

1       **AN ACT** *to amend* 23.33 (3) (c) and 350.10 (1) (f) of the statutes; **relating to:** trespass  
 2           by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council’s Special Committee on Enhancing Recreational Trails for Non-Motorized Use.

The draft expands the current statutes that prohibit trespass with an all-terrain vehicle (ATV), snowmobile, or off-road vehicle to apply to all property, rather than just private property. This change will allow wardens and other law enforcement officers to enforce these trespass provisions on all lands.

3           **SECTION 1.** 23.33 (3) (c) of the statutes is amended to read:

4           23.33 **(3)** (c) On the ~~private~~ property of another without the consent of the owner or  
 5       lessee. Failure to post ~~private~~ such property does not imply consent for all-terrain vehicle use.  
 6       This paragraph does not apply to the right-of-way of a public highway.

**NOTE:** This provision in the current statutes [s. 23.33 (3) (c), stats.] is part of the rules of operation for ATVs. This paragraph is preceded by an introductory clause that states: “No person may operate an all-terrain vehicle:”.

This draft expands the property that is subject to the prohibition by applying the prohibition to **public** property as well as private property. The draft does this by deleting “private” in the statute. The draft also creates an exception so that the expanded statute does not apply to a public highway right-of-way.

7           **SECTION 2.** 350.10 (1) (f) of the statutes is amended to read:

8           350.10 **(1)** (f) On the ~~private~~ property of another without the consent of the owner or  
 9       lessee. Failure to post ~~private~~ such property does not imply consent for snowmobile use. Any  
 10       other motor-driven craft or vehicle principally manufactured for off-highway use shall at all

1 times have the consent of the owner before operation of such craft or vehicle on ~~private lands~~  
2 the property of another. This paragraph does not apply to the right-of-way of a public  
3 highway.

**NOTE:** This provision in the current statutes [s. 350.10 (1) (f), stats.] is part of the statutes related to snowmobile operation. This paragraph is preceded by an introductory clause that states: “No person shall operate a snowmobile in the following manner:”. The provision is not limited to snowmobiles, but also applies to other “motor-driven craft or vehicle principally manufactured for off-highway use”.

This draft expands the property that is subject to the prohibition by applying the prohibition to *public* property as well as private property. The draft does this by deleting “private” in the statute. The draft also creates an exception so that the expanded statute does not apply to a public highway right-of-way.

4

(END)