

# ROB SWEARINGEN

STATE REPRESENTATIVE • 34<sup>th</sup> ASSEMBLY DISTRICT

Office: (608) 237-9134  
Toll Free: (888) 534-0034  
Rep.Swearingen@legis.wi.gov

P.O. Box 8953  
Madison, WI 53708-8953

August 31, 2021

## Testimony on Assembly Bill 372

### Assembly Committee on Transportation

Good morning Chairman Plumer Vice-Chairman Spiros and members of the Committee on Transportation. I am here today in support of Assembly Bill 372, which is related to passenger restrictions on all-terrain vehicles.

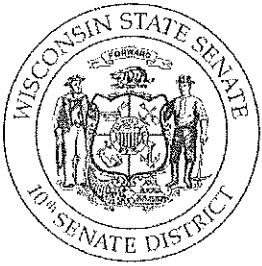
In current statute, no person may ride on an all-terrain vehicle (ATV) with more than 1 rider unless the machine was manufactured to hold two passengers. This bill, which is coined the “2-Up” bill, would eliminate restrictions that prevent two riders from sharing an ATV designated for one person.

Last session, Governor Evers partially vetoed Senate Bill 583, which created an unintended consequence leading to the prohibition of riding double on ATVs on both public trails and private property. While manufacturers do currently sell aftermarket seats that are safe and used by thousands of riders in Wisconsin, passengers on almost all these vehicles are still considered illegal by state law. Furthermore, many riders do not have the financial means to purchase a different ATV or multiple ATVs that would allow them to ride legally and enjoy the beautiful trails Wisconsin has to offer.

As we’ve heard from constituents from our district and other districts throughout the state, many ATV riders who have traditionally ridden with two passengers have chosen to keep their ATVs locked away in storage to prevent breaking the law. They strongly support AB372 and would like to get back to their tradition of riding double on their ATVs.

Ultimately, this bill is common-sense and a simple fix to state statute that would allow riders to purchase aftermarket seats for their ATVs, so that they can legally and safely ride with two passengers. With all the incredible outdoors opportunities Wisconsin has to offer, it’s time that we pass AB372 and end the prohibition on passenger restrictions on ATVs.

Thank you again for hearing AB372 and I am hoping for strong bipartisan support on this legislation.



# ROB STAFSHOLT

STATE SENATOR • 10<sup>th</sup> SENATE DISTRICT

(608) 266-7745  
Toll Free: (800) 862-1092  
Sen.Stafsholt@legis.wi.gov

P.O. Box 7882  
Madison, WI 53707-7882

DATE: August 31, 2021  
RE: **Testimony on Assembly Bill 372**  
TO: Members of the Committee on Sporting Heritage, Small Business and  
Rural Issues  
FROM: Senator Rob Stafsholt

---

Thank you Chairman Plumer and members of the Assembly Committee on Transportation for hearing Assembly Bill 372 relating to passenger restrictions on all-terrain vehicles.

Last session, while working with the Wisconsin ATV Association, the legislature passed Senate Bill 583 relating to the regulation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs). Governor Evers signed this bill into law as 2019 Act 183. Act 183 included several "clean up" provisions including one that specifically allowed a passenger on an ATV while in use by emergency personnel like firefighters and EMTs. However, that provision had an unintended consequence of making it illegal for the general public to ride an ATV with more than just the operator unless the machine was originally manufactured for more than one rider. The result is that it is no longer legal for farmers to give one person a ride on an ATV out to a tractor in the field, no longer legal to pick up your son or daughter at their deer stand and give them a ride out in the dark, and it is not legal for two people to hop on a single ATV and ride out across a Wisconsin lake to their ice shanty to fish. Perhaps the biggest burden I have seen is that seniors who are retired and enjoyed riding through some of Wisconsin's most beautiful natural resources on an ATV together cannot legally do it. These seniors, sometimes on a limited budget, are faced with the choice to spend thousands of dollars on a second ATV, or purchase a very expensive UTV, or possibly just stay home and not get to enjoy riding around enjoying nature and having a picnic lunch in some rural spot. Much too often the last option of just staying home is what has happened.

I have heard from many, many constituents and people across this great state that want the law changed back. This bill accomplishes that. I think it is unfortunate that the Wisconsin ATV Association has chosen to sit by and not provide testimony in favor of this bill today. I sincerely hope their members who are upset about this law change that originated directly from the WI ATV Associations efforts last session contact their Association and express their displeasure in the Association's lack of action to fix this issue.

Manufacturers sell aftermarket storage devices that often create a seat that has been proven to be safe and have traditionally been used by thousands of riders in Wisconsin, but as the law now stands, passengers on almost all machines are rendered illegal. This bill allows people who do not have the financial ability to purchase a different ATV, or multiple ATVs, to get back to enjoying the beautiful natural resources Wisconsin ATVing has to offer. This common-sense bill simply allows the unintended consequence of last session's Act 183 to be fixed.

Again, thank you for allowing me to testify on Assembly Bill 372. I would appreciate your support on this piece of legislation.



## Assembly Committee on Transportation

### *2021 Assembly Bill 372*

#### *Passenger restrictions on all-terrain vehicles*

*August 31, 2021*

Good morning Chair Plumer and members of the Committee. My name is Martin Stone, Off-Highway Vehicle Administrator with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify in opposition to Assembly Bill 372 (AB 372), related to passenger restrictions on all-terrain vehicles.

Under current law, no person, except for EMS personnel, may operate an all-terrain vehicle (ATV) with a passenger riding in or on any part of the ATV not designed or intended to be used by passengers. This restriction includes passengers seated behind the operator on a one-person seat and also prohibits riding on an ATV's cargo racks, handlebars, or any other location not intended for passengers. Current law also restricts the number of passengers to the number intended by the ATV's manufacturer. AB 372 would remove these current safeguards, allowing any number of passengers to ride on any location on an ATV.

Safety is the rationale for current regulations restricting passengers. ATVs not designed for passengers have a higher risk for adverse handling that can lead to crashes and injuries to both the operator and passenger. ATVs are "rider active" machines which require operators to move and shift their weight to safely navigate uneven terrain. Single rider ATVs are designed with extra seat space to allow riders to shift forward, backward, or side-to-side. Placing a passenger with an operator on a single rider ATV seat severely limits the operator's ability to be rider active and to safely operate the ATV. ATVs designed for passengers also have extra space incorporated into a two-seat design that allows the operator and a passenger to shift their weight independent of one another to safely operate over uneven terrain.

These restrictions are rooted in safety, which is why passenger limitations also exist for motor vehicles and boats. As manufacturer engineers contemplate specific performance characteristics based on fixed weight and load distribution, they design safety components directly related to occupant locations and weight. Passengers sitting on a motor vehicle hood or an ATV cargo rack can be ejected and run over. Adding a passenger that an ATV is not designed to accommodate in exceedance of these engineered tolerances can cause a loss of control leading to crashes, injuries, or death.

AB 372 does not align with the DNR's ATV safety training curriculum or the nationally recognized ATV Safety Institute training curriculum. These safety courses teach students not to operate ATVs with passengers unless the ATV is designed and intended for passengers due to the inherent design safety concerns and the possibility for loss of control of the ATV.

Current passenger restrictions for ATVs operated on roadways and for ATVs operated off roadways, such as on ATV trails, are consistent in restricting passengers only to areas designed for passengers. There are approximately 42,000 miles of ATV roadway routes in Wisconsin. These routes and ATV

trails are intertwined throughout the state. Removing the off-roadway passenger restriction would cause confusion when ATV operators encounter conflicting regulations when they leave an ATV trail with passengers and then enter an ATV roadway route where passengers are restricted. This proposed change would require ATV operators to become familiar with two differing sets of regulations for the roadway and trail.

On behalf of the Department of Natural Resources, we thank you for your time today. I am happy to answer any questions you may have.

**TO:** Members of the Assembly Committee on Transportation

**DATE:** August 26, 2021

**RE:** Opposition to AB372/SB368 – Passenger restrictions on all-terrain vehicles

**FROM:** *(Listed in alphabetical order)*

Children's Wisconsin

Gundersen Health System

Marshfield Children's Hospital

National Children's Center for Rural and Agricultural Health and Safety

Safe Kids Coulee Region

Safe Kids Madison Area

Safe Kids Southeast Wisconsin

Safe Kids Wisconsin

UW Health American Family Children's Hospital

Wisconsin Chapter of the American Academy of Pediatrics

The manufacturers of all-terrain vehicles (ATVs), the ATV Safety Institute, and the Consumer Product Safety Commission (CPSC) specify that single rider ATVs should not have additional passengers on the vehicle. Current Wisconsin law, passed last session, aligns with this guidance to only allow passengers on vehicles originally manufactured for additional riders. Wisconsin law currently adheres to industry safety recommendations and helps protect children and adults from preventable injuries.

Many ATVs are designed for a single rider and are rider-active vehicles, requiring the driver to use their body to maneuver hills and turns. As passengers are added, the space for the driver to actively drive the ATV is impacted, limiting the ability to operate the vehicle safely. Aftermarket products have been developed to make the seating area more comfortable and appear to be safer for a passenger. Yet, manufacturers of these aftermarket products specify they are not to be used when the vehicle is moving. We are especially concerned about the use of aftermarket products to accommodate child passengers. While these aftermarket products exist and have been used in the past, it does not mean they are safe or represent the ATV manufacturers' intended use of their products.

Each year hundreds of deaths occur from ATV use in the United States and hundreds of thousands are injured. A [2020 CPSC report](#) ranks Wisconsin in the top 10 states for high numbers of fatal incidents from ATVs and other off highway vehicles. CPSC also reports that 25% of ATV injuries and fatalities are to passengers of the vehicle. Ensuring that Wisconsin continues to regulate ATVs not intended for passengers will prevent injuries and save lives.

According to the Wisconsin Department of Natural Resources' (DNR) [2019 Recreational Vehicle Annual Report](#), of the 366 non-fatal recreational vehicle incidents reported in 2019, nearly one-third were related to ATV use. The DNR acknowledges that incidents may go unreported, so the number of accidents related to ATV use may be higher. In 2019, reported ATV accidents in Wisconsin resulted in nearly 100 injuries, nearly 20% of which were among children ages 10-18, as well as 16 fatalities.

Please consider opposing this legislation and upholding current law to prohibit additional persons from riding on ATVs not manufactured for passengers. This will help promote safety and prevent injuries associated with ATV use.



August 31, 2021

The Honorable Jon Plumer  
Chair  
Assembly Committee on Transportation  
2 East Main Street  
State Capitol, Room 317 North  
Madison, WI 53702

The Honorable John Spiros  
Vice-Chair  
Assembly Committee on Transportation  
2 East Main Street  
State Capitol, Room 212 North  
Madison, WI 53702

**Re: AB 372 – SVIA opposes passengers on single-rider ATVs**

Dear Chairman Plumer and Vice-Chairman Spiros:

The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

AB 372 would repeal the prohibition of passengers riding on any part of an ATV that is not designed or intended to be used by passengers. **SVIA opposes the legislation.**

Tens of millions of ATV users ride in a safe and appropriate manner every day. In addition to their popularity for outdoor recreational use, ATVs are indispensable tools for farmers, law enforcement officials, the military and others. With the exception of specially designed ATVs intended by the manufacturer for use by an operator and a passenger, which are equipped with a designated seating position behind the operator, all ATVs are designed to operate with only a single operator and no passengers. Unlike motorcycles with similar straddle-seating, ATVs that are not specifically designed to carry passengers cannot be operated safely with passengers. Repealing the prohibition against passengers where they are not designed to be seated would falsely signal to consumers that passengers on single-rider ATVs is somehow safe. It is not. Furthermore, passengers riding on an ATV in any location other than a designed passenger seat can drastically affect the safety, steering and overall handling of the ATV, thereby putting the riders at risk of harm.

ATVs are rider-active. They are not designed for carrying passengers and warning labels on the vehicle and in the owners' manuals clearly warn against this practice. The long seat is to allow the operator to shift body position as needed when riding an ATV. There are no hand holds or footrests for a passenger and passengers can be thrown off easily when maneuvering the vehicle. A passenger on an ATV can also interfere with the operator's control over the ATV. Losing control of the vehicle could result in injuries or death. Every single-rider ATV carries a specified label warning against riding as a passenger on the ATV. SVIA stresses that ATV operators should never carry passengers on single-rider ATVs and urges enactment of state legislation to prohibit passengers on ATVs unless designed by the manufacturer for use by an operator and no more than one passenger.

The majority of ATV accidents and related injuries are caused by misuse. Studies and investigations of ATV-related injuries over time demonstrate that a large majority of ATV-related injuries and fatalities involve behaviors that the ATV industry warns against in its rider education programs, product literature, and on its vehicle warning labels. Such behaviors include operating ATVs on paved roads, operating

without a helmet or other protective safety gear, carrying passengers on single-rider ATVs, children riding adult-sized ATVs, and operating under the influence of alcohol.

Thank you very much for your consideration of these comments. Should you have any questions, please contact me at 703-416-0444 ext. 3202.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott P. Schloegel".

Scott P. Schloegel  
Senior Vice President, Government Relations

cc: Assembly Committee on Transportation Members