

DRAFT 08/21/2026

The statement of scope for this rule, SS 071-24, was approved by the Governor on June 27, 2024, published in Register No. 823A2 on July 8, 2024, and approved by the Natural Resources Board on September 25, 2024. This rule was approved by the Governor on [insert date].

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD CREATING RULES

The Wisconsin Natural Resources Board proposes an order to **create** NR 64.07 (8) (bm) 4. and 5., (9), and (10), relating to all-terrain vehicles and utility terrain vehicles.

LE-06-26

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted: Sections 23.33 (3) (i), and 227.11 (2) (a), Wis. Stats.

2. and 3. Statutory Authority and Explanation of Agency Authority:

The department has authority under s. 23.33, Wis. Stats., to promulgate administrative rules for the implementation of the all-terrain vehicle and utility terrain vehicle program.

Section 23.33 (3) (i), Wis. Stats., prohibits a person from operating an all-terrain vehicle or utility terrain vehicle in a manner which violates rules promulgated by the department.

In addition, general authority is granted by s. 227.11 (2) (a), Wis. Stats., to interpret the agency's statutory authority in order to effectuate the purposes of s. 23.33, Wis. Stats.

4. Related Statutes or Rules:

The department promulgated a permanent rule, Board Order LE-05-24, related to all-terrain vehicles, effective June 1, 2026.

5. Plain Language Analysis:

The proposed rule creates two exceptions to the visible light percentage requirements in s. NR 64.07(8) (bm), Wis. Adm. Code for utility terrain vehicles manufactured prior to March 1, 2027, and for individuals who have a medical exemption which is consistent with medical exemptions for motor vehicle window tint found in s. Trans 305.32 (4) (b) 3., Wis. Adm. Code.

The proposed rule creates two additional operating rules in s. NR 64.07, Wis. Adm. Code, which would prohibit the use of intoxicants and the possession of any bottle or receptacle containing an intoxicant while operating an all-terrain vehicle or utility terrain vehicle. In this proposed rule, intoxicant means any alcohol beverage, hazardous inhalant, controlled substance, controlled substance analog or other drug, or any combination thereof, consistent with the meaning of "intoxicant" in s. 23.33 (1) (i), Wis. Stats.

Additionally, the proposed rule allows the use of turning or stop signals given by hand and arm, in lieu of or in addition to signals by signal lamp, consistent with the requirements for motor vehicles found in ss. 346.34 and 346.35, Wis. Stats.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

No federal regulations apply. The proposed rule does not violate or conflict with the provisions established in the Federal Code of Regulations.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The department held a preliminary public hearing and comment period on Statement of Scope SS 071-24 (DNR Number LE-05-24) on August 23, 2024. One individual registered in support and provided a written comment in support of updating ch. NR 64, Wis. Adm. Code, to make it more consistent with s. 23.33, Wis. Stats.

8. Comparison with Similar Rules in Adjacent States:

This proposed rule seeks to adopt standards substantially similar to the existing open container laws in Iowa, Michigan, and Minnesota.

In Iowa, a driver or passenger shall not possess an open or unsealed bottle, can, jar, or other receptacle containing an alcohol beverage in any area readily accessible to the driver or passengers when the all-terrain vehicle is operated on a public road.

In Michigan, it is unlawful to possess or transport open containers of alcohol beverages in or upon an off-road vehicle unless the container is encased or enclosed or kept in a compartment separate from the passenger compartment of the vehicle.

In Minnesota, it is unlawful for a person to possess an open alcohol beverage when operating an off-highway vehicle on a roadway, within the roadway right-of-way, or on designated trails. A bottle or receptacle that is in an area of the vehicle not occupied by the driver or passengers is excepted from this prohibition.

Surrounding states differ in their approach to allowing medical exemptions for window tinting.

Iowa no longer grants medical exemptions for window tint on vehicles, including utility terrain vehicles, but allows UV-blocking films that do not reduce visible light transmission below the legal percentage.

Illinois, Michigan and Minnesota allow window tint in excess of percentages prescribed in statute if a physician certifies that a utility terrain vehicle operation has a qualifying medical condition.

Similar to the approach proposed in this rule, Illinois, Iowa, Michigan, and Minnesota generally apply laws specific to motor vehicles to all-terrain vehicles and utility terrain vehicles for the use of hand and arm signals to indicate stopping or turning.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

In this proposed rule, the department seeks to address use of intoxicants which is a significant contributing factor to all-terrain vehicle and utility terrain vehicle accidents.

The department gathered all-terrain vehicle and utility terrain vehicle accident data, including both reported injuries and fatalities, for the years 2021 through 2025. During that timeframe:

- 43% of fatal all-terrain vehicle and utility terrain vehicle crashes in Wisconsin involved alcohol.
- There were 1,443 total reported injuries and 176 total fatalities, representing all ages of operators and passengers.

As of August 2026, Wisconsin is one of the highest states for 2026 in fatal crashes involving all-terrain vehicles and utility terrain vehicles.

Currently, all-terrain vehicles and utility terrain vehicles may be allowed by local ordinance to operate on the same roadway surfaces as motor vehicles. The proposed rule adds regulations related to intoxicants in or on all-terrain vehicles or utility terrain vehicles and incorporates existing state law into administrative code for signaling turns and stops so that conservation wardens will have authority to cite for signal violations statewide rather than only on state lands. These proposals help ensure safety of all roadway users, such as motorists, pedestrians, and bicyclists, by requiring that each roadway user follows a similar set of standard regulations.

The proposals included in this proposed rule have been peer-reviewed for justification, enforceability, and completeness by the department's Bureau of Legal Services and Division of Public Safety and Resource Protection.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

The department will gather public comments to determine if any individuals, businesses, local governments, or other entities expect to be affected economically by the proposed rule.

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.

11. Effect on Small Business (initial regulatory flexibility analysis):

The proposed rule does not impose any compliance or reporting requirements on small businesses.

12. Agency Contact Person:

Lt. Jacob Holsclaw, Off-Highway Vehicle Administrator
Department of Natural Resources
1300 West Clairemont Ave.
Eau Claire, WI 54701
jacob.holsclaw@wisconsin.gov
(715) 491-0283

13. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:
Sandra Smith-Loomans
Department of Natural Resources
Division of Public Safety and Resource Protection – LE/8

P.O. Box 7921
101 S. Webster St.
Madison, WI 53707-7921
sandra.smithloomans@wisconsin.gov
(715) 563-1416

Comments may be submitted to the department contact person listed above or to DNRAdministrativeRulesComments@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published in the Wisconsin Administrative Register and on the department's Hearings and Meetings Calendar. [Access the Wisconsin Administrative Register \(https://docs.legis.wisconsin.gov/code/register\)](https://docs.legis.wisconsin.gov/code/register). [Access the department's Hearings and Meetings Calendar \(https://dnr.wisconsin.gov/calendar\)](https://dnr.wisconsin.gov/calendar). [Submit comments through the Wisconsin Administrative Rules Website \(https://docs.legis.wisconsin.gov/code/chr/active\)](https://docs.legis.wisconsin.gov/code/chr/active).

RULE TEXT

SECTION 1. NR 64.07 (8) (bm) 4. and 5., (9), and (10) are created to read:

NR 64.07 (8) (bm) 4. The front side windows, rear window, and rear side windows on utility terrain vehicles manufactured prior to March 1, 2027, with glass that is not tinted with a film or reflective and is installed in the utility terrain vehicle as part of the original manufacturing process are exempt from the visible light percentage requirements of subd. 2. and 3.

5. The windows are tinted, upon the recommendation of a physician or a Christian Science practitioner treating the owner, or an immediate family member of the owner, of the utility terrain vehicle by the application of tinting film to the inside of the glazing provided that the combination of the glazing and tinting film permits passage through the windows of at least 35% of the visible light striking the windows. Tinting film permitted under this subdivision may not be reflective. A written statement from the treating physician or Christian Science practitioner which identifies the patient, the medical condition justifying the recommendation, whether the condition is temporary or permanent and the utility terrain vehicle to which the recommendation applies, including the make, model, year and vehicle identification number, shall be carried in the utility terrain vehicle at all times and exhibited to a law enforcement officer upon request. Tinting film applied under this subparagraph shall be removed when a utility terrain vehicle covered by the recommendation is sold, when the person for whom a recommendation was made no longer resides in the household of the owner of the utility terrain vehicle or when the duration of a temporary condition which is the basis for a recommendation has expired.

(9) INTOXICANTS IN OR ON ALL-TERRAIN VEHICLES OR UTILITY TERRAIN VEHICLES. While in or on any all-terrain vehicle or utility terrain vehicle being operated:

(a) No person may use an intoxicant. "Intoxicant" has the meaning given in s. 23.33 (1) (i), Stats.

(b) No person may possess any bottle or receptacle containing an intoxicant if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released, unless the bottle or receptacle is kept in the area of the vehicle not normally occupied by the driver or passengers or if the bottle or receptacle is acquired as refuse and contains no residual intoxicant. A utility compartment or glove compartment is considered to be within the area normally occupied by the driver and passengers.

(c) Paragraphs (a) and (b) are applicable upon highways, frozen waterbodies, trails, premises held out to the public for use of all-terrain vehicles or utility terrain vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof, and areas of private property if the operation is without consent of the landowner, lessee, or a member of the landowner or lessee's immediate family.

(10) METHOD OF GIVING SIGNALS ON TURNING. While operating all-terrain vehicle or utility terrain vehicle that is upon a highway or route, all-terrain vehicle trail, or other established all-terrain vehicle corridor that is open to the public, or in the event any other traffic may be affected by the vehicle's movement, no person may turn or stop an all-terrain vehicle or utility terrain vehicle without giving a signal by signal lamp or lamps. Signals may be given by hand and arm in lieu of or in addition to signals by signal lamp. When given by hand and arm, such signals shall be given from the left side of the vehicle in the following manner:

(a) Left turn or U-turn – Hand and arm extended horizontally.

(b) Right turn – Hand and arm extended upward.

(c) Stop or decrease speed – Hand and arm extended downward.

(d) A signal by the hand and arm need not be given continuously if the hand is needed in the control or operation of all-terrain vehicle or utility terrain vehicle.

SECTION 2. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____

State of Wisconsin
Department of Natural Resources

BY _____
Steven Little, Deputy Secretary
For Karen Hyun, Ph.D., Secretary