

# State of Wisconsin



1995 Assembly Bill 96

Date of enactment: **February 16, 1996**

Date of publication\*: **March 1, 1996**

## 1995 WISCONSIN ACT 138

AN ACT *to repeal* 346.802 and 349.18 (2) (b); *to renumber and amend* 349.18 (2) (a); *to amend* 340.01 (5), 341.05 (23), 346.02 (4) (a), 346.34 (1) (b), 346.54 (1) (e), 346.94 (12) and 347.489 (1); *to repeal and recreate* 346.80 (1) and (2); and *to create* 346.05 (1m) and 346.80 (3) of the statutes; **relating to:** the operation and local regulation of bicycles and the operation and use of other vehicles.

*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 ~~device~~ vehicle propelled by the feet acting upon pedals and having wheels any 2 of which are not less than 14 inches in diameter.

**SECTION 2.** 341.05 (23) of the statutes is amended to read:

341.05 (23) Is a motor bicycle or bicycle, except as provided in s. 349.18.

**SECTION 3.** 346.02 (4) (a) of the statutes is amended to read:

346.02 (4) (a) Subject to the special provisions applicable to bicycles, every person riding a bicycle upon a roadway or shoulder of a highway is granted all the rights and is subject to all the duties which this chapter grants or applies to the operator of a vehicle, except those provisions which by their express terms apply only to motor vehicles or which by their very nature would have no application to bicycles. For purposes of this chapter, provisions which apply to bicycles also apply to motor bicycles, except as otherwise expressly provided.

**SECTION 4.** 346.05 (1m) of the statutes is created to read:

346.05 (1m) Notwithstanding sub. (1), any person operating a bicycle may ride on the shoulder of a highway unless such riding is prohibited by the authority in charge of the maintenance of the highway.

**SECTION 5.** 346.34 (1) (b) of the statutes is amended to read:

346.34 (1) (b) In the event any other traffic may be affected by such movement, no person may so turn any vehicle without giving an appropriate signal in the manner provided in s. 346.35. When given by the operator of a vehicle other than a bicycle, such signal shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The operator of a bicycle shall give such signal continuously during not less than the last 50 feet traveled before turning. A signal by the hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

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

346.54 (1) (e) For the purpose of parking, mopeds as defined in s. 340.01 (29m) shall be considered bicycles. Where possible without impeding the flow of pedestrian traffic, a bicycle or moped may be parked on a sidewalk.

\* Section 991.11, WISCONSIN STATUTES 1993-94: 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].

A bicycle or moped may be parked in a bike rack or other similar area designated for bicycle parking.

**SECTION 7.** 346.80 (1) and (2) of the statutes are repealed and recreated to read:

346.80 (1) In this section, “substandard width lane” means a lane that is too narrow for a bicycle and a motor vehicle to travel safely side by side within the lane.

(2) (a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand edge or curb of the unobstructed traveled roadway, including operators who are riding 2 or more abreast where permitted under sub. (3), except:

1. When overtaking and passing another vehicle proceeding in the same direction.
2. When preparing for a left turn at an intersection or into a private road or driveway.
3. When reasonably necessary to avoid unsafe conditions, including fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards or substandard width lanes that make it unsafe to ride along the right-hand edge or curb.

(b) Notwithstanding par. (a), any person operating a bicycle upon a one-way highway having 2 or more lanes available for traffic may ride as near the left-hand edge or curb of the roadway as practicable.

(c) Any person operating a bicycle upon a roadway shall exercise due care when passing a standing or parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of 3 feet between the bicycle and the vehicle, and shall give an audible signal when passing a bicycle rider proceeding in the same direction.

**SECTION 8.** 346.80 (3) of the statutes is created to read:

346.80 (3) (a) Persons riding bicycles upon a roadway may ride 2 abreast if such operation does not impede the normal and reasonable movement of traffic. Bicycle operators riding 2 abreast on a 2-lane or more roadway shall ride within a single lane.

(b) Persons riding bicycles upon a roadway may not ride more than 2 abreast except upon any path, trail, lane or other way set aside for the exclusive use of bicycles.

**SECTION 9.** 346.802 of the statutes is repealed.

**SECTION 10.** 346.94 (12) of the statutes is amended to read:

346.94 (12) **DRIVING ON BICYCLE LANE OR BICYCLE WAY.** No operator of a motor vehicle may drive upon a bicycle lane or bicycle way except to enter a driveway, to merge into a bicycle lane before turning at an intersection, or to enter or leave a parking space located adjacent to the bicycle lane or bicycle way. Persons operating a motor vehicle upon a bicycle lane or bicycle way shall yield the right-of-way to all bicycles within the bicycle lane or bicycle way.

**SECTION 11.** 347.489 (1) of the statutes is amended to read:

347.489 (1) No person may operate a bicycle or motor bicycle upon a highway, sidewalk, bicycle lane or bicycle way during hours of darkness unless the bicycle or motor bicycle is equipped with or 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 or motor bicycle. A bicycle or motor bicycle shall also be equipped with a red reflector that has a diameter of at least 2 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 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 12.** 349.18 (2) (a) of the statutes is renumbered 349.18 (2) and amended to read:

349.18 (2) ~~Except as provided in par. (b), any~~ Any city, town or village may by ordinance enacted pursuant to s. 349.06 regulate the operation of bicycles and motor bicycles and may by ordinance require registration of any bicycle or motor bicycle owned by a resident of the city, town or village, including the payment of a registration fee.

**SECTION 13.** 349.18 (2) (b) of the statutes is repealed.