



ROB STAFSHOLT

STATE SENATOR • 10th SENATE DISTRICT

(608) 266-7745
Toll Free: (800) 862-1092
Sen.Stafsholt@legis.wi.gov

P.O. Box 7882
Madison, WI 53707-7882

DATE: September 21, 2023
RE: Testimony on Senate Bill 217
TO: Members of the Committee on Financial Institutions & Sporting Heritage
FROM: Senator Rob Stafsholt

Thank you fellow members of the Senate Committee on Financial Institutions and Sporting Heritage for hearing Senate Bill 217 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 ATViing 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 Senate Bill 217. I would appreciate your support on this piece of legislation.



ROB SWEARINGEN

STATE REPRESENTATIVE • 34th ASSEMBLY DISTRICT

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

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

September 21, 2023

Testimony on Senate Bill 217

Senate Committee on Financial Institutions and Sporting Heritage

Good afternoon, Chairman Stafsholt and members of the Committee on Financial Institutions and Sporting Heritage. I am here today in support of Senate Bill 217, 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. SB 217, 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 SB 217 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.



Senate Committee on Financial Institutions and Sporting Heritage

2023 Senate Bill 217 *Passenger Restrictions on All-Terrain Vehicles* *September 21, 2023*

Good afternoon, Chair Stafsholt, and members of the Committee. I am Lt. Jacob Holsclaw, and I am the Off-Highway Vehicle Administrator for the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on Senate Bill 217, 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.

Senate Bill 217 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.