

# State of Wisconsin



2001 Senate Bill 393

Date of enactment: **April 18, 2002**

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## 2001 WISCONSIN ACT 90

AN ACT *to amend* 23.117, 23.175 (2) (a), 23.33 (4) (d) 1. and 3., 29.001 (57), 59.84 (2) (j), 66.1001 (2) (c), 83.42 (1), 84.60 (1) (a), 167.31 (1) (h), 194.01 (7), 287.81 (1) (b), 340.01 (5e) and (5s), 340.01 (43), 340.01 (74), 344.01 (2) (g), 346.05 (1m), 346.075 (title) and (1), 346.16 (2) (b), the unnumbered subchapter title preceding 346.23, 346.23, 346.24, 346.25, 346.28 (title) and (2), 346.30 (1) (b) 2., 346.34 (1) (b), 346.36 (2), 346.37 (1) (a) 2., (c) 2. and 3. and (d), 346.38 (1) and (2), 346.43 (1) (b) 2., 346.47 (1), 346.49 (1) (b), (1g) (b) and (2m) (b), 346.54 (1) (e), 346.60 (5), 346.71 (2), the unnumbered subchapter title preceding 346.77, 346.80 (title) and (1), 346.80 (2) (a) (intro.), (b) and (c), 346.80 (3), 346.80 (4) and (5), 346.803 (title), (1) (intro.) and (a), (2) and (3), 346.804, 346.82 (title) and (1), 346.94 (12), 346.95 (6), 347.245 (1), 347.489 and 779.41 (2); and *to create* 340.01 (15pm), 341.058, 346.02 (12), 346.16 (2) (am), 346.803 (4), 346.805, 346.94 (18), 347.02 (1) (i), 349.015 and 349.236 of the statutes; **relating to:** electric personal assistive mobility devices, granting rule-making authority, and providing penalties.

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

**SECTION 1.** 23.117 of the statutes is amended to read:

**23.117 Use of trails by bicycles and electric personal assistive mobility devices.** (1) No person may operate a bicycle or electric personal assistive mobility device on a trail in a state park or in the Kettle Moraine state forest unless the department has determined that the trail will be opened for use by bicycles or electric personal assistive mobility devices and has posted the trail open for such use.

(3) The department shall patrol on a regular basis the trails in state parks and in the Kettle Moraine state forest that are open to use by bicycles or electric personal assistive mobility devices.

(4) Any council that is created by the natural resources board under s. 15.04 (1) (c) to advise the department on the opening of trails in state parks and in

the Kettle Moraine state forest for use by bicycles or electric personal assistive mobility devices shall have its recommendations regarding such use reviewed and approved by the natural resources board before they are implemented.

**SECTION 2.** 23.175 (2) (a) of the statutes is amended to read:

23.175 (2) (a) Designate a system of state trails as part of the state park system for use by equestrians, bicyclists, riders of electric personal assistive mobility devices, cross-country skiers or hikers.

**SECTION 3.** 23.33 (4) (d) 1. and 3. of the statutes are amended to read:

23.33 (4) (d) 1. To cross a roadway. The crossing of a roadway is authorized only if the crossing is done in the most direct manner practical practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the all-terrain vehicle prior to the crossing and yields the right-of-way

\* Section 991.11, WISCONSIN STATUTES 1999-00: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

to other vehicles ~~and~~, pedestrians, and electric personal assistive mobility devices using the roadway.

3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is officially closed to all-terrain vehicle traffic. The crossing is authorized only if the crossing is done in the most direct manner ~~practical~~ practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the all-terrain vehicle prior to the crossing ~~and~~, pedestrians, and electric personal assistive mobility devices using the roadway.

**SECTION 4.** 29.001 (57) of the statutes is amended to read:

29.001 (57) "Motor vehicle" means a self-propelled vehicle, including a combination of 2 or more vehicles or an articulated vehicle. "Motor vehicle" includes a snowmobile or an all-terrain vehicle. "Motor vehicle" does not include an aircraft ~~or~~, a vehicle operated exclusively on rails, or an electric personal assistive mobility device.

**SECTION 5.** 59.84 (2) (j) of the statutes is amended to read:

59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has been certified as completed, the public body having jurisdiction over the maintenance thereof shall have the power to regulate the type of vehicular use of such portion of the expressway except as limited by federal and state laws and regulations, and the power to fix speed limits thereon not in excess of the maximum speed limits for state trunk highways, and to provide and enforce reasonable penalties for infraction of such vehicular use regulation or speed limits. Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds, motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices, funeral processions, and animals on foot and the hauling of oversized equipment without special permit shall be prohibited when an ordinance in conformity with this section ~~and, with respect to prohibiting the use of electric personal assistive mobility devices, in conformity with s. 349.236 (1) (a) or (b)~~ is enacted by the board, but a forfeiture provided therein shall not exceed the maximum forfeiture under s. 346.17 (2). The board may not prohibit the towing of disabled vehicles on expressways, except that the board may prohibit the towing of disabled vehicles during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. as established under county ordinance and except that the board may establish procedures for and may contract for the towing of vehicles which have become disabled on the expressway.

**SECTION 6.** 66.1001 (2) (c) of the statutes is amended to read:

66.1001 (2) (c) *Transportation element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transporta-

tion systems for persons with disabilities, bicycles, electric personal assistive mobility devices, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit's objectives, policies, goals and programs to state and regional transportation plans. The element shall also identify highways within the local governmental unit by function and incorporate state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply in the local governmental unit.

**SECTION 7.** 83.42 (1) of the statutes is amended to read:

83.42 (1) **PURPOSE.** In order to create and preserve rustic and scenic roads for vehicular, bicycle, electric personal assistive mobility device, and pedestrian travel in unhurried, quiet and leisurely enjoyment; to protect and preserve recreational driving, culture, beauty, trees, vegetation and wildlife by establishing protective standards of rustic road design, access, speed, maintenance and identification, which will promote a continuous system of rustic roads and scenic easements for the public health and welfare; a state system of rustic roads is created.

**SECTION 8.** 84.60 (1) (a) of the statutes is amended to read:

84.60 (1) (a) "Bikeway" means a public path, trail, lane or other way, including structures, traffic control devices and related support facilities and parking areas, designated for use by bicycles, electric personal assistive mobility devices, and other vehicles propelled by human power. The term also includes "bicycle lane" as defined in s. 340.01 (5e) and "bicycle way" as defined in s. 340.01 (5s).

**SECTION 9.** 167.31 (1) (h) of the statutes is amended to read:

167.31 (1) (h) "Vehicle" has the meaning given ~~under~~ in s. 340.01 (74), and includes a snowmobile, as defined ~~under in~~ in s. 340.01 (58a), and an electric personal assistive mobility device, as defined in s. 340.01 (15pm), except that for purposes of subs. (4) (c) and (cg) and (4m) "vehicle" has the meaning given for "motor vehicle" in s. 29.001 (57).

**SECTION 10.** 194.01 (7) of the statutes is amended to read:

194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer, tractor, motor bus or any self-propelled or motor driven vehicle, except a motorcycle, moped, motor bicycle, electric personal assistive mobility device, or ~~a~~ vehicle operated on rails.

**SECTION 11.** 287.81 (1) (b) of the statutes is amended to read:

287.81 (1) (b) "Vehicle" has the meaning given in s. 340.01 (74), and includes an electric personal assistive mobility device, as defined in s. 340.01 (15pm).

**SECTION 12.** 340.01 (5e) and (5s) of the statutes are amended to read:

340.01 (5e) “Bicycle lane” means that portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric personal assistive mobility devices, or other modes of travel where permitted under s. 349.23 (2) (a), and so designated by appropriate signs and markings.

(5s) “Bicycle way” means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the governing body of any city, town, village, or county.

**SECTION 13.** 340.01 (15pm) of the statutes is created to read:

340.01 (15pm) “Electric personal assistive mobility device” means a self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and which has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

**SECTION 14.** 340.01 (43) of the statutes is amended to read:

340.01 (43) “Pedestrian” means any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person, but does not include any person using an electric personal assistive mobility device.

**SECTION 15.** 340.01 (74) of the statutes is amended to read:

340.01 (74) “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile or electric personal assistive mobility device shall not be considered a vehicle except for purposes made specifically applicable by statute.

**SECTION 16.** 341.058 of the statutes is created to read:

**341.058 Electric personal assistive mobility devices.** Electric personal assistive mobility devices, even though operated upon a highway of this state, are exempt from registration.

**SECTION 17.** 344.01 (2) (g) of the statutes is amended to read:

344.01 (2) (g) “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except vehicles used exclusively upon stationary rails or tracks and except electric personal assistive mobility devices.

**SECTION 18.** 346.02 (12) of the statutes is created to read:

346.02 (12) **APPLICABILITY TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.** An electric personal assistive mobility device shall be considered a vehicle for purposes of ss. 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.23 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 to 346.55, 346.57, 346.59,

346.62, 346.65 (5m), 346.67 to 346.70, 346.78, 346.80, 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those provisions which by their express terms apply only to motor vehicles or which by their very nature would have no application to electric personal assistive mobility devices.

**SECTION 19.** 346.05 (1m) of the statutes is amended to read:

346.05 (1m) Notwithstanding sub. (1), any person operating a bicycle or electric personal assistive mobility device may ride on the shoulder of a highway unless such riding is prohibited by the authority in charge of the maintenance of the highway.

**SECTION 20.** 346.075 (title) and (1) of the statutes are amended to read:

**346.075 Overtaking and passing bicycles, electric personal assistive mobility devices, and motor buses.** (1) The operator of a motor vehicle overtaking a bicycle or electric personal assistive mobility device proceeding in the same direction shall exercise due care, leaving a safe distance, but in no case less than 3 feet clearance when passing the bicycle or electric personal assistive mobility device, and shall maintain clearance until safely past the overtaken bicycle or electric personal assistive mobility device.

**SECTION 21.** 346.16 (2) (am) of the statutes is created to read:

346.16 (2) (am) Except as provided in par. (b), no person riding an electric personal assistive mobility device may go upon any expressway or freeway when official signs have been erected prohibiting persons specified in par. (a) from using the expressway or freeway.

**SECTION 22.** 346.16 (2) (b) of the statutes is amended to read:

346.16 (2) (b) A pedestrian or other person under par. (a) or (am) may go upon a portion of a hiking trail, cross-country ski trail, bridle trail or bicycle trail incorporated into the highway right-of-way and crossing the highway if the portion of the trail is constructed under s. 84.06 (11).

**SECTION 23.** The unnumbered subchapter title preceding 346.23 of the statutes is amended to read:

RESPECTIVE RIGHTS AND DUTIES  
OF DRIVERS, PEDESTRIANS AND  
BICYCLISTS, AND RIDERS OF  
ELECTRIC PERSONAL ASSISTIVE  
MOBILITY DEVICES

**SECTION 24.** 346.23 of the statutes is amended to read:

**346.23 Crossing controlled intersection or crosswalk.** (1) At an intersection or crosswalk where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian, or to a person who is riding a bicycle or electric personal assistive mobility device in a manner which is consistent with the safe use of the crosswalk by

pedestrians, who has started to cross the highway on a green or "Walk" signal and in all other cases pedestrians ~~and bicyclists, and riders of electric personal assistive mobility devices~~ shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a green signal. No operator of a vehicle proceeding ahead on a green signal may begin a turn at a controlled intersection or crosswalk when a pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ crossing in the crosswalk on a green or "Walk" signal would be endangered or interfered with in any way. The rules stated in this subsection are modified at intersections or crosswalks on divided highways or highways provided with safety zones in the manner and to the extent stated in sub. (2).

(2) At intersections or crosswalks on divided highways or highways provided with safety zones where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ who has started to cross the roadway either from the near curb or shoulder or from the center dividing strip or a safety zone with the green or "Walk" signal in the ~~pedestrian's or bicyclist's~~ favor ~~of the pedestrian, bicyclist, or rider of an electric personal assistive mobility device.~~

**SECTION 25.** 346.24 of the statutes is amended to read:

**346.24 Crossing at uncontrolled intersection or crosswalk.** (1) At an intersection or crosswalk where traffic is not controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian, or to a person riding a bicycle ~~or electric personal assistive mobility device~~ in a manner which is consistent with the safe use of the crosswalk by pedestrians, who is crossing the highway within a marked or unmarked crosswalk.

(2) No pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ shall suddenly leave a curb or other place of safety and walk, run, or ride into the path of a vehicle which is so close that it is difficult for the operator of the vehicle to yield.

(3) Whenever any vehicle is stopped at an intersection or crosswalk to permit a pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

**SECTION 26.** 346.25 of the statutes is amended to read:

**346.25 Crossing at place other than crosswalk.** Every pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

**SECTION 27.** 346.28 (title) and (2) of the statutes are amended to read:

**346.28** (title) **Pedestrians to walk on left side of highway; pedestrians and bicyclists, and riders of electric personal assistive mobility devices on sidewalks.**

(2) Operators of vehicles shall yield the right-of-way to pedestrians ~~and bicyclists, and riders of electric personal assistive mobility devices~~ on sidewalks as required by s. 346.47.

**SECTION 28.** 346.30 (1) (b) 2. of the statutes is amended to read:

346.30 (1) (b) 2. Any operator of a bicycle ~~or electric personal assistive mobility device~~ violating s. 346.23, 346.24 or 346.25 may be required to forfeit not more than \$20.

**SECTION 29.** 346.34 (1) (b) of the statutes is amended to read:

346.34 (1) (b) In the event any other traffic may be affected by such movement, no person may so turn any vehicle without giving an appropriate signal in the manner provided in s. 346.35. When given by the operator of a vehicle other than a bicycle ~~or electric personal assistive mobility device~~, such signal shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The operator of a bicycle ~~or electric personal assistive mobility device~~ shall give such signal continuously during not less than the last 50 feet traveled before turning. A signal by the hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle ~~or electric personal assistive mobility device.~~

**SECTION 30.** 346.36 (2) of the statutes is amended to read:

346.36 (2) Any operator of a bicycle ~~or electric personal assistive mobility device~~ violating ss. 346.31 to 346.35 may be required to forfeit not more than \$20.

**SECTION 31.** 346.37 (1) (a) 2., (c) 2. and 3. and (d) of the statutes are amended to read:

346.37 (1) (a) 2. Pedestrians, and persons who are riding bicycles ~~or electric personal assistive mobility devices~~ in a manner which is consistent with the safe use of the crosswalk by pedestrians, facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(c) 2. No pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ facing such signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

3. Vehicular traffic facing a red signal at an intersection may, after stopping as required under subd. 1., cautiously enter the intersection to make a right turn into the nearest lawfully available lane for traffic moving to the right or to turn left from a one-way highway into the nearest lawfully available lane of a one-way highway on

which vehicular traffic travels to the left. No turn may be made on a red signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits a turn. In making a turn on a red signal vehicular traffic shall yield the right-of-way to pedestrians ~~and bicyclists, and riders of electric personal assistive mobility devices~~ lawfully within a crosswalk and to other traffic lawfully using the intersection.

(d) *Green arrow.* 1. Vehicular traffic facing a green arrow signal may enter the intersection only to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians ~~and bicyclists, and riders of electric personal assistive mobility devices~~ lawfully within a crosswalk and to other traffic lawfully using the intersection. When the green arrow signal indicates a right or left turn traffic shall cautiously enter the intersection.

2. No pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ facing such signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

**SECTION 32.** 346.38 (1) and (2) of the statutes are amended to read:

346.38 (1) **WALK.** A pedestrian, or a person riding a bicycle or electric personal assistive mobility device in a manner which is consistent with the safe use of the crossing by pedestrians, facing a "Walk" signal may proceed across the roadway or other vehicular crossing in the direction of the signal and the operators of all vehicles shall yield the right-of-way to the pedestrian ~~or bicyclist, or electric personal assistive mobility device rider.~~

(2) **DON'T WALK.** No pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ may start to cross the roadway or other vehicular crossing in the direction of a "Don't Walk" signal, but any pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device~~ who has partially completed crossing on the "Walk" signal may proceed to a sidewalk or safety zone while a "Don't Walk" signal is showing.

**SECTION 33.** 346.43 (1) (b) 2. of the statutes is amended to read:

346.43 (1) (b) 2. Any operator of a bicycle or electric personal assistive mobility device violating s. 346.37, 346.38 or 346.39 may be required to forfeit not more than \$20.

**SECTION 34.** 346.47 (1) of the statutes is amended to read:

346.47 (1) The operator of a vehicle emerging from an alley or about to cross or enter a highway from any point of access other than another highway shall stop such vehicle immediately prior to moving on to the sidewalk or on to the sidewalk area extending across the path of such vehicle and shall yield the right-of-way to any pedestrian ~~or bicyclist, or rider of an electric personal assistive mobility device,~~ and upon crossing or entering

the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

**SECTION 35.** 346.49 (1) (b), (1g) (b) and (2m) (b) of the statutes are amended to read:

346.49 (1) (b) Any operator of a bicycle or electric personal assistive mobility device violating s. 346.46 (1), (2m) or (4) may be required to forfeit not more than \$20.

(1g) (b) Any operator of a bicycle or electric personal assistive mobility device violating s. 346.46 (3) shall forfeit not more than \$40.

(2m) (b) Any operator of a bicycle or electric personal assistive mobility device violating s. 346.44 may be required to forfeit not more than \$40.

**SECTION 36.** 346.54 (1) (e) of the statutes is amended to read:

346.54 (1) (e) For the purpose of parking, mopeds as defined in s. 340.01 (29m) ~~and electric personal assistive mobility devices~~ shall be considered bicycles. Where possible without impeding the flow of pedestrian traffic, a bicycle ~~or moped, or electric personal assistive mobility device~~ may be parked on a sidewalk. A bicycle ~~or moped, or electric personal assistive mobility device~~ may be parked in a bike rack or other similar area designated for bicycle parking.

**SECTION 37.** 346.60 (5) of the statutes is amended to read:

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

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

**SECTION 38.** 346.71 (2) of the statutes is amended to read:

346.71 (2) In cases of death involving a motor vehicle in which the decedent was the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or electric personal assistive mobility device operator 14 years of age or older and who died within 6 hours of the time of the accident, the coroner or medical examiner of the county where the death occurred shall require that a blood specimen of at least 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her death, by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of the physician. All funeral directors shall obtain a release from the coroner or medical examiner of the county where the accident occurred as provided in s. 979.01 (4) prior to proceeding with embalming any body coming under the scope of this section. The blood so drawn shall be forwarded to a laboratory approved by the department of health and family services for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of

each analysis made and shall forward the results of each such analysis to the department of health and family services. If the death involved a motor vehicle, the department shall keep a record of all such examinations to be used for statistical purposes only and the department shall disseminate and make public the cumulative results of the examinations without identifying the individuals involved. If the death involved an all-terrain vehicle, the department of natural resources shall keep a record of all such examinations to be used for statistical purposes only and the department of natural resources shall disseminate and make public the cumulative results of the examinations without identifying the individuals involved.

**SECTION 39.** The unnumbered subchapter title preceding 346.77 of the statutes is amended to read:

**BICYCLES, ELECTRIC PERSONAL  
ASSISTIVE MOBILITY DEVICES,  
AND PLAY VEHICLES**

**SECTION 40.** 346.80 (title) and (1) of the statutes are amended to read:

**346.80 (title) Riding bicycle or electric personal assistive mobility device on roadway.** (1) In this section, "substandard width lane" means a lane that is too narrow for a bicycle or electric personal assistive mobility device and a motor vehicle to travel safely side by side within the lane.

**SECTION 41.** 346.80 (2) (a) (intro.), (b) and (c) of the statutes are amended to read:

346.80 (2) (a) (intro.) Any person operating a bicycle or electric personal assistive mobility device upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand edge or curb of the unobstructed traveled roadway, including operators who are riding 2 or more abreast where permitted under sub. (3), except:

(b) Notwithstanding par. (a), any person operating a bicycle or electric personal assistive mobility device upon a one-way highway having 2 or more lanes available for traffic may ride as near the left-hand edge or curb of the roadway as practicable.

(c) Any person operating a bicycle or electric personal assistive mobility device upon a roadway shall exercise due care when passing a standing or parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of 3 feet between the bicycle or electric personal assistive mobility device and the vehicle, and shall give an audible signal when passing a bicycle or electric personal assistive mobility device rider proceeding in the same direction.

**SECTION 42.** 346.80 (3) of the statutes is amended to read:

346.80 (3) (a) Persons riding bicycles or electric personal assistive mobility devices upon a roadway may ride 2 abreast if such operation does not impede the normal and reasonable movement of traffic. Bicycle or electric

personal assistive mobility device operators riding 2 abreast on a 2-lane or more roadway shall ride within a single lane.

(b) Persons riding bicycles upon a roadway may not ride more than 2 abreast except upon any path, trail, lane or other way set aside for the exclusive use of bicycles and electric personal assistive mobility devices.

**SECTION 43.** 346.80 (4) and (5) of the statutes are amended to read:

346.80 (4) No person may operate a bicycle, electric personal assistive mobility device, or moped upon a roadway where a sign is erected indicating that bicycle, electric personal assistive mobility device, or moped riding is prohibited.

(5) Except as provided in ss. 346.23, 346.24, 346.37, and 346.38, every rider of a bicycle or electric personal assistive mobility device shall, upon entering on a highway, yield the right-of-way to motor vehicles.

**SECTION 44.** 346.803 (title), (1) (intro.) and (a), (2) and (3) of the statutes are amended to read:

**346.803 (title) Riding bicycle or electric personal assistive mobility device on bicycle way.** (1) (intro.) Every person operating a bicycle or electric personal assistive mobility device upon a bicycle way shall:

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

(2) Every person operating a bicycle or electric personal assistive mobility device upon a bicycle way open to 2-way traffic shall ride on the right side of the bicycle way.

(3) Every operator of a bicycle or electric personal assistive mobility device entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

**SECTION 44m.** 346.803 (4) of the statutes is created to read:

346.803 (4) Except as provided in s. 349.236 (1) (bm), a person may operate an electric personal assistive mobility device upon any bicycle path.

**SECTION 45.** 346.804 of the statutes is amended to read:

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

**SECTION 46.** 346.805 of the statutes is created to read:

**346.805 Riding electric personal assistive mobility device on sidewalk.** Except as provided in ss. 346.94 (18) (a) 2. and 349.236 (1) (b), a person may operate an electric personal assistive mobility device upon any side-

walk. Every person operating an electric personal assistive mobility device upon a sidewalk shall yield the right-of-way to any pedestrian or bicyclist and shall exercise due care and give an audible signal when passing a bicycle or other electric personal assistive mobility device or a pedestrian proceeding in the same direction.

**SECTION 47.** 346.82 (title) and (1) of the statutes are amended to read:

**346.82 (title) Penalty for violating sections 346.77 to ~~346.804~~ 346.805.** (1) Any person violating ss. 346.77, 346.79 (1) to (3), or 346.80 to ~~346.804~~ 346.805 may be required to forfeit not more than \$20.

**SECTION 48.** 346.94 (12) of the statutes is amended to read:

346.94 (12) DRIVING ON BICYCLE LANE OR BICYCLE WAY. No operator of a motor vehicle may drive upon a bicycle lane or bicycle way except to enter a driveway, to merge into a bicycle lane before turning at an intersection, or to enter or leave a parking space located adjacent to the bicycle lane or bicycle way. Persons operating a motor vehicle upon a bicycle lane or bicycle way shall yield the right-of-way to all bicycles and electric personal assistive mobility devices within the bicycle lane or bicycle way.

**SECTION 49.** 346.94 (18) of the statutes is created to read:

346.94 (18) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON ROADWAYS AND SIDEWALKS. (a) 1. Except as otherwise prohibited in this chapter, a person may operate an electric personal assistive mobility device upon any roadway or sidewalk that is under the jurisdiction of the department.

2. Except as provided in s. 349.236 (1) (c), the department may by rule prohibit electric personal assistive mobility devices upon any roadway under its jurisdiction for which the speed limit is more than 25 miles per hour, and may by rule prohibit such devices upon any sidewalk under its jurisdiction. This subdivision does not apply upon any sidewalk at a permanent or temporarily established driveway.

(b) A person may operate an electric personal assistive mobility device upon any roadway under the jurisdiction of a local authority, subject to any prohibitions specified by municipal ordinance enacted under s. 349.236.

**SECTION 50.** 346.95 (6) of the statutes is amended to read:

346.95 (6) Any person violating s. 346.94 (17) or (18) may be required to forfeit not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or subsequent conviction within a year.

**SECTION 51.** 347.02 (1) (i) of the statutes is created to read:

347.02 (1) (i) Electric personal assistive mobility devices.

**SECTION 52.** 347.245 (1) of the statutes is amended to read:

347.245 (1) After January 1, 1970, no person may operate on a highway, day or night, any vehicle or equipment, any animal-drawn vehicle, or any other machinery, including all road machinery, that usually ~~travel~~ travels at speeds of less than 25 miles per hour or any vehicle operated under a special restricted operator's license issued under s. 343.135, unless there is displayed on the most practicable visible rear area of the vehicle or combination of vehicles, a slow moving vehicle (SMV) emblem as described in and displayed as provided in sub. (2). Any towed vehicle or machine is exempt from this provision if the towing vehicle is visible from the rear and is in compliance with this section. All road machinery is excluded when it is engaged in actual construction or maintenance work either guarded by a flagman or clearly visible warning signs. Except as provided in s. 347.21 (1), the requirement of the emblem shall be in addition to any lighting devices required or permitted by law. Mopeds and motor bicycles are excluded from the provisions of this section unless they are operated under a special restricted operator's license issued under s. 343.135. Electric personal assistive mobility devices are excluded from the provisions of this section. The SMV emblem need not be displayed on vehicles moving directly across the highway.

**SECTION 53.** 347.489 of the statutes is amended to read:

**347.489 Lamps and other equipment on bicycles and, motor bicycles, and electric personal assistive mobility devices.** (1) No person may operate a bicycle ~~or, motor bicycle, or electric personal assistive mobility device~~ upon a highway, sidewalk, bicycle lane, or bicycle way during hours of darkness unless the bicycle ~~or, motor bicycle, or electric personal assistive mobility device~~ is equipped with or, with respect to a bicycle or motor bicycle, the operator is wearing, a lamp emitting a white light visible from a distance of at least 500 feet to the front of the bicycle ~~or, motor bicycle, or electric personal assistive mobility device.~~ A bicycle ~~or, motor bicycle, or electric personal assistive mobility device~~ shall also be equipped with a red reflector that has a diameter of at least 2 inches of surface area or, with respect to an electric personal assistive mobility device, that is a strip of reflective tape that has at least 2 square inches of surface area, on the rear so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red or flashing amber light visible from a distance of 500 feet to the rear may be used in addition to but not in lieu of the red reflector.

(2) No person may operate a bicycle ~~or, motor bicycle, or electric personal assistive mobility device~~ upon a highway, bicycle lane, or bicycle way unless it is equipped with a brake in good working condition, ade-

quate to control the movement of and to stop the bicycle ~~or~~ motor bicycle, or electric personal assistive mobility device whenever necessary.

(3) No bicycle ~~or~~ motor bicycle, or electric personal assistive mobility device may be equipped with nor may any person riding upon a bicycle ~~or~~ motor bicycle, or electric personal assistive mobility device use any siren or compression whistle.

**SECTION 54.** 349.015 of the statutes is created to read:

**349.015 Applicability of chapter to electric personal assistive mobility devices.** An electric personal assistive mobility device shall be considered a vehicle for purposes of this chapter, except those provisions which by their express terms apply only to motor vehicles or which by their very nature would have no application to electric personal assistive mobility devices.

**SECTION 55.** 349.236 of the statutes is created to read:

**349.236 Authority to regulate operation of electric personal assistive mobility devices.** (1) The governing body of any municipality or county may, by ordinance, do any of the following:

(a) Prohibit the operation of electric personal assistive mobility devices on all roadways under its jurisdiction having a speed limit of more than 25 miles per hour or only on certain roadways, or portions of such roadways, under its jurisdiction having a speed limit of more than 25 miles per hour that are designated in the ordinance.

(b) Prohibit the operation of electric personal assistive mobility devices on all sidewalks under its jurisdiction or only on certain sidewalks, or portions of such sidewalks, under its jurisdiction that are designated in the ordinance. This paragraph does not apply to the operation of such devices on any sidewalk at a permanent or temporarily established driveway.

(bm) Prohibit the operation of electric personal assistive mobility devices on all bicycle paths under its jurisdiction or only on certain bicycle paths, or portions of such bicycle paths, under its jurisdiction that are designated in the ordinance. This paragraph does not apply to

the operation of such devices on any bicycle paths at a permanent or temporarily established driveway.

(c) Designate and mark locations for electric personal assistive mobility devices to cross a state trunk highway or connecting highway that is not a controlled-access highway and on which the department has prohibited the operation of electric personal assistive mobility devices under s. 346.94 (18) (a) 2. A municipality or county may erect official signs or otherwise mark a crossing designated under this paragraph only as directed by the department.

(2) Except as otherwise provided in this chapter, ch. 346, and s. 59.84 (2) (j), the governing body of any municipality or county may not restrict the operation of electric personal assistive mobility devices on any roadway or sidewalk under its jurisdiction.

**SECTION 56.** 779.41 (2) of the statutes is amended to read:

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

**SECTION 57. Initial applicability.**

(1) This act first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other convictions as prior convictions for purposes of administrative action by the department of transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.