



# ROB SWEARINGEN

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

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

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

November 8, 2023

## Testimony on Assembly Bill 216

### Assembly Committee on Sporting Heritage

Good morning, Chairman Pronschinske and members of the Committee on Sporting Heritage. I am here today in support of Assembly Bill 216, which is related to passenger restrictions on all-terrain vehicles.

Under current law, no person may ride on an all-terrain vehicle (ATV) with more than one rider unless the machine was manufactured to hold two passengers. AB 216, coined the "2-Up" bill, would eliminate restrictions that prevent two riders from sharing an ATV designated for one person.

During the 2019-20 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 currently sell aftermarket seats that are safe and used by thousands of riders in Wisconsin, a second rider on almost all these vehicles is still considered illegal. 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 I've heard from constituents from my district and other districts throughout the state, many ATV riders who have traditionally ridden together have chosen to keep their ATVs locked away in storage to prevent breaking the law. They strongly support AB 216 and would like to return to their tradition of riding "2-up" 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.

It's time to end unnecessary passenger restrictions on ATVs and allow all riders to fully enjoy the outdoor recreation opportunities that Wisconsin has to offer.



# 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:** November 8, 2023  
**RE:** Testimony on Assembly Bill 216  
**TO:** Members of the Assembly Committee on Sporting Heritage  
**FROM:** Senator Rob Stafsholt

---

Thank you Chairman Pronschinske and members of the Assembly Committee on Sporting Heritage for hearing Assembly Bill 216 relating to passenger restrictions on all-terrain vehicles.

Two sessions ago, 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.

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 2019 Act 183 to be fixed.

I have heard from many, many constituents and people across this great state that want the law changed back, and this bill accomplishes that. Again, thank you for allowing me to testify on Assembly Bill 216. I would appreciate your support on this piece of legislation.



## Assembly Committee on Sporting Heritage

### *2023 Assembly Bill 216* *Passenger Restrictions on All-Terrain Vehicles* *November 8, 2023*

Good morning, Chair Pronschinske, and members of the Committee. I am Lt. Matthew Wehn, and I am the Law Enforcement Policy Officer for the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Assembly Bill 216, relating to passenger restrictions on all-terrain vehicles.

Under current law, it is unlawful to ride in or on any part of an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) that is not designed or intended to be used by passengers. Additionally, in the case of UTVs, all occupants are required to sit in an originally designed and manufactured seat. There is an exception for the passenger restriction for ATVs or UTVs that are owned or leased by a city, village, town, county, state agency, federal agency, federally recognized American Indian tribe, public safety corporation, or public utility while the operator is engaged in an emergency.

Assembly Bill 216 would change current law to allow one additional passenger to be carried on an ATV regardless of whether the machine was designed to carry an additional person or engaged in an emergency. This bill does not specify where the passenger would ride on the ATV but only states that the passenger would be in a seated position. Manufacturers design ATVs that are intended for both one person and two people. When an ATV is designed for one occupant, major manufacturers display a warning sticker that advises that the machine should not carry passengers. ATVs that are designed for up to two people have built in seating, handle grips or arm rests, and footrests for the rear passenger.

Since January 1, 2019, there have been 65 injuries and 12 fatalities reported to DNR where an ATV contained total occupants greater than the machine capacity. In six of those documented crashes, including one fatal crash, the passenger's behavior was noted as directly contributing to the crash. As a result, the department continues to view current law as an important component of ensuring all recreational users make it home safely and remains diligent in education and outreach with our stakeholders and the recreating public.

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

**TO:** Members of the Assembly Committee on Sporting Heritage

**DATE:** November 8, 2023

**RE:** Opposition to AB 216/SB 217– Passenger restrictions on all-terrain vehicles

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

Bellin and Gundersen Health System

Children’s Wisconsin

Marshfield Children’s Hospital

Safe Kids Clark County

Safe Kids Coulee Region

Safe Kids Madison Area

Safe Kids Southeast Wisconsin

Safe Kids Wisconsin, led by Children’s Wisconsin

Safe Kids Wood County

UW Health Kids

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 in a recent 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) [2022 Recreational Vehicle Annual Report](#), of the 414 non-fatal recreational vehicle incidents reported in 2022, 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 2022, reported ATV accidents in Wisconsin resulted in over 100 injuries, nearly 20% of which were among children under the age of 18, as well as 13 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.



Wisconsin ATV-UTV  
Association, Inc.  
1539 N 33<sup>rd</sup> Place, Suite A  
Sheboygan, WI 53081  
(920) 694-0583 · [www.watva.org](http://www.watva.org)  
Email us at: [info@watva.org](mailto:info@watva.org)

11/08/2023

Re: AB 217 & SB 216 - Relating to whip lights on ATVs / UTVs

To: Assembly Committee on Sporting Heritage

Our organization supports this clarification language to the current statute, as it applies to allowing riders to have more visibility on their machines while on our trail systems.

At the same time, our priority is to support protections of the ~~colors~~ <sup>flashing colors</sup> used exclusively for our emergency response / law enforcement vehicles.

Thank you for the opportunity to provide input.

Randy Harden

President  
Wisconsin ATV UTV Association