

INFORMATION BRIEF
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January 2006

ATV Regulation in Wisconsin: Comparisons to Minnesota

The information brief describes aspects of Wisconsin's laws regulating all-terrain vehicle use and compares those regulations to Minnesota's.

Introduction

During debate over the past five years on off-highway and all-terrain vehicle operation and use, Minnesota is often compared to its neighboring state of Wisconsin, which also has a recreational vehicle program and regulation.

Wisconsin first started state registration of ATVs in 1986. Using the registration money and unrefunded gas tax from ATVs, it began a system of local trail and use areas.

Although both Minnesota and Wisconsin are similar in their statutory programs of recreational vehicle regulation, there are facets of Wisconsin law that are important to consider. Those differences are described in this information brief.

Definitions

Minnesota regulates ATVs, off-highway motorcycles, and off-highway vehicles (e.g., recreational trucks). Wisconsin only registers and regulates ATVs for off-road use, although some local units of government may permit off-highway motorcycle and other vehicle use in their jurisdictions.

An “ATV route” in Wisconsin, as opposed to an “ATV trail,” may be a highway or sidewalk designated for ATV use by a local government agency. Wisconsin is presently contemplating a statutory program for off-highway motorcycles and utility vehicles.

Registration

Wisconsin allows an exception for state registration if an ATV is registered for use by a Native American band or tribe. Minnesota also registers ATVs, but doesn’t have a similar exception for Native Americans.

In addition to home-state registration for ATV use in Wisconsin, a nonresident must purchase an annual \$18 trail pass to ride on authorized trails in the state.

Each ATV business in Wisconsin (manufacturer, dealer, distributor, renter) must purchase a two-year commercial ATV certificate for a fee of \$90. Three reflectorized plates are issued along with the certificate and must be placed on each ATV the business uses. Annual licenses in Minnesota are \$50 for dealers and \$150 for ATV manufacturers.

Operation

Although a person must have a Minnesota’s driver’s license to operate an ATV on a Minnesota public road right-of-way, Wisconsin does not require a motor vehicle license for ATV operation of any kind.

An ATV in Wisconsin may not be operated on Native American land without consent; however, no such consent is required in Minnesota.

Wisconsin prohibits ATVs from being operated above 10 miles per hour within 100 feet of a person who is not on an ATV, snowmobile, motorcycle, or motor vehicle. Under most circumstances in Wisconsin, you cannot operate an ATV on any highway or roadway.

Highways and Roadways

The law regulating use on highways and roadways in both states is similar, but Wisconsin allows certain ATV use for the following:

- On highways and roadways designated as ATV routes, which requires traveling only on the extreme right-hand side, except when making left turns
- On roadways that are not seasonally maintained
- For an ATV operator who has a permanently disabled or temporarily disabled hunting permit and who is traveling for hunting purposes

Wetlands

Both states permit some ATV operation on the frozen surface of wetlands and other water bodies; however, Minnesota has the additional restriction that no ATV operator can carelessly upset the natural and ecological balance of a wetland or impact the size of certain wetlands. Additionally, Wisconsin law does not allow any ATV operation in navigable water or its exposed bed below the high water mark, unless the operator is:

- Accessing the frozen surfaces of navigable waters, provided that the crossing or access is the most direct manner;
- Operating the ATV on the frozen surface; or
- Assisting in launching a boat or canoe in the most direct manner to the navigable water.

Trails and Routes

Although 2005 Minnesota law allows off-highway vehicles (including ATVs) to operate in state forests north of Highway 2 on trails and roads not closed for this use, Wisconsin law is standard across their state without geographical differences. (Highway 2 runs east-west from Grand Forks, N.D., to Duluth.)

Wisconsin ATV trails must be properly marked with standardized signage for operators to ride on them. Snowmobile trails are not automatically open in Wisconsin for ATV use, nor are they in Minnesota. A Wisconsin town, village, city, or county may designate corridors it controls as ATV trails.

Grant Program

Annually, the Wisconsin Department of Natural Resources distributes the majority of the ATV trail dollars from registration and unrefunded gas tax proceeds to counties and municipalities participating in a grant process. ATV clubs and organizations are not permitted to apply directly for these grants; however, counties and municipalities commonly subcontract with the clubs for ATV trails and their maintenance. Projects eligible for local government grant assistance are land acquisition, trail or route development and maintenance, parking and shelter facilities, and liability insurance.

Minnesota's program operates in a similar manner, except Wisconsin gives out grants based on corridor miles of ATV trails, while Minnesota awards grants based on available dollars and past track record.

Wisconsin does not have an ATV damage account, as Minnesota does; the damage account allows some money to be used to repair or restore property damaged by the unpermitted use of ATVs and other off-highway vehicles.

Enforcement and Penalties

Minnesota and Wisconsin law are somewhat similar in respect to penalties for illegal ATV use, with the following exceptions:

- Violation of ATV and off-highway vehicle use regulations in Minnesota is a misdemeanor, with a possible penalty of 90 days in jail and up to \$1,000 in fines. Violating the ATV law in Wisconsin results in a fine up to \$250; not having the required nonresident trail pass can result in a \$1,000 fine.
- In Minnesota, a first-time driving while intoxicated (DWI) incident on an ATV constitutes a misdemeanor. If convicted in Wisconsin for the same offense, and without a previous similar conviction, the fine may be up to \$300, with graduated increases if the operator has previous convictions.
- Wisconsin has a penalty enhancement clause for DWI offenders who operate an ATV with a passenger under 16 years old; the fine doubles and the offender faces possible imprisonment.
- Based on the alcohol concentration found in a DWI offender in Wisconsin, fines can be doubled, tripled, or quadrupled when above the legal limit.
- When injury is caused in Wisconsin because of an ATV/DWI offense, the fine may be up to \$2,000 with a possible one-year imprisonment.

For more information about ATVs and other off-road vehicles, visit the environment and natural resources area of our web site, www.house.leg.state.mn.us/hrd/issinfo/environ.htm.