

CHAPTER 340

VEHICLES — GENERAL PROVISIONS

340.01 Words and phrases defined.

340.01 Words and phrases defined. In s. 23.33 and chs. 340 to 349 and 351, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(1m) "Adverse weather lamp" means a lamp specially designed to provide road illumination under conditions of rain, snow, dust or fog.

(1q) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol.

(1v) "Alcohol concentration" means any of the following:

(a) The number of grams of alcohol per 100 milliliters of a person's blood.

(b) The number of grams of alcohol per 210 liters of a person's breath.

(2) "Alley" means every highway within the corporate limits of a city, village or town primarily intended to provide access to the rear of property fronting upon another highway and not for the use of through traffic.

(2g) "All-terrain vehicle" means an engine-driven device which has a net weight of 650 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of 6 inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

(2m) "Articulated bus" means a bus constructed in 2 sections and supported by 3 or more axles with the sections of the vehicle hinged in the horizontal plane and so designed that passengers may move freely from either section to the other.

(2q) "Auction company" means any person who, for compensation, takes possession, whether on consignment or in the form of a bailment or any other arrangement, of a motor vehicle owned by a motor vehicle dealer and offers it for sale at an auction that is open only to motor vehicle dealers or wholesalers.

(3) "Authorized emergency vehicle" means any of the following:

(a) Police vehicles, whether publicly or privately owned;

(b) Conservation wardens' vehicles or foresters' trucks, whether publicly or privately owned;

(c) Vehicles of a fire department or fire patrol;

(d) Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while enroute to a fire or on an emergency call pursuant to orders of their chief or other commanding officer;

(dm) A privately owned motor vehicle which is:

1. Designated or authorized by an ambulance service or rescue squad chief in writing annually.

2. Used by an emergency medical technician licensed under s. 146.50 or an ambulance driver or first responder authorized by the chief of an ambulance service or rescue squad.

(e) Such emergency vehicles of municipal or county departments or public service corporations as are designated or authorized by the local authorities to be authorized emergency vehicles;

(f) Such emergency vehicles of state departments as are designated or authorized by the heads of such departments to be authorized emergency vehicles;

(g) Such ambulances, publicly owned, as are designated or authorized by local authorities to be authorized emergency vehicles.

(h) The county board of supervisors of any county may authorize the county coroners or medical examiners to use an emergency vehicle for the purpose of traveling en route to the scene of a fatal accident or a death and on such other occasions as are authorized pursuant to par. (e).

(i) Such ambulances which are privately owned and are operated by owners or their agents and which vehicles are authorized by the sheriff or others designated by the county board to be operated as emergency vehicles. The sheriff or others designated by the county board may make such authorization which shall be in writing and which shall be effective throughout the state until rescinded. The sheriff or others designated by the county board may designate any owner of ambulances usually kept in the county to operate such vehicles as authorized emergency vehicles. Such written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of such authorizations in the sheriff's office for public inspection, and all other persons permitted to issue authorizations shall file a copy of all authorizations issued with the sheriff who shall keep them on file.

(j) Vehicles operated by federal, state or local authorities for the purpose of bomb and explosive or incendiary ordnance disposal.

(4) "Automobile" means any of the following:

(a) Type 1 is a motor vehicle designed and used primarily for carrying persons but which does not come within the definition of a motor bus, motorcycle, moped or motor bicycle.

(b) Type 2 is a motor vehicle capable of speeds in excess of 30 miles per hour on a dry, level, hard surface with no wind, designed and built to have at least 3 wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

(4e) "Automobile haulaway" means a combination of 2 vehicles specially designed, constructed and used to transport operational motor vehicles.

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

(5e) "Bicycle lane" means that portion of a roadway set aside by the governing body of any city, town, village or county for the exclusive use of bicycles or other modes of travel where permitted under s. 349.23 (2) (a), and so designated by appropriate signs and markings.

(5m) "Bike route" means any bicycle lane, bicycle way or highway which has been duly designated by the governing body of any city, town, village or county and which is identified by appropriate signs and markings.

(5s) "Bicycle way" means any path or sidewalk or portion thereof designated for the use of bicycles by the governing body of any city, town, village or county.

(6) "Business district" means the territory contiguous to a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

(6m) "Camping trailer" means a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

(6r) "Car pool vehicle" means a motor truck having a gross weight of 6,000 pounds or less or an automobile or a motor bus when such vehicles are transporting 2 or more persons, or a motorcycle. "Car pool vehicle" does not include any vehicle which is towing a trailer.

(7) "Clearance lamps" means lamps on the left and right sides of the front and rear of a vehicle which show to the front and rear to mark the extreme sides of the vehicle.

(7m) "Commercial driver license" means a license issued to a person by this state or another jurisdiction which is in accordance with the requirements of the federal commercial motor vehicle safety act of 1986, 49 USC 2701 to 2716, and which authorizes the licensee to operate certain commercial motor vehicles.

(7r) "Commercial driver license information system" means the information system established pursuant to the federal commercial motor vehicle safety act of 1986, 49 USC 2701 to 2716, to serve as a clearinghouse for information related to the licensing and identification of commercial motor vehicle drivers.

(8) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:

(a) The vehicle is a single vehicle with a gross vehicle weight rating of 26,001 or more pounds or the vehicle's registered weight or actual gross weight is more than 26,000 pounds.

(b) The vehicle is a combination vehicle with a gross combination weight rating, registered weight or actual gross weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight or actual gross weight of more than 10,000 pounds.

(c) The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers. If the vehicle is equipped with bench type seats intended to seat more than one person, the passenger carrying capacity shall be determined under s. 340.01 (31) or, if the vehicle is a school bus, by dividing the total seating space measured in inches by 13.

(d) The vehicle is transporting hazardous materials.

(9) "Connecting highway" means a highway designated as such under s. 86.32.

(9m) "Controlled substance" has the meaning specified for the term in s. 161.01 (4).

(9r) "Conviction" or "convicted" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of property deposited to secure the person's appearance in court, a plea of guilty or no contest accepted by the court, the payment of a fine or court cost, or violation of a condition of release without the deposit of property, regardless of whether or not the penalty is rebated, suspended, or probated, in this state or any other jurisdiction. It is immaterial that an appeal has been taken. "Conviction" or "convicted" includes:

(a) A forfeiture of deposit under ss. 345.26 and 345.37, which forfeiture has not been vacated;

(b) An adjudication of having violated a law enacted by a federally recognized American Indian tribe or band in this state.

(c) An adjudication of having violated a local ordinance enacted under ch. 349;

(d) A finding by a court assigned to exercise jurisdiction under ch. 48 of a violation of chs. 341 to 349 and 351 or a local ordinance enacted under ch. 349.

(10) "Crosswalk" means either of the following, except where signs have been erected by local authorities indicating no crossing:

(a) *Marked crosswalk.* Any portion of a highway clearly indicated for pedestrian crossing by signs, lines or other markings on the surface; or

(b) *Unmarked crosswalk.* In the absence of signs, lines or markings, that part of a roadway, at an intersection, which is included within the transverse lines which would be formed on such roadway by connecting the corresponding lateral lines of the sidewalks on opposite sides of such roadway or, in the absence of a corresponding sidewalk on one side of the roadway, that part of such roadway which is included within the extension of the lateral lines of the existing sidewalk across such roadway at right angles to the center line thereof, except in no case does an unmarked crosswalk include any part of the intersection and in no case is there an unmarked crosswalk across a street at an intersection of such street with an alley.

(10m) "Curb weight" means the total weight of a vehicle, including a full load of fuel, oil and water, but without any passengers or cargo.

(11) "Dealer" means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in motor vehicles, mobile homes, trailers or semitrailers, or who is engaged wholly or in part in the business of selling motor vehicles, mobile homes, trailers or semitrailers, whether or not such vehicles are owned by that person, but not including:

(a) A receiver, trustee, administrator, executor, guardian or other person appointed by or acting under the judgment or order of any court; or

(b) A public officer while performing official duty; or

(c) An employe of a person enumerated in pars. (a) or (b); or

(d) A finance company licensed under s. 138.09 or 218.01 who sells or offers for sale motor vehicles repossessed or foreclosed by it under the terms of a security contract.

(12) "Department" means the department of transportation.

(13) "Direction signal lamp" means a lighting device used to indicate the intention of the operator of a vehicle to change direction.

(13m) "Disqualification" means the loss or withdrawal of a person's privilege to operate a commercial motor vehicle relating to certain offenses committed by the person while driving or operating or on duty time with respect to a commercial motor vehicle.

(14) "Distributor" means a person who in whole or in part sells or distributes motor vehicles, mobile homes, trailers or semitrailers to dealers, or who maintains distributor representatives.

(15) "Divided highway" means a highway with 2 or more roadways separated by spaces not intended for the use of vehicular traffic.

(15c) "Division of hearings and appeals" means the division of hearings and appeals in the department of administration.

(15f) "Double bottom" means a combination of 3 vehicles consisting of a truck tractor, a semitrailer and a trailer, or of a truck tractor and 2 semitrailers. For purposes of this paragraph, "truck tractor" includes road tractor.

(15m) "Drawbar" means a rigid structure forming a connection between 2 vehicles, securely attached to both vehicles by non-rigid means, and carrying no part of the load of either vehicle. The surface to which the drawbar is attached shall be of sufficient strength to prevent failure under all conditions of operation, including the coupling platform and its attaching members or weldments which is attached to the towing vehicle, and shall otherwise comply with s. 347.47.

(15mm) "Drug" has the meaning specified in s. 450.01 (10).

(15n) "Dual purpose farm truck" means a motor truck owned and operated by a farmer and used for the transportation of sup-

plies, farm equipment and products on the owner's farm or between the owner's farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to the owner's farm and also used in furtherance of any non-farm occupation, trade, profession or employment.

(15p) "Dual purpose motor home" means a vehicle which can be interchangeably equipped as a motor home or as a motor truck.

(15q) "On duty time" means, with respect to an operator of a commercial motor vehicle, the period from the time that the operator of the commercial motor vehicle begins to work or is required to be in readiness to work until the time that the operator of the commercial motor vehicle is relieved from work and all responsibility for performing work.

(15r) "Endorsement" means an authorization to an operator's license required to permit the operation of certain vehicles.

(15s) "Energy emergency" means a period of disruption of energy supplies which poses a serious risk to the economic well-being, health or welfare of the citizens of this state, as certified by executive order of the governor.

(15v) "Fair market value" means the value of a vehicle that takes into account the condition of the vehicle immediately before the damage occurred and which has been determined by reliable sources generally accepted within the automotive and insurance industries, limited to price guidebooks, dealer quotations, computerized valuation services and other methods which may be prescribed by the department.

(16) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(17) "Farm trailer" means a trailer or semitrailer with a gross weight greater than 3,000 pounds which is owned or leased and operated by a farmer and is used exclusively for the transportation of farm products from the owner's farm to market or for the transportation of supplies to the owner's farm. As used in this subsection "leased" means that the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the trailer or semitrailer for a period of one year or more.

(18) (a) "Farm truck" means either of the following:

1. A motor truck having a gross weight of less than 38,000 pounds that is owned or leased and operated by a farmer and used primarily for the transportation of supplies, farm equipment and products on the owner's farm or between his or her farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his or her farm.

2. A motor truck having a gross weight of 38,000 pounds or more that is owned or leased and operated by a farmer and used exclusively for the transportation of supplies, farm equipment and products on the owner's farm or between his or her farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his or her farm.

(b) In this subsection, the term "farmer" includes persons who are engaged in those activities specified in the definition of "operation of farm premises" contained in s. 102.04 (3), provided that such activities are directly or indirectly for the purpose of producing a commodity or commodities for market, or as an accessory to such production. In this subsection, "leased" means that the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the motor truck for a period of one year or more.

(18g) "Farm truck tractor" means a truck tractor that is owned or leased and operated by a farmer as defined in sub. (18), used exclusively for the transportation of supplies, farm equipment and products on the owner's farm or between his or her farms, the transportation of farm products from the owner's farm to market and the transportation of supplies to his or her farm and is exempt from payment of the heavy vehicle use tax imposed by section 4481 of the internal revenue code. In this subsection, "leased" means that the farmer has entered into a written agreement with

a person in the business of leasing vehicles to lease the truck tractor for a period of one year or more.

(18m) "Fifth-wheel mobile home" means a mobile home as defined in sub. (29) which is towed by a vehicle with a flatbed frame so the trailer hitch of the mobile home is bolted to the flatbed frame of the towing vehicle.

(18p) "Flood damaged vehicle" means any motor vehicle that is not precluded from subsequent registration or titling and which is damaged by flood to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 70% of its fair market value.

(18r) "Forward" means sent by mail or furnish by another mode of transmission approved by the department.

(19) "Fusee" means a paper or fiber tube filled with a flammable material which, when ignited, burns with a red flame for 5 to 30 minutes and which is designed to produce a warning light for temporarily marking a disabled vehicle until more permanent warning devices can be properly placed.

(19g) "Gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load carried.

(19r) "Gross vehicle weight rating" means the value specified by the vehicle manufacturer, including secondary or final stage manufacturer, as the loaded weight of a vehicle.

(20) "Gross weight" means the weight of the vehicle equipped for service plus the weight which the vehicle is carrying as a load.

(21) "Headlamp" means a major lighting device used to provide general illumination ahead of a vehicle.

(22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46).

(22e) "Highway maintenance or construction area" means the entire section of roadway between the first advance warning sign of highway maintenance or construction work and an "END ROAD WORK" or "END CONSTRUCTION" sign or, in the case of a moving vehicle engaged in the maintenance or construction work, that section of roadway where traffic may return to its normal flow without impeding such work.

(23) "Hours of darkness" means the period of time from one-half hour after sunset to one-half hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet.

(23d) "Household goods" means personal effects and property used or to be used in a dwelling when such effects and property are a part of the equipment or supply of the dwelling, but does not include property moving from a factory to a store except such property as a householder has purchased with intent to use in his or her dwelling and which is transported at the request of, and for which the transportation charges are paid to the carrier by, the householder.

(23e) "Household goods carrier" means any person engaged in the transportation of household goods for hire by motor vehicle upon the public highways.

(23g) "Human service vehicle":

(a) Means a motor vehicle which is not painted in accordance with s. 347.44 (1) and which is used for the purpose of transporting disabled persons as defined in s. 85.21 (2) (cm) or elderly persons

as defined in s. 85.22 (2) (b) in connection with any transportation assistance program for elderly or disabled persons.

(b) Does not include:

1. A motor vehicle performing transportation services under par. (a) provided by a volunteer. Under this subdivision, "volunteer" includes a person who may receive an allowance to defray vehicle operating costs but does not include a person who receives compensation for his or her time for operating the vehicle.

2. A motor vehicle operated in an urban mass transit system as defined in s. 85.20 (1) (e) and (L) or as a taxicab service or as a common carrier of passengers.

3. A school bus used for transportation under s. 120.13 (27) or 341.26 (7).

(23m) "Identification lamps" means lamps grouped in a horizontal row and mounted on the permanent structure of the vehicle at or near the vertical center line.

(23r) "Identification number" means the numbers, letters or combination of numbers and letters assigned by the manufacturer of a vehicle or vehicle part or by the department and stamped upon or affixed to a vehicle or vehicle part for the purpose of identification. "Identification number" does not include the letters, numbers or combinations thereof on registration plates issued under ch. 341.

(23v) "Ignition interlock device" means a device which measures the person's alcohol concentration and which is installed on a vehicle in such a manner that the vehicle will not start if the sample shows that the person has a prohibited alcohol concentration.

(23w) "Immobilization device" means a device or mechanism which immobilizes a motor vehicle, making the motor vehicle inoperable.

(24) "Implement of husbandry":

(a) Means a vehicle or piece of equipment or machinery designed for agricultural purposes, used exclusively in the conduct of agricultural operations and used principally off the highway, or a trailer-mounted bulk liquid fertilizer container.

(b) Does not include any motor truck, farm truck, road tractor, truck tractor, or farm truck tractor or such a vehicle combined with a semitrailer, trailer or farm trailer, when the vehicle or combination is a commercial motor vehicle operated on a highway.

(24m) "In-line skates" means skates with wheels arranged singly in a tandem line rather than in pairs.

(25) "Intersection" means the area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of 2 or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(25g) "Junked" means dismantled for parts or scrapped.

(25m) "Kingpin" means a pin or peg designed to be locked into the 5th wheel of a truck tractor to attach a semitrailer to the truck tractor.

(25r) "Junk vehicle" means any of the following:

(a) A vehicle which is incapable of operation or use upon a highway and which has no resale value except as a source of parts or scrap.

(b) A vehicle for which an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.

(26) "Local authorities" means every county board, city council, town or village board or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.

(27) "Local ordinance which is in conformity therewith" means a local traffic regulation enacted pursuant to s. 349.06.

(28) "Manufacturer" means a person who manufactures or assembles motor vehicles, mobile homes, trailers or semitrailers, or who manufactures or installs on previously assembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration.

(28e) "Manufacturers buyback vehicle" means a motor vehicle repurchased by its manufacturer, or by an authorized distributor or dealer with compensation from the manufacturer, because of a nonconformity that was not corrected after a reasonable attempt to repair the nonconformity under s. 218.015 or under a similar law of another state.

(28m) "Mass transit vehicle" means any vehicle used for providing transportation service, either publicly or privately owned, which provides a general transportation service to any member of the public on a regular, continuing and completely equal basis.

(28q) "Mass transit way" means that portion of the highway designated for the primary use of mass transit vehicles or car pool vehicles or both and the incidental use of other permitted vehicles.

(29) "Mobile home" means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction. A mobile home exceeding statutory size under s. 348.07 (2) shall be considered a primary housing unit. A mobile home not exceeding the statutory size under s. 348.07 (2) shall be considered a touring or recreational unit.

(29m) "Moped" means any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator:

(a) A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.

(b) 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.

(30) "Motor bicycle" means a bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator.

(31) "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 16 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

(32) "Motorcycle" means a motor vehicle, excluding a tractor or an all-terrain vehicle, which 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):

(a) Type 1 is a motor vehicle which meets either of the following conditions:

1. Is designed and built with 2 wheels in tandem and a seat for the operator, and may be modified to have no more than 3 wheels by attaching a sidecar to one side of the wheels in tandem without changing the location of the power source.

2. Is designed and built to have no more than 3 wheels, seating for the operator and no more than 3 passengers, and does not have the operator area enclosed.

(b) Type 2 is a motor vehicle designed and built to have at least 3 wheels in contact with the ground, a curb weight of less than 1,500 pounds, and a passenger and operator area with sides per-

manently enclosed with rigid construction and a top which may be convertible.

(33m) "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

(34) "Motor truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

(35) "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile and an all-terrain vehicle shall only be considered motor vehicles for purposes made specifically applicable by statute.

(35e) "Motor vehicle dealer" has the meaning given in s. 218.01 (1) (n).

(35j) "Motor vehicle salvage pool" has the meaning given in s. 218.50 (5).

(36) "Multiple beam headlamp" means a headlamp designed to permit the operator of the vehicle to use any one of 2 or more distributions of light on the roadway.

(36m) "Municipality" means a city, village or town.

(37) "Nonresident" means a person who is not a resident of this state.

(37m) "Odometer" means an instrument for measuring and recording the actual distance that a motor vehicle has traveled while in operation, but does not include any auxiliary instrument designed to be reset to zero to measure and record the actual distance that a motor vehicle has traveled on trips.

(38) "Official traffic control device" means all signs, signals, markings and devices, not inconsistent with chs. 341 to 349, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic; and includes the terms "official traffic sign" and "official traffic signal".

(40) "Operating privilege" means, in the case of a person who is licensed under ch. 343, the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted or occupational license granted to such person; in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under ch. 343; in the case of a nonresident, it means the operating privilege granted by s. 343.05 (2) (a) 2. or (4) (b) 1.

(41) "Operator" means a person who drives or is in actual physical control of a vehicle.

(41g) "Operator's license" means the authorization granted to a person by this state, another jurisdiction or certain countries to operate a motor vehicle, including a driver's license, temporary or restricted license or an instruction permit.

(41m) "Other jurisdiction" or "another jurisdiction" means any state other than Wisconsin and includes the District of Columbia, the commonwealth of Puerto Rico and any territory or possession of the United States, any federal military installation located within the territorial boundaries of Wisconsin and any province of the Dominion of Canada.

(41r) "Out-of-service order" means a temporary prohibition against operating a commercial motor vehicle.

(42) "Owner" means a person who holds the legal title of a vehicle, except that if legal title is held by a secured party with the immediate right of possession of the vehicle vested in the debtor, the debtor is the owner for the purposes of chs. 340 to 349.

(42m) "Park or parking" means the halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(43) "Pedestrian" means any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

(43g) "Person with a disability that limits or impairs the ability to walk" means any person with a disability as defined by the federal Americans with disabilities act of 1990, 42 USC 12101 et seq., so far as applicable, or any person who meets any of the following conditions:

(a) Cannot walk 200 feet or more without stopping to rest.

(b) Cannot walk without the use of, or assistance from, another person or a brace, cane, crutch, prosthetic device, wheelchair or other assistive device.

(c) Is restricted by lung disease to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.

(d) Uses portable oxygen.

(e) Has a cardiac condition to the extent that functional limitations are classified in severity as class III or IV, according to standards accepted by the American heart association on May 3, 1988.

(f) Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition.

(g) Has a degree of disability equal to that specified in pars. (a) to (f).

(43m) "Play vehicle":

(a) Means a coaster, skate board, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

(b) Does not include in-line skates.

(44) "Pot torch" means a wick-type liquid-burning device designed to produce a steady burning flame as a warning signal.

(46) "Private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors.

(46m) "Prohibited alcohol concentration" means one of the following:

(a) If the person has one or no prior convictions, suspensions or revocations, as counted under s. 343.307 (1), a blood alcohol concentration of 0.1% or more by weight of alcohol in the person's blood or 0.1 grams or more of alcohol in 210 liters of the person's breath.

(b) If the person has 2 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), a blood alcohol concentration of 0.08% or more by weight of alcohol in the person's blood or 0.08 grams or more of alcohol in 210 liters of the person's breath.

(47) "Railroad crossing" means the intersection of any highway or private road or driveway at grade with tracks upon which railroad trains operate.

(48) "Railroad train" means every device with or without engine or motor and whether or not coupled to other similar devices, operated upon rails for the transporting of persons or property.

(48m) "Record of conviction" means a report of conviction furnished to the department by a federally recognized American Indian tribe or band in this state or by another jurisdiction or as required by chs. 340 to 349 and 351.

(49) "Reflector" means a device designed to warn an approaching driver by reflected light from the headlamps on the approaching vehicle.

(50) "Residence district" means the territory contiguous to a highway not comprising a business district where the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(51) "Right-of-way" means the privilege of the immediate use of the roadway.

(52) "Road machinery" means a piece of mobile machinery or equipment not covered by s. 341.26 (1) (d), such as ditch digging apparatus, power shovels, drag lines and earth-moving equipment, or a piece of road construction or maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, gravel crushers, screening plants, scrapers, tractors, earth movers, front- or rear-end loaders, conveyors, road pavers, or construction shacks. The foregoing enumeration is intended to be illustrative and does not exclude other similar vehicles which are within the general terms of this subsection, whether used for road construction and maintenance or not, which are not designed or used primarily for transportation of persons or property and only incidentally operated or moved upon a highway.

(53) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn.

(54) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(55) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians, including those about to board or alighting from public conveyances, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(55g) "Salvage vehicle" means a vehicle less than 7 years old that is not precluded from subsequent registration and titling and which is damaged by collision or other occurrence to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 70% of its fair market value.

(55r) "Salvage vehicle purchaser" means a person, including an insurer or motor vehicle dealer, who purchases or otherwise obtains possession of a salvage vehicle.

(56) "School bus":

(a) Means a motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with s. 347.44 (1) for the purpose of transporting:

1. Pupils to or from a public school as defined in s. 115.01 (1) or a private school as defined in s. 115.001 (3r) or pupils to or from a technical college when required under s. 118.15 (1).

2. Pupils to or from curricular or extracurricular activities.

3. Pupils to or from religious instruction on days when school is in session.

4. Children as defined under s. 115.76 (2) with exceptional educational needs of a type specified under s. 115.76 (3) (a) to (L) to or from an educational program approved by the department of public instruction.

(am) Means a motor vehicle which is painted in accordance with s. 347.44 (1) and is used for the purpose of transporting disabled persons as defined in s. 85.21 (2) (cm) or elderly persons as defined in s. 85.22 (2) (b) in connection with any transportation assistance program for elderly or disabled persons.

(b) Does not include:

1. A motor vehicle owned or operated by a parent or guardian transporting only his or her own children, regardless of whether a school has made a contract with or paid compensation to such parent or guardian for such transportation.

2. A motor vehicle operated as an alternative method of transportation under s. 121.555.

3. A motor bus operated for purposes specified in par. (a) 2.

4. A motor vehicle operated in an urban mass transit system as defined in s. 85.20 (1) (e) and (L).

(56f) "Secretary" means the secretary of transportation.

(56m) "Secured party" means a secured party as defined in s. 409.105 (1) (L).

(56n) "Security agreement" means a security agreement as defined in s. 409.105 (1) (m).

(56o) "Security interest" means a security interest as defined in s. 401.201 (37).

(57) "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home. A vehicle used with a ready-mix motor truck to spread the load is considered a semitrailer.

(57m) "Service road" means every highway that runs generally parallel to but is separated from the main roadway by a physical barrier and primarily intended to provide access to the abutting property and not for use of through traffic.

(58) "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

(58a) "Snowmobile" means an engine-driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow but does not include such a vehicle that is any of the following:

(a) A vehicle that has inflatable tires.

(b) A vehicle that is driven by a motor of 4 horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.

(59) "Spotlamp" means an auxiliary driving lamp used primarily to supplement the headlamps in providing general illumination ahead of the vehicle, usually mounted and designed so it can be controlled by the operator of the vehicle for the purpose of reading signs and illuminating objects to the side of or beyond the scope of the regular headlamp beams.

(59m) "Stand or standing" means the temporary halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

(60) "State trunk highway" means any highway designated pursuant to s. 84.02 or 84.29 as part of the state trunk highway system, exclusive of connecting highways.

(61) "Station wagon" means a dual purpose vehicle designed for the transportation of persons and also designed in such a manner that the seats may be removed or folded out of the way for the purpose of increasing the property carrying space within the vehicle. The term includes, but is not limited to, types of vehicles which carry the trade names of station wagon, estate wagon, town and country wagon and country sedan. The vehicle shall be classed as an automobile for purpose of registration.

(62) "Stop" when required means complete cessation from movement.

(63) "Stop lamp" means a device giving a steady warning light to the rear of a vehicle to indicate the intention of the operator of the vehicle to diminish speed or stop.

(64) "Street" means every highway within the corporate limits of a city or village except alleys.

(66) "Tail lamp" means a device to designate the rear of a vehicle by a warning light.

(67) "Through highway" means every highway or portion thereof which has been declared by the state or local authorities pursuant to s. 349.07 to be a through highway and at the entrances to which vehicular traffic from intersecting highways is required by traffic control signals or stop signs to stop.

(67m) "Tour trains" means 3 or less trailer type vehicles designed for carrying passengers on educational or recreational

excursions, not exceeding a maximum overall length of 50 feet, including the propelling motor vehicle, for being drawn individually or in tandem by a motor vehicle.

(67n) "Tow truck" means a motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery or transport or both of wrecked, disabled, abandoned, used or replacement vehicles.

(67r) "Tractor-semitrailer combination" means a combination of 2 vehicles consisting of either a truck tractor and a semitrailer or a road tractor and a semitrailer.

(68) "Traffic" means pedestrians, ridden or herded or driven animals, vehicles and other conveyances, either singly or together, while using any highway for the purpose of travel.

(69) "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(70) "Traffic officer" means every officer authorized by law to direct or regulate traffic or to make arrests for violation of traffic regulations.

(71) "Trailer" means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

(71n) "Transferee" means any person, including the state and its political subdivisions, to whom ownership of a motor vehicle is transferred by purchase, gift or any means other than by creation of a security interest or who, as agent, signs a mileage disclosure statement required under s. 342.155 for such person.

(71p) "Transferor" means any person, including the state and its political subdivisions, a dealer, an auction company acting as an agent, a motor vehicle salvage pool, an insurance company or a leasing or rental company with respect to motor vehicle sales, who transfers his or her ownership in a motor vehicle by sale, gift or any means other than by creation of a security interest or who, as agent, signs a mileage disclosure statement required under s. 342.155 for such person.

(72) "Transporter" means any of the following:

(a) A person engaged in this state in the business of transporting and delivering motor vehicles, trailers, semitrailers or mobile homes in tow on their own wheels or under their own power from the manufacturer to the distributor, dealer or branch of the manufacturer, or from the distributor or dealer to another distributor or dealer, the manufacturer or branch of the manufacturer or from the branch of the manufacturer to the distributor, dealer or manufacturer.

(b) A person who manufactures or installs on previously assembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration, or who is engaged in modifying or converting previously assembled or manufactured complete motor vehicles, but who is not the owner of the vehicles on which manufacturing operations were performed by that person, if incidental to manufacturing operations the person transports motor vehicles in tow on their own wheels or under their own power between the person's place of business and manufacturers, dealers and distributors, or delivers them to purchasers.

(72m) "Transporting hazardous materials" means any of the following:

(a) Transporting any quantity of a material classified as a class A or B explosive, poison gas or "poison A", radioactive material

or flammable solid dangerous when wet or "flammable W" in the hazardous materials table, 49 CFR 172.101.

(b) Transporting an aggregate total of 1,000 pounds or more of one or more materials classified as a class C explosive, blasting agent, nonflammable gas, flammable gas, combustible liquid, flammable liquid, flammable solid, oxidizer, organic peroxide, poison or "poison B", corrosive material, or irritating material in the hazardous materials table, 49 CFR 172.101.

(73) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(74) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by statute.

(74m) "Vehicle group" means a class or type of vehicle with certain operating characteristics.

(74t) "Wholesaler" has the meaning given in s. 218.01 (1) (e).

(75) "Yield the right-of-way to a pedestrian" means the operator of a vehicle is required to reduce speed, or stop if necessary, to avoid endangering, colliding with or interfering in any way with pedestrian travel.

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.

Legislative Council Note, 1977: The definitions of "park and parking" in sub (42m) and "stand or standing" in (59m) are derived from ss. 1-141 and 1-168, respectively, of the Uniform Vehicle Code (1968 revised edition; suppl. I, 1972). The principal difference between "parking" and "standing", as defined, is that "standing" infers a temporary cessation of movement other than for purposes of and while actually engaged in receiving or discharging passengers while "parking" infers a protracted cessation of movement for purposes other than temporarily halting to load or unload property or passengers. See the note to s. 349.13 (1) for further explanation. [Bill 465-A]

Dry and liquid fertilizer applicators discussed as to whether they are implements of husbandry under sub (24). *Wisconsin Fertilizer Assn. v. Karns*, 52 W (2d) 309, 190 NW (2d) 513.

Petroleum bulk storage tanks are "buildings in use for business" within meaning of (6). *Billingsley v. Zickert*, 72 W (2d) 156, 240 NW (2d) 375.

Where frontage roads were immediately adjacent and parallel to paved highway, single intersection bound by outside boundaries of two outer separate roadways existed for sign placement purposes under (22), (25) and (54). *Weiss v. Milwaukee*, 79 W (2d) 213, 255 NW (2d) 496.

Roads on the U. W. campus are not highways under (22); they are "private roads or driveways" under (46). Thus, motor vehicle code does not apply to them. *Henkel v. Phillips*, 82 W (2d) 27, 260 NW (2d) 653.

"Highway" defined. See note to 343.05, citing *In Interest of E. J. H.* 112 W (2d) 439, 334 NW (2d) 77 (1983).

"State trunk highway" under (60) discussed. *Seefeldt v. Dept. of Transp.* 113 W (2d) 212, 336 NW (2d) 182 (Ct. App. 1983).

Because truck tractor under (73) is not motor truck under (34), it cannot be farm truck under (18). *Britton v. Transportation Department*, 123 W (2d) 226, 365 NW (2d) 919 (Ct. App. 1985).

A piece of machinery specifically listed under sub (52) constitutes road machinery regardless of use. *Schanke v. Wisconsin County Mut. Ins. Co.* 177 W (2d) 746, 502 NW (2d) 866 (Ct. App. 1993).

The vehicles of private detectives and police licensed under 440.26 are not authorized emergency vehicles as defined in (3). 61 Atty. Gen. 421.

Public parking lots are not "highways" under (22). 65 Atty. Gen. 45.

Private ambulance that is authorized emergency vehicle usually kept in given county pursuant to (3) (i) may not avail itself of special provisions of 346.03 (2) so as to proceed unsolicited to scene of accident or medical emergency in adjacent county. 77 Atty. Gen. 214.