

# State of Wisconsin



2011 Assembly Bill 265

Date of enactment: **November 16, 2011**

Date of publication\*: **December 1, 2011**

## 2011 WISCONSIN ACT 73

**AN ACT** to renumber and amend 346.09 (3); to amend 340.01 (5), 346.09 (1), 346.35 (intro.), 346.54 (1) (cm), 346.54 (1) (e), 346.58 (2), 347.45 (2) (a) and 347.489 (1); and to create 346.09 (3) (b) and 349.13 (6) of the statutes; relating to: the definition of bicycle; manual turn signals for bicyclists; lighting of bicycles, motor bicycles, and electric personal assistive mobility devices; overtaking and passing vehicles; the operation of bicycles equipped with metal-studded tires; and moped parking.

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

**SECTION 1.** 340.01 (5) of the statutes is amended to read:

340.01 (5) "Bicycle" means every vehicle propelled by the feet or hands acting upon pedals or cranks and having wheels any 2 of which are not less than 14 inches in diameter.

**SECTION 2.** 346.09 (1) of the statutes is amended to read:

346.09 (1) Upon any roadway where traffic is permitted to move in both directions simultaneously, the operator of a vehicle shall not drive to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be done in safety. In no case when overtaking and passing on a roadway divided into 4 or more clearly indicated lanes shall the operator of a vehicle drive to the left of the pavement marking indicating allocation of lanes to vehicles moving in the opposite direction or, in the absence of such marking, to the left of the center of the roadway. ~~In~~ Except as provided in sub. (3) (b), in no

case shall the operator of a vehicle drive in a lane when signs or signals indicate that such lane is allocated exclusively to vehicles moving in the opposite direction.

**SECTION 3.** 346.09 (3) of the statutes is renumbered 346.09 (3) (a) and amended to read:

346.09 (3) (a) ~~The~~ Except as provided in par. (b), the operator of a vehicle shall not drive on the left side of the center of a roadway on any portion thereof which has been designated a no-passing zone, either by signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line of the roadway, provided such signs or lines would be clearly visible to an ordinarily observant person.

**SECTION 4.** 346.09 (3) (b) of the statutes is created to read:

346.09 (3) (b) The operator of a vehicle may drive on the left side of the center of a roadway on any portion thereof which has been designated a no-passing zone, as described in par. (a), to overtake and pass, with care, any vehicle traveling at a speed less than half of the applicable speed limit at the place of passing.

**SECTION 5.** 346.35 (intro.) of the statutes is amended to read:

**346.35 Method of giving signals on turning and stopping.** (intro.) Whenever a stop or turn signal is

\* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

required by s. 346.34, such signal may in any event be given by a signal lamp or lamps of a type meeting the specifications set forth in s. 347.15. Except as provided in s. 347.15 (3m), such signals also may be given by the hand and arm in lieu of or in addition to signals by signal lamp. When given by hand and arm, such signals, except signals by the operator of a bicycle, who may use either hand and arm, shall be given from the left side of the vehicle in the following manner and shall indicate as follows:

**SECTION 6.** 346.54 (1) (cm) of the statutes is amended to read:

346.54 (1) (cm) 1. In a parallel parking area, a Type 1 motorcycle or moped may park at an angle. If parallel parking spaces are not indicated by markers, no Type 1 motorcycle or moped may be parked within 2 feet of another vehicle. Where a parallel parking space is indicated by a marker or where angle parking is authorized, up to 3 Type 1 motorcycles or mopeds may park in the space.

2. Up to 3 Type 1 motorcycles or mopeds may be parked in a parking space where a parking meter has been installed unless the space is restricted by official traffic sign or marker to a single motorcycle or moped. The operator of each Type 1 motorcycle or moped parked in a single space regulated by a parking meter shall receive a citation for any violation of a time restriction.

**SECTION 7.** 346.54 (1) (e) of the statutes is amended to read:

346.54 (1) (e) ~~For~~ Except as provided in par. (cm) and s. 349.13 (6), for the purpose of parking, mopeds and electric personal assistive mobility devices shall be considered bicycles. ~~Where~~ Except as provided in s. 349.13 (6), where possible without impeding the flow of pedestrian traffic, a bicycle, moped, or electric personal assistive mobility device may be parked on a sidewalk. ~~A~~ Except as provided in s. 349.13 (6), a bicycle, moped, or electric personal assistive mobility device may be parked in a bike rack or other similar area designated for bicycle parking.

**SECTION 8.** 346.58 (2) of the statutes is amended to read:

346.58 (2) In addition to complying with other speed restrictions imposed by law, no person may drive any vehicle equipped with metal tires or solid rubber tires at

a speed in excess of 15 miles per hour. This subsection does not apply to operation of a bicycle.

**SECTION 9.** 347.45 (2) (a) of the statutes is amended to read:

347.45 (2) (a) Farm tractors, self-propelled farm implements, implements of husbandry, bicycles, animal-drawn vehicles, and road machinery may be operated with metal tires or tires having protuberances that will not injure the highway.

**SECTION 10.** 347.489 (1) of the statutes is amended to read:

347.489 (1) No person may operate a bicycle, motor bicycle, or electric personal assistive mobility device upon a highway, sidewalk, bicycle lane, or bicycle way during hours of darkness unless the bicycle, motor bicycle, or electric personal assistive mobility device is equipped with or, with respect to a bicycle or motor bicycle, the operator is wearing, a lamp emitting a white light visible from a distance of at least 500 feet to the front of the bicycle, motor bicycle, or electric personal assistive mobility device. A bicycle, motor bicycle, or electric personal assistive mobility device shall also be equipped with a red reflector that has a diameter of at least 2 inches of surface area or, with respect to an electric personal assistive mobility device, that is a strip of reflective tape that has at least 2 square inches of surface area, on the rear so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a steady or flashing red ~~or flashing amber~~ light visible from a distance of 500 feet to the rear may be used ~~in addition to but not~~ in lieu of the red reflector.

**SECTION 11.** 349.13 (6) of the statutes is created to read:

349.13 (6) Notwithstanding s. 346.54 (1) (e), the governing body of any municipality may, by ordinance, consider mopeds as Type 1 motorcycles rather than bicycles for the purpose of parking, may establish parking areas for mopeds only marked by appropriate signs, and may regulate the parking of mopeds.

**SECTION 12m. Effective date.**

(1) This act takes effect on the first day of the 3rd month beginning after publication.