling in which the rider is required to negotiate complicated obstacles and terrain using great balance and skill. These motorcycles need to be considered as it is appropriate to develop public Trials motorcycle riding areas.



**(Bill) "Small off-highway motorcycle" means an off-highway motorcycle that has either an engine certified by the manufacturer at not more than 100 cubic centimeters or an equivalent power unit.**

This a small bike designed for children to ride.



Registration DOES NOT refer to DOT registration (although DOT registration is relevant for street legal motorcycles).

To operate off-highway must be registered (sticker and card) unless: (pg 11-12)

- registered by a tribe or band
- exclusively used for racing on a raceway facility
- manufacturer exemption for advertising
- first full weekend in June of each year (similar to ATV free-weekend program)

Can be registered for private use if: (pg 12)

- agricultural purposes
- immediate family on land owned or leased by immediate family

Dealers must require buyers to register as appropriate. (pg 12)

Unregistered motorcycles sold by other than a dealer must be registered as appropriate when they are sold or traded. (pg 13)

Registered bikes require transfer of the registration. (pg 13)

Dealers cannot accept a bike in trade unless it is registered or exempt. (pg 13)

(Registration assists with accountability that deters theft. Motorcycles that are not able to be DOT licensed have no titles.)

Public use registration runs for two years - April 1 through March 31. \$30 fee. (pg 14-15)

Private use registration does not expire. \$15 fee. (pg 15)

Decal must be properly affixed, clearly visible, and maintained in legible condition on the MC. No specific location is designated due to the variety of bike configurations. (pg 14)

Duplicate fees are \$5 each decal and \$5 each certificate. (pg 15)

Non-Resident Trail Passes: (pg 18-19)

- properly affixed to MC and clearly visible
- ANNUAL fee of \$34.25
- 5-day non-resident trail pass is \$19.25
- ANNUAL non-resident passes expire March 31 (same as others)
- exemption for the first full weekend in June (same as resident and ATV free weekend)

Motorcycle dealers are required to register with the DNR as MC Dealers. Two year commercial certificate with 3 decals for temporary placarding of vehicles. \$90 fee. Additional decals \$30 each. (pg 17)