



## 2007 ASSEMBLY BILL 821

February 19, 2008 – Introduced by Representatives BOYLE, MASON, TURNER, HUBLER, MURSAU, SHERIDAN, SOLETSKI and A. OTT, cosponsored by Senators BRESKE, JAUCH, COWLES, SULLIVAN and ROESSLER. Referred to Committee on Natural Resources.

1     **AN ACT** *to amend* 30.715 (title) and 346.02 (11); and *to create* 30.715 (1) (am),  
2             346.94 (6) and 346.95 (4m) of the statutes; **relating to:** the transportation of  
3             invasive species on highways and providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, no person may place a boat, boat trailer, or boating equipment if the person has reason to believe that an aquatic plant is attached. A similar provision prohibits a person from placing one of these items in the Lower Saint Croix River if the person has reason to believe that zebra mussels are attached.

Under this bill, no person may operate a vehicle or a trailer on a highway if the person has reason to believe that there are any terrestrial or aquatic invasive species attached to the vehicle or trailer.

Also, no person may transport any invasive species in or on a vehicle or trailer on a highway. The bill creates several exceptions to this prohibition. These exceptions include invasive species being transported in a cage, aquarium, or other container or invasive species being transported with the approval of the Department of Natural Resources, the Department of Agriculture, Trade and Consumer Protection, or the University of Wisconsin–Extension. The bill also authorizes traffic officers to require operators of vehicles or trailers to remove and dispose of invasive species or to prohibit a vehicle operator from proceeding until the removal and disposal of the invasive species has been completed.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 30.715 (title) of the statutes is amended to read:

2           **30.715 (title) Placement of seaplanes, boats, trailers, and equipment in**  
3 **navigable waters.**

4           **SECTION 2.** 30.715 (1) (am) of the statutes is created to read:

5           30.715 (1) (am) “Invasive species” has the meaning given in s. 23.22 (1) (c).

6           **SECTION 3.** 346.02 (11) of the statutes is amended to read:

7           346.02 (11) **APPLICABILITY TO ALL-TERRAIN VEHICLES.** The operator of an  
8 all-terrain vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1),  
9 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,  
10 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,  
11 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1), (6),  
12 and (9) but is not subject to any other provision of this chapter.

13           **SECTION 4.** 346.94 (6) of the statutes is created to read:

14           346.94 (6) **OPERATION OF VEHICLES; INVASIVE SPECIES.** (a) In this subsection,  
15 “invasive species” has the meaning given in s. 23.22 (1) (c).

16           (b) No person may operate a vehicle on a highway if the person has reason to  
17 believe that vehicle has any invasive species attached to any exterior part of the  
18 vehicle, including the vehicle’s tires.

19           (c) No person may transport any invasive species in or on a vehicle upon a  
20 highway unless any of the following applies:

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1           1. The transportation of the invasive species has been authorized by the  
2 department of natural resources, the department of agriculture, trade and consumer  
3 protection, or the University of Wisconsin-Extension.

4           2. The transportation has been authorized under a permit issued pursuant to  
5 s. 23.22, 23.24, or 29.614.

6           3. The invasive species is being transported as part of a traveling circus or to  
7 or from the Circus Museum in Baraboo.

8           4. The invasive species is being transported in a cage, aquarium, or other  
9 container.

10           (d) Any traffic officer having reason to believe that a violation of par. (b) or (c)  
11 has been committed may, with respect to any invasive species attached to the vehicle  
12 in violation of par. (b) or transported in violation of par. (c), do any of the following:

13           1. Require the operator of the vehicle to remove and appropriately dispose of  
14 the invasive species.

15           2. Prohibit the operator of the vehicle from proceeding until the invasive  
16 species has been removed and appropriately disposed of, or require the operator of  
17 the vehicle to proceed directly to a facility identified by the officer for the purpose of  
18 removing and appropriately disposing of the invasive species.

19           (e) No person may fail or refuse to comply with any requirement or directive  
20 of an officer under par. (d).

21           **SECTION 5.** 346.95 (4m) of the statutes is created to read:

22           346.95 (4m) Any person violating s. 346.94 (6) (b), (c), or (e) shall be fined not  
23 less than \$50 nor more than \$250.

24           **(END)**