

2007 DRAFTING REQUEST

Bill

Received: 04/26/2007

Received By: agary

Wanted: Soon

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Kurt Simatic

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Albers@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Neighborhood electric vehicles

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 04/26/2007	kfollett 04/27/2007		_____			S&L
/1			nnatzke 04/27/2007	_____	mbarman 04/27/2007	cduerst 04/27/2007	

FE Sent For: "1" @ intro.
5-15-2007

<END>

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/?	agary	1/1/07 4/27	nwn 4/27	nwn 4/27			

FE Sent For:

<END>

Gary, Aaron

From: Simatic, Kurt
Sent: Thursday, April 26, 2007 1:51 PM
To: Gary, Aaron
Subject: FW: BRESKE/ALBERS Cosponsor/ LRB 2185 / neighborhood electric vehicles / deadline May 10
Attachments: 07-21851.pdf

Aaron:

Could you draft an identical Assembly version for our office? Thanks.

Kurt Simatic
Office of State Representative Sheryl K. Albers
 115 West
 State Capitol
 Madison, WI 53708
 608-266-8531
 kurt.simatic@legis.wisconsin.gov

From: Piliouras, Elizabeth
Sent: Thursday, April 26, 2007 1:48 PM
To: *Legislative All Senate; *Legislative All Assembly
Subject: BRESKE/ALBERS Cosponsor/ LRB 2185 / neighborhood electric vehicles / deadline May 10

To All legislators
 From Senator Roger Breske, Representative Sheryl Albers
 Date April 26, 2007
 Subject Co-sponsor LRB 2185 relating to neighborhood electric vehicles

Last session, Act 329 enabled NEV (neighborhood electric vehicle) use, by choice of a municipality, on roads where the speed limit does not exceed 35MPH (<http://www.legis.state.wi.us/2005/data/AB851hst.html>). This trailer bill eliminates provisions from Act 329 that created conflict with other statutes.

Some legislators have heard from constituents in communities interested in enabling NEV use, but waiting until after changes contained in this trailer bill are enacted.

To co-sponsor, please contact by Thursday, May 10: Senator Breske (Beth Piliouras) 6.2509 or Rep. Albers (Kurt Simatic) 6.8531.

Bill provisions:

- Requires a NEV be registered by DOT and eliminates municipal licensing

04/26/2007

- Requires a NEV be titled by DOT at fee of \$28.50 (exempts NEV from environmental impact related fees of \$9 and \$7.50)
- Clarifies intent and establishes a process for DOT to agree to NEV use on or across a road under state jurisdiction
- Exempts a NEV from emission inspection and maintenance program requirements
- Retains municipal control via an enabling ordinance
- Retains the limit on NEV use to roads with 35 MPH or lower speed limit

Analysis by the Legislative Reference Bureau

Under current law, a municipality may, by ordinance, allow the use of a neighborhood electric vehicle on a roadway under its jurisdiction that has a speed limit of 35 miles per hour or less. A "neighborhood electric vehicle" is a motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the federal Department of Energy and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart.

A municipality that enacts an ordinance may also be required to enter into an agreement with, or obtain the consent of, others with which roadway jurisdiction is shared permitting neighborhood electric vehicles to use or cross the roadway. A municipality that enacts an ordinance may provide for municipal licensing of neighborhood electric vehicles that are used within the municipality. This bill eliminates municipal licensing of neighborhood electric vehicles and instead requires these vehicles to be registered with the Department of Transportation (DOT). The registration fee and biennial registration period are the same as those currently applicable to registration of mopeds.

The bill also clarifies and modifies municipal authority to allow operation of neighborhood electric vehicles on the municipality's roadways. Under the bill, a municipal ordinance may apply to a connecting highway within the municipality, or to an intersection within the municipality where the municipality's roadway crosses a state trunk highway, only if all of the following apply: 1) the municipality provides written notice to DOT of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance will apply; and 2) within 21 days of receiving this notice, DOT consents or fails to object to the use of neighborhood electric vehicles on the connecting highway or through the intersection crossing the state trunk highway. If DOT makes a timely objection to the use of neighborhood electric vehicles on the connecting highway or through the intersection crossing the state trunk highway, the municipality's ordinance is not valid for that connecting highway or that intersection crossing the state trunk highway.

Current law generally requires the owner of a vehicle subject to registration to apply for a certificate of title for the vehicle. An applicant for a certificate of title must pay a fee of \$28.50, plus an environmental impact fee of \$9, plus a supplemental title fee of \$7.50. Under this bill, the owner of a neighborhood electric vehicle must apply for a certificate of title, which controls legal ownership of and interests in the vehicle. The owner must pay the certificate of title fee of \$28.50, but is not required to pay the environmental impact fee or supplemental title fee.

Current law requires DOT to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. Certain motor vehicles are exempt from emission inspections, including mopeds, motorcycles, off-road utility vehicles, vehicles powered by diesel fuel, most vehicles exempt from registration, and vehicles for which inspection, in the judgment of DNR, is not a

cost-effective method for attaining and maintaining air quality. This bill exempts neighborhood electric vehicles from emission inspections.

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

Beth Piliouras

Senator Roger Breske

608-266-2509

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4/26

stays
MNR

2007 BILL

No changes -
companion

Regen

1 AN ACT to renumber and amend 349.26 (1); to amend 285.30 (5) (c), 341.25
 2 (title), 341.25 (1) (b), 341.297 (1), 342.14 (1r), 342.14 (3m) and 349.26 (2); and
 3 to create 285.30 (5) (k) and 349.26 (3) of the statutes; relating to:
 4 neighborhood electric vehicles.

Analysis by the Legislative Reference Bureau

Under current law, a municipality may, by ordinance, allow the use of a neighborhood electric vehicle on a roadway under its jurisdiction that has a speed limit of 35 miles per hour or less. A "neighborhood electric vehicle" is a motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the federal Department of Energy and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart. A municipality that enacts an ordinance may also be required to enter into an agreement with, or obtain the consent of, others with which roadway jurisdiction is shared permitting neighborhood electric vehicles to use or cross the roadway. A municipality that enacts an ordinance may provide for municipal licensing of neighborhood electric vehicles that are used within the municipality.

This bill eliminates municipal licensing of neighborhood electric vehicles and instead requires these vehicles to be registered with the Department of Transportation (DOT). The registration fee and biennial registration period are the same as those currently applicable to registration of mopeds. The bill also clarifies and modifies municipal authority to allow operation of neighborhood electric vehicles on the municipality's roadways. Under the bill, a municipal ordinance may

BILL

apply to a connecting highway within the municipality, or to an intersection within the municipality where the municipality's roadway crosses a state trunk highway, only if all of the following apply: 1) the municipality provides written notice to DOT of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance will apply; and 2) within 21 days of receiving this notice, DOT consents or fails to object to the use of neighborhood electric vehicles on the connecting highway or through the intersection crossing the state trunk highway. If DOT makes a timely objection to the use of neighborhood electric vehicles on the connecting highway or through the intersection crossing the state trunk highway, the municipality's ordinance is not valid for that connecting highway or that intersection crossing the state trunk highway.

Current law generally requires the owner of a vehicle subject to registration to apply for a certificate of title for the vehicle. An applicant for a certificate of title must pay a fee of \$28.50, plus an environmental impact fee of \$9, plus a supplemental title fee of \$7.50.

Under this bill, the owner of a neighborhood electric vehicle must apply for a certificate of title, which controls legal ownership of and interests in the vehicle. The owner must pay the certificate of title fee of \$28.50, but is not required to pay the environmental impact fee or supplemental title fee.

Current law requires DOT to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties in which the air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must pass periodic emission inspections and may not be registered by DOT unless they have passed these inspections. Certain motor vehicles are exempt from emission inspections, including mopeds, motorcycles, off-road utility vehicles, vehicles powered by diesel fuel, most vehicles exempt from registration, and vehicles for which inspection, in the judgment of DNR, is not a cost-effective method for attaining and maintaining air quality. This bill exempts neighborhood electric vehicles from emission inspections.

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.** 285.30 (5) (c) of the statutes is amended to read:

2 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
3 that a motor vehicle owned by the United States is not exempt unless it comes under
4 par. (a), (b), (d), (e), (f), (g), (h), ~~or (j)~~, or (k).

5 **SECTION 2.** 285.30 (5) (k) of the statutes is created to read:

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1 285.30 (5) (k) A neighborhood electric vehicle, as defined in s. 340.01 (36r).

2 **SECTION 3.** 341.25 (title) of the statutes is amended to read:

3 **341.25** (title) **Annual and biennial registration fees; ~~biennial~~**
4 **motorcycle fees.**

5 **SECTION 4.** 341.25 (1) (b) of the statutes is amended to read:

6 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
7 or less, except a specially designed vehicle under s. 341.067, which is designed for the
8 transportation of persons rather than property, and for each neighborhood electric
9 vehicle, a biennial fee of \$23.

10 **SECTION 5.** 341.297 (1) of the statutes is amended to read:

11 341.297 (1) A motorcycle ~~or~~, moped, or neighborhood electric vehicle, as
12 specified in s. 341.25 (1) (b).

13 **SECTION 6.** 342.14 (1r) of the statutes is amended to read:

14 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
15 impact fee of \$9, by the person filing the application. All moneys collected under this
16 subsection shall be credited to the environmental fund for environmental
17 management. This subsection does not apply after December 31, 2007. This
18 subsection does not apply to an application for a certificate of title for a neighborhood
19 electric vehicle.

20 **SECTION 7.** 342.14 (3m) of the statutes is amended to read:

21 342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental
22 title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with
23 respect to an application under sub. (3) for transfer of a decedent's interest in a
24 vehicle to his or her surviving spouse. The fee specified under this subsection is in

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1 addition to any other fee specified in this section. This subsection does not apply to
2 an application for a certificate of title for a neighborhood electric vehicle.

3 **SECTION 8.** 349.26 (1) of the statutes is renumbered 340.01 (36r) and amended
4 to read:

5 340.01 (36r) In this section, “neighborhood “Neighborhood electric vehicle”
6 means a self-propelled motor vehicle that has successfully completed the
7 neighborhood electric vehicle America test program conducted by the federal
8 department of energy, and that conforms to the definition and requirements for
9 low-speed vehicles as adopted in the federal motor vehicle safety standards for
10 low-speed vehicles under 49 CFR 571.3 (b) and 571.500. “Neighborhood electric
11 vehicle” does not include a golf cart.

12 **SECTION 9.** 349.26 (2) of the statutes is amended to read:

13 349.26 (2) The Subject to sub. (3), the governing body of any city, town, or
14 village may by ordinance allow the use of a neighborhood electric vehicle on a
15 roadway that has a speed limit of 35 miles per hour or less and over which the
16 governing body city, town, or village has jurisdiction. ~~A city, town, or village that~~
17 ~~passes an ordinance under this section shall enter into an agreement with, or obtain~~
18 ~~the consent of, each governing body that shares jurisdiction over a roadway within~~
19 ~~the city, town, or village, to permit neighborhood electric vehicles to use or cross the~~
20 ~~roadway. An ordinance passed under this section may contain a provision for the city,~~
21 ~~town, or village to license neighborhood electric vehicles that are used within the city,~~
22 ~~town, or village limits.~~

23 **SECTION 10.** 349.26 (3) of the statutes is created to read:

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1 349.26 (3) (a) An ordinance under sub. (2) may apply to a connecting highway,
2 or to an intersection where the roadway crosses a state trunk highway, within the
3 city, town, or village only if all of the following apply:

4 1. The city, town, or village provides written notice to the department of the
5 ordinance, including identification of any connecting highway or state trunk
6 highway intersection to which the ordinance will apply.

7 2. Within 21 days of receiving the notice under subd. 1., the department has
8 provided written or oral consent to the use of neighborhood electric vehicles on the
9 connecting highway or through the intersection crossing the state trunk highway or
10 has failed to object to the use of neighborhood electric vehicles on the connecting
11 highway or through the intersection crossing the state trunk highway.

12 (b) If the department makes a timely objection under par. (a) 2., no ordinance
13 enacted under this section is valid for that connecting highway or that intersection
14 crossing the state trunk highway.

SECTION 11. Nonstatutory provisions.

15 (1) Notwithstanding section 341.25 of the statutes, as affected by this act, and
16 section 341.31 of the statutes, if a person has licensed, prior to the effective date of
17 this subsection, any neighborhood electric vehicle in accordance with an ordinance
18 enacted by a city, town, or village providing for such licensing, the person may
19 register any such neighborhood electric vehicle with the department of
20 transportation at no additional fee for the vehicle's entire initial registration period
21 if the city, town, or village license is valid at the time that the person applies for
22 registration with the department of transportation and if the person applies for
23 registration within 2 years after the effective date of this subsection. The 2-year
24

BILL

1 initial registration period for the neighborhood electric vehicle shall commence from
2 the date that the certificate of registration is issued.

3 (END)

Duerst, Christina

From: Simatic, Kurt
Sent: Friday, April 27, 2007 11:28 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2611/1 Topic: Neighborhood electric vehicles

Please Jacket LRB 07-2611/1 for the ASSEMBLY.