

## *Testimony before the Senate Committee on Judiciary and Public Safety*

**Senator André Jacque**

*August 22, 2023*

Chairman Wanggaard and Colleagues:

Thank you for the opportunity to testify as the author in support of Senate Bill 262, which would prohibit open alcohol containers in or on all-terrain or utility terrain vehicles.

More than 80 people in Wisconsin died in all-terrain vehicle (ATV) crashes involving alcohol in the six years leading up to 2021, according to Wisconsin Department of Natural Resources statistics reported by the Wisconsin State Journal, with even more suffering severe, debilitating injuries from alcohol-involved ATV/UTV crashes in our state.

Wisconsin state law currently allows ATV or UTV (utility terrain vehicle) riders to carry open alcoholic beverages that can cause substantial impairment while riding on the vehicles. The Wisconsin ATV/UTV Association (WATVA) recognizes the danger of drunken driving on these vehicles and the need to reduce the number of accidents and provide consistency across the state, as different counties have different standards and enforcement.

To that end, we are introducing legislation requested and strongly supported by WATVA to prohibit open intoxicants in recreational vehicles, mirroring other motor vehicle laws, on roads and trails throughout the state. We, like WATVA, are confident that if this proposal is enacted into law it will help the long term growth and sustainability of this outstanding recreational activity.

This legislation is also formally supported by the Tavern League of Wisconsin (TLW), knowing that if people choose to drink, it is better that they do so in a controlled environment, rather than on trails and routes often littered with empty bottles and cans. In addition to WATVA and the Tavern League, this legislation is supported by both the Badger Sheriffs and Wisconsin Sheriffs and Deputy Sheriffs Associations, Wisconsin Professional Police Association, Mothers Against Drunk Driving (MADD), Aspirus Health, the Wisconsin Public Health Association and the Wisconsin Association of Local Health Departments and Boards.

The state must address this issue now, because this activity is growing and it is critical to adopt this change to ensure it will be able to continue to do so safely. Communities across Wisconsin, through referenda and ordinances, are expanding the areas where ATVs may operate. Registration for in-state and out-of-state riders in Wisconsin is over the half-million mark, according to WATVA. There are over 4,000 miles of shared winter trails, over 2,200 spring-summer-fall miles of trails, and over 52,000 miles of legal road routes for riders in Wisconsin. Please help keep our roads and trails safe.

Thank you for your consideration of Senate Bill 262. I'm happy to answer any questions.



# Jeff Mursau

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

Senate Committee on Judiciary and Public Safety  
SB 262 – Open Alcohol Containers in or on ATV or UTV's

August 22, 2023

Committee Members:

Thank you for the opportunity to share my support for Senate Bill 262, which prohibits open alcohol containers in or on all-terrain or utility terrain vehicles.

According to the Wisconsin Office of Outdoor Recreation, Wisconsin's motorcycling and ATVing industries rank number one in the country for value added to the state's economy, contributing \$882 million to the state's GDP (2021). Moreover, the interest in riding on ATV/UTVs is growing! Currently, there are 120 clubs in Wisconsin with an average number of 250 members. That is roughly 30,000 riders! You can also see this in the increase in vehicle registrations. Twenty years ago, there were 192,211 registered ATV's in Wisconsin. From 2021-2022 there were 495,188 registrations!

In order to keep this industry thriving and the enthusiasts' safe, we need to strengthen our laws related to alcohol use while a person is using one of these vehicles. Senate Bill 262 prohibits the possession of open containers of alcohol and the consumption of alcohol by a person in or on an ATV or UTV when the vehicle is on a highway, ATV trail or other ATV corridor open to the public. The bill allows for an exception for an empty bottle or receptacle that is considered garbage.

According to the Department of Natural Resources, there have been 13 fatalities due to ATV/UTV crashes this year. Five of those were alcohol-related and 5 others are still pending BAC results. When I have attended regional meetings of the WI ATV Association and this issue is a priority for them. They are the driving force behind this legislation because they want the sport to grow, but most importantly, they want riders and their passengers to feel safe on our trails.

Once again, thank you for holding a public hearing on this important piece of legislation.



## Senate Committee on Judiciary and Public Safety

### *2023 Senate Bill 262*

### *Open Alcohol Containers In or On All-Terrain or Utility Terrain Vehicles*

*August 22, 2023*

Good morning, Chair Wanggaard, and members of the Committee. My name is Lieutenant Jacob Holsclaw, and I am the Off Highway Vehicle Administrator for the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify in support of Senate Bill 262 (SB 262), relating to open alcohol containers in or on all-terrain or utility terrain vehicles.

This bill prohibits the possession of open containers or consumption of alcohol in or on an all-terrain (ATV) or utility terrain vehicle (UTV). This is specifically focused on ATV trails, roadways, and other established ATV corridors open to the public. There is an exception in the bill noting that empty containers can be possessed if they were picked up as litter. Currently, an ATV or UTV operator cannot be under the influence of an intoxicant or controlled substance at or over the alcohol concentration of 0.08.

Under current law, s. 346.935 Wis. Stats. prohibits the possession of open containers or consumption of alcohol in a motor vehicle while on a highway. SB 262 closely mirrors language for this existing statute relating to motor vehicles.

Local municipalities and counties have opened ATV and UTV routes that are shared by other members of the public. A large network of ATV trails is enjoyed by ATV and UTV users of all ages every year. Since 2019, there have been 146 fatal ATV and UTV crashes statewide. 78 percent of these have occurred on a public roadway, trail, or area open to the public. Baring pending blood alcohol results, 44 percent of these incidents have involved alcohol or drug use by the operator. While we have no statistical information available it is not uncommon for wardens on routine ATV/UTV patrol to encounter operators and passengers consuming alcohol while riding.

SB 262 would provide some consistency with motor vehicles law to ATVs and UTVs operating in public areas. Intoxicated operation is one of the top contributing factors to serious injury and fatal crashes along with not wearing a helmet, failing to wear a seatbelt in a UTV, and careless operation.

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.



8/22/2023

To: Senate Committee on Judiciary & Public Safety

Re: SB262 & AB260 - ATV UTV Open Intoxicant Public Hearing

Thank you for taking public input on this common sense proposal.

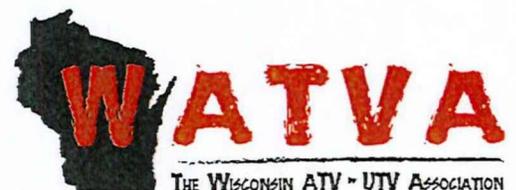
Our organization focuses on monitoring and improving safety conditions for our riders and the public, as well as promoting a good image of our sport and the industry. Recognizing this recreational activity is a huge economic tourism driver, it's also very family oriented. **\*See our handout in the folder - 6 goals\***

The popularity and subsequent sales of UTV and ATV riding continues to grow in numbers, with new owners coming into the program each month. We often see 3 different generations enjoying the great outdoors of Wisconsin while riding together. Parents, their kids and grandkids alike, whether riding a remote backcountry trail or perhaps enjoying a ride on a scenic roadway, intermixing with vehicular traffic and vehicles where allowed by local ordinance.

Wisconsin riders enjoy a mixture of dirt trails, connecting to businesses and other communities by legal road routes. Those communities that aren't able to access trails systems, are now able to make use of their machines by touring scenic roadways around the state.

Our recreational ATV UTV vehicles have similarities and differences in state statute, compared with our motor vehicles. Both uses are held to the same .08 BAC as the point of being considered Operating While Intoxicated (DWI or DUI).

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Most operators think they are held to the same requirements in their UTV ATV as they are in their motor vehicles as it applies to having an open intoxicant while driving or riding. As more and more new owners are coming into the program, the number of instances where alcohol is a factor in accidents and fatalities has compounded exponentially.

As mentioned previously, this bill is just common sense. We have UTV machinery riding through trail systems that meander throughout scenic, wooded forest lands. From these trail networks to various business and needed services, to roadway touring across miles of country roads and communities. Reducing the risk for all riders, especially for our youth, sends a message that drinking while driving is dangerous and irresponsible.

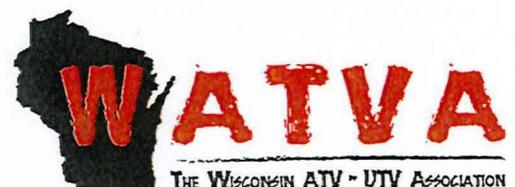
This bill won't solve every OWI problem, but it is a step in the right direction. It will also send a clear message to community decision makers, that state leadership is aware of the current unsafe trend, taking a much needed step that protects the riders, their families and the public at large. Passage will also support our ATV UTV access opportunities, spurring positive economic tourism and development.

Thank you for your time and consideration.

Sincerely,

Randy Harden  
President  
Wisconsin ATV UTV Association

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**THE WISCONSIN ATV ASSOCIATION, INC.**  
*“Creating a positive future for OHV recreation”*

To further enhance and to expand the vision of the Wisconsin ATV Association (WATVA), the leadership has recognized the need to provide a tangible set of goals to serve as a guide for the clubs and membership to believe in, to work toward, and to encourage others to join us!

WATVA promotes shared leadership that strengthens the ability of organizations at the most local level. To best support and offer effective assistance to our members, our focus remains on helping form new OHV groups, offering meaningful help to existing ones, promoting a positive image in all things we do, and by establishing a communications network in which all can share their successes or ask for assistance with particular challenges. WATVA remains committed to providing educational programs and materials for youth and adults alike, to encourage awareness of the impact we all have on the future of the sport and industry of off-highway vehicles (OHV).

Our aim is to achieve the following goals:

- 1) Ensure WATVA and its local chapters are widely recognized as a resource and support system for promoting responsible OHV use by providing useful and positive OHV information to area media, lawmakers, land managers, businesses and dealerships, and other sources as it may apply.
- 2) Ensure the behaviors of OHVers are that of enthusiasts who are respectful of other trail users; understand industry safety issues and who are environmentally responsible.
- 3) Promote the widespread image of OHV recreation as family oriented and as a responsible group maintaining sound community ethics. To assist and encourage community OHV recreational parks and/or trail systems at which safety training and responsible riding habits are a priority program.
- 4) Expand and sustain the network of OHV enthusiasts and their supporters who promote the responsible enjoyment of the OHV sport. Establish successful informational and educational displays in dealership showrooms that connect the local and state OHV organizations centering around the Ride Smart program.
- 5) Attract, train, involve, support, recognize and retain large numbers of volunteer members dedicated to promoting the WATVA's goals and mission. To coordinate and plan regional workshops that address specific needs of the members, OHV enthusiasts, land managers, tourism representatives and other advocates, to increase and maintain OHV riding area opportunities.
- 6) Promote balanced safety and environmental education. This includes but is not limited to distributing available materials through community safety programs and various demonstrations that present themselves to our memberships. To always be proactive and aggressive in delivering a consistent message that portrays the OHV sport as mainstream and socially acceptable.

\$9.9

# WATVA

THE WISCONSIN ATV - UTV ASSOCIATION

# TALES

Magazine

# TRAIL



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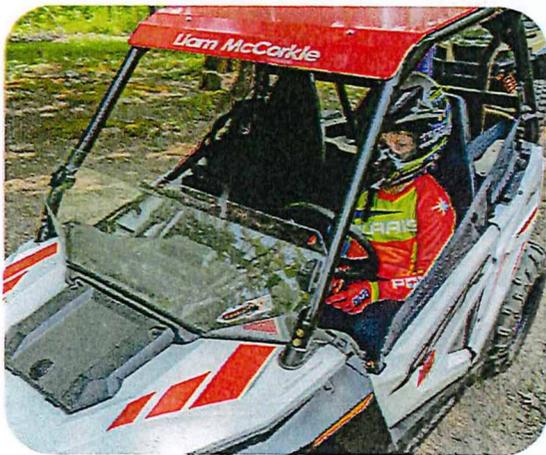
# SOCIAL MEDIA POLL

How many of you ride with your kids? What makes this sport family friendly to you, and do your kids enjoy riding with you?



**Gary McCorkle**

Got to love seeing them out on the trail doing the right thing!!!



**Brianna Camps**

Only started trail riding for the first time this year on public trails, but my kids are loving it so far! We just spent last weekend geocaching in Stephenson, WI on our UTV.



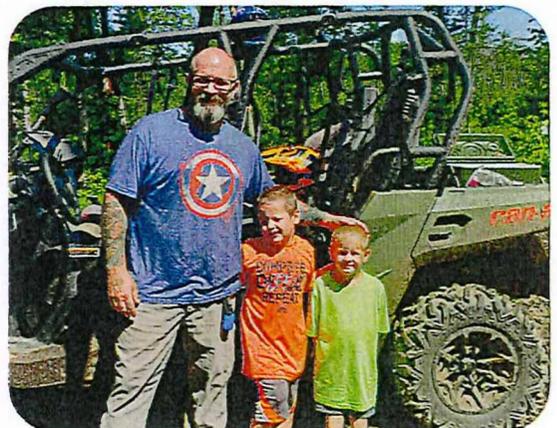
**Jamie Lynn**

Took my kids on dirt trails for the first time today and they LOVED it! They also have their own wheelers we ride at home!



**Aaron Michael**

Our whole family loves to get out on the trails.



# ENGAGING THE FUTURE

## Strategies to Recruit Youth Members, the Future of ATV / UTV Clubs in Wisconsin

In the vibrant world of All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) clubs, the continuity of passion and commitment is the key to enduring success. As we navigate the future, the importance of recruiting and fostering the interest of our youth is more critical than ever. These youngsters represent the next generation of trail custodians, volunteers, and ATV/UTV enthusiasts who will continue to uphold our traditions, improve our systems, and bring new ideas to our vibrant community.



### Recognizing the Value of the Youth

Today's youth are more connected, aware, and capable than any previous generation. Their knack for technology, their global perspective, and their inherent adaptability make them ideal for driving our clubs into the future. However, to achieve this, we must actively engage and include them in our ATV/UTV communities.

### Building Bridged with the Youth: Key Strategies

**1. Embrace Technology:** Today's generation is inherently tech-savvy. Use this to your advantage by incorporating technology in your club's activities. Social media platforms like Instagram, Facebook, and TikTok are natural gathering places for the younger generation. Posting engaging content such as trail videos, maintenance tips, safety training, and social events can draw in younger audiences. Additionally, consider using tools like club websites, email newsletters, and online forums to share club

*Max Van Zeeland is all geared up and ready to ride (with his father Tom Van Zeeland)*

news and events.

**2. Education and Safety:** Youth-oriented training sessions and workshops focusing on safe and responsible ATV/UTV riding can not only draw young people but also reassure their parents. These sessions can include understanding the vehicle mechanics, learning about safety gear, and respecting trail etiquette.

**3. Establish a Junior Membership Program:** A junior membership program specifically targeted towards young riders can be a powerful recruitment tool. These programs can include mentoring, skills workshops, social events, and opportunities to learn about trail conservation.

**4. Offer Volunteer Opportunities:** Promote the spirit of volunteerism among the youth. Provide opportunities for young members to contribute to the club, such as trail cleanups, event organization,



*A blast from the past! The former Knobby Tires 4H Club focused its efforts on promoting safe, fun and responsible riding practices for youth members. Photo from 2003. Youth members from this club have grown up and now have kids of their own that enjoy riding.*

Our ATV/UTV clubs are more than just organizations; they are communities and families bound by a shared love of outdoor adventure. To ensure our clubs' continuity and growth, we must invest time and effort in recruiting and nurturing the next generation of ATV/UTV enthusiasts.

By welcoming the youth and empowering them with knowledge, skills, and responsibilities, we ensure a bright future for our clubs. After all, today's young riders are tomorrow's trail custodians, club leaders, and lifelong ATV/UTV enthusiasts. Through their energy, creativity, and passion, they will carry our clubs forward, keeping the trails alive for generations to come.

or ATV/UTV

maintenance workshops. Volunteering can help young members feel more invested in the club, teaching them about responsibility, teamwork, and the value of giving back to the community.

**5. Create a Youth Advisory Council:** Allow the youth to have a voice in your club. A Youth Advisory Council can provide insight into what young people want from their club experience. They could also help in planning youth-focused events and activities, making the club more appealing to their peers.

**6. Host Fun and Engaging Events:** Organize events that combine the thrill of ATV/UTV riding with social interaction. Fun races, family-friendly rides, picnics, and campouts can create an inclusive atmosphere that appeals to all ages.

**7. Provide Opportunities for Growth and Leadership:** Encourage youth members to take on leadership roles within the club. They could lead projects, help with event planning, or even serve as junior board members. This will not only provide them with valuable experience but also ensure the club's future leadership.

## **The Future of ATV / UTV Clubs is in Their Hands**

### **Retaining Families with Kids: Potential Pitfalls to Avoid**

Keeping a welcoming, inclusive, and family-friendly environment is crucial in retaining families with kids in your ATV/UTV club. Here are some key points to be mindful of:

**1. Inappropriate Behavior:** It's vital that the club maintains a respectful and responsible atmosphere at all times. Any form of bullying, offensive language, or inappropriate behavior should be strictly prohibited and dealt with promptly. Setting a code of conduct can provide clear guidelines on expected behavior, ensuring everyone feels safe and respected.

**2. Alcohol Consumption:** While social events often involve some level of alcohol consumption, it's important to strike a balance. Excessive drinking can lead to safety risks and create an environment that's unsuitable for children and teens. Set clear rules about alcohol at club events, promoting responsible behavior, and consider hosting alcohol-free events to ensure inclusivity for families with younger members.

**3. Inadequate Supervision:** All activities involving younger members should be adequately supervised.



Evelynn Harden learns how to fly a drone while out on the trail. Drone pilot and father to Evelynn, Adam Harden, monitors the drone for safety. Drones are a great way to engage the youth as it combines technology with promoting the safe and responsible riding practices of our sport.

This is crucial not just for safety, but also to ensure that younger members feel included and valued.

**4. Lack of Family-Friendly Activities:** While it's essential to cater to the interests of all members, it's particularly crucial to ensure that there are plenty of activities suitable for families. This could include family trail rides, camping trips, or workshops that could be enjoyed by members of all ages.

**5. Neglecting Input from Families:** Parents and families should feel that their opinions and concerns are being heard and taken into account. Provide opportunities for feedback and act on this feedback where possible to make improvements.

**6. Over-Competitiveness:** While a friendly competition can be exciting and fun, an overly competitive environment can be intimidating for young riders and families. Foster a culture of mutual support, learning, and enjoyment over competition.

**7. Ignoring Safety Concerns:** Safety should be the club's top priority, especially when children and young riders are involved. Make sure all equipment is safe and properly maintained, trails are in good condition, and safety guidelines are always enforced.

By avoiding these potential pitfalls, your ATV/UTV club can create a positive, welcoming environment that appeals to families and young riders. This not only aids in recruitment but also plays a significant role in retaining these members long-term, ensuring the club's ongoing vibrancy and success.

## Locating Potential Recruits: Where to Find Families with Youth Members

Finding families interested in ATV/UTV activities requires creative thinking and strategic outreach. Here are some ideal places to find potential recruits:

**1. Local Schools:** Reach out to local schools and offer to do a presentation about ATV/UTV safety and the fun of outdoor adventure. Schools are a great place to introduce the idea of joining an ATV/UTV club to both children and their parents.

**2. Community Events:** Community festivals, parades, and fairs offer a great opportunity to set up a booth or offer a demonstration. These events often attract families looking for local activities and organizations to join.

**3. Online Parenting Groups:** Online platforms provide a unique opportunity to connect with families in your area. Consider reaching out to local parenting groups on social



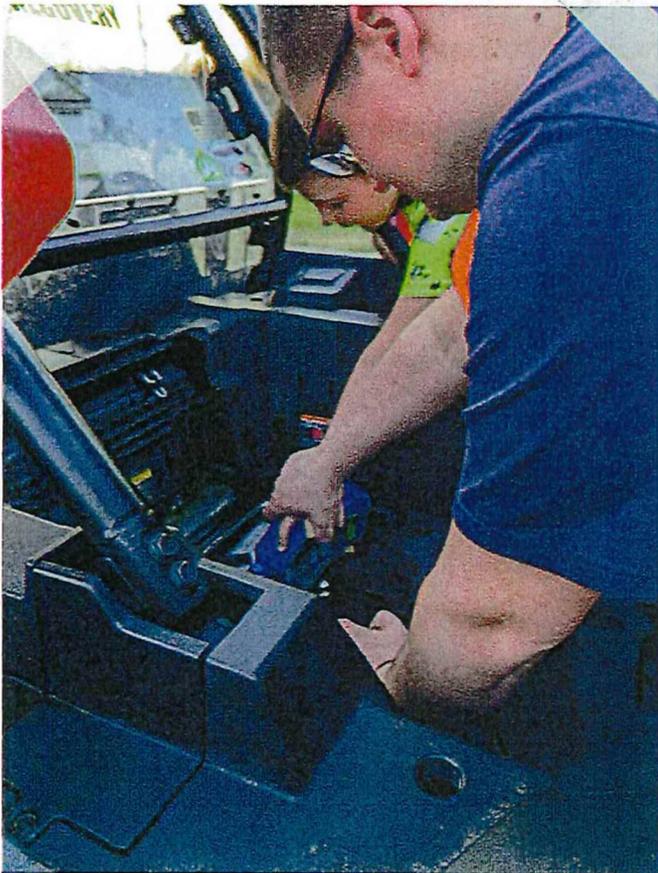
Emma Harden enjoying one of her first ATV rides near Rice Lake, WI

media and offer information about your club and upcoming events.

**4. Youth Organizations:** Connect with local youth organizations such as the Scouts, Boys & Girls Clubs, and 4-H clubs. These organizations often have a focus on outdoor activities and could be interested in learning more about ATV/UTV riding.

**5. Sports and Recreation Centers:** Places where families gather for sports and recreation are also good places to find potential club members. Consider leaving flyers or hosting a sign-up day at these locations.

**6. Outdoor & Adventure Expos:** These events attract families and individuals interested in outdoor adventure and recreational



*Trail Ambassador Club Coordinator Gary McCorkle teaches his son Liam about keeping his machine in tip top shape! This includes adding some oil to the engine*

activities. Setting up a booth at such expos can help you meet potential members and spread the word about your club.

**7. Online Advertising:** Utilize platforms like Facebook and Instagram to advertise your club. Use targeted ads aimed at families in your local area who have interests in outdoor activities and adventure sports.

**8. Word of Mouth:** Don't underestimate the power of personal connections. Encourage current club members to spread the word to their friends, family, and colleagues about the club's activities and benefits.

Remember, the key to successful recruitment is making a positive, lasting impression. Show potential recruits the benefits of joining your ATV/UTV club, focusing not only on the fun and adventure but also on the sense of community, the opportunities for learning and leadership, and the value of stewardship for our trails and outdoor spaces.

## **Looking to the Future The Importance of Youth Leadership in ATV/UTV Clubs**

As we enjoy the camaraderie and thrill of our ATV/UTV clubs today, it's essential to cast our gaze towards the future. As the proverb goes, "we do not inherit the earth from our ancestors, we borrow it from our children". It's crucial to realize that our children and youth are the future stewards of our clubs and trails, and that the sustainability and longevity of our clubs rely heavily on their active participation and leadership.

## **The Youth: The Lifeblood of Continuity**

Over time, current club members will inevitably retire from active involvement due to various life circumstances. This cyclical process is natural but can lead to potential voids in club membership and leadership. As such, it's vital to foster a pipeline of new members and leaders. The youth, with their vitality, innovative ideas, and passion, can fill this gap, ensuring the club's continuity.

## Developing Leadership Skills

Integrating youth members into the club's activities and giving them opportunities to lead not only benefits the club but also contributes significantly to their personal growth. They learn essential skills such as responsibility, teamwork, decision-making, and problem-solving. These skills can be invaluable in their future endeavors, both within and outside the club.

## Fresh Perspectives

Youth members bring a fresh perspective that can breathe new life into club activities, helping the club stay relevant and appealing to younger generations. They are usually more in tune with the latest trends and technology, which can be leveraged to attract new members and improve the club's activities.

## Responsibility and Ownership

Involving youth in the planning and decision-making processes of the club helps them develop a sense of ownership.

They feel more invested in the club's success, which can increase their long-term commitment and dedication.

## Environmental Stewardship

Through their involvement in the club, young members learn the importance of environmental conservation and stewardship. They develop an understanding of the delicate balance between enjoying the outdoors and preserving it for future generations, making them effective advocates for

responsible ATV/UTV riding.

The future of ATV/UTV clubs lies in the hands of our youth. It's essential to engage them now, foster their interest, and guide them towards becoming the leaders of tomorrow. Their energy, innovation, and commitment will ensure that our clubs continue to thrive, our trails remain vibrant, and the spirit of outdoor adventure continues to be shared and celebrated.

## Conclusion: Cultivating the Next Generation of ATV/UTV Enthusiasts

The future vibrancy and sustainability of ATV/UTV clubs hinge significantly on the successful

engagement, recruitment, and retention of our youth members. It's not just about perpetuating our love for adventure and outdoor exploration, but also about nurturing responsible custodians of our trails and environmental ambassadors.

Through implementing effective recruitment strategies, we can

ensure that our clubs remain appealing to the younger generation. By leveraging technology, offering educational and safety sessions, promoting volunteerism, and creating family-friendly environments, we can captivate their interest and foster a lifelong love for ATV/UTV riding.

Additionally, avoiding pitfalls such as inappropriate behavior, excessive alcohol consumption, and lack of family-focused activities can aid in retaining families with young members. We must strive to maintain an atmosphere that is inclusive, respectful, and fun for all ages.



*Like Father like Son, Tom Van Zeeland of Oshkosh (co-owner of the dealership Team Winnebago/land) poses with his son Max before they head out on the trails.*