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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sfr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 606

Relating to: age restrictions, headgear requirements, and safety certificate requirements regarding the operation of an all-terrain vehicle.

By Senators Plale, Holperin, Hansen, Taylor and Grothman; cosponsored by Representatives Vruwink and Suder.

March 10, 2010 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

April 1, 2010 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Appearances For

- Jeff Plale — 7th Senate District
- Randy Harden, Sheboygan — Wisconsin ATV Association
- Rob McConnell, Madison

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Amy Sue Vruwink — 70th Assembly District
- Hank Wozniel — Wisconsin ATV Association

Registrations Against

- None.

Registrations for Information Only

- None.

April 8, 2010 **EXECUTIVE SESSION HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Hansen, seconded by Senator Holperin that **Senate Amendment 2** be recommended for adoption.

Ayes: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes: (0) None.

ADOPTION OF SENATE AMENDMENT 2 RECOMMENDED, Ayes 7, Noes 0

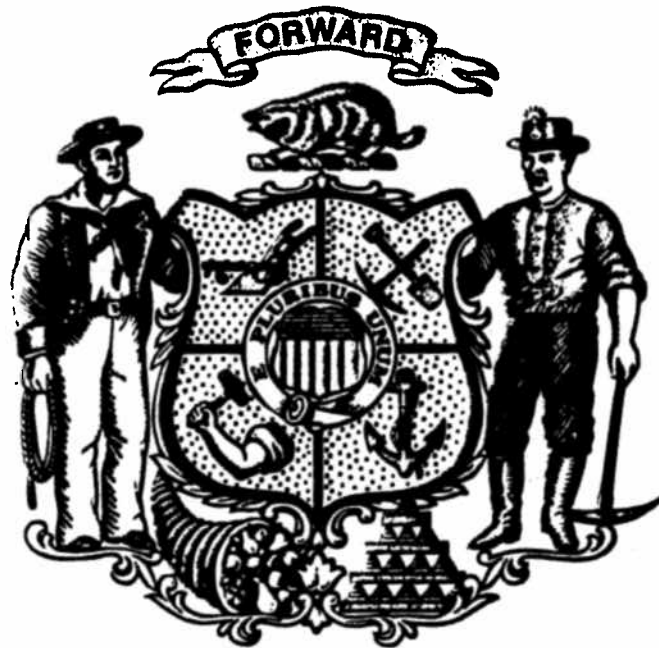
Moved by Senator Hansen, seconded by Senator Holperin that **Senate Bill 606** be recommended for passage as amended.

Ayes: (6) Senators Holperin, Sullivan, Plale, Hansen, Leibham and Grothman.

Noes: (1) Senator Kedzie.

PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 1

Elizabeth Novak
Committee Clerk



SB 606
folder

March 17, 2010

Testimony for Assembly Bill 837 at public Hearing for Committee on Tourism, Recreation and State Properties.

My Name is Max White-Ray; I am 9 years old, and go to Lincoln Elementary School in Madison.

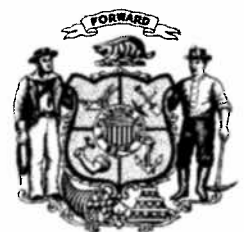
This legislation will allow me to ride my ATV with my Grandpa on ATV trails. This is something that I wanted to do for a while! I thank you for letting me do this! I appreciate it! Thank you! I love that you did this for kids! Thank you! You are the best! You should try and ride one too.

But make sure to wear a helmet and long pants to protect yourself when you ride.

Thank you for listening to my ideas.



WISCONSIN STATE LEGISLATURE



March 30, 2010

Testimony for Senate Bill 606

Public Hearing Committee on Tourism, Recreation and State Properties

Dear Chairman and Committee Members thank you for allowing be to comment on SB 606.

My name is Rob McConnell, VP of the Wisconsin ATV Association.

Support for this legislation will allow a person under the age of 12 to operate an ATV any place that it is legal to operate an ATV. Provided that person under the age 12 is operating a small ATV (under 90cc) and that they are accompanied by their parent or guardian or a person who is at least 18 years of age who is designated by the parent or guardian.

With this change an Aunt, Uncle, Grandfather, etc. will be able to accompany a youth (under 12) on a trail ride or just allowing that youth to operate an ATV on that person's property.

I have been an ATV Instructor for both the DNR and ATV Safety Institute for over 20 years. In the past we have had no legal mechanism to provide that training for youth. With the passage of this bill this will become lawful.

Under the current law youth are allowed to operate an ATV without a helmet when they are hunting or fishing, this is a pointless exemption as who would fish from a moving ATV and it is illegal to hunt from one already.

Everyone under 18 should wear a helmet when operating an ATV.

With all the distractions of electronic games and gadgets, having an activity that gets kids outside and recreating with their entire family on the trail, is a great escape. Riding an ATV develops hand and eye coordination and depth perception. As children age their strength will increase and they will be able to ride longer between rest stops.

To get an idea of the size of a small (youth) ATV see the attached photo of my grandson riding when he was 6 years old.

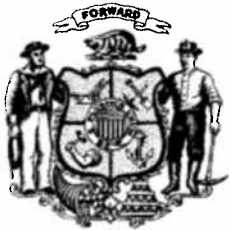
Thank for allowing me to comment on legislation that will help protect our youth, and allow families to recreate together in Wisconsin, we ask for your support of this important legislation.

Thank you





WISCONSIN STATE LEGISLATURE





SENATOR JEFF PLALE
SEVENTH SENATE DISTRICT

CHAIR
COMMITTEE ON COMMERCE, UTILITIES, ENERGY, AND RAIL

STATE CAPITOL
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414-744-1444 - MILWAUKEE
SEN.PLALE@LEGIS.WISCONSIN.GOV

Testimony of Senator Jeff Plale
Senate Bill 606
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources
Thursday, April 1, 2010

Thank you Chairman Holperin and members of the committee for your consideration of Senate Bill 606.

I have been working diligently with members of the Wisconsin ATV Association and the DNR to update ATV laws in the State of Wisconsin. This bill addresses laws pertaining to age restrictions, helmet requirements, and safety certificates.

While some of the provisions in this bill make the current laws less restrictive and/or consistent, there are a couple provisions that boost safety measures to ensure that an enjoyable day out on an ATV does not end in tragedy.

The first provision comes at the request of a constituent of mine who asked that I update state statutes regarding children under 12 operating ATVs. My constituent is a grandfather who cannot take his 6 year old grandson out to ride ATVs on public trails or on his own private property without the child's parent present.

- This legislation expands on current law by allowing a child under the age of 12 to operate a small ATV if they are **accompanied by a parent, guardian, or an adult who is designated by the parent or guardian.**

~ It is important to note that this provision does not affect exemptions currently offered for agricultural land or the private property of the immediate family.

The second provision relates to the operation of ATVs on roadways:

- **Senate Amendment 1:** Unfortunately, there was a drafting error that we had to fix.
 - Once a child turns 12, they are no longer required to have parental supervision because in order to operate an ATV after this age, they must earn an ATV safety certificate. The safety certificate course **does not** train their students how to interact with vehicles.
 - Current law allows children ages 12 to 15 to operate ATVs on roadways with no supervision.
 - This legislation requires that children ages 12 to 15 be accompanied by a parent or designated adult if they are operating an ATV on roadways.



- **Senate Amendment 2:** During the public hearing on the Assembly version of this bill, there was significant controversy about allowing children under 12 to operate a small ATV on a roadway even if they were accompanied by a parent or designee. This amendment removes this provision and restores current law which states that children under 12 are not allowed to operate an ATV on a roadway under any circumstance.

The third provision relates to helmet requirements:

- Under current law exemption, children under the age of 18 do not have to wear a helmet as long as they are using the ATV for hunting or fishing purposes.
- This legislation removes this exemption.

The fourth provision relates to ATV demonstration events:

- Current law makes it illegal for **certain** people to drive ATVs at these events if that person has not earned a safety certificate.
- This legislation provides a safety certificate exemption for people who ride ATVs at demonstration events. This legislation also defines what constitutes a demonstration event.
 - Demonstration events must be sponsored by an ATV dealer, an ATV club, the state, a city, village, town, or county. At demonstration events, a person under the age of 18 must be accompanied by a parent or designee and people must wear a helmet and ride in a closed-course area at a speed not exceeding 15mph.

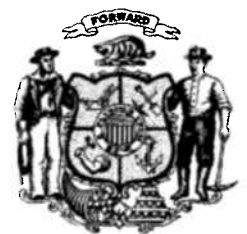
The fifth provision relates to safety certification:

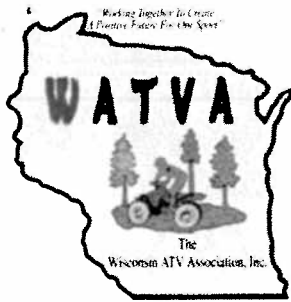
- Current law states that a person must have a valid safety certificate on them at all times while operating an ATV. Right now, an exemption exists for people taking a DNR safety class since they are taking the class in order to earn the certificate.
- This bill expands this exemption to include students who take classes through ATV education programs approved by the DNR.

Thank you for hearing my testimony on SB 606. I will be happy to answer any questions you may have.



WISCONSIN STATE LEGISLATURE





Public Hearing
4/01/10

Senate Committee on Transportation, Tourism, Forestry & Natural Resources

Testimony provided by Randy Harden of the Wisconsin ATV Association (WATVA)

Chair – Senator Jim Holperin

Senators Jim Sullivan, Jeff Plale, Dave Hansen, Joe Leibham, Neal Kedzie, and Glenn Grothman

Re: SB 606 & AB 837 - Relating to age restrictions, headgear requirements, and safety certificate requirements regarding the operation of an all-terrain vehicle with 2 amendments

Requesting your support for this bill

Thank you for the opportunity to testify and for your consideration to help us update and improve our ATV registration program.

I would like to share with you some background perspective as to why the leaders in our association have asked for these law changes. Large segments of our local club members are DNR certified ATV safety instructors and Trail Patrol Ambassadors, currently 679 at this time to be exact.

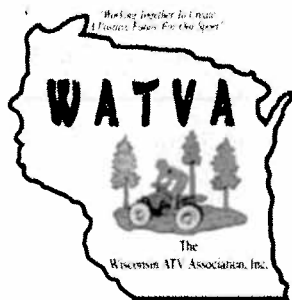
These hard working dedicated volunteers are on the front lines of our sport. We interact with the youth and their parents in the safety classes as instructors and while out riding on the trail systems serving our duties as trail patrol ambassadors. Our everyday experiences in this field tell us the ATV statutes need to be updated, reflecting the increased numbers of riders in the program.

Wisconsin ATV Association Inc.
3321 Behrens Parkway

Sheboygan, WI 53081

www.watva.org | info@watva.org





I would also like to note that this bill was drafted with the participation of our DNR Bureau of Law Enforcement ATV administrator. We proudly work alongside of and in cooperation with our warden force as they also serve a very important role in educating our youth and adults alike, whether at our safety classes or by enforcing the law out on the trail systems.

This bill has some parts that are asking for **more** safety restrictions. Some parts of the bill are aimed at making the law more consistent, while other changes **may appear to be less restrictive if not familiar** with how the ATV recreational family enjoys their time in the great outdoors of Wisconsin.

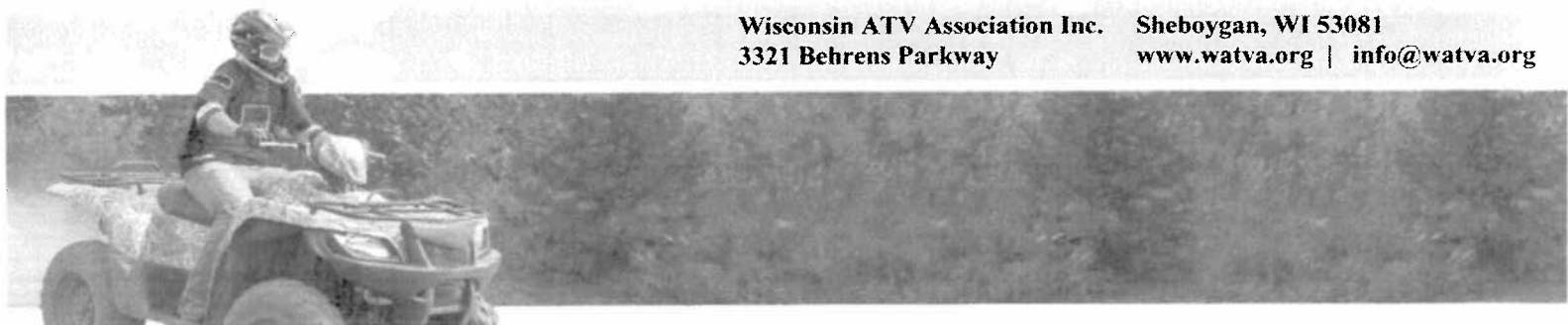
It should be noted our organization does not wish to infringe on or change the agricultural parameters and use of the workhorse all-terrain vehicle on the farm. Our goal is to protect and improve the recreational and family use side of the sport.

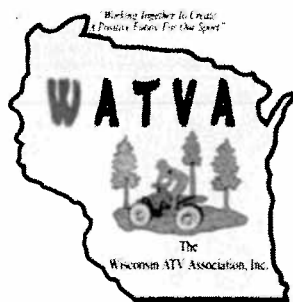
I have provided an executive summary reference from the Wisconsin Dept. of Tourism; survey results of an economic and demographic profile of Wisconsin ATV users. The study is somewhat dated but I contend still pertinent as it applies to **Trip Characteristics** at the bottom of page 2. ATVers enjoy riding with family and friends as highlighted. As the age of the typical ATV owner continues to increase, the "baby boomers" now enjoy riding with their adult kids but are also a positive influence and role model with and for their grandkids. When the original laws were written in the mid-1980's who could have predicted the widespread popularity of the all-terrain vehicle? This bill allows for a common sense adjustment that reflects on today's riders and their different age groups.

As it applies to small ATV riders under the age of 12 (smaller engines & frames) we are asking the change in wording for the parent / adult to go from "**being supervised**" to the more stringent "**accompanied by**". This change requires the parent / adult to have *continuous* verbal direction and or control of the youth.

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3321 Behrens Parkway

Sheboygan, WI 53081
www.watva.org | info@watva.org





Currently grandparents (or uncle and aunts / family friends) **cannot** legally “accompany” instruct or ride with a youth under age 12 on any property but the youth’s immediate family land. Only a parent can “accompany” that same youth on state trails. In today’s society we recognize the reality that grandparents and other family members and friends are an integral part of our younger children’s lives. This bill provides for the reality of today’s intergenerational families.

Another reality is our state has a lot of wetlands and waterways. Our ATV trail systems have many rural forest type road routes the ATV trail system uses small sections of to cross bridges and to bypass wetlands. These sections are classified as “road routes”.

As my testimony stated previously, who could have predicted the explosion in growth of the ATV industry? Current law requires the older youth that has reached the age of 12 to take and pass a DNR ATV safety class before they can ride our trail systems. These kids are larger in size and are can operate larger ATVs; however they are now permitted to ride any road route with **no parent oversight, road traffic training or adult involvement**. Our group recognizes this law needs to be changed. Per the amendment that was inadvertently omitted during multiple drafting changes, we request youth that are driving on road routes under the age of 16 be required to have a parent or parent designated adult accompany them on routes.

The off-highway vehicle motorsports industry is big business in Wisconsin. We have a major manufacturing plant within our borders, we have well over 250 dealerships and repair shops that employ thousands. Some campgrounds and resorts, motels and other trail related businesses cater to the ATV riders as their source of income. Like any other business, this industry must market their products and find a way to get new customers. That is often done by having ATV demonstrations.

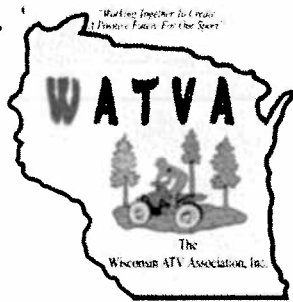
This bill provides a common sense solution with the utmost in safety of the participant. In 2004 we supported and encouraged the mandatory ATV safety training that is enforced today but there was no exemption for those citizens that have not yet purchased an ATV.

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Sheboygan, WI 53081

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Lastly, my safety instructors and patrollers stress the importance of helmets for all riders, recognizing the Wisconsin helmet law that mandates riders under the age of 18 always wear a helmet. For some reason, back in the mid-1980s when the original ATV laws were passed, there was a helmet exemption for youth under age 18 if they were using their ATV for hunting or fishing purposes. That exception is being abused by a growing number of youthful riders. A person using their ATV for hunting purposes can't hunt from the ATV anyway; my membership requests this exception be removed so the current helmet law is consistent across the state and in all circumstances.

Our organization strongly favors this bill and requests your support.

Thank you again for this opportunity to help us manage this recreational sport and industry for the betterment of Wisconsin.

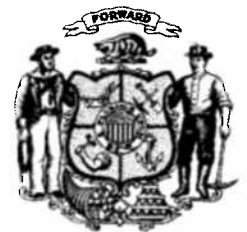
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WISCONSIN STATE LEGISLATURE



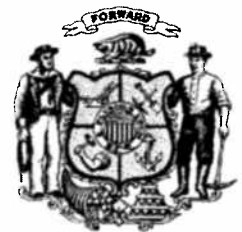
THIS LEGISLATOR WILL ALLOW ME
TO RIDE MY ATV WITH MY GROUP ON
ATV TRAILS. THIS IS THE BEST
I WANTED TO DO FOR MY GROUP AND I
THANK YOU FOR LETTING ME DO THAT,
I APPRECIATE IT!!! THANK YOU! AND I
LOVE THAT YOU'D DO THIS FOR ALL KIDS! THANK
YOU! YOU ARE THE BEST! AND YOU SHOULD
TRY TO RIDE ONE!

SB 606
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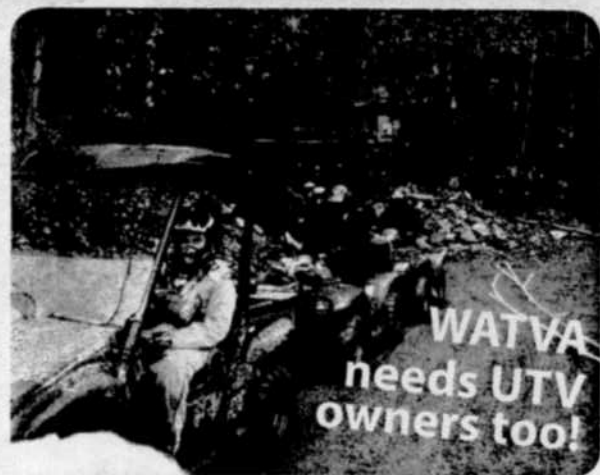
date ?



WISCONSIN STATE LEGISLATURE



Own a UTV or thinking
about buying one?
Check out www.wiutv.org
Wisconsin's UTV Source



- Learn about the UTV pilot program and stay updated on changes
- Learn UTV safety tips
- UTV news in Wisconsin
- UTV events in Wisconsin



WHERE TO RIDE



Join WATVA &
Find Your FUN!



Wisconsin ATV Association
3321 Behrens Parkway
Sheboygan, WI 53081
920-694-0583
www.watva.org
Join WATVA Today!



For ATV & UTV Riders!



Wisconsin ATV
Association

Wisconsin ATV Association



"Creating a positive future
for OHV recreation"

WATVA is a strong, nationally known ATV association that is continuing to keep Wisconsin one of the best ATVing state by:

- Club Trail Rides and Rallies
- Assistance in Starting, Supporting and Promoting Clubs
- Creating New Parks and Trails
- Support and Promote Existing Riding Areas
- Supporting OHV Youth Programs
- Current ATV Legislative News
- Working with Dealers and Manufactures
- Our Quarterly News Magazine, "Trail Tales"

Become a member of WATVA Today!

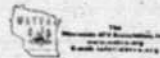
www.watva.org



Trail Tails Magazine



Pres Report - Annual Meeting & Workshops A Mt
Youth ATV Ban - Our voices are heard!
Regional reports trail listings and more!



The Wisconsin ATV Association offers this publication to our members and to non-members (from give-aways to dealer showrooms) as a means of communicating our mission and positive support for the industry.

Our quarterly magazine features various free-lance writers including writers from official government offices. This is our communication tool we use to help educate our riders (and non riders) to help them become aware of the importance of safe and responsible riding.

"Trail Tales" offers the following features:

- Current news updates based on four state regions, as well as state-wide and national news regarding OHV topics.
- Special articles written by dedicated users explaining their various ATV adventures around our state and on our trails.
- Presidents report, written by President Randy Harden, has a presidents report in each issue letting our members know where the organization is heading and how we are making a positive impact for our sport.
- Listings and maps of our Associate, Dealer and Club members.
- Listings of public ATV trails.
- Club listings and their events and trail updates.
- Special event advertisements and notices.

Interested in Advertising in Trail Tails?

Your advertising will not only attract business for you, but will also allow our users to explore ATVing in all areas of our state and surrounding states.

We are now offering advertising opportunities for the following resources:

- Print ads in our publication "Trail Tales"
- Digital ads for our new web site (www.watva.org)

Contact Ann Harden at 920-694-1883 for more information

www.watva.org Has Many Great Features!



Forums

Discuss Important
ATV/UTV Topics

Chat

Talk to other ATV/
UTV riders



Directory

Find clubs to join, local dealerships, trail information, places to get fuel and food during your ride, places to stay during your trip, and much more!

WATVA Clubs Listed



WATVA Dealers Listed

Equipment, Fuel Stations, Information
Services, Lodging, Manufacturers,
and Restaurants are listed as well.

Go to www.watva.org to check out where to ride

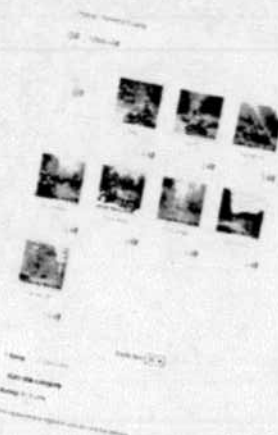


Trails by County

Find trails near you or
where you want to stay

Trail Photos

Find pictures of trails your
interested in riding



Upcoming Events

Find fun events to
participate in

Showing for	
All	
Event Name	Wisconsin Family ATV Club Association (WATVA) 2011 - 2012
Event Date	2011-2012
Event Location	Wisconsin
Event Description	Wisconsin Family ATV Club Association (WATVA) 2011 - 2012
Event Contact	Wisconsin Family ATV Club Association (WATVA) 2011 - 2012
Event Website	Wisconsin Family ATV Club Association (WATVA) 2011 - 2012

Current News

Read updates from
around Wisconsin for
the ATV/UTV program



And Much More!

Want to become **MORE** involved?

Become a Trail Ambassador!

What is a "Trail Ambassador?"

A Trail Ambassador is a volunteer trail patroller. This person is trained by a nonprofit organization according to department standards to assist ATVers while riding on the trail.

Trail Ambassadors are trained to act as role models for other ATVers to follow. They also distribute regulations & information, assist stranded ATVers and report violations if problems cannot be addressed through on site education.

Our Goal is to Fulfill 6 Objectives:

- Reduce the number of ATV injury incidents and fatal crashes
- Reduce ATV violations & complaints from the public
- Help Recruit and support DNR ATV Safety Instructors
- Sustain all-terrain vehicle and outdoor recreation opportunities
- Improve opportunities for increased ATV operation
- Improve the image of our sport

Go to www.witrailpatrol.org
for more information!



With the ever growing number of ATVers enjoying our beautiful trails and parks, the need for our Trail Patrol Ambassador Program is essential in order for us to create and maintain a positive future for our sport.

How can I become involved?

Contact the nonprofit organization NOHVIS (National Off-Highway Insurance & Services Group Inc.) C/O Randy Harden at randy.harden@nohvis.com or 920-694-1881 or go to www.witrailpatrol.org

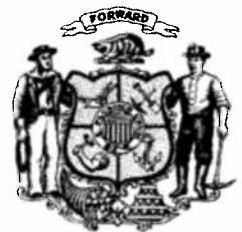
In Partnership With:

NOHVIS





WISCONSIN STATE LEGISLATURE



SB 606
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Economic & Demographic Profile of Wisconsin's ATV Users:

Results of an economic survey conducted between June and October 2003

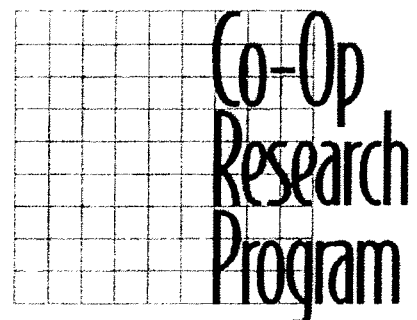
Executive Summary

March 2004

In conjunction with

Wisconsin ATV Association (WATVA)

Department of Urban & Regional Planning
University of Wisconsin – Madison/Extension





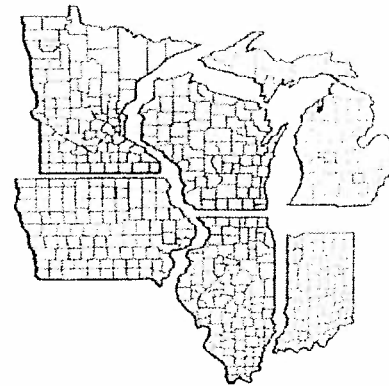
Introduction

The All-Terrain Vehicle (ATV) industry has witnessed changes since Honda introduced the first ATV in 1971 – the three-wheeler. During the 1980s Suzuki was credited with introducing the first four-wheeler. According to the Specialty Vehicle Institute of America (SVIA), an ATV is defined as a four-wheeled motorized vehicle designed for a single rider. In more general terms, a durable vehicle used for work and recreational purposes.

According to an article in the September 2003 issue of *ATV Action*, “when it comes to four-wheeling, Wisconsin is an undiscovered paradise.” During the past 15 years, ATV usage has increased dramatically. The Wisconsin Department of Natural Resources began registering ATVs in 1986, and by the end of 1987 there were a total of 25,600 registered ATVs. Just ten years later, that figure more than tripled to 79,245, and by the end of 2003, there were a total of 192,211 registered ATVs in the state. The popularity of ATV trail riding is evident in that Wisconsin is home to 5,555 miles of state-funded trails; 1,559 miles open for summer usage and 3,996 miles available in the winter. These figures do not include trails found on private lands or operated as club trails.

2003 Profile of Wisconsin's ATV Users

- The majority of riders come from the Midwest: Wisconsin (86%), Minnesota (6%), Illinois (5%), Iowa (2%), Indiana (0.6%) and Michigan (0.5%). The shaded counties indicate the residence of midwestern visitors who took ATV trips in Wisconsin this summer.
- The average age of survey respondents was 40 years. Thirty percent have annual household incomes between \$41,000 and \$60,000; 24% had incomes between \$61,000 and \$80,000.
- Favored leisure activities include ATV riding, hunting, fishing, camping, snowmobiling and boating.
- Most (97%) owned their ATVs and on average, own two machines. Over the course of a year, these riders take an average of six Wisconsin ATV trips. Seven out of ten indicated they ride their ATVs in the winter.
- When planning their leisure trips, ATV users primarily rely on word of mouth recommendations, the Internet, Wisconsin's Tourism Guides, local tourism information, the DNR, and magazines.



County of Residence for Wisconsin's
Midwestern ATVers

Trip Characteristics

- Over half were in the area to specifically ride the trails; 21% were attending an ATV event as well as riding the trails; 17% were attending an ATV event and 5% were on a leisure trip.
- The majority (62%) were on an overnight trip from home and staying in RVs, hotel/motel, 2nd/vacation homes, with family and friends, campgrounds or rented cabins.
- Overall ATV visitors stayed 3 nights in the area. RV campers stayed the longest (3.7 nights) and hotel/motel visitors stayed the shortest (2.5 nights).
- The average ATV party consisted of almost five people and was primarily comprised of family and friends or family only groups. Over half of all travel groups did not have children under the age of 15.

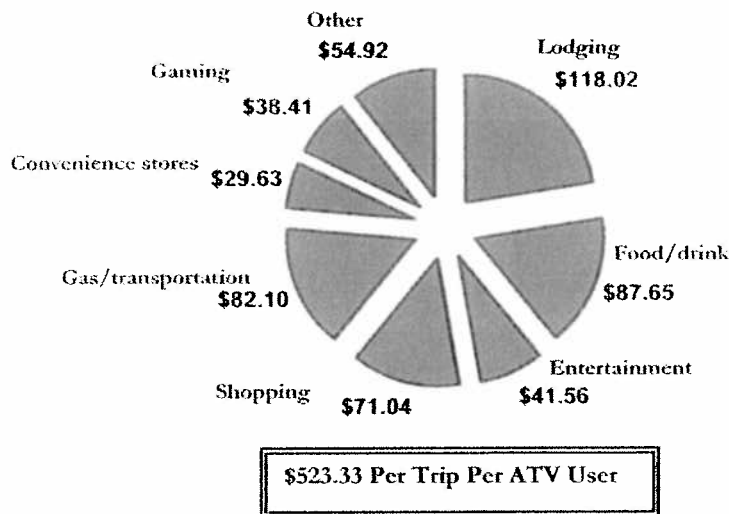


WISCONSIN DEPARTMENT OF TOURISM RESEARCH

- ATV users were planners. Twenty-five percent planned their trip within a month and 24% planned it between 1-3 months in advance. They relied on word of mouth recommendations, ATV clubs and the Internet ATV information.
- Other trip-related activities ATVer participants participated in while in the area included shopping, dining, visiting family/friends, attending ATV races, festival/event, water-related sports, going to a casino, museum/historic site, or other area activities.

Spending Habits of ATV Users

Annual ATV expenditures were broken down into an average cost per trip. The graph below shows the average amount spent per person per ATV trip.



The average total per person per trip was \$523.33. Taking into consideration Wisconsin's ATVer stayed an average of 3.2 nights, the average daily expenditure was \$163.54.

Total ATV User Spending

The individual per spending (\$523.33) patterns were expanded to include total spending using estimates of the total number of ATV registrations by state, the number of ATVs owned per individual, the number of trips taken per individual, and regional incidence of trail use and the respective trail mileage.

Based on this analysis, the annual total spending by all ATV users was \$295,285,693.

Spending by Out-of-State ATV Users

Economic impact analysis identifies the "new dollars" flowing into a region from visitors who reside outside that region. For the state of Wisconsin, this amount of *new money* represents that which is spent by out-of-state ATV users. The total annual spending in Wisconsin by out-of-state ATVer is \$34,698,614.

For a copy of the full report from this study, please contact Sue Hamilton at shamilton@travelwisconsin.com or 608/266-6792.