



Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

AB 221- ATV/UTV Vehicles with Out of State Registrations

July 22, 2025

Chairperson VanderMeer and Committee Members:

Thank you for the opportunity to testify in support of Assembly Bill 221, related to ATV/UTV vehicles with out of state registrations.

We're fortunate to have a strong and well-developed ATV/UTV trail and route system in Wisconsin, enjoyed by riders from across the state and beyond. This industry is not only a source of recreation—it's a major economic driver, contributing \$5.43 billion to Wisconsin's economy in 2023 alone. That's why it's critical that we protect the strength and long-term sustainability of our registration program, which supports the infrastructure that makes this possible.

This bill simply clarifies how out-of-state vehicles are treated on Wisconsin ATV and UTV trails and routes. If a vehicle from another state meets Wisconsin's definition of an ATV or UTV, it will be regulated as such—regardless of how it's registered elsewhere. If it doesn't meet our definition, it won't be allowed on public ATV or UTV routes.

Unfortunately, out-of-state companies are encouraging Wisconsin residents to exploit a loophole—registering their recreational vehicles as commercial vehicles in South Dakota or Montana to avoid Wisconsin's rules. These reclassifications are misleading and undermine our registration system, local control, and public safety. Courts have already rejected this scheme in individual cases, but the law remains unclear.

This bill closes that loophole, ensuring that only vehicles meeting Wisconsin's definition of an ATV or UTV can operate on our public trails and routes. The amendment we introduced specifies that the vehicles manufacturers certificate of origin designates whether or not the vehicle is an ATV or UTV, not the out of state registration for the vehicle.

The bill also:

- Updates the definition of a “public all-terrain vehicle corridor” to include ATV routes and new “hybrid trails”—which are designated combinations of trails and routes.
- Clarifies that, for the purposes of motor vehicle regulations, UTVs are not classified as “vehicles,” except in cases where state law explicitly says otherwise.
- Fixes a gap in non-resident trail access to allow legal use of both trails AND designated routes.

Without this bill, we risk confusion, enforcement challenges, and serious harm to the funding and function of our trail system. This legislation is necessary to protect Wisconsin riders, local control, and our outdoor recreation economy.

Once again, thank you for holding a public hearing on this piece of legislation. I am happy to answer any questions you may have.



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

July 22, 2025

Assembly Committee on Transportation Testimony on Assembly Bill 221

Good Morning!

Thank you Chair VanderMeer and committee members for hearing Assembly Bill 221, relating to all-terrain vehicles (ATV) and utility terrain vehicles (UTV) with out-of-state registrations.

AB 221 simply clarifies that a vehicle that would be registered as a UTV in Wisconsin, must be registered as a UTV in order to use our approved public routes and trails.

Current law has a definition of a UTV that can be registered in Wisconsin. These vehicles are classified as recreational vehicles rather than motor vehicles. However, some out of state companies are attempting to get around the law.

UTVs are the driving force behind the recreational vehicle industry's growth. ATVs and UTVs originally started on dirt logging roads, largely in the northern part of Wisconsin. Today's recreational vehicles utilize select roadways, as well as dirt trails and backcountry forest roads.

Approving which roadways these recreational vehicles can be ridden on, rests with local units of government. Wisconsin law allows local municipalities to approve road route ordinances, if they choose to, based on their own local circumstances. There are some municipalities that choose to not allow any recreational vehicle traffic at all.

In order to legally ride on trails or approved routes in Wisconsin, these ATVs and UTVs must be registered with the Wisconsin DNR. To be registered, ATVs and UTVs must meet the legal definition of an ATV or UTV in state law.

There are out of state companies that claim they can make your UTV street legal, so it can be driven on any roadway in Wisconsin regardless of local ordinances. These out of state companies create an LLC with an address in that state, and claim that allows the owner of the UTV to register their UTV to the LLC. The UTV is then issued a commercial motorcycle license plate, which they claim makes it street legal.

We have also introduced an amendment to clarify language in the bill to say that regardless of how the vehicle is registered in another state, if the vehicle manufacturer's certificate of origin designates the vehicle as an ATV or UTV, then it is subject to Wisconsin's requirements for an ATV or UTV.

This proposal is supported by the Wisconsin ATV/UTV Association.

Thank you again to the committee for hearing AB 221, and your timely action on the bill.



Assembly Committee on Transportation

AB 221 All-terrain and utility terrain vehicle out-of-state registrations *July 22, 2025*

Good morning, Chair VanderMeer and members of the Committee. My name is 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 AB 221, related to all-terrain vehicle (ATV) and utility terrain vehicles (UTV) with out-of-state registrations.

The Wisconsin Department of Natural Resources, Wisconsin Department of Transportation and other agencies are aware that over the last few years, both Wisconsin residents and non-residents have been circumventing the Wisconsin ATV/UTV registration program by registering their machines in other states as motor vehicles through out-of-state limited liability companies. The operator believes they can operate legally on any roadway, including those closed to ATV and UTV traffic, in Wisconsin as a motor vehicle.

This raises concerns with our Wisconsin all-terrain vehicle (ATV) and UTV program. Wisconsin has an expansive network of trails and road routes. Per statute, these areas are clearly marked to notify ATV, UTV, and motor vehicle operators that these roadways are legal for riding ATVs and UTVs. Operation of an ATV or UTV on a roadway closed to ATV/UTV operation, such as an interstate highway or state highway is dangerous and may cause confusion amongst other roadway users.

Wisconsin has specific criteria which define ATVs and UTVs. When these criteria are met, machines kept within this state for more than 15 days must be registered with the Wisconsin Department of Natural Resources. Owners do not have the option of registering ATVs and UTVs as motor vehicles through the Wisconsin Department of Transportation. Machines registered out-of-state are required to purchase a trail pass for operation on Wisconsin's system of ATV and UTV trails and routes. The revenue generated from registration and trail passes funds a variety of ATV and UTV projects. These projects include safety enhancement funding, trail infrastructure, and grants for local agencies to provide targeted patrols within their communities. When owners circumvent the Wisconsin registration and trail pass regulations and register their machines in other states it diverts funds from the ATV/UTV program.

Enforcement of regulations related to ATVs or UTVs with motor vehicle registration is more complicated when there is a question as to which statutes need to be followed, motor vehicle or ATV/UTV. The laws and penalties are very different between motor vehicles and ATVs/UTVs. One example of this is that a subject arrested for operation while intoxicated in a motor vehicle has a higher fine and penalties assessed to their driver's license. In the case of an ATV or UTV, the citation amount for operating while intoxicated is lower and does not impact their driver's license.

A second example is that a person operating a motor vehicle needs a driver's license to operate on a roadway while in the case of an ATV or UTV, the license to operate is in the form of passing an approved ATV safety course if born on or after January 1, 1988.

A third major issue is related to safety. If a machine that is defined as a UTV in Wisconsin is registered and treated as a motor vehicle, helmet requirements for children under 18 years old would not have to be followed. The majority of ATV and UTV fatalities result from not using safety equipment like helmets and seatbelts.

In conclusion, allowing operation by ATVs and UTVs as a "motor vehicle" blurs the line between motor vehicles and ATVs / UTVs. It creates confusion for the public, law enforcement, motor vehicle operators and ATV / UTV operators. By clearly requiring vehicles to be registered in conformity with their definition in Wisconsin statute, this legislation should provide enforcement clarity to law enforcement officers, limit user conflicts between motor vehicle and UTV operators, and clearly define that specific safety equipment is required for ATV/UTV operators and passengers.

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.



7/22/2025

Assembly Committee on Transportation

RE: AB221 / SB221

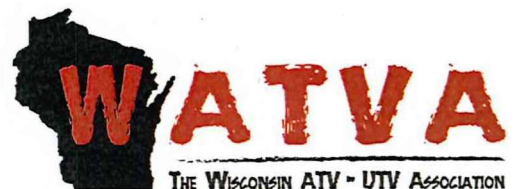
Dear Committee Members,

We are testifying today with an urgent request to support this legislation that will preserve the integrity and financial viability of Wisconsin's ATV and UTV registration programs—a program that has served as a model of responsible, self-sustaining recreational management.

Our registration system directly funds trail development, maintenance, rehabilitation, law enforcement, safety education, and other critical services. ATV and UTV owners in Wisconsin pay their own way. This system functions effectively as a self-imposed tax that supports the infrastructure and programs we rely on to enjoy our form of outdoor recreation responsibly and safely.

Unfortunately, this successful system is now under serious threat. Out-of-state businesses based in South Dakota and Montana are actively marketing services to Wisconsin residents that encourage them to register their machines as commercial vehicles under an LLC located in one of those two states. These services convert personal recreational vehicles into business-owned motor vehicles under the laws of those states—allowing the issuance of autocycle or motorcycle plates.

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These companies claim that once a UTV is reclassified and plated in this way, it is legally recognized as a street motorcycle and can be driven on any road, in any city or county, including highways and interstates in Wisconsin. This bypasses Wisconsin's classification of these machines as recreational vehicles and circumvents our well-established registration program.

This scheme undermines years of careful, locally driven work across the state. Since the enactment of statute 23.33, local clubs, municipalities, and counties have collaborated to build over 65,000 miles of legal ATV/UTV routes across Wisconsin. These efforts are grounded in public input, thoughtful deliberation, and local governance. Our route system is the result of ordinances passed by towns, cities, and counties in response to the needs and voices of their citizens. This process empowers local communities—not out-of-state interests—to decide where recreational vehicles may operate.

The companies promoting these loopholes not only jeopardize the funding mechanism for our trail system, but they also create confusion for riders and law enforcement alike. Worse still, they mislead Wisconsin residents into believing their reclassified machines can be driven anywhere—even where the reclassified motor vehicles are not legally allowed on recreational trails.

We are already seeing the consequences. In at least two known cases, Wisconsin residents used these services, received out-of-state motorcycle plates, and proceeded to operate their UTVs in areas where they were prohibited. Both individuals were cited and challenged the citations in court. In each case, the courts upheld Wisconsin law, ruling

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these reclassifications invalid. However, the rulings could not be set as precedent, leaving a legal gray area that must be resolved through legislative action.

That is why, with the support of Senator Howard Marklein and Representative Jeff Mursau, we have crafted legislation to make clear that these reclassification efforts are not recognized under Wisconsin law. The bill reinforces the designation of ATVs and UTVs as recreational vehicles, not motor vehicles, and protects the ability of local governments to decide which roads are accessible for recreational use.

We also strongly support the inclusion of an amendment addressing the Manufacturer's Certificate of Origin. This addition ensures that vehicles originally manufactured and labeled as UTVs—regardless of how they are titled or registered in another state—are legally recognized as UTVs under Wisconsin law. Currently, even oversized or otherwise ineligible machines are being registered out of state as street legal motorcycles, then brought back and operated on Wisconsin roads. This amendment will prevent the misuse of out-of-state paperwork to obscure the true nature of these machines. It aligns our laws with clear manufacturing intent and brings fairness, clarity, and consistency to how we enforce road and trail access.

In addition, this bill makes a necessary clarification to our non-resident trail pass system. When the original statute was drafted, it could not have foreseen the scale and growth of our industry. As it currently stands, non-resident trail pass holders may use trails but are not authorized on designated and approved road routes. This legislation corrects that

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gap by granting legal access to both trails and approved road routes, ensuring non-residents are treated equitably, while improving enforcement and consistency.

If this bill does not pass, we risk continued confusion, diminished local authority, and significant damage to the financial foundation of our trail network. Communities who have followed the law in designating legal routes will see that system diluted or circumvented by out-of-state commercial tactics. Our state's outdoor recreation industry, which contributes significantly to local economies and community vitality, will be weakened.

We ask for your support in passing this essential legislation. It ensures that our registration program continues to function as intended, that local governments retain control over route access, that Wisconsin's definitions—not those of out-of-state businesses—govern our vehicles, and that riders across state lines have equal, lawful access to our network.

Thank you for your consideration and your commitment to protecting Wisconsin's outdoor recreation system.

Sincerely,

Randy Harden
President - Wisconsin ATV / UTV Association

CC: WATVA Board of Directors

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