

2009 DRAFTING REQUEST

Bill

Received: 07/08/2009

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Lieutenant Governor

By/Representing: Matt Dulak

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles  
Transportation - traffic laws

Extra Copies: EVM

Submit via email: YES

Requester's email: matt.dulak@wisconsin.gov

Carbon copy (CC:) to:

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Pre Topic:

No specific pre topic given

---

Topic:

Neighborhood electric vehicles, low speed vehicles

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Instructions:

See attached

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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>
/?				_____			S&L
/P1	agary 07/21/2009	jdyer 07/23/2009	rschlue 07/23/2009	_____	mbarman 07/23/2009 mbarman 07/23/2009		S&L
/P2	agary 08/19/2009	jdyer 08/20/2009	jfrantze 08/20/2009	_____	lparisi 08/20/2009		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 09/14/2009	jdyer 09/14/2009	jfrantze 09/14/2009	_____	sbasford 09/14/2009	mbarman 01/25/2010	

FE Sent For:

*at  
intro*

<END>

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Send to  
Rep. Steinbrink  
(See attached)

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Added

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/P1	agary 07/21/2009	jdyer 07/23/2009	rschluet 07/23/2009	8/20 JA	mbarman 07/23/2009		

FE Sent For:

8/20

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/?	agary	PI 7/22jld					S&L

FE Sent For:

**<END>**

**Gary, Aaron**

**From:** Dulak, Matt - LTGOV [Matt.Dulak@wisconsin.gov]  
**Sent:** Wednesday, July 08, 2009 11:00 AM  
**To:** Gary, Aaron; Mueller, Eric  
**Cc:** Nuckels, Ben - LTGOV  
**Subject:** Neighborhood Electric Vehicles (NEV) Bill Draft

TO:	Legislative Reference Bureau
FROM:	Matt Dulak, Office of Lt. Governor Barbara Lawton
TOPIC:	Neighborhood Electric Vehicles Bill
DATE:	July 8, 2009
CC:	Ben Nuckels

**Overview**

This bill updates the laws that regulate the use of neighborhood electric vehicles (NEVs) to create uniformity across the state and accommodate new technologies.

**Bill Provisions**

- Expands the category of vehicles covered by current NEV laws to all vehicles classified as “low speed vehicles” (LSVs) by the National Highway Traffic Safety Administration; this would authorize LSVs powered by other sources (e.g. hydrogen cells) to travel the same routes and at the same speeds as NEVs
- Changes the current system wherein municipalities must “opt in” to allow LSV use to a system of statewide authorization on municipal *and* county roads with speed limits less than 35 mph. Establishes a mechanism for municipalities and counties to “opt out” of NEV use on roads over which they have jurisdiction; maintains the requirement that municipalities and counties receive approval from DOT before allowing NEVs to operate on connecting highways or cross intersections where the roadway crosses a state trunk highway
- Exempts LSVs from the state’s property tax laws (NOTE: This provision was also included in 2001 AB 58)
- Creates a provision stating that no person may operate an LSV on any road not authorized by the statutes or on which LSV operation is prohibited and creates a penalty of a forfeiture not more than \$200 (rationale: the current NEV law, s 349.26, says nothing about use. It impliedly prohibits use of NEVs off the approved road network since municipalities must opt-in, but there is no explicit prohibition against their use in non-authorized areas. Normally, DOT would use s 341.04, the prohibition against unregistered operation, to prohibit this, but since NEVs bear state plates and are registered, s. 341.04 no longer applies. DOT is promulgating Trans 145, Clearinghouse Rule 08-080, to say that registration is valid only on approved roads, so that law enforcement could ticket for unregistered operation, but DOT alleges that this is an imperfect solution, and it is unclear how it might hold up in court of tested)
- Creates a provision that any LSV operating faster than 25 mph (the maximum speed allowed under federal highway standards) is an improperly registered LSV and is subject to penalties for improperly registered vehicles in Ch. 341

Please include that the bill was drafted at the request of Lt. Governor Barbara C. Lawton.

\* \* \* \*

Matt Dulak  
Policy and Community Relations Director  
Office of Lt. Governor Barbara Lawton  
[matt.dulak@wisconsin.gov](mailto:matt.dulak@wisconsin.gov)  
Phone: 608-266-3516  
Fax: 608-267-3571  
<http://www.ltgov.wisconsin.gov>

**Gary, Aaron**

---

**From:** Dulak, Matt - LTGOV [Matt.Dulak@wisconsin.gov]  
**Sent:** Tuesday, July 21, 2009 12:38 PM  
**To:** Gary, Aaron  
**Subject:** RE: Neighborhood Electric Vehicles (NEV) Bill Draft

Our intent is on roads with a speed limit of "35 mph or less," which I'm fairly certain is the same as current law.

Thanks,  
Matt

\*\*\*\*

Matt Dulak  
Policy and Community Relations Director  
Office of Lt. Governor Barbara Lawton  
[matt.dulak@wisconsin.gov](mailto:matt.dulak@wisconsin.gov)  
Phone: 608-266-3516  
Fax: 608-267-3571  
<http://www.ltgov.wisconsin.gov>

---

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Tuesday, July 21, 2009 12:34 PM  
**To:** Dulak, Matt - LTGOV  
**Subject:** RE: Neighborhood Electric Vehicles (NEV) Bill Draft

Matt,

Did you want LSVs to operate on roads with a speed limit of "less than 35 mph" or "35 mph or less"? If the former, can I say "30 mph or less"? I think the "less than 35 mph" specified in the instructions might be confusing in the stats.

Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

---

**From:** Dulak, Matt - LTGOV [mailto:Matt.Dulak@wisconsin.gov]  
**Sent:** Tuesday, July 21, 2009 8:10 AM  
**To:** Gary, Aaron  
**Subject:** RE: Neighborhood Electric Vehicles (NEV) Bill Draft

Thanks, Aaron. I just wanted to check in briefly to see if you had any clarifying questions or a sense of your timeline yet.

Best,  
Matt

07/21/2009



State of Wisconsin  
2009 - 2010 LEGISLATURE

Wanted  
by 7/31  
in 7/21

LRB-3097/P1

ARG:A:...

JG

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

4  
1

Gen

AN ACT ...; relating to: operation of low-speed vehicles on highways

and providing a penalty

*Analysis by the Legislative Reference Bureau*

Under current law, a "neighborhood electric vehicle" (NEV) is a motor vehicle that is propelled by electric power and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart. A municipality may, by ordinance, allow the use of NEVs on roadways under its jurisdiction that have a speed limit of 35 miles per hour or less. However, a municipal ordinance may not allow the use of NEVs on connecting highways within the municipality, or where the municipality's roadways cross state trunk highways, unless all of the following apply: 1) the municipality provides written notice to the Department of Transportation (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 NEVs on the connecting highway or through the intersection crossing the state trunk highway.

This bill authorizes the operation of low-speed vehicles (LSVs) on certain highways. The bill eliminates the requirement that an NEV be propelled by electric power and redefines an NEV as an LSV. With exceptions, the bill allows the operation of LSVs on highways under the jurisdiction of a municipality or county that have a speed limit of 35 miles per hour or less. However, a municipality or county may adopt an ordinance prohibiting the operation of LSVs on highways under its jurisdiction. In addition, an LSV may only be operated on a connecting highway, or through an intersection crossing a state trunk highway, if the municipality or county has adopted an ordinance allowing such operation, after following the procedure described in 1) and 2) above.

\*

items

The bill prohibits any person from operating an LSV on a highway other than a highway on which operation is authorized under the bill. The bill also prohibits any person from operating an LSV at a speed in excess of 25 miles per hour. Any person violating either of these prohibitions may be required to forfeit not more than \$200.

The bill also specifies that LSVs are exempt from the state's property tax.

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. 23.33 (11m) (a) 4. of the statutes is repealed.

2 SECTION 2. 70.112 (5) of the statutes is amended to read:

3 70.112 (5) MOTOR VEHICLES, BICYCLES, SNOWMOBILES. Every automobile,  
4 low-speed vehicle, motor bicycle, motor bus, motorcycle, motor truck, moped, road  
5 tractor, school bus, snowmobile, truck tractor, or other similar motor vehicle, or  
6 trailer or semitrailer used in connection therewith.

History: 1971 c. 221, 289; 1981 c. 20; 1983 a. 27, 243, 342, 368; 1999 a. 80; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 11.

7 SECTION 3. 285.30 (5) (k) of the statutes is amended to read:

8 285.30 (5) (k) A ~~neighborhood electric~~ low-speed vehicle, as defined in s. 340.01  
9 (~~36r~~) (27g).

History: 1971 c. 164 s. 81; 1977 c. 29 s. 1654 (7) (b); 1979 c. 34 s. 210 (39) (g); 1979 c. 274; 1981 c. 390; 1983 a. 243; 1987 a. 27; 1991 a. 39; 1993 a. 288; 1995 a. 137; 1995 a. 227 s. 507; Stats. 1995 s. 285.30; 1997 a. 27; 2003 a. 192; 2007 a. 20, 33.

10 SECTION 4. 340.01 (~~36r~~) of the statutes is renumbered 340.01 (27g) and  
11 amended to read:

12 340.01 (27g) "~~Neighborhood electric~~ Low-speed vehicle" means a motor  
13 vehicle ~~that is propelled by electric power and~~ that conforms to the definition and  
14 requirements for low-speed vehicles as adopted in the federal motor vehicle safety  
15 standards for low-speed vehicles under 49 CFR 571.3 (b) and 571.500.

16 "~~Neighborhood electric~~ Low-speed vehicle" does not include a golf cart.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277;

1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175.

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

2 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds  
3 or less, except a specially designed vehicle under s. 341.067, which is designed for the  
4 transportation of persons rather than property, and for each neighborhood electric  
5 low-speed vehicle, a biennial fee of \$23.

6 Cross Reference: Cross Reference: Cross Reference: See also ch. Trans 145, Wis. adm. code. Cross Reference:  
History: 1973 c. 67, 90, 270, 333; 1975 c. 39 s. 734; 1975 c. 136; 1977 c. 29 ss. 1422m to 1430, 1654 (7) (a); 1977 c. 288, 418; 1979 c. 34, 221; 1981 c. 20; 1983 a. 175,  
243; 1985 a. 65; 1985 a. 208 ss. 7, 8, 11; 1987 a. 212, 403; 1989 a. 31; 1991 a. 39; 1997 a. 27; 1999 a. 9, 80, 142; 2003 a. 33; 2007 a. 20, 33.

7 SECTION 6. 341.297 (1) of the statutes is amended to read:

8 341.297 (1) A motorcycle, moped, or neighborhood electric low-speed vehicle,  
9 as specified in s. 341.25 (1) (b).

as affected by 2009 Wisconsin Act 28,

History: 1989 a. 31; 1999 a. 142; 2007 a. 33.

10 SECTION 7. 342.14 (1r) of the statutes is amended to read:

11 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental  
12 impact fee of \$9, by the person filing the application. All moneys collected under this  
13 subsection shall be delete credited to the environmental fund for environmental  
14 management. delete This subsection does not apply after December 31, 2009. This  
15 subsection does not apply to an application for a certificate of title for a neighborhood  
16 electric low-speed vehicle.

2009 WIS ACT 28

NOTE: NOTE: Sub. (1r) is shown as affected by 2 acts of the 2007 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). NOTE:

History: 1975 c. 39, 297, 422; 1977 c. 29 ss. 1452, 1654 (7) (a); 1977 c. 418; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1987 a. 110; 1989 a. 31, 137, 359; 1991 a. 309; 1993 a. 159; 1995 a. 27; 1997 a. 27; 1999 a. 9, 80; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20, 33; s. 13.92 (2) (i).

17 SECTION 8. 342.14 (3m) of the statutes is amended to read:

18 342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental  
19 title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with  
20 respect to an application under sub. (3) for transfer of a decedent's interest in a  
21 vehicle to his or her surviving spouse. The fee specified under this subsection is in

or domestic partner under ch. 770 plain

PROOF WITH 2009 WISACT 28

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 low-speed vehicle.

History: 1975 c. 39, 297, 422; 1977 c. 29 ss. 1452, 1654 (7) (a); 1977 c. 418; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1987 a. 110; 1989 a. 31, 137, 359; 1991 a. 309; 1993 a. 159; 1995 a. 27; 1997 a. 27; 1999 a. 9, 80; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20, 33; s. 13.92 (2) (i).

3 SECTION 9. 346.94 (title) of the statutes is amended to read:

4 346.94 (title) Miscellaneous prohibited or restricted acts.

History: 1973 c. 182, 314; 1975 c. 320; 1977 c. 68; 1983 a. 56, 105, 243, 538; 1989 a. 335; 1991 a. 83, 87; 1993 a. 260; 1995 a. 131, 138, 216, 373; 1997 a. 27; 2001 a. 90; 2003 a. 26, 192; 2005 a. 118, 250; 2007 a. 14; 2009 a. 22.

5 SECTION 10. 346.94 (20) of the statutes is created to read:

6 346.94 (20) LOW-SPEED VEHICLES OPERATED ON HIGHWAYS. (a) Except as provided  
7 in par. (b) and s. 349.26, a person may operate a low-speed vehicle on any highway  
8 that has a speed limit of 35 miles per hour or less and that is under the jurisdiction,  
9 for maintenance purposes, of a municipality or county.

10 (b) Paragraph (a) does not apply to a connecting highway, or to an intersection  
11 where the highway under the jurisdiction of the municipality or county crosses a  
12 state trunk highway, unless the municipality or county has adopted an ordinance  
13 under s. 349.26 (2m).

14 (c) No person may operate a low-speed vehicle on any highway except as  
15 authorized under this subsection.

16 (d) No person may operate a low-speed vehicle at a speed in excess of 25 miles  
17 per hour.

18 SECTION 11. 346.95 (10) of the statutes is created to read:

19 346.95 (10) Any person violating s. 346.94 (c) or (d) may be required to  
20 forfeit not more than \$200.

21 SECTION 12. 349.26 (title) of the statutes is amended to read:

22 349.26 (title) Authority to allow or prohibit the operation of  
23 neighborhood electric low-speed vehicles.

History: 2005 a. 329; 2007 a. 33.

1 SECTION 13. 349.26 (1m) of the statutes is created to read:

2 349.26 (1m) The governing body of any municipality or county may by  
3 ordinance prohibit the operation of low-speed vehicles on any highway that is under  
4 the jurisdiction, for maintenance purposes, of the municipality or county.

5 SECTION 14. 349.26 (2) and (3) of the statutes are consolidated, renumbered  
6 349.26 (2m) and amended to read:

7 349.26 (2m) Subject to sub. (3), the (a) The governing body of any city, town,  
8 or village municipality or county may by ordinance allow the use operation of a  
9 neighborhood electric low-speed vehicle on a roadway highway that has a speed limit  
10 of 35 miles per hour or less and over which the city, town, or village has jurisdiction.

11 (3) (a) An ordinance under sub. (2) may apply to that is a connecting highway, or  
12 to an intersection where the roadway crosses crossing a state trunk highway, within  
13 the city, town, or village municipality or county only if all of the following apply:

14 349.26 (a) 1. The city, town, or village municipality or county provides written notice to  
15 the department of the ordinance, including identification of any connecting highway  
16 or state trunk highway intersection to which the ordinance will apply.

17 2. Within 21 days of receiving the notice under subd. 1., the department has  
18 provided written or oral consent to the use of neighborhood electric low-speed  
19 vehicles on the connecting highway or through the intersection crossing the state  
20 trunk highway or has failed to object to the use of neighborhood electric low-speed  
21 vehicles on the connecting highway or through the intersection crossing the state  
22 trunk highway.

SECTION #. 349.26 (3) (a) 1. and 2. and (b) of the  
statutes are renumbered 349.26 (2m) (a) 1. and 2.  
and (b) and amended to read:

1 (b) If the department makes a timely objection under par. (a) 2., no ordinance  
2 enacted under this section <sup>✓</sup> subsection is valid for that connecting highway or that  
3 intersection crossing the state trunk highway.

4 History: 2005 a. 329; 2007 a. 33.

**SECTION 15. Initial applicability.**

5 (1) This act first applies to vehicles operated on the effective date of this  
6 subsection. <sup>✓</sup>

7 **SECTION 16. Effective date.**

8 (1) This act takes effect on the first day of the 5th <sup>✓</sup> month beginning after  
9 publication. <sup>✓</sup>

10 (END)



DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3097/P1dn

ARG:.....

date

JKD

ATTN: Matt Dulak

Please review the attached draft carefully to ensure that it is consistent with your intent.

The penalty for violating created s. 346.94 (2) (d) is the same penalty that applies for operating an unregistered automobile. See s. 341.04 (3) (a). \*

The new definition of "low-speed vehicle" in s. 340.01 (27g) is not quite identical to the definition in s. 23.33 (11m) (a) 4. Please advise if the new definition is not satisfactory. Also, the definition in s. 340.01 (27g) applies to s. 23.33. See s. 340.01 (intro.). To avoid statutory inconsistency, I have repealed the definition in s. 23.33 (11m) (a) 4., as the definition in s. 340.01 (27g) applies to s. 23.33.

As requested, I have included the treatment of s. 70.112 (5), which is identical to the treatment in 2001 AB-58. I believe that this treatment is unnecessary, since the phrase "other similar motor vehicle" in s. 70.112 (5) would adequately cover a low-speed vehicle. You may wish to consult DOR on this issue.

I have added a delayed effective date to allow municipalities and counties time to adopt ordinances after the bill is enacted.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3097/P1dn  
ARG:jld:rs

July 23, 2009

ATTN: Matt Dulak

Please review the attached draft carefully to ensure that it is consistent with your intent.

The penalty for violating created s. 346.94 (21) (d) is the same penalty that applies for operating an unregistered automobile. See s. 341.04 (3) (a).

The new definition of "low-speed vehicle" in s. 340.01 (27g) is not quite identical to the definition in s. 23.33 (11m) (a) 4. Please advise if the new definition is not satisfactory. Also, the definition in s. 340.01 (27g) applies to s. 23.33. See s. 340.01 (intro.). To avoid statutory inconsistency, I have repealed the definition in s. 23.33 (11m) (a) 4., as the definition in s. 340.01 (27g) applies to s. 23.33.

As requested, I have included the treatment of s. 70.112 (5), which is identical to the treatment in 2001 AB-58. I believe that this treatment is unnecessary, since the phrase "other similar motor vehicle" in s. 70.112 (5) would adequately cover a low-speed vehicle. You may wish to consult DOR on this issue.

I have added a delayed effective date to allow municipalities and counties time to adopt ordinances after the bill is enacted.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

**Gary, Aaron**

---

**From:** Dulak, Matt - LTGOV [Matt.Dulak@wisconsin.gov]  
**Sent:** Friday, August 14, 2009 9:12 AM  
**To:** Gary, Aaron  
**Subject:** RE: Neighborhood Electric Vehicles (NEV) Bill Draft

Hello Aaron,

Below is feedback from DOT on the LSV bill draft. Can you please make revisions per their recommendations?

The definition you drafted for LSV in s. 340.01 fits with our intent. Please remove "low-speed vehicle" from 70.112(5) as we agree that it is covered by "other similar motor vehicle."

Thanks, Matt

"Our biggest concern is with the provision allowing operating on connecting highways or across state trunk highways, in section 14 of the draft. There is no reference to controlled intersections or to speed limits of the state trunk highway. Under the draft, a municipality could, for example, allow LSVs to cross USH18/151 at Spring Rose Road in Verona, completely uncontrolled intersection with a STH speed limit of 55 and traffic traveling closer to 65mph. DOT could object to it, and prevent the crossing, but without any minimum standards DOT would still bear the burden of objecting in order to prevent dangerous crossings. Our traffic engineers would prefer to have LSV's to cross STH only at any intersections controlled by signals, and with STH speed limits not exceeding 35 MPH.

Under the draft, connecting highways must have speed limit of 35 or less to be traveled upon, the same speed limit as for other roads. On connecting highways, traffic engineers would prefer to allow operation only where connecting highway speed limit is 25 (or 35 MPH by exception approved by DOT); although local road operation would be allowed at 35mph, the inter-regional traffic of connecting highways would be less impaired by limiting connecting highway operation to those with slower speeds. Because LSVs cannot exceed 25mph, putting them on \*any\* 35mph road impairs traffic on that road. Also, there are some big trucks on 35 mph connecting highways...

The draft should flatly prohibit any crossings of freeways, expressways or controlled access highways. This could be written as a new condition under renumbered 349.26(2m)(a). Locals should not allow it and DOT should not have to object to it.

These suggestions are somewhat more restrictive than the local governments may want, but they can notify the legislature of any concerns unique to their roads, for example why a 25mph connecting highway speed limit would not work in their community.

Please delete "or oral" from page 5, line 21. This is current law, which allows DOT to orally approve routes. This raises proof problems, and questions about authority to approve routes (e.g. the receptionist who says 'it sounds OK to me'). DOT has internally limited approval to written approvals only, and has identified the regional traffic safety engineers as the only individuals authorized to approve routes. Please delete oral approvals to eliminate inadvertent or unauthorized approvals, or disagreements about whether approval was given.

Please verify with the drafter that he agrees that 346.94(21)(d) is a 2- demerit point offense, per Trans 101.02(4) (e). I believe that the act of traveling in an LSV faster than 25mph under created 346.94(21)(d) is a moving violation for which 2 demerit points will be assessed. I ask because the vehicle may not be speeding (could be traveling 30mph in a 35mph speed zone). Also, the vehicle will be improperly registered as an LSV because if it can travel faster than 25 it is not eligible for that reg category--but improper registration is a 0 demerit point offense. If the drafter is uncertain or disagrees that 2 demerit points will be assessed, please add language in the statutes requiring the assessment of 2 demerit points for that offense.

08/19/2009

The key safety concern remains crossing STH and connecting highways only at controlled intersections that will stop the STH traffic. Ideally, crossing would be limited to traffic signals, but stopping STH traffic by stop signs is OK.”

\* \* \* \*

Matt Dulak  
Policy and Community Relations Director  
Office of Lt. Governor Barbara Lawton  
[matt.dulak@wisconsin.gov](mailto:matt.dulak@wisconsin.gov)  
Phone: 608-266-3516  
Fax: 608-267-3571  
<http://www.ltgov.wisconsin.gov>

Follow [Lt. Governor Lawton](#) on Facebook.

---

**From:** Gary, Aaron [mailto:[Aaron.Gary@legis.wisconsin.gov](mailto:Aaron.Gary@legis.wisconsin.gov)]  
**Sent:** Tuesday, July 21, 2009 12:34 PM  
**To:** Dulak, Matt - LTGOV  
**Subject:** RE: Neighborhood Electric Vehicles (NEV) Bill Draft

Matt,

Did you want LSVs to operate on roads with a speed limit of "less than 35 mph" or "35 mph or less"? If the former, can I say "30 mph or less"? I think the "less than 35 mph" specified in the instructions might be confusing in the stats.

Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

---

**From:** Dulak, Matt - LTGOV [mailto:[Matt.Dulak@wisconsin.gov](mailto:Matt.Dulak@wisconsin.gov)]  
**Sent:** Tuesday, July 21, 2009 8:10 AM  
**To:** Gary, Aaron  
**Subject:** RE: Neighborhood Electric Vehicles (NEV) Bill Draft

Thanks, Aaron. I just wanted to check in briefly to see if you had any clarifying questions or a sense of your timeline yet.

Best,  
Matt

\* \* \* \*

Matt Dulak  
Policy and Community Relations Director  
Office of Lt. Governor Barbara Lawton  
[matt.dulak@wisconsin.gov](mailto:matt.dulak@wisconsin.gov)

08/19/2009

Phone: 608-266-3516  
 Fax: 608-267-3571  
<http://www.ltgov.wisconsin.gov>

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Wednesday, July 08, 2009 11:56 AM  
**To:** Dulak, Matt - LTGOV  
**Subject:** RE: Neighborhood Electric Vehicles (NEV) Bill Draft

Matt,

I will be the drafter on this. I have entered the request as LRB-3097.

Aaron

Aaron R. Gary  
 Attorney, Legislative Reference Bureau  
 608.261.6926 (voice)  
 608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

**From:** Dulak, Matt - LTGOV [mailto:Matt.Dulak@wisconsin.gov]  
**Sent:** Wednesday, July 08, 2009 11:00 AM  
**To:** Gary, Aaron; Mueller, Eric  
**Cc:** Nuckels, Ben - LTGOV  
**Subject:** Neighborhood Electric Vehicles (NEV) Bill Draft

TO:	Legislative Reference Bureau
FROM:	Matt Dulak, Office of Lt. Governor Barbara Lawton
TOPIC:	Neighborhood Electric Vehicles Bill
DATE:	July 8, 2009
CC:	Ben Nuckels

### Overview

This bill updates the laws that regulate the use of neighborhood electric vehicles (NEVs) to create uniformity across the state and accommodate new technologies.

### Bill Provisions

- Expands the category of vehicles covered by current NEV laws to all vehicles classified as “low speed vehicles” (LSVs) by the National Highway Traffic Safety Administration; this would authorize LSVs powered by other sources (e.g. hydrogen cells) to travel the same routes and at the same speeds as NEVs
- Changes the current system wherein municipalities must “opt in” to allow LSV use to a system of statewide authorization on municipal *and* county roads with speed limits less than 35 mph. Establishes a mechanism for municipalities and counties to “opt out” of NEV use on roads over

- which they have jurisdiction; maintains the requirement that municipalities and counties receive approval from DOT before allowing NEVs to operate on connecting highways or cross intersections where the roadway crosses a state trunk highway
- Exempts LSVs from the state's property tax laws (NOTE: This provision was also included in 2001 AB 58)
  - Creates a provision stating that no person may operate an LSV on any road not authorized by the statutes or on which LSV operation is prohibited and creates a penalty of a forfeiture not more than \$200 (rationale: the current NEV law, s 349.26, says nothing about use. It impliedly prohibits use of NEVs off the approved road network since municipalities must opt-in, but there is no explicit prohibition against their use in non-authorized areas. Normally, DOT would use s 341.04, the prohibition against unregistered operation, to prohibit this, but since NEVs bear state plates and are registered, s. 341.04 no longer applies. DOT is promulgating Trans 145, Clearinghouse Rule 08-080, to say that registration is valid only on approved roads, so that law enforcement could ticket for unregistered operation, but DOT alleges that this is an imperfect solution, and it is unclear how it might hold up in court of tested)
  - Creates a provision that any LSV operating faster than 25 mph (the maximum speed allowed under federal highway standards) is an improperly registered LSV and is subject to penalties for improperly registered vehicles in Ch. 341

Please include that the bill was drafted at the request of Lt. Governor Barbara C. Lawton.

\* \* \* \*

Matt Dulak  
Policy and Community Relations Director  
Office of Lt. Governor Barbara Lawton  
[matt.dulak@wisconsin.gov](mailto:matt.dulak@wisconsin.gov)  
Phone: 608-266-3516  
Fax: 608-267-3571  
<http://www.lt.gov.wisconsin.gov>

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3097/P2dn

ARG: :...

date

JGD

ATTN: Matt Dulak

Please review the attached draft carefully to ensure that it is consistent with your intent.

I have attempted to make the changes suggested by DOT. ✓ These changes are rather complicated and DOT should probably review the draft again to ensure that the revised draft reflects their intent. The last sentence of the DOT comments in the redrafting instructions refers to crossing connecting highways as if it were covered by previous comments, but the issue is actually a new one. For purposes of chs. 346 ✓ and 349 ✓, a state trunk highway does not include a connecting highway. See s. 340.01 (60). ✓ I have added new material related to *crossing* connecting highways, but I am uncertain whether this new material was intended by DOT.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft. ✓

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov



5004

8/19

FMR

D-note

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Regen

1 AN ACT *to repeal* 23.33 (11m) (a) 4.; *to renumber and amend* 340.01 (36r) and  
 2 349.26 (3) (a) 1. and 2. and (b); *to consolidate, renumber and amend* 349.26  
 3 (2) and (3) (a) (intro.); *to amend* 70.112 (5), 285.30 (5) (k), 341.25 (1) (b), 341.297  
 4 (1), 342.14 (1r), 342.14 (3m), 346.94 (title) and 349.26 (title); and *to create*  
 5 346.94 (21), 346.95 (11) and 349.26 (1m) of the statutes; **relating to:** operation  
 6 of low-speed vehicles on highways and providing a penalty. ✓

(LSVs)

**Analysis by the Legislative Reference Bureau**

\* Under current law, a "neighborhood electric vehicle" (NEV) is a motor vehicle that is propelled by electric power and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart. A municipality may, by ordinance, allow the use of NEVs on roadways under its jurisdiction that have a speed limit of 35 miles per hour or less. However, a municipal ordinance may not allow the use of NEVs on connecting highways within the municipality, or where the municipality's roadways cross state trunk highways, unless all of the following apply: 1) the municipality provides written notice to the Department of Transportation (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 NEVs on the connecting highway or through the intersection crossing the state trunk highway.

Insert  
ANAL - A

This bill authorizes the operation of low-speed vehicles LSVs on certain highways. The bill eliminates the requirement that an NEV be propelled by electric power and redefines an NEV as an LSV. With exceptions, the bill allows the operation of LSVs on highways under the jurisdiction of a municipality or county that have a speed limit of 35 miles per hour or less. However, a municipality or county may adopt an ordinance prohibiting the operation of LSVs on highways under its jurisdiction. In addition, an LSV may only be operated on a connecting highway, or through an intersection crossing a state trunk highway, if the municipality or county has adopted an ordinance allowing such operation, after following the procedure described in items 1) and 2) above.

Insert  
ANAL-B

\*

The bill prohibits any person from operating an LSV on a highway other than a highway on which operation is authorized under the bill. The bill also prohibits any person from operating an LSV at a speed in excess of 25 miles per hour. Any person violating either of these prohibitions may be required to forfeit not more than \$200.

Insert  
ANAL-C

~~The bill also specifies that LSVs are exempt from the state's property tax.~~

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. 23.33 (11m) (a) 4. of the statutes is repealed.

2 SECTION 2. 70.112 (5) of the statutes is amended to read:

3 70.112 (5) MOTOR VEHICLES, BICYCLES, SNOWMOBILES. Every automobile,  
4 low-speed vehicle, motor bicycle, motor bus, motorcycle, motor truck, moped, road  
5 tractor, school bus, snowmobile, truck tractor, or other similar motor vehicle, or  
6 trailer or semitrailer used in connection therewith.

7 SECTION 3. 285.30 (5) (k) of the statutes is amended to read:

8 285.30 (5) (k) A neighborhood electric low-speed vehicle, as defined in s. 340.01  
9 (36r) (27g).

10 SECTION 4. 340.01 (36r) of the statutes is renumbered 340.01 (27g) and  
11 amended to read:

12 340.01 (27g) "Neighborhood electric "Low-speed vehicle" means a motor  
13 vehicle that is propelled by electric power and that conforms to the definition and

1 requirements for low-speed vehicles as adopted in the federal motor vehicle safety  
2 standards for low-speed vehicles under 49 CFR 571.3 (b) and 571.500.  
3 ~~“Neighborhood electric~~ “Low-speed vehicle” does not include a golf cart.

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

5 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds  
6 or less, except a specially designed vehicle under s. 341.067, which is designed for the  
7 transportation of persons rather than property, and for each ~~neighborhood electric~~  
8 low-speed vehicle, a biennial fee of \$23.

9 **SECTION 6.** 341.297 (1) of the statutes is amended to read:

10 341.297 (1) A motorcycle, moped, or ~~neighborhood electric~~ low-speed vehicle,  
11 as specified in s. 341.25 (1) (b).

12 **SECTION 7.** 342.14 (1r)<sup>x</sup> of the statutes, as affected by 2009 Wisconsin Act 28, is  
13 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 deposited in the environmental fund for environmental  
17 management. This subsection does not apply to an application for a certificate of title  
18 for a ~~neighborhood electric~~ low-speed vehicle.

19 **SECTION 8.** 342.14 (3m)<sup>x</sup> of the statutes, as affected by 2009 Wisconsin Act 28,  
20 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 or domestic partner under ch. 770. The fee  
25 specified under this subsection is in addition to any other fee specified in this section.

1 This subsection does not apply to an application for a certificate of title for a  
2 ~~neighborhood electric low-speed~~ vehicle.

3 SECTION 9. 346.94 (title) of the statutes is amended to read:

4 346.94 (title) **Miscellaneous prohibited or restricted acts.**

5 SECTION 10. 346.94 (21) of the statutes is created to read:

6 346.94 (21) LOW-SPEED VEHICLES OPERATED ON HIGHWAYS. (a) Except as provided  
7 in par. (b) and s. 349.26, a person may operate a low-speed vehicle on any highway  
8 that has a speed limit of 35 miles per hour or less and that is under the jurisdiction,  
9 for maintenance purposes, of a municipality or county.

10 (b) Paragraph (a) does not apply to a connecting highway, or to an intersection  
11 where the highway under the jurisdiction of the municipality or county crosses a  
12 state trunk highway, unless the municipality or county has adopted an ordinance  
13 under s. 349.26 (2m).

14 (c) No person may operate a low-speed vehicle on any highway except as  
15 authorized under this subsection.

16 (d) No person may operate a low-speed vehicle at a speed in excess of 25 miles  
17 per hour.

18 SECTION 11. 346.95 (11) of the statutes is created to read:

19 346.95 (11) Any person violating s. 346.94 (21) (c) or (d) may be required to  
20 forfeit not more than \$200.

21 SECTION 12. 349.26 (title) of the statutes is amended to read:

22 349.26 (title) **Authority to allow or prohibit the operation of**  
23 **~~neighborhood electric low-speed~~ vehicles.**

24 SECTION 13. 349.26 (1m) of the statutes is created to read:

Handwritten note: insert 4-2 with arrow pointing to line 2.

Handwritten note: insert 4-10 with arrow pointing to line 10.

Large rectangular box with a diagonal slash through it, enclosing the text of paragraph (b). A handwritten checkmark is at the top right corner of the box.

1           349.26 (1m) The governing body of any municipality or county may by  
2 ordinance prohibit the operation of low-speed vehicles on any highway that is under  
3 the jurisdiction, for maintenance purposes, of the municipality or county.

4           **SECTION 14.** 349.26 (2) and (3) (a) (intro.) of the statutes are consolidated,  
5 renumbered 349.26 (2m) and amended to read:

6           349.26 (2m) (a) (intro.) ~~Subject to sub. (3), the~~ The governing body of any city,  
7 ~~town, or village~~ municipality or county may by ordinance allow the ~~use~~ operation of  
8 a ~~neighborhood electric~~ low-speed vehicle on a roadway highway that has a speed  
9 limit of 35 miles per hour or less and ~~over which the city, town, or village has~~  
10 ~~jurisdiction.~~ (3) (a) ~~An ordinance under sub. (2) may apply to~~ that is a connecting  
11 highway, or ~~to an intersection where the roadway crosses~~ crossing a state trunk  
12 highway, within the ~~city, town, or village~~ municipality or county only if all of the  
13 following apply:

14           **SECTION 15.** 349.26 (3) (a) 1. and 2. and (b) of the statutes are renumbered  
15 349.26 (2m) (a) 1. and 2. and (b) and amended to read:

16           349.26 (2m) (a) 1. ~~The city, town, or village~~ municipality or county provides  
17 written notice to the department of the ordinance, including identification of any  
18 connecting highway or state trunk highway intersection to which the ordinance will  
19 apply.

20           2. Within 21 days of receiving the notice under subd. 1., the department has  
21 provided written or oral consent to the use of ~~neighborhood electric~~ low-speed  
22 vehicles on the connecting highway or through the intersection crossing the state  
23 trunk highway or has failed to object to the use of ~~neighborhood electric~~ low-speed  
24 vehicles on the connecting highway or through the intersection crossing the state  
25 trunk highway.

Insert  
5-4

g

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

4 **SECTION 16. Initial applicability.**

5 (1) This act first applies to vehicles operated on the effective date of this  
6 subsection.

7 **SECTION 17. Effective date.**

8 (1) This act takes effect on the first day of the 5th month beginning after  
9 publication.

10 (END)

D-Note

1           **INSERT ANAL-A:**

Also under current law, DOT<sup>✓</sup> assesses demerit points against the driving record of persons convicted of certain traffic law violations.

2           **INSERT ANAL-B:**

(no P) Also, an LSV may not be operated through an intersection crossing an expressway, freeway, or controlled-access<sup>✓</sup> highway and an LSV may be operated through other intersections crossing state trunk highways or connecting highways only if the state trunk highway or connecting highway has a speed limit at the intersection of 35<sup>✓</sup> miles per hour or less and traffic at the intersection is controlled by traffic control signals. An LSV may be operated on a connecting highway only if the connecting highway has a speed limit of 25<sup>✓</sup> miles per hour or less or the municipality or county with jurisdiction over the connecting highway has adopted an ordinance, with the written consent of DOT, allowing such operation.

3           **INSERT ANAL-C:**

(no P) and is subject to the assessment by DOT of two<sup>✓</sup> demerit points against the person's driving record<sup>e</sup>

4

5           **INSERT 4-2:**

6           **SECTION 1.** 343.32 (2) (be) of the statutes is created to read:

7           343.32 (2) (be) The scale adopted by the<sup>✓</sup> secretary shall assess, for each  
8 conviction, 2<sup>✓</sup> demerit points for a violation of s. 346.94 (21) (c) or (d), except that  
9 convictions arising out of the same incident or occurrence shall be counted as a single  
10 conviction.<sup>✓</sup>

11

12           **INSERT 4-10:**

13           (b) 1. Paragraph (a)<sup>✓</sup> applies to the operation of a low-speed vehicle<sup>✓</sup> on a  
14 connecting highway only if the connecting highway has a speed limit of 25 miles per



1 hour or less or the municipality or county with jurisdiction has adopted a valid  
2 ordinance under s. 349.26 (2m). ✓

3 2. Subject to subd. 3., paragraph (a) ✓ applies to an intersection where the  
4 highway under the jurisdiction of the municipality or county crosses a state trunk  
5 highway or connecting highway only if the state trunk highway or connecting  
6 highway has a speed limit at the intersection of 35 ✓ miles per hour or less and traffic  
7 at the intersection is controlled by traffic control signals.

8 3. Paragraph (a) ✓ does not apply to an intersection where the highway under the  
9 jurisdiction of the municipality or county crosses an expressway or freeway, as  
10 defined in s. 346.57 (1) (ag) and (am) ✓, or a controlled-access highway designated  
11 under s. 83.027 or 84.25. ✓

as defined  
in s. 346.57  
(1) (ag),

12  
13 **INSERT 5-4:**

14 **SECTION 2.** 349.26 (2) and (3) (a) (intro.) of the statutes are consolidated,  
15 renumbered 349.26 (2m) and amended to read:

16 349.26 (2m) (a) (intro.) ✓ Subject to sub. (3), the The governing body of any city,  
17 town, or village municipality or county ✓ may by ordinance allow the use operation of  
18 a neighborhood electric low-speed ✓ vehicle on a roadway highway that has a speed  
19 limit of more than 25 miles per hour but not more than ✓ 35 miles per hour or less and  
20 over which the city, town, or village has jurisdiction. (3) (a) ✓ An ordinance under sub.  
21 (2) may apply to that is a connecting highway, or to an intersection where the  
22 roadway crosses a state trunk highway, within the city, town, or village municipality  
23 or county only if all of the following apply: ✓

24 **SECTION 3.** 349.26 (3) (a) 1. and 2. and (b) of the statutes are renumbered 349.26  
25 (2m) (a) 1. and 2. and (b) and amended to read:



~~SECRET~~ ✓

1

349.26 (21) (a) 1. The city, town, or village municipality or county provides written notice to the department of the ordinance, including identification of ~~any the~~ connecting highway or ~~state trunk highway intersection~~ to which the ordinance will apply.

2

3

4

5

2. Within 21 days of ~~After~~ <sup>✓</sup> receiving the notice under subd. 1., the department ~~has provided~~ provides written or oral consent to the use of neighborhood electric low-speed vehicles on the connecting highway or ~~through the intersection crossing the state trunk highway~~ or ~~has failed to object to the use of neighborhood electric vehicles on the connecting highway or through the intersection crossing the state trunk highway.~~

6

7

8

9

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11

(b) If ~~Unless~~ the department makes a timely objection provides written consent under par. (a) 2., ~~no~~ an ordinance enacted under this section <sup>✓</sup> subsection is not valid for ~~that~~ the connecting highway <sup>✓</sup> or ~~that intersection crossing the state trunk highway.~~

12

13

14

(end ins 5-4)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3097/P2dn  
ARG:jld:jf

August 20, 2009

ATTN: Matt Dulak

Please review the attached draft carefully to ensure that it is consistent with your intent.

I have attempted to make the changes suggested by DOT. These changes are rather complicated and DOT should probably review the draft again to ensure that the revised draft reflects their intent. The last sentence of the DOT comments in the redrafting instructions refers to crossing connecting highways as if it were covered by previous comments, but the issue is actually a new one. For purposes of chs. 346 and 349, a state trunk highway does not include a connecting highway. See s. 340.01 (60). I have added new material related to *crossing* connecting highways, but I am uncertain whether this new material was intended by DOT.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)

**Gary, Aaron**

---

**From:** Parisi, Lori  
**Sent:** Monday, September 14, 2009 9:33 AM  
**To:** Gary, Aaron  
**Subject:** FW: Draft review: LRB 09-3097/P2 Topic: Neighborhood electric vehicles, low speed vehicles

Aaron..see below. This is your draft.

Thanks.  
Lori

---

**From:** Dulak, Matt - LTGOV [mailto:Matt.Dulak@wisconsin.gov]  
**Sent:** Monday, September 14, 2009 8:53 AM  
**To:** Parisi, Lori  
**Subject:** RE: Draft review: LRB 09-3097/P2 Topic: Neighborhood electric vehicles, low speed vehicles

Good morning,

DOT has indicated that your revisions are consistent with their intent. Please convert to an introducible draft.

Thanks,  
Matt

\* \* \* \*

Matt Dulak  
Policy and Community Relations Director  
Office of Lt. Governor Barbara Lawton  
[matt.dulak@wisconsin.gov](mailto:matt.dulak@wisconsin.gov)  
Phone: 608-266-3516  
Fax: 608-267-3571  
<http://www.ltgov.wisconsin.gov>

Follow [Lt. Governor Lawton](#) on Facebook.

---

**From:** Parisi, Lori [mailto:Lori.Parisi@legis.wisconsin.gov]  
**Sent:** Thursday, August 20, 2009 2:33 PM  
**To:** Dulak, Matt - LTGOV  
**Subject:** Draft review: LRB 09-3097/P2 Topic: Neighborhood electric vehicles, low speed vehicles

**Following is the PDF version of draft LRB 09-3097/P2 and drafter's note.**



State of Wisconsin  
2009 - 2010 LEGISLATURE

Wanted  
by 9/15

in 9/14  
LRB-3097/21  
ARG:jld:jf

RMA

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

X

Regen

1 AN ACT *to repeal* 23.33 (11m) (a) 4.; *to renumber and amend* 340.01 (36r) and  
2 349.26 (3) (a) 1. and 2. and (b); *to consolidate, renumber and amend* 349.26  
3 (2) and (3) (a) (intro.); *to amend* 285.30 (5) (k), 341.25 (1) (b), 341.297 (1), 342.14  
4 (1r), 342.14 (3m), 346.94 (title) and 349.26 (title); and *to create* 343.32 (2) (be),  
5 346.94 (21), 346.95 (11) and 349.26 (1m) of the statutes; **relating to:** operation  
6 of low-speed vehicles on highways and providing a penalty.

***Analysis by the Legislative Reference Bureau***

Under current law, a "neighborhood electric vehicle" (NEV) is a motor vehicle that is propelled by electric power and that meets certain standards for low-speed vehicles (LSVs) under federal law, but does not include a golf cart. A municipality may, by ordinance, allow the use of NEVs on roadways under its jurisdiction that have a speed limit of 35 miles per hour or less. However, a municipal ordinance may not allow the use of NEVs on connecting highways within the municipality, or where the municipality's roadways cross state trunk highways, unless all of the following apply: 1) the municipality provides written notice to the Department of Transportation (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 NEVs on the connecting highway or through the intersection crossing the state trunk highway.

Also under current law, DOT assesses demerit points against the driving record of persons convicted of certain traffic law violations.

This bill authorizes the operation of LSVs on certain highways. The bill eliminates the requirement that an NEV be propelled by electric power and redefines an NEV as an LSV. With exceptions, the bill allows the operation of LSVs on highways under the jurisdiction of a municipality or county that have a speed limit of 35 miles per hour or less. However, a municipality or county may adopt an ordinance prohibiting the operation of LSVs on highways under its jurisdiction. Also, an LSV may not be operated through an intersection crossing an expressway, freeway, or controlled-access highway and an LSV may be operated through other intersections crossing state trunk highways or connecting highways only if the state trunk highway or connecting highway has a speed limit at the intersection of 35 miles per hour or less and traffic at the intersection is controlled by traffic control signals. An LSV may be operated on a connecting highway only if the connecting highway has a speed limit of 25 miles per hour or less or the municipality or county with jurisdiction over the connecting highway has adopted an ordinance, with the written consent of DOT, allowing such operation.

The bill prohibits any person from operating an LSV on a highway other than a highway on which operation is authorized under the bill. The bill also prohibits any person from operating an LSV at a speed in excess of 25 miles per hour and is subject to the assessment by DOT of two demerit points against the person's driving record. Any person violating either of these prohibitions may be required to forfeit not more than \$200.

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

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

1           **SECTION 1.** 23.33 (11m) (a) 4. of the statutes is repealed.

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

3           285.30 (5) (k) A ~~neighborhood electric~~ low-speed vehicle, as defined in s. 340.01  
4 (~~36r~~) (27g).

5           **SECTION 3.** 340.01 (36r) of the statutes is renumbered 340.01 (27g) and  
6 amended to read:

7           340.01 (**27g**) "~~Neighborhood electric~~ "Low-speed vehicle" means a motor  
8 vehicle ~~that is propelled by electric power and~~ that conforms to the definition and

1 requirements for low-speed vehicles as adopted in the federal motor vehicle safety  
2 standards for low-speed vehicles under 49 CFR 571.3 (b) and 571.500.  
3 ~~“Neighborhood electric~~ “Low-speed vehicle” does not include a golf cart.

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

5 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds  
6 or less, except a specially designed vehicle under s. 341.067, which is designed for the  
7 transportation of persons rather than property, and for each ~~neighborhood electric~~  
8 low-speed vehicle, a biennial fee of \$23.

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

10 341.297 (1) A motorcycle, moped, or ~~neighborhood electric~~ low-speed vehicle,  
11 as specified in s. 341.25 (1) (b).

12 **SECTION 6.** 342.14 (1r) <sup>x</sup> of the statutes, as affected by 2009 Wisconsin Act 28, is  
13 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 deposited in the environmental fund for environmental  
17 management. This subsection does not apply to an application for a certificate of title  
18 for a ~~neighborhood electric~~ low-speed vehicle.

19 **SECTION 7.** 342.14 (3m) <sup>x</sup> of the statutes, as affected by 2009 Wisconsin Act 28,  
20 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 or domestic partner under ch. 770. The fee  
25 specified under this subsection is in addition to any other fee specified in this section.

1 This subsection does not apply to an application for a certificate of title for a  
2 ~~neighborhood electric~~ low-speed vehicle.

3 **SECTION 8.** 343.32 (2) (be) of the statutes is created to read:

4 343.32 (2) (be) The scale adopted by the secretary shall assess, for each  
5 conviction, 2 demerit points for a violation of s. 346.94 (21) (c) or (d), except that  
6 convictions arising out of the same incident or occurrence shall be counted as a single  
7 conviction.

8 **SECTION 9.** 346.94 (title) of the statutes is amended to read:

9 **346.94 (title) Miscellaneous prohibited or restricted acts.**

10 **SECTION 10.** 346.94 (21) of the statutes is created to read:

11 346.94 (21) **LOW-SPEED VEHICLES OPERATED ON HIGHWAYS.** (a) Except as provided  
12 in par. (b) and s. 349.26, a person may operate a low-speed vehicle on any highway  
13 that has a speed limit of 35 miles per hour or less and that is under the jurisdiction,  
14 for maintenance purposes, of a municipality or county.

15 (b) 1. Paragraph (a) applies to the operation of a low-speed vehicle on a  
16 connecting highway only if the connecting highway has a speed limit of 25 miles per  
17 hour or less or the municipality or county with jurisdiction has adopted a valid  
18 ordinance under s. 349.26 (2m).

19 2. Subject to subd. 3., par. (a) applies to an intersection where the highway  
20 under the jurisdiction of the municipality or county crosses a state trunk highway  
21 or connecting highway only if the state trunk highway or connecting highway has a  
22 speed limit at the intersection of 35 miles per hour or less and traffic at the  
23 intersection is controlled by traffic control signals.

24 3. Paragraph (a) does not apply to an intersection where the highway under the  
25 jurisdiction of the municipality or county crosses an expressway, as defined in s.

1 346.57 (1) (ag), or freeway, as defined in s. 346.57 (1) (am), or a controlled-access  
2 highway designated under s. 83.027 or 84.25.

3 (c) No person may operate a low-speed vehicle on any highway except as  
4 authorized under this subsection.

5 (d) No person may operate a low-speed vehicle at a speed in excess of 25 miles  
6 per hour.

7 **SECTION 11.** 346.95 (11) of the statutes is created to read:

8 346.95 (11) Any person violating s. 346.94 (21) (c) or (d) may be required to  
9 forfeit not more than \$200.

10 **SECTION 12.** 349.26 (title) of the statutes is amended to read:

11 **349.26 (title) Authority to allow or prohibit the operation of**  
12 **neighborhood electric low-speed vehicles.**

13 **SECTION 13.** 349.26 (1m) of the statutes is created to read:

14 349.26 (1m) The governing body of any municipality or county may by  
15 ordinance prohibit the operation of low-speed vehicles on any highway that is under  
16 the jurisdiction, for maintenance purposes, of the municipality or county.

17 **SECTION 14.** 349.26 (2) and (3) (a) (intro.) of the statutes are consolidated,  
18 renumbered 349.26 (2m) (a) (intro.) and amended to read:

19 349.26 (2m) (a) (intro.) ~~Subject to sub. (3), the~~ The governing body of any city,  
20 ~~town, or village~~ municipality or county may by ordinance allow the ~~use~~ operation of  
21 a ~~neighborhood electric~~ low-speed vehicle on a ~~roadway~~ highway that has a speed  
22 limit of more than 25 miles per hour but not more than 35 miles per hour ~~or less and~~  
23 ~~over which the city, town, or village has jurisdiction.~~ (3) (a) ~~An ordinance under sub.~~  
24 (2) ~~may apply to~~ that is a connecting highway, ~~or to an intersection where the~~

1 ~~roadway crosses a state trunk highway, within the city, town, or village~~ municipality  
2 or county only if all of the following apply:

3 **SECTION 15.** 349.26 (3) (a) 1. and 2. and (b) of the statutes are renumbered  
4 349.26 (2m) (a) 1. and 2. and (b) and amended to read:

5 349.26 **(2m)** (a) 1. The ~~city, town, or village~~ municipality or county provides  
6 written notice to the department of the ordinance, including identification of ~~any the~~  
7 ~~connecting highway or state trunk highway intersection~~ to which the ordinance will  
8 apply.

9 2. ~~Within 21 days of~~ After receiving the notice under subd. 1., the department  
10 ~~has provided~~ provides written ~~or oral~~ consent to the use of ~~neighborhood electric~~  
11 low-speed vehicles on the connecting highway ~~or through the intersection crossing~~  
12 ~~the state trunk highway or has failed to object to the use of neighborhood electric~~  
13 ~~vehicles on the connecting highway or through the intersection crossing the state~~  
14 ~~trunk highway.~~

15 (b) ~~If~~ Unless the department ~~makes a timely objection~~ provides written consent  
16 under par. (a) 2., ~~no~~ an ordinance enacted under this ~~section~~ subsection is not valid  
17 for ~~that~~ the connecting highway ~~or that intersection crossing the state trunk~~  
18 ~~highway.~~

19 **SECTION 16. Initial applicability.**

20 (1) This act first applies to vehicles operated on the effective date of this  
21 subsection.

22 **SECTION 17. Effective date.**

23 (1) This act takes effect on the first day of the 5th month beginning after  
24 publication.

25

(END)

## Barman, Mike

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**From:** Gary, Aaron  
**Sent:** Monday, January 25, 2010 3:31 PM  
**To:** Barman, Mike  
**Subject:** FW: LRB 3097/1

Hi Mike,

Can you jacket this draft for Rep. Steinbrink? I'm sending the "authorizing" e-mail next. Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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**From:** Pollocoff, Erin  
**Sent:** Monday, January 25, 2010 3:00 PM  
**To:** Gary, Aaron  
**Subject:** LRB 3097/1

Hi Aaron,

I believe Matt Dulak gave permission for our office to have access to LRB 3097/1 relating to low-speed vehicles. Can we please have that jacketed for Assembly introduction? Hopefully there will be a Senate request soon as well. Thank you!

Erin Pollocoff  
**Office of Rep. John Steinbrink**  
65th Assembly District  
Chair - Committee on Transportation  
104 North State Capitol  
608-266-0455 (office)  
888-534-0065 (toll free)

**Barman, Mike**

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**From:** Gary, Aaron  
**Sent:** Monday, January 25, 2010 3:31 PM  
**To:** Barman, Mike  
**Subject:** FW: Draft review: LRB 09-3097/1 Topic: Neighborhood electric vehicles, low speed vehicles  
**Attachments:** LRB-3097\_1.pdf

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**From:** Dulak, Matt - LTGOV [mailto:Matt.Dulak@wisconsin.gov]  
**Sent:** Monday, January 25, 2010 8:35 AM  
**To:** Gary, Aaron  
**Subject:** FW: Draft review: LRB 09-3097/1 Topic: Neighborhood electric vehicles, low speed vehicles

Hello Aaron,

Please permit Rep. Steinbrink's office to access this draft.

Thank you,  
Matt

\* \* \* \*

Matt Dulak  
Policy and Community Relations Director  
Office of Lt. Governor Barbara Lawton  
[matt.dulak@wisconsin.gov](mailto:matt.dulak@wisconsin.gov)  
Phone: 608-266-3516  
Fax: 608-267-3571  
<http://www.ltgov.wisconsin.gov>

Follow Lt. Governor Lawton on Facebook.

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**From:** Basford, Sarah [mailto:Sarah.Basford@legis.wisconsin.gov]  
**Sent:** Monday, September 14, 2009 12:24 PM  
**To:** Dulak, Matt - LTGOV  
**Subject:** Draft review: LRB 09-3097/1 Topic: Neighborhood electric vehicles, low speed vehicles

**State of Wisconsin - Legislative Reference Bureau**  
**One East Main Street - Suite 200 - Madison**

**The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent.** If you have any questions concerning the draft or would like to have it redrafted, please contact Aaron R. Gary, Senior Attorney, at (608) 261-6926, at [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov), or at One East Main Street, Suite 200.

**If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button.** If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

Jacket for the

01/25/2010

ASSEMBLY

**Jacket for the**  
**SENATE**

**Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.**

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at [LRB.Legal@legis.wisconsin.gov](mailto:LRB.Legal@legis.wisconsin.gov) or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

**Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.**