



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1759/1
EVM:amn

2017 ASSEMBLY BILL 886

January 30, 2018 - Introduced by Representatives ROHRKASTE, GENRICH, CONSIDINE, KULP, SINICKI, SPREITZER, STEFFEN, SUBECK, TITTL and TUSLER, cosponsored by Senators ROTH and MOULTON. Referred to Committee on Transportation.

1 **AN ACT to repeal** 340.01 (30) (b); **to consolidate, renumber and amend** 340.01
2 (30) (intro.) and (a); **to amend** 70.111 (1), 194.01 (7), 340.01 (29m) (bm), 340.01
3 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title) and 346.02 (4) (a); and **to**
4 **create** 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) and 349.18 (4) of
5 the statutes; **relating to:** electric bicycles and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the operation of electric bicycles.

Under current law, a motor bicycle is “a bicycle to which a power unit [that is] 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” or “a 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that is capable, when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no wind.” In general, a motor bicycle is subject to the same rules as other bicycles and an operator of a motor bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles. An operator of a motor bicycle, however, must possess a valid operator’s license.

This bill eliminates the second type of motor bicycle and establishes a similar definition for electric bicycle. Unlike an operator of a motor bicycle, however, an operator of an electric bicycle is not required to hold an operator’s license.

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Under this bill, an electric bicycle is, in general, “a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of less than 750 watts.” Electric bicycles are divided into three classes, as follows:

1. Class 1 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 20 miles per hour.

2. Class 2 electric bicycles may be powered solely by the motor and are not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

3. Class 3 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 28 miles per hour.

In general, an electric bicycle is subject to the same rules as other bicycles and an operator of an electric bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles, with the following exceptions:

1. A person may not operate a class 3 electric bicycle on a bicycle way or bicycle path unless such operation is permitted by the governmental body having jurisdiction of the bicycle way or bicycle path.

2. Persons under the age of 16 years may not operate a class 3 electric bicycle.

3. A manufacturer or distributor of an electric bicycle must affix a label containing the classification number of the electric bicycle, the speed at which the motor will cease to provide assistance or power, and the wattage of the motor equipped to the electric bicycle.

4. For a class 2 electric bicycle, the motor must cease to provide assistance or power when the brakes are applied. For a class 1 or 3 electric bicycle, the motor must cease to provide assistance or power when the rider stops pedaling.

5. A person may not operate a class 3 electric bicycle unless the electric bicycle is equipped with a speedometer.

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.** 70.111 (1) of the statutes is amended to read:

2 70.111 (1) JEWELRY, HOUSEHOLD FURNISHINGS, AND APPAREL. Personal ornaments
3 and jewelry, family portraits, private libraries, musical instruments other than
4 pianos, radio equipment, household furniture, equipment and furnishings, apparel,
5 motor bicycles, electric bicycles, bicycles, and firearms if such items are kept for
6 personal use by the owner and pianos if they are located in a residence.

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1 **SECTION 2.** 194.01 (7) of the statutes, as affected by 2017 Wisconsin Act 13, is
2 amended to read:

3 194.01 (7) “Motor vehicle” means any automobile, truck, trailer, semitrailer,
4 tractor, motor bus, or any self-propelled or motor driven vehicle, except a motorcycle,
5 moped, motor bicycle, electric bicycle, electric personal assistive mobility device,
6 personal delivery device, or vehicle operated on rails.

7 **SECTION 3.** 340.01 (15ph) of the statutes is created to read:

8 340.01 (15ph) (a) “Electric bicycle” means a bicycle that is equipped with fully
9 operative pedals for propulsion by human power and an electric motor of less than
10 750 watts and that meets the requirements of any of the following classifications:

11 1. Class 1 electric bicycle is an electric bicycle equipped with a motor that
12 provides assistance only when the rider is pedaling and that ceases to provide
13 assistance when the bicycle reaches the speed of 20 miles per hour.

14 2. Class 2 electric bicycle is an electric bicycle that may be powered solely by
15 the motor and is not capable of providing assistance when the bicycle reaches the
16 speed of 20 miles per hour.

17 3. Class 3 electric bicycle is an electric bicycle equipped with a motor that
18 provides assistance only when the rider is pedaling and that ceases to provide
19 assistance when the bicycle reaches the speed of 28 miles per hour.

20 (b) The electric motor on an electric bicycle need not be an integral part of the
21 electric bicycle.

22 **SECTION 4.** 340.01 (29m) (bm) of the statutes is amended to read:

23 340.01 (29m) (bm) “Moped” does not include a motor bicycle or electric bicycle.

24 **SECTION 5.** 340.01 (30) (intro.) and (a) of the statutes are consolidated,
25 renumbered 340.01 (30) and amended to read:

ASSEMBLY BILL 886**SECTION 5**

1 340.01 (30) “Motor bicycle” means ~~any of the following: (a) A~~ a bicycle to which
2 a power unit not an integral part of the vehicle has been added to permit the vehicle
3 to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a
4 dry, level, hard surface with no wind and having a seat for the operator. “Motor
5 bicycle” does not include an electric bicycle.

6 **SECTION 6.** 340.01 (30) (b) of the statutes is repealed.

7 **SECTION 7.** 340.01 (35) of the statutes is amended to read:

8 340.01 (35) “Motor vehicle” means a vehicle, including a combination of 2 or
9 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
10 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
11 commercial motor vehicle or a vehicle which is propelled by electric power obtained
12 from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain
13 vehicle, a utility terrain vehicle, and an electric personal assistive mobility device
14 shall be considered motor vehicles only for purposes made specifically applicable by
15 statute. “Motor vehicle” does not include an electric bicycle.

16 **SECTION 8.** 340.01 (74p) (c) of the statutes is amended to read:

17 340.01 (74p) (c) An operator of a moped, electric bicycle, or motor bicycle.

18 **SECTION 9.** 341.05 (23) of the statutes is amended to read:

19 341.05 (23) The vehicle is a motor bicycle, electric bicycle, or bicycle, except as
20 provided in s. 349.18.

21 **SECTION 10.** 346.02 (4) (title) of the statutes is amended to read:

22 346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES,
23 AND MOTOR BICYCLES.

24 **SECTION 11.** 346.02 (4) (a) of the statutes is amended to read:

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1 346.02 (4) (a) Subject to the special provisions applicable to bicycles, every
2 person riding a bicycle upon a roadway or shoulder of a highway is granted all the
3 rights and is subject to all the duties ~~which~~ that this chapter grants or applies to the
4 operator of a vehicle, except those provisions ~~which~~ that by their express terms apply
5 only to motor vehicles or ~~which~~ that by their very nature would have no application
6 to bicycles. For purposes of this chapter, provisions ~~which~~ that apply to bicycles also
7 apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

8 **SECTION 12.** 346.806 of the statutes is created to read:

9 **346.806 Special rules applicable to electric bicycles.** (1) Except as
10 otherwise expressly provided, an electric bicycle and an operator of an electric bicycle
11 shall be afforded all the same rights and privileges, and be subject to the same duties,
12 provided in chs. 340 to 351 as a bicycle or an operator of a bicycle. An electric bicycle
13 shall be considered a vehicle to the same extent as a bicycle.

14 (2) A person operating an electric bicycle is not subject to the provisions under
15 ch. 341, 342, 343, or 344 relating to financial responsibility, operator's licenses,
16 registration, or certificates of title.

17 (3) (a) No person may ride a class 3 electric bicycle upon a bicycle way or bicycle
18 path, except upon a bicycle way or bicycle path that is upon or adjacent to a highway
19 or, for a bicycle way or bicycle path under the jurisdiction of the department, unless
20 permitted by a rule promulgated by the department, or, for a bicycle way or bicycle
21 path under the jurisdiction of a municipality or county, unless permitted by an
22 ordinance enacted under s. 349.18 (4).

23 (b) A person may ride, with the power unit in operation, a class 1 or class 2
24 electric bicycle upon a bicycle way or bicycle path, for a bicycle way or bicycle path
25 under the jurisdiction of the department, subject to any restrictions specified in a

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1 rule promulgated by the department, or, for a bicycle way or bicycle path under the
2 jurisdiction of a municipality or county, subject to any restrictions specified in an
3 ordinance enacted under s. 349.18 (4).

4 (c) Notwithstanding pars. (a) and (b), no person may ride an electric bicycle,
5 with the power unit in operation, on lands under the jurisdiction of the department
6 of natural resources unless permitted by a rule promulgated under s. 349.18 (4).

7 (4) No person under the age of 16 years may operate a class 3 electric bicycle.
8 A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle
9 that is designed to accommodate passengers.

10 **SECTION 13.** 347.02 (1) (em) of the statutes is created to read:

11 347.02 (1) (em) Electric bicycles.

12 **SECTION 14.** 347.489 (3m) of the statutes is created to read:

13 347.489 (3m) (a) 1. After January 1, 2018, a manufacturer or distributor of
14 electric bicycles shall permanently affix to the electric bicycle a label containing all
15 of the following information in Arial font of a minimum size of 9 point:

16 a. The classification number of the electric bicycle.

17 b. The speed at which the motor will cease to provide assistance or power.

18 c. The wattage of the motor equipped to the electric bicycle.

19 2. If a person modifies an electric bicycle so as to change the speed at which the
20 motor will cease to provide assistance or power, the person shall prepare and affix
21 to the electric bicycle a revised label satisfying the requirements of subd. 1.

22 (b) An electric bicycle shall meet the requirements of 16 CFR part 1512.

23 (c) An electric bicycle shall operate in one of the following manners:

24 1. For a class 2 electric bicycle, the motor ceases to provide assistance or power
25 when the brakes are applied.

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1 2. For a class 1 electric bicycle or class 3 electric bicycle, the motor ceases to
2 provide assistance or power when the rider stops pedaling.

3 (d) No person may operate a class 3 electric bicycle unless the electric bicycle
4 is equipped with a speedometer that with reasonable accuracy registers the speed
5 of the electric bicycle in miles per hour.

6 **SECTION 15.** 349.18 (4) of the statutes is created to read:

7 349.18 (4) (a) The governing body of a municipality or county may by ordinance
8 prohibit the operation, with the power unit in operation, of class 1 and class 2 electric
9 bicycles on bicycle ways or bicycle paths under its jurisdiction.

10 (b) The governing body of a municipality or county may by ordinance authorize
11 the operation, with the power unit in operation, of class 3 electric bicycles on bicycle
12 ways or bicycle paths under its jurisdiction.

13 (c) The department of natural resources may promulgate rules authorizing or
14 prohibiting the operation, with the power unit in operation, of any class of electric
15 bicycles on lands under its jurisdiction.

16 **(END)**