



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 573	Assembly Amendment 1
<i>Memo published: November 21, 2003</i>	<i>Contact: Philip G. Cardis, Staff Attorney (267-0683)</i>

Assembly Bill 573 specifically permits the operation of off-road utility vehicles on certain roadways of the state. The bill defines "off-road utility vehicle" as a motor vehicle that is designed and constructed to carry one or two persons *and* be used for collecting residential and commercial solid waste (such as garbage, yard waste, and recyclable materials), landscaping, or incidental street maintenance. As defined in the bill, an off-road utility vehicle must meet the equipment standards under state law for a Type 2 automobile or Type 2 motorcycle or the federal equipment standards for a low-speed vehicle and may not be certified for on-road use by its manufacturer.

The bill permits off-road utility vehicles to be operated on all roadways in this state that have a speed limit of 35 miles per hour or less, but only if the off-road utility vehicle is being used to collect residential or commercial solid waste or is being used for landscaping or incidental street maintenance. In addition, the vehicle must be operated by a person employed by, or under contract with, the state or a local governmental unit. The bill specifically prohibits the operation of off-road utility vehicles on any roadway having a speed limit of more than 35 miles per hour. A person who violates any of these provisions relating to the operation of off-road utility vehicles may be required to forfeit not less than \$30 nor more than \$300.

The bill also does all of the following:

1. Exempts off-road utility vehicles from vehicle registration by the Department of Transportation.
2. Requires an operator of an off-road utility vehicle to have a valid operator's license or instruction permit authorizing the operation of "Class D" vehicles (primarily automobiles, but also any other motor vehicles that are not commercial motor vehicles or Type 1 motorcycles).
3. Requires the operators of off-road utility vehicles to observe the rules of the road, including this state's implied consent law and statutory provisions relating to drunken driving, and subjects violators of those rules to the same penalties as those that apply to violations committed while operating other "Class D" vehicles.

4. Exempts off-road utility vehicles from motor vehicle emission limitations and testing.

Assembly Amendment 1 amends the bill in the following manner:

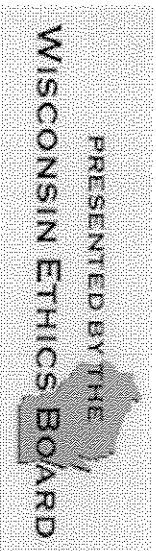
1. Modifies the definition of "off-road utility vehicle" to include low speed vehicles that are *certified by the manufacturer* as meeting federal equipment standards.
2. Provides that an off-road utility vehicle be used only for the *state or local government purpose* of collecting residential or commercial solid waste, landscaping, or performing incidental street maintenance.
3. Provides that an off-road utility vehicle be operated only on a highway for a distance not to exceed one-half mile.

Legislative History

On November 20, 2003, the Assembly Committee on Transportation introduced Assembly Amendment 1 by unanimous consent. The Assembly Committee on Transportation recommended adoption and passage of the bill, as amended, by a vote of Ayes, 14; Noes, 0.

PGC:wu;rv

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as of Tuesday, February 17, 2004

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Assembly Bill 573

the operation of off-road utility vehicles and providing a penalty. (FE)

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments, click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
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Select a legislative proposal and click "go"

House **Assembly** Senate
 Proposal Type: **Bill** Joint Resolution Resolution
 Proposal Number: (enter proposal number)
 Legislative Session:

Vote Record

Committee on Transportation and Information
Infrastructure

Date: February 23, 2004
Bill Number: Assembly Bill 573
Moved by: Senate Committee on Transportation and Information Infrastructure
Motion: *Concurrence of Assembly Bill 573.*

Committee Member
Senator Mark Meyer

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature: _____

Mark Meyer

Vote Record

**Committee on Transportation and Information
Infrastructure**

Date: February 23, 2004
Bill Number: Assembly Bill 573
Moved by: Senate Committee on Transportation and Information Infrastructure
Motion: *Concurrence of Assembly Bill 573.*

Committee Member
Senator Roger Breske

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature: _____

Roger Breske

Vote Record

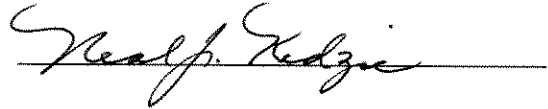
**Committee on Transportation and Information
Infrastructure**

Date: February 23, 2004
Bill Number: Assembly Bill 573
Moved by: Senate Committee on Transportation and Information Infrastructure
Motion: *Concurrence of Assembly Bill 573.*

Committee Member
Senator Neal Kedzie

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature:



Vote Record

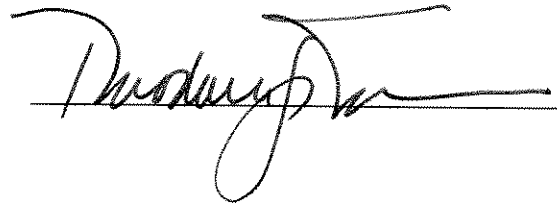
Committee on Transportation and Information
Infrastructure

Date: February 23, 2004
Bill Number: Assembly Bill 573
Moved by: Senate Committee on Transportation and Information Infrastructure
Motion: *Concurrence of Assembly Bill 573.*

Committee Member
Senator Ted Kanavas

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature:



FEB 18 2004



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR JOSEPH LEIBHAM, CHAIR, AND MEMBERS OF THE SENATE
COMMITTEE ON TRANSPORTATION AND INFORMATION INFRASTRUCTURE

FROM: Don Salm, Senior Staff Attorney *DS*

RE: Analysis of 2003 Assembly Bill 573, Relating to the Operation of Off-Road Utility Vehicles
and Providing a Penalty, as Amended by the Assembly

DATE: February 17, 2004

This memorandum analyzes 2003 Assembly Bill 573, relating to the operation of off-road utility vehicles and providing a penalty, as amended by the Assembly. The bill, as amended by the Assembly, passed the Assembly on a voice vote. The Senate Committee on Transportation and Information Infrastructure will hold a public hearing on the bill on **Wednesday, February 18, 2004, at 9:30 a.m., in Room 300 Southeast, State Capitol.**

Assembly Bill 573, as amended by the Assembly (hereafter, "the bill"), specifically permits the operation of off-road utility vehicles on certain roadways of the state. The bill defines "off-road utility vehicle" to mean a motor vehicle:

1. That is designed and constructed to carry one or two persons **and** be used for collecting residential and commercial solid waste, such as yard waste, recyclable materials, and household garbage, refuse, and rubbish, landscaping, or incidental street maintenances.
2. That satisfies the equipment standards under state law for a Type 2 automobile or Type 2 motorcycle under ch. 347, Stats., or the federal law's equipment standards for a low-speed vehicle; and
3. That is not certified for on-road use by its manufacturer or that is certified by the manufacturer as meeting the equipment standards for a low-speed vehicle under federal law.

The bill permits off-road utility vehicles to be operated on all roadways in this state that have a speed limit of 35 miles per hour or less, but only if the off-road utility vehicle: (1) is being used for the state or local governmental purpose of collecting residential or commercial solid waste, landscaping, or

performing incidental street maintenance; (2) is operated on a highway for a distance not to exceed one half mile; and (3) is operated by a person employed by, or under contract with, the state or a local governmental unit. The bill specifically prohibits the operation of off-road utility vehicles on any roadway having a speed limit of more than 35 miles per hour. A person who violates any of these provisions relating to the operation of off-road utility vehicles may be required to forfeit not less than \$30 nor more than \$300.

The bill also:

1. Exempts off-road utility vehicles from vehicle registration by the Department of Transportation.
2. Requires an operator of an off-road utility vehicle to have a valid operator's license or instruction permit authorizing the operation of "Class D" vehicles (primarily automobiles, but also any other motor vehicles that are not commercial motor vehicles or Type I motorcycles).
3. Requires the operators of off-road utility vehicles to observe the rules of the road, including this state's implied consent law and statutory provisions relating to drunken driving, and subjects violators of those rules to the same penalties as those that apply to violations committed while operating other "Class D" vehicles.
4. Exempts off-road utility vehicles from motor vehicle emission limitations and testing.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

DLS:rv;jal;jal

Alberta Darling
Wisconsin State Senator
Co-Chair, Joint Committee on Finance

**TESTIMONY BEFORE THE SENATE COMMITTEE ON TRANSPORTATION AND
INFORMATION INFRASTRUCTURE
ASSEMBLY BILL 573**

WEDNESDAY, FEBRUARY 18, 2004

Good morning Chairman Leibham and Committee members. Thank you for the opportunity to testify in favor of Assembly Bill 573. AB 573, if passed, would permit the operation of specific vehicles designed to carry and collect residential and commercial solid waste.

I co-authored this legislation with Representative Gielow on behalf of two villages located in the 8th Senate District, Bayside and Fox Point. Taxpayers and village officials have requested this legislation so they can continue to use the system of municipal garbage collection that has worked well for them in the past.

In the past, both communities have used specific three-wheeled garbage carts to maneuver on the streets, which are often small and narrow. These carts are used to run garbage from the curbside to 'mother vehicles' on the main roads. The manufacturer, Cushman, has discontinued the production of the three-wheeled carts and without a change in current law, the villages of Fox Point and Bayside will be left to seek alternative forms of waste collection that fits that needs of the communities.

Both villages report no market availability of on-road refuse vehicles that would meet requirements of their refuse collection system. Cushman also produces a similar four-wheeled off-road vehicle that could be used by the villages to accomplish the same goals. This bill, AB 573, permits a limited change in the state's vehicle laws to allow for the operation of these off-road vehicles if those vehicles meet current standards already in place for Low Speed Vehicles, Type Two Motorcycles/Automobiles. Additionally, these vehicles must be designed and manufactured specifically to carry solid waste, must be limited to two occupants, and must only be operated on streets with a posted speed limit of 35 mph or less. These carts must be owned and operated by a municipality and operated for refuse collection purposes only.

AB 573 makes sense and keeps our villages and municipalities content without having a fiscal effect on the Department of Transportation or the Transportation Fund. Again, this bill has no state fiscal effect. This bill would eliminate the need for small communities to arrange for alternative forms of refuse collection, when an alternative vehicle is available to maintain the same quality of service citizens expect to see. The process has worked very well for these communities in the past and to alter these methods now would waste time considering an alternative is available.

Thank you again, Chairman Leibham, and members of the committee. At this time, if you have any questions about the bill, I would be happy to answer them.



REPRESENTATIVE CURTIS GIELOW

State of Wisconsin, Twenty-Third Assembly District

Senate

Testimony Before the ~~Assembly~~ Committee on Transportation and Information Infrastructure on Assembly Bill 573

February 18th, 2004

Mr. Chairman and Members:

Assembly Bill 573 would change the statutes to allow two communities in my area to continue using a system of trash collection that is well suited to their needs and which has been in use for many years. The bill was requested by the Village of Bayside, which I represent, and the Village of Fox Point, which is represented by Rep. Wasserman. My office has worked with Rep. Wasserman on this bill and both of us want this change for our communities.

AB 573 was recommended for passage by the Assembly Committee on Transportation on a vote of 14-0. It passed the Assembly on a voice vote.

Officials from Bayside and Fox Point are here and will be testifying shortly on how their refuse collection system works. Briefly, because of long driveways, narrow side streets, and other issues of limited access, the villages use small motorized utility carts to collect trash at each home and then take it to a large, conventional garbage truck. The small carts now used are made by Cushman and are approved for road use.

The problem is that Cushman has stopped making the on-road version of the cart in question. They do make a very suitable cart that could substitute, but the version still in production is called an off-road cart. I have attached a sheet showing the specifications of the model of utility cart we are discussing.

AB 573 simply tweaks the statutes to allow municipalities to use these carts in refuse collection and other similar municipal incidental duties. As introduced, AB 573 would allow use of these carts on public roads by municipal governments or their contractees for refuse collection, road maintenance and landscaping.

More . . .

(continued)

The State of Wisconsin is involved in this because Bayside and Fox Point both have a section of State Highway 32 running through their villages. Because Highway 32 is at these sections a residential arterial street, the villages need to collect trash along Highway 32. To do so using their utility carts, they need a change to the law. Hence we are here with AB 573.

We have been in discussions with the Department of Transportation on AB 573 regarding their position on this bill. They have indicated that they have long been fending off proposals to allow use of non-road-certified vehicles on public roads, especially state highways. They had some concerns about the bill as introduced.

DOT indicated that they would be more at ease with AB 573 if we amended the bill to specify that such use on highways by municipal governments must be for a municipal purpose and must be on behalf of the municipal government.

DOT also would like us to stipulate that such carts could only be used on state highways incidentally, i.e. their use on state highways could only be incidental to their non-highway use.

We agreed to DOT's requests, which were incorporated into Assembly Amendment 1. AA1 has been adopted and is now part of the bill, and DOT's concerns are met.

I'd like to restate how limited AB 573 really is. It would only apply to certain utility carts owned by a municipality or its contractor. It would only let these carts be used on public roads for the municipal purposes of refuse collection, road repair and landscaping. Carts would have to be driven by municipal employees or employees of a contractor. And again, these carts would be used for refuse collection in conjunction with larger conventional trash trucks.

In closing, I urge the Committee to support AB 573. I know that representatives of Bayside and Fox Point will be testifying in a moment and I'm sure they can answer many of your questions, but I invite you to ask me anything about AB 573 and we will get you an answer.

Thank you.