



## 1995 ASSEMBLY BILL 96

February 6, 1995 - Introduced by Representatives SILBAUGH, ROBSON, OTT, HASENOHRL, AINSWORTH, HAHN, LORGE, BALDUS, BOYLE, GROTHMAN and HANDRICK, cosponsored by Senators WEEDEN and BURKE. Referred to Committee on Highways and Transportation.

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

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### *Analysis by the Legislative Reference Bureau*

This bill makes several changes to current law relating to the operation of bicycles, motor bicycles and mopeds. The bill:

1. Provides that bicyclists have all of the rights and duties under state law of other vehicle operators. The bill specifically permits bicycling on the highway shoulder, unless prohibited by the applicable state or local highway authority.

2. Specifies that cities, towns and villages may only enact ordinances regulating the operation of bicycles and motor bicycles that are in conformity with state law. The bill also exempts bicycle registration except by counties and municipalities.

3. Specifically governs the riding of bicycles on roadways, including the riding of bicycles 2 abreast. The bill permits the riding of more than 2 abreast upon paths, trails, lanes or other ways designated and used exclusively by bicyclists.

4. Provides that a hand and arm turn signal need not be given continuously by a bicyclist for the last 50 feet traveled before turning if the hand is needed for bicycle control or operation.

5. Specifically prohibits the riding of bicycles or motor bicycles on sidewalks during hours of darkness unless a white light is visible from a distance of not less than 500 feet from the front of the bicycle or motor bicycle. A bicyclist violating this prohibition may be required to forfeit not less than \$10 nor more than \$200.

6. Permits the use of a flashing amber light on a bicycle or motor bicycle visible from a distance of 500 feet to the rear.

7. Permits a moped or bicycle to be parked on a sidewalk if such parking does not interfere with pedestrians and is not prohibited by a sign, signal, marking or device. Current law permits mopeds to be parked on sidewalks without any specified limitations.

The bill also provides that a motor vehicle operator may merge into a bicycle lane before making a turn.

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

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

5           341.05 (23) Is a motor bicycle or bicycle, except as provided in s. 349.18.

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

7           346.02 (4) (a) Subject to the special provisions applicable to bicycles, every  
8 person riding a bicycle upon a roadway or shoulder of a highway is granted all the  
9 rights and is subject to all the duties which this chapter grants or applies to the  
10 operator of a vehicle, except those provisions which by their express terms apply only  
11 to motor vehicles or which by their very nature would have no application to bicycles.  
12 For purposes of this chapter, provisions which apply to bicycles also apply to motor  
13 bicycles, except as otherwise expressly provided.

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

15           346.05 (1m) Notwithstanding sub. (1), any person operating a bicycle may ride  
16 on the shoulder of a highway unless such riding is prohibited by the authority in  
17 charge of the maintenance of the highway.

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

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

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

10           346.54 (1) (e) For the purpose of parking, mopeds as defined in s. 340.01 (29m)  
11 shall be considered bicycles. Where possible without impeding the flow of pedestrian  
12 traffic, a bicycle or moped may be parked on a sidewalk unless prohibited, limited or  
13 restricted by an official traffic control device. A bicycle or moped may be parked in  
14 a bike rack or other similar area designated for bicycle parking.

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

16           346.80 (1) In this section, “substandard width lane” means a lane that is too  
17 narrow for a bicycle and a motor vehicle to travel safely side by side within the lane.

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

23           1. When overtaking and passing another vehicle proceeding in the same  
24 direction.

1           2. When preparing for a left turn at an intersection or into a private road or  
2 driveway.

3           3. When reasonably necessary to avoid unsafe conditions, including fixed or  
4 moving objects, parked or moving vehicles, pedestrians, animals, surface hazards or  
5 substandard width lanes that make it unsafe to ride along the right-hand edge or  
6 curb.

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

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

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

15          346.80 (3) (a) Persons riding bicycles upon a roadway may ride 2 abreast if such  
16 operation does not impede the normal and reasonable movement of traffic. Bicycle  
17 operators riding 2 abreast on a 2-lane or more roadway shall ride within a single  
18 lane.

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

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

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

24          346.94 (12) DRIVING ON BICYCLE LANE OR BICYCLE WAY. No operator of a motor  
25 vehicle may drive upon a bicycle lane or bicycle way except to enter a driveway, to

1 merge into a bicycle lane before turning at an intersection, or to enter or leave a  
2 parking space located adjacent to the bicycle lane or bicycle way. Persons operating  
3 a motor vehicle upon a bicycle lane or bicycle way shall yield the right-of-way to all  
4 bicycles within the bicycle lane or bicycle way.

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

6 347.489 (1) No person may operate a bicycle or motor bicycle upon a highway,  
7 sidewalk, bicycle lane or bicycle way during hours of darkness unless the bicycle or  
8 motor bicycle is equipped with or the operator is wearing a lamp emitting a white  
9 light visible from a distance of at least 500 feet to the front of the bicycle or motor  
10 bicycle. A bicycle or motor bicycle shall also be equipped with a red reflector that has  
11 a diameter of at least 2 inches of surface area on the rear so mounted and maintained  
12 as to be visible from all distances from 50 to 500 feet to the rear when directly in front  
13 of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red or  
14 flashing amber light visible from a distance of 500 feet to the rear may be used in  
15 addition to but not in lieu of the red reflector.

16 **SECTION 12.** 349.18 (2) (a) of the statutes is renumbered 349.18 (2) and  
17 amended to read:

18 349.18 (2) ~~Except as provided in par. (b), any~~ Any city, town or village may by  
19 ordinance enacted pursuant to s. 349.06 regulate the operation of bicycles and motor  
20 bicycles and may by ordinance require registration of any bicycle or motor bicycle  
21 owned by a resident of the city, town or village, including the payment of a  
22 registration fee.

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

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(END)