

Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

Assembly Committee on Sporting Heritage
AB 265- Increase UTV weight limits
June 8, 2021

Chairman Pronschinske and Committee Members:

Thank you for the opportunity to testify in support of Assembly Bill 265, related to increasing the weight limit on Utility Terrain Vehicles (UTVs).

One thing this past year taught us is how lucky we are to have so many outdoor recreational opportunities in Wisconsin. Whether its by foot, on water, or motorized vehicles, more than 95% of state residents participated in some type of outdoor recreational activity.

According to a report from Headwaters Economics, a nonpartisan independent research firm, the outdoor recreation economy in Wisconsin contributes \$7.8 billion to our state's GDP and supports 93,000 jobs. Wisconsin ranks 5th in the U.S. for the share of all jobs in outdoor recreation-related manufacturing. The report also found that the largest contribution to the state GDP comes from nature-based activities, which was led by motorcycling and ATVing at \$1.1 billion.

As the population in Wisconsin continues to age, we find that more adults are looking for new opportunities to enjoy the outdoors. For many this includes riding ATVs and UTVs. According to the DNR, registrations have increased by more than 100,000 in the past 5 years. As of December 31st, there were just shy of 441,000 vehicles registered in Wisconsin.

With this new interest, customers are looking for more equipped and comfortable machines to ride. Unfortunately, for some who purchased new UTVs, they were shocked to find out that they couldn't register their new vehicle in Wisconsin because it exceeded the statutory limit of 2,000 lbs. This presents significant challenges for small UTV dealers across Wisconsin whose potential customers are forced to find trail-riding opportunities outside of Wisconsin. This is the case in my district with constituents of mine going to Michigan to ride their new vehicle.

For these reasons, we are introducing this simple bill to raise the maximum weight limit for UTVs from 2,000 lbs. to 3,000 lbs. This will allow manufacturers to keep pace with what their customers want and it will allow our constituents to legally use the vehicles and enjoy the great outdoors.

The Senate companion bill passed the full senate on a voice vote last month. I am hopeful we have the same support in the Assembly and can get this bill signed into law so our constituents can legally operate their vehicles in Wisconsin this summer.

Once again, thank you for holding a public hearing on this important piece of legislation. I am happy to answer any questions you may have.



MARY FELZKOWSKI

STATE SENATOR • 12TH SENATE DISTRICT

Testimony on Assembly Bill 265

Assembly Committee on Sporting Heritage

Senator Mary Felzkowski

12th Senate District

June 8, 2021

Good afternoon Chairman Pronschinske and Committee Members,

Thank you for taking the time to hear testimony on Assembly Bill 265, which will raise the weight limit for a UTV in Wisconsin from 2,000lbs to 3,000lbs.

As all of us in this room know, one of the best parts of living in Wisconsin is the opportunity to enjoy our great outdoors. There are so many ways to experience our state's magnificent natural resources, among them riding ATVs and UTVs through our beautiful forests and trails. UTVs have especially become popular amongst our elderly population, as they provide greater accessibility to our natural resources. It is not uncommon to find a UTV today that has a cab, air conditioning, heating, and other accommodations that provide comfort for less mobile individuals. These modern additions are in high demand, and manufacturers have responded to this - by building heavier machines to accommodate new features.

Current law limits a machine designated as a UTV to a maximum weight of 2,000lbs. Recently, Wisconsin riders have been finding that they are unable to register their UTVs in our state as they are above that limit. Many often find this out *after* they have already purchased their UTV, which often leads to frustration for the customer and the dealer alike. Most importantly, this means that Wisconsinites are limited in their ability to enjoy the outdoors with their families, support our tourism industry, and participate in Wisconsin's longstanding tradition of off-road sports. AB 265 seeks to remedy this issue by raising the weight limit of a UTV to 3,000lbs.

I appreciate the efforts of my co-author, Rep. Jeff Mursau, as well as the partnership of the Wisconsin ATV/UTV Association. I also want to note that this bill passed on the floor of the Senate last month. Thank you for your time and consideration.



Assembly Committee on Sporting Heritage

2021 Assembly Bill 265

The weight limit for utility terrain vehicles

June 8, 2021

Good afternoon Chair Pronschinske and members of the Committee. My name is Marty Stone, Off-Highway Vehicle Administrator with the Wisconsin Department of Natural Resources. Joining me to assist in addressing questions is Brigit Brown, the DNR's Recreation Management Section Chief. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 265 (AB 265).

The Department of Natural Resources administers several recreational vehicle programs. One of the programs experiencing significant growth is the ATV/UTV (all-terrain vehicle/utility terrain vehicle) program. Some of the largest drivers behind this growth are manufacturer innovation, road route availability, and customer satisfaction with the expanding UTV sector.

AB 265 would increase the maximum allowable dry weight limit for UTVs from 2000 to 3000 pounds. The majority of department-registered off-highway vehicles currently operated on trails throughout Wisconsin are ATVs that weigh between approximately 600 and 900 pounds. There are presently several UTVs available that weigh more than 2000 pounds. The department is also aware that there are likely hundreds of overweight machines that were improperly registered as UTVs and are currently operated on trails and road routes. This bill would bring these machines into compliance and accommodate heavier UTV models that may become available in the future.

Heavier vehicles have a range of implications for the trail user's experience. Regarding trail safety, heavier machines may lead to more serious injury crashes between lighter weight, more numerous ATVs and significantly heavier UTVs. Another potential consequence of an increased weight limit may be the registration and use of machines that are not typically considered UTVs by the recreating public, such as some older, non-street legal Willys Jeeps and other vehicles that look and perform similarly to off-road trucks and automobiles.

This bill will also impact trail conditions and maintenance. Although the power-to-weight ratio is a more important factor than vehicle weight alone, weight is a significant contributor to the displacement of trail surfacing material. Increased displacement will contribute to an increased need for trail maintenance, most notably grading and adding surface material back to the trail. Without that work, the department has found that safety and natural resource protection can be compromised. This is particularly the case in areas with highly erodible sandy soils or scattered wetland complexes, and on trails that see a high volume of use.

Finally, an increased UTV weight will likely lead to a re-examining of previous engineering and trail maintenance practices. As the weight of UTVs increases, trails need to be engineered more like roads, another potential user experience impact to consider. Raising the allowable weight to 3000 pounds will increase the cost of future trail building and improvements and will decrease the lifespan of existing



improvements. The growing popularity of UTVs has had a noticeable impact on trail conditions, routine maintenance cycles, and the effective life of trail improvements.

On behalf of the Department of Natural Resources, I would like to thank you for your time today. We would be happy to answer any questions you may have.

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June 8th, 2021 Public Hearing, Madison, WI

Re: Assembly Bill 265 - Weight limit definition change UTV from 2000 to 3000 pounds

To All Involved:

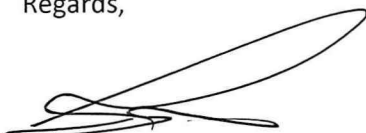
Next year will mark 40 years for me as a motorsports dealer. I can speak of my individual dealership and the positive impact the UTV/ATV industry has had on it, but would like to expand that to include all motorsports dealerships, ATV/UTV clubs, and owners of restaurants and other businesses in Wisconsin that thrive because of increased sales and patronage – especially since roads and trail systems are opening up all over the state. We could not be more fortunate than to live in a progressive state like Wisconsin that supports tourism and recreational motorized sports.

Consumer demands over the past several years has the UTV manufacturers producing and offering more models with more options and seating capacities which have somewhat outdated the 2000 pound definition. The units currently exceeding the 2000 pound weight restriction (for the brand we carry) are four-seated cab UTV's families typically purchase so they are able to enjoy the trail systems and vacation as a family. Changing the UTV weight restrictions from 2000 to 3000 pounds for public registration would be a huge benefit not only to sales for all powersports dealerships selling these units, but also to hundreds if not thousands of consumers, tourists (in- and out-of-state), and owners of recreational vacation spots in WI.

There would be little to no-more environmental impact than there is with the vehicles less than 2000 pounds.

Thank you for considering this change to increase the weight restriction from 2000 to 3000 pounds. It would definitely be a positive choice in my opinion.

Regards,



Rob Strauss
Owner



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Wisconsin ATV / UTV Association, Inc.
1539 N. 33rd Place
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April 8, 2021

Chairman Pronschinske and members of the Assembly Committee on Sporting Heritage

Re: AB 265 & SB 269 related to the weight limit for utility terrain vehicles (UTVs)

Our leadership team supports this UTV weight increase, we ask for your consideration to support this adjustment.

For some historic background, our organization requested and then facilitated a series of meetings with other major stakeholders in the Wisconsin UTV registration program related to this topic. Our goal of these meetings was to give context as to the various situations that now exist.

One of the situation scenarios, in our humble opinion, find there are likely hundreds, if not thousands, of UTVs registered incorrectly or improperly here in Wisconsin. These machines exceed the 2,000 pounds maximum dry weight limit, which means they are not legally a UTV in the eyes of state statute. This situation then makes it illegal to use them on our state's vast network of trails and routes.

There are numerous concepts or different ideas how these registrations took place or fell through the cracks in this regard. Many were likely due to the confusion of the similar names and models within the different brands sold, some with certain options available as add-ons to the consumer, other models that include the full doors with glass, inside heating and air conditioning, sound systems and navigation consoles, etc. It is mind boggling how many different models are now available, plus our state's registration software program does not have the capability to match the vehicle identification number (VIN) to automatically recognize which machines meet state definitions.

Explaining further, once a consumer purchases the UTV, the registration is then sent to the state for processing. If a new unit, through the retail dealership, if a used unit, the consumer files the application.

The state then sends the registration paperwork back to the consumer afterward. With many in the state also working from home during COVID, these factors and others, all play a part into how so many of these heavier machines were originally registered.

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Our organization is continually interacting with riders out on the many trail networks across the state. Whether at one of our mobile Welcome Centers or at organized meetings and rides, we make note of these heavier model machines. We also field many letters and calls from the UTV public on this subject matter. One of the most impactful letters we have received is included in our testimony packet. The letter from the Stibb family out of Neshkoro, Wisconsin, explains in their own language, why they support this weight change.

We have also included some charts showing the phenomenal growth of the ATV and UTV vehicle registrations, along with pictures to validate our trail interactions with our mobile Welcome Centers. The UTV segment of the sport/industry continues to attract an expanding demographic into our outdoor recreational activity.

Our leadership team of the Wisconsin ATV UTV Association recognizes some individuals are not fully supportive of the weight request change for their own personal reasons. We respect that viewpoint and opinion, but our leadership team remains committed to supporting the increase.

We understand there is more detailed work to do after this change is hopefully approved. This includes adjusting trail funding levels and other important program changes to account for the future of our registration program parameters.

Thank you for the opportunity to share our viewpoints. We hope you join us later in the fall season as we re-establish our annual VIP Ride in the great outdoors of Wisconsin!

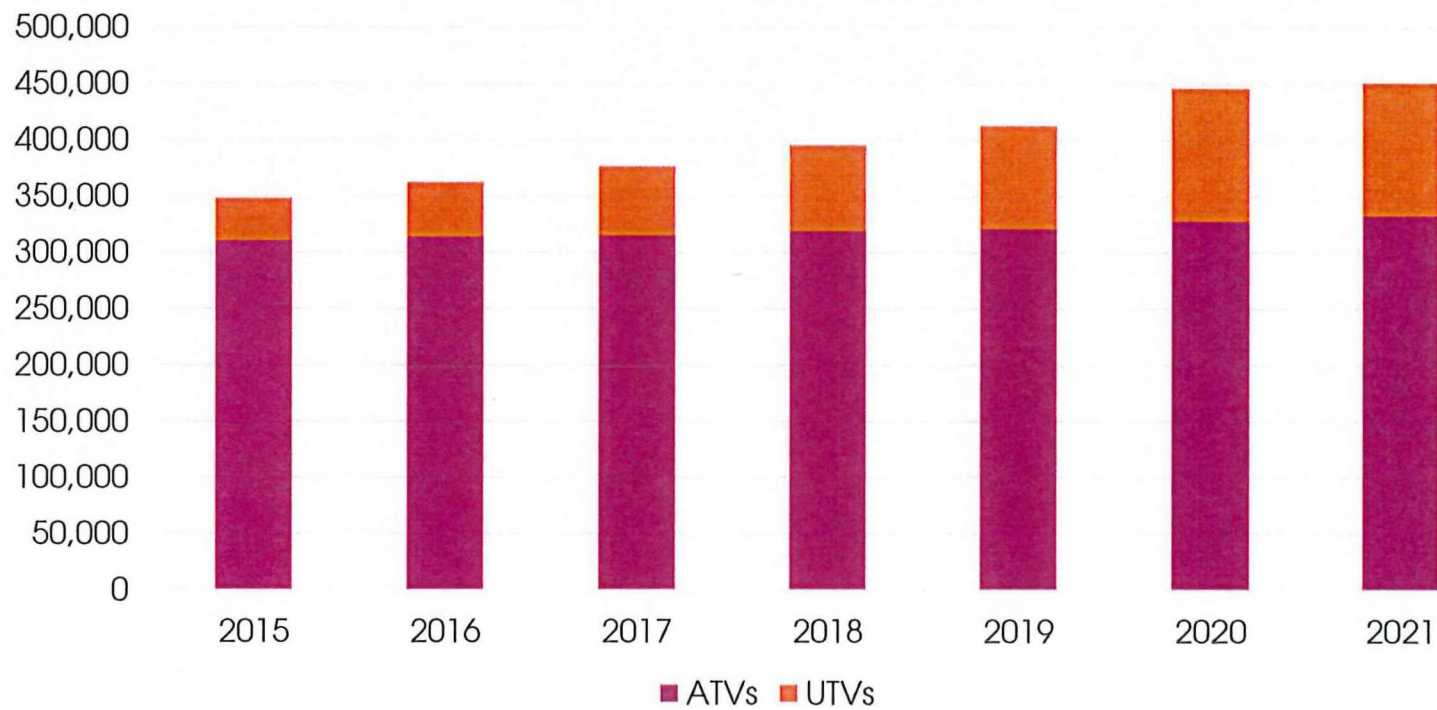
Randy Harden
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Registered Vehicles



2020 Registration Totals: 328,000 ATVs and 113,400 UTVs
2020 Non-Resident Trail Passes: 29,000

WELCOME CENTER



WELCOME CENTER

WHERE TO RIDE & MAPS
RULES & REGULATIONS

FREE VEHICLE SAFETY CHECKS

WATVA

THE WISCONSIN ATV - UTV ASSOCIATION





Ronald, Barbara & Dustin Stibb
W591 Dover Rd
Neshkoro WI 54960
bstibb@bugnet.net

3/25/2021

To whom it may concern,

My name is Barb. My husband Ron and I are very proud parents of 2 beautiful daughters and a very exceptional, special needs young man who loves and enjoys riding the ATV/UTV trail systems in WI. I will apologize in advance for the length of this letter but I hope you read it in full with an open heart.

Back in March 2020, our family purchased a 2019 Polaris Crew XP 1000 Northstar from a dealer. We purchased this machine specifically for our special needs son, Dustin.

Dustin was born with severe generalized Dystonia and Spastic Quadriplegia secondary to Cerebral Palsy. Dustin suffers from severe muscle spasms and tight muscles which requires a baclofen pump to constantly intrathecally provide him with baclofen to reduce his muscle tension.

Dustin has seizures and is unable to speak, but he has a smile when he's riding that can light up any room. Along with many other medical issues, Dustin was recently diagnosed with Chronic Respiratory failure with Hypoxia and Hypercapnia and is now required to be on a continuous flow of oxygen.

For many years our family has enjoyed the ATV/UTV trail systems in WI. It is always a great way to release some of the everyday pressures, and spend time with family. If Dustin was able to talk, he would say it was all about the mud!

In prior years, we owned a Polaris RZR 4-seater. This worked temporarily until Dustin's respiratory system took a turn for the worse and we were put in a position to figure out how we were going to be able to

have Dustin enjoy riding the trails without his respiratory system becoming further compromised.

We had heard about the Polaris Ranger Crew Northstar, so we took Dustin to the dealership to look at this machine and see if he could fit in it properly. I took a sigh of relief and thought this machine is amazing. We would not have to worry about dust from the trails because of the cab system and the air conditioning would help prevent Dustin from overheating.

Everything was going amazingly. Dustin was enjoying our new Northstar until we got stopped while riding the trail system in Black River Falls by the Sheriff's dept. He informed us that our \$26,000 machine was illegal in the state of WI and we are not able to ride ANY of the trail systems because our machine is overweight!

We did not receive any tickets that weekend for riding our machine, but a couple of weeks later we received a letter stating our registration was invalidated due to being overweight. At this point we owned this machine for less than 4 months.

I feel it is inadequate to try to put my feelings into words after this had happened. As parents of a handicapped child our milestones are much different than other parents. You learn what love and patience is at a whole different level, and you learn that you have more inner resources than you believe were ever possible. So please understand that this setback is a really big deal for our family, and we could really use some help.

We are asking for the legislature to be amended with a weight limit from 2000lbs to 3000lbs so Dustin can continue to ride. I do not know how many families can relate to our story, or why other people would like the weight limit changed, but this is very important to us.

We have been asked, why don't you just go and buy a regular 3 seat Ranger Northstar? I wish that could have been an option for us because we would have done it in a minute. The 3-seater Ranger Northstar does not accommodate all of Dustin's needs. Dustin has to take 3-4 tall tanks of oxygen along wherever he goes. He does not have a portable unit like you

see on TV. He is on a continuous flow of oxygen and the small unit does not pertain to him. Each tank runs 3-4 hours, depending on his flow rate that day.

Along with the oxygen tanks, Dustin has to have a suction machine (which is small and portable) and also a portable nebulizer for breathing events. Because breathing and suction is crucial for him, I have to sit next to him. The Ranger Crew Northstar 1000 fits all his needs.

So that leaves us with no ride for Dustin and a \$26,000 machine that we cannot ride anywhere in the state of WI unless it is private land. We wondered how in the world could we fix this. I thought the only way that Dustin had any chance to ride was to see if Dustin could get a disability permit of some sort.

We were in contact with Ms. Krammes who is DNR's equal opportunity specialist to address information on a disability permit and information on a PDMD. She responded and said:

"The DNR cannot grant access to land or trails that do not belong to us. We can potentially grant access of your vehicle to specific state properties upon request, despite it exceeding the weight limit for a UTV allowed on our trails."

The mobility device application can be used to request a special permit to use your UTV on specific DNR owned lands. You will need to submit a request for each DNR location/trail/property you wish to access with your UTV.

Our machine clearly qualifies for a PDMD. This machine is a special life sustaining mobility device (Guidance for Department of Natural Resources Lands PUB-PR-066 3/2011 Power-Driven Mobility Devices on Wisconsin Trails.) **Even though it qualifies, we still cannot drive it because of weight issues.** The permit for a mobility device is not used for a situation like ours. We would need to know and contact all of the property landowners, including the DNR and then apply that permit to ride each in that trail system. I attempted this process last year so Dustin could finish riding out the season. This was an emotional and exhausting process.

I was able to contact Dan Yankowiak. He is the Recreation Liaison for The Wisconsin Department of Natural Resources. He was very gracious and approved our PDMD for the Tuscombia State Trail and Flambeau River State Forest. This allowed Dustin to ride for the rest of last year's season. We were very grateful for that, but have no idea how Dustin will ride this summer.

Even though our machine registration was pulled, there are still overweight machines being driven on the trail systems. According to the internet, these machines are still being sold and being registered falsely like ours was. It was just unfortunate luck that we got stopped and our registration was pulled.

Our family has enjoyed the WI trail system for many years and this is our personal view on raising the weight limit.

Dustin's disability is not the problem. It is the accessibility that is the problem we are facing!

As parents of a handicapped child we do not have the ability to make life fair, but we do have the ability to make life fun. So our family is pleading for you to have an open mind and make changes to the legislation for the UTV weight limit throughout the Wisconsin ATV/UTV trail systems be raised from 2000lbs to 3000lbs.

Thank you for your time,
The Stibb Family



Testimony in Support of AB 265

J.R. Burke, Director, State Government Affairs, Polaris Inc.

Assembly Committee on Sporting Heritage

Tuesday, June 8, 2021

Chair Pronschinske, Vice-Chair Tittl, members of the committee:

My name is J.R. Burke, testifying on behalf of Polaris in support of Assembly Bill 265, legislation that will update the utility-terrain vehicle (UTV) definition. According to the federal Bureau of Economic Analysis, the U.S. outdoor economy accounts for \$887 billion in annual consumer spending and 7.6 million jobs. In Wisconsin, the outdoor economy accounts for over 95,000 jobs, \$3.9 billion in wages and \$7.7 billion of state GDP. And we are proud to report that powersports, which includes Polaris' own infrastructure and workforce investment in Osceola, is ranked first among all outdoor industries contributing to Wisconsin's outdoor economy.

Many states across the country are, or already have, updated their off-road vehicle definitions to keep pace with substantial innovation in the growing outdoor recreation industry, and this legislation puts Wisconsin on track with other states regionally and across the country. With powersports embracing innovative technologies like electrification, thoughtful legislation like AB 265 is needed to pave the way for enthusiasts.

While Polaris is a committed, vocal supporter of this legislation, please know that there are a number of Original Equipment Manufacturers in the off-road industry, along with their Wisconsin dealers, that will also benefit from this legislation.

This proposal is not novel. Thirty-four states permit UTVs over Wisconsin's current 2,000 lbs. This legislation ensures that Wisconsin and its small business community that supports a vibrant outdoor economy continue to prosper without abatement and on a level playing field with competing states. One example is Michigan, which does not have a statutory weight limit for operation on their equivalent UTV trails.

While Polaris is an industry leader in off-road vehicle innovation, it is our Wisconsin-based dealer partners, nearly 60 of them, each and every one, a small business, that brings these products to life for their customers. It is their business, their employees, and their customers that benefit most from this legislation.

Chairman Pronschinske, thank you for your leadership and thoughtfulness in allowing a hearing on this important legislation. I respectfully ask for the committee's support on AB 265. I am happy to answer any questions you may have.

Wisconsin County Forests Association

Norman Bickford
President
Burnett County

Joe Waichulis
Vice President
Clark County

Greg Sekela
Treasurer
Oconto County

Al Mans
Director
Marinette County

Myron Brooks
Director
Taylor County

Ed Kelley
Director
Florence County

Bill Schradle
Director
Barron County

Phil Schneider
Director
Rusk County

William Bialecki
Director
Lincoln County

Arnold Schlei
Director
Marathon County

Jim Parrett
Director
Juneau County

Hank Graber
Director
Washburn County

Alan VanRaalte
Director
Oneida County

Michael Luedeke
Director-at-Large
Spooner, WI

Henry Schienebeck
Director-at-Large
Rhineland, WI

Rebekah Luedtke
Executive Director

June 7, 2021

Assembly Committee on Sporting Heritage

Representative Pronschinske (Chair)

Representative Skowronski

Representative Sortwell

Representative Tusler

Representative Callahan

Representative Milroy

Representative Shankland

Representative Shelton

Representative Tittl (Vice-Chair)

Representative Mursau

Representative Wichgers

Representative Edming

Representative Dallman

Representative Hesselbein

Representative Spreitzer

RE: AB 265 - Legislation to Increase ATV/UTV Weight Limits

Dear Members of the Assembly Committee on Sporting Heritage,

Please accept these comments from the Wisconsin County Forests Association (WCFA) for your consideration when addressing the ATV/UTV weight limits proposed legislation, AB 265.

WCFA represents the 30 counties in Wisconsin with County Forest lands established under state statutes §28.10 and 28.11. Collectively, these 30 counties manage over 2.4 million acres of forests, the largest public ownership in our State. Wisconsin's County Forests are working forests, providing essential raw material for our State's \$24 billion forest products industry, plus a suite of other benefits and assets (robust wildlife habitat, ample recreation opportunities and abundant clean air and water).

As the largest trail owner and management entity in the State of Wisconsin, caring for over 1,800 miles of ATV trails, we feel the decision of adjusting ATV/UTV weight limits should not be driven by what machine manufacturers want but by what is best for the resource and by the dedicated professionals who care for it. To that point, we are kindly requesting the ATV/UTV weight limits to not go above 2,750 pounds. I must underscore there are a handful of our member counties who do not support any increase above 2,000 pounds.

If there was one possible concession we'd be willing to consider making, it is an allowance for electric machines to have a maximum weight of 3,000 pounds. Unfortunately, based on recent discussions, it doesn't appear the manufacturers know how heavy electric machines would even weigh once developed.

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Wisconsin County Forests Association

Any increase in the weight limits must be matched with a sufficient increase in trail maintenance and law enforcement funding. The Counties struggle to properly maintain their trails even at the current limits and trail standards, because of lack of adequate funding, ever increasing expenses and having to do more with less. In addition, patrol reimbursements continue to be pro-rated, also, due to lack of sufficient funding.

We recommend the ATV & UTV registration fee structure be re-evaluated, with no less than a \$200 per mile increase for trail maintenance. Likewise, law enforcement funding must be adequately increased and made whole to provide safety to all users.

Furthermore, we request dealerships be required to provide written information or publications on what the current statutes are in the State of Wisconsin. This could have potential to mitigate any angst for new machine owners before they realize they are out of compliance with state law.

While we think it's great that more Wisconsinites are getting outdoors and enjoying our wonderful natural resources, and we also appreciate the effort to get existing heavier machines into compliance, there is major concern that weight limits will continue to increase in perpetuity until there are no restrictions for any type of machine using Wisconsin's trail systems. Whatever the outcome of any proposed legislation, we would also ask for a moratorium on any future increases for ten years.

We all must ask ourselves, manufacturers included, when will enough be enough? At what point are bigger machines not really better for trail use? If weight limitations continue to be increased to satisfy demands of manufacturers, there is real potential the Counties, among others, will be forced to enact ordinances with lower weights and narrower widths in order to protect their trail systems or get out of the business of ATV/UTV trail management all together. To further compound the issue, we are currently aware that certain townships will be closing town roads, which act as trail connectors, because of the continued negative impacts they are experiencing with no way to pay for repairs.

These comments were shared with legislation authors, Senator Stafsholt and Representative Mursau, previously, as well with the Wisconsin ATV Association and the Senate Committee on Natural Resources & Energy. We appreciate, and thank you all for your continued support of forestry in Wisconsin and for the County Forests System. Please let me know if you have any comments or questions.

Kind regards,



Rebekah Luedtke
Executive Director

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