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Testimony on Assembly Bill 365

Assembly Committee on Transportation

Good morning and thank you Chairman Plumer, Vice-Chairman Spiros and committee members for hearing Assembly Bill 365, which allows the use of whip lights on all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs).

Whip lights are auxiliary lights on ATVs/ UTVs. Whip lights are defined as a series of lights arranged vertically along a flexible rod that is attached to any ATV or UTV, so that the emitted light is visible from any direction. These lights are lights mounted on the rear of the machine and create a beam of light that allows riders and other vehicles to safely see where other riders are on the trail. States such as Idaho, Arizona, New Mexico, and California already require whip lights during times of reduced visibility.

Under current law, no person can operate an ATV or UTV that is equipped with:

- Any color light other than white or amber visible from front
- Any color of light other than red, yellow, amber, or white that is visible from the rear
- Any flashing, oscillating or rotating light in a color other than yellow

Assembly Bill 365 would update state statute by allowing riders to use colors other than the ones previously mentioned as well as allowing them to display fixed or flashing lights. The only prohibited lights that riders cannot use are flashing red or blue lights, so they do not appear as law enforcement or emergency vehicles.

Assembly Bill 365 was introduced to allow ATV/ UTV riders more freedom and choice in the type of lights and patterns their vehicles can display, and more importantly, ensure safety for both riders and other vehicles on Wisconsin's beautiful trails.

Thank you again for hearing AB365, and I am hoping for strong bipartisan support on this legislation.



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DATE: August 31, 2021
RE: **Testimony on Assembly Bill 365**
TO: Members of the Assembly Committee on Transportation
FROM: Senator Rob Stafsholt

Thank you Chairman Plumer and members of the Assembly Committee on Transportation for hearing Assembly Bill 365 relating to whip lights on all-terrain and utility terrain vehicles.

This bill addresses auxiliary lights used on ATVs/UTVs commonly referred to as “whip” lights. These lights are firmly mounted to the rear of the machine, and create a stick of light that allows other riders and other vehicles to safely see where other riders are on the trail. These lights are currently required by law during times of reduced visibility in other states, including Idaho, Arizona, New Mexico, and California. According to current Wisconsin statute, the only whips riders are allowed to affix must be white or amber in color, and may not be flashing or oscillating. This bill would allow for other colors of whips to be affixed, as well as allowing them to display fixed or according to any pattern, including oscillating.

It is important to note that this bill does NOT allow for flashing red or blue, as to not appear to be law enforcement or emergency vehicles. It is also important to note that this bill does not make any changes to the current requirements to dim or turn off lights when appropriate for safety on roadways. When riding on the trails, the purpose of these lights is to create a safer UTV/ATV riding experience.

Again, thank you for allowing me to testify on Assembly Bill 365. I would appreciate your support on this piece of legislation.



Assembly Committee on Transportation

2021 Assembly Bill 365

Whip lights on all-terrain and utility terrain vehicles

August 31, 2021

Good morning Chair Plumer and members of the Committee. My name is Marty Stone, Off-Highway Vehicle Administrator with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 365 (AB 365), related to whip lights on all-terrain and utility terrain vehicles.

Under current law, no person, with the exception of emergency services personnel, may operate an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) that is equipped with any lamp that emits any color of light other than white or amber that is visible from directly in front of the ATV or UTV, or any lamp that emits any color of light other than red, yellow, amber, or white when backing, that is visible from directly behind the ATV or UTV. Additionally, no person may operate an ATV or UTV equipped with a flashing, oscillating, or rotating lamp that emits any color other than yellow or amber.

Current requirements provide for lighting consistency across vehicle types including motor vehicles, ATVs, and UTVs, which can help prevent confusion associated with non-standard multi-color lighting. ATV and UTV operators, as well as motorists, benefit from this standard, consistent lighting, where an operator understands that when observing white and amber lights displayed on a vehicle, it indicates the front of an ATV, UTV, or motor vehicle that is approaching. Likewise, when red and amber lamps are observed on a vehicle, one understands an approach is being made on the rear of a vehicle. These lighting standards assist operators in determining which direction an ATV, UTV, or motor vehicle is travelling to safely negotiate an ATV trail or operation on a roadway. ATV and UTV manufacturers follow these lighting standards and equip these machines with red brake lights and taillights on the rear of the machine, and amber reflectors and white headlamps on the front of the machines.

Under AB 365, ATVs and UTVs would no longer need to adhere to these standardized lighting requirements. This may create confusion among operators of traditional motor vehicles travelling on the approximately 35,000 miles of ATV roadway routes, as well as other ATV and UTV operators on ATV trails. Non-standard lighting arrangements on ATVs and UTVs can make it difficult to ascertain which direction an ATV or UTV is travelling when displaying non-standard lighting light whips.

In regard to increasing visibility via lighting on ATVs and UTVs, current law allows for the display of amber or yellow in color whip lights that are either steady burn or flashing to be used and displayed to indicate a hazard or to warn other operators that an ATV or UTV is approaching. These flashing amber or yellow whip lights are currently in use and provide warning when riding on a dusty trail or in a low visibility environment. The use of amber or yellow whip lights is consistent and does not conflict with standardized vehicle lighting.

Current law specifically addresses auxiliary lighting on ATVs and UTVs that may be confused for a law enforcement ATV, UTV, or an emergency ATV or UTV. Prior to the current law, it was common to see flashing red and/or blue whip lighting on ATVs and UTVs on ATV trails and on roadways, which was a concern for law enforcement since flashing red and/or blue lighting signifies emergency vehicles or law enforcement. It is important that only law enforcement and emergency vehicles display these light combinations to prevent confusion.

AB 365 would allow the use of red and/or blue whip lighting but would prohibit the use of flashing red and/or blue whip lighting. The department supports and appreciates this continued restriction on flashing red and/or blue whip lighting. However, law enforcement also uses steady burn or non-flashing red and blue lights at incident scenes to reduce the strobe light effect. We recommend considering a change to the bill to prohibit the display of blue whip lighting whether steady burn or flashing, oscillating, or rotating and to allow red whip lighting that is not flashing, oscillating, or rotating to be displayed only to the rear of an ATV or UTV. We also recommend considering including a prohibition on the display of non-standardized vehicle lighting whip lights within a highway to prevent confusion among traditional motor vehicles.

On behalf of the Department of Natural Resources, we thank you for your time today. I am happy to answer any questions you may have.