



## 2009 ASSEMBLY BILL 718

February 9, 2010 - Introduced by Representatives STEINBRINK, ZIGMUNT, A. OTT, BENEDICT, TURNER, SINICKI, BIES and POPE-ROBERTS, cosponsored by Senator LEHMAN. Referred to Committee on Transportation.

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.

**ASSEMBLY BILL 718**

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.

---

***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

**ASSEMBLY BILL 718**

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) 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) 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.

**ASSEMBLY BILL 718****SECTION 7**

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.

**ASSEMBLY BILL 718**

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~~

**ASSEMBLY BILL 718****SECTION 14**

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)