



## 2009 ASSEMBLY BILL 975

April 22, 2010 – Introduced by Representatives BERCEAU and ZIGMUNT, cosponsored by Senator RISSER. Referred to Committee on Transportation.

1     **AN ACT** *to amend* 346.595 (5), 347.09 (1) (b) and 347.485 (title), (2) (a) (intro.),  
2           (c) and (d) and (3); and *to create* 346.595 (7) and (8) and 349.13 (6) of the  
3           statutes; **relating to:** operating and parking mopeds.

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### *Analysis by the Legislative Reference Bureau*

This bill makes various changes relating to the operation of mopeds. Some of these changes impose standards for moped operation similar to those for motorcycle operation under current law. The bill makes the following changes:

1. 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 to restrict moped parking on sidewalks and in bicycle parking areas.

2. Current law generally prohibits persons from operating a motorcycle without wearing eye protection. Current law also prohibits a person from renting or loaning a motorcycle to another person unless the other person has eye protection. This bill imposes the same requirements on moped operators and persons who rent or loan mopeds.

3. Current law requires headlamps on motorcycles to be lighted whenever the motorcycle is being operated, whether the motorcycle is being operated in the daylight or at night. Current law requires headlamps on mopeds to be lighted only during hours of darkness. This bill requires mopeds, like motorcycles, to have headlamps lighted at all times during operation.

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4. This bill prohibits a person from operating a moped while wearing headphones or while using a cellular telephone.

5. This bill prohibits a person from carrying any load or object on a moped that impedes the person's ability to operate the moped safely or that extends beyond the pedals or foot rests of the moped.

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

1           **SECTION 1.** 346.595 (5) of the statutes is amended to read:

2           346.595 (5) The headlamps on motorcycles and mopeds shall be lighted  
3 whenever the motorcycle or moped is in operation. Motorcycles and mopeds may be  
4 operated to the nearest repair facility for headlamp repair in the event of mechanical  
5 or electrical headlamp failure except during hours of darkness. ~~Mopeds shall observe~~  
6 ~~the requirements for lighted headlamps and tail lamps under s. 347.06.~~

7           **SECTION 2.** 346.595 (7) and (8) of the statutes are created to read:

8           346.595 (7) No person may carry on a moped any load or object, whether  
9 attached to the moped or carried by the moped operator, that impedes the person's  
10 ability to operate the moped safely or that extends to any side of the moped beyond  
11 the outermost edge of any pedals or foot rests or pegs of the moped.

12           (8) No person may operate a moped while wearing any headphones or other ear  
13 piece designed for listening to music or receiving communications or while using a  
14 cellular telephone.

15           **SECTION 3.** 347.09 (1) (b) of the statutes is amended to read:

16           347.09 (1) (b) Every moped or Type 1 motorcycle shall be equipped with at least  
17 one and not more than 2 headlamps, which headlamps shall comply with the  
18 requirements and limitations set forth in sub. (2) and s. ~~ss.~~ 347.10 and 347.11.

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1           **SECTION 4.** 347.485 (title), (2) (a) (intro.), (c) and (d) and (3) of the statutes are  
2 amended to read:

3           **347.485** (title) **Protective headgear and eyegear for use on Type 1**  
4 **motorcycles and mopeds.**

5           **(2)** (a) (intro.) No person may operate a motorcycle or moped on any highway  
6 without wearing any of the following eye protection:

7           (c) Notwithstanding par. (a), if the motorcycle or moped is a Type 2 motorcycle  
8 equipped with a windshield or a Type 1 motorcycle or a moped equipped with a  
9 windshield that rises a minimum of 15 inches above the handlebar, the use of other  
10 eye protective devices is not mandatory.

11           (d) This subsection shall not apply to persons operating a motorcycle or moped  
12 in a parade sanctioned by the local municipality.

13           **(3)** No person may rent, lease, or loan a Type 1 motorcycle to another unless  
14 he or she has ascertained that such party has the required eye protection and, if the  
15 party holds an instructional permit under s. 343.07 (4) or is under 18 years of age,  
16 that the party has the required protective headgear for operating the Type 1  
17 motorcycle. No person may rent, lease, or loan a moped to another unless he or she  
18 has ascertained that such party has the required eye protection.

19           **SECTION 5.** 349.13 (6) of the statutes is created to read:

20           349.13 **(6)** Notwithstanding s. 346.54 (1) (e), the governing body of any  
21 municipality may, by ordinance, consider mopeds as Type 1 motorcycles rather than  
22 bicycles for the purpose of parking and may restrict the parking of mopeds on  
23 sidewalks or in bike racks or other similar areas designated for bicycle parking. If  
24 a municipality adopts an ordinance under this subsection, the ordinance shall

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1 include provisions applicable to mopeds similar to those applicable to Type 1  
2 motorcycles under s. 346.54 (1) (cm).

3 (END)