

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: LE-06-19

Relating to: Recreational Vehicles; Chs. NR 5, 6, and 64, Wis. Adm. Code.

Rule Type: Permanent

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

This rule will be proposed as a permanent rule.

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

The proposed rule will modernize outdated provisions of the recreational vehicle administrative code chapters to ensure congruency with statutory enactments related to recreational vehicles, ensure consistency and enforcement certainty, and eliminate or modify code provisions which are no longer appropriate or do not align with current enforcement practices. It will combine the following three administrative code chapters into one recreational vehicle chapter to facilitate consistency and simplify user interaction:

- NR 5 – Boat Rules and Registration.
- NR 6 – Snowmobile Standards Certification and Snowmobile Rail Crossings.
- NR 64 – All-Terrain Vehicles.

Additional rule changes that are reasonably related to those discussed above which are necessary in response to statutory enactments or to facilitate enforceability of current law 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:

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, such as acts related to utility terrain vehicles, snowmobile trail passes, and route designation.
- Maintenance of code alignment with federal boating standards, as required by the U.S. Coast Guard.

As an alternative, not updating the recreational vehicle administrative code chapters will continue to create less 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):

The following statutes grant authority to the department to promulgate rules which create a framework to govern the use of recreational vehicles through means such as the creation of equipment standards, rules of operation, registration procedures, traffic rules, and designation of uniform navigation aids:

- s. 23.33, Wis. Stats. – All-terrain vehicles and utility terrain vehicles.
- s. 30.5 to s. 30.66, Wis. Stats. – Regulation of boating.
- s. 227.11 (2) – Agency rule-making authority.
- s. 350, Wis. Stats. – Snowmobiles.

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

Approximately 400-600 hours of department staff time will be needed to develop the proposal and promulgate the rules.

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

People affected by this proposed rule include recreational vehicle user groups and individuals who are presently regulated or affected by recreational vehicle provisions such as off-highway vehicle associations and boating associations, statutorily established councils such as the off-road vehicle council and snowmobile recreational council, law enforcement agencies, and the general public.

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:

The proposed rule will maintain alignment between Wisconsin Administrative Code provisions pertaining to the regulation of boating with Coast Guard requirements contained in federal law.

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

The department does not anticipate any costs to implement the proposed rule. The proposed rule is not likely to have a significant economic impact on small businesses.

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

The department anticipates holding two public hearings in Fall 2019 in Madison and Wausau.

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Preston D. Cole, Secretary

Date Submitted