



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

January 8, 2010

**Senate Committee on Natural Resources and Energy
Testimony on Senate Bill (SB) 583**

Good morning! Thank you Chair Cowles and committee members for hearing Senate Bill 583 (SB 583), which makes changes to the regulation of all-terrain vehicles (ATV), utility-terrain vehicles (UTV), and ATV projects.

Legislation passed in 2012 permanently introduced the UTV as a separate vehicle class with different specifications than the ATV. The Wisconsin ATV/UTV Association (WATVA) has been gathering input, regarding safety issues, trail use and user experience, from local clubs, trail ambassadors, associated businesses, tourism affiliates, federal, state, county and local units of government who are involved with the recreational industry of ATV/UTV owners.

This proposal is a package of upgrades and changes that address the continuing growth of ATV/UTV registration numbers and providing solutions necessary to better manage the registration program into the future. It includes safety provisions related to lighting, and after-market accessories that may be added to ATVs and UTVs. The proposal also increases the per mile funding available for summer and winter trail maintenance, and allows funds from the ATV segregated account to be used for trail mapping.

Highlights of the proposed changes include:

1. Remove the words "low pressure tire" from the tire requirement found in the definition of an ATV or UTV because ATV and UTV suspensions have changed and tire technology has changed dramatically with radial designs and different tread options.
2. Clarify how to measure the width of an ATV and/or UTV, which is a requirement for the definition of an ATV and/or UTV in statute.
3. Ease and simplify the registration requirements for municipally owned ATVs and UTVs.
4. Address and establish rules for auxiliary lighting on ATVs and UTVs based on feedback from users, land managers and law enforcement officers.
5. Make headlights mandatory for all times of the day on trails to match the current law that requires headlights being lit on road routes.
6. Clarifies that the operator of an ATV or UTV must obey all traffic signs and signals on all segments of the ATV network of trails and routes and on public lands and roadways.
7. Establish that ATV and UTV registration money from the ATV segregated account can be used by a nonprofit organization for maps, digital information and communications equipment.

8. Add \$100 per mile for winter trail maintenance funding on trails that allow UTV vehicles in winter.
9. Increase summer trail maintenance funding by \$100 per mile on the UTV side of the program, increasing the total maximum amount for maintenance by 14% or up to a maximum of \$800 per mile.
10. Clarifying where someone can be tried in a court of law for falsifying registration information.

Senate Amendment 1 (SA 1) has been introduced to clarify the difference between ATV and UTV registration.

SB 583 is supported by WATVA, who will also be testifying today, and can answer questions about the origin of some of these changes.

Thank you again for hearing SB 583, and your timely action on the bill.



MARY FELZKOWSKI

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Testimony on Senate Bill 583

Senate Committee on Natural Resources and Energy
Representative Mary Felzkowski
35th Assembly District
January 8, 2020

Good morning Chairman Cowles and Committee Members,

Thank you for taking the time to hear testimony on Senate Bill 583, which makes a variety of changes and updates to Wisconsin's ATV and UTV regulations.

As you just heard from my co-author, Senator Marklein, this bill was drafted in collaboration with the Wisconsin ATV/UTV Association (WATVA). The association continually collects input and data from local clubs across the state, and this bill has been informed by a variety of concerns that have been brought up repeatedly by riders.

This bill will:

- Adjust the statutory definition of an ATV/ UTV tire
- Clarify how to measure the width of an ATV or UTV
- Simplify the registration requirements for municipally owned ATVs and UTV.
- Establish rules for auxiliary lighting on ATVs and UTVs based on feedback from users, land managers and law enforcement officers
- Make headlights mandatory for all times of the day on the trail to match the current law that requires headlights being lit on road routes
- Create a statutory requirement that riders must obey regulatory signs (stop, yield, etc.) on the trail
- Clarify when someone can be tried in court for falsifying registration information

The second part of this bill has to do with the segregated ATV account and trail funding. It will:

- Add \$100 per mile for winter trail maintenance funding on trails that allow UTV vehicles in winter
- Increase summer trail maintenance dollars by \$100 per mile on the UTV side of the program, increasing the total maximum amount for maintenance to increase by 14% *or* up to a maximum of \$800 per mile
- Open further funding resources from the ATV segregated account for statewide mapping projects by non-profit organizations

In Wisconsin, our ATV and UTV registration numbers have been steadily growing and this bill will only aid in the development of this sport enjoyed by so many Wisconsinites. Thank you for your time and I look forward to your questions.



Public Hearing - Committee on Natural Resources and Energy 1/8/2020

To: Senator's Cowles (chair), Olsen (vice-chair), Marklein, Miller & Hansen

Re: SB 583 / AB 652

Since the 2012 legislation passed that permanently introduced and registered the Utility Terrain Vehicle (UTV aka Side x Side), our organization has been gathering input from our multitude of local clubs, trail ambassadors, associated businesses, tourism affiliates, federal, state, county and local units of government that deal with our recreational industry of ATV UTV owners.

This legislation is a package of multiple upgrades and changes that address the continuing growth of our registration numbers, providing solutions necessary to better manage the registration program into the future.

The following points capture the majority of changes being proposed for our ATV / UTV program (for further explanation, see the additional pages in this document):

1. Remove the words "low pressure tire" from the tire requirement found in the definition of an ATV or UTV.
2. Clarify how to measure the width of an ATV and/or UTV, which is a requirement for the definition of an ATV and/or UTV in statute.
3. Ease and simplify the registration requirements for municipally owned ATVs and UTVs.
4. Address and establish rules for auxiliary lighting on ATVs and UTVs based on feedback from users, land managers and law enforcement officers.
5. Make headlights mandatory for all times of the day on the trail to match the current law that requires headlights being lit on road routes.
6. Create a statutory requirement that riders must obey regulatory signs (stop, yield, etc.) on the trail.
7. Open further funding resources from the ATV segregated account for statewide mapping projects by non-profit organizations.
8. Add \$100 per mile for winter trail maintenance funding on trails that allow UTV vehicles in winter.
9. Summer trail maintenance dollars will be increased by \$100 per mile on the UTV side of the program, increasing the total maximum amount for maintenance to increase by 14% or up to a maximum of \$800 per mile.
10. Clarifying where someone can be tried in a court of law for falsifying registration information.

Wisconsin ATV-UTV Association Inc.

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Below are the expanded explanations of the changes from our point of view:

1) Low pressure tires definition in current statute is no longer relevant because of technology changes in ATV UTV suspensions. Tire technology itself has changed dramatically including radial designs with a plethora of different tread options. These facts, along with the reality of the recent trend of having thousands of miles of road route expansions, make low pressure tires a definition no longer needed. Another factor is the multi-passenger UTVs requiring the newest tire technology where as required air pressure is much different than on single passenger ATVs. The simple answer is to stipulate the definition be "tire" which allows the latest tire and design technology to address machine needs based on different uses and models.

2) Dating back to 2007 through 2011, a time when we here in Wisconsin were conducting the pilot testing to determine if the UTVs were compatible with our ATV trail footprints, the UTV industry had yet to develop certain standards that we could consider using in our definitions as the legislature made the UTV registration permanent in 2012. One such subject was in defining "where" to measure maximum width of the machines...Since that time, the industry has now caught up, they added a width measurement standard which this legislation adopts for consistency that benefits our riders, dealerships, and law enforcement professionals alike.

3) The UTV popularity with its appeal and diversity, including utilitarian work purposes for many local and county governments is addressed with this legislation. It eases the process originally designed more for public trail and route use versus those units serving as work vehicles for these local units of government. If the government entity clearly designates the machine is owned by their government entity, under this change they would no longer be tasked with the registration process and subsequent identification requirements that trail riders are. This streamlined update also allows leased vehicles to be included whether being used for utilitarian, emergency or enforcement purposes. It further clarifies when being used for emergency response uses, the current requirements for passenger restrictions, seat belts, helmets etc. are not required.

4) A dangerous trend has developed with the advancement in aftermarket and original equipment auxiliary lighting technology. High intensity lights are being added with no requirement for dimming lights to oncoming traffic. This has resulted in multiple complaints and dangerous situations. Another issue being addressed has to do with a different kind of aftermarket lighting. This language specifies that only emergency response vehicles are permitted to have flashing red or blue lights on trail systems, staying consistent with road route compliance. Currently auxiliary light options are being sold and used with red and blue colors by the general public, this legislation fixes that omission.

5) Because ATV UTV riding networks include thousands of miles of routes that intermix and combine with trail systems, currently riders are required to have headlights lit for routes but not on trail systems. Some trails are under thick tree canopies that make for a darker riding condition. When combined with dusty scenarios, it enhances everyone's safety to require headlights lit on trails as well as routes. This is another example of making the ATV UTV law consistent, whether riding on trails or routes, the law will now be the same.

6) Currently there is no statutory requirement in 23.33 that requires trail riders to comply with stop, yield, or other regulatory sign on our trail systems. The ATV UTV program registration program that started in 1986, never anticipated the growth we've had and continue to experience. Our total number of machines registered is approximately 400,000 strong and still growing. Most riders aren't aware there are no requirements to comply with regulatory signs on trail systems but as we keep expanding, it's high time to correct this omission. In the early years, there was little chance or need to have this provision, that's not the case nowadays. Another adjustment to make the law consistent whether on road routes or trail networks.

7) A major benefit to the business community, as well as the Wisconsin general economy, depends on attracting riders from out of state as well as new riders in Wisconsin coming into this type of outdoor recreation. A major tool that all riders seek are "where the riding opportunities exist" by way of a statewide riding area map. For these specialized maps to be effective, they need to be shipped to tourism centers, registration locations as well other tourist attractions where riders and potential riders can obtain them to make their travel plans accordingly. The state association has been able to secure temporary funding to produce these statewide maps, proving they are a desired and sought-after product. This update allows for a stable funding source for a statewide map using the stability of the ATV UTV registration program, self-funded to promote our own trail networks. This update also updates eligibility for a statewide app which is the current trend in society. As well, the self-funded ATV account would make eligible the acquisition to secure safety and public awareness signage that are currently not being displayed. This update also provides for communications equipment needed to enhance the safety and productivity for the dedicated volunteers doing trail and ambassador work in the backcountry of Wisconsin.

8) With the growing popularity of the enclosed cabs on the side x side UTVs, winter trail riding has increased greatly. In some areas of the state, the consumer is purchasing a UTV versus a snowmobile as it can be used year-round. The original UTV laws did not anticipate heated and enclosed cabs or winter use at all. This update adds an increase for the UTV side of winter funding of \$100 per mile even if the winter trail is not used in the summer season. Likewise, this update provides for a new type of winter trail that may not necessarily be shared with the snowmobile community, referred to as a frozen ground winter trail. This new opportunity will apply to areas of the state that receive the cold weather but light snow cover.

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9) Summer trail maintenance dollars will be increased by \$100 per mile on the UTV side of the program, increasing the total maximum amount for maintenance to increase by 14% or up to a maximum of \$800 per mile. With increased traffic and larger UTVs, this increase is necessary to sustain our ability to maintain our resources.

10) The original registration program of the 1980s could never had predicted the ever changing and developing ATV UTV industry. Equipment manufacturer's now build many different models and sizes, some designed for use out west in desert and/or wide-open type riding while other models are designed for narrower and smaller trail systems which better describe our woods riding here in Wisconsin. This situation has created confusion for the consumer who can legally purchase a machine that is outside of our state description of what a legal UTV or ATV is, but they later discover they can't ride it when their registration application is eventually returned. In some cases, however, the application / applicant for legal registration omits a certain model designation, yet with other examples of falsified models listed and being sent to the DNR registration bureau. Unfortunately, the state estimates as many as 10,000 machines may have already been registered when the fact is the machine is too wide or too heavy to meet the agreed upon size dimensions our trail footprints are planned around and built upon because of the falsified applications. Eventually the consumer discovers they either purchased a machine that was outside the legal parameters to be registered, only to discover they can no longer register or ride on our trail networks or even worse they are cited when discovered when riding out on the trail networks. The unscrupulous retailer bears no financial recourse under current law, simply because the original registration program is outdated. Under our change, we are clarifying where someone can be tried in a court of law for falsifying registration information.

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2019 Legislative Proposal ATV / UTV Maintenance Funding Flow Chart

The following chart can be used to view the current funding maintenance rates for ATV / UTV trails. There are two classifications of trails used on this chart. A winter trail is either going to be shared with snowmobiles or non-shared where the trail is exclusive for ATV / UTV travel. The final column shows the combined funding potential for both summer and winter trails, depending if they are shared or not. A blue row is shown to indicate the minimum potential snowmobile funding a trail system can receive.



ATV / UTV Summer		Shared ATV/UTV Snowmobile		Combination Shared Year-Round	
Current	Proposed	Current	Proposed	Current	Proposed
ATV \$600 per mile	ATV \$600 per mile	ATV \$100 per mile	ATV \$100 per mile	ATV \$700 per mile	ATV \$700 per mile
UTV \$100 per mile	UTV \$200 per mile	UTV \$0 per mile	UTV \$100 per mile	UTV \$100 per mile	UTV \$300 per mile
ATV & UTV \$700 per mile	ATV & UTV \$800 per mile	ATV & UTV \$100 per mile	ATV & UTV \$200 per mile	ATV & UTV \$800 per mile	ATV & UTV \$1,000 per mile
		Snowmobile \$300 per mile	Snowmobile \$300 per mile	Snowmobile \$300 per mile	Snowmobile \$300 per mile
		ATV, UTV & Snowmobile \$400 per mile	ATV, UTV & Snowmobile \$500 per mile	ATV, UTV & Snowmobile \$1,100 per mile	ATV, UTV & Snowmobile \$1,300 per mile

Non-Shared Winter Only		ATV / UTV Only Year-Round	
Current	Proposed	Current	Proposed
ATV \$100 per mile	ATV \$200 per mile	ATV \$700 per mile	ATV \$800 per mile
UTV \$0 per mile	UTV \$100 per mile	UTV \$100 per mile	UTV \$300 per mile
ATV Only \$100 per mile	ATV & UTV \$300 per mile	ATV & UTV \$800 per mile	ATV & UTV \$1,100 per mile

Non-Shared
ATV / UTV Trails

→



Senate Committee on Natural Resources and Energy

2019 Senate Bill 583

Regulation of all-terrain vehicles and utility terrain vehicles, all-terrain vehicle projects, and making an appropriation

January 8, 2020

Good morning Chairman Cowles and members of the Committee. I am Lt. Matt O'Brien, Law Enforcement Policy Officer with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 583 (SB 583).

The Department of Natural Resources administers several recreational vehicle programs, spanning from snowmobiles and off-highway motorcycles to motorboats. One of the programs experiencing the greatest amount of growth—in terms of registered vehicles, trail miles, customer popularity, and general prevalence on the landscape—is the ATV/UTV (all-terrain vehicle/utility terrain vehicle) program. Some of the largest drivers behind this growth are manufacturer innovation, road route availability, and customer satisfaction with the exploding UTV sector.

As we steadily approach nearly a decade since the inception of the original UTV pilot program—a lot has changed. Manufacturer capabilities and customer preferences continue to grow and evolve. Everything from vehicle construction and equipping to operator use patterns and preferred terrain conditions has seen some level of change in that time. And thusly, so does the regulatory framework need some change as well, so our trails and routes remain safe, welcoming, and important recreational and economic opportunities for our citizens and communities, while balancing the needs and concerns of user groups, manufacturers, and trail managers.

Accordingly, the Department views SB 583 as the start of an important dialog about the future of the ATV/UTV program in Wisconsin. While the Department has a number of questions and recommendations for improvements and further clarity to this proposal, we appreciate the receptiveness of the sponsors' offices to sit down and refine the technical and policy concerns identified by the diverse array of Department programs impacted by this proposal. I'm confident that our upcoming drafting discussion will produce consensus and compromise on the outstanding issues so that an amended bill can be a proud reflection of a thoughtful, strategic approach to continuing the growth and popularity of the ATV/UTV program.

On behalf of the Department of Natural Resources, I would like to thank you again for your time and continued partnership to providing a safe and enjoyable experience for Wisconsin's recreational vehicle users. I would be happy to answer any questions you may have.

SB 583

Peterson, Mike <MLPETERS@co.washburn.wi.us>

Tue 1/7/2020 11:53 AM

To: Rebekah Luedtke <wafa@frontier.com>; Shawn Pfaff <shawn@pfaffpublicaffairs.com>

Rebekah, Shawn

After discussing SB 583 (ATV/UTV "cleanup" bill), which is on the same public hearing as the snowmobile funding bill tomorrow, with Shawn, he suggested that I draft some basic language for comment at the hearing or on the ethics webpage by Rebekah. I assume you guys are more familiar with what that means. Here's my analysis of the bill impacts to us:

- 1) It proposes to amend 23.33 (9) (bg) (1) to increase UTV per mile summer maintenance rate from \$100 to \$200/mile. *Line 17,18 page 9.*
- 2) It proposes to create 23.33 (9) (bg) (2) to create winter UTV maintenance funding of \$100/mile. *Line 23-35 page 9, line 1-5 page 10.*

I sent an email to all CFA's on this, and like many issues, our opinion on this is all over the board.

Regarding the change to increase summer maintenance, there seems to be a general consensus that this is OK, but concerns have been expressed that this is reallocating existing funds. It takes monies away from development and rehabilitation and puts it towards annual maintenance. It would have been appropriate for the user group pushing this legislation to solicit feedback from trail managers on this.

Regarding the winter maintenance funding for UTV's, this is essentially an initiative to mix UTV's with snowmobiles on winter trails. Responses are a pretty even mix among the County Forests of those wanting this program and those adamantly opposed to mixing these vehicles on trails. Opposition cites safety concerns about mixing 65" wide machines, with possible steering control issues on snow pack, with much faster snowmobile traffic. Again, this would have been a great opportunity for trail managers to provide input before the bill was introduced. At a minimum, we can safely state that there are some concerns about the bill and more time is requested to figure out an appropriate strategy. The funding would create an optional "add on" for trail managers to put UTV's on snowmobile trails, but the existence of a program puts enormous pressure on the County to opt in to the grant.

* Perhaps the best simple comment on this would be something like, *"not all County Forest trail managers are supportive of creating a funding program for winter use UTV's on designated snowmobile trails. It appears to be about a 50/50 mix of support and opposition. Most of those opposing have safety concerns about possible incompatibility of snowmobiles and UTV's on the same trail"*

Hope this helps. Thanks!

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Recommendations for Amendments to SB 583

January 8, 2020

I am Glen Schwalbach, P.E. I live at 1090 Moonriver Dr., De Pere, WI. I have been on the Planning Commission for the Town of Rockland in Brown County for over twelve years.

Senators, thank you for holding this hearing on SB 583 regarding ATV/UTV use. It contains clarifications and revisions that are needed to the current statutes. There are other issues that should be addressed with amendments to further improve the statute.

Our town just passed an ATV/UTV ordinance to establish our town roads as ATV/UTV routes. We were concerned about the safety hazards of ATV's and UTV's using our roads. In 2018, there were 26 fatalities from ATV/UTV use in Wisconsin. Twelve of these occurred on public roads. Half of these involved roll-overs. But, in a survey of residents, which received a significant response, about 2/3 of respondents were in favor of allowing ATV/UTV's on our town roads. We studied the DOT and DNR guidelines and received direct advice from subject experts at the DOT, DNR and county sheriff department.

1. Amend the bill to explicitly state that towns shall set speed limits for ATV/UTV's on town roads—

One thing we had to consider was that manufacturers do not usually design ATV/UTV's for hard pavement use. Suspensions, steering, and tires are designed for softer surfaces. Thus, they are more difficult to operate safely on the paved roads than on dirt or gravel trails. Also, based upon their designed use, some ATV's can achieve speeds of over 60 mph and some UTV's up to 50 mph. These are dangerous speeds for these vehicles on paved roads. High speed limits, suitable for other vehicles, result in risky handling for ATV's and UTV's and endangers other users of the roadway such as bicyclists and pedestrians. Also, a very low speed limit can be dangerous because cars and trucks coming upon a slow ATV or UTV, especially on hilly or curvy roads, may not be able to slow down fast enough to avoid a collision. For these reasons and based upon recommendations of experts, we established a speed limit of 35 mph, unless there is a lower posted speed limit for other vehicles.

The problem with the current statutes is that it appears that the statutes don't explicitly state that towns can set speed limits for ATV/UTV routes. Many towns have assumed they can do so and have done so because of expert advice and common sense. But the Wisconsin Towns Association feels that such enabling statute provisions do not exist.

Also, Section 16 of the bill adds the term "applicable speed limit" for 23.33 (4) (d). This would be confusing if the speed limits differ for cars and trucks than for ATV's and UTV's.

SB 583 should be amended to state that towns shall establish speed limits for ATV's and UTV's on town roads and amend Section 16 from "applicable" to "political subdivision-designated".

2. Amend the bill to clarify that ATV/UTV operators on highways, including town roads, must have a driver's license and, possibly, insurance along with the currently required safety certificate—

Safety certificate training for ATV/UTV use does not include the rules-of-the-road which are taught in driver license training. Both the DOT and DNR are concerned with young operators being allowed on roads under current law without the training that other vehicle operators must have to drive on public roads. A requirement for liability insurance should also be considered for the protection of others.

SB 583 should be amended to require ATV/UTV operators to have driver's licenses to operate on public roads and, possibly, liability insurance.

3. Amend the bill to clarify that only one person is allowed on an ATV unless the manufacturer's operating manual states otherwise—

Statute 23.33 (3) (em) refers to seating for passengers in UTV's and the bill adds ATV's to this requirement. But this provision is not likely to be effective in its intent. ATV's usually have long seats to facilitate the movement of the operators to balance ATV's when turning and going up and down hills. But operators often interpret that the long seat is to accommodate passengers. Most ATV's are designed to only handle an operator. Their operating manuals point out that no passengers should be allowed. Only a few ATV's are designed with a separate passenger seat. The statute should clarify this safety requirement.

SB 583 should state that passengers are not allowed on ATV's used on public roads, routes or trails unless the manufacturer's operator's manual states that having a passenger is allowable.

4. Amend the bill to disallow drinking or carrying open containers of alcoholic drinks on ATV's and UTV's—

Current statute has provisions to disallow the operation of ATV's and UTV's while the operator is intoxicated but has no restrictions for drinking or carrying open containers of alcoholic drinks. Operating on ATV/UTV trails or on private property is quite different than operating on public roads. The rules for ATV/UTV's should be the same as for other vehicles operating on public roads. Also, current statutes present a confusing message to our children as regards "drinking and driving".

SB 583 should state that drinking or carrying of open containers of alcoholic drinks is not allowed when operating an ATV or UTV on public road routes.

5. Amend the bill to allow counties, cities, villages and towns to post "ATV/UTV Route" signs, not just "ATV Route" signs—

Turns out, the DOT indicates that, when a political subdivision decides to allow ATV's and UTV's on their public roads, only "ATV Route" signs can be posted. The reason is that Wisconsin follows the federal Manual of Uniform Traffic Control Devices (MUTCD) which provides for "ATV Route" signs but not "ATV/UTV Route" signs. Political subdivisions may add separate information signs to state that UTV's are also allowed. But this provision adds to the cost of signage for a local government and complicates communication to the community.

SB 583 should state that white-letters on green background "ATV/UTV Route" signs may be used by political subdivisions when routes are designated for both ATV's and UTV's.

6. Amend the bill to explicitly state that golf cart-type vehicles are not allowed on highways including town roads—

DOT and DNR publications state that the ATV/UTV rules do not apply to golf carts. Some local ordinances make the same statement. The public usually interpret this to mean that there are no restrictions on the use of golf carts on public roads

SB 583 should explicitly state that s. 23.33 does not allow golf carts on public roads.

7. Amend the bill to modify the definition of an ATV—

The bill clarifies the width measurement of an ATV but keeps the weight at "900 pounds or less". A Polaris MV-7 ATV weighs 992 pounds so owners of such ATV's have a quandary as to registration and legal use. The statute should be changed to define an ATV with a weight of 1000 pounds or less.

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