



## 2019 SENATE BILL 583

November 27, 2019 - Introduced by Senators MARKLEIN, BERNIER and LEMAHIEU, cosponsored by Representatives FELZKOWSKI, SWEARINGEN, EDMING, KATSMA, KRUG, KULP, KURTZ, MILROY, NOVAK, QUINN, SNYDER, SUMMERFIELD, TRANEL, TUSLER, VORPAGEL and WICHGERS. Referred to Committee on Natural Resources and Energy.

1     **AN ACT to renumber and amend** 23.33 (9) (bg); **to amend** 20.370 (5) (ct), 20.370  
2           (5) (cu), 23.33 (1) (ng) 1. b., 23.33 (1) (ng) 1. h., 23.33 (1) (ng) 2. a., 23.33 (1) (ng)  
3           2. b., 23.33 (1) (ng) 2. d., 23.33 (2) (b) 4., 23.33 (3) (em), 23.33 (4) (d) (intro.), 23.33  
4           (6) (a), 23.33 (6) (f), 23.33 (6) (g), 23.33 (6r), 23.33 (9) (bb), 23.33 (9) (bg) (title),  
5           340.01 (2g) and 346.02 (11); and **to create** 23.33 (1) (fe), 23.33 (1) (jd), 23.33 (1)  
6           (jqm), 23.33 (3) (ht), 23.33 (3g) (e), 23.33 (3g) (f), 23.33 (4z) (a) 3., 23.33 (6) (cd),  
7           23.33 (6) (ch), 23.33 (6) (cp), 23.33 (6) (ct), 23.33 (9) (b) 7., 23.33 (9) (b) 8., 23.33  
8           (9) (bc), 23.33 (9) (bg) 2., 23.33 (11m) and 971.19 (10m) of the statutes; **relating**  
9           **to:** regulation of all-terrain vehicles and utility terrain vehicles, all-terrain  
10          vehicle projects, and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

This bill makes numerous changes to the regulation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs), including all of the following:

1. Eliminates the requirement that ATVs and UTVs have low-pressure or non-pneumatic tires.

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2. Provides that a measurement of the width of an ATV or UTV must be measured between the outermost wheel rim on each side of the vehicle exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

3. Provides that an ATV or UTV owned or leased by a political subdivision is exempt from registration if the name of the political subdivision is prominently displayed on the exterior.

4. Creates limitations on and requirements for the use of lights on ATVs and UTVs.

5. Provides that certain limitations on ATV and UTV operation and equipment do not apply to an ATV or UTV owned or leased by a city, village, town, county, state agency, federal agency, federally recognized American Indian tribe, public safety corporation, or public utility while the operator is engaged in an emergency.

6. Modifies certain existing requirements to apply to an ATV or UTV operated on an all-terrain vehicle route, all-terrain vehicle trail, or roadway.

The bill provides that nonprofit organizations may receive funding for the development of safety information signs, the production of trail maps and digital information applications, and the acquisition and maintenance of communications equipment. Under current law, there are numerous all-terrain vehicle projects eligible for funding from the Department of Natural Resources.

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.** 20.370 (5) (ct) of the statutes is amended to read:

2           20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax*  
3 *payment.* As a continuing appropriation, an amount equal to the estimated  
4 all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties,  
5 and federal agencies for nonstate all-terrain vehicle projects and to provide aid to  
6 nonprofit organizations for the production of maps and digital information  
7 applications under s. 23.33 (9) (b) 7., communications equipment under s. 23.33 (9)  
8 (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

9           **SECTION 2.** 20.370 (5) (cu) of the statutes is amended to read:

10           20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
11 continuing appropriation, the amounts in the schedule from moneys received from

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1 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,  
2 cities, counties, and federal agencies for nonstate all-terrain vehicle projects and to  
3 provide aid to nonprofit organizations for the production of maps and digital  
4 information applications under s. 23.33 (9) (b) 7., communications equipment under  
5 s. 23.33 (9) (b) 8., and the placement of signs developed under s. 23.33 (4z) (a) 3.

6 **SECTION 3.** 23.33 (1) (fe) of the statutes is created to read:

7 23.33 (1) (fe) “Federal agency” means the United States, any department of the  
8 United States, or any corporation, agency, or instrumentality that is created,  
9 designated, or established by the United States.

10 **SECTION 4.** 23.33 (1) (jd) of the statutes is created to read:

11 23.33 (1) (jd) “Public utility” has the meaning given in s. 196.01 (5).

12 **SECTION 5.** 23.33 (1) (jqm) of the statutes is created to read:

13 23.33 (1) (jqm) “State agency” means any office, department, or independent  
14 agency in the executive branch of state government.

15 **SECTION 6.** 23.33 (1) (ng) 1. b. of the statutes is amended to read:

16 23.33 (1) (ng) 1. b. Four or more ~~low-pressure tires or non-pneumatic~~ tires.

17 **SECTION 7.** 23.33 (1) (ng) 1. h. of the statutes is amended to read:

18 23.33 (1) (ng) 1. h. A width of not more than 65 inches as measured laterally  
19 between the outermost wheel rim on each side of the vehicle, exclusive of tires,  
20 mirrors, and accessories that are not essential to the vehicle’s basic operation.

21 **SECTION 8.** 23.33 (1) (ng) 2. a. of the statutes is amended to read:

22 23.33 (1) (ng) 2. a. It has a weight, without fluids, of ~~more than 900 pounds but~~  
23 not more than 2000 pounds.

24 **SECTION 9.** 23.33 (1) (ng) 2. b. of the statutes is amended to read:

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1           23.33 (1) (ng) 2. b. It has a width of 50 65 inches or less as measured laterally  
2 between the outermost wheel rim on each side of the vehicle, exclusive of tires,  
3 mirrors, and accessories that are not essential to the vehicle's basic operation.

4           **SECTION 10.** 23.33 (1) (ng) 2. d. of the statutes is amended to read:

5           23.33 (1) (ng) 2. d. It travels on 3 or more ~~low-pressure tires or non-pneumatic~~  
6 tires.

7           **SECTION 11.** 23.33 (2) (b) 4. of the statutes is amended to read:

8           23.33 (2) (b) 4. Owned or leased by a political subdivision of the state and or  
9 a federal agency, used for enforcement or emergency purposes, and the name of the  
10 political subdivision is prominently displayed on the exterior of the all-terrain  
11 vehicle or utility terrain vehicle.

12           **SECTION 12.** 23.33 (3) (em) of the statutes is amended to read:

13           23.33 (3) (em) ~~With~~ Except as provided in sub. (11m), with a passenger riding  
14 in or on any part of ~~a~~ an all-terrain vehicle or utility terrain vehicle that is not  
15 designed or intended to be used by passengers while the all-terrain vehicle or utility  
16 terrain vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle  
17 trail, or roadway as authorized in this section.

18           **SECTION 13.** 23.33 (3) (ht) of the statutes is created to read:

19           23.33 (3) (ht) On all-terrain vehicles routes, all-terrain vehicles trails, public  
20 lands, or roadways unless the person complies with all stop signs, yield signs, and  
21 other regulatory signs established by rule under sub. (8) (e).

22           **SECTION 14.** 23.33 (3g) (e) of the statutes is created to read:

23           23.33 (3g) (e) The person is being transported for medical reasons while under  
24 the care of emergency personnel.

25           **SECTION 15.** 23.33 (3g) (f) of the statutes is created to read:

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1           23.33 (3g) (f) The person is an emergency responder who is responding to an  
2 emergency that is directly related to the function of a city, town, village, county, state  
3 agency, federal agency, federally recognized American Indian tribe, or public safety  
4 corporation.

5           **SECTION 16.** 23.33 (4) (d) (intro.) of the statutes is amended to read:

6           23.33 (4) (d) *Operation on roadway.* (intro.) A person may operate an  
7 all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway  
8 if the person complies with the applicable speed limit and only in the following  
9 situations:

10          **SECTION 17.** 23.33 (4z) (a) 3. of the statutes is created to read:

11          23.33 (4z) (a) 3. Provide for the development of safety information signs.

12          **SECTION 18.** 23.33 (6) (a) of the statutes is amended to read:

13          23.33 (6) (a) A person who operates an all-terrain vehicle or utility terrain  
14 vehicle ~~during hours of darkness or during daylight hours on any highway~~  
15 ~~right-of-way~~ is required to display a lighted headlamp and tail lamp on the  
16 all-terrain vehicle or utility terrain vehicle.

17          **SECTION 19.** 23.33 (6) (cd) of the statutes is created to read:

18          23.33 (6) (cd) Except as provided in sub. (11m), no person may operate an  
19 all-terrain vehicle or utility terrain vehicle that is equipped with any of the  
20 following:

21           1. A lamp that emits any color of light other than white or amber and that is  
22 visible from directly in front of the all-terrain vehicle or utility terrain vehicle.

23           2. A lamp that emits any color of light other than red, yellow, amber, or white  
24 and that is visible from directly behind the all-terrain vehicle or utility terrain  
25 vehicle.

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1           3. A flashing lamp that emits any color other than yellow or amber.

2           **SECTION 20.** 23.33 (6) (ch) of the statutes is created to read:

3           23.33 **(6)** (ch) Except as provided in sub. (11m), if an all-terrain vehicle or  
4 utility terrain vehicle with headlamps is equipped with additional adverse weather  
5 lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the all-terrain  
6 vehicle or utility terrain vehicle that is capable of projecting a beam of intensity of  
7 more than 300 candlepower, the operator of the all-terrain vehicle or utility terrain  
8 vehicle may not light more than 4 lamps on the front of the all-terrain vehicle or  
9 utility terrain vehicle simultaneously, not including flashing amber or yellow lights,  
10 within 500 feet of an oncoming all-terrain vehicle, utility terrain vehicle, or other  
11 vehicle upon a roadway, all-terrain vehicle route, all-terrain vehicle trail, or public  
12 area.

13           **SECTION 21.** 23.33 (6) (cp) of the statutes is created to read:

14           23.33 **(6)** (cp) Except as provided in sub. (11m), when the operator of an  
15 all-terrain vehicle or utility terrain vehicle equipped with multiple-beam  
16 headlamps, adverse weather lamps, spot lamps, auxiliary lamps, high-beam lamps,  
17 or any other lamps other than those required by this subsection approaches an  
18 oncoming all-terrain vehicle, utility terrain vehicle, or other vehicle within 500 feet  
19 or approaches or follows an all-terrain vehicle, utility terrain vehicle, or other  
20 vehicle within 500 feet to the rear of that vehicle, the operator shall dim, depress, or  
21 tilt the multiple-beam headlamps, adverse weather lamps, spot lamps, auxiliary  
22 lamps, high-beam lamps, or any other lamps of the all-terrain vehicle or utility  
23 terrain vehicle so that the glaring rays are not directed or reflected into the eyes of  
24 the operator of the other vehicle, all-terrain vehicle, or utility terrain vehicle. This  
25 paragraph does not prohibit an operator from intermittently flashing the high-beam

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1 headlamps of the all-terrain vehicle or utility terrain vehicle at an oncoming  
2 all-terrain vehicle, utility terrain vehicle, or other vehicle whose high-beam  
3 headlamps are lit.

4 **SECTION 22.** 23.33 (6) (ct) of the statutes is created to read:

5 23.33 (6) (ct) 1. Any all-terrain vehicle or utility terrain vehicle may be  
6 equipped with not more than 2 backup lamps that shall be directed to project a white  
7 or amber light illuminating the area to the rear of the vehicle for a distance not to  
8 exceed 75 feet.

9 2. No lighted backup lamp shall be displayed on any all-terrain vehicle or  
10 utility terrain vehicle upon a highway, all-terrain vehicle route, all-terrain vehicle  
11 trail, frozen water, or public area where use of all-terrain vehicles or utility terrain  
12 vehicles is allowed except when the all-terrain vehicle or utility terrain vehicle is  
13 about to be or is being driven backward. Whenever a backup lamp on an all-terrain  
14 vehicle or utility terrain vehicle is lighted during hours of darkness, the tail lamp or  
15 tail lamps on the all-terrain vehicle or utility terrain vehicle shall also be lighted.

16 **SECTION 23.** 23.33 (6) (f) of the statutes is amended to read:

17 23.33 (6) (f) An all-terrain vehicle or utility terrain vehicle may not be modified  
18 so that its maximum width exceeds ~~50 inches~~ the width allowed for a utility terrain  
19 vehicle under sub. (1) (ng) 1. h. or 2. b. or the width allowed for an all-terrain vehicle  
20 under s. 340.01 (2g). This paragraph does not apply to the operation of an all-terrain  
21 vehicle or utility terrain vehicle on private property.

22 **SECTION 24.** 23.33 (6) (g) of the statutes is amended to read:

23 23.33 (6) (g) An all-terrain vehicle or utility terrain vehicle may not be  
24 operated with tires anything other than ~~low-pressure tires or non-pneumatic tires.~~

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1 This paragraph does not apply to the operation of an all-terrain vehicle or utility  
2 terrain vehicle on private property or on frozen waters.

3 **SECTION 25.** 23.33 (6r) of the statutes is amended to read:

4 23.33 **(6r)** PASSENGER RESTRICTIONS. ~~No~~ Except as provided in sub. (11m), no  
5 person may ride in or on any part of ~~a~~ an all-terrain vehicle or utility terrain vehicle  
6 that is not designed or intended to be used by passengers while the all-terrain  
7 vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route,  
8 all-terrain vehicle trail, frozen water, or highway as authorized by this section. This  
9 subsection does not apply to the operation of an all-terrain vehicle or utility terrain  
10 vehicle on private property.

11 **SECTION 26.** 23.33 (9) (b) 7. of the statutes is created to read:

12 23.33 **(9)** (b) 7. Production of trail maps and a statewide digital information  
13 application for providing safety, regulatory, and riding opportunity information.

14 **SECTION 27.** 23.33 (9) (b) 8. of the statutes is created to read:

15 23.33 **(9)** (b) 8. Acquisition and maintenance of communications equipment for  
16 providing support to organizations that meet the eligibility requirements under s.  
17 23.33. (5m) (b).

18 **SECTION 28.** 23.33 (9) (bb) of the statutes is amended to read:

19 23.33 **(9)** (bb) *Signs*. In addition to the projects listed in par. (b), the department  
20 may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town,  
21 village, city ~~or~~, county, or nonprofit organization for up to 100 percent of the cost of  
22 placing signs developed under sub. (4z) (a) 2. and 3.

23 **SECTION 29.** 23.33 (9) (bc) of the statutes is created to read:



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1           23.33 (9) (bc) *All-terrain vehicle trail maintenance funding*. The department  
2 may provide state aid for trail maintenance costs equal to the approved eligible  
3 project costs, which may not exceed the following:

4           1. For winter maintenance of all-terrain vehicle trails that are shared with  
5 snowmobiles and that are eligible for winter maintenance, \$100 per mile.

6           2. For winter maintenance of all-terrain vehicle trails that are not shared with  
7 snowmobiles and that are eligible for winter maintenance, \$200 per mile.

8           3. For summer maintenance of all-terrain vehicle trails, \$600 per mile.

9           **SECTION 30.** 23.33 (9) (bg) (title) of the statutes is amended to read:

10           23.33 (9) (bg) (title) *Projects Funding for utility terrain vehicles*.

11           **SECTION 31.** 23.33 (9) (bg) of the statutes is renumbered 23.33 (9) (bg) 1. and  
12 amended to read:

13           23.33 (9) (bg) 1. A project to improve or maintain all-terrain vehicle trails for  
14 use by utility terrain vehicles is eligible for summer funding as a state utility terrain  
15 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as  
16 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)  
17 (eu) and (gr). The maximum amount allowed for aid under this paragraph  
18 subdivision is \$100 ~~\$200~~ per mile for all-terrain vehicle trails that are maintained  
19 not less than 3 months per year including the months of June, July, and August.

20           3. If the requests for aid for projects under this paragraph exceed the funds  
21 available, the department shall distribute available funds to qualified applicants on  
22 a proportional basis.

23           **SECTION 32.** 23.33 (9) (bg) 2. of the statutes is created to read:

24           23.33 (9) (bg) 2. A project to improve or maintain all-terrain vehicle trails for  
25 use by utility terrain vehicles is eligible for winter funding as a state utility terrain

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1 vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as  
2 a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5)  
3 (eu) and (gr). The maximum amount allowed for aid under this subdivision is \$100  
4 per mile for all-terrain vehicle trails that are maintained not less than 2 months nor  
5 more than 6 months per year including the months of January and February.

6 **SECTION 33.** 23.33 (11m) of the statutes is created to read:

7 23.33 **(11m)** EXCEPTIONS. Subsections (3) (em), (6) (cd), (ch), (cp), and (i), and  
8 (6r) do not apply to the operator of an all-terrain vehicle or utility terrain vehicle  
9 owned or leased by a city, village, town, county, state agency, federal agency, federally  
10 recognized American Indian tribe, public safety corporation, or public utility while  
11 the operator is engaged in an emergency.

12 **SECTION 34.** 340.01 (2g) of the statutes is amended to read:

13 340.01 **(2g)** "All-terrain vehicle" means a commercially designed and  
14 manufactured motor-driven device that has a weight, without fluids, of 900 pounds  
15 or less, has a width of not more than 50 inches or less as measured laterally between  
16 the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and  
17 accessories that are not essential to the vehicle's basic operation, is equipped with  
18 a seat designed to be straddled by the operator, and travels on 3 or more low-pressure  
19 ~~tires or non-pneumatic~~ tires.

20 **SECTION 35.** 346.02 (11) of the statutes is amended to read:

21 346.02 **(11)** APPLICABILITY TO ALL-TERRAIN VEHICLES AND UTILITY TERRAIN  
22 VEHICLES. The operator of an all-terrain vehicle or a utility terrain vehicle on a  
23 roadway is subject to ss. 346.04, 346.06, 346.075 (1), 346.11, 346.14 (1m), 346.18,  
24 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,  
25 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,

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1 346.55, 346.67, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94  
2 (1) and (9) but is not subject to any other provision of this chapter.

3 **SECTION 36.** 971.19 (10m) of the statutes is created to read:

4 971.19 **(10m)** In an action under s. 23.33 (2h) (a) 1. for intentionally making  
5 a false statement on an application for a registration, the defendant may be tried in  
6 the defendant's county of residence at the time that the complaint is filed, in the  
7 county where the defendant purchased the all-terrain vehicle or utility terrain  
8 vehicle if purchased from a dealer, or in the county where the department of natural  
9 resources received the application.

10 **SECTION 37.** NR 64.14 (6) (b) 5. of the administrative code is amended to read:

11 NR 64.14 **(6)** (b) 5. Trails shall not be routed through ~~or by areas of anticipated~~  
12 ~~conflict that may include, but are not limited to,~~ wilderness areas, game preserves,  
13 winter browse areas, experimental stations, nurseries, or plantations ~~and~~  
14 residences.

15 (END)