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November 8, 2023

Testimony on Assembly Bill 217

Assembly Committee on Sporting Heritage

Good morning, and thank you, Chairman Pronschinske and committee members, for hearing Assembly Bill 217, 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 attached to any ATV or UTV so that the emitted light is visible from any direction. These lights are typically mounted on the rear of the machine and create a beam of light that allows riders and other vehicles to see where riders are on the trail safely. States such as Idaho, Arizona, New Mexico, and California require whip lights during times of reduced visibility.

Under current law, these are the only lights permitted on an ATV or UTV:

- White or amber (visible from the front or rear)
- Red or yellow (only visible from the rear)
- Yellow (flashing)

Assembly Bill 217 would update the statute by allowing riders to use various colors and display fixed or flashing lights. The only prohibited whip lights that riders cannot use are flashing red or blue so they do not appear as a law enforcement or emergency vehicle.

Assembly Bill 217 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 riders and other vehicles on Wisconsin's beautiful trails.

Thank you again for hearing AB 217, and I hope for strong bipartisan support on this legislation.



ROB STAFSHOLT

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DATE: November 8, 2023
RE: Testimony on Assembly Bill 217
TO: Members of the Assembly Committee on Sporting Heritage
FROM: Senator Rob Stafsholt

Thank you Chairman Pronschinske and members of the Assembly Committee on Sporting Heritage for hearing Assembly Bill 217 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. 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. These lights are currently required by law during times of reduced visibility in other states, including Idaho, Arizona, New Mexico, and California.

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 ATV/UTV riding experience.

Again, thank you for allowing me to testify on Assembly Bill 217. I would appreciate your support on this piece of legislation.

CHANZ GREEN

STATE REPRESENTATIVE • 74TH ASSEMBLY DISTRICT



November 8th, 2023

Testimony on Assembly Bill 217

Assembly Committee on Sporting Heritage

Thank you, Chairman Pronschinske and other Assembly committee members, for having a hearing on Assembly Bill 217, relating to whip lights on all-terrain and utility terrain vehicles.

Whip lights are auxiliary lights on ATVs and UTVs. Whip lights are defined as a series of lights arranged vertically along a flexible rod attached to any ATV or UTV so that the emitted light is visible from any direction. States such as Idaho, Arizona, New Mexico, and California require whip lights during times of reduced visibility.

Under current state statute, the only whip lights permitted on an ATV or UTV are white or amber lights, which have to be visible from the front or rear, red or yellow lights, which have to be visible from the rear, or yellow lights, which have to be flashing.

This bill would update the statute by allowing riders to use various colors and display fixed or flashing lights. The only prohibited whip lights that riders cannot use are those flashing red or blue, so they do not appear as law enforcement or emergency vehicles.

I commend Representative Swearengin and Senator Stafsholt for bringing this legislation forward to update this state statute.



Assembly Committee on Sporting Heritage

2023 Assembly Bill 217

Whip lights on all-terrain vehicles and utility terrain vehicles

November 8, 2023

Good morning, Chair Pronschinske, and members of the Committee. I am Lt. Matthew Wehn, and I serve as the Law Enforcement Policy Officer for the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 217 (AB 217), relating 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 a 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 a 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.

These current requirements provide for lighting consistency across vehicle types which include motor vehicles, ATVs, and UTVs. Departure from this standardization of vehicle lighting could cause confusion. Motor vehicle operators understand that when observing white and amber lights displayed on a vehicle, it indicates the front of a vehicle, or a vehicle that is approaching. Conversely, when red and amber lamps are observed on a vehicle, one understands an approach is being made to the rear of the vehicle. ATV and UTV manufacturers follow these lighting standards and equip their 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.

This standardization is especially significant as it relates to the use of an ATV or UTV. Whether riding during the day or night the trail conditions can be dark, bumpy, dusty, or muddy. These conditions could impair the visibility of lighting on what would normally be an easily observable vehicle. In these less than perfect conditions for visibility, lighting standards assist operators in determining which direction an ATV or UTV is travelling and safely navigate a trail or roadway.

Under AB 217, ATVs and UTVs would no longer need to adhere to these standardized lighting requirements. The non-standard display of color light whips could make it difficult to ascertain which direction an ATV or UTV is travelling. This may cause confusion among operators of traditional motor vehicles travelling on the approximately 50,000 miles of ATV roadway routes, as well as other ATV and UTV operators on trails.

The department acknowledges that increasing visibility via lighting increases safety. The current law allows for the display of steady burn and flashing amber or yellow in color whip lights. These amber or yellow whip lights provide warning when riding on a dusty trail, in a low visibility environment, of a potential hazard or that an ATV or UTV is approaching.

Current law restricts auxiliary lighting on ATVs and UTVs that may cause a vehicle to be confused for a law enforcement 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 operated on trails and roadways. This was a concern since flashing red and/or blue lights signifies an emergency or law enforcement vehicle. It's important that only law enforcement and emergency vehicles display these light combinations for safety reasons and to prevent confusion.

AB 217 would allow the use of red and/or blue whip lighting but would prohibit the use of flashing whip lights that emit red and/or blue color. 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. Additionally, under 347.26 (7) of Wisconsin statutes, green flashing lamps are reserved for certain highway department vehicles.

Even steady burn lights may appear to be flashing/oscillating when viewed due to vehicle movement, dust, or obstructions. To prevent an ATV or UTV from being confused as an emergency vehicle we recommend considering a change to the bill that would 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. It may also be advisable to restrict the use of green lighting.

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

TO: Members of the Assembly Committee on Sporting Heritage

DATE: November 8, 2023

RE: Opposition to AB 216/SB 217– Passenger restrictions on all-terrain vehicles

FROM: (listed in alphabetical order)

Bellin and Gundersen Health System

Children’s Wisconsin

Marshfield Children’s Hospital

Safe Kids Clark County

Safe Kids Coulee Region

Safe Kids Madison Area

Safe Kids Southeast Wisconsin

Safe Kids Wisconsin, led by Children’s Wisconsin

Safe Kids Wood County

UW Health Kids

Wisconsin Chapter of the American Academy of Pediatrics

The manufacturers of all-terrain vehicles (ATVs), the ATV Safety Institute, and the Consumer Product Safety Commission (CPSC) specify that single rider ATVs should not have additional passengers on the vehicle. Current Wisconsin law, passed in a recent session, aligns with this guidance to only allow passengers on vehicles originally manufactured for additional riders. Wisconsin law currently adheres to industry safety recommendations and helps protect children and adults from preventable injuries.

Many ATVs are designed for a single rider and are rider-active vehicles, requiring the driver to use their body to maneuver hills and turns. As passengers are added, the space for the driver to actively drive the ATV is impacted, limiting the ability to operate the vehicle safely. Aftermarket products have been developed to make the seating area more comfortable and appear to be safer for a passenger. Yet, manufacturers of these aftermarket products specify they are not to be used when the vehicle is moving. We are especially concerned about the use of aftermarket products to accommodate child passengers. While these aftermarket products exist and have been used in the past, it does not mean they are safe or represent the ATV manufacturers’ intended use of their products.

Each year hundreds of deaths occur from ATV use in the United States and hundreds of thousands are injured. A [2020 CPSC report](#) ranks Wisconsin in the top 10 states for high numbers of fatal incidents from ATVs and other off highway vehicles. CPSC also reports that 25% of ATV injuries and fatalities are to passengers of the vehicle. Ensuring that Wisconsin continues to regulate ATVs not intended for passengers will prevent injuries and save lives.

According to the Wisconsin Department of Natural Resources’ (DNR) [2022 Recreational Vehicle Annual Report](#), of the 414 non-fatal recreational vehicle incidents reported in 2022, nearly one-third were related to ATV use. The DNR acknowledges that incidents may go unreported, so the number of accidents related to ATV use may be higher. In 2022, reported ATV accidents in Wisconsin resulted in over 100 injuries, nearly 20% of which were among children under the age of 18, as well as 13 fatalities.

Please consider opposing this legislation and upholding current law to prohibit additional persons from riding on ATVs not manufactured for passengers. This will help promote safety and prevent injuries associated with ATV use.



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11/08/2023

Re: AB 217 & SB 216 - Relating to whip lights on ATVs / UTVs

To: Assembly Committee on Sporting Heritage

Our organization supports this clarification language to the current statute, as it applies to allowing riders to have more visibility on their machines while on our trail systems.

At the same time, our priority is to support protections of the ~~colors~~ ^{flashing colors} used exclusively for our emergency response / law enforcement vehicles.

Thank you for the opportunity to provide input.

Randy Harden

President
Wisconsin ATV UTV Association