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DATE: September 7, 2021
RE: **Testimony on Senate Bill 368**
TO: Members of the Committee on Transportation and Local Government
FROM: Senator Rob Stafsholt

Thank you Chairman Petrowski and members of the Senate Committee on Transportation and Local Government for hearing Senate Bill 368 relating to passenger restrictions on all-terrain vehicles.

Last session, while working with the Wisconsin ATV Association, the legislature passed Senate Bill 583 relating to the regulation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). Governor Evers signed this bill into law as 2019 Act 183. Act 183 included several "clean up" provisions including one that specifically allowed a passenger on an ATV while in use by emergency personnel like firefighters and EMTs. However, that provision had an unintended consequence of making it illegal for the general public to ride an ATV with more than just the operator unless the machine was originally manufactured for more than one rider. The result is that it is no longer legal for farmers to give one person a ride on an ATV out to a tractor in the field, no longer legal to pick up your son or daughter at their deer stand and give them a ride out in the dark, and it is not legal for two people to hop on a single ATV and ride out across a Wisconsin lake to their ice shanty to fish. Perhaps the biggest burden I have seen is that seniors who are retired and enjoyed riding through some of Wisconsin's most beautiful natural resources on an ATV together cannot legally do it. These seniors, sometimes on a limited budget, are faced with the choice to spend thousands of dollars on a second ATV, or purchase a very expensive UTV, or possibly just stay home and not get to enjoy riding around enjoying nature and having a picnic lunch in some rural spot. Much too often the last option of just staying home is what has happened.

I have heard from many, many constituents and people across this great state that want the law changed back. This bill accomplishes that. I think it is unfortunate that the Wisconsin ATV Association has chosen to sit by and not provide testimony in favor of this bill today. I sincerely hope their members who are upset about this law change that originated directly from the WI ATV Associations efforts last session, contact their Association and express their displeasure in the Association's lack of action to fix this issue.

Manufacturers sell aftermarket storage devices that often create a seat that has been proven to be safe and have traditionally been used by thousands of riders in Wisconsin, but as the law now stands, passengers on almost all machines are rendered illegal. This bill allows people who do not have the financial ability to purchase a different ATV, or multiple ATVs, to get back to enjoying the beautiful natural resources Wisconsin ATVing has to offer. This common-sense bill simply allows the unintended consequence of last session's Act 183 to be fixed.

Again, thank you for allowing me to testify on Senate Bill 368. I would appreciate your support on this piece of legislation.

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September 7, 2021

Testimony on Senate Bill 368

Senate Committee on Transportation and Local Government

Good afternoon Chairman Petrowski, Vice-Chairman Cowles, and members of the Committee on Transportation. I am here today in support of Senate Bill 368, which is related to passenger restrictions on all-terrain vehicles.

In current statute, no person may ride on an all-terrain vehicle (ATV) with more than 1 rider unless the machine was manufactured to hold two passengers. This bill, which is coined the "2-Up" bill, would eliminate restrictions that prevent two riders from sharing an ATV designated for one person.

Last session, Governor Evers partially vetoed Senate Bill 583, which created an unintended consequence leading to the prohibition of riding double on ATVs on both public trails and private property. While manufacturers do currently sell aftermarket seats that are safe and used by thousands of riders in Wisconsin, passengers on almost all these vehicles are still considered illegal by state law. Furthermore, many riders do not have the financial means to purchase a different ATV or multiple ATVs that would allow them to ride legally and enjoy the beautiful trails Wisconsin has to offer.

As we've heard from constituents from our district and other districts throughout the state, many ATV riders who have traditionally ridden with two passengers have chosen to keep their ATVs locked away in storage to prevent breaking the law. They strongly support SB368 and would like to get back to their tradition of riding double on their ATVs.

Ultimately, this bill is common-sense and a simple fix to state statute that would allow riders to purchase aftermarket seats for their ATVs, so that they can legally and safely ride with two passengers. With all the incredible outdoors opportunities Wisconsin has to offer, it's time that we pass SB368 and end the prohibition on passenger restrictions on ATVs.

Thank you again for hearing SB368 and I am hoping for strong bipartisan support on this legislation.

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Senate Committee on Transportation and Local Government

2021 Senate Bill 368

Passenger restrictions on all-terrain vehicles

September 7, 2021

Good afternoon Chair Petrowski and members of the Committee. My name is Martin Stone, Off-Highway Vehicle Administrator with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify in opposition to Senate Bill 368 (SB 368), related to passenger restrictions on all-terrain vehicles.

Under current law, no person, except for EMS personnel, may operate an all-terrain vehicle (ATV) with a passenger riding in or on any part of the ATV not designed or intended to be used by passengers. This restriction includes passengers seated behind the operator on a one-person seat and also prohibits riding on an ATV's cargo racks, handlebars, or any other location not intended for passengers. Current law also restricts the number of passengers to the number intended by the ATV's manufacturer. SB 368 would remove these current safeguards, allowing any number of passengers to ride on any location on an ATV.

Safety is the rationale for current regulations restricting passengers. ATVs not designed for passengers have a higher risk for adverse handling that can lead to crashes and injuries to both the operator and passenger. ATVs are "rider active" machines which require operators to move and shift their weight to safely navigate uneven terrain. Single rider ATVs are designed with extra seat space to allow riders to shift forward, backward, or side-to-side. Placing a passenger with an operator on a single rider ATV seat severely limits the operator's ability to be rider active and to safely operate the ATV. ATVs designed for passengers also have extra space incorporated into a two-seat design that allows the operator and a passenger to shift their weight independent of one another to safely operate over uneven terrain.

These restrictions are rooted in safety, which is why passenger limitations also exist for motor vehicles and boats. As manufacturer engineers contemplate specific performance characteristics based on fixed weight and load distribution, they design safety components directly related to occupant locations and weight. Passengers sitting on a motor vehicle hood or an ATV cargo rack can be ejected and run over. Adding a passenger that an ATV is not designed to accommodate in exceedance of these engineered tolerances can cause a loss of control leading to crashes, injuries, or death.

SB 368 does not align with the DNR's ATV safety training curriculum or the nationally recognized ATV Safety Institute training curriculum. These safety courses teach students not to operate ATVs with passengers unless the ATV is designed and intended for passengers due to the inherent design safety concerns and the possibility for loss of control of the ATV.

Current passenger restrictions for ATVs operated on roadways and for ATVs operated off roadways, such as on ATV trails, are consistent in restricting passengers only to areas designed for passengers. There are approximately 42,000 miles of ATV roadway routes in Wisconsin. These routes and ATV

trails are intertwined throughout the state. Removing the off-roadway passenger restriction would cause confusion when ATV operators encounter conflicting regulations when they leave an ATV trail with passengers and then enter an ATV roadway route where passengers are restricted. This proposed change would require ATV operators to become familiar with two differing sets of regulations for the roadway and trail.

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