



2009 SENATE BILL 448

January 7, 2010 – Introduced by Senators HOLPERIN, LASSA, TAYLOR, SCHULTZ and JAUCH, cosponsored by Representatives HUBLER, ZEPNICK, ZIGMUNT, ZIEGELBAUER, SUDER, MURSAU, STEINBRINK, RIPP and TURNER. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1 **AN ACT** *to repeal* 20.370 (1) (iv) and 23.33 (11m); *to amend* 20.370 (5) (cu); and
2 *to create* 20.370 (1) (iv) and 23.33 (11p) of the statutes; **relating to:** a utility
3 terrain vehicle pilot program and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill establishes a pilot program for the operation of utility terrain vehicles (UTVs) that is similar to a pilot program for the operation of lightweight utility vehicles (LUVs) under prior law that expired on September 30, 2009. The bill requires that the Department of Natural Resources (DNR) administer the UTV pilot program in consultation with the Department of Transportation to investigate the effects of using UTVs on all-terrain vehicle routes and trails.

Under the bill, a UTV is defined as a motor driven device, other than a golf cart or low-speed vehicle, that is designed to be used primarily off of a highway and that has, and was originally manufactured with, certain features, including a gross weight of more than 900 pounds but not more than 1,999 pounds, a cargo or dump box, four or more low-pressure tires, non-straddling seats for at least two occupants, and certain safety systems.

As with the LUV program under prior law, which allowed counties and municipalities to designate all-terrain vehicle (ATV) routes and trails that may be used by LUVs, the UTV pilot program allows counties and municipalities to make such a designation, except that unlike the LUV pilot program, which was limited to eight specified counties and the municipalities within those counties, the UTV pilot program is open to any county and the municipalities within those counties. The

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program also allows DNR and any federal agency that receives state funds for ATV projects to designate ATV routes and trails that may be used by UTVs. The UTV pilot program provides that if a county adopts a resolution electing to participate in the pilot program, then the resolution applies to all of the municipalities within the county unless a municipality adopts a resolution to opt out of the program.

Unlike the LUV pilot program, the UTV pilot program prohibits a person from operating a UTV on a designated ATV route or trail unless the UTV is registered by DNR. The bill authorizes DNR to register and charge registration fees for UTVs in the same manner as it registers and charges registration fees for ATVs that are registered for public use under current law. The bill provides that certain laws that apply to ATVs under current law apply to UTVs under the pilot program, including traffic citation laws, rules of operation, prohibitions on operation while intoxicated, noise limits, and certain equipment requirements. Unlike the LUV pilot program under prior law, the bill does not require a person who operates a UTV under the UTV pilot program to have a motor vehicle operator's license but instead prohibits a person who is younger than 16 from operating a UTV. The bill also requires a person who is born on or after January 1, 1988, and who operates a UTV to hold a valid all-terrain vehicle safety certificate.

The bill provides that the UTV pilot program does not apply after June 30, 2012.

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

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

1 **SECTION 1.** 20.370 (1) (iv) of the statutes is created to read:

2 20.370 (1) (iv) *Utility terrain vehicle fees.* All moneys received from registration
3 fees under s. 23.33 (11p) (f) for administration of the utility terrain vehicle pilot
4 program under s. 23.33 (11p).

5 **SECTION 2.** 20.370 (1) (iv) of the statutes, as created by 2009 Wisconsin Act ...
6 (this act), is repealed.

7 **SECTION 3.** 20.370 (5) (cu) of the statutes is amended to read:

8 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
9 continuing appropriation, the amounts in the schedule from moneys received from
10 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
11 cities, counties, and federal agencies for nonstate all-terrain vehicle projects, and to

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1 provide grants under s. 23.33 (11m) (g) to counties and municipalities participating
2 in the lightweight utility vehicle pilot program.

3 **SECTION 4.** 23.33 (11m) of the statutes is repealed.

4 **SECTION 5.** 23.33 (11p) of the statutes is created to read:

5 **23.33 (11p) UTILITY TERRAIN VEHICLE PILOT PROGRAM.** (a) In this subsection:

6 1. "Federal agency" means a federal agency that receives state aid for a
7 nonstate all-terrain vehicle project under sub. (9) (b).

8 2. "Golf cart" means a vehicle whose speed attainable in one mile does not
9 exceed 20 miles per hour on a paved, level surface, and that is designed and intended
10 to convey one or more persons and equipment to play the game of golf in an area
11 designated as a golf course.

12 3. "Low pressure tire" means a tire that has a minimum width of 6 inches and
13 that is designed to be inflated with an operating pressure not to exceed 20 pounds
14 per square inch as recommended by the manufacturer.

15 4. "Low-speed vehicle" means a low-speed vehicle, as defined in 49 CFR 571.3,
16 that satisfies the equipment standards under 49 CFR 571.500 and that was
17 originally manufactured to meet the applicable equipment standards under 49 CFR
18 571.500.

19 5. "Municipality" means a city, village, or town.

20 6. "Utility terrain vehicle" means a motor driven device, other than a golf cart
21 or low-speed vehicle, that is designed to be used primarily off of a highway and that
22 has, and was originally manufactured with, all of the following:

23 a. A gross weight of more than 900 pounds but not more than 1,999 pounds.

24 b. Four or more low-pressure tires.

25 c. A cargo box or dump box.

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1 d. A steering wheel.

2 e. A tail light.

3 f. A brake light.

4 g. Two headlights.

5 h. A width of not more than 65 inches.

6 i. Seats for at least 2 occupants, all of which seating is designed not to be
7 straddled.

8 j. A system of seat belts, or a similar system, for restraining each occupant of
9 the device in the event of an accident.

10 k. A system of structural members designed to reduce the likelihood that an
11 occupant would be crushed as the result of a rollover of the device.

12 (b) The department of natural resources, in consultation with the department
13 of transportation, shall administer a pilot program to investigate the effects of using
14 utility terrain vehicles on routes and trails that are used and authorized to be used
15 by all-terrain vehicles, to evaluate whether it is feasible and appropriate to expand
16 the allowable use of utility terrain vehicles.

17 (c) 1. The department, any federal agency, and any county is eligible to
18 participate in the pilot program. If a county elects to participate in the pilot program,
19 the governing body of the county shall adopt a resolution to that effect. If a county
20 adopts such a resolution, the resolution shall apply to all of the municipalities within
21 the county unless the governing body of a municipality adopts a resolution that
22 provides that the municipality will not participate in the pilot program. The
23 governing body of each participating county or municipality may withdraw from the
24 pilot program before July 1, 2012, by adopting a resolution to that effect.

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1 2. If a county or municipality adopts a resolution under subd. 1., its clerk shall
2 immediately send a copy of the resolution to the department and to the office of any
3 law enforcement agency of the county or municipality having jurisdiction over any
4 all-terrain vehicle route or trail designated under par. (d).

5 (d) The department or a federal agency, county, or municipality that
6 participates in the pilot program may designate any of the following located within
7 their respective jurisdictions:

8 1. All-terrain vehicle routes and trails that may be used by operators of utility
9 terrain vehicles.

10 2. All-terrain vehicle routes and trails upon which utility terrain vehicle use
11 is prohibited.

12 (e) For the purposes of all of the following, a utility terrain vehicle that is
13 operated as authorized under this subsection is considered an all-terrain vehicle:

14 1. Sections 345.11 (1r), 346.02 (11), 349.02, 885.235 (1g) and (1k), 895.049, and
15 901.053.

16 2. Subsections (3), (3g), (4), (4c) to (4x), (6), (7), (10), (12), and (13).

17 3. Local ordinances enacted by a county or municipality under sub. (11).

18 (f) No person may operate or give permission for the operation of, a utility
19 terrain vehicle on an all-terrain vehicle route or trail designated by the department
20 or a federal agency, county, or municipality under par. (d) 1. unless the utility terrain
21 vehicle is registered for public use by the department. The department shall register
22 a utility terrain vehicle and collect fees for registration of a utility terrain vehicle
23 under this subsection in the same manner as the department registers and collects
24 fees for registration of all-terrain vehicles for public use under sub. (2). All fees

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1 collected by the department under this subsection shall be credited to the
2 appropriation account under s. 20.370 (1) (iv).

3 (g) No person under the age of 16 may operate a utility terrain vehicle on an
4 all-terrain vehicle route or trail designated under par. (d) 1. No person who is at least
5 16 years of age and who is born on or after January 1, 1988, may operate a utility
6 terrain vehicle on an all-terrain vehicle route or trail designated under par. (d) 1.
7 unless he or she holds a valid all-terrain vehicle safety certificate issued under sub.
8 (5) (d).

9 (h) 1. The department of natural resources, in consultation with the
10 department of transportation and with the federal agencies, counties, and
11 municipalities participating in the pilot program, shall evaluate the effect of using
12 utility terrain vehicles on all-terrain vehicle routes and trails. Except as provided
13 in subd. 2., the department of natural resources shall report the results of its
14 evaluation to the legislature under s. 13.172 (2) no later than June 30, 2012.

15 2. The department may report the results of its evaluation under subd. 1 in the
16 form of an addendum to the evaluation submitted by the department under s. 23.33
17 (11m) (g), 2007 stats. The department is not required to report the results of its
18 evaluation as specified under subd. 1. if the department's evaluation is substantially
19 the same as the evaluation submitted by the department under s. 23.33 (11m) (g),
20 2007 stats.

21 (i) The pilot program under this subsection does not apply after June 30, 2012.

22 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
23 except as follows:

