

1973 Assembly Bill 1046

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## CHAPTER 182, Laws of 1973

AN ACT to amend 346.34, 346.43 (1), 346.49, 346.60 (1) to (3), 346.79 (intro.), 346.81, 346.82 (1), 346.95 (1) and 349.23; to repeal and recreate 340.01 (5) and 346.80 (1) and (2); and to create 14.21 (6), 340.01 (5e), (5m) and (5s), 346.075, 346.17 (4), 346.60 (5), 346.80 (4), 346.802 to 346.804, 346.94 (12) and 349.23 (3) of the statutes, relating to rules of the road for bicycles.

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

SECTION 1. 14.21 (6) of the statutes is created to read:

14.21 (6) BICYCLE RULES. The division shall publish literature setting forth the state rules governing bicycles and their operation and shall distribute and make such literature available without charge to local enforcement agencies, safety organizations, and schools and to any other person upon request.

SECTION 2. 340.01 (5) of the statutes is repealed and recreated to read:

340.01 (5) "Bicycle" means every device propelled by the feet acting upon pedals, having 2 wheels with a seat tube of not less than 12 inches measured from the top of the seat tube downward to the point at which the seat tube intersects the top of the bottom bracket shell.

SECTION 3. 340.01 (5e), (5m) and (5s) of the statutes are created to read:

340.01 (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.

SECTION 4. 346.075 of the statutes is created to read:

**346.075 Overtaking and passing bicycles.** The operator of a motor vehicle overtaking a bicycle proceeding in the same direction shall exercise due care, leaving a safe distance, but in no case less than 3 feet clearance when passing the bicycle and shall not again drive in the lane in which the bicycle is traveling until safely clear of the overtaken bicycle.

SECTION 5. 346.17 (4) of the statutes is created to read:

346.17 (4) Any person violating s. 346.075 may be required to forfeit not less than \$25 nor more than \$200 for the first offense and, for the 2nd or subsequent violation within 4 years, may be fined not less than \$50 nor more than \$500.

SECTION 6. 346.34 of the statutes is amended to read:

**346.34 Turning movements and required signals on turning and stopping.** (1) TURNING. (a) No person ~~shall turn~~ may:

1. Turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in s. 346.31, ~~or turn~~.

2. Turn a vehicle to enter a private road or driveway unless the vehicle is in proper position on the roadway as required in s. 346.32, ~~or otherwise turn~~.

3. Turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety.

(b) In the event any other traffic may be affected by such movement, no person ~~shall~~ may so turn any vehicle without giving an appropriate signal in the manner provided in s. 346.35. ~~Such~~ When given by the operator of a vehicle other than a bicycle, such signal shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. ~~The operator of a bicycle shall give such signal continuously during not less than the last 50 feet traveled before turning.~~

(2) STOPPING. No person ~~shall~~ may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in s. 346.35 to the operator of any vehicle immediately to the rear when there is opportunity to give such signal. This subsection does not apply to the operator of a bicycle approaching an official stop sign or traffic control signal.

SECTION 7. 346.43 (1) of the statutes is amended to read:

346.43 (1) (a) Any pedestrian violating s. 346.37 or 346.38 may be required to forfeit not less than \$2 nor more than \$20 for the first offense and not less than \$10 nor more than \$50 for the 2nd or subsequent conviction within a year. ~~Any~~

(b) 1. Unless otherwise provided in subd. 2, any operator of a vehicle violating ss. 346.37 to 346.39 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

2. Any operator of a bicycle violating s. 346.37 or 346.39 may be required to forfeit not more than \$20.

SECTION 8. 346.49 of the statutes is amended to read:

**346.49 Penalty for violating sections 346.44 to 346.48.** (1) Any Unless otherwise provided in par. (b), any person violating s. 346.46 or 346.47 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(b) Any operator of a bicycle violating s. 346.46 may be required to forfeit not more than \$20.

(2) Any (a) Unless otherwise provided in par. (b), any person violating s. 346.44, 346.45 or 346.48 may be required to forfeit not less than \$20 nor more than \$200.

(b) Any operator of a bicycle violating s. 346.44 may be required to forfeit not more than \$20.

SECTION 9. 346.60 (1) to (3) of the statutes are amended to read:

346.60 (1) Any Except as provided in sub. (5), any person violating s. 346.59 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(2) Any Except as provided in sub. (5), any person violating s. 346.57 (4) (d) to (h) or (5) or 346.58 may be required to forfeit not less than \$20 nor more than \$200.

(3) Any Except as provided in sub. (5), any person violating s. 346.57 (2), (3) or (4) (a) to (c) may be required to forfeit not less than \$40 nor more than \$300 for the first offense and may be fined not less than \$80 nor more than \$600 or imprisoned not more than one year in county jail or both for the 2nd or subsequent conviction within a year.

SECTION 10. 346.60 (5) of the statutes is created to read:

346.60 (5) (a) Any operator of a bicycle who violates s. 346.57 may be required to forfeit not more than \$20.

(b) Any operator of a bicycle who violates s. 346.59 may be required to forfeit not more than \$10.

SECTION 11. 346.79 (intro.) of the statutes is amended to read:

**346.79 Special rules applicable to bicycles.** (intro.) Whenever a bicycle is operated upon a highway, bicycle lane or bicycle way the following rules apply:

SECTION 12. 346.80 (1) and (2) of the statutes are repealed and recreated to read:

346.80 (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying 2-way traffic shall ride within 3 feet of the right side of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride within 3 feet of the right side or left side of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of 3 feet between his bicycle and the vehicle.

(2) Persons riding bicycles upon a roadway shall ride single file on all roadways which have center lines or lane lines indicated by painting or other markings and in all

unincorporated areas. On roadways not divided by painted or other marked centerlines or lane lines, bicycle operators may ride 2 abreast in incorporated areas.

SECTION 13. 346.80 (4) of the statutes is created to read:

346.80 (4) No person may operate a bicycle upon a roadway where a sign is erected indicating that bicycle riding is prohibited.

SECTION 14. 346.802 to 346.804 of the statutes are created to read:

**346.802 Riding bicycle on bicycle lane.** (1) (a) Unless 2-way traffic is authorized under par. (b), every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.

(b) The governing body of any city, town, village or county may authorize 2-way traffic on any portion of a roadway which it has set aside as a bicycle lane. Appropriate traffic signs shall be installed on all bicycle lanes open to 2-way traffic.

(2) (a) Unless otherwise provided under par. (b), a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.

(b) A person may leave a bicycle lane at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.

(3) Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.

(4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.

**346.803 Riding bicycle on bicycle way.** (1) Every person operating a bicycle upon a bicycle way shall:

(a) Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.

(b) Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.

(2) Every person operating a bicycle upon a bicycle way open to 2-way traffic shall ride on the right side of the bicycle way.

(3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

**346.804 Riding bicycle on sidewalk.** When local authorities under s. 346.94 (1) permit bicycles on the sidewalk, every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.

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SECTION 15. 346.81 of the statutes is amended to read:

**346.81 Lamps and other equipment on bicycles.** (1) No person shall ~~may~~ operate a bicycle upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle is equipped with or the operator is wearing a lamp ~~on the front~~ emitting a white light visible from a distance of at least 500 feet to the front and of such bicycle. Such bicycle shall also be equipped with a red reflector that has a diameter of at least 2-1/2 inches of surface area on the rear so mounted and maintained as to be visible from all distances from 50 to 300 500 feet to the rear when directly in front of lawful upper beams of head lamps headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of ~~300 500~~ feet to the rear may be used in addition to but not in lieu of the red reflector.

(2) No person may operate a bicycle upon a highway, bicycle lane or bicycle way unless all braking equipment with which the bicycle was originally provided is in good working order. No person shall ~~may~~ operate a bicycle equipped with a coaster brake upon a highway, bicycle lane or bicycle way unless ~~it is equipped with a brake which such brakes~~ will enable the operator to make the ~~braked wheels rear wheel~~ skid on dry, level, clean pavement ~~and with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, but a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.~~

SECTION 16. 346.82 (1) of the statutes is amended to read:

346.82 (1) Any person violating ss. 346.77, 346.79 (1) to (3), 346.80 to 346.804 or 346.81 (2) may be required to forfeit not more than \$20.

SECTION 17. 346.94 (12) of the statutes is created to read:

**346.94 (12) DRIVING ON BICYCLE LANE OR BICYCLE WAY.** No operator of a motor vehicle may drive upon a bicycle lane or bicycle way except to enter a driveway or to enter or leave a parking space located adjacent to the bicycle lane or bicycle way. Persons operating a motor vehicle upon a bicycle lane or bicycle way shall yield the right-of-way to all bicycles within the bicycle lane or bicycle way.

SECTION 18. 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (3); (9), (10) ~~or~~, (11) or (12) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 19. 349.23 of the statutes, as affected by chapter 87, laws of 1973, is amended to read:

**349.23 (title) Authority to designate bicycle lanes and bicycle ways.** (1) The governing body of any city, town, village or county may by ordinance ~~designate:~~

(a) Designate any sidewalk, highway or portion thereof under its jurisdiction as a bicycle lane.

(b) Designate any sidewalk or portion thereof in its jurisdiction as a bicycle way.

(2) A governing body designating a sidewalk, or portion thereof as a bicycle way or a highway or portion thereof as a bicycle way lane under this section may:

(a) Designate the type and character of vehicles or other modes of travel which may be operated on ~~the~~ a bicycle lane or bicycle way, provided that the operation of such vehicle or other mode of travel is not inconsistent with the safe use and enjoyment of the bicycle lane or bicycle way by bicycle traffic.

(b) Establish priority of right-of-way on the bicycle lane or bicycle way and otherwise regulate the use of the bicycle lane or bicycle way as it deems necessary. The designating governing body may, after public hearing, prohibit through traffic on any highway or portion thereof designated as a bicycle lane, except that through traffic may not be prohibited on any state highway. The designating governing body shall erect and maintain official signs giving notice of the regulations and priorities established under this paragraph, and shall mark all bicycle lanes and bicycle ways with appropriate signs.

(c) Paint lines or construct curbs or establish other physical separations to exclude the use of the bicycle lane or bicycle way by vehicles other than those specifically permitted to operate thereon.

SECTION 20. 349.23 (3) of the statutes is created to read:

349.23 (3) The governing body of any city, town, village or county may by ordinance prohibit the use of bicycles on a roadway over which they have jurisdiction, after holding a public hearing on such proposal.

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