

State of Wisconsin



2009 Senate Bill 448

Date of enactment: **March 15, 2010**

Date of publication*: **March 29, 2010**

2009 WISCONSIN ACT 175

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

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

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

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

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 (this act), is repealed.

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

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

SECTION 4. 23.33 (11m) of the statutes is repealed.

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

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

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

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

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

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

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

6. "Utility terrain vehicle" means 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, all of the following:

- A gross weight of more than 900 pounds but not more than 1,999 pounds.
- Four or more low-pressure tires.
- A cargo box or dump box.

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

- d. A steering wheel.
- e. A tail light.
- f. A brake light.
- g. Two headlights.
- h. A width of not more than 65 inches.
- i. Seats for at least 2 occupants, all of which seating is designed not to be straddled.
- j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.

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

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

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

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

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

- 1. All-terrain vehicle routes and trails that may be used by operators of utility terrain vehicles.
- 2. All-terrain vehicle routes and trails upon which utility terrain vehicle use is prohibited.

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

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

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

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

(f) No person may operate or give permission for the operation of, a utility terrain vehicle on an all-terrain vehicle route or trail designated by the department or a federal agency, county, or municipality under par. (d) 1. unless the utility terrain vehicle is registered for public use by the department. The department shall register a utility terrain vehicle and collect fees for registration of a utility terrain vehicle under this subsection in the same manner as the department registers and collects fees for registration of all-terrain vehicles for public use under sub. (2). All fees collected by the department under this subsection shall be credited to the appropriation account under s. 20.370 (1) (iv).

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

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

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

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

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

(1) The repeal of section 20.370 (1) (iv) of the statutes takes effect on July 1, 2012.