

**2019 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB86)**

For: **André Jacque (608) 266-3512** Drafter: **zwyatt**  
 By: **Lance** Secondary Drafters:  
 Date: **5/10/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Sen.Jacque@legis.wisconsin.gov**  
 Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**  
**eric.mueller@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Registration of autocycles

**Instructions:**

See attached.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 5/13/2019	aernstr 5/14/2019			
/P1			mbarman 5/14/2019		
/1				lparisi 5/21/2019	

FE Sent For: **<END>**

## Wyatt, Zachary

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**From:** Burri, Lance  
**Sent:** Friday, May 10, 2019 11:58 AM  
**To:** Wyatt, Zachary  
**Subject:** RE: SB 86 subamendment

Yeah, I think I'd prefer a sub if it's no harder. Cleaner that way.

Lance Burri  
Office of Sen. André Jacque  
608-266-3512

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**From:** Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>  
**Sent:** Friday, May 10, 2019 11:56 AM  
**To:** Burri, Lance <Lance.Burri@legis.wisconsin.gov>  
**Subject:** RE: SB 86 subamendment

In that case, I could do this is a simple amendment. It would just be:

- Adding the grandfather clause
- Replacing section 4 with the new definition of autocycle
- Replacing sections 7-10 with the new definition of motorcycle

If you would prefer, I could do it as a sub, which would allow me to put a new analysis on. Whichever you prefer is fine with me.

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**From:** Burri, Lance <Lance.Burri@legis.wisconsin.gov>  
**Sent:** Friday, May 10, 2019 11:51 AM  
**To:** Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>  
**Subject:** RE: SB 86 subamendment

Both.

Lance Burri  
Office of Sen. André Jacque  
608-266-3512

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**From:** Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>  
**Sent:** Friday, May 10, 2019 11:49 AM  
**To:** Burri, Lance <Lance.Burri@legis.wisconsin.gov>  
**Subject:** RE: SB 86 subamendment

Is your intent to eliminate the Type 1 and 2 distinction for motorcycles under current law or just for autocycles as it currently appears in the bill?

Thanks,  
**Zachary D. Wyatt**  
Legislative Attorney

Wisconsin Legislative Reference Bureau  
[zachary.wyatt@legis.wisconsin.gov](mailto:zachary.wyatt@legis.wisconsin.gov)  
608.504.5843

*The information contained in this communication may be confidential and protected by the attorney-client privilege.*

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**From:** Burri, Lance <[Lance.Burri@legis.wisconsin.gov](mailto:Lance.Burri@legis.wisconsin.gov)>  
**Sent:** Friday, May 10, 2019 11:39 AM  
**To:** Wyatt, Zachary <[Zachary.Wyatt@legis.wisconsin.gov](mailto:Zachary.Wyatt@legis.wisconsin.gov)>  
**Subject:** SB 86 subamendment

Zach, we'd like an amendment to SB 86:

Definition of motorcycle:

"Motorcycle means a motor vehicle, **as was originally manufactured**, with motive power having a seat or saddle **requiring the rider to sit astride**, designed to travel on not more than three wheels in contact with the ground, **steering controlled by handlebars, acceleration and braking controlled by handlebar and foot controls and capable of reaching speeds in excess of 30 mph.**"

Autocycle definition:

"Autocycle" means a ~~motorcycle~~ motor vehicle that: (1) has three wheels in contact with the ground; (2) is designed with seating that does not require operators or any occupants to straddle or sit astride it; (3) has a steering wheel; and (4) is originally manufactured to meet federal motor vehicle safety standards for motorcycles in Code of Federal Regulations, title 49, part 571, and successor requirements.

Motorcycle Dealership Grandfather:

Provide a "grandfather clause" for those motorcycle dealers that are today selling the slingshot (or autocycle) to be able to continue selling under their motorcycle dealership license. Under Senate Bill 86, these dealers would be forced to move from a motorcycle dealership license to a general motor vehicle dealer license.

So we're going away from the Type 1, Type 2 formula. I figure this should be a substitute amendment?

Thanks  
Lance



INLET

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# 2019 SENATE BILL 86

sa ✓

March 7, 2019 - Introduced by Senators JACQUE, KAPENGA, MARKLEIN, SCHACHTNER and STROEBEL, cosponsored by Representatives KNODL, BRANDTJEN, BROOKS, EDMING, FELZKOWSKI, GUNDRUM, HORLACHER, KERKMAN, KUGLITSCH, KULP, KURTZ, MURSAU, NOVAK, OLDENBURG, PETRYK, PLUMER, PRONSCHINSKE, RAMTHUN, RODRIGUEZ, ROHRKASTE, SHANKLAND, TITTL, TRANEL, TUSLER, VANDERMEER and WICHGERS. Referred to Committee on Transportation, Veterans and Military Affairs.

regen

1 **AN ACT to repeal** 340.01 (32) (a) (intro.); **to renumber** 340.01 (32) (a) 1., 340.01  
2 (32) (a) 2. and 340.01 (32) (b); **to renumber and amend** 990.01 (43m); **to**  
3 **amend** 20.395 (5) (dr), 20.395 (5) (eh), 85.30, 340.01 (29m) (am) 2., 340.01 (32)  
4 (intro.), 340.01 (38m) (a) 1., 341.10 (6), 343.03 (3) (a), 343.04 (1) (e), 343.05 (3)  
5 (b), 343.07 (1g) (intro.), 343.07 (4) (title) and (a), 343.07 (4) (b), 343.08 (1) (a),  
6 343.08 (2) (a), 343.16 (1) (d) 1., 343.16 (2) (b), 343.17 (3) (c) 5., 343.32 (4), 346.54  
7 (1) (cm), 346.595 (1), 346.595 (3), 346.595 (3m), 347.09 (1) (b), 347.15 (1), 347.35  
8 (1a), 347.42, 347.485 (title) and (1), 347.485 (2) (c), 347.485 (3), 347.485 (4),  
9 347.486 (1), 347.486 (2), 347.487 and 990.01 (43r); and **to create** 340.01 (3m)  
10 and 341.25 (1) (bg) of the statutes; **relating to:** registration and operation of  
11 vehicles defined as autocycles.

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

This bill creates a definition of an autocycle, which is a three-wheeled motor vehicle with operation controls similar to an automobile.

Under current law, there are two types of motorcycles. A "Type 1 motorcycle" is a motor vehicle which has either two wheels in tandem and a seat for the operator

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 or three wheels and unenclosed seating for the operator and passengers. A "Type 2 motorcycle" is a motor vehicle with at least three wheels and an enclosed space for the operator and passengers. This bill eliminates the definition for the Type 2 motorcycle and creates a definition for an autocycle. A "Type 1 autocycle" is defined as a motor vehicle, excluding a tractor, an all-terrain vehicle, or a utility terrain vehicle, that is designed and built to have a steering wheel, foot-operated pedals for controlling acceleration and braking, and at least three wheels in contact with the ground. A "Type 2 autocycle" is a vehicle meeting the current definition of a Type 2 motorcycle.

Under current law, a motor vehicle may not be operated upon a highway in this state without a current, valid registration. Generally, the fee for registering an automobile with the Department of Transportation is \$75 annually. The fee for registering a motorcycle is \$23 biennially. Under this bill, the fee for registering an autocycle is \$45 annually.

Under current law, no person may operate a motor vehicle upon a highway in this state unless the person possesses a valid operator's license. Additional endorsements are required for the operation of certain vehicles, including motorcycles. This bill classifies autocycles as "Class D" vehicles, which means they may be operated with the regular license issued by DOT without the need for additional endorsements.

X 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.** 20.395 (5) (dr) of the statutes is amended to read:
- 2           20.395 (5) (dr) *Transportation safety, state funds.* The amounts in the schedule
- 3 for activities related to highway safety under s. 85.07 and the ~~Type 1~~ motorcycle,
- 4 moped, and motor bicycle safety program under s. 85.30.
- 5           **SECTION 2.** 20.395 (5) (eh) of the statutes is amended to read:
- 6           20.395 (5) (eh) *Motorcycle safety program supplement, state funds.* From the
- 7 general fund, all moneys received under s. 341.14 (6r) (b) 14m., for activities under
- 8 the ~~Type 1~~ motorcycle, moped, and motor bicycle safety program under s. 85.30
- 9 limited to evaluation of basic rider education courses, conducting public workshops,

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1 rallies, and programs related to ~~Type 1~~ motorcycle safety and training, and making  
2 grants for providing motorcycle riding courses.

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

4 **85.30 ~~Type 1 motoreyele~~ Motorcycle, moped and motor bicycle safety**  
5 **program.** The department shall develop and administer a ~~Type 1~~ motorcycle,  
6 moped and motor bicycle safety program. The program shall include operational  
7 skills training, safety education and public awareness and such other elements as  
8 the department deems desirable. The safety education program for ~~Type 1~~  
9 motorcycles shall include instruction as to the proper eye protection to be worn  
10 during hours of darkness. The department may make grants under this program for  
11 establishment of courses which further the aims of this program. The department  
12 shall adopt rules to implement this section.

13 SECTION 4. 340.01 (3m) of the statutes is created to read:

14 340.01 (3m) "Autocycle" means a motor vehicle, excluding a tractor, an  
15 all-terrain vehicle, or a utility terrain vehicle, that is capable of speeds in excess of  
16 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind,  
17 with a power source as an integral part of the vehicle, and that meets either of the  
18 following conditions:

19 (a) Type 1 is a motor vehicle designed and built to have at least 3 wheels in  
20 contact with the ground, seating for the operator and one passenger, a steering  
21 wheel, and foot-operated pedals for controlling acceleration and braking.

22 SECTION 5. 340.01 (29m) (am) 2. of the statutes is amended to read:

23 340.01 (29m) (am) 2. A ~~Type 1~~ motorcycle with an automatic transmission and  
24 an engine certified by the manufacturer at not more than 50 cubic centimeters or an  
25 equivalent power unit.

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(ins 4-1)

1 SECTION 6. 340.01 (32) (intro.) of the statutes is amended to read:

2 340.01 (32) (intro.) "Motorcycle" means a motor vehicle, excluding a tractor, an  
3 all-terrain vehicle, or a utility terrain vehicle, ~~which~~ that is capable of speeds in  
4 excess of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with  
5 no wind, with a power source as an integral part of the vehicle, and ~~which~~ that meets  
6 either of the following conditions under par. (a) or (b):

7 SECTION 7. 340.01 (32) (a) (intro.) of the statutes is repealed.

8 SECTION 8. 340.01 (32) (a) 1. of the statutes is renumbered 340.01 (32) (c).

9 SECTION 9. 340.01 (32) (a) 2. of the statutes is renumbered 340.01 (32) (d).

10 SECTION 10. 340.01 (32) (b) of the statutes is renumbered 340.01 (3m) (b).

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

12 340.01 (38m) (a) 1. A motor vehicle that is designed and constructed to carry  
13 no more than 2 persons and to be used for collecting residential and commercial solid  
14 waste, such as yard waste, recyclable materials, and household garbage, refuse, and  
15 rubbish, landscaping, or incidental street maintenances; that is not certified by the  
16 manufacturer for on-road use or that is certified by the manufacturer as meeting the  
17 equipment standards for a low-speed vehicle under 49 CFR 571.500; and that  
18 satisfies the equipment standards for a Type 2 automobile or ~~Type 2 motorcycle~~  
19 autocycle under ch. 347 or the equipment standards for a low-speed vehicle under  
20 49 CFR 571.500.

21 SECTION 12. 341.10 (6) of the statutes is amended to read:

22 341.10 (6) The vehicle was manufactured after 1969 and does not meet  
23 manufacturer or importer certification label requirements as specified in 49 CFR 567  
24 or the vehicle is a Kei class vehicle. This subsection does not apply to autocycles,  
25 former military vehicles, historic military vehicles, as defined in s. 341.269 (1) (a),

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1 for which the department receives an application, and which are eligible, for  
2 registration under s. 341.269, or special interest vehicles, as defined in s. 341.266 (1)  
3 (c), for which the department receives an application, and which are eligible, for  
4 registration under s. 341.266.

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

6 341.25 (1) (bg) For each autocycle, a fee of \$45.

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

8 343.03 (3) (a) *Regular license.* The standard license legend is “regular” or a  
9 readily recognizable abbreviation thereof. The regular license, without any express  
10 endorsements or restrictions as provided in this chapter, authorizes the licensee to  
11 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise  
12 provided in this subsection. The license may be endorsed to permit operation of ~~Type~~  
13 ~~1-~~ motorcycles or school buses that are not commercial motor vehicles. A regular  
14 license may be subject to restrictions.

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

16 343.04 (1) (e) *Class M.* A “Class M” vehicle is any ~~Type 1-~~ motorcycle.

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

18 343.05 (3) (b) No person may operate a ~~Type 1-~~ motorcycle unless the person  
19 possesses a valid operator’s license specifically authorizing the operation of ~~Type 1-~~  
20 motorcycles.

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

22 343.07 (1g) **REGULAR PERMIT; ISSUANCE, RESTRICTIONS.** (intro.) Upon application  
23 therefor by a person at least 15 years and 6 months of age who, except for age or lack  
24 of training in the operation of a motor vehicle, is qualified to obtain an operator’s  
25 license and has passed such knowledge test as the department may require, the



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1 department may issue a regular instruction permit. If the application is made by a  
2 male who is at least 18 years of age but less than 26 years of age, the application shall  
3 include the information required under s. 343.14 (2) (em). The permit entitles the  
4 permittee to operate a motor vehicle, except a commercial motor vehicle, school bus,  
5 or ~~Type 1~~ motorcycle, a motor bicycle, or a moped, upon the highways, subject to the  
6 following restrictions:

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

8 343.07 (4) (title) INSTRUCTION PERMITS; ~~TYPE 1~~ MOTORCYCLE, MOTOR BICYCLE, AND  
9 MOPEL. (a) Subject to s. 343.16 (1) (a), upon application by a person who qualifies for  
10 issuance of a license under s. 343.06 (1) (c) and who wishes to qualify for the operation  
11 of a ~~Type 1~~ motorcycle, the department may issue an instruction permit for the  
12 operation of "Class M" vehicles.

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

14 343.07 (4) (b) The permit for ~~Type 1~~ motorcycle operation shall be valid for 6  
15 months. The department shall issue no more than 3 permits for ~~Type 1~~ motorcycle  
16 operation to a person unless the person has successfully completed a rider course  
17 approved by the department. The department may, by rule, exempt certain persons  
18 from the rider course requirement of this paragraph. The permit for ~~Type 1~~  
19 motorcycle operation entitles the permittee to operate a ~~Type 1~~ motorcycle subject  
20 to the following restrictions:

21 1. No passenger may accompany the permittee except that a person with at  
22 least 2 years of licensed driving experience and whose license is endorsed for ~~Type~~  
23 ~~1~~ motorcycle operation may ride as a passenger-instructor.

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

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

5           343.08 (1) (a) The department must be satisfied that it is necessary for the  
6 applicant to operate an automobile, farm truck, dual purpose farm truck, ~~Type 1~~  
7 motorcycle powered with an engine of not more than 125 cubic centimeters  
8 displacement, ~~Type 2 motorcycle~~ autocycle, moped, or motor bicycle owned and  
9 registered by the applicant's parent or guardian or a farm truck leased to the  
10 applicant's parent or guardian.

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

12           343.08 (2) (a) A restricted license issued pursuant to this section is valid only  
13 until the licensee secures an operator's license issued pursuant to s. 343.03 or  
14 reaches 18 years of age and, except as provided in par. (b), entitles the licensee to  
15 operate an automobile, farm truck, dual purpose farm truck, ~~Type 1~~ motorcycle  
16 powered with an engine of not more than 125 cubic centimeters displacement, ~~Type~~  
17 ~~2 motorcycle~~ autocycle, moped, or motor bicycle owned and registered by the  
18 licensee's parent or guardian or a farm truck leased to the licensee's parent or  
19 guardian or any combination of these vehicles, depending on the restrictions placed  
20 by the department on the particular license.

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

22           343.16 (1) (d) 1. That the department will issue a regular license, as described  
23 in s. 343.03 (3) (a), to any person moving to this state who has been licensed by the  
24 other country, province or other subdivision for at least 3 years, who presently holds  
25 a license to operate that type of vehicle, other than an instructional permit, from the

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1 other country, province or other subdivision and who is at least 21 years of age.  
2 Notwithstanding s. 343.03 (3) (a), a regular license issued under this subdivision  
3 may be endorsed to permit operation of ~~Type 1~~ motorcycles, but may not be endorsed  
4 to permit operation of school buses. The department shall issue a probationary  
5 license under s. 343.085 to any other applicant who holds a valid operator's license  
6 issued by the other country, province or other subdivision.

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

8 343.16 (2) (b) *Specific requirements.* The standards developed by the  
9 department under par. (c) shall provide that the examination for persons making  
10 their first application for an operator's license shall include, subject to sub. (3) (am),  
11 a test of the applicant's eyesight, ability to read and understand highway signs  
12 regulating, warning and directing traffic, knowledge of the traffic laws, including ss.  
13 346.072 and 346.26, understanding of fuel-efficient driving habits and the relative  
14 costs and availability of other modes of transportation, knowledge of the need for  
15 anatomical gifts and the ability to make an anatomical gift through the use of a donor  
16 card issued under s. 343.175 (2), and an actual demonstration of ability to exercise  
17 ordinary and reasonable control in the operation of a motor vehicle. The test of  
18 knowledge of the traffic laws shall include questions on the provisions of ss. 343.30  
19 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor  
20 vehicle and the consumption of alcohol beverages. The test of knowledge may also  
21 include questions on the social, medical and economic effects of alcohol and other  
22 drug abuse. The examination of applicants for authorization to operate 'Class M'  
23 vehicles shall test an applicant's knowledge of ~~Type 1~~ motorcycle safety, including  
24 proper eye protection to be worn during hours of darkness. The department may  
25 require persons changing their residence to this state from another jurisdiction and

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1 persons applying for a reinstated license after termination of a revocation period to  
2 take all or parts of the examination required of persons making their first application  
3 for an operator's license. Any applicant who is required to give an actual  
4 demonstration of ability to exercise ordinary and reasonable control in the operation  
5 of a motor vehicle shall furnish a representative vehicle in safe operating condition  
6 for use in testing ability.

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

8 343.17 (3) (c) 5. Classification "M", which authorizes the operation of ~~Type 1~~  
9 motorcycles.

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

11 343.32 (4) In adopting rules for weighing traffic convictions by their  
12 seriousness under sub. (2), the secretary shall provide by rule for a reduction of up  
13 to 3 points if a person shows to the department satisfactory evidence of completion  
14 of a rider course approved by the secretary. This subsection applies only to demerit  
15 points relating to violations committed before completion of the rider course by a  
16 person while driving or operating a ~~Type 1~~ motorcycle.

17 **SECTION 26.** 346.54 (1) (cm) of the statutes is amended to read:

18 346.54 (1) (cm) 1. In a parallel parking area, a ~~Type 1~~ motorcycle or moped may  
19 park at an angle. If parallel parking spaces are not indicated by pavement markings,  
20 no ~~Type 1~~ motorcycle or moped may be parked within 2 feet of another vehicle.  
21 Where a parallel parking space is indicated by pavement markings or where angle  
22 parking is authorized, up to 3 ~~Type 1~~ motorcycles or mopeds may park in the space.

23 2. Up to 3 ~~Type 1~~ motorcycles or mopeds may be parked in a parking space  
24 where a parking meter has been installed unless the space is restricted by official  
25 traffic sign or pavement markings to a single motorcycle or moped. The operator of

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1 each ~~Type 1~~ motorcycle or moped parked in a single space regulated by a parking  
2 meter shall receive a citation for any violation of a time restriction.

3 **SECTION 27.** 346.595 (1) of the statutes is amended to read:

4 346.595 (1) All motor vehicles including motorcycles and mopeds are entitled  
5 to the full use of a traffic lane and no vehicle may be driven or operated in such a  
6 manner so as to deprive any other vehicle of the full use of a traffic lane. With the  
7 consent of both drivers, ~~Type 1~~ motorcycles may be operated not more than 2 abreast  
8 in a single lane, but mopeds may be so operated only where the speed limit is 25 miles  
9 per hour or less.

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

11 346.595 (3) No passenger may ride a ~~Type 1~~ motorcycle who, when properly  
12 seated, cannot rest the feet on assigned foot rests or pegs. No passenger may ride on  
13 a moped.

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

15 346.595 (3m) No more than 2 persons may ride on a motorcycle having 2 wheels  
16 in tandem during operation unless a sidecar has been attached to the motorcycle as  
17 ~~provided in s. 340.01 (32) (a) 1. (c)~~ and the additional passengers are provided with  
18 adequate seating within the sidecar.

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

20 347.09 (1) (b) Every moped or ~~Type 1~~ motorcycle shall be equipped with at least  
21 one and not more than 2 headlamps, which headlamps shall comply with the  
22 requirements and limitations set forth in sub. (2) and s. 347.10.

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

24 347.15 (1) No person may sell any new motor vehicle, other than a moped or  
25 ~~Type 1~~ motorcycle, unless such motor vehicle is equipped with direction signal lamps

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1 meeting the requirements of this section. No person may operate on a highway any  
2 motor vehicle sold new after January 1, 1955, or any mobile home, or trailer or  
3 semitrailer sold new after January 1, 1968, other than a vehicle which is operated  
4 pursuant to s. 341.47 (1) (b) or a moped or ~~Type 1~~ motorcycle, unless such vehicle is  
5 equipped with direction signal lamps meeting the requirements of this section. Any  
6 other vehicle may be equipped with such lamps. Subsection (3m) notwithstanding  
7 direction signals are not required on trailers when the rear direction signals on the  
8 towing vehicle are fully visible from all distances to the rear to 300 feet during normal  
9 sunlight when viewed from the driver's seat of the vehicle following.

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

11 347.35 (1a) PARKING BRAKES. Every such vehicle and combination of vehicles,  
12 except mopeds and ~~Type 1~~ motorcycles, shall be equipped with parking brakes  
13 adequate to hold the vehicle on any grade on which it is operated, under all conditions  
14 of loading on a surface free from snow, ice or loose material. The parking brakes shall  
15 be capable of being applied by the driver's muscular effort or by spring action or by  
16 equivalent means. Their operation may be assisted by the service brakes or other  
17 source of power provided that failure of the service brake actuation system or other  
18 power assisting mechanism will not prevent the parking brakes from being applied.  
19 The parking brakes shall be so designed that when once applied they shall remain  
20 applied with the required effectiveness despite exhaustion of any source of energy  
21 or leakage of any kind. The same brake drums, brake shoes and lining assemblies,  
22 brake shoe anchors and mechanical brake shoe actuation mechanism normally  
23 associated with the wheel brake assemblies may be used for both the service brakes  
24 and the parking brakes. If the means of applying the parking brakes and the service

1 brakes are connected in any way, they shall be so constructed that failure of any one  
2 part shall not leave the vehicle without operative brakes.

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

4 **347.42 Windshield wipers.** No person may operate on a highway any motor  
5 vehicle equipped with a windshield, except a moped or ~~Type 1~~ motorcycle, unless the  
6 motor vehicle also is equipped with a device for cleaning rain, snow or other moisture  
7 from the windshield. The device shall be so constructed as to be controlled or  
8 operated by the operator of the vehicle and shall at all times be maintained in good  
9 working order.

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

11 **347.485 (title) Protective headgear for use on ~~Type 1~~ motorcycles. (1)**

12 (a) No person who holds an instructional permit under s. 343.07 (4) or who is under  
13 18 years of age may operate or ride upon a ~~Type 1~~ motorcycle on any highway unless  
14 the person is wearing protective headgear of a type which meets the standards  
15 established for motorcycle operation in 49 CFR 571.218 and the chin strap is properly  
16 fastened.

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

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

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

23 347.485 (2) (c) Notwithstanding par. (a), if the ~~motorcycle vehicle~~ <sup>↓ ↓</sup> is a ~~Type 2~~  
24 ~~motorcycle~~ <sup>autocycle</sup> equipped with a windshield or a ~~Type 1~~ motorcycle equipped

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1 with a windshield that rises a minimum of 15 inches above the handlebar, the use  
2 of other eye protective devices is not mandatory.

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

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

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

10 347.485 (4) Every person in the ~~Type 1~~ motorcycle rental business shall have  
11 clean, usable protective headgear for rent in sufficient quantity to care for the needs  
12 of all customers.

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

14 347.486 (1) No person may operate a ~~Type 1~~ motorcycle if the handlegrips of  
15 the handlebars rise more than 30 inches above the lowest point of the top of the  
16 driver's seat when the seat is occupied.

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

18 347.486 (2) No person may operate a ~~Type 1~~ motorcycle with an improvised,  
19 defective or repaired handlebar.

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

21 **347.487 Seating requirements.** Except as provided in s. 346.595 (3m), no  
22 more than 2 persons may ride on a ~~Type 1~~ motorcycle during operation, and then only  
23 if the vehicle is equipped and designed with adequate seats and foot rests or pegs.  
24 Foot rests or pegs shall be mounted in accordance with manufacturer's



**SENATE BILL 86**

1 specifications. In the absence of manufacturer's specifications, foot rests or pegs for  
2 the passenger shall be located on the same horizontal plane as those of the operator.

Insd  
→

3 ✓ **SECTION 41.** 990.01 (43m) of the statutes is renumbered 990.01 (21m) and  
4 amended to read:

5 990.01 (21m) ~~TYPE 1 MOTORCYCLE.~~ "Type 1 motoreycle" MOTORCYCLE.  
6 "Motorcycle" is a motor vehicle as defined in s. 340.01 (32) (a). ✓

(NS/4-7)

7 **SECTION 42.** 990.01 (43r) of the statutes is amended to read:  
8 990.01 (43r) ~~TYPE 2 MOTORCYCLE~~ AUTOCYCLE. "Type 2 motoreycle" autocycle is  
9 a motor vehicle as defined in s. 340.01 (32) (3m) (b). ✓

10 **SECTION 43. Effective date.**

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

13 (END)

*save*

**INS A**

The bill eliminates the Type 1 and Type 2 motorcycle definitions and defines "motorcycle" as a motor vehicle originally manufactured with motive power, a seat or saddle requiring the rider to sit astride, not more than ~~3~~<sup>three</sup> 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. ✓

The bill defines "autocycle" to mean a motor vehicle that has three 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 current law, no motor vehicle dealer may engage in business as a motor vehicle dealer without the appropriate dealership license. The bill provides that a motor vehicle dealer currently engaged in the sale of autocycles may continue selling autocycles without having to acquire a different type of dealership license. ✓

**INS 3-13**

✓ **SECTION 1.** 218.0101 (2) of the statutes is created to read:

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

✓ **SECTION 2.** 218.0114 (1m) of the statutes is created to read:

*A* 218.0114 (1m) A motor vehicle dealer engaged in the sale of autocycles 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 autocycles without having to acquire a different type of dealership license. ✓

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

*A* 340.01 (3m) "Autocycle" means a motor vehicle that has ~~three~~<sup>23</sup> 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 40 CFR part 571. ✓

**INS 4-1**

✕ **SECTION 4.** 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 <sup>plain</sup> 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):.~~

**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; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32, 73, 101, 208, 265; 2013 a. 39, 67, 83, 103, 106, 165, 253, 325, 377; 2015 a. 15, 16, 55, 73, 104, 124, 165, 196, 232, 332; 2017 a. 12, 13, 364; 2017 a. 365 s. 110; s. 35.17 correction in (27h).

✓ **SECTION 5.** 340.01 (32) (a) of the statutes is repealed.

✕ **SECTION 6.** 340.01 (32) (b) of the statutes is repealed.

**INS 14-7**

✓ **SECTION 7.** 990.01 (43r) of the statutes is repealed.

**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0030/P1ins2  
ZDW:ahc

1           Insert 14-2

2           **SECTION 1.** 349.13 (6) of the statutes is amended to read:

3           349.13 **(6)** Notwithstanding s. 346.54 (1) (e), the governing body of any  
4           municipality may, by ordinance, consider mopeds as ~~Type 1~~ motorcycles rather than  
5           bicycles for the purpose of parking, may establish parking areas for mopeds only  
6           marked by appropriate signs, and may regulate the parking of mopeds.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBs0030/P1  
ZDW:ahe

11  
No  
changes

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT ,**  
**TO SENATE BILL 86**

1     **AN ACT** *to repeal* 340.01 (32) (a), 340.01 (32) (b) and 990.01 (43r); *to renumber*  
2             *and amend* 340.01 (32) (intro.) and 990.01 (43m); *to amend* 20.395 (5) (dr),  
3             20.395 (5) (eh), 85.30, 340.01 (29m) (am) 2., 340.01 (38m) (a) 1., 341.10 (6),  
4             343.03 (3) (a), 343.04 (1) (e), 343.05 (3) (b), 343.07 (1g) (intro.), 343.07 (4) (title)  
5             and (a), 343.07 (4) (b), 343.08 (1) (a), 343.08 (2) (a), 343.16 (1) (d) 1., 343.16 (2)  
6             (b), 343.17 (3) (c) 5., 343.32 (4), 346.54 (1) (cm), 346.595 (1), 346.595 (3), 346.595  
7             (3m), 347.09 (1) (b), 347.15 (1), 347.35 (1a), 347.42, 347.485 (title) and (1),  
8             347.485 (2) (c), 347.485 (3), 347.485 (4), 347.486 (1), 347.486 (2), 347.487 and  
9             349.13 (6); and *to create* 218.0101 (2), 218.0114 (1m), 340.01 (3m) and 341.25

