



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2455/1
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2019 SENATE BILL 152

April 4, 2019 - Introduced by Senators KOOYENGA, COWLES, CARPENTER, LARSON and STROEBEL, cosponsored by Representatives KUGLITSCH, DUCHOW, BRANDTJEN, KITCHENS, MYERS, NEYLON, RAMTHUN, SANFELIPPO and SINICKI. Referred to Committee on Transportation, Veterans and Military Affairs.

1 **AN ACT** *to amend* 23.117 (1), 23.117 (3), 23.117 (4), 23.33 (4) (d) 1., 23.33 (4) (d)
2 3. a., 23.33 (11) (am) 3. d., 23.335 (10) (a) 1., 23.335 (10) (a) 2., 23.335 (21) (am)
3 4., 29.001 (57), 59.84 (2) (j), 66.1001 (2) (c), 83.42 (1), 84.60 (1) (a), 167.31 (1) (h),
4 194.01 (7), 287.81 (1) (b), 340.01 (5e), 340.01 (5s), 340.01 (35), 340.01 (43),
5 340.01 (43m) (b), 340.01 (74), 340.01 (74p) (c), 341.058, 344.01 (2) (g), 346.02
6 (12), 346.05 (1m), 346.075 (title), 346.075 (1), 346.16 (2) (am), 346.23 (1), 346.23
7 (2), 346.24 (1), 346.24 (2), 346.24 (3), 346.25, 346.28 (2), 346.30 (1) (b) 2., 346.34
8 (1) (b), 346.36 (2), 346.37 (1) (a) 2., 346.37 (1) (c) 2., 346.37 (1) (c) 3., 346.37 (1)
9 (c) 4., 346.37 (1) (d) 1., 346.37 (1) (d) 2., 346.37 (1) (e) 1., 346.37 (1) (e) 2., 346.37
10 (3), 346.38 (1), 346.38 (2), 346.43 (1) (b) 2., 346.47 (1), 346.49 (1) (b), 346.49 (1g)
11 (b), 346.49 (2m) (b), 346.54 (1) (e), 346.60 (5) (a), 346.60 (5) (b), 346.71 (2), 346.80
12 (title), 346.80 (1), 346.80 (2) (a) (intro.), 346.80 (2) (b), 346.80 (2) (c), 346.80 (3)
13 (a), 346.80 (3) (b), 346.80 (4), 346.80 (5), 346.803 (title), 346.803 (1) (intro.),
14 346.803 (1) (a), 346.803 (2), 346.803 (3), 346.803 (4), 346.804, 346.805, 346.94

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1 (12), 347.02 (1) (i), 347.245 (1), 347.489 (1), 347.489 (2), 347.489 (3), 348.01 (2)
2 (d), 349.015 and 779.41 (2); and **to create** 23.335 (1) (hh), 340.01 (15ps), 346.94
3 (18s) and 349.237 of the statutes; **relating to:** the operation of electric scooters
4 on highways, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill authorizes the use of electric scooters on highways. Under the bill, an electric scooter is defined as “a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor.” The bill provides that “electric scooter” does not include an electric personal assistive mobility device (EPAMD), motorcycle, motor bicycle, or moped. The bill authorizes electric scooters to be used on certain highways subject to the same requirements as apply under current law to EPAMDs.

More specifically, this bill provides the following:

1. Electric scooters are exempt from vehicle registration by the Department of Transportation.

2. Operators of electric scooters must observe many of the rules of the road. Operators who violate the applicable rules of the road are subject to the same penalties as those that apply to violations committed while operating an EPAMD.

3. Electric scooters may be operated on most roadways, sidewalks, bicycle lanes, and bicycle ways. However, a local highway authority may by ordinance regulate the rental and operation of electric scooters.

4. Electric scooters must satisfy the same equipment requirements as EPAMDs, including lighting and brake requirements.

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:

5 **SECTION 1.** 23.117 (1) of the statutes is amended to read:

6 23.117 (1) No person may operate a bicycle, electric scooter, or electric personal
7 assistive mobility device on a trail in a state park or in the Kettle Moraine state forest
8 unless the department has determined that the trail will be opened for use by

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1 bicycles, electric scooters, or electric personal assistive mobility devices and has
2 posted the trail open for such use.

3 **SECTION 2.** 23.117 (3) of the statutes is amended to read:

4 23.117 (3) The department shall patrol on a regular basis the trails in state
5 parks and in the Kettle Moraine state forest that are open to use by bicycles, electric
6 scooters, or electric personal assistive mobility devices.

7 **SECTION 3.** 23.117 (4) of the statutes is amended to read:

8 23.117 (4) Any council that is created by the natural resources board under s.
9 15.04 (1) (c) to advise the department on the opening of trails in state parks and in
10 the Kettle Moraine state forest for use by bicycles, electric scooters, or electric
11 personal assistive mobility devices shall have its recommendations regarding such
12 use reviewed and approved by the natural resources board before they are
13 implemented.

14 **SECTION 4.** 23.33 (4) (d) 1. of the statutes is amended to read:

15 23.33 (4) (d) 1. To cross a roadway. The crossing of a roadway is authorized only
16 if the crossing is done in the most direct manner practicable, if the crossing is made
17 at a place where no obstruction prevents a quick and safe crossing, and if the operator
18 stops the all-terrain vehicle or utility terrain vehicle prior to the crossing and yields
19 the right-of-way to other vehicles, pedestrians, electric scooters, and electric
20 personal assistive mobility devices using the roadway.

21 **SECTION 5.** 23.33 (4) (d) 3. a. of the statutes is amended to read:

22 23.33 (4) (d) 3. a. To cross a bridge, culvert, or railroad right-of-way. The
23 crossing of a bridge, culvert, or railroad right-of-way is not authorized if the
24 roadway is officially closed to all-terrain vehicle or utility terrain vehicle traffic,
25 except as provided in subd. 3. b. The crossing is authorized only if the crossing is done

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1 in the most direct manner practicable, if the crossing is made at a place where no
2 obstruction prevents a quick and safe crossing, and if the operator stops the vehicle
3 prior to the crossing and yields the right-of-way to other vehicles, pedestrians,
4 electric scooters, and electric personal assistive mobility devices using the roadway.

5 **SECTION 6.** 23.33 (11) (am) 3. d. of the statutes is amended to read:

6 23.33 (11) (am) 3. d. Yield the right-of-way to other vehicles, pedestrians,
7 electric scooters, and electric personal assistive mobility devices using the roadway
8 or shoulder.

9 **SECTION 7.** 23.335 (1) (hh) of the statutes is created to read:

10 23.335 (1) (hh) "Electric scooter" has the meaning given in s. 340.01 (15ps).

11 **SECTION 8.** 23.335 (10) (a) 1. of the statutes is amended to read:

12 23.335 (10) (a) 1. Operation on the roadway is necessary to cross the roadway.
13 The crossing of a roadway is authorized only if the crossing is done in the most direct
14 manner practicable, if the crossing is made at a place where no obstruction prevents
15 a quick and safe crossing, and if the operator stops the limited use off-highway
16 motorcycle prior to entering the crossing and yields the right-of-way to any other
17 vehicles, pedestrians, electric scooters, or electric personal assistive mobility devices
18 that are using the roadway.

19 **SECTION 9.** 23.335 (10) (a) 2. of the statutes is amended to read:

20 23.335 (10) (a) 2. Operation on the roadway is necessary to cross a bridge,
21 culvert, or railroad right-of-way. The crossing of a bridge, culvert, or railroad
22 right-of-way is not authorized if the roadway is officially closed to off-highway
23 motorcycle traffic. The crossing is authorized only if the crossing is done in the most
24 direct manner practicable, if the crossing is made at a place where no obstruction
25 prevents a quick and safe crossing, and if the operator stops the limited use

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1 off-highway motorcycle prior to entering the crossing and yields the right-of-way
2 to any other vehicles, pedestrians, electric scooters, or electric personal assistive
3 mobility devices that are using the roadway.

4 **SECTION 10.** 23.335 (21) (am) 4. of the statutes is amended to read:

5 23.335 (21) (am) 4. Yield the right-of-way to other vehicles, pedestrians,
6 electric scooters, and electric personal assistive mobility devices using the roadway
7 or shoulder.

8 **SECTION 11.** 29.001 (57) of the statutes is amended to read:

9 29.001 (57) "Motor vehicle" means a self-propelled vehicle, including a
10 combination of 2 or more vehicles or an articulated vehicle. "Motor vehicle" includes
11 a snowmobile or an all-terrain vehicle. "Motor vehicle" does not include an aircraft,
12 a vehicle operated exclusively on rails, an electric scooter, or an electric personal
13 assistive mobility device.

14 **SECTION 12.** 59.84 (2) (j) of the statutes is amended to read:

15 59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has
16 been certified as completed, the public body having jurisdiction over the
17 maintenance thereof shall have the power to regulate the type of vehicular use of
18 such portion of the expressway except as limited by federal and state laws and
19 regulations, and the power to fix speed limits thereon not in excess of the maximum
20 speed limits for state trunk highways, and to provide and enforce reasonable
21 penalties for infraction of such vehicular use regulation or speed limits.
22 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,
23 motor bicycles, motor scooters, bicycles, electric scooters, electric personal assistive
24 mobility devices, off-road utility vehicles, lightweight utility vehicles as defined in
25 s. 346.94 (21) (a) 2. except when used to cross an expressway, funeral processions, and

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1 animals on foot and the hauling of oversized equipment without special permit shall
2 be prohibited when an ordinance in conformity with this section and, with respect
3 to prohibiting the use of electric personal assistive mobility devices, in conformity
4 with s. 349.236 (1) (a) or (b), and with respect to prohibiting the use of electric
5 scooters, in conformity with s. 349.237, is enacted by the board, but a forfeiture
6 provided therein shall not exceed the maximum forfeiture under s. 346.17 (2). The
7 board may not prohibit the towing of disabled vehicles on expressways, except that
8 the board may prohibit the towing of disabled vehicles during the peak hours of 7 a.m.
9 to 9 a.m. and 4 p.m. to 6:30 p.m. as established under county ordinance and except
10 that the board may establish procedures for and may contract for the towing of
11 vehicles which have become disabled on the expressway.

12 **SECTION 13.** 66.1001 (2) (c) of the statutes is amended to read:

13 66.1001 (2) (c) *Transportation element.* A compilation of objectives, policies,
14 goals, maps and programs to guide the future development of the various modes of
15 transportation, including highways, transit, transportation systems for persons
16 with disabilities, bicycles, electric scooters, electric personal assistive mobility
17 devices, walking, railroads, air transportation, trucking and water transportation.
18 The element shall compare the local governmental unit's objectives, policies, goals
19 and programs to state and regional transportation plans. The element shall also
20 identify highways within the local governmental unit by function and incorporate
21 state, regional and other applicable transportation plans, including transportation
22 corridor plans, county highway functional and jurisdictional studies, urban area and
23 rural area transportation plans, airport master plans and rail plans that apply in the
24 local governmental unit.

25 **SECTION 14.** 83.42 (1) of the statutes is amended to read:

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1 83.42 (1) PURPOSE. In order to create and preserve rustic and scenic roads for
2 vehicular, bicycle, electric scooter, electric personal assistive mobility device, and
3 pedestrian travel in unhurried, quiet and leisurely enjoyment; to protect and
4 preserve recreational driving, culture, beauty, trees, vegetation and wildlife by
5 establishing protective standards of rustic road design, access, speed, maintenance
6 and identification, which will promote a continuous system of rustic roads and scenic
7 easements for the public health and welfare; a state system of rustic roads is created.

8 **SECTION 15.** 84.60 (1) (a) of the statutes is amended to read:

9 84.60 (1) (a) “Bikeway” means a public path, trail, lane or other way, including
10 structures, traffic control devices and related support facilities and parking areas,
11 designated for use by bicycles, electric scooters, electric personal assistive mobility
12 devices, and other vehicles propelled by human power. The term also includes
13 “bicycle lane” as defined in s. 340.01 (5e) and “bicycle way” as defined in s. 340.01 (5s).

14 **SECTION 16.** 167.31 (1) (h) of the statutes is amended to read:

15 167.31 (1) (h) “Vehicle” has the meaning given in s. 340.01 (74), but includes
16 a snowmobile, as defined in s. 340.01 (58a), an all-terrain vehicle, as defined in s.
17 340.01 (2g), an electric scooter, as defined in s. 340.01 (15ps), and an electric personal
18 assistive mobility device, as defined in s. 340.01 (15pm), except that for purposes of
19 subs. (4) (c) and (cg) and (4m) “vehicle” has the meaning given for “motor vehicle” in
20 s. 29.001 (57).

21 **SECTION 17.** 194.01 (7) of the statutes is amended to read:

22 194.01 (7) “Motor vehicle” means any automobile, truck, trailer, semitrailer,
23 tractor, motor bus, or any self-propelled or motor driven vehicle, except a motorcycle,
24 moped, motor bicycle, electric scooter, electric personal assistive mobility device,
25 personal delivery device, or vehicle operated on rails.

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1 **SECTION 18.** 287.81 (1) (b) of the statutes is amended to read:

2 287.81 (1) (b) “Vehicle” has the meaning given in s. 340.01 (74), but includes
3 an electric scooter, as defined in s. 340.01 (15ps), an electric personal assistive
4 mobility device, as defined in s. 340.01 (15pm), and an all-terrain vehicle, as defined
5 in s. 340.01 (2g).

6 **SECTION 19.** 340.01 (5e) of the statutes is amended to read:

7 340.01 (5e) “Bicycle lane” means that portion of a roadway set aside by the
8 governing body of any city, town, village, or county for the exclusive use of bicycles,
9 electric scooters, electric personal assistive mobility devices, or other modes of travel
10 where permitted under s. 349.23 (2) (a), and so designated by appropriate signs and
11 pavement markings.

12 **SECTION 20.** 340.01 (5s) of the statutes is amended to read:

13 340.01 (5s) “Bicycle way” means any path or sidewalk or portion thereof
14 designated for the use of bicycles, electric scooters, and electric personal assistive
15 mobility devices by the governing body of any city, town, village, or county.

16 **SECTION 21.** 340.01 (15ps) of the statutes is created to read:

17 340.01 (15ps) “Electric scooter” means a device weighing less than 100 pounds
18 that has handlebars and an electric motor, is powered solely by the electric motor and
19 human power, and has a maximum speed of not more than 20 miles per hour on a
20 paved level surface when powered solely by the electric motor. “Electric scooter” does
21 not include an electric personal assistive mobility device, motorcycle, motor bicycle,
22 or moped.

23 **SECTION 22.** 340.01 (35) of the statutes is amended to read:

24 340.01 (35) “Motor vehicle” means a vehicle, including a combination of 2 or
25 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle

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1 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
2 commercial motor vehicle or a vehicle which is propelled by electric power obtained
3 from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain
4 vehicle, a utility terrain vehicle, an electric scooter, and an electric personal assistive
5 mobility device shall be considered motor vehicles only for purposes made
6 specifically applicable by statute.

7 **SECTION 23.** 340.01 (43) of the statutes is amended to read:

8 340.01 (43) “Pedestrian” means any person afoot or any person in a wheelchair,
9 either manually or mechanically propelled, or other low-powered, mechanically
10 propelled vehicle designed specifically for use by a physically disabled person, but
11 does not include any person using an electric scooter or an electric personal assistive
12 mobility device.

13 **SECTION 24.** 340.01 (43m) (b) of the statutes is amended to read:

14 340.01 (43m) (b) Does not include in-line skates or electric scooters.

15 **SECTION 25.** 340.01 (74) of the statutes is amended to read:

16 340.01 (74) “Vehicle” means every device in, upon, or by which any person or
17 property is or may be transported or drawn upon a highway, except railroad trains.
18 A snowmobile, an all-terrain vehicle, a personal delivery device, an electric scooter,
19 and an electric personal assistive mobility device shall not be considered a vehicle
20 except for purposes made specifically applicable by statute.

21 **SECTION 26.** 340.01 (74p) (c) of the statutes is amended to read:

22 340.01 (74p) (c) An operator of a moped, electric scooter, or motor bicycle.

23 **SECTION 27.** 341.058 of the statutes is amended to read:

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1 **341.058 Electric scooters and electric personal assistive mobility**
2 **devices.** Electric scooters and electric personal assistive mobility devices, even
3 though operated upon a highway of this state, are exempt from registration.

4 **SECTION 28.** 344.01 (2) (g) of the statutes is amended to read:

5 344.01 (2) (g) “Vehicle” means every device in, upon, or by which any person
6 or property is or may be transported or drawn upon a highway, except vehicles used
7 exclusively upon stationary rails or tracks and except electric scooters, electric
8 personal assistive mobility devices, and personal delivery devices.

9 **SECTION 29.** 346.02 (12) of the statutes is amended to read:

10 **346.02 (12)** APPLICABILITY TO ELECTRIC SCOOTERS AND ELECTRIC PERSONAL
11 ASSISTIVE MOBILITY DEVICES. An electric scooter and an electric personal assistive
12 mobility device shall be considered a vehicle for purposes of ss. 346.04 to 346.10,
13 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.215 (3), 346.23 to 346.28,
14 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 to 346.55,
15 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78, 346.80, 346.87, 346.88,
16 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those provisions which by
17 their express terms apply only to motor vehicles or which by their very nature would
18 have no application to electric scooters or electric personal assistive mobility devices.

19 **SECTION 30.** 346.05 (1m) of the statutes is amended to read:

20 346.05 (1m) Notwithstanding sub. (1), any person operating a bicycle, electric
21 scooter, or electric personal assistive mobility device may ride on the shoulder of a
22 highway unless such riding is prohibited by the authority in charge of the
23 maintenance of the highway.

24 **SECTION 31.** 346.075 (title) of the statutes is amended to read:

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1 **346.075** (title) ~~Overtaking and passing bicyceles, electric personal~~
2 ~~assistive mobility devices, and motor buses~~ certain vehicles and devices.

3 **SECTION 32.** 346.075 (1) of the statutes is amended to read:

4 346.075 (1) The operator of a motor vehicle overtaking a bicycle, electric
5 scooter, or electric personal assistive mobility device proceeding in the same
6 direction shall exercise due care, leaving a safe distance, but in no case less than 3
7 feet clearance when passing the bicycle, electric scooter, or electric personal assistive
8 mobility device, and shall maintain clearance until safely past the overtaken bicycle,
9 electric scooter, or electric personal assistive mobility device.

10 **SECTION 33.** 346.16 (2) (am) of the statutes is amended to read:

11 346.16 (2) (am) Notwithstanding s. 349.105 and except as provided in par. (b),
12 no person riding an electric scooter or an electric personal assistive mobility device
13 may go upon any expressway or freeway when official signs have been erected
14 prohibiting persons specified in par. (a) from using the expressway or freeway.

15 **SECTION 34.** 346.23 (1) of the statutes is amended to read:

16 346.23 (1) At an intersection or crosswalk where traffic is controlled by traffic
17 control signals or by a traffic officer, the operator of a vehicle shall yield the
18 right-of-way to a pedestrian or personal delivery device, or to a person who is riding
19 a bicycle, electric scooter, or electric personal assistive mobility device in a manner
20 which is consistent with the safe use of the crosswalk by pedestrians, that has started
21 to cross the highway on a green signal or a pedestrian signal authorizing crossing
22 and in all other cases pedestrians, bicyclists, and riders of electric scooters and
23 electric personal assistive mobility devices shall yield, and personal delivery device
24 operators shall ensure that personal delivery devices yield, the right-of-way to
25 vehicles lawfully proceeding directly ahead on a green signal. No operator of a

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1 vehicle proceeding ahead on a green signal may begin a turn at a controlled
2 intersection or crosswalk when a pedestrian, personal delivery device, bicyclist, or
3 rider of an electric scooter or an electric personal assistive mobility device crossing
4 in the crosswalk on a green signal or a pedestrian signal authorizing crossing would
5 be endangered or interfered with in any way. The rules stated in this subsection are
6 modified at intersections or crosswalks on divided highways or highways provided
7 with safety zones in the manner and to the extent stated in sub. (2).

8 **SECTION 35.** 346.23 (2) of the statutes is amended to read:

9 346.23 (2) At intersections or crosswalks on divided highways or highways
10 provided with safety zones where traffic is controlled by traffic control signals or by
11 a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian,
12 personal delivery device, bicyclist, or rider of an electric scooter or an electric
13 personal assistive mobility device that has started to cross the roadway either from
14 the near curb or shoulder or from the center dividing strip or a safety zone with the
15 green signal or a pedestrian signal authorizing crossing in the favor of the
16 pedestrian, personal delivery device, bicyclist, or rider of an electric scooter or an
17 electric personal assistive mobility device.

18 **SECTION 36.** 346.24 (1) of the statutes is amended to read:

19 346.24 (1) At an intersection or crosswalk where traffic is not controlled by
20 traffic control signals or by a traffic officer, the operator of a vehicle shall yield the
21 right-of-way to a pedestrian or personal delivery device, or to a person riding a
22 bicycle, electric scooter, or electric personal assistive mobility device in a manner
23 which is consistent with the safe use of the crosswalk by pedestrians, that is crossing
24 the highway within a marked or unmarked crosswalk.

25 **SECTION 37.** 346.24 (2) of the statutes is amended to read:

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1 346.24 (2) No pedestrian, personal delivery device, bicyclist, or rider of an
2 electric scooter or an electric personal assistive mobility device may suddenly leave,
3 and no personal delivery device operator may allow a personal delivery device to
4 suddenly leave, a curb or other place of safety and walk, run, or ride into the path
5 of a vehicle which is so close that it is difficult for the operator of the vehicle to yield.

6 **SECTION 38.** 346.24 (3) of the statutes is amended to read:

7 346.24 (3) Whenever any vehicle is stopped at an intersection or crosswalk to
8 permit a pedestrian, personal delivery device, bicyclist, or rider of an electric scooter
9 or an electric personal assistive mobility device to cross the roadway, the operator of
10 any other vehicle approaching from the rear may not overtake and pass the stopped
11 vehicle.

12 **SECTION 39.** 346.25 of the statutes is amended to read:

13 **346.25 Crossing at place other than crosswalk.** Every pedestrian,
14 bicyclist, or rider of an electric scooter or an electric personal assistive mobility device
15 crossing a roadway at any point other than within a marked or unmarked crosswalk
16 shall yield the right-of-way to all vehicles upon the roadway.

17 **SECTION 40.** 346.28 (2) of the statutes is amended to read:

18 346.28 (2) Operators of vehicles shall yield the right-of-way to pedestrians,
19 personal delivery devices, bicyclists, and riders of electric scooter and electric
20 personal assistive mobility devices on sidewalks as required by s. 346.47.

21 **SECTION 41.** 346.30 (1) (b) 2. of the statutes is amended to read:

22 346.30 (1) (b) 2. Any operator of a bicycle, electric scooter, or electric personal
23 assistive mobility device violating s. 346.23, 346.24 or 346.25 may be required to
24 forfeit not more than \$20.

25 **SECTION 42.** 346.34 (1) (b) of the statutes is amended to read:

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1 346.34 (1) (b) In the event any other traffic may be affected by the movement,
2 no person may turn any vehicle without giving an appropriate signal in the manner
3 provided in s. 346.35. A person making a U-turn shall use the same signal used to
4 indicate a left turn. When given by the operator of a vehicle other than a bicycle,
5 electric scooter, or electric personal assistive mobility device, the signal shall be given
6 continuously during not less than the last 100 feet traveled by the vehicle before
7 turning. The operator of a bicycle, electric scooter, or electric personal assistive
8 mobility device shall give the signal continuously during not less than the last 50 feet
9 traveled before turning. A signal by the hand and arm need not be given
10 continuously if the hand is needed in the control or operation of the bicycle, electric
11 scooter, or electric personal assistive mobility device.

12 **SECTION 43.** 346.36 (2) of the statutes is amended to read:

13 346.36 (2) Any operator of a bicycle, electric scooter, or electric personal
14 assistive mobility device violating ss. 346.31 to 346.35 may be required to forfeit not
15 more than \$20.

16 **SECTION 44.** 346.37 (1) (a) 2. of the statutes is amended to read:

17 346.37 (1) (a) 2. Pedestrians, and persons who are riding bicycles, electric
18 scooters, or electric personal assistive mobility devices in a manner which is
19 consistent with the safe use of the crosswalk by pedestrians, facing the signal may
20 proceed, and personal delivery device operators may allow personal delivery devices
21 to proceed, across the roadway within any marked or unmarked crosswalk.

22 **SECTION 45.** 346.37 (1) (c) 2. of the statutes is amended to read:

23 346.37 (1) (c) 2. No pedestrian, personal delivery device, bicyclist, or rider of
24 an electric scooter or an electric personal assistive mobility device facing such signal
25 shall enter, and no personal delivery device operator may allow a personal delivery

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1 device facing such signal to enter, the roadway unless he or she can do so safely and
2 without interfering with any vehicular traffic.

3 **SECTION 46.** 346.37 (1) (c) 3. of the statutes is amended to read:

4 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
5 stopping as required under subd. 1., cautiously enter the intersection to make a right
6 turn into the nearest lawfully available lane for traffic moving to the right or to turn
7 left from a one-way highway into the nearest lawfully available lane of a one-way
8 highway on which vehicular traffic travels to the left. Vehicular traffic in the leftmost
9 right-turn lane of a roadway that provides 2 right-turn lanes may make a right turn
10 on a red signal into a lawfully available lane that is 2nd to the rightmost lane for
11 traffic moving to the right. Except for a vehicle turning right from the leftmost
12 right-turn lane of a roadway that provides 2 right-turn lanes, no turn may be made
13 on a red signal if lanes of moving traffic are crossed. No turn may be made on a red
14 signal if a sign at the intersection prohibits the turn on a red signal. In making a turn
15 on a red signal vehicular traffic shall yield the right-of-way to pedestrians, personal
16 delivery devices, bicyclists, and riders of electric scooters and electric personal
17 assistive mobility devices lawfully within a crosswalk, to operators of vehicles
18 making a lawful U-turn, and to other traffic lawfully using the intersection.

19 **SECTION 47.** 346.37 (1) (c) 4. of the statutes is amended to read:

20 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle, moped, motor bicycle,
21 or bicycle facing a red signal at an intersection may, after stopping as required under
22 subd. 1. for not less than 45 seconds, proceed cautiously through the intersection
23 before the signal turns green if no other vehicles are present at the intersection to
24 actuate the signal and the operator of the motorcycle, moped, motor bicycle, or bicycle
25 reasonably believes the signal is vehicle actuated. The operator of a motorcycle,

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1 moped, motor bicycle, or bicycle proceeding through a red signal under this
2 subdivision shall yield the right-of-way to any vehicular traffic, pedestrian,
3 personal delivery device, bicyclist, or rider of an electric scooter or an electric
4 personal assistive mobility device proceeding through a green signal at the
5 intersection or lawfully within a crosswalk or using the intersection. This
6 subdivision does not affect any authorization for a bicyclist under subd. 2.

7 **SECTION 48.** 346.37 (1) (d) 1. of the statutes is amended to read:

8 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
9 intersection to make the movement indicated by the arrow but shall yield the
10 right-of-way to pedestrians, personal delivery devices, bicyclists, and riders of
11 electric scooters and electric personal assistive mobility devices lawfully within a
12 crosswalk and to other traffic lawfully using the intersection. Vehicular traffic facing
13 a left turn arrow may make a U-turn unless a sign prohibits U-turns. When the
14 green arrow signal indicates a right or left turn traffic shall cautiously enter the
15 intersection.

16 **SECTION 49.** 346.37 (1) (d) 2. of the statutes is amended to read:

17 346.37 (1) (d) 2. No pedestrian, bicyclist, or rider of an electric scooter or an
18 electric personal assistive mobility device facing such signal may enter, and no
19 personal delivery device operator may allow a personal delivery device facing such
20 signal to enter, the roadway unless he or she can do so safely and without interfering
21 with any vehicular traffic.

22 **SECTION 50.** 346.37 (1) (e) 1. of the statutes is amended to read:

23 346.37 (1) (e) 1. Vehicular traffic facing a flashing yellow arrow signal may
24 cautiously enter the intersection to make the movement indicated by the arrow but
25 shall yield the right-of-way to pedestrians, personal delivery devices, bicyclists, and

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1 riders of electric scooters and electric personal assistive mobility devices lawfully
2 within a crosswalk and to other traffic lawfully using the intersection. Vehicular
3 traffic facing a left turn arrow may make a U-turn unless a sign prohibits U-turns.

4 **SECTION 51.** 346.37 (1) (e) 2. of the statutes is amended to read:

5 346.37 (1) (e) 2. No pedestrian, bicyclist, or rider of an electric scooter or an
6 electric personal assistive mobility device facing such signal may enter, and no
7 personal delivery device operator may allow a personal delivery device facing such
8 signal to enter, the roadway unless he or she can do so safely and without interfering
9 with any vehicular traffic.

10 **SECTION 52.** 346.37 (3) of the statutes is amended to read:

11 346.37 (3) If a traffic control signal suffers a loss of power or otherwise
12 malfunctions so that the traffic control signal does not exhibit any color of light,
13 vehicular traffic, pedestrians, and persons riding bicycles, electric scooters, or
14 electric personal assistive mobility devices shall proceed, and personal delivery
15 device operators shall ensure that personal delivery devices proceed, at the traffic
16 control signal as if the traffic control signal were an official stop sign and shall comply
17 with the requirements applicable under ss. 346.18 (1) and (3) and 346.46 (1), (2), and
18 (4), unless otherwise directed by a traffic officer.

19 **SECTION 53.** 346.38 (1) of the statutes is amended to read:

20 346.38 (1) WALK. A pedestrian, or a person riding a bicycle, electric scooter, or
21 electric personal assistive mobility device in a manner which is consistent with the
22 safe use of the crossing by pedestrians, facing a pedestrian signal authorizing
23 crossing may proceed, and a personal delivery device operator may allow a personal
24 delivery device facing a pedestrian signal authorizing crossing to proceed, across the
25 roadway or other vehicular crossing in the direction of the signal and the operators

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1 of all vehicles shall yield the right-of-way to the pedestrian, personal delivery
2 device, bicyclist, or electric scooter or electric personal assistive mobility device rider.

3 **SECTION 54.** 346.38 (2) of the statutes is amended to read:

4 346.38 (2) DON'T WALK. No pedestrian, personal delivery device, bicyclist, or
5 rider of an electric scooter or an electric personal assistive mobility device may start
6 to cross, and no personal delivery device operator may allow a personal delivery
7 device to start to cross, the roadway or other vehicular crossing in the direction of a
8 pedestrian signal limiting crossing, regardless of whether the signal is steady or
9 flashing, but any pedestrian, personal delivery device, bicyclist, or rider of an electric
10 scooter or an electric personal assistive mobility device that has partially completed
11 crossing on the pedestrian signal authorizing crossing may proceed to a sidewalk or
12 safety zone while a pedestrian signal limiting crossing is showing.

13 **SECTION 55.** 346.43 (1) (b) 2. of the statutes is amended to read:

14 346.43 (1) (b) 2. Any operator of a bicycle, electric scooter, or electric personal
15 assistive mobility device violating s. 346.37, 346.38 or 346.39 may be required to
16 forfeit not more than \$20.

17 **SECTION 56.** 346.47 (1) of the statutes is amended to read:

18 346.47 (1) The operator of a vehicle emerging from an alley or about to cross
19 or enter a highway from any point of access other than another highway shall stop
20 such vehicle immediately prior to moving on to the sidewalk or on to the sidewalk
21 area extending across the path of such vehicle and shall yield the right-of-way to any
22 pedestrian, bicyclist, personal delivery device, or rider of an electric scooter or an
23 electric personal assistive mobility device, and upon crossing or entering the
24 roadway shall yield the right-of-way to all vehicles approaching on such roadway.

25 **SECTION 57.** 346.49 (1) (b) of the statutes is amended to read:

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1 346.49 (1) (b) Any operator of a bicycle, electric scooter, or electric personal
2 assistive mobility device violating s. 346.46 (1), (2m) or (4) may be required to forfeit
3 not more than \$20.

4 **SECTION 58.** 346.49 (1g) (b) of the statutes is amended to read:

5 346.49 (1g) (b) Any operator of a bicycle, electric scooter, or electric personal
6 assistive mobility device violating s. 346.46 (3) shall forfeit not more than \$40.

7 **SECTION 59.** 346.49 (2m) (b) of the statutes is amended to read:

8 346.49 (2m) (b) Any operator of a bicycle, electric scooter, or electric personal
9 assistive mobility device violating s. 346.44 may be required to forfeit not less than
10 \$100 nor more than \$250 for the first offense and not less than \$225 nor more than
11 \$750 for the 2nd or subsequent conviction within 3 years.

12 **SECTION 60.** 346.54 (1) (e) of the statutes is amended to read:

13 346.54 (1) (e) Except as provided in par. (cm) and s. 349.13 (6), for the purpose
14 of parking, mopeds, electric scooters, and electric personal assistive mobility devices
15 shall be considered bicycles. Except as provided in s. 349.13 (6), where possible
16 without impeding the flow of pedestrian traffic, a bicycle, moped, electric scooter, or
17 electric personal assistive mobility device may be parked on a sidewalk. Except as
18 provided in s. 349.13 (6), a bicycle, moped, electric scooter, or electric personal
19 assistive mobility device may be parked in a bike rack or other similar area
20 designated for bicycle parking.

21 **SECTION 61.** 346.60 (5) (a) of the statutes is amended to read:

22 346.60 (5) (a) Any operator of a bicycle, electric scooter, or electric personal
23 assistive mobility device who violates s. 346.57 may be required to forfeit not more
24 than \$20.

25 **SECTION 62.** 346.60 (5) (b) of the statutes is amended to read:

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1 346.60 (5) (b) Any operator of a bicycle, electric scooter, or electric personal
2 assistive mobility device who violates s. 346.59 may be required to forfeit not more
3 than \$10.

4 **SECTION 63.** 346.71 (2) of the statutes is amended to read:

5 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
6 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle,
7 electric scooter, or electric personal assistive mobility device operator 14 years of age
8 or older and who died within 6 hours of the time of the accident, the coroner or
9 medical examiner of the county where the death occurred shall require that a blood
10 specimen of at least 10 cc. be withdrawn from the body of the decedent within 12
11 hours after his or her death, by the coroner or medical examiner or by a physician
12 so designated by the coroner or medical examiner or by a qualified person at the
13 direction of the physician. All funeral directors shall obtain a release from the
14 coroner or medical examiner of the county where the accident occurred as provided
15 in s. 979.01 (4) prior to proceeding with embalming any body coming under the scope
16 of this section. The blood so drawn shall be forwarded to a laboratory approved by
17 the department of health services for analysis of the alcoholic content of the blood
18 specimen. The coroner or medical examiner causing the blood to be withdrawn shall
19 be notified of the results of each analysis made and shall forward the results of each
20 such analysis to the department of health services. If the death involved a motor
21 vehicle, the department shall keep a record of all such examinations to be used for
22 statistical purposes only and the department shall disseminate and make public the
23 cumulative results of the examinations without identifying the individuals involved.
24 If the death involved an all-terrain vehicle, a utility terrain vehicle, or an
25 off-highway motorcycle, as defined in s. 23.335 (1) (q), that was being operated off

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1 the highways, as defined in s. 23.335 (1) (y), the department of natural resources
2 shall keep a record of all such examinations to be used for statistical purposes only
3 and the department of natural resources shall disseminate and make public the
4 cumulative results of the examinations without identifying the individuals involved.

5 **SECTION 64.** 346.80 (title) of the statutes is amended to read:

6 **346.80** (title) **Riding bicycle, electric scooter, or electric personal**
7 **assistive mobility device on roadway.**

8 **SECTION 65.** 346.80 (1) of the statutes is amended to read:

9 346.80 (1) In this section, “substandard width lane” means a lane that is too
10 narrow for a bicycle, electric scooter, or electric personal assistive mobility device and
11 a motor vehicle to travel safely side by side within the lane.

12 **SECTION 66.** 346.80 (2) (a) (intro.) of the statutes is amended to read:

13 346.80 (2) (a) (intro.) Any person operating a bicycle, electric scooter, or electric
14 personal assistive mobility device upon a roadway at less than the normal speed of
15 traffic at the time and place and under the conditions then existing shall ride as close
16 as practicable to the right-hand edge or curb of the unobstructed traveled roadway,
17 including operators who are riding 2 or more abreast where permitted under sub. (3),
18 except:

19 **SECTION 67.** 346.80 (2) (b) of the statutes is amended to read:

20 346.80 (2) (b) Notwithstanding par. (a), any person operating a bicycle, electric
21 scooter, or electric personal assistive mobility device upon a one-way highway
22 having 2 or more lanes available for traffic may ride as near the left-hand edge or
23 curb of the roadway as practicable.

24 **SECTION 68.** 346.80 (2) (c) of the statutes is amended to read:

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1 346.80 (2) (c) Any person operating a bicycle, electric scooter, or electric
2 personal assistive mobility device upon a roadway shall exercise due care when
3 passing a standing or parked vehicle or a vehicle proceeding in the same direction
4 and, when passing a standing or parked vehicle that is a school bus that is not
5 displaying flashing red warning lights as provided in s. 346.48 (1) or a motor bus,
6 shall allow a minimum of 3 feet between the bicycle, electric scooter, or electric
7 personal assistive mobility device and the vehicle.

8 **SECTION 69.** 346.80 (3) (a) of the statutes is amended to read:

9 346.80 (3) (a) Persons riding bicycles, electric scooters, or electric personal
10 assistive mobility devices upon a roadway may ride 2 abreast if such operation does
11 not impede the normal and reasonable movement of traffic. Bicycle, electric scooter,
12 or electric personal assistive mobility device operators riding 2 abreast on a 2-lane
13 or more roadway shall ride within a single lane.

14 **SECTION 70.** 346.80 (3) (b) of the statutes is amended to read:

15 346.80 (3) (b) Persons riding bicycles upon a roadway may not ride more than
16 2 abreast except upon any path, trail, lane or other way set aside for the exclusive
17 use of bicycles, electric scooters, and electric personal assistive mobility devices.

18 **SECTION 71.** 346.80 (4) of the statutes is amended to read:

19 346.80 (4) No person may operate a bicycle, electric scooter, electric personal
20 assistive mobility device, or moped upon a roadway where a sign is erected indicating
21 that bicycle, electric scooter, electric personal assistive mobility device, or moped
22 riding is prohibited.

23 **SECTION 72.** 346.80 (5) of the statutes is amended to read:

24 346.80 (5) Except as provided in ss. 346.23, 346.24, 346.37, and 346.38, every
25 rider of a bicycle, electric scooter, or electric personal assistive mobility device shall,

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1 upon entering on a highway, yield, and every personal delivery device operator shall
2 ensure that the personal delivery device, upon entering on a highway, yield the
3 right-of-way to motor vehicles.

4 **SECTION 73.** 346.803 (title) of the statutes is amended to read:

5 **346.803 (title) Riding bicycle, electric scooter, or electric personal**
6 **assistive mobility device on bicycle way.**

7 **SECTION 74.** 346.803 (1) (intro.) of the statutes is amended to read:

8 346.803 (1) (intro.) Every person operating a bicycle, electric scooter, or electric
9 personal assistive mobility device upon a bicycle way shall:

10 **SECTION 75.** 346.803 (1) (a) of the statutes is amended to read:

11 346.803 (1) (a) Exercise due care and give an audible signal when passing a
12 bicycle, electric scooter, or electric personal assistive mobility device rider or a
13 pedestrian proceeding in the same direction.

14 **SECTION 76.** 346.803 (2) of the statutes is amended to read:

15 346.803 (2) Every person operating a bicycle, electric scooter, or electric
16 personal assistive mobility device upon a bicycle way open to 2-way traffic shall ride
17 on the right side of the bicycle way.

18 **SECTION 77.** 346.803 (3) of the statutes is amended to read:

19 346.803 (3) Every operator of a bicycle, electric scooter, or electric personal
20 assistive mobility device entering a bicycle way shall yield the right-of-way to all
21 bicycles and pedestrians in the bicycle way.

22 **SECTION 78.** 346.803 (4) of the statutes is amended to read:

23 346.803 (4) Except as provided in s. ss. 349.236 (1) (bm) and 349.237, a person
24 may operate an electric personal assistive mobility device, or an electric scooter at
25 a speed not to exceed 15 miles per hour, upon any bicycle path.

SENATE BILL 152**SECTION 79**

1 **SECTION 79.** 346.804 of the statutes is amended to read:

2 **346.804 Riding bicycle on sidewalk.** When local authorities under s. 346.94
3 (1) permit bicycles on the sidewalk, every person operating a bicycle upon a sidewalk
4 shall yield the right-of-way to any pedestrian and shall exercise due care and give
5 an audible signal when passing a bicycle, electric scooter, or electric personal
6 assistive mobility device rider or a pedestrian proceeding in the same direction.

7 **SECTION 80.** 346.805 of the statutes is amended to read:

8 **346.805 Riding electric scooter or electric personal assistive mobility**
9 **device on sidewalk.** Except as provided in ss. 346.94 (18) (a) 2. and (18s), 349.236
10 (1) (b), and 349.237, a person may operate an electric scooter or an electric personal
11 assistive mobility device upon any sidewalk. Every person operating an electric
12 scooter or an electric personal assistive mobility device upon a sidewalk shall yield
13 the right-of-way to any pedestrian or bicyclist and shall exercise due care and give
14 an audible signal when passing a bicycle or other electric scooter or electric personal
15 assistive mobility device or a pedestrian proceeding in the same direction.

16 **SECTION 81.** 346.94 (12) of the statutes is amended to read:

17 **346.94 (12) DRIVING ON BICYCLE LANE OR BICYCLE WAY.** No operator of a motor
18 vehicle may drive upon a bicycle lane or bicycle way except to enter a driveway, to
19 merge into a bicycle lane before turning at an intersection, or to enter or leave a
20 parking space located adjacent to the bicycle lane or bicycle way. Persons operating
21 a motor vehicle upon a bicycle lane or bicycle way shall yield the right-of-way to all
22 bicycles, electric scooters, and electric personal assistive mobility devices within the
23 bicycle lane or bicycle way.

24 **SECTION 82.** 346.94 (18s) of the statutes is created to read:

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1 346.94 (18s) ELECTRIC SCOOTERS ON ROADWAYS, SIDEWALKS, BICYCLE LANES, AND
2 BICYCLE WAYS. (a) Except as otherwise prohibited in this chapter, a person may
3 operate an electric scooter upon any roadway, sidewalk, bicycle lane, or bicycle way
4 that is under the jurisdiction of the department or that is open to operation of
5 bicycles.

6 (b) A person may operate an electric scooter upon any roadway, sidewalk,
7 bicycle lane, or bicycle way under the jurisdiction of a local authority, subject to any
8 restrictions or prohibitions specified by municipal ordinance enacted under s.
9 349.237.

10 (c) No person may operate an electric scooter upon any roadway, sidewalk,
11 bicycle lane, or bicycle way at a speed in excess of 15 miles per hour.

12 **SECTION 83.** 347.02 (1) (i) of the statutes is amended to read:

13 347.02 (1) (i) Electric scooters and electric personal assistive mobility devices.

14 **SECTION 84.** 347.245 (1) of the statutes is amended to read:

15 347.245 (1) No person may operate on a highway any vehicle or equipment, any
16 implement of husbandry, any animal-drawn vehicle, or any other machinery,
17 including all road machinery, that usually travels at speeds of less than 25 miles per
18 hour or any vehicle operated under a special restricted operator's license issued
19 under s. 343.135 or any lightweight utility vehicle, as defined in s. 346.94 (21) (a) 2.,
20 unless there is displayed on the most practicable visible rear area of the vehicle or
21 combination of vehicles, a slow moving vehicle (SMV) emblem as described in and
22 displayed as provided in sub. (2). Any towed vehicle or machine is exempt from this
23 provision if the towing vehicle is visible from the rear and is in compliance with this
24 section. All road machinery is excluded when it is engaged in actual construction or
25 maintenance work either guarded by a flagman or clearly visible warning signs. The

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1 requirement of the emblem shall be in addition to any lighting devices required or
2 permitted by law. Mopeds and motor bicycles are excluded from the provisions of this
3 section unless they are operated under a special restricted operator's license issued
4 under s. 343.135. Electric scooters, electric personal assistive mobility devices, and
5 personal delivery devices are excluded from the provisions of this section. The SMV
6 emblem need not be displayed on vehicles moving directly across the highway.

7 **SECTION 85.** 347.489 (1) of the statutes is amended to read:

8 347.489 (1) No person may operate a bicycle, motor bicycle, personal delivery
9 device, electric scooter, or electric personal assistive mobility device upon a highway,
10 sidewalk, bicycle lane, or bicycle way during hours of darkness unless the bicycle,
11 motor bicycle, personal delivery device, electric scooter, or electric personal assistive
12 mobility device is equipped with or, with respect to a bicycle or motor bicycle, the
13 operator is wearing, a lamp emitting a white light visible from a distance of at least
14 500 feet to the front of the bicycle, motor bicycle, personal delivery device, electric
15 scooter, or electric personal assistive mobility device. A bicycle, motor bicycle,
16 personal delivery device, electric scooter, or electric personal assistive mobility
17 device shall also be equipped with a red reflector that has a diameter of at least 2
18 inches of surface area or, with respect to an electric scooter or an electric personal
19 assistive mobility device, that is a strip of reflective tape that has at least 2 square
20 inches of surface area, on the rear so mounted and maintained as to be visible from
21 all distances from 50 to 500 feet to the rear when directly in front of lawful upper
22 beams of headlamps on a motor vehicle. A lamp emitting a steady or flashing red
23 light visible from a distance of 500 feet to the rear may be used in lieu of the red
24 reflector.

25 **SECTION 86.** 347.489 (2) of the statutes is amended to read:

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1 347.489 (2) No person may operate a bicycle, motor bicycle, electric scooter, or
2 electric personal assistive mobility device upon a highway, bicycle lane, or bicycle
3 way unless it is equipped with a brake in good working condition, adequate to control
4 the movement of and to stop the bicycle, motor bicycle, electric scooter, or electric
5 personal assistive mobility device whenever necessary.

6 **SECTION 87.** 347.489 (3) of the statutes is amended to read:

7 347.489 (3) No bicycle, motor bicycle, electric scooter, or electric personal
8 assistive mobility device may be equipped with nor may any person riding upon a
9 bicycle, motor bicycle, electric scooter, or electric personal assistive mobility device
10 use any siren or compression whistle.

11 **SECTION 88.** 348.01 (2) (d) of the statutes is amended to read:

12 348.01 (2) (d) “Vehicle for recreational use” includes a bicycle, moped, motor
13 bicycle, motorcycle, all-terrain vehicle, utility terrain vehicle, snowmobile, boat, as
14 defined in s. 30.50 (2), sailboard, as defined in s. 30.50 (11), personal watercraft,
15 electric scooter, or electric personal assistive mobility device, but does not include an
16 automobile, motor truck, motor home, play vehicle, or in-line skates.

17 **SECTION 89.** 349.015 of the statutes is amended to read:

18 **349.015 Applicability of chapter to electric scooters and electric**
19 **personal assistive mobility devices.** An electric scooter and an electric personal
20 assistive mobility device shall be considered a vehicle for purposes of this chapter,
21 except those provisions which by their express terms apply only to motor vehicles or
22 which by their very nature would have no application to electric scooters or electric
23 personal assistive mobility devices.

24 **SECTION 90.** 349.237 of the statutes is created to read:

