



State Senator Sheila Harsdorf

Date: January 7, 2016
To: Senate Committee on Transportation and Veterans Affairs
From: Senator Sheila Harsdorf
RE: Senate Bill 381 – Changes to small ATV/UTV engine size and age restrictions

Chairman Petrowski and Committee Members:

Thank you for holding a public hearing on Senate Bill 381 (SB 381), which would create a definition for “small utility terrain vehicles” (UTVs), and change the maximum engine size for small all-terrain vehicles (ATVs) from 90 cubic centimeters to 130 centimeters.

Senate Bill 381 addresses a growing demand for trail vehicles that offer more safety options to families who enjoy trail rides on Wisconsin’s DNR designated state ATV trails. SB 381 would enable manufacturers to increase the size of the small ATV engine from 90 cc to 130 cc. It is important to note that manufacturers of small ATVs must comply with federal law which limits the maximum speed for small ATVs to 15 mph. This means that even with the larger engine size, the maximum speed of a small ATV will not increase.

Wisconsin law requires that UTV operators must be at least 16 years of age to operate a UTV unless used for agricultural purposes. UTV safety and design features have improved to include roll bars and restraint devices making UTVs more popular for families to use with children than current law allows. SB 381 creates a definition for small UTVs as one built with four wheels, and with an engine displacement of not more than 200 cubic centimeters (200 cc). Individuals between twelve and sixteen years of age would be allowed to operate small UTVs when supervised by a parent or guardian, and with a valid safety certification. As with ATVs, federal law restricts the maximum speed of small UTVs to 15 mph.

Given the importance and priority of ensuring safety for ATV and UTV users, SB 381 maintains the current safety course requirement for those operating or seeking to operate a small ATV. The bill adds the safety certification requirement for those 12 to 16 years of age and anyone born on or after January 1, 1988 operating a small UTV.

This legislation maintains government safety guidelines and safety certification requirements while addressing market demands of consumers riding Wisconsin trails.

I urge your support of SB 381 and would welcome the opportunity to answer any questions. Thank you again for holding a public hearing on SB 381.



ADAM JARCHOW

STATE REPRESENTATIVE • 28TH ASSEMBLY DISTRICT

**Testimony - AB 504/SB 381 – The age restriction for operation of a small utility terrain vehicle
Senate Committee on Transportation and Veteran Affairs
Thursday, January 7, 2016 – 11:01 a.m.
State Capitol – 411 South**

SB 381 does two things relating to all-terrain vehicles (ATVs) and small utility terrain vehicles (UTVs). First, the bill changes the definition of a “small ATV” from 90 cubic centimeters to 130 cubic centimeters. This means that a “small ATV” is an all-terrain vehicle that has four wheels and that has either an engine certified by the manufacturer at not more than 130 cubic centimeters or an equivalent power unit. This is responding to consumer demand and the fact that manufacturers are trending away from these smaller engine sizes. As an example, Polaris will be discontinuing production of youth ATVs less than 110 cubic centimeters. This bill does not make any changes to age-to-speed standards.

In regards to “small UTVs”, this bill creates a new definition for these vehicles. This definition is tandem with safety certifications and regulations for small ATVs. The definition means a utility terrain vehicle that has four wheels and that has either an engine certified by the manufacturer at not more than 200 cubic centimeters or an equivalent power unit. Riders 16 years of age or less would be restricted on Wisconsin public trails to a machine 200 cubic centimeters or less. This bill makes no changes to statutes relating to large UTVs. The reason this definition is needed is because more and more, parents are opting for their children to drive small UTVs instead of a small ATV because of additional safety features. UTVs offer more stability, and have bucket seats, seatbelts, roll bars and a regular steering wheel.

ATV/UTV trails are a big part of the economy of Northwestern Wisconsin. In our district, especially, local economies are driven by activities such as riding ATVs and UTVs and the residual economic impacts of those activities. Updating our laws to coincide with what consumers want helps the economy of Northwestern Wisconsin and I hope all of you can support this simple, commonsense bill.



Committee on Natural Resources and Sporting Heritage
Age restriction for operation of a small utility terrain vehicle.
SB 381

Good morning Chairman Petrowski and committee members. Thank you for the opportunity to testify for informational purposes on SB 381. My name is Gary Eddy, ATV and Snowmobile Administrator for the Department of Natural Resources, Bureau of Law Enforcement.

SB 381 creates a definition of a "small utility terrain vehicle" as a utility terrain vehicle (UTV) that has 4 wheels and that has either:

- An engine certified by the manufacturer at not more than 200 CCs; or
- A power unit equivalent to no more than 200 CCs.

This bill also amends the "small all-terrain vehicle" definition increasing the maximum allowable engine size from 90 CCs to 130 CCs.

Under current law, the minimum age to operate a UTV on a trail is age 16 with a valid ATV Safety Certificate. This bill seeks to allow children between the ages of 12 and 15 to operate a "small UTV" on a designated trail if they have a valid ATV Safety Certificate and are accompanied by a designated adult.

This bill also restricts children under the age of 16 from operating a UTV on a public roadway.

Thank you again for having me. I can try to answer any questions you may have at this time.



To: Chairman Petrowski and Senate Committee Members on Transportation and Veterans Affairs - Senators Marklein, Cowles, Carpenter & Hansen
Fr: Wisconsin ATV UTV Association – Leadership Team

Re: SB 381 / AB 504 Relating to amending age restrictions for operation of a small ATV & UTV <http://docs.legis.wisconsin.gov/2015/related/proposals/sb381.pdf>

Please accept this written testimony showing our general support for SB 381 / AB 504.

Be advised our statewide organization has shared dialog and various viewpoints related to these changes within the proposed legislation with corporate manufacturing members that came to the table, along with our ATV & UTV registration program state agency partners at the Wisconsin DNR, as well as a cross section of several county land managers that were at early meetings when this topic was brought up for discussion.

I'm sure each and every state lawmaker is as concerned about youth safety as is our organization. These proposed changes have been debated and discussed from various points of view within our team of registration program partners. The changes may at first glance seem simplistic but rest assured there is more to them related to the specific age groups and the age differences that apply to the traditional ATV and the newer UTV programs.

As we finalized discussions with the Polaris representatives, our conclusion was that we continue to trust the engineers and designers from Polaris and our other Original Equipment Manufacturers (OEMs) related to their age / size recommendations of the evolving youth and adult machinery being produced and sold in the marketplace.

We therefore support passage of this bill and the companion senate bill. Should you or any committee member have any questions or concerns, please feel free to reach out to myself or anyone on our leadership team.

Randy Harden
President
Wisconsin ATV UTV Association, Inc.

CC: WATVA Legislative Committee Members – Rob McConnell, Hank Wozniel, Lee Van Zeeland

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Senate Committee on Transportation and Veterans Affairs
Thursday, January 7, 2016 11:01 AM State Capitol - 411 South

**Testimony of J.R. Burke, Manager of State & Provincial Government Relations, Polaris Industries
SB 381 – Relating to: the age restriction for operation of a small utility terrain vehicle.**

Chairman Petrowski & members of the committee:

My name is J.R. Burke, and I am the Manager of State & Provincial Government Relations for Polaris Industries. While I suspect most of you have heard of Polaris, I would be remiss if I didn't say that we are a proud Wisconsin employer with facilities in both Osceola and Wausau. We also have a tremendous dealer and supplier network that touches virtually every part of the state.

Polaris supports SB 381 authored by Senator Harsdorf and Representative Jarchow as this legislation seeks to ensure state law for off-road vehicles, in this case youth off-road vehicles, keeps pace with innovation and consumer demand, while remaining true to Polaris' commitment to rider safety.

The authors summarized the bill very well, so I will touch on a few points that I think add color to why Polaris supports this important legislation.

For Polaris, we start with safety.

Our company, and the off-road vehicle industry, has been collaborating with the federal Consumer Product Safety Commission (CPSC) on the issue of vehicle and operator safety for years. In fact, the Consumer Product Safety Improvement Act of 2008 required the CPSC establish a federal standard for all-terrain vehicles, including youth vehicles, which it did in 2012 by publishing its Final Rule adopting the ANSI/SVIA 1-2010 standard.

This standard establishes maximum speed capabilities for all youth model ATVs. So in Wisconsin, youth ATVs are subject to both Wisconsin and federal law. The intersection between federal law and what is proposed in SB 381 ensures that an increase from 90cc's to 130cc's will not result in an increased speed capability for any youth ATV produced by Polaris or any other manufacturer. Interestingly, as far back as 2006, CPSC staff themselves suggested removing engine displacement references in federal standards for youth models due to being, among other things, too design restrictive – a key reason Polaris supports this legislation.

To be clear, this legislation speaks only to "small ATVs", which is considered compliant with federal law, and therefore, safe for youth operation. Because Wisconsin and federal law would treat these vehicles as youth ATVs, it would be a misstatement to suggest this legislation lowers ATV age restrictions or does anything to encourage youth operation of larger, adult-sized ATVs.

With respect to the development of a small utility-terrain vehicle (UTV) definition, SB-381 provides an option for parents of youth operators to access appropriately sized UTVs that have added safety features. Under current Wisconsin law today, operators 12 years of age and older on Wisconsin public trails may operate any size ATV with a valid safety certificate under adult supervision. SB-381 will provide parents access to "Small UTVs" or youth UTVs for this same age group. The Small UTV definition includes an engine differential restriction so that these machines are appropriately sized for youths. The Small UTV definition would be more restrictive than existing ATV laws for this same age group, meaning youth operators would be prohibited from accessing adult or large UTVs.

Thank you for allowing me to testify in support of SB 381. I am happy to answer any questions you may have.