

1999 ASSEMBLY BILL 618

December 13, 1999 – Introduced by Representative BRANDEMUEHL, cosponsored by Senator BRESKE. Referred to Committee on Transportation.

1 **AN ACT to amend** 70.112 (5), 194.01 (7), 218.01 (1) (n) 2., 218.01 (2) (bb) 1., 218.01
 2 (2d) (c), 218.015 (2) (b) 2. b., 285.30 (5) (c), 340.01 (4) (a), 341.067, 341.25 (title),
 3 341.25 (1) (b), 341.297 (1), 341.31 (1) (b) 5., 341.31 (4) (c), 342.15 (4) (a), 342.34
 4 (1) (c), 343.08 (1) (a) and (2) (a), 346.16 (2) (a), 349.105 and 779.41 (2); and **to**
 5 **create** 218.01 (1) (km), 285.30 (5) (j), 340.01 (19d), 340.01 (27m), 343.135 (2) (a)
 6 1m., 346.94 (18), 346.95 (8), 347.02 (8), 349.06 (4) and 349.237 of the statutes;
 7 **relating to:** low-speed vehicles, granting rule-making authority and
 8 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates a new classification of motor vehicle called a “low-speed vehicle”. A low-speed vehicle is a four-wheeled motor vehicle that attains top speeds of not less than 20 miles per hour nor more than 25 miles per hour. The bill generally makes low-speed vehicles subject to the same regulations applicable to other motor vehicles, including the following:

1. Requires low-speed vehicles to be originally manufactured to meet federal equipment standards.
2. Subjects dealers, distributors, manufacturers and transporters of low-speed vehicles to the same regulations that apply to dealers, distributors, manufacturers

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and transporters of motorcycles. Such regulations include requiring business and occupational licensing, imputing liability for certain misconduct of employes and providing specific consumer protections, such as warranties, remedies and disclosure requirements.

3. Exempts low-speed vehicles from this state's property tax.

4. Requires low-speed vehicles to be registered with the department of transportation (DOT) for a fee of \$23 biennially, the same period and fee that apply to motorcycles, and requires the display of a registration plate and valid proof of registration. Ownership of and interests in low-speed vehicles is evidenced only by a certificate of title, like other motor vehicles.

5. Classifies low-speed vehicles as "Class D" vehicles which, like automobiles and other "Class D" vehicles, may not be operated unless the operator possesses a valid operator's license or instruction permit to operate "Class D" vehicles.

6. Requires the operators of low-speed vehicles to observe the rules of the road, including this state's implied consent law, and subjects violators of those rules to the same penalties as those that apply to violations committed while operating other motor vehicles, including the assessment of demerit points and the imposition of fines, forfeitures and terms of imprisonment.

7. Makes low-speed vehicles subject to mechanics' liens.

However, because low-speed vehicles are smaller, lighter and slower moving than most other motor vehicles, the bill treats low-speed vehicles differently from most other motor vehicles in the following respects:

1. Low-speed vehicles, other than those publicly owned and operated, are generally restricted to highways having a speed limit 25 or less miles per hour. However, a local authority may authorize their operation on highways having speed limits of 35 miles or less per hour. Local highway authorities may further regulate or restrict their operation.

2. Low-speed vehicles are prohibited from operating on state trunk highways and connecting highways, even where the applicable speed limit is 25 or less miles per hour. However, the bill allows low-speed vehicles to cross state trunk highways or connecting highways at officially designated crossings and at intersections where traffic is controlled by an official traffic control sign, signal, marking or other device.

The bill makes low-speed vehicles eligible for registration by DOT as a specially designed vehicle if the vehicle meets special equipment standards. Under current law, a person who does not possess or is ineligible for a regular operator's license may be issued a special restricted operator's license, which authorizes the operation of only motor bicycles, mopeds or specially designed vehicles and may further restrict such operation as DOT determines is necessary, for example, to preserve the safety of the operator and the public.

Finally, the bill categorically exempts low-speed vehicles from motor vehicle emission limitations and testing.

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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.** 70.112 (5) of the statutes is amended to read:

2 70.112 (5) MOTOR VEHICLES, BICYCLES, SNOWMOBILES. Every automobile,
3 low-speed vehicle, motor bicycle, motor bus, motorcycle, motor truck, moped, road
4 tractor, school bus, snowmobile, station wagon, truck tractor, or other similar motor
5 vehicle, or trailer or semitrailer used in connection therewith.

6 **SECTION 2.** 194.01 (7) of the statutes is amended to read:

7 194.01 (7) “Motor vehicle” means any automobile, truck, trailer, semitrailer,
8 tractor, motor bus or any self-propelled or motor driven vehicle, except a low-speed
9 vehicle, motorcycle, moped, motor bicycle or a vehicle operated on rails.

10 **SECTION 3.** 218.01 (1) (km) of the statutes is created to read:

11 218.01 (1) (km) “Low-speed vehicle” has the meaning given in s. 340.01 (27m).

12 **SECTION 4.** 218.01 (1) (n) 2. of the statutes is amended to read:

13 218.01 (1) (n) 2. Is engaged wholly or in part in the business of selling or leasing
14 motor vehicles, including motorcycles and low-speed vehicles, whether or not such
15 motor vehicles are owned by such person, firm or corporation.

16 **SECTION 5.** 218.01 (2) (bb) 1. of the statutes is amended to read:

17 218.01 (2) (bb) 1. A motor vehicle dealer or an applicant for a motor vehicle
18 dealer license shall provide and maintain in force a bond or irrevocable letter of credit
19 of not less than \$25,000 or, if the dealer or applicant sells or proposes to sell
20 motorcycles or low-speed vehicles, or both, and not other types of motor vehicles, a
21 bond or irrevocable letter of credit of not less than \$5,000. The bond or letter of credit

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1 shall be executed in the name of the department of transportation for the benefit of
2 any person who sustains a loss because of an act of a motor vehicle dealer that
3 constitutes grounds for the suspension or revocation of a license under this section.

4 **SECTION 6.** 218.01 (2d) (c) of the statutes is amended to read:

5 218.01 **(2d)** (c) This subsection does not apply to motorcycles or low-speed
6 vehicles that are delivered in a crated, disassembled condition to the dealer or the
7 dealer's agent.

8 **SECTION 7.** 218.015 (2) (b) 2. b. of the statutes is amended to read:

9 218.015 **(2)** (b) 2. b. Accept return of the motor vehicle and refund to the
10 consumer and to any holder of a perfected security interest in the consumer's motor
11 vehicle, as their interest may appear, the full purchase price plus any sales tax,
12 finance charge, amount paid by the consumer at the point of sale and collateral costs,
13 less a reasonable allowance for use. Under this subdivision, a reasonable allowance
14 for use may not exceed the amount obtained by multiplying the full purchase price
15 of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a
16 motorcycle or low-speed vehicle, 20,000, and the numerator of which is the number
17 of miles the motor vehicle was driven before the consumer first reported the
18 nonconformity to the motor vehicle dealer.

19 **SECTION 8.** 285.30 (5) (c) of the statutes is amended to read:

20 285.30 **(5)** (c) A motor vehicle exempt from registration under s. 341.05, except
21 that a motor vehicle owned by the United States is not exempt unless it comes under
22 par. (a), (b), (d), (e), (f), (g) ~~or~~ (h) or (j).

23 **SECTION 9.** 285.30 (5) (j) of the statutes is created to read:

24 285.30 **(5)** (j) A low-speed vehicle, as defined in s. 340.01 (27m).

25 **SECTION 10.** 340.01 (4) (a) of the statutes is amended to read:

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1 340.01 **(4)** (a) Type 1 is a motor vehicle designed and used primarily for carrying
2 persons but which does not come within the definition of a low-speed vehicle, motor
3 bus, motorcycle, moped or motor bicycle.

4 **SECTION 11.** 340.01 (19d) of the statutes is created to read:

5 340.01 **(19d)** “Golf cart” means a vehicle, whose speed attainable in one mile
6 does not exceed 20 miles per hour on a paved, level surface, used to convey one or
7 more persons and equipment to play the game of golf in an area designated as a golf
8 course.

9 **SECTION 12.** 340.01 (27m) of the statutes is created to read:

10 340.01 **(27m)** “Low-speed vehicle” means a 4-wheeled motor vehicle originally
11 manufactured to meet the equipment standards under 49 CFR 571.500 and whose
12 maximum speed attainable in 1 mile is more than 20 miles per hour but not more
13 than 25 miles per hour on a paved, level surface. “Low-speed vehicle” does not
14 include a golf cart or motor truck.

15 **SECTION 13.** 341.067 of the statutes is amended to read:

16 **341.067 Registration of special vehicles.** The department shall register a
17 specially designed vehicle which is authorized for operation by a person holding a
18 special restricted operator’s license under s. 343.135 if the special vehicle meets the
19 equipment standards established under s. 347.02 (6) or (8).

20 **SECTION 14.** 341.25 (title) of the statutes is amended to read:

21 **341.25** (title) **Annual and biennial registration fees; ~~biennial~~**
22 **~~motorcycle fees.~~**

23 **SECTION 15.** 341.25 (1) (b) of the statutes is amended to read:

24 341.25 **(1)** (b) For each motorcycle or moped with a curb weight of 1,499 pounds
25 or less, except a specially designed vehicle under s. 341.067, which is designed for the

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1 transportation of persons rather than property, and for each low-speed vehicle, a
2 biennial fee of \$23. Registration plates issued under this paragraph expire on April
3 30 of even-numbered years.

4 **SECTION 16.** 341.297 (1) of the statutes is amended to read:

5 341.297 (1) A motorcycle ~~or~~, moped or low-speed vehicle, as specified in s.
6 341.25 (1) (b). The registration period for a motorcycle ~~or~~, moped or low-speed
7 vehicle begins on May 1 of an even-numbered year and ends on April 30 of the next
8 even-numbered year.

9 **SECTION 17.** 341.31 (1) (b) 5. of the statutes is amended to read:

10 341.31 (1) (b) 5. The vehicle is a motorcycle ~~which~~ or low-speed vehicle that has
11 been transferred or leased to the applicant and for which a current registration
12 plates plate had been issued to the previous owner; or

13 **SECTION 18.** 341.31 (4) (c) of the statutes is amended to read:

14 341.31 (4) (c) A person retaining a set of plates plate removed from a motorcycle
15 or low-speed vehicle may receive credit for the unused portion of the registration fee
16 paid when registering a replacement motorcycle vehicle of the same type.

17 **SECTION 19.** 342.15 (4) (a) of the statutes is amended to read:

18 342.15 (4) (a) If the vehicle being transferred is a motorcycle or a low-speed
19 vehicle or an automobile or station wagon registered under s. 341.27 or a motor home
20 or a motor truck, dual purpose motor home or dual purpose farm truck which has a
21 gross weight of not more than 8,000 pounds or a farm truck which has a gross weight
22 of not more than 12,000 pounds, the owner shall remove the registration plate or
23 plates and retain and preserve ~~them~~ the plate or plates for use on any other vehicle
24 of the same type and gross weight which may subsequently be registered in his or
25 her name.

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1 **SECTION 20.** 342.34 (1) (c) of the statutes is amended to read:

2 342.34 **(1)** (c) If the vehicle is a motorcycle or low-speed vehicle or an
3 automobile or station wagon registered under s. 341.27 or a motor home or a motor
4 truck, dual purpose motor home or dual purpose farm truck which has a gross weight
5 of not more than 8,000 pounds or a farm truck which has a gross weight of not more
6 than 12,000 pounds, the owner shall remove the registration plate or plates and
7 retain and preserve ~~them~~ the plate or plates for use on any other vehicle of the same
8 type which may subsequently be registered in his or her name. If the vehicle is not
9 a motorcycle or low-speed vehicle or an automobile or station wagon registered
10 under s. 341.27, or a motor home or a motor truck, dual purpose motor home or dual
11 purpose farm truck which has a gross weight of not more than 8,000 pounds or a farm
12 truck which has a gross weight of not more than 12,000 pounds, he or she shall
13 remove and destroy the plate or plates.

14 **SECTION 21.** 343.08 (1) (a) and (2) (a) of the statutes are amended to read:

15 343.08 **(1)** (a) The department must be satisfied that it is necessary for the
16 applicant to operate an automobile, farm truck, dual purpose farm truck, low-speed
17 vehicle, Type 1 motorcycle powered with an engine of not more than 125 cubic
18 centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and
19 registered by the applicant's parent or guardian or a farm truck leased to the
20 applicant's parent or guardian.

21 **(2)** (a) A restricted license issued pursuant to this section is valid only until the
22 licensee secures an operator's license issued pursuant to s. 343.03 or reaches 18 years
23 of age and, except as provided in par. (b), entitles the licensee to operate an
24 automobile, farm truck, dual purpose farm truck, low-speed vehicle, Type 1
25 motorcycle powered with an engine of not more than 125 cubic centimeters

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1 displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by
2 the licensee's parent or guardian or a farm truck leased to the licensee's parent or
3 guardian or any combination of these vehicles, depending on the restrictions placed
4 by the department on the particular license.

5 **SECTION 22.** 343.135 (2) (a) 1m. of the statutes is created to read:

6 343.135 (2) (a) 1m. Low-speed vehicles; or

7 **SECTION 23.** 346.16 (2) (a) of the statutes is amended to read:

8 346.16 (2) (a) Except as provided in par. (b), no pedestrian or person riding a
9 bicycle or other nonmotorized vehicle and no person operating a low-speed vehicle,
10 moped or motor bicycle may go upon any expressway or freeway when official signs
11 ~~have been erected~~ prohibiting such person from using the expressway or freeway
12 have been erected as provided in s. 349.105.

13 **SECTION 24.** 346.94 (18) of the statutes is created to read:

14 346.94 (18) LOW-SPEED VEHICLES ON ROADWAY. (a) Subject to s. 349.237, a person
15 may operate a low-speed vehicle upon any roadway that is under the jurisdiction of
16 a local authority and that has a speed limit of 25 or less miles per hour.

17 (b) Except where authorized under s. 349.237 (2), no person may operate a
18 low-speed vehicle upon any highway that has a speed limit of more than 25 miles per
19 hour. Except at crossings authorized under s. 349.237 (3), and at intersections where
20 traffic is controlled by an official traffic control device, no person may operate a
21 low-speed vehicle upon a state trunk highway or connecting highway. This
22 paragraph does not apply to vehicles registered under s. 341.26 (2m) or vehicles
23 exempted from this paragraph by the department by rule.

24 **SECTION 25.** 346.95 (8) of the statutes is created to read:

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1 346.95 **(8)** Any person violating s. 346.94 (18) may be required to forfeit not less
2 than \$30 nor more than \$300.

3 **SECTION 26.** 347.02 (8) of the statutes is created to read:

4 347.02 **(8)** Notwithstanding the requirements of this chapter, the department
5 may, by rule, establish for low-speed vehicles special equipment standards that
6 differ from the equipment standards established under this chapter. Special
7 equipment standards established under this subsection shall be identical to the
8 federal standards established in 49 CFR 571.500, except that the department may
9 establish additional standards for equipment not required under 49 CFR 571.500.

10 **SECTION 27.** 349.06 (4) of the statutes is created to read:

11 349.06 **(4)** Any municipality or county may enact and enforce an ordinance that
12 regulates the equipment of a low-speed vehicle if the ordinance strictly conforms to
13 rules promulgated under s. 347.02 (8). An ordinance that incorporates by reference
14 existing and future amendments of rules promulgated under s. 347.02 (8) shall be
15 considered to be in strict conformity and not contrary to or inconsistent with s. 347.02
16 (8) and rules promulgated under that subsection.

17 **SECTION 28.** 349.105 of the statutes is amended to read:

18 **349.105 Authority to prohibit certain traffic on expressways and**
19 **freeways.** The authority in charge of maintenance of an expressway or freeway
20 may, by order, ordinance or resolution, prohibit the use of such expressway or
21 freeway by pedestrians, persons riding bicycles or other nonmotorized traffic or by
22 persons operating low-speed vehicles, mopeds or motor bicycles. The state or local
23 authority adopting any such prohibitory regulation shall erect and maintain official
24 signs giving notice thereof on the expressway or freeway to which such prohibition
25 applies.

