

1999 DRAFTING REQUEST

Bill

Received: **11/16/1998**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Roger Breske (608) 266-2509**

By/Representing: **Carson Frazier**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **TNF**

Pre Topic:

No specific pre topic given

Topic:

Low-speed vehicles

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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15 1/10 jca *Kjf 11/10* *Kjf/Km 11/10*

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<END>

please jacket for
 Senate - send
 to Sen. Breske
 -PEN

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For: Transportation

By/Representing: Carson Frazier

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Subject: **Transportation - motor vehicles**

Extra Copies: **TNF**

Pre Topic:

No specific pre topic given

Topic:

Low speed vehicles

add hyphen

Instructions:

See Attached

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Topic:

Low speed vehicles
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*add
nyphen*

Instructions:

See Attached

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FE Sent For:

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Paul Nilsen -

This is the final DOT report on Low Speed Vehicles. Last session you'd drafted LRB0268. Now that we have final rules from the feds, and DOT's final recommendations, we need to change that draft to conform.

I know you are overwhelmed with budget stuff now, but please give me or Mike Kellogg a call when you get a little time to make the fixes. Thank you very much, we're lining up sponsors now.
Carson Frazier
6-7857



WISCONSIN DEPARTMENT OF TRANSPORTATION

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SENIOR POLICY ANALYST
DMV-BUREAU OF VEHICLE SERVICES

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Wisconsin Department of Transportation



Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

DIVISION OF MOTOR VEHICLES
4002 Sheboygan Avenue
P.O. Box 7949
Madison, WI 53707-7949

WISCONSIN DEPARTMENT OF TRANSPORTATION STATE POLICY AND STATUTORY RECOMMENDATIONS on LOW SPEED VEHICLES (LSV)

September, 1998

POLICY RECOMMENDATIONS

1. Eligible vehicles: LSV's eligible for titling and registration as LSV's are limited to originally manufactured vehicles that comply with the equipment requirements of National Highway Traffic Safety Administration (NHTSA) Standard 500, 49 CFR Section 571.500.
2. LSV's are not allowed on State Trunk Highways (STH), including connecting highways.
3. LSV's are allowed only on local highways with posted speed limit of 25 mph or less.
4. LSV's may cross STH. Mid-block LSV route crossings of STH must be marked.
5. Municipalities have the option to **restrict or prohibit** LSV operation on their roadways.
6. Valid Class D driver's license is required to operate an LSV, unless the LSV is registered as a Specially Designed Vehicle (SDV) under current law.
7. LSV's must be registered under Ch. 341, Wis Stats. (auto vehicle type, motorcycle plate type, fee \$23 biennially, same as motorcycles); and titled under Ch. 342, Wis Stats.
8. LSV's operated with a regular Class D driver's license are required to be originally manufactured to comply with NHTSA Standard 500, and also to comply with a newly created Trans rule for LSV's which includes additional equipment requirements similar to Ch. Trans 303 plus Ch. 347, Wis Stats. requirements for windshield and safety belts.
9. No state inspection is required for registration/titling. However, the registrant must certify that the vehicle includes additional equipment as required by Trans rule. Municipalities may choose to inspect equipment if they wish to.

10. Since LSV's must be registered under Ch. 341, Wis Stats. (see item #7 above), dealers of LSV's are required to be licensed under Ch. 218, Wis Stats., similar to motorcycle dealers. Manufacturers must also be licensed under Ch 218, Wis Stats.

11. LSV's continue to be eligible to be evaluated as Specially Designed Vehicle (SDV) operated with a Special Restricted Driver's License under current law (S.343.135, Wis Stats).

STATUTORY CHANGE NEEDED

1. Create new definition in **Ch 340**, to define a low speed vehicle (LSV) exactly as the federal regulation defines this term in 49 CFR Section 571.3, and that this vehicle be originally manufactured to comply with the equipment requirements of NHTSA Standard 500, 49 CFR Section 571.500.
2. Amend **Ch 341** and **Ch 342** to clarify registration and titling requirements.
- \ 3. Amend **Ch 347** to specify that LSV's are subject to windshield and safety belt usage requirements.
- \ 4. Amend **Ch 349** to allow local governments to restrict, by ordinance, operation of LSV's on their roadways of posted speeds 25 mph or less. This would be similar to local authority over in-line skate use.
- \ 5. Amend **Ch 218**, to establish that LSV dealers and manufacturers are subject to motor vehicle dealer licensing requirements, similar to motorcycle dealers (may also require a change to Ch Trans 154).

COMPARISON OF OPERATION UNDER TWO PROVISIONS

Table 1 shows the DOT proposal for operation of Low Speed Vehicles (LSVs) under two provisions:

- First, operation with regular Class D driver's license. This is the change to statutes which accommodates the new federal regulations on LSV's.
- Second, operation as a Specially Designed Vehicle. This is a provision of current law for which LSV's are currently and would continue to be eligible. Operation of a Specially Designed Vehicle is intended for persons who are unable by physical limitation to hold a regular driver's license. To operate a Specially Designed Vehicle, a person must have a Special Restricted Driver License and may NOT hold a regular driver license.

TABLE 1
Low Speed Vehicle (LSV) operation with regular drivers license,
compared to
Specially Designed Vehicle (SDV) operation under current state law

	LOW SPEED VEHICLE OPERATION with regular drivers license	SPECIALLY DESIGNED VEHICLE OPERATION (SDV is intended for cases when operator may not be eligible for regular drivers license)
Eligible vehicle	Originally manufactured to comply with NHTSA Standard 500	Vehicle equipped to meet Trans 303 requirements
Driver's license	Valid regular Class D	Special Restricted (S.343.135); operator has NO regular DL
STH operation	None; also no operation on Connecting Highways	Only if state DOT approved, case-by-case basis
STH crossing	OK. Mid-block locations must be signed or marked, as directed by state DOT	Only if state DOT approved, case-by-case basis
Local highway operation	Only on local streets with speed limits of 25 mph or less; unless local authority further restricts.	Only if state DOT approved, case-by-case basis
Titling and registration	State titling /registration as LSV (auto vehicle type, motorcycle plate type, fee \$23 biennially, same as motorcycle)	State titling/registration as a specially designed vehicle (S.341.067); fee is \$5 annually
Safety equipment required	Federal regulation: NHTSA Standard 500; also State regulation Trans 303 plus Ch 347 requirements for windshield and safety belt usage (these are required under final NHTSA Standard 500, but unenforceable without state statute citation).	S.347.02(6), Wis Stats., and Ch. Trans 303, Wis Admin Code
Equipment inspection	No state inspection for registration; vehicle registrant must certify that the vehicle has additional equipment required by Trans 303 in addition to federal certification meeting Standard 500. Municipality may choose to inspect if it wishes.	Inspection by state DOT on case-by-case basis; comply with requirements of S.347.02(6) and Trans 303

EQUIPMENT REQUIREMENTS

Table 2 shows the vehicle equipment requirements in federal regulation NHTSA Standard 500, compared to the equipment requirements in Ch. Trans 303, which is the Wisconsin requirement for Specially Designed Vehicles.

Because NHTSA Standard 500 is slightly different from Trans 303, both requirements must be met. In addition, in order to enforce NHTSA Standard 500 equipment requirements, Wisconsin statute Ch. 347 must be amended to state that the windshield and seatbelt provisions of Ch. 347 apply to Low Speed Vehicles (LSV's).

Proposed 347.02(8) - all stds. apply (as to motor vehicles) unless DOT changes by rule, which must conform to applicable 49 CFR 570.500 stds.

**TABLE 2: COMPARISON OF EQUIPMENT REQUIREMENTS
Final NHTSA Standard 500 and Wis Trans 303**

NHTSA STANDARD 500 (final rule)	WIS. CH TRANS 303
Headlights	Headlights
Tail lights	Tail lights
Stop lights	Stop lights
Parking brake	Parking brake
Mirrors	Rear view mirror
AS 1 or AS 5 Windshield	
Seatbelts: Type 1 or Type 2	
Turn signals	
Reflex reflectors: side/rear	
VIN	Service brakes
	Muffler if appropriate
	Horn
	Slow moving vehicle emblem
	Flag on staff
	Registration plate lamp

BACKGROUND

Current state law:

In the past, low-speed vehicles were not considered "motor vehicles" under federal National Highway Traffic Safety Administration (NHTSA) regulations. Therefore, they were not eligible for registration or use on any Wisconsin roadway (S.341.10(6)).

fed law irrelevant for wis. registration. LSV are "auto" w/in meaning of S.340.01(4), registered fee under 341.25(1)(a), must be registered under 341.04(1)

I disagree. -Per Problem is that they can't meet auto equipment standards.

New federal regulation:

NHTSA has promulgated a new regulation, published at 63 Federal Register pages 33194 to 33217, which creates a new definition for low speed vehicles in 49 CFR Section 571.3 and creates uniform equipment standards in 49 CFR Section 571.500. The regulation creates a class of "motor vehicle" called "low speed vehicle," which is a 4-wheeled vehicle, other than a truck, capable of top speed of more than 20 mph but not more than 25 mph.

NHTSA's regulation exempts this category of motor vehicles from standards applicable to automobiles and trucks, but creates a new "Standard 500," which would apply to this category of motor vehicles. Standard 500 requires minimal safety equipment on the vehicle.

Effect on state law:

Wisconsin statute prohibits registration of vehicles not eligible for roadway use, under federal law, as amended (S.341.10(6)). Since federal rules implement federal law, NHTSA rules have the force of law.

With NHTSA rule promulgation, "low speed vehicles" may be considered eligible for roadway use and it is possible they may not be refused registration in Wisconsin under S.341.10(6) Stats., unless state law is changed to refuse or restrict operation of low speed vehicles.

Problem:

Low speed vehicles have speed and equipment limitations that make their operation on most roadways unsafe. If no state statutory change is made, however, these vehicles may not be refused registration in Wisconsin under S.341.10(6), and thus would be allowed to operate on public roadways.

Therefore, state law must be amended to accommodate realistic and safe use of low speed vehicles.

Time frame:

NHTSA promulgated regulations on June 17, 1998, with an immediate effective date.

*(absent legislation,
ma, only by regulation
as automobile and
probably, must meet auto
equipment & emission standards*

Wisconsin's legislature convenes in January, 1999, and this is the soonest that legislative change could be introduced.

While NHTSA regulations specifically state that they have no effect on state or local regulation of LSV's, until Wisconsin's law is changed, we are in limbo and unsure whether we may refuse registration of LSV's. The American Association of Motor Vehicle Administrators (AAMVA) has petitioned NHTSA for reconsideration of the regulations, but we have not to date heard of NHTSA's response to this or any other petitions.

ISSUES

The Department of Transportation would like to discuss these issues with local governments, in development of statutory initiatives. DOT realizes that local governments have a major interest and concern with statutory treatment of LSV's, and wishes to present the Legislature a proposal that advances the public interest at local as well as state level of government.

Speed and roadways:

LSV's are designed to travel at a TOP SPEED of 20-25 mph. Virtually all State Trunk Highways (STH) are posted for speed limit higher than 25 mph. The few segments which might be posted 25 mph are in urban areas or small towns, on which higher speed vehicles converge to pass through town. If LSV's were allowed on STH, then these small unprotected vehicles would be competing with larger, faster, sturdier vehicles, and would be extremely vulnerable to crashes and personal injury/death.

We know that whenever traffic is traveling at different speeds, the risk of crashes increases. Thus, we believe the safest operation would limit LSV's to streets where all traffic is traveling at 25 mph or less.

Therefore, at a minimum, these vehicles must be limited to low-speed/lower-volume roadways. These roadways are virtually all local highways.

We also understand that there is some precedent in other states. According to information presented by NHTSA in the final rule presentation, almost all states permitting operation of low-speed vehicles do so on streets designated by local governments.

However, local governments should have the option to **restrict or prohibit** LSV's on their streets with speed limits of 25 mph or less. Since these vehicles have extremely limited safety equipment, local authorities should decide on which local streets, if any, they wish to restrict or prohibit LSV travel. However, if LSV's are allowed to cross STH at mid-block (non-intersection) locations, these crossings need to be marked or signed, as directed by the state DOT.

Titling and registration:

We recognize that ownership, insurance, and enforcement concerns suggest state titling and registration. DOT proposes that LSV's, as defined in Ch 340, Wis Stats., be registered similar to motorcycles, with a registration fee of \$23 biennially.

Our internal data processing system will be programmed to give Low Speed Vehicles (LSV's) and Specially Designed Vehicles (SDV's) different plate types in the system and different plate looks, to aid law enforcement in distinguishing between SDV's and LSV's.

In addition, some non-residents of Wisconsin may wish to bring their LSV's to Wisconsin, and residents such as "snow-birds" may wish to use LSV's both in Wisconsin and in other states. Wisconsin generally accepts reciprocity of another state's registration, for non-residents. Use is governed by each state's laws. Therefore, in Wisconsin, use would be limited to any local roadways with speed limits of 25 mph or less, subject to local restrictions.

Since LSV's will be registered under Ch 341, Wis Stats., dealers who sell LSV's must be licensed under Ch. 218, Wis Stats., similar to motorcycle dealers, which are licensed by DOT. Motorcycle dealers must file a bond, but have somewhat less stringent facility requirements than automobile dealers. In addition, manufacturers of LSV's must be licensed as are manufacturers of all motor vehicles.

Equipment requirements:

LSV's meet federal NHTSA Standard 500 equipment requirements. NHTSA Standard 500 includes several equipment requirements which are included in Wisconsin Ch. Trans 303 (governing Specially Designed Vehicles).

However, Trans 303 includes several other equipment requirements that improve safety, and therefore LSV's must comply with all requirements of Ch. Trans 303, as well as federal Standard 500.

Moreover, federal Standard 500 includes several items that are not included in Ch. Trans 303: windshield, safety belts, turn signals, reflex reflectors, and VIN. Therefore, a statutory reference to these requirements must be made in Ch. 347 Wis Stats.

Equipment certification:

LSV's as defined in state law must be **originally manufactured** to comply with NHTSA Standard 500, and also must be equipped with other equipment requirements established in Ch. Trans 303. Original manufacture is important because Standard 500 compliance is designed and built into the vehicle, assuring a level of design and structural safety that DOT believes is critical for operational safety. For state titling/registration, a registrant must certify that the vehicle is equipped with the additional equipment requirements established in Ch. Trans 303. In addition, if local governments wish to inspect LSV's for use on local streets, local governments will have the prerogative to do so.

Drivers' license:

LSV operation requires a valid Class D driver's license. This would allow LSV operation on local streets posted at 25 mph or less, unless otherwise restricted or prohibited by the locality. Since LSV's are relatively similar to automobiles in their operation, a special endorsement (which indicates ability to operate an unusual vehicle) is not necessary.

Registration as SDV with a Special Restricted drivers license:

Current law establishes a Specially Designed Vehicle which is intended for special cases, when an operator may not be eligible for a regular driver's license. These provisions offer special operation options to people who may not be able, by disability or other reason, to hold a regular operator's license and drive a regular vehicle.

Registration of a Specially Designed Vehicle (S.341.067) allows use with a Special Restricted driver's license (S.343.135) if the vehicle complies with specific equipment requirements (S.347.02(6) and Ch. Trans 303). An operator using this option may NOT hold a regular drivers license. The State DOT evaluates each individual case of registration and drivers license under these provisions. Each case receives restrictions on location, time of day, any special equipment, and any other restrictions that DOT considers necessary for safe operation.

LSV's are eligible to be evaluated for this operation. LSV's could offer reasonable travel to persons who cannot hold a regular driver's license and must have a Special

Restricted Drivers License. This option must continue to be available to people who may not be able to have a regular drivers license and need a LSV for limited transportation.

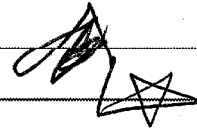
SUMMARY

The Wisconsin DOT proposes statutory treatment of Low Speed Vehicles (LSV's) which we believe balance individual interests in being able to operate LSV's with state and local public interest in promoting safety of all traveling vehicles. We are interested in reaching consensus with local governments in these proposals.

5/6 = s0268/4

Per Chrsn Frazier - Dot 3/14/99

1) definition of "low-speed vehicle" has changed



2) licensing of dealers

in ~~to~~ 5/6 - licensed as moped dealers

want bill - treat license like motorcycle

+ treat like motorcycle dealers

if only selling LSV - no indoor display area only pay \$5,000 surety
just like current law for motorcycles

3) LSV - originally infrd. to meet fed requirements
can be prohibited

-PEN

Nilsen, Paul

From: Frazier, Carson
Sent: Monday, March 15, 1999 3:56 PM
To: Nilsen, Paul
Cc: Kernats, Mike; VanDeventer, Victoria
Subject: low speed vehicle dealer licensing

Paul: Vikki Vandeventer of our Dealer Section read carefully through Ch 218, and we have just a couple of points that might help clarify our conversation this morning:

Of the 2 items that refer specifically to motorcycle dealers, listed in Vikki's write-up I faxed you:

1. Indoor display lot is not actually a statutory requirement, it's in rule -- so no need for your draft to deal with this.
2. The other item, a \$5,000 surety bond, is 218.01(2)(bb) -- need to add low-speed vehicles along with motorcycles

Vikki came up with a couple of other cites:

1. S.218.01(1)(n)2.-- need to add low speed vehicles along with motorcycles
2. S.218.015(2)(b)2.b. -- need to add low speed vehicles along with motorcycles to use 20,000 miles as the denominator of fraction to determine reasonable use allowance under the Lemon Law.

Again, thank you very much for your doing this draft, and please please please call if I or we can do anything to help.

Carson P. Frazier
DMV, Bureau of Vehicle Services
(608)266-7857
carson.frazier@dot.state.wi.us

Low Speed Vehicle (LSV) Dealer/Manufacturer Requirements

The following requirements for motor vehicle dealers are also proposed for LSV dealers including the exemptions allowed for dealers who sell only motorcycles. Our reasoning is that LSV's are comparable in price to motorcycles, and like motorcycles, take up less display space than a typical car.

- ✓ 1. A permanent location, not a residence, with office space, a 12x20-foot indoor display area and an adjacent display lot. [s. 218.01 (3) (bf) 1; Trans 138.03]
- ✓ 2. Zoning and local permit approval for the location. [Trans 138.03 (c); s. 218.01 (3) (a) 30.]
- ✓ 3. A sales tax seller permit from the Department of Revenue (608) 266-2776. [s. 218.01 (3) (a) 30.]
- ✓ 4. A \$5,000 \$25,000 surety bond or irrevocable letter of credit [s. 218.01 (2) (bb)]
- ✓ 5. A service department or written agreement with a nearby service facility [s. 218.01 (3) (bf) 2.; Trans 138.03 (1) (a) 3.]
- ✓ 6. At least one licensed salesperson (a written exam is required for anyone who hasn't been licensed in the past 5 years) [s. 218.01 (2) (a); s. 218.01 (2) (k)]
- ✓ 7. A business sign and posted hours [Trans 138.06]
- ✓ 8. A lease for the business real estate unless it is owned by the entity applying for the license (e.g. the owner of a sole proprietorship, one partner of a partnership, the corporation itself, or Limited Liability Company itself). [Trans 138.07]
- ✓ 9. A manufacturer's certificate of appointment (franchise) for new vehicles to be sold. [s. 218.01 (3) (a) 27.]
- ✓ 10. Fees paid to Registration Fee Trust for a two-year license: \$40 for dealer license, \$40 for any branch licenses, \$2 for any sublots, \$150 for the first two dealer plates, \$10 for each additional plate, \$8 for each salesperson license, \$12 for each BID card. [s. 218.01 (2) (d)]

The following items are different if only motorcycles (or in this case, LSV's) are sold:

1. Indoor area sufficient to display, prepare or repair at least 3 units. [Trans 138.03 (1) (a) 2.] - Per Cassa Fraser - will be done by rule
 - ✓ 2. A \$5,000 surety bond or irrevocable letter of credit. [s. 218.01 (2) (bb)]
- Note that to qualify as selling only motorcycles (or in this case, LSV's), other vehicle types (autos, trucks, motorhomes) can only be acquired as trade-ins and can only be sold at wholesale to other licensed dealers.

In addition to these licensing requirements, LSV dealers would also have to follow the facility and record-keeping requirements of Trans 138, the trade practice requirements of Trans 139 and the odometer disclosure requirements of Trans 154. These requirements include such things as advertising, disclosure, purchase contracts and warranties. And, if

dealers want to lease LSV's to consumers, they'd have to follow leasing requirements in Chapters 218 and 429, Wisconsin Statutes.

We'd also be licensing the manufacturers of LSV's in order for their vehicles to be titled and registered in Wisconsin. This is what's involved in getting a manufacturer license:

1. Complete the one-page application form.
2. Include a copy of the manufacturer/dealer sales agreement.
3. Include a sample photocopy of the Manufacturer's Certificate of Origin for each vehicle make manufactured.
4. Include a copy of the vehicle delivery and preparation obligations of dealers.
5. Include any pictorial brochures of vehicles manufactured.
6. Include a completed Manufacturer/Importer/Distributor Certification of Dealer (form MV2131) for each retail dealer they wish to appoint in Wisconsin.
7. Fees paid to Registration Fee Trust for a two-year license include: \$40 for the manufacturer license and \$8 for each representative license (representatives make sales calls on licensed Wisconsin dealers). If the manufacturer is located in Wisconsin, they may also order manufacturer license plates at a cost of \$150 for the first two plates, and \$10 for each additional plate.

Manufacturers would also have to comply with Wisconsin's franchise laws, Lemon Law and Secret Warranty Law, all in Chapter 218, Wisconsin Statutes.

Some things we'll want to consider in discussions with manufacturers of LSV's:

1. Had they already thought about how they want to do business here in terms of appointing dealers to sell their products? Wisconsin franchise law doesn't allow "factory stores" so they wouldn't be able to sell LSV's directly to consumers, they'd have to appoint dealers.
2. What is the "life expectancy" in terms of miles for an LSV? The lemon law buyback formula is based on 100,000 miles for autos and trucks, and 20,000 miles for a motorcycle. Where do LSV's fit in?
3. We're assuming LSV's have odometers and are issued Manufacturer's Certificates of Origin. Is this the case?

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ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1997 ASSEMBLY BILL 450

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1999 Bill

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Inserts

1 AN ACT *to renumber* 341.51 (6); *to amend* 70.112 (5), 100.44 (1) (a), 194.01 (7),
2 218.01 (1) (m), 218.01 (3) (bf) 3., 218.015 (1) (d), 227.43 (1) (bg), 285.30 (5) (c),
3 340.01 (4) (a), 341.25 (title), 341.25 (1) (b), 341.25 (1) (b), 341.297 (1), 341.31 (1)
4 (b) 5., 341.31 (1) (b) 5., 341.31 (4) (c), 342.15 (4) (a), 342.15 (4) (a), 342.34 (1) (c),
5 342.34 (1) (c), 343.07 (1) (intro.), 343.08 (1) (a) and (2) (a), 346.16 (2) (a), 349.105,
6 349.18 (1) (b), 632.38 (1) (c) and 779.41 (2); and *to create* subchapter XI of
7 chapter 218 [precedes 218.60], 285.30 (5) (j), 340.01 (19b), 340.01 (19d), 340.01
8 (27m), 341.51 (6) (b), 346.94 (18), 346.95 (8), 347.02 (8), 349.06 (4) and 349.237
9 of the statutes; **relating to:** low-speed vehicles, granting rule-making
authority and providing a penalty.

10
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A

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

11 SECTION 1. 70.112 (5) of the statutes is amended to read:

1 70.112 (5) MOTOR VEHICLES, BICYCLES, SNOWMOBILES. Every automobile,
2 low-speed vehicle, motor bicycle, motor bus, motorcycle, motor truck, moped, road
3 tractor, school bus, snowmobile, station wagon, truck tractor, or other similar motor
4 vehicle, or trailer or semitrailer used in connection therewith.

5 ~~SECTION 2. 100.44 (1) (a) of the statutes is amended to read:~~

6 ~~100.44 (1) (a) "Motor vehicle" means any motor-driven vehicle required to be~~
7 ~~registered under ch. 341 or exempt from registration under s. 341.05 (2), including~~
8 ~~a demonstrator or executive vehicle not titled or titled by a manufacturer or a motor~~
9 ~~vehicle dealer. "Motor vehicle" does not mean a moped, low-speed vehicle,~~
10 ~~semitrailer or trailer designed for use in combination with a truck or truck tractor.~~

11 SECTION 3. 194.01 (7) of the statutes is amended to read:

12 194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer,
13 tractor, motor bus or any self-propelled or motor driven vehicle, except a low-speed
14 vehicle, motorcycle, moped, motor bicycle or a vehicle operated on rails.

15 ~~SECTION 4. 218.01 (1) (m) of the statutes is amended to read:~~

16 ~~218.01 (1) (m) "Motor vehicle" means any motor-driven vehicle required to be~~
17 ~~registered under ch. 341 except mopeds and low-speed vehicles.~~

18 ~~SECTION 5. 218.01 (3) (bf) 3. of the statutes is amended to read:~~

19 ~~218.01 (3) (bf) 3. This paragraph does not apply to persons who deal only in~~
20 ~~mopeds or, motor bicycles or low-speed vehicles.~~

21 SECTION 6. 218.015 (1) (d) of the statutes is amended to read:

22 ~~218.015 (1) (d) "Motor vehicle" means any motor driven vehicle required to be~~
23 ~~registered under ch. 341 or exempt from registration under s. 341.05 (2), including~~
24 ~~a demonstrator or executive vehicle not titled or titled by a manufacturer or a motor~~
25 ~~vehicle dealer, which a consumer purchases or accepts transfer of in this state.~~

Rec'd w/ Statute

1 "Motor vehicle" does not mean a moped, low-speed vehicle, semitrailer or trailer
2 designed for use in combination with a truck or truck tractor

3 SECTION 7. Subchapter XI of chapter 218 [precedes 218.60] of the statutes is
4 created to read:

5 CHAPTER 218

6 SUBCHAPTER XI

7 LOW-SPEED VEHICLE DEALERS

8 **218.60 Definitions.** In this subchapter:

9 (1) "Department" means the department of transportation.

10 (1m) "License period" means the period during which a license granted under
11 s. 218.61 is effective, as established by the department under s. 218.61 (2m) (a) 1.

12 (2) "Low-speed vehicle" has the meaning given in s. 340.01 (27m).

13 (3) "Low-speed vehicle dealer" means any person, firm or corporation, who is
14 engaged wholly or in part in the business of selling low-speed vehicles, except that
15 a person, firm or corporation who is also a motor vehicle dealer under s. 218.01 shall
16 be governed and regulated by the provisions of s. 218.01 and not this section.

17 **218.61 Low-speed vehicle dealers regulated.** (1) No person may engage
18 in the business of selling low-speed vehicles in this state without a license therefor
19 as provided in this section.

20 (2) (a) Application for a license shall be made to the department at such time
21 and in such form, and containing such information, as the department requires.

22 (b) The application shall be accompanied by the fee required under sub. (2m)
23 (b) or (c).

24 (c) The department may require in such application, or otherwise, information
25 relating to the applicant's solvency, financial standing or other pertinent matter,

1 commensurate with the safeguarding of the public interest in the locality in which
2 the applicant proposes to engage in business, all of which may be considered by the
3 department in determining the fitness of the applicant to engage in business as set
4 forth in this section.

5 (d) All licenses shall be granted or refused within 30 days after the department
6 receives the application for the license.

7 (e) Each license shall specify the location of the office or branch for which it is
8 issued and must be available for inspection there. In case such location is changed,
9 the department shall endorse the change of location on the license without charge
10 if it is within the same municipality. A change of license to another municipality
11 shall require a new license.

12 **(2m)** (a) 1. The department shall promulgate rules establishing a license
13 period.

14 2. The department may promulgate rules establishing a uniform expiration
15 date for all licenses granted under this section.

16 (b) The department shall establish by rule the amount of the fee for a license
17 granted under this section. The fee may not exceed a total of \$50 per year for each
18 year that the license is effective. The fee shall be prorated if the license period is not
19 evenly divisible into years.

20 (c) If the department grants a license under this section during the license
21 period, the fee for the license shall equal the annual amount established under par.
22 (b) multiplied by the number of calendar years, including parts of calendar years,
23 during which the license remains in effect. A fee determined under this paragraph
24 may not exceed the total license fee for the entire license period under par. (b).

1 **(3)** A license may be denied, suspended or revoked on any of the following
2 grounds:

3 (a) Proof of unfitness of applicant.

4 (b) Material misstatement in application for license.

5 (c) Filing a materially false or fraudulent income or franchise tax return as
6 certified by the department of revenue.

7 (d) Wilful failure to comply with any provision of this section or any rule
8 promulgated by the department under this section.

9 (e) Wilfully defrauding any retail buyer to the buyer's damage.

10 (f) Wilful failure to perform any written agreement with any retail buyer.

11 **(4)** The department may without notice deny the application for a license
12 within 30 days after receipt thereof by written notice to the applicant, stating the
13 grounds for such denial. Upon request by the applicant whose license has been so
14 denied, the division of hearings and appeals shall set the time and place of hearing
15 a review of such denial, the same to be heard with reasonable promptness.

16 **(5)** (a) No license may be suspended or revoked except after a hearing thereon.

17 (b) Except as provided in par. (c), the division of hearings and appeals shall give
18 the licensee at least 5 days' notice of the time and place of the hearing. The order
19 suspending or revoking the license shall not be effective until after 10 days' written
20 notice thereof to the licensee, after the hearing has been had.

21 (c) When the department finds that the best interest of the public or the trade
22 demands such action, the department may suspend a license upon not less than 24
23 hours' notice of hearing and with not less than 24 hours' notice of the suspension of
24 the license.

1 **(6)** The department may inspect the pertinent books, records, letters and
2 contracts of a licensee. The actual cost of each such examination shall be paid by the
3 licensee so examined within 30 days after demand therefor by the department, and
4 the department may maintain an action for the recovery of the costs in any court of
5 competent jurisdiction.

6 **(7)** If a licensee is a firm or corporation, it shall be sufficient cause for the denial,
7 suspension or revocation of a license that any officer, director or trustee of the firm
8 or corporation, or any member in case of a partnership or limited liability company,
9 has been guilty of any act or omission which would be cause for refusing, suspending
10 or revoking a license to the party as an individual. Each licensee shall be responsible
11 for the acts of any or all salespersons while acting as the licensee's agent, if the
12 licensee approved of or had knowledge of the acts or other similar acts and after such
13 approval or knowledge retained the benefit, proceeds, profits or advantages accruing
14 from the acts or otherwise ratified the acts.

15 **(8)** Any department or other person in interest being dissatisfied with an order
16 of the division of hearings and appeals may have a review thereof as provided in ch.
17 227.

18 **218.62 Examination by department.** No licensee is subject to examination
19 or audit by the department under this subchapter other than as provided in s. 218.61
20 (6).

21 **218.63 Penalty. (1)** Any person violating s. 218.61 or a lawful rule or order
22 issued thereunder shall, upon conviction, be fined not less than \$25 nor more than
23 \$100.

24 **(2)** The department may cancel the license of the convicted licensee.

1 (3) The license issued to any convicted licensee shall be surrendered to any
2 police officer upon direction of the department without any refund of the fees paid.

3 (4) Any license canceled under this section may not be renewed for 12 months.

4 SECTION 8. 227.43 (1) (bg) of the statutes is amended to read:

5 227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review
6 under ss. 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9) (b), 86.32
7 (1), 114.134 (4) (b), 114.135 (9), 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.01
8 (2) (bd) 2. and (c) 2., (3) (b), (c), (f) 1., (fm) 1. and (h) and (3c) (d), 218.11 (7) (a) and
9 (b), 218.22 (4) (a) and (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b),
10 218.61 (4), 341.09 (2m) (d), 342.26, 343.69 and 348.25 (9).

11 SECTION 9. 285.30 (5) (c) of the statutes is amended to read:

12 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
13 that a motor vehicle owned by the United States is not exempt unless it comes under
14 par. (a), (b), (d), (e), (f), (g) or (h) or (j).

15 SECTION 10. 285.30 (5) (j) of the statutes is created to read:

16 285.30 (5) (j) A low-speed vehicle, as defined in s. 340.01 (27m).

17 SECTION 11. 340.01 (4) (a) of the statutes is amended to read:

18 340.01 (4) (a) Type 1 is a motor vehicle designed and used primarily for carrying
19 persons but which does not come within the definition of a low-speed vehicle, motor
20 bus, motorcycle, moped or motor bicycle.

21 SECTION 12. 340.01 (19b) of the statutes is created to read:

22 340.01 (19b) "Golf car" means a motor vehicle, whose speed attainable in one
23 mile exceeds 15 miles per hour but does not exceed 25 miles per hour, used to convey
24 one or more persons and equipment to play the game of golf in an area designated
25 as a golf course.

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SECTION 13. 340.01 (19d) of the statutes is created to read:

340.01 (19d) "Golf cart" means a ^{motor} vehicle, whose speed attainable in one mile does not exceed ~~15~~²⁰ miles per hour, used to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

SECTION 14. 340.01 (27m) of the statutes is created to read: 49 CFR 571.5

340.01 (27m) "Low-speed vehicle" means a motor vehicle whose speed attainable in one mile does not exceed ~~25~~^{20-25 mph} miles per hour or any vehicle that meets the definition under 49 CFR 571.1. "Low-speed vehicle" includes a golf car, but does not include a golf cart, moped or motor bicycle. ^{std 571.500}
^{originally mfg. to meet federal equipment stds. under 49 CFR 571.500}

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SECTION 15. 341.25 (title) of the statutes is amended to read:

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

SECTION 16. 341.25 (1) (b) of the statutes is amended to read:

341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed vehicle under s. 341.067, which is designed for the transportation of persons rather than property, and for each low-speed vehicle, a biennial fee of \$20. Registration plates issued under this paragraph expire on April 30 of even-numbered years.

prev w/ stats.

SECTION 17. 341.25 (1) (b) of the statutes ~~was affected by 1997 Wisconsin Act 21~~

is amended to read:

341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed vehicle under s. 341.067, which is designed for the transportation of persons rather than property, and for each low-speed vehicle, a biennial fee of \$23. Registration plates issued under this paragraph expire on April 30 of even numbered years.

1 SECTION 18. 341.297 (1) of the statutes is amended to read:

2 341.297 (1) A motorcycle ~~or~~, moped or low-speed vehicle, as specified in s.
3 341.25 (1) (b). The registration period for a motorcycle ~~or~~, moped or low-speed
4 vehicle begins on May 1 of an even-numbered year and ends on April 30 of the next
5 even numbered year.

6 ~~SECTION 19. 341.31 (1) (b) 5. of the statutes is amended to read:~~

7 ~~341.31 (1) (b) 5. The vehicle is a motorcycle or low-speed vehicle which has been~~
8 ~~transferred to the applicant and for which a current registration plates plate had~~
9 ~~been issued to the previous owner; or~~

10 SECTION 20. 341.31 (1) (b) 5. of the statutes ~~is amended to read:~~ ~~as affected by 1997 Wisconsin Act~~

11 ~~is~~ is amended to read:

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

15 SECTION 21. 341.31 (4) (c) of the statutes is amended to read:

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

19 ~~SECTION 22. 341.51 (6) of the statutes is renumbered 341.51 (6) (a).~~

20 ~~SECTION 23. 341.51 (6) (b) of the statutes is created to read:~~

21 ~~341.51 (6) (b) A person licensed under s. 218.01 or 218.61 as a dealer,~~
22 ~~distributor or manufacturer of only low-speed vehicles may, but need not, apply for~~
23 ~~registration under this section.~~

24 ~~SECTION 24. 342.15 (4) (a) of the statutes is amended to read:~~

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1 ~~342.15 (4) (a) If the vehicle being transferred is a motorcycle or low-speed~~
 2 ~~vehicle or an automobile or station wagon registered under the monthly series~~
 3 ~~system or a motor home or a motor truck, dual purpose motor home or dual purpose~~
 4 ~~farm truck which has a gross weight of not more than 8,000 pounds or a farm truck~~
 5 ~~which has a gross weight of not more than 12,000 pounds, the owner shall remove~~
 6 ~~the registration plate or plates and retain and preserve them the plate or plates for~~
 7 ~~use on any other vehicle of the same type and gross weight which may subsequently~~
 8 ~~be registered in his or her name.~~

9 SECTION 25. 342.15 (4) (a) of the statutes, *as affected by 1997 Wisconsin Act 11*
 10 is amended to read:

11 342.15 (4) (a) If the vehicle being transferred is a motorcycle or a low-speed
 12 vehicle or an automobile or station wagon registered under s. 341.27 or a motor home
 13 or a motor truck, dual purpose motor home or dual purpose farm truck which has a
 14 gross weight of not more than 8,000 pounds or a farm truck which has a gross weight
 15 of not more than 12,000 pounds, the owner shall remove the registration plate or
 16 plates and retain and preserve them the plate or plates for use on any other vehicle
 17 of the same type and gross weight which may subsequently be registered in his or
 18 her name.

19 SECTION 26. 342.34 (1) (c) of the statutes is amended to read:

20 342.34 (1) (c) If the vehicle is a motorcycle or low-speed vehicle or an
 21 automobile or station wagon registered under the monthly series system or a motor
 22 home or a motor truck, dual purpose motor home or dual purpose farm truck which
 23 has a gross weight of not more than 8,000 pounds or a farm truck which has a gross
 24 weight of not more than 12,000 pounds, the owner shall remove the registration plate
 25 or plates and retain and preserve them the plate or plates for use on any other vehicle

proposed statute

1 of the same type which may subsequently be registered in his or her name. If the
 2 vehicle is not a motorcycle or low-speed vehicle or an automobile or station wagon
 3 registered under the monthly series system, or a motor home or a motor truck, dual
 4 purpose motor home or dual purpose farm truck which has a gross weight of not more
 5 than 8,000 pounds or a farm truck which has a gross weight of not more than 12,000
 6 pounds, he or she shall remove and destroy the plate or plates.

7 SECTION 27. 342.34 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 276

8 is amended to read:

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

proof w/ stats.

21 SECTION 28. 343.07 (1) (intro.) of the statutes is amended to read:

22 343.07 (1) REGULAR PERMIT; ISSUANCE, RESTRICTIONS. (intro.) Upon application
 23 therefor by a person at least 15 years and 6 months of age who, except for age or lack
 24 of training in the operation of a motor vehicle, is qualified to obtain an operator's
 25 license and has passed such knowledge test as the department may require, the

police
change

1 department may issue a regular instruction permit. ~~The A regular instruction~~
 2 permit entitles the permittee to operate a motor vehicle, except a commercial motor
 3 vehicle, school bus or, low-speed vehicle, Type 1 motorcycle, a motor bicycle or a
 4 moped, upon the highways, subject to the following restrictions:

5 SECTION 29. 343.08 (1) (a) and (2) (a) of the statutes are amended to read:

6 343.08 (1) (a) The department must be satisfied that it is necessary for the
 7 applicant to operate an automobile, farm truck, dual purpose farm truck, low-speed
 8 vehicle. Type 1 motorcycle powered with an engine of not more than 125 cubic
 9 centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and
 10 registered by the applicant's parent or guardian or a farm truck leased to the
 11 applicant's parent or guardian.

12 (2) (a) A restricted license issued pursuant to this section is valid only until the
 13 licensee secures an operator's license issued pursuant to s. 343.03 or reaches 18 years
 14 of age and, except as provided in par. (b), entitles the licensee to operate an
 15 automobile, farm truck, dual purpose farm truck, low-speed vehicle, Type 1
 16 motorcycle powered with an engine of not more than 125 cubic centimeters
 17 displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by
 18 the licensee's parent or guardian or a farm truck leased to the licensee's parent or
 19 guardian or any combination of these vehicles, depending on the restrictions placed
 20 by the department on the particular license.

21 SECTION 30. 346.16 (2) (a) of the statutes is amended to read:

22 346.16 (2) (a) Except as provided in par. (b), no pedestrian or person riding a
 23 bicycle or other nonmotorized vehicle and no person operating a low-speed vehicle,
 24 moped or motor bicycle may go upon any expressway or freeway when official signs
 25 ~~have been erected~~ prohibiting such person from using the expressway or freeway.

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have been erected as provided in s. 349.105

1 SECTION 31. 346.94 (18) of the statutes is created to read:

2 346.94 (18) LOW-SPEED VEHICLES ON ROADWAY. (a) Subject to s. 349.237, a person
3 may operate a low-speed vehicle upon any roadway that is under the jurisdiction of
4 a local authority and that has a speed limit of 25 or less miles per hour.

5 (b) No person may operate a low-speed vehicle upon any highway that has a
6 speed limit of more than 25 miles per hour. ^{5. ✓} ~~No person may operate a low-speed~~ *Except at crossings authorized under 349.237(2)*
7 vehicle upon a state trunk highway or connecting highway. This paragraph does not
8 apply to vehicles registered under s. 341.26 (2m) or vehicles exempted from this
9 paragraph by the department by rule.

10 SECTION 32. 346.95 (8) of the statutes is created to read:

11 346.95 (8) Any person violating s. 346.94 (18) may be required to forfeit not less
12 than \$30 nor more than \$300.

13 SECTION 33. 347.02 (8) of the statutes is created to read:

14 347.02 (8) Notwithstanding the requirements of this chapter, the department
15 may establish by rule special equipment standards for low-speed vehicles which
16 differ from the equipment standards established under this chapter. The
17 department ~~may not~~ ^{shall} establish equipment standards under this subsection that are
18 ~~less stringent than any federal standards established for low-speed vehicles.~~ ^{essential to} *571.500*

*in 87
13-18*

19 SECTION 34. 349.06 (4) of the statutes is created to read:

20 349.06 (4) Any municipality or county may enact and enforce an ordinance that
21 regulates the equipment of a low-speed vehicle if the ordinance strictly conforms to
22 rules promulgated under s. 347.02 (8). An ordinance that incorporates by reference
23 existing and future amendments of rules promulgated under s. 347.02 (8) shall be
24 considered to be in strict conformity and not contrary to or inconsistent with s. 347.02
25 (8) and rules promulgated under that subsection.

✓

1 SECTION 35. 349.105 of the statutes is amended to read:

proof w/ state

2 349.105 Authority to prohibit certain traffic on expressways and
3 freeways. The authority in charge of maintenance of an expressway or freeway
4 may, by order, ordinance or resolution, prohibit the use of such expressway or
5 freeway by pedestrians, persons riding bicycles or other nonmotorized traffic or by
6 persons operating low-speed vehicles, mopeds or motor bicycles. The state or local
7 authority adopting any such prohibitory regulation shall erect and maintain official
8 signs giving notice thereof on the expressway or freeway to which such prohibition
9 applies.

10 SECTION 36. 349.18 (1) (b) of the statutes is amended to read:

11 ~~349.18 (1) (b) Establish a golf car or golf cart crossing point upon a highway
12 within its limits. An ordinance enacted under this paragraph shall require ~~that the~~
13 operator of a golf car or golf cart to stop and yield the right-of-way to all vehicles
14 approaching on the highway before crossing the highway. The ordinance may
15 require that a golf car or golf cart be equipped with reflective devices as specified in
16 the ordinance. The city, village or town shall place a sign of a type approved by the
17 department to mark the crossing point on both sides of the highway.~~

18 SECTION 37. 349.237 of the statutes is created to read:

19 349.237 Authority to regulate operation of low-speed vehicles. (1) The
20 governing body of any municipality or county may by ordinance restrict the operation
21 of low-speed vehicles on any roadway under its jurisdiction having a speed limit of
22 25 or less miles per hour.

23 (2) The governing body of a municipality or county may by ordinance designate
24 locations for low-speed vehicles to cross a state trunk highway or connecting
25 highway that is not a controlled-access highway. A municipality or county may erect

hyphen

1 official signs or mark a crossing designated under this subsection only as directed by
2 the department.

3 SECTION 38. 632.38 (1) (c) of the statutes is amended to read:

4 632.38 (1) (c) "Motor vehicle" means any motor-driven vehicle required to be
5 registered under ch. 341 or exempt from registration under s. 341.05 (2), including
6 a demonstrator or executive vehicle not titled or titled by a manufacturer or a motor
7 vehicle dealer. "Motor vehicle" does not mean a moped, low-speed vehicle,
8 semitrailer or trailer designed for use in combination with a truck or truck tractor.

9 SECTION 39. 779.41 (2) of the statutes is amended to read:

10 779.41 (2) Every keeper of a garage or repair shop who alters, repairs or does
11 any work on any detached accessory, fitting or part of an automobile, truck,
12 motorcycle, moped, low-speed vehicle, motor bicycle or similar motor vehicle or
13 bicycle at the request of the owner or legal possessor thereof, shall have a lien upon
14 and may retain possession of any such accessory, fitting or part until the charges for
15 such alteration, repairing or other work have been paid. If the detached article
16 becomes attached to such motor vehicle or bicycle while in the possession of the
17 keeper, the keeper has a lien on the motor vehicle or bicycle under sub. (1).

proof w/ starts

18 SECTION 40. Effective dates. ^{(F) (1)} This act takes effect on the day after
19 publication ~~except as follows:~~

20 (1) The treatment of section 341.25 (1) (b) (by SECTION 17) of the statutes takes
21 effect on May 1, 1998.

22 (2) The treatment of section 341.31 (1) (b) 5. (by SECTION 20) of the statutes
23 takes effect on January 1, 1998.

24 (3) The treatment of section 342.15 (4) (a) (by SECTION 25) of the statutes takes
25 effect on January 1, 1999.

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(4) The treatment of section 342.34 (1) (c) (by SECTION 27) of the statutes takes effect on January 1, 1999.

(END)

INSERT-
A

four

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 ~~4~~-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 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 different from most other motor vehicles in the following respects:

1. Low-speed vehicles, other than those publicly owned and operated, are restricted to highways having a speed limit 25 or less miles 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.

3. Low-speed vehicles may cross state trunk highways or connecting highways only at officially designated crossings.

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

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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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0890/lins
PEN.....

inserts

INSEA
7-11

1 SECTION 1. 218.01 (1) (km) of the statutes is created to read:
2 218.01 (1) (km) "Low-speed vehicle" has the meaning given in s. 340.01 (27m).

3 SECTION 2. 218.01 (1) (n) 2. of the statutes is amended to read:
4 218.01 (1) (n) 2. Is engaged wholly or in part in the business of selling or leasing
5 motor vehicles, including motorcycles and low-speed vehicles, whether or not such
6 motor vehicles are owned by such person, firm or corporation.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

7 SECTION 3. 218.01 (2) (bb) 1. of the statutes is amended to read:
8 218.01 (2) (bb) 1. A motor vehicle dealer or an applicant for a motor vehicle
9 dealer license shall provide and maintain in force a bond or irrevocable letter of credit
10 of not less than \$25,000 or, if the dealer or applicant sells or proposes to sell
11 motorcycles or low-speed vehicles, or both, and not other types of motor vehicles, a
12 bond or irrevocable letter of credit of not less than \$5,000. The bond or letter of credit
13 shall be executed in the name of the department of transportation for the benefit of
14 any person who sustains a loss because of an act of a motor vehicle dealer that
15 constitutes grounds for the suspension or revocation of a license under this section.

History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237.

16 SECTION 4. 218.015 (2) (b) 2. b. of the statutes is amended to read:
17 218.015 (2) (b) 2. b. Accept return of the motor vehicle and refund to the
18 consumer and to any holder of a perfected security interest in the consumer's motor
19 vehicle, as their interest may appear, the full purchase price plus any sales tax,
20 finance charge, amount paid by the consumer at the point of sale and collateral costs,
21 less a reasonable allowance for use. Under this subdivision, a reasonable allowance



1 for use may not exceed the amount obtained by multiplying the full purchase price
2 of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a
3 motorcycle or low-speed vehicle, 20,000, and the numerator of which is the number
4 of miles the motor vehicle was driven before the consumer first reported the
5 nonconformity to the motor vehicle dealer.

(end insert 7-11)

History: 1983 a. 48; 1985 a. 205 ss. 1m to 6, 8; 1987 a. 105, 169, 323, 403; 1989 a. 31.

6 ~~SECTION 5. 340.01 (27m)~~ of the statutes is created to read:

7 340.01 (27m) "Low-speed vehicle" means a 4-wheeled motor vehicle originally
8 manufactured to meet the equipment standards under 49 CFR 571.500 and whose
9 maximum speed attainable in 1 mile is more than 20 miles per hour but not more
10 than 25 miles per hour on a paved, level surface. "Low-speed vehicle" does not
11 include a motor truck.

insert
8-9

12 SECTION 6. 341.067 of the statutes is amended to read:

13 341.067 Registration of special vehicles. The department shall register a
14 specially designed vehicle which is authorized for operation by a person holding a
15 special restricted operator's license under s. 343.135 if the special vehicle meets the
16 equipment standards established under s. 347.02 (6) or (8).

History: 1979 c. 345; Stats. 1979 s. 341.065; 1979 c. 355 s. 156; Stats. 1979 s. 341.067.

17 SECTION 7. 343.135 (2) (a) 1m. of the statutes is created to read:

18 343.135 (2) (a) 1m. Low-speed vehicles; or

insert
12-21

19 SECTION 8. 347.02 (8) of the statutes is created to read:

20 347.02 (8) Notwithstanding the requirements of this chapter, the department
21 may, by rule, establish for low-speed vehicles special equipment standards that
22 differ from the equipment standards established under this chapter. Special
23 equipment standards established under this subsection shall be identical to the

insert
13-18

6

1 federal standards established in 49 CFR 571.500, except that the department may
2 establish additional standards for equipment not required under 49 CFR 571.500.

3 **SECTION 9.** 347.245 (5) of the statutes is amended to read:

4 347.245 (5) This section does not apply to any vehicle or combination of vehicles
5 to the left rear of which is attached a yellow or amber flashing light at least 4 inches
6 in diameter or to low-speed vehicles.

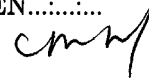
History: 1977 c. 29, 288; 1979 c. 34; 1981 c. 138; 1987 a. 164.

(old insert 13-18)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0890/1dn

PEN.....



March 31, 1999

Carson Frasier: ^{2 as}

Do you want to make the provisions of s. 218.01 (2d), damages to delivered vehicles, inapplicable to certain low-speed vehicles. See s. 218.01 (2d) (c), which exempts certain motorcycles from those provisions. ✓

Unless Trans. 138.03 (1) (a) 2., Wis. Adm. Code, is amended to include low-speed vehicles, dealers of exclusively low-speed vehicles will have to meet the same requirements as dealers of automobiles. Ok? ✓

Under this bill, low-speed vehicles are "Class D" vehicles. See s. 343.04 (1) (d). This classification might allow an applicant for a regular license to take a driving skills test in a low-speed vehicle. See ss. 343.14 (2) (h), 343.16 (1) (a) and 343.01 (2) (f), which refer also to "group" and "type" of vehicle. Also, I do not know whether this classification offends the federal classification scheme. Ok? ✓

Low-speed vehicles may be operated by any person holding a regular instruction permit. See 343.07 (1). Ok? ✓

Check the treatment of ss. 347.02 (8) and 341.067. Those sections allow low-speed vehicles to be registered as specially designed vehicles, if they meet the equipment requirements of either s. 347.02 (6) or (8). Because low-speed vehicles might have unique equipment requirements, I didn't know whether relying solely on the equipment standards established under s. 347.02 (6) for specially designed vehicles would be sufficient. ✓

DOT's summary entitled "State Policy and Statutory Recommendations on Low Speed Vehicles" dated September, 1998, suggests a change to ch. 347 is necessary so that this state's windshield and safety belt standards apply to low-speed vehicles. Proposed s. 347.02 (8) makes these and other state equipment standards applicable to low-speed vehicles, unless DOT changes the equipment standards by rule. Does proposed s. 347.02 (8) meet DOT's needs? ✓

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0890/1dn
PEN:cmh:ijs

April 9, 1999

Carson Frazier:

Do you want to make the provisions of s. 218.01 (2d), damages to delivered vehicles, inapplicable to certain low-speed vehicles. See s. 218.01 (2d) (c), which exempts certain motorcycles from those provisions.

Unless Trans. 138.03 (1) (a) 2., Wis. Adm. Code, is amended to include low-speed vehicles, dealers of exclusively low-speed vehicles will have to meet the same requirements as dealers of automobiles. Ok?

Under this bill, low-speed vehicles are "Class D" vehicles. See s. 343.04 (1) (d). This classification might allow an applicant for a regular license to take a driving skills test in a low-speed vehicle. See ss. 343.14 (2) (h), 343.16 (1) (a) and 343.01 (2) (f), which refer also to "group" and "type" of vehicle. Also, I do not know whether this classification offends the federal classification scheme. Ok?

Low-speed vehicles may be operated by any person holding a regular instruction permit. See 343.07 (1). Ok?

Check the treatment of ss. 347.02 (8) and 341.067. Those sections allow low-speed vehicles to be registered as specially designed vehicles, if they meet the equipment requirements of either s. 347.02 (6) or (8). Because low-speed vehicles might have unique equipment requirements, I didn't know whether relying solely on the equipment standards established under s. 347.02 (6) for specially designed vehicles would be sufficient.

DOT's summary entitled "State Policy and Statutory Recommendations on Low Speed Vehicles" dated September, 1998, suggests a change to ch. 347 is necessary so that this state's windshield and safety belt standards apply to low-speed vehicles. Proposed s. 347.02 (8) makes these and other state equipment standards applicable to low-speed vehicles, unless DOT changes the equipment standards by rule. Does proposed s. 347.02 (8) meet DOT's needs?

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

Nilsen, Paul

From: Frazier, Carson
Sent: Thursday, April 15, 1999 10:21 AM
To: Nilsen, Paul
Subject: FW: LSV draft

Hi Paul also for your information when you can give me a call (PS, I'm in today but out on Friday so if you don't get a chance today, please call on MOnday? thanks)

-----Original Message-----

From: VanDeventer, Victoria
Sent: Monday, April 12, 1999 11:09 AM
To: Frazier, Carson
Subject: RE: LSV draft

That works for me -- it was my original inclination -- just tried to picture three in a row and wondered how much space that would be. We wouldn't want to require them to have more space than an auto/truck dealer is required to have.

-----Original Message-----

From: Frazier, Carson
Sent: Monday, April 12, 1999 10:54 AM
To: VanDeventer, Victoria
Subject: RE: LSV draft

thanks Vikki, it's your call on amending Trans 138, but my suggestion is let's do it and call it 3 units, because we're making the pitch that LSV's are just like motorcycles, and it would be good if we were totally consistent.

-----Original Message-----

From: VanDeventer, Victoria
Sent: Monday, April 12, 1999 10:37 AM
To: Frazier, Carson
Subject: LSV draft

Carson -- I read the LSV draft and thought everything to do with dealer licensing looked fine. I also noticed Paul Nilsen had some questions for you in his cover note. Here are my thoughts on the two dealer-related issues:

1. Should the provisions of s. 218.01 (2d) regarding damages to delivered vehicles be inapplicable to LSVs like they are for motorcycles?

The exemption for motorcycles in s. 218.01 (2d) (c) is for units delivered in a crated, disassembled condition. Unless LSVs are delivered disassembled in crates, I don't think they should be exempt from the damages to delivered vehicles provisions.

2. Unless we amend Trans 138.03 (1) (a) 2., dealers of exclusively LSVs would have to meet the same facilities requirements that auto/truck dealers must meet. Is that ok?

This paragraph refers specifically to indoor display requirements. Auto/truck dealers must have a minimum 12 X 20 foot indoor display area. Dealers of exclusively motorcycles must have indoor space sufficient for three units. Heavy truck dealers who don't sell automobiles, too, don't have to have any indoor display at all.

If we're going to be consistent with making LSV dealer regulations similar to motorcycle dealer regulations, we'd probably want to amend Trans 138.08 (1) (a) 2. so they (like motorcycle dealers) would need to have indoor display space for three units. On the other hand, LSVs would seem to be bigger than motorcycles, so it might very well take the minimum 12 X 20 feet to hold three of them. In that case, I'd just leave Trans 138 as is. Does that

make sense?

Nilsen, Paul

From: Frazier, Carson
Sent: Thursday, April 15, 1999 10:19 AM
To: Nilsen, Paul
Subject: FW: Low Speed Vehicle draft

Hi, Paul, please see my and Mike's notes, and please call per my voice mail message to you, thanks!!!

-----Original Message-----

From: Kernats, Mike
Sent: Thursday, April 15, 1999 10:08 AM
To: Frazier, Carson
Subject: RE: Low Speed Vehicle draft

Carson, I think Paul's draft is very good.

I agree that section 25 should be deleted. I think we want low speed vehicles to display the slow moving vehicle emblem.

I also recommend we include a "golf cart" definition. There is likely to be confusion between "golf carts" and "low speed vehicles." We now have a good definition for low speed vehicles, but no definition for golf cart. Golf cart is used in sections 341.05(24) and 349.18(1), Stats., so I'd like to see a definition for golf cart in chapter 340. I would suggest: "Golf cart means a motor vehicle, whose speed attainable in one mile does not exceed 20 miles per hour on a paved level surface, used to convey one or more persons and equipment to play the game of golf in an area designated as a golf course. Golf cart does not include a low speed vehicle."

Section 24 on equipment standards is drafted as we recommended and I think it is adequate.

-----Original Message-----

From: Frazier, Carson
Sent: Tuesday, April 13, 1999 3:14 PM
To: Kernats, Mike
Subject: Low Speed Vehicle draft

Mike, I have now read the LRB draft and am ready to talk with you about it. I do have a couple of questions about this iteration of the draft, which I'll tell you here and perhaps you'd think about them before we talk:

1. You raised the question of definition of golf cart. I noticed this also. Maybe Paul Nilsen decided it wasn't needed, but we should ask him.
2. Page 8, line 22-25, Section 25 of the draft: if I read it correctly, this section exempts Low Speed Vehicles from having to display a Slow-Moving Vehicle emblem. I believe we do NOT want to exempt them -- in fact, I seem to recall it's one of the requirements in Trans 303 -- so I think we'd want to delete Section 25 of this draft.
3. I believe I understand what Paul's doing on this item, but could you check it also? Page 5 of the draft, line 7, Section 11 of the draft, makes eligible for registration as a Specially Designed Vehicle to include vehicles with equipment meeting standards spelled out in LSV equipment standards, as well as current SDV regulations. Now, we had said that we would follow Trans 303 (which is also 347.02(6)) for LSV's used as SDV's. I believe that for a LSV as we have defined it (originally manufactured to meet NHTSA standards), if it's going to be used as a Specially Designed Vehicle, in effect it will meet our LSV standards (which are going to be all the NHTSA standards plus all the Ch Trans 303 standards). I THINK that Paul's draft does this, but could you just check to be sure?

These are my only comments on the draft, which turns out to be: 1 definite change needed to the draft; 1 question to ask Paul; and 1 item that could you check.

If you have a few minutes Wednesday or Thursday, let's meet, or call me if you think we can do this by phone. thanks a whole lot!!!

Carson P. Frazier
DMV, Bureau of Vehicle Services
(608)266-7857
carson.frazier@dot.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0890/1
TNF&PEN:cmh:ijs

12

1999 BILL

W.P.D.
Please
for topic
line on
request
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INSETS

reger

1 **AN ACT** to amend 70.112 (5), 194.01 (7), 218.01 (1) (n) 2., 218.01 (2) (bb) 1.,
 2 218.015 (2) (b) 2. b., 285.30 (5) (c), 340.01 (4) (a), 341.067, 341.25 (title), 341.25
 3 (1) (b), 341.297 (1), 341.31 (1) (b) 5., 341.31 (4) (c), 342.15 (4) (a), 342.34 (1) (c),
 4 343.08 (1) (a) and (2) (a), 346.16 (2) (a), 347.245 (5), 349.105 and 779.41 (2); and
 5 **to create** 218.01 (1) (km), 285.30 (5) (j), 340.01 (27m), 343.135 (2) (a) 1m.,
 6 346.94 (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

BILL

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 restricted to highways having a speed limit 25 or less miles 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.

3. Low-speed vehicles may cross state trunk highways or connecting highways only at officially designated crossings.

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.

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:

BILL

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

25 **SECTION 6.** 218.015 (2) (b) 2. b. of the statutes is amended to read:

INSE
3-24

BILL**SECTION 6**

1 218.015 (2) (b) 2. b. Accept return of the motor vehicle and refund to the
2 consumer and to any holder of a perfected security interest in the consumer's motor
3 vehicle, as their interest may appear, the full purchase price plus any sales tax,
4 finance charge, amount paid by the consumer at the point of sale and collateral costs,
5 less a reasonable allowance for use. Under this subdivision, a reasonable allowance
6 for use may not exceed the amount obtained by multiplying the full purchase price
7 of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a
8 motorcycle or low-speed vehicle, 20,000, and the numerator of which is the number
9 of miles the motor vehicle was driven before the consumer first reported the
10 nonconformity to the motor vehicle dealer.

11 **SECTION 7.** 285.30 (5) (c) of the statutes is amended to read:

12 285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except
13 that a motor vehicle owned by the United States is not exempt unless it comes under
14 par. (a), (b), (d), (e), (f), (g) ~~or~~, (h) or (j).

15 **SECTION 8.** 285.30 (5) (j) of the statutes is created to read:

16 285.30 (5) (j) A low-speed vehicle, as defined in s. 340.01 (27m).

17 **SECTION 9.** 340.01 (4) (a) of the statutes is amended to read:

18 340.01 (4) (a) Type 1 is a motor vehicle designed and used primarily for carrying
19 persons but which does not come within the definition of a low-speed vehicle, motor
20 bus, motorcycle, moped or motor bicycle.

21 **SECTION 10.** 340.01 (27m) of the statutes is created to read:

22 340.01 (27m) "Low-speed vehicle" means a 4-wheeled motor vehicle originally
23 manufactured to meet the equipment standards under 49 CFR 571.500 and whose
24 maximum speed attainable in 1 mile is more than 20 miles per hour but not more

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1 than 25 miles per hour on a paved, level surface. "Low-speed vehicle" does not
 2 include a ^{golf cart or} motor truck.

3 **SECTION 11.** 341.067 of the statutes is amended to read:

4 **341.067 Registration of special vehicles.** The department shall register a
 5 specially designed vehicle which is authorized for operation by a person holding a
 6 special restricted operator's license under s. 343.135 if the special vehicle meets the
 7 equipment standards established under s. 347.02 (6) or (8).

8 **SECTION 12.** 341.25 (title) of the statutes is amended to read:

9 **341.25 (title) Annual and biennial registration fees; ~~biennial~~**
 10 **~~motorcycle~~ fees.**

11 **SECTION 13.** 341.25 (1) (b) of the statutes is amended to read:

12 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
 13 or less, except a specially designed vehicle under s. 341.067, which is designed for the
 14 transportation of persons rather than property, and for each low-speed vehicle, a
 15 biennial fee of \$23. Registration plates issued under this paragraph expire on April
 16 30 of even-numbered years.

17 **SECTION 14.** 341.297 (1) of the statutes is amended to read:

18 341.297 (1) A motorcycle ~~or~~, moped or low-speed vehicle, as specified in s.
 19 341.25 (1) (b). The registration period for a motorcycle ~~or~~, moped or low-speed
 20 vehicle begins on May 1 of an even-numbered year and ends on April 30 of the next
 21 even-numbered year.

22 **SECTION 15.** 341.31 (1) (b) 5. of the statutes is amended to read:

23 341.31 (1) (b) 5. The vehicle is a motorcycle ~~which~~ or low-speed vehicle that has
 24 been transferred or leased to the applicant and for which a current registration
 25 plates plate had been issued to the previous owner; or

BILL**SECTION 16**

1 **SECTION 16.** 341.31 (4) (c) of the statutes is amended to read:

2 341.31 (4) (c) A person retaining a ~~set of plates~~ plate removed from a motorcycle
3 or low-speed vehicle may receive credit for the unused portion of the registration fee
4 paid when registering a ~~replacement motorcycle~~ vehicle of the same type.

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

6 342.15 (4) (a) If the vehicle being transferred is a motorcycle or a low-speed
7 vehicle or an automobile or station wagon registered under s. 341.27 or a motor home
8 or a motor truck, dual purpose motor home or dual purpose farm truck which has a
9 gross weight of not more than 8,000 pounds or a farm truck which has a gross weight
10 of not more than 12,000 pounds, the owner shall remove the registration plate or
11 plates and retain and preserve ~~them~~ the plate or plates for use on any other vehicle
12 of the same type and gross weight which may subsequently be registered in his or
13 her name.

14 **SECTION 18.** 342.34 (1) (c) of the statutes is amended to read:

15 342.34 (1) (c) If the vehicle is a motorcycle or low-speed vehicle or an
16 automobile or station wagon registered under s. 341.27 or a motor home or a motor
17 truck, dual purpose motor home or dual purpose farm truck which has a gross weight
18 of not more than 8,000 pounds or a farm truck which has a gross weight of not more
19 than 12,000 pounds, the owner shall remove the registration plate or plates and
20 retain and preserve ~~them~~ the plate or plates for use on any other vehicle of the same
21 type which may subsequently be registered in his or her name. If the vehicle is not
22 a motorcycle or low-speed vehicle or an automobile or station wagon registered
23 under s. 341.27, or a motor home or a motor truck, dual purpose motor home or dual
24 purpose farm truck which has a gross weight of not more than 8,000 pounds or a farm

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1 truck which has a gross weight of not more than 12,000 pounds, he or she shall
2 remove and destroy the plate or plates.

3 **SECTION 19.** 343.08 (1) (a) and (2) (a) of the statutes are amended to read:

4 343.08 (1) (a) The department must be satisfied that it is necessary for the
5 applicant to operate an automobile, farm truck, dual purpose farm truck, low-speed
6 vehicle, Type 1 motorcycle powered with an engine of not more than 125 cubic
7 centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and
8 registered by the applicant's parent or guardian or a farm truck leased to the
9 applicant's parent or guardian.

10 (2) (a) A restricted license issued pursuant to this section is valid only until the
11 licensee secures an operator's license issued pursuant to s. 343.03 or reaches 18 years
12 of age and, except as provided in par. (b), entitles the licensee to operate an
13 automobile, farm truck, dual purpose farm truck, low-speed vehicle, Type 1
14 motorcycle powered with an engine of not more than 125 cubic centimeters
15 displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by
16 the licensee's parent or guardian or a farm truck leased to the licensee's parent or
17 guardian or any combination of these vehicles, depending on the restrictions placed
18 by the department on the particular license.

19 **SECTION 20.** 343.135 (2) (a) 1m. of the statutes is created to read:

20 343.135 (2) (a) 1m. Low-speed vehicles; or

21 **SECTION 21.** 346.16 (2) (a) of the statutes is amended to read:

22 346.16 (2) (a) Except as provided in par. (b), no pedestrian or person riding a
23 bicycle or other nonmotorized vehicle and no person operating a low-speed vehicle,
24 moped or motor bicycle may go upon any expressway or freeway when official signs

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1 ~~have been erected prohibiting such person from using the expressway or freeway~~
2 ~~have been erected as provided in s. 349.105.~~

3 **SECTION 22.** 346.94 (18) of the statutes is created to read:

4 346.94 (18) **LOW-SPEED VEHICLES ON ROADWAY.** (a) Subject to s. 349.237, a person
5 may operate a low-speed vehicle upon any roadway that is under the jurisdiction of
6 a local authority and that has a speed limit of 25 or less miles per hour.

7 (b) No person may operate a low-speed vehicle upon any highway that has a
8 speed limit of more than 25 miles per hour. Except at crossings authorized under s.
9 349.237 (2), no person may operate a low-speed vehicle upon a state trunk highway
10 or connecting highway. This paragraph does not apply to vehicles registered under
11 s. 341.26 (2m) or vehicles exempted from this paragraph by the department by rule.

12 **SECTION 23.** 346.95 (8) of the statutes is created to read:

13 346.95 (8) Any person violating s. 346.94 (18) may be required to forfeit not less
14 than \$30 nor more than \$300.

15 **SECTION 24.** 347.02 (8) of the statutes is created to read:

16 347.02 (8) Notwithstanding the requirements of this chapter, the department
17 may, by rule, establish for low-speed vehicles special equipment standards that
18 differ from the equipment standards established under this chapter. Special
19 equipment standards established under this subsection shall be identical to the
20 federal standards established in 49 CFR 571.500, except that the department may
21 establish additional standards for equipment not required under 49 CFR 571.500.

22 ~~**SECTION 25.** 347.245 (5) of the statutes is amended to read:~~

23 ~~347.245 (5) This section does not apply to any vehicle or combination of vehicles~~
24 ~~to the left rear of which is attached a yellow or amber flashing light at least 4 inches~~
25 ~~in diameter or to low-speed vehicles.~~

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1 **SECTION 26.** 349.06 (4) of the statutes is created to read:

2 349.06 (4) Any municipality or county may enact and enforce an ordinance that
3 regulates the equipment of a low-speed vehicle if the ordinance strictly conforms to
4 rules promulgated under s. 347.02 (8). An ordinance that incorporates by reference
5 existing and future amendments of rules promulgated under s. 347.02 (8) shall be
6 considered to be in strict conformity and not contrary to or inconsistent with s. 347.02
7 (8) and rules promulgated under that subsection.

8 **SECTION 27.** 349.105 of the statutes is amended to read:

9 **349.105 Authority to prohibit certain traffic on expressways and**
10 **freeways.** The authority in charge of maintenance of an expressway or freeway
11 may, by order, ordinance or resolution, prohibit the use of such expressway or
12 freeway by pedestrians, persons riding bicycles or other nonmotorized traffic or by
13 persons operating low-speed vehicles, mopeds or motor bicycles. The state or local
14 authority adopting any such prohibitory regulation shall erect and maintain official
15 signs giving notice thereof on the expressway or freeway to which such prohibition
16 applies.

17 **SECTION 28.** 349.237 of the statutes is created to read:

18 **349.237 Authority to regulate operation of low-speed vehicles. (1)** The
19 governing body of any municipality or county may by ordinance restrict the operation
20 of low-speed vehicles on any roadway under its jurisdiction having a speed limit of
21 25 or less miles per hour.

22 **(2)** The governing body of a municipality or county may by ordinance designate
23 locations for low-speed vehicles to cross a state trunk highway or connecting
24 highway that is not a controlled-access highway. A municipality or county may erect

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1 official signs or mark a crossing designated under this subsection only as directed by
2 the department.

3 **SECTION 29.** 779.41 (2) of the statutes is amended to read:

4 779.41 (2) Every keeper of a garage or repair shop who alters, repairs or does
5 any work on any detached accessory, fitting or part of an automobile, truck,
6 motorcycle, moped, low-speed vehicle, motor bicycle or similar motor vehicle or
7 bicycle at the request of the owner or legal possessor thereof, shall have a lien upon
8 and may retain possession of any such accessory, fitting or part until the charges for
9 such alteration, repairing or other work have been paid. If the detached article
10 becomes attached to such motor vehicle or bicycle while in the possession of the
11 keeper, the keeper has a lien on the motor vehicle or bicycle under sub. (1).

12 **SECTION 30. Effective dates.**

13 (1) This act takes effect on the day after publication.

14 (END)

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Section #. 218.01 (2d) (c) of the statutes is amended to read:

or low-speed vehicles

218.01 (2d) (c) This subsection does not apply to motorcycles that are delivered in a crated, disassembled condition to the dealer or the dealer's agent.

~~History: 1971 c. 112, 125; 1971 c. 164 ss. 64, 83; 1971 c. 228, 239; 1973 c. 171, 243; 1975 c. 94, 121, 263, 361; 1975 c. 375 s. 44; 1975 c. 407, 421, 422; 1977 c. 29 ss. 1363 to 1372, 1654 (7) (a), (c); 1977 c. 270, 273, 288, 405, 418, 447; 1979 c. 34, 168, 221; 1981 c. 45 ss. 24, 25, 51; 1981 c. 100, 272; 1981 c. 347 s. 80 (2); 1981 c. 382; 1981 c. 390 s. 252; 1983 a. 36 ss. 76, 77, 96 (1); 1983 a. 147, 153, 154; 1983 a. 189 ss. 240, 241, 329 (30); 1983 a. 192, 243, 460; 1985 a. 29, 202, 205, 332; 1987 a. 27, 251; 1989 a. 31, 292, 336, 359; 1991 a. 39, 269, 298, 316; 1993 a. 13, 16, 112, 159, 161, 490; 1995 a. 27, 113, 225, 329, 417; 1997 a. 27, 48, 120, 191, 237~~

(end insert)

insert
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SECTION 13. 340.01 (19d) of the statutes is created to read:

340.01 (19d) "Golf cart" means a vehicle, whose speed attainable in one mile does not exceed ~~10~~ ²⁰ miles per hour, ^{on a paved, level surface} used to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

SECTION 14. 340.01 (27m) of the statutes is created to read:

340.01 (27m) "Low-speed vehicle" means a motor vehicle whose speed attainable in one mile does not exceed 25 miles per hour or any vehicle that meets the definition under 49 CFR 571.1. "Low-speed vehicle" includes a golf car, but does not include a golf cart, moped or motor bicycle.

SECTION 15. 341.25 (title) of the statutes is amended to read:

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

SECTION 16. 341.25 (1) (b) of the statutes is amended to read:

341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed vehicle under s. 341.067, which is designed for the transportation of persons rather than property, and for each low-speed vehicle, a biennial fee of \$20. Registration plates issued under this paragraph expire on April 30 of even-numbered years.

SECTION 17. 341.25 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed vehicle under s. 341.067, which is designed for the transportation of persons rather than property, and for each low-speed vehicle, a biennial fee of \$23. Registration plates issued under this paragraph expire on April 30 of even-numbered years.

(end insert)

Nilsen, Paul

From: Frazier, Carson
Sent: Wednesday, April 21, 1999 1:54 PM
To: Nilsen, Paul
Cc: Kernats, Mike; Vance, Vaughn; Krause, Sheri
Subject: FW: Low-speed vehicles

Paul: By George, I think we have it! Mike and I have reviewed LRB-0890/2 and it is exactly what we need for the low speed vehicle draft. Can you get the "stripes" to Sen. Breske?

Vaughn and Sheri: for your information and any help it might give you, I have some suggestions for co-sponsorship letter if you would like, and I'm also prepared to do the fiscal estimate on this, whenever it's asked for (I've been trying to be productive on this issue).

Paul: again, many thanks, your drafting work is super!

-----Original Message-----

From: Nilsen, Paul
Sent: Tuesday, April 20, 1999 2:51 PM
To: Frazier, Carson
Subject: Low-speed vehicles

Hi Carson:
Here's the Low-speed vehicle draft. There is no drafter's note.



99-0890/2

Paul E. Nilsen
(608) 261-6926
Legislative Attorney
State of Wisconsin

Nilsen, Paul

From: Vance, Vaughn
Sent: Tuesday, July 27, 1999 2:12 PM
To: Nilsen, Paul
Subject: Drafting Requests

Paul:

Roger has two drafting requests:

(1) He would like ~~to draft~~ an amendment initially drafted to AB172, to also be drafted as a floor amendment to the senate companion bill SB71. It is my understanding that with this amendment, the two versions would be identical.

(2) He is requesting some minor changes to LRB-0890/2, legislation related to so-called Low Speed Vehicles. Essentially, he would like to permit said vehicles to be operated on roads with a posted speed limit of 35 instead of the 25 mph limit contained in this draft. Also, said vehicles should be permitted to cross roads, at controlled intersections, with posted speed limits which exceed 35 mph. If you need additional information or language to accomplish these goals, let me know. I have scratched out some notes that might be helpful.

Thanks for your assistance with these requests. As always, please feel free to give me a call should you have any questions or concerns.

VAUGHN L. VANCE for
Senator Roger Breske