



2011 ASSEMBLY BILL 659

March 5, 2012 - Introduced by Representatives TRANEL, BROOKS, MARKLEIN, A. OTT, SPANBAUER, BALLWEG and VRUWINK, cosponsored by Senator SCHULTZ. Referred to Committee on Transportation.

1 **AN ACT** *to renumber and amend* 347.24 (2); *to amend* 347.245 (2), 349.03 (1)
2 (b), 349.03 (2) and subchapter III (title) of chapter 349 [precedes 349.24]; and
3 **to create** 347.24 (2) (a), (b) and (c), 347.25 (2g) and 349.27 of the statutes;
4 **relating to:** operation of animal-drawn vehicles on highways and granting
5 rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, any person operating an animal-drawn vehicle on a roadway is generally granted all the rights and is subject to all the duties applicable to operators of other vehicles. Animal-drawn vehicles operated on a highway are also subject to certain vehicle equipment requirements. No animal-drawn vehicle may be operated on a highway during hours of darkness unless the vehicle is equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet ahead and two lighted lamps or lanterns exhibiting red light visible from a distance of 500 feet to the rear and mounted in such a manner as to indicate the extreme width of the vehicle. Unless an animal-drawn vehicle has attached to the left rear a yellow or amber flashing light at least four inches in diameter, in order to operate on a highway in the day or at night, the vehicle must have displayed on the most practicable visible rear area of the vehicle a slow moving vehicle (SMV) emblem.

This bill requires animal-drawn vehicles operated on a highway during hours of darkness to be equipped with a white front lamp and two rear red lamps that are

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visible for a distance of 1,000 feet, rather than 500 feet. In addition, animal-drawn vehicles operated on a highway must be equipped with strips of reflective tape, at least one inch wide, affixed in a specified manner on the vehicle and two flashing yellow or amber lights mounted on or near each top rear corner of the vehicle. When an SMV emblem is required on an animal-drawn vehicle, the SMV emblem must be made of or incorporate reflective material.

The bill also authorizes counties to, by ordinance, require registration of animal-drawn vehicles that are customarily kept within the county and operated, at any time, on any highway within the county. The amount of the registration fee for animal-drawn vehicles registered by the county is determined by the county, but may not exceed the fee for registering an automobile with the Department of Transportation, which is currently \$75. All revenues received by a county from these registration fees may be used only for any of the following: 1) safety programs relating to animal-drawn vehicles operating on highways, including public education programs and traffic enforcement programs; 2) erecting highway signs relating to animal-drawn vehicles operating on highways; and 3) highway improvements and repairs, including improvements and repairs to highway shoulders and other areas within the highway right-of-way, that promote safety where animal-drawn vehicles are operated on highways.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 347.24 (2) of the statutes is renumbered 347.24 (2) (intro.) and
2 amended to read:

3 347.24 (2) (intro.) No person may operate on a highway during hours of
4 darkness a vehicle drawn by an animal unless the vehicle is equipped with at least
5 one lighted lamp ~~or lantern~~ exhibiting a white light visible from a distance of 500
6 1,000 feet ahead and 2 lighted lamps ~~or lanterns~~ exhibiting red light visible from a
7 distance of 500 1,000 feet to the rear and mounted in such a manner as to indicate
8 the extreme width of the vehicle. A vehicle drawn by an animal shall also be
9 equipped with red, white, or yellow reflective tape, at least one inch wide, affixed to
10 the vehicle as follows:

11 **SECTION 2.** 347.24 (2) (a), (b) and (c) of the statutes are created to read:

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1 347.24 (2) (a) On the rear of the vehicle, at least one strip of at least 2 feet in
2 length affixed horizontally at the highest practicable point, to mark the top of the
3 rear of the vehicle.

4 (b) On the rear of the vehicle, at least one strip of at least 2 feet in length on
5 each side, affixed vertically and as far as practicable toward the sides of the vehicle,
6 to mark the sides of the rear of the vehicle.

7 (c) On the two sides of the vehicle, strips of at least 6 inches in length affixed
8 in a manner that marks each of the corners of the vehicle when viewed from the sides.

9 **SECTION 3.** 347.245 (2) of the statutes is amended to read:

10 347.245 (2) Standards and specifications for the design and position of
11 mounting of the SMV emblem shall be established by rule by the secretary, but all
12 SMV emblems displayed on animal-drawn vehicles shall be made of or incorporate
13 reflective material. Except as provided in s. 347.21 (1), the standards and
14 specifications for SMV emblems shall correlate with and, so far as possible, conform
15 with those approved by the American society of agricultural engineers. The
16 secretary shall submit such standards and specifications, and any subsequent
17 changes therein, to the assembly and senate committees having jurisdiction over
18 transportation matters as determined by the speaker of the assembly and the
19 president of the senate acting jointly for their approval.

20 **SECTION 4.** 347.25 (2g) of the statutes is created to read:

21 347.25 (2g) No person may operate on a highway a vehicle drawn by an animal
22 unless the vehicle is equipped with 2 flashing yellow or amber lights, which may be
23 360-degree strobe lights. These lights shall be mounted on the top of the vehicle as
24 close as practicable to the rear corners of the vehicle or on the sides or rear of the
25 vehicle as close as practicable to the top rear corners of the vehicle. The secretary

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1 may prescribe rules for the type, installation, operation, flash rate, and light output
2 brilliance of the lights required under this subsection.

3 **SECTION 5.** 349.03 (1) (b) of the statutes is amended to read:

4 349.03 (1) (b) Is expressly authorized by ss. 349.06 to ~~349.25~~ 349.27 or some
5 other provision of the statutes.

6 **SECTION 6.** 349.03 (2) of the statutes is amended to read:

7 349.03 (2) No local authority may enact or enforce any traffic regulation
8 providing for suspension or revocation of motor vehicle operator's licenses or
9 requiring local registration of vehicles, except as authorized by s. 341.35 or 349.27,
10 or in any manner excluding or prohibiting any motor vehicle, mobile home, vehicle
11 transporting a manufactured home or modular home, recreational vehicle, trailer,
12 or semitrailer whose owner has complied with chs. 341 to 348 from the free use of all
13 highways, except as authorized by sub. (3) and ss. 66.0429 (1) and (3), 349.13, 349.17,
14 349.22 and 349.23.

15 **SECTION 7.** Subchapter III (title) of chapter 349 [precedes 349.24] of the
16 statutes is amended to read:

17 **CHAPTER 349**

18 **SUBCHAPTER III**

19 **LICENSING AND REGISTRATION POWERS**

20 **SECTION 8.** 349.27 of the statutes is created to read:

21 **349.27 Authority of counties to require registration of animal-drawn**
22 **vehicles.** (1) The governing body of any county may by ordinance require the
23 registration with the county of any animal-drawn vehicle that is customarily kept
24 within the county and operated, at any time, on any highway within the county.

