



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2401/1
ARG:wlj:jf

2011 ASSEMBLY BILL 265

September 16, 2011 – Introduced by Representatives RIPP, A. OTT, C. TAYLOR, SINICKI, POCAN, BALLWEG, BERNIER, JORGENSEN, SPANBAUER, PETROWSKI, STRACHOTA, VRUWINK, ROYS, ZEPNICK, TRANEL, MURSAU, STONE, BROOKS and STEINBRINK, cosponsored by Senators HOLPERIN, GROTHMAN and TAYLOR. Referred to Committee on Transportation.

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

Analysis by the Legislative Reference Bureau

Under current law, a “vehicle” is defined, with certain exceptions, to mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Certain legal consequences relating to a vehicle and its operation might follow from the classification of the vehicle, including equipment standards, traffic regulations, and registration requirements. Under current law, “bicycle” is defined as every vehicle propelled by the feet acting upon pedals and having wheels any two of which are not less than 14 inches in diameter.

This bill modifies the definition of “bicycle” to include vehicles propelled by hand.

Under current law, persons operating vehicles on highways in this state are required to use stop and turn signals that can be either by a signal lamp or by hand

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and arm signals. If the operator of a vehicle uses hand and arm signals, the signals must be given on the left side of the vehicle.

This bill allows bicyclists to use hand and arm signals for turns and stops with either hand and arm.

Under current law, vehicle equipment requirements are generally inapplicable to bicycles, motor bicycles, and electric personal assistive mobility devices (EPAMDs) except as otherwise expressly provided. Current law expressly prohibits a person from operating a bicycle, motor bicycle, or EPAMD, which is commonly known by its trade name "Segway," on a highway, sidewalk, bicycle lane, or bicycle way during hours of darkness unless the bicycle, motor bicycle, or EPAMD is equipped with or, with respect to a bicycle or motor bicycle, the operator is wearing, a lamp emitting a white light visible to the front. The bicycle, motor bicycle, or EPAMD must also be equipped with a red reflector or, with respect to an EPAMD, reflective tape, on the rear. A lamp emitting a red or flashing amber light to the rear may be used in addition to the reflector, but the lamp may not substitute for the reflector.

This bill allows a lamp emitting a red light to the rear to be used as a substitute for the red reflector on a bicycle, motor bicycle, or EPAMD.

Under current law, a vehicle operator may not drive on the left side of the center of a roadway designated, by signs or by a solid double yellow line, as a no-passing zone.

This bill allows a vehicle operator to cross the center line in such a no-passing zone to overtake and pass, with care, any vehicle, including a bicycle, traveling at a speed significantly less than the normal speed of traffic at the place of passing.

Current law generally prohibits automobiles and other motor vehicles from being operated on a highway with tires that have metal in contact with the roadway, except for tire chains and certain wire-embedded tires. Current law also generally prohibits other vehicles, including nonmotorized vehicles, from being operated on a highway if the vehicle has on the periphery of its tires any stud, flange, cleat, or other protuberance of any material other than rubber which projects beyond the tire tread. However, there are various exceptions, including an exception for farm tractors, self-propelled farm implements, implements of husbandry, animal-drawn vehicles, and road machinery, which may be operated with metal tires or tires having protuberances that will not injure the highway. In addition, current law prohibits a person from driving a vehicle equipped with metal tires at a speed in excess of 15 miles per hour.

This bill adds bicycles to the exception allowing a vehicle to be operated with metal tires or tires having protuberances that will not injure the highway. The bill also exempts bicycles from the 15 miles per hour speed limit for vehicles equipped with metal tires.

Current law considers mopeds as bicycles for the purpose of parking, allowing them to be parked on sidewalks and in bicycle parking areas.

This bill allows municipalities to enact ordinances considering mopeds as motorcycles rather than bicycles for the purpose of parking, allowing municipalities

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to prohibit moped parking on sidewalks and in bicycle parking areas. The bill also allows mopeds to be parked like motorcycles in parking spaces.

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

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

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

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

5 346.09 (1) Upon any roadway where traffic is permitted to move in both
6 directions simultaneously, the operator of a vehicle shall not drive to the left side of
7 the center of the roadway in overtaking and passing another vehicle proceeding in
8 the same direction unless such left side is clearly visible and is free of oncoming
9 traffic for a sufficient distance ahead to permit such overtaking and passing to be
10 done in safety. In no case when overtaking and passing on a roadway divided into
11 4 or more clearly indicated lanes shall the operator of a vehicle drive to the left of the
12 pavement marking indicating allocation of lanes to vehicles moving in the opposite
13 direction or, in the absence of such marking, to the left of the center of the roadway.
14 In Except as provided in sub. (3) (b), in no case shall the operator of a vehicle drive
15 in a lane when signs or signals indicate that such lane is allocated exclusively to
16 vehicles moving in the opposite direction.

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

19 346.09 (3) (a) The Except as provided in par. (b), the operator of a vehicle shall
20 not drive on the left side of the center of a roadway on any portion thereof which has
21 been designated a no-passing zone, either by signs or by a yellow unbroken line on

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1 the pavement on the right-hand side of and adjacent to the center line of the
2 roadway, provided such signs or lines would be clearly visible to an ordinarily
3 observant person.

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

5 346.09 (3) (b) The operator of a vehicle may drive on the left side of the center
6 of a roadway on any portion thereof which has been designated a no-passing zone,
7 as described in par. (a), to overtake and pass, with care, any vehicle traveling at a
8 speed significantly less than the normal speed of traffic at the place of passing.

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

10 **346.35 Method of giving signals on turning and stopping.** (intro.)

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

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

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

24 2. Up to 3 Type 1 motorcycles or mopeds may be parked in a parking space
25 where a parking meter has been installed unless the space is restricted by official

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1 traffic sign or marker to a single motorcycle or moped. The operator of each Type 1
2 motorcycle or moped parked in a single space regulated by a parking meter shall
3 receive a citation for any violation of a time restriction.

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

5 346.54 (1) (e) ~~For~~ Except as provided in par. (cm) and s. 349.13 (6), for the
6 purpose of parking, mopeds and electric personal assistive mobility devices shall be
7 considered bicycles. Where possible without impeding the flow of pedestrian traffic,
8 a bicycle, moped, or electric personal assistive mobility device may be parked on a
9 sidewalk. A bicycle, moped, or electric personal assistive mobility device may be
10 parked in a bike rack or other similar area designated for bicycle parking.

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

12 346.58 (2) In addition to complying with other speed restrictions imposed by
13 law, no person may drive any vehicle equipped with metal tires or solid rubber tires
14 at a speed in excess of 15 miles per hour. This subsection does not apply to operation
15 of a bicycle.

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

17 347.45 (2) (a) Farm tractors, self-propelled farm implements, implements of
18 husbandry, bicycles, animal-drawn vehicles, and road machinery may be operated
19 with metal tires or tires having protuberances that will not injure the highway.

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

21 347.489 (1) No person may operate a bicycle, motor bicycle, or electric personal
22 assistive mobility device upon a highway, sidewalk, bicycle lane, or bicycle way
23 during hours of darkness unless the bicycle, motor bicycle, or electric personal
24 assistive mobility device is equipped with or, with respect to a bicycle or motor
25 bicycle, the operator is wearing, a lamp emitting a white light visible from a distance

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1 of at least 500 feet to the front of the bicycle, motor bicycle, or electric personal
2 assistive mobility device. A bicycle, motor bicycle, or electric personal assistive
3 mobility device shall also be equipped with a red reflector that has a diameter of at
4 least 2 inches of surface area or, with respect to an electric personal assistive mobility
5 device, that is a strip of reflective tape that has at least 2 square inches of surface
6 area, on the rear so mounted and maintained as to be visible from all distances from
7 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps
8 on a motor vehicle. A lamp emitting a red ~~or flashing amber~~ light visible from a
9 distance of 500 feet to the rear may be used ~~in addition to but not~~ in lieu of the red
10 reflector.

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

12 349.13 (6) Notwithstanding s. 346.54 (1) (e), the governing body of any
13 municipality may, by ordinance, consider mopeds as Type 1 motorcycles rather than
14 bicycles for the purpose of parking and may prohibit the parking of mopeds on
15 sidewalks or in bike racks or other similar areas designated for bicycle parking.

16 (END)