

State of Wisconsin



2019 Senate Bill 86

Date of enactment: **November 22, 2019**

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2019 WISCONSIN ACT 50

AN ACT *to repeal* 340.01 (32) (a), 340.01 (32) (b) and 990.01 (43r); *to renumber and amend* 340.01 (32) (intro.) and 990.01 (43m); *to amend* 20.395 (5) (dr), 20.395 (5) (eh), 85.30, 340.01 (29m) (am) 2., 340.01 (38m) (a) 1., 341.10 (6), 343.03 (3) (a), 343.04 (1) (e), 343.05 (3) (b), 343.07 (1g) (intro.), 343.07 (4) (title) and (a), 343.07 (4) (b), 343.08 (1) (a), 343.08 (2) (a), 343.16 (1) (d) 1., 343.16 (2) (b), 343.17 (3) (c) 5., 343.32 (4), 346.54 (1) (cm), 346.595 (1), 346.595 (3), 346.595 (3m), 347.09 (1) (b), 347.15 (1), 347.35 (1a), 347.42, 347.485 (title) and (1), 347.485 (2) (c), 347.485 (3), 347.485 (4), 347.486 (1), 347.486 (2), 347.487 and 349.13 (6); and *to create* 218.0101 (2), 218.0114 (1m), 340.01 (3m) and 341.25 (1) (bg) of the statutes; **relating to:** registration and operation of vehicles defined as autocycles.

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

SECTION 1. 20.395 (5) (dr) of the statutes is amended to read:

20.395 (5) (dr) *Transportation safety, state funds.* The amounts in the schedule for activities related to highway safety under s. 85.07 and the ~~Type 1~~ motorcycle, moped, and motor bicycle safety program under s. 85.30.

SECTION 2. 20.395 (5) (eh) of the statutes is amended to read:

20.395 (5) (eh) *Motorcycle safety program supplement, state funds.* From the general fund, all moneys received under s. 341.14 (6r) (b) 14m., for activities under the ~~Type 1~~ motorcycle, moped, and motor bicycle safety program under s. 85.30 limited to evaluation of basic rider education courses, conducting public workshops, rallies, and programs related to ~~Type 1~~ motorcycle safety and training, and making grants for providing motorcycle riding courses.

SECTION 3. 85.30 of the statutes is amended to read:

85.30 ~~Type 1~~ motorcycle Motorcycle, moped and motor bicycle safety program. The department shall develop and administer a ~~Type 1~~ motorcycle, moped and motor bicycle safety program. The program shall include operational skills training, safety education and public awareness and such other elements as the department deems desirable. The safety education program for ~~Type 1~~ motorcycles shall include instruction as to the proper eye protection to be worn during hours of darkness. The department may make grants under this program for establishment of courses which further the aims of this program. The department shall adopt rules to implement this section.

SECTION 4. 218.0101 (2) of the statutes is created to read:

218.0101 (2) "Autocycle" has the meaning given in s. 340.01 (3m).

SECTION 5. 218.0114 (1m) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES: 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."

218.0114 (1m) A motor vehicle dealer engaged in the sale of autcycles with a license as provided in ss. 218.0101 to 218.0163 prior to the effective date of this subsection [LRB inserts date], may continue selling autcycles without having to acquire a different type of dealership license.

SECTION 6. 340.01 (3m) of the statutes is created to read:

340.01 (3m) “Autocycle” means a motor vehicle that has 3 wheels in contact with the ground, is designed with seating that does not require operators or any occupants to straddle or sit astride it, has a steering wheel, and is originally manufactured to meet federal motor vehicle safety standards for motorcycles under 49 CFR part 571.

SECTION 7. 340.01 (29m) (am) 2. of the statutes is amended to read:

340.01 (29m) (am) 2. A ~~Type 1~~ motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.

SECTION 8. 340.01 (32) (intro.) of the statutes is renumbered 340.01 (32) and amended to read:

340.01 (32) “Motorcycle” means a motor vehicle, ~~excluding a tractor, an all-terrain vehicle, or a utility terrain vehicle, which originally manufactured with motive power, a seat or saddle requiring the rider to sit astride, not more than 3 wheels in contact with the ground, steering controlled by handlebars, and acceleration and braking controlled with handlebar and foot controls and that is capable of speeds in excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle, and which meets the conditions under par. (a) or (b).~~

SECTION 9. 340.01 (32) (a) of the statutes is repealed.

SECTION 10. 340.01 (32) (b) of the statutes is repealed.

SECTION 11. 340.01 (38m) (a) 1. of the statutes is amended to read:

340.01 (38m) (a) 1. A motor vehicle that is designed and constructed to carry no more than 2 persons and to be used for collecting residential and commercial solid waste, such as yard waste, recyclable materials, and household garbage, refuse, and rubbish, landscaping, or incidental street maintenances; that is not certified by the manufacturer for on-road use or that is certified by the manufacturer as meeting the equipment standards for a low-speed vehicle under 49 CFR 571.500; and that satisfies the equipment standards for a Type 2 automobile or ~~Type 2 motorcycle~~ autocycle under ch. 347 or the equipment standards for a low-speed vehicle under 49 CFR 571.500.

SECTION 13. 341.25 (1) (bg) of the statutes is created to read:

341.25 (1) (bg) For each autocycle, a fee of \$45.

SECTION 14. 343.03 (3) (a) of the statutes is amended to read:

343.03 (3) (a) *Regular license.* The standard license legend is “regular” or a readily recognizable abbreviation thereof. The regular license, without any express endorsements or restrictions as provided in this chapter, authorizes the licensee to operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise provided in this subsection. The license may be endorsed to permit operation of ~~Type 1~~ motorcycles or school buses that are not commercial motor vehicles. A regular license may be subject to restrictions.

SECTION 15. 343.04 (1) (e) of the statutes is amended to read:

343.04 (1) (e) *Class M.* A “Class M” vehicle is any ~~Type 1~~ motorcycle.

SECTION 16. 343.05 (3) (b) of the statutes is amended to read:

343.05 (3) (b) No person may operate a ~~Type 1~~ motorcycle unless the person possesses a valid operator’s license specifically authorizing the operation of ~~Type 1~~ motorcycles.

SECTION 17. 343.07 (1g) (intro.) of the statutes is amended to read:

343.07 (1g) REGULAR PERMIT; ISSUANCE, RESTRICTIONS. (intro.) Upon application therefor by a person at least 15 years and 6 months of age who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain an operator’s license and has passed such knowledge test as the department may require, the department may issue a regular instruction permit. If the application is made by a male who is at least 18 years of age but less than 26 years of age, the application shall include the information required under s. 343.14 (2) (em). The permit entitles the permittee to operate a motor vehicle, except a commercial motor vehicle, school bus, or ~~Type 1~~ motorcycle, a motor bicycle, or a moped, upon the highways, subject to the following restrictions:

SECTION 18. 343.07 (4) (title) and (a) of the statutes are amended to read:

343.07 (4) (title) INSTRUCTION PERMITS; ~~TYPE 1~~ MOTORCYCLE, MOTOR BICYCLE, AND MOPED. (a) Subject to s. 343.16 (1) (a), upon application by a person who qualifies for issuance of a license under s. 343.06 (1) (c) and who wishes to qualify for the operation of a ~~Type 1~~ motorcycle, the department may issue an instruction permit for the operation of “Class M” vehicles.

SECTION 19. 343.07 (4) (b) of the statutes is amended to read:

343.07 (4) (b) The permit for ~~Type 1~~ motorcycle operation shall be valid for 6 months. The department shall issue no more than 3 permits for ~~Type 1~~ motorcycle operation to a person unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The permit for ~~Type 1~~ motorcycle operation entitles the per-

mittee to operate a ~~Type 1~~ motorcycle subject to the following restrictions:

1. No passenger may accompany the permittee except that a person with at least 2 years of licensed driving experience and whose license is endorsed for ~~Type 1~~ motorcycle operation may ride as a passenger-instructor.

2. The permittee may not operate a ~~Type 1~~ motorcycle during hours of darkness unless accompanied by a licensed person 25 years of age or more and meeting the requirements of subd. 1.

SECTION 20. 343.08 (1) (a) of the statutes is amended to read:

343.08 (1) (a) The department must be satisfied that it is necessary for the applicant to operate an automobile, farm truck, dual purpose farm truck, ~~Type 1~~ motorcycle powered with an engine of not more than 125 cubic centimeters displacement, ~~Type 2 motorcycle~~ autocycle, moped, or motor bicycle owned and registered by the applicant's parent or guardian or a farm truck leased to the applicant's parent or guardian.

SECTION 21. 343.08 (2) (a) of the statutes is amended to read:

343.08 (2) (a) A restricted license issued pursuant to this section is valid only until the licensee secures an operator's license issued pursuant to s. 343.03 or reaches 18 years of age and, except as provided in par. (b), entitles the licensee to operate an automobile, farm truck, dual purpose farm truck, ~~Type 1~~ motorcycle powered with an engine of not more than 125 cubic centimeters displacement, ~~Type 2 motorcycle~~ autocycle, moped, or motor bicycle owned and registered by the licensee's parent or guardian or a farm truck leased to the licensee's parent or guardian or any combination of these vehicles, depending on the restrictions placed by the department on the particular license.

SECTION 22. 343.16 (1) (d) 1. of the statutes is amended to read:

343.16 (1) (d) 1. That the department will issue a regular license, as described in s. 343.03 (3) (a), to any person moving to this state who has been licensed by the other country, province or other subdivision for at least 3 years, who presently holds a license to operate that type of vehicle, other than an instructional permit, from the other country, province or other subdivision and who is at least 21 years of age. Notwithstanding s. 343.03 (3) (a), a regular license issued under this subdivision may be endorsed to permit operation of ~~Type 1~~ motorcycles, but may not be endorsed to permit operation of school buses. The department shall issue a probationary license under s. 343.085 to any other applicant who holds a valid operator's license issued by the other country, province or other subdivision.

SECTION 23. 343.16 (2) (b) of the statutes is amended to read:

343.16 (2) (b) *Specific requirements.* The standards developed by the department under par. (c) shall provide that the examination for persons making their first application for an operator's license shall include, subject to sub. (3) (am), a test of the applicant's eyesight, ability to read and understand highway signs regulating, warning and directing traffic, knowledge of the traffic laws, including ss. 346.072 and 346.26, understanding of fuel-efficient driving habits and the relative costs and availability of other modes of transportation, knowledge of the need for anatomical gifts and the ability to make an anatomical gift through the use of a donor card issued under s. 343.175 (2), and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The test of knowledge of the traffic laws shall include questions on the provisions of ss. 343.30 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor vehicle and the consumption of alcohol beverages. The test of knowledge may also include questions on the social, medical and economic effects of alcohol and other drug abuse. The examination of applicants for authorization to operate 'Class M' vehicles shall test an applicant's knowledge of ~~Type 1~~ motorcycle safety, including proper eye protection to be worn during hours of darkness. The department may require persons changing their residence to this state from another jurisdiction and persons applying for a reinstated license after termination of a revocation period to take all or parts of the examination required of persons making their first application for an operator's license. Any applicant who is required to give an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle shall furnish a representative vehicle in safe operating condition for use in testing ability.

SECTION 24. 343.17 (3) (c) 5. of the statutes is amended to read:

343.17 (3) (c) 5. Classification "M", which authorizes the operation of ~~Type 1~~ motorcycles.

SECTION 25. 343.32 (4) of the statutes is amended to read:

343.32 (4) In adopting rules for weighing traffic convictions by their seriousness under sub. (2), the secretary shall provide by rule for a reduction of up to 3 points if a person shows to the department satisfactory evidence of completion of a rider course approved by the secretary. This subsection applies only to demerit points relating to violations committed before completion of the rider course by a person while driving or operating a ~~Type 1~~ motorcycle.

SECTION 26. 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 pavement markings,

no ~~Type 1~~ motorcycle or moped may be parked within 2 feet of another vehicle. Where a parallel parking space is indicated by pavement markings 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 pavement markings 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 27. 346.595 (1) of the statutes is amended to read:

346.595 (1) All motor vehicles including motorcycles and mopeds are entitled to the full use of a traffic lane and no vehicle may be driven or operated in such a manner so as to deprive any other vehicle of the full use of a traffic lane. With the consent of both drivers, ~~Type 1~~ motorcycles may be operated not more than 2 abreast in a single lane, but mopeds may be so operated only where the speed limit is 25 miles per hour or less.

SECTION 28. 346.595 (3) of the statutes is amended to read:

346.595 (3) No passenger may ride a ~~Type 1~~ motorcycle who, when properly seated, cannot rest the feet on assigned foot rests or pegs. No passenger may ride on a moped.

SECTION 29. 346.595 (3m) of the statutes is amended to read:

346.595 (3m) No more than 2 persons may ride on a motorcycle having 2 wheels in tandem during operation unless a sidecar has been attached to the motorcycle as provided in s. 340.01 (32) (a) 1. and the additional passengers are provided with adequate seating within the sidecar.

SECTION 30. 347.09 (1) (b) of the statutes is amended to read:

347.09 (1) (b) Every moped or ~~Type 1~~ motorcycle shall be equipped with at least one and not more than 2 headlamps, which headlamps shall comply with the requirements and limitations set forth in sub. (2) and s. 347.10.

SECTION 31. 347.15 (1) of the statutes is amended to read:

347.15 (1) No person may sell any new motor vehicle, other than a moped or ~~Type 1~~ motorcycle, unless such motor vehicle is equipped with direction signal lamps meeting the requirements of this section. No person may operate on a highway any motor vehicle sold new after January 1, 1955, or any mobile home, or trailer or semitrailer sold new after January 1, 1968, other than a vehicle which is operated pursuant to s. 341.47 (1) (b) or a moped or ~~Type 1~~ motorcycle, unless such vehicle is equipped with direction signal lamps meeting the

requirements of this section. Any other vehicle may be equipped with such lamps. Subsection (3m) notwithstanding direction signals are not required on trailers when the rear direction signals on the towing vehicle are fully visible from all distances to the rear to 300 feet during normal sunlight when viewed from the driver's seat of the vehicle following.

SECTION 32. 347.35 (1a) of the statutes is amended to read:

347.35 (1a) **PARKING BRAKES.** Every such vehicle and combination of vehicles, except mopeds and ~~Type 1~~ motorcycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

SECTION 33. 347.42 of the statutes is amended to read:

347.42 Windshield wipers. No person may operate on a highway any motor vehicle equipped with a windshield, except a moped or ~~Type 1~~ motorcycle, unless the motor vehicle also is equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be so constructed as to be controlled or operated by the operator of the vehicle and shall at all times be maintained in good working order.

SECTION 34. 347.485 (title) and (1) of the statutes are amended to read:

347.485 (title) Protective headgear for use on ~~Type 1~~ motorcycles. (1) (a) No person who holds an instructional permit under s. 343.07 (4) or who is under 18 years of age may operate or ride upon a ~~Type 1~~ motorcycle on any highway unless the person is wearing protective headgear of a type which meets the standards established for motorcycle operation in 49 CFR 571.218 and the chin strap is properly fastened.

(am) No person may operate a ~~Type 1~~ motorcycle when carrying a passenger under 18 years of age unless the passenger is wearing protective headgear.

(b) No person may sell or offer for sale any protective headgear for use by a driver or passenger on a ~~Type 1~~ motorcycle, not meeting the standards established for motorcycle operation in 49 CFR 571.218.

SECTION 35. 347.485 (2) (c) of the statutes is amended to read:

347.485 (2) (c) Notwithstanding par. (a), if the ~~motorcycle~~ vehicle is a ~~Type 2 motorcycle~~ an autocycle equipped with a windshield or a ~~Type 1~~ motorcycle equipped with a windshield that rises a minimum of 15 inches above the handlebar, the use of other eye protective devices is not mandatory.

SECTION 36. 347.485 (3) of the statutes is amended to read:

347.485 (3) No person may rent, lease or loan a ~~Type 1~~ motorcycle to another unless he or she has ascertained that such party has the required eye protection and, if the party holds an instructional permit under s. 343.07 (4) or is under 18 years of age, that the party has the required protective headgear for operating the ~~Type 1~~ motorcycle.

SECTION 37. 347.485 (4) of the statutes is amended to read:

347.485 (4) Every person in the ~~Type 1~~ motorcycle rental business shall have clean, usable protective headgear for rent in sufficient quantity to care for the needs of all customers.

SECTION 38. 347.486 (1) of the statutes is amended to read:

347.486 (1) No person may operate a ~~Type 1~~ motorcycle if the handlegrips of the handlebars rise more than 30 inches above the lowest point of the top of the driver's seat when the seat is occupied.

SECTION 39. 347.486 (2) of the statutes is amended to read:

347.486 (2) No person may operate a ~~Type 1~~ motorcycle with an improvised, defective or repaired handlebar.

SECTION 40. 347.487 of the statutes is amended to read:

347.487 Seating requirements. Except as provided in s. 346.595 (3m), no more than 2 persons may ride on a ~~Type 1~~ motorcycle during operation, and then only if the vehicle is equipped and designed with adequate seats and foot rests or pegs. Foot rests or pegs shall be mounted in accordance with manufacturer's specifications. In the absence of manufacturer's specifications, foot rests or pegs for the passenger shall be located on the same horizontal plane as those of the operator.

SECTION 41. 349.13 (6) of the statutes is amended 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 42. 990.01 (43m) of the statutes is renumbered 990.01 (21m) and amended to read:

990.01 (21m) ~~TYPE 1 MOTORCYCLE.~~ "~~Type 1 motorcycle~~" MOTORCYCLE. "Motorcycle" is a motor vehicle as defined in s. 340.01 (32) (a).

SECTION 43. 990.01 (43r) of the statutes is repealed.

SECTION 43m. Nonstatutory provisions.

(1) (a) In this subsection, "autocycle" means a motor vehicle that has 3 wheels in contact with the ground, is designed with seating that does not require operators or any occupants to straddle or sit astride it, has a steering wheel, and is originally manufactured to meet federal motor vehicle safety standards for motorcycles under 49 CFR part 571.

(b) Beginning on the effective date of this paragraph, an autocycle is a "Class D" vehicle, as described in s. 343.04 (1) (d), and a person may operate an autocycle with a regular license, as described in s. 343.03 (3) (a).

SECTION 44m. Effective dates. This act takes effect on the first day of the 6th month beginning after publication, except as follows:

(1) SECTION 43m of this act takes effect on the day after publication.