

**Frequently Asked Questions Regarding ATV/UTV Use Within the City of Platteville
Updated June 26, 2018**

Q: What are the licensing requirement to operate on routes within the City of Platteville? The City of Platteville would require in its ordinances that individuals have a valid Wisconsin Driver’s License when using a City of Platteville ATV/UTV route. This requirement would be in addition to existing requirements under state regulations:

- Anyone born after Jan. 1, 1988 must have a valid ATV safety certificate issued by WI or another state or province of Canada.
- Operators of UTV’s must be 16 years old. Operators of ATV’s must be at least 12 years old and supervised by an adult. Supervision includes having an adult as a passenger on the ATV or an adult riding in close proximity to the supervised ATV operator.

Q; Since the ATV/UTVs would be driven on city streets, are the drivers treated the same as automobile drivers? ATV/UTV drivers are generally expected to follow the same driving rules as an automobile driver. However, a different state statute governs ATV/UTVs and not all of the provisions of the Motor Vehicle Code (Chapter 346) apply to ATV/UTVs. The City has the option of addressing specific issues or violations in the ordinance authorizing ATV/UTV use.

Q: Who has right of way when ATV/UTVs interact with bicyclists and pedestrians?

When traveling on designated routes in the City, ATV/UTVs would have the same duty to yield to pedestrians as other motor vehicles (autos, trucks etc.) do. The same responsibilities to yield to bicyclists as appropriate would also apply to ATV/UTVs.

Q; How would common Moving Violations be handled? The following citations are frequently written in Platteville. The bond amounts for operating a motor vehicle and their counterpart if they were written to the operator of an ATV/UTV are listed below. Many specific State Statutes under the Motor Vehicle Code (Chapter 346) do not apply for ATV/UTV’s so many violations are written under “catch-all” provisions in Chapter 23.33 (as noted by an asterisk after the ATV/UTV bond amount). Specific offenses which the City decides to enforce could be specified in our City Ordinance adopting their use in the City. An example of this would be a prohibition on open intoxicants. Convictions incurred while operating an ATV/UTV are not reflected on a person’s motor vehicle driving record.

<u>Offense</u>	<u>Motor Vehicle</u>	<u>ATV/UTV</u>
Speeding (11-15 mph over the posted limit)	\$200.50	\$232.00*
Failure to Obey Sign	\$175.30	\$175.30
Failure to Fasten Seatbelt	\$10.00	\$232.00 (applies to passengers of UTV’s only)
Failure to Have Proof of Insurance	\$200.50	No proof of insurance required
Operating After Suspension	\$200.50	No counterpart in Ch. 23.33

Operating After Revocation	\$200.50	No counterpart in Ch. 23.33
Following Too Closely	\$200.50	\$232.00*
Failure to Yield the Right of Way	\$175.30	\$232.00*
Inattentive Driving	\$187.90	\$187.90
OMVI (Drunk or Impaired Driving)	\$937.50	\$452.50

Q: Does an Operating While Impaired (i.e. drunk driving) conviction incurred while operating an ATV/UTV impact your insurance? This conviction would not go against the individual’s Driver’s License if they were operating an ATV/UTV which meets the legal definition of an ATV/UTV because ATV/UTVs are considered recreational vehicles similar to boats and snowmobiles. According to American Family Insurance, a conviction for Operating a Motor Vehicle While Under the Influence would negatively impact a person’s car insurance since it would be listed on their National Vehicle Report (NVR) database.

Q: Are ATV/UTVs required to have license plates? Are ATV/UTVs searchable in police databases like a licensed automobile? Yes. We can check an ATV/UTV license plate and receive information about the owner including their name and address. Since a driver’s license would be required under City ordinances, the police could check information on the driver’s record and warrants. ATV/UTVs are required to have a 4” by 7.5” license plate mounted on the rear of the ATV/UTV. The license plate displays a four-number and two-letter registration ID.

Q: Do ATV/UTVs have safety features such as headlights and turning signals? Do riders have to wear helmets? State Statutes require that ATVs are required to have one headlight and one taillight only when operating upon a highway or during hours of darkness. UTVs must be equipped with 2 headlights however only 1 must be working. UTVs must have one operational taillight. Turn signals are not currently required for ATV/UTVs. Some ATV/UTVs are equipped with turn signals. In lieu of turn signals, the operators of ATV/UTVs are required to use hand signals to notify others of their intention to make a turn. ATVs are not required to have brake lights. UTVs are required to have one operational brake light.

ATV/UTV operators and passengers under the age of 18 are required to wear protective helmets (DOT approved helmets-bike helmets do not meet this requirement). Operators and passengers over the age of 18 are not required to wear helmets.

Q: What happens when an ATV is found parked in an unauthorized area?

Based on the proposed ordinance, the vehicle would be cited for illegal parking if it’s on public property. Chapter 23 of the State Statutes could also apply and the ATV/UTV could be cited for trespassing or operating in an area which is posted closed or where prohibited by law. ATV/UTVs may not operate on private property without the property owner’s consent. The citation in this case would be \$232.00.

Q: What's the fine for an ATV parked on a road that is not a designated route? Or a public parking lot where ATV/UTVs are banned? The fine amount would need to be established by the Common Council or Chapter 23 could apply and the citation amount would be \$232.00.

Q: Can ATVs/UTVs park in any lot? ATVs/UTVs would be allowed in public lots unless specially banned by the Common Council. Private owners have the choice to allow or not allow ATV/UTVs in their lots.

Q: What is the penalty when a driver hasn't completed the Safety Certification? What's the penalty for not wearing seatbelts? The citation for not having the safety certification completed is \$232.00. The occupants of UTVs are required to wear seatbelts and they're subject to a citation for \$232.00. The driver of a UTV is not required to wear a seatbelt. The City has the option to require seat belt use in the authorizing ordinance.

Q: How will this impact our Police Department? Other communities have not reported significant enforcement issues. Staff recommends that each police officer attend a 2.5 hour training session with the local DNR Recreational Vehicle Supervisor. This training will cover enforcement under the provisions of Ch. 23.33 which apply to ATVs and UTVs. Staff anticipates questions from both residents who use ATVs and UTVs and those who have questions about the routes until residents become familiar with the rules.

Q: Would dirt bikes be permitted on designated ATV/UTV routes? Trail or dirt bikes are a "limited use off-highway motorcycle" which means an off-highway motorcycle that is not registered by the Dept. of Transportation for highway use. Dirt bikes which are not street legal would NOT be permitted on designated ATV/UTV routes or on other highways or streets. Street legal or dual-sport bikes which are registered by the Dept. of Transportation currently are currently allowed to travel on any highway or street.

Q: Will it affect my vehicle insurance rates if the community where I live adopts ATV/UTV routes? American Family Insurance was not aware of any impact this would have on the vehicle insurance rates for people living in a community which adopts ATV/UTV routes.

Q: What happens if I'm involved in an accident with an uninsured ATV/UTV while I'm driving my car? This would be handled the same if you were involved in an accident with an uninsured car or truck. If you carry uninsured/underinsured motorist coverage, your insurance would take care of the damages and your insurance company would seek to recover any appropriate damages in civil court. If you do not carry this coverage, your insurance company would cover your damages and they would seek to recover any loss through civil court if the other driver were deemed to be at fault. The same applies if the other vehicle in the accident in the accident was an ATV or UTV.

The proposed ordinance in Platteville would require ATV/UTV operators to have proof of insurance while traveling in the city.