

Report From Agency

REPORT TO LEGISLATURE

NR 19.50, Wis. Adm. Code
Establishing specialized fees for Internet based ATV
and snowmobile safety certification programs

Board Order No. LE-04-07
Clearinghouse Rule No. 06-134

Basis and Purpose of the Proposed Rule

Currently, ATV and snowmobile safety programs are primarily taught by volunteer safety instructors. Each year the department receives numerous complaints about the frequency, location and dates that our safety courses are offered. These courses are typically offered seasonally: ATV in the summer and fall and snowmobile in the fall and winter. The snowmobile safety course is also available in a CD version which is mailed out to students to complete on their home personal computer.

Recent law changes have also required mandatory snowmobile safety education certification for operators at least age 12 and born on or after January 1, 1985. Mandatory ATV safety education certification is required for operators who are at least 12 years of age and born on or after January 1, 1988. This year, snowmobile operators up to age 21 and ATV operators up to age 18 will be required to complete a safety certification program. Out-of-state residents wanting to comply with Wisconsin's certification requirement are often burdened with either the requirement of traveling to Wisconsin to enroll in an ATV safety class or waiting for the snowmobile safety CD course to be mailed to them and then mailing the completed materials back. For many, the time between their request for a safety course and the time they will be visiting Wisconsin is too short to become certified in time.

Internet based courses will provide a convenient option to Wisconsin residents and out-of-state residents to comply with Wisconsin's safety certification requirement, a convenient option for adult students to complete the requirement and year-round course availability.

Section NR 19.50 currently establishes a \$10.00 student fee for programs taught in a classroom setting. The department may authorize the instructors to retain up to 50% of the fee to defray incurred expenses. The remaining funds shall be turned in to the department to defray operation expenses. The proposed rule will provide a specialized fee for Internet based ATV and snowmobile courses. When the course is managed by an outside entity pursuant to a memorandum of understanding (MOU) with the department, the fee will be established in the MOU. The established fee shall be adequate to defray operational expenses the outside entity incurs as well as operational expenses incurred by the department.

Summary of Public Comments

There were no public comments.

Modifications Made

No modifications were made as a result of public hearing.

Appearances at the Public Hearing

January 24, 2007 – Waukesha – no appearances

January 24, 2007 – Fitchburg

In support:

Scott Makowski, N56 W16160 Silver Spring Drive, Menomonee Falls, WI 53051

January 25, 2007 – Wausau – no appearances

January 25, 2007 – Eau Claire – no appearances

Changes to Rule Analysis and Fiscal Estimate

No changes were made.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

This rule is applicable to individuals and imposes no compliance or reporting requirements for small businesses. Therefore, under s. 227.19(3m), Stats., a final regulatory flexibility analysis is not required.