

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: LE-05-24

Relating to: All-Terrain Vehicles; ch. NR 64, Wis. Adm. Code

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

This will be a permanent rule.

2. Detailed description of the objective of the proposed rule:

The general purpose of the proposed rule is to modernize outdated provisions of ch. NR 64, Wis. Adm. Code, relating to All-Terrain Vehicles, to make them consistent with s. 23.33, Wis. Stats., relating to both all-terrain vehicles and utility-terrain vehicles. The rule would also eliminate or modify code provisions which are no longer appropriate or do not align with current enforcement practices.

Additional rule changes that are reasonably related to those discussed above which are necessary in response to statutory enactments, to facilitate enforceability of current law, or to effectuate the goals described in this scope statement may also be considered.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapter 23.33, Wis. Stats., establishes requirements for registration, trail use and signage, rules of operation, public education and safety programs and funding, equipment standards, and noise limits for both all-terrain vehicles and utility terrain vehicles. Similar requirements contained in ch. NR 64, Wis. Adm. Code, apply only to all-terrain vehicles.

The Department of Natural Resources anticipates addressing the following issues in this rule proposal:

- Code modernization to reflect the current recreational vehicle market and associated equipment offerings, as well as changing user patterns and the recreational environment.
- Code congruency with statutory enactments.

As an alternative, not updating the recreational vehicle administrative code chapters will continue to cause a lack of clarity for the general public who desire to be in compliance with the law and for law enforcement who desire enforcement certainty.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Pursuant to ss. 23.33 and 23.47, Wis. Stats., the department is granted authority to promulgate rules to govern the use of all-terrain vehicles and utility terrain vehicles by creating standards for registration,

trail use and signage, operation, public education and safety programs and funding, equipment, and noise limits for both all-terrain vehicles and utility terrain vehicles.

Registration Requirements and Exemptions and Trail Passes

- ss. 23.33 (1) (jc) and 23.47 (1), Stats.: The department may designate by rule alternative forms of proof of registration.
- s. 23.33 (2) (b) 5., Stats.: The department may exempt all-terrain vehicles and utility-terrain vehicles from registration requirements.
- s. 23.33 (2) (p) 1. and 2., Stats.: The department may promulgate rules to establish eligibility and other criteria for the appointment of registration agents and regulate their activities and may establish by rule additional procedures and requirements for all-terrain vehicle or utility terrain vehicle registration.
- s. 23.33 (2j) (e), Stats.: The department may promulgate a rule to exempt all-terrain vehicles and utility terrain vehicles that are exempt from registration from having nonresident trail passes or temporary trail use receipts displayed or may promulgate a rule to exempt owners of such vehicles from having to pay any applicable nonresident trail pass fee.
- s. 23.33 (2j) (f) 3., Stats.: The department shall establish, by rule, procedures for issuing nonresident trail passes and temporary trail use receipts, and the department may promulgate rules regulating the activities of persons who are appointed to be agents under this paragraph.

ATV and UTV Operation

- s. 23.33 (3) (i), Stats.: No person may operate an ATV or UTV in a manner which violates rules promulgated by the department.
- s. 23.33 (4) (b), Stats.: No person may operate an ATV or UTV on a highway except as authorized by rules promulgated by the department.
- s. 23.33 (4) (e) 5., Stats.: A person may operate an ATV or UTV adjacent to a roadway in compliance with rules promulgated by the department.

Public Education, Standards, Safety Programs, and Funding

- s. 23.33 (2m) (c), Stats.: The department may promulgate rules to establish minimum standards for the instruction given at rental to first-time ATV/UTV operators.
- s. 23.33 (4z) (a), Stats.: The department shall promulgate rules to provide for a public education program.
- s. 23.33 (5) (d), Stats.: The department shall establish or supervise a safety certification program and shall establish by rule an instruction fee for this program.
- s. 23.33 (5m) (a) and s. 23.33 (5m) (b) 3., Stats.: The department shall establish a program to provide funding to organizations that conduct safety enhancement programs in ways that do not conflict with the laws, rules, and departmental policies related to the operation of ATVs and UTVs.

Noise Limits

- s. 23.33 (6m), Stats.: No person may manufacture, sell, rent or operate an ATV or UTV in such manner as the noise emitted exceeds the scale measured in the manner prescribed under rules promulgated by the department.

Route and Trail Signs

- s. 23.33 (8) (e) 1., Stats.: The department shall establish uniform all-terrain vehicle route and trail signs and standards and uniform signs and standards for the operation of utility terrain vehicles on all-terrain vehicle routes and trails.

Pursuant to s. 23.33 (9), Wis. Stats., the department may utilize money from all-terrain vehicle and utility terrain vehicle registration to administer aids for all-terrain vehicle and utility terrain vehicle projects. Under s. 227.11, Wis. Stats., the department is authorized to promulgate rules to interpret s. 23.33, Wis. Stats., such as creating standards to allocate funding for all-terrain vehicle and utility terrain vehicle projects, in order to effectuate the purpose of the statute.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates that 300 hours of staff time will be needed to develop this rule, including holding public meetings and hearings.

6. List with description of all entities that may be affected by the proposed rule:

People affected by this proposed rule include the general public; recreational vehicle user groups and individuals who are presently regulated or affected by recreational vehicle provisions such as off-highway vehicle associations; statutorily established councils such as the off-road vehicle council; all-terrain vehicle and utility-terrain vehicle manufacturers and dealers; trail managers; and law enforcement agencies.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

No federal regulations apply. None of the rule proposals violate or conflict with federal regulations.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

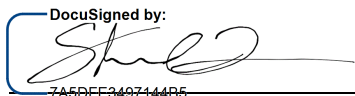
Since the department has already established a program for regulating the use of all-terrain vehicles and utility terrain vehicles, costs to implement the proposed rule and economic impacts on users are expected to be minimal.

The proposed rule is not likely to have a significant economic impact on small businesses. The proposed rule imposes no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding one hearing in Madison in August 2025, in-person as well as virtually, to allow for as many people to attend as possible. Comments may be provided by mail, phone and email as well as in-person.

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Steven Little, Deputy Secretary
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Date Submitted