



2009 ASSEMBLY BILL 402

August 31, 2009 - Introduced by Representatives A. OTT, BALLWEG, BIES, HILGENBERG, JORGENSEN, KAUFERT, RADCLIFFE, SHERMAN and TOWNSEND, cosponsored by Senators A. LASEE, COWLES, S. FITZGERALD, OLSEN, SCHULTZ and HOLPERIN. Referred to Committee on Transportation.

- 1 **AN ACT to amend** 349.26 (2); and **to create** 349.26 (4) of the statutes; **relating**
2 **to:** the operation of neighborhood electric vehicles on county trunk highways.

Analysis by the Legislative Reference Bureau

Under current law, a “neighborhood electric vehicle” (NEV) is a motor vehicle that is propelled by electric power and that meets certain standards for low-speed vehicles under federal law, but does not include a golf cart. A municipality may, by ordinance, allow the use of NEVs on roadways under its jurisdiction that have a speed limit of 35 miles per hour or less. However, a municipal ordinance may not allow the use of NEVs on connecting highways within the municipality, or where the municipality’s roadways cross state trunk highways, unless all of the following apply: 1) the municipality provides written notice to the Department of Transportation (DOT) of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance will apply; and 2) within 21 days of receiving this notice, DOT consents or fails to object to the use of NEVs on the connecting highway or through the intersection crossing the state trunk highway.

This bill expands municipal authority to allow operation of NEVs on roadways within the municipality. Under the bill, a municipal ordinance may allow the use of NEVs on county trunk highways located within the municipality’s territorial boundaries if all of the following apply: 1) the municipality provides written notice of the ordinance to the governing body of the county having jurisdiction over the highway, including identification of any county trunk highway to which the ordinance will apply; and 2) within 21 days of receiving this notice, the governing

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body of the county, or the county highway commissioner or county highway committee if designated by the governing body of the county to act on its behalf, consents or fails to object to the use of NEVs on the county trunk highway.

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.** 349.26 (2) of the statutes is amended to read:

2 349.26 (2) Subject to ~~sub.~~ subs. (3) and (4), the governing body of any city, town,
3 or village may by ordinance allow the use of a neighborhood electric vehicle on a
4 roadway that has a speed limit of 35 miles per hour or less and ~~over which~~ that either
5 is under the jurisdiction of the city, town, or village ~~has jurisdiction~~ or is a county
6 trunk highway located within the territorial boundaries of the city, town, or village.

7 **SECTION 2.** 349.26 (4) of the statutes is created to read:

8 349.26 (4) (a) An ordinance under sub. (2) may apply to a county trunk highway
9 within the city, town, or village only if all of the following apply:

10 1. The city, town, or village provides written notice of the ordinance to the
11 governing body of the county having jurisdiction over the highway, including
12 identification of any county trunk highway to which the ordinance will apply.

13 2. Within 21 days of receiving the notice under subd. 1., the governing body of
14 the county, or the county highway commissioner or county highway committee if
15 designated by the governing body of the county to act on its behalf, has provided
16 written or oral consent to the use of neighborhood electric vehicles on the county
17 trunk highway or has failed to object to the use of neighborhood electric vehicles on
18 the county trunk highway.

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1 (b) If the governing body of the county, or the county highway commissioner or
2 county highway committee if designated by the governing body of the county to act
3 on its behalf, makes a timely objection under par. (a) 2., no ordinance enacted under
4 this section is valid for that county trunk highway.

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(END)