

Resolution No. 12-2025
Village of Merrillan
Jackson County, Wisconsin

A Resolution Requesting Amendments to State Law Regarding Operating All-Terrain Vehicles and Utility-Terrain Vehicles While Intoxicated

WHEREAS, the Village of Merrillan, Jackson County, and the broader State of Wisconsin have embraced the economic and recreational benefits that All-Terrain Vehicles (ATVs) and Utility-Terrain Vehicles (UTVs) bring to our communities and natural resources; and

WHEREAS, the popularity of ATV and UTV usage has led to a significant expansion of trail systems and road routes throughout the state, contributing billions of dollars to the Wisconsin economy and supporting thousands of jobs; and

WHEREAS, the Village of Merrillan, like other municipalities, is a community that depends on the responsible promotion and enjoyment of these recreational activities to bolster local tourism, businesses, and economic vitality; and

WHEREAS, a critical distinction currently exists in Wisconsin state law that separates the treatment of Operating While Intoxicated (OWI) offenses for motor vehicles from those involving ATVs, UTVs, and other recreational vehicles; and

WHEREAS, this separate legal framework creates a dangerous loophole that allows individuals with multiple motor vehicle OWI convictions, or those with revoked driver's licenses, to legally operate ATVs and UTVs while under the influence; and

WHEREAS, recent data underscores the severity of this issue:

- In 2023, Wisconsin experienced numerous fatal off-highway vehicle crashes involving ATVs and UTVs, often caused by ice-related incidents, collisions, rollovers, and loss of control. Many victims were not wearing helmets or seatbelts, and alcohol was involved or suspected in several cases, with BAC levels as high as .328. These crashes frequently occurred during recreational activities on trails, private properties, or public roads, resulting in fatalities and severe injuries.
- The trend continued in 2024, with additional fatalities often involving alcohol, high-speed crashes, and rollovers. Common scenarios included collisions with fixed objects like trees, utility poles, and rocks, as well as ejections during road or trail operation. Many victims operated without safety certifications or protective gear. According to the Wisconsin Department of Natural Resources, over half of ATV and UTV fatalities in 2024 involved alcohol, highlighting ongoing safety concerns. (For detailed crash data, visit: <https://dnr.wisconsin.gov/topic/ATV/CrashInfo>)
- Many crashes involve high-risk factors such as rollovers, fixed-object collisions, and ice-related accidents, often during recreational use, with many victims not wearing helmets or seatbelts. A significant number of these incidents are linked to operators ignoring safety precautions or operating under the influence, greatly increasing the likelihood and severity of injuries.

- Locally, Jackson County has documented at least five fatal ATV/UTV crashes between 2015 and 2025, with alcohol confirmed or likely involved in multiple incidents, underscoring the urgent need for improved safety measures.

WHEREAS, the inherent safety risks associated with ATVs and UTVs—such as high centers of gravity, lack of crumple zones, and limited occupant protections—are compounded when operated under the influence, leading to severe injuries and fatalities; and

WHEREAS, integrating recreational vehicle OWI offenses with existing motor vehicle OWI laws would strengthen accountability, remove the dangerous loophole, and serve as a consistent deterrent across all vehicle types; and

WHEREAS, such legislative changes would promote the responsible use of Wisconsin's trails and road routes, helping to safeguard public safety while supporting the continued economic benefits the ATV/UTV community brings to Merrillan and other municipalities; and

NOW THEREFORE BE IT RESOLVED that the Village of Merrillan Board urges the State of Wisconsin to amend its laws to treat OWI offenses on ATVs and UTVs with the same accountability and severity as motor vehicle OWI offenses, including the application of driver's license suspension and considering prior convictions across all vehicle types; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Village of Merrillan Board supports closing the legal loophole that currently allows individuals with a history of motor vehicle OWI offenses to operate recreational vehicles while intoxicated, ensuring all OWI offenses are considered cumulatively; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk is hereby authorized and directed to send a copy of this Resolution to the Governor of the State of Wisconsin, Wisconsin Legislators representing Jackson County, the Jackson County Board, and the Wisconsin Department of Natural Resources.

APPROVED AND PASSED BY A UNANIMOUS VOTE OF THE VILLAGE OF MERRILLAN TRUSTEES ON this 9th day of October, 2025

PRESIDENT WRUCK DECLARED THE RESOLUTION 12-2025 ADOPTED



Chris Wruck, President



Penny Danielson, Clerk-Treasurer

PASSED: 10/9/2025

POSTED: 10/13/2025