

2001 DRAFTING REQUEST

Bill

Received: 09/12/2000

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Luther Olsen (608) 266-8077

By/Representing: Bill Ford

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: PJH, ARG - 1

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>
/?	nilsepe 10/04/2000			_____			S&L
/1			rschluet 10/04/2000	_____	lrb_docadmin 10/04/2000		S&L
/2	fasttn 01/15/2001	jdyer 01/16/2001	pgreensl 01/17/2001	_____	lrb_docadmin 01/17/2001	lrb_docadmin 01/17/2001	

FE Sent For: 11/30/2000.

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/1			rschluet 10/04/2000		lrb_docadmin 10/04/2000		

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Wanted: As time permits

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For: Luther Olsen (608) 266-8077

By/Representing: Bill Ford

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Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - motor vehicles

Extra Copics: PJH

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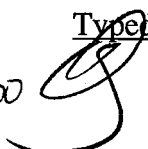
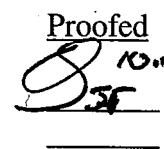
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1?	nilsepe	11 hmt 9/26/00	 10-4-00	 10-4-26			

FE Sent For:

<END>

Nilsen, Paul

From: Ford, William
Sent: Friday, September 01, 2000 3:03 PM
To: Nilsen, Paul
Cc: Lee, Cari
Subject: Low speed vehicle draft

Paul: Please redraft 1999 AB 618 for Rep. Olsen with the following changes: 1. Page 5, line 14, delete "or motor truck." 2. Page 8, lines 16 and 18, substitute "35" for "25" 3. Page 8, line 17 substitute "No" for "Except where authorized under s. 349.237(2)," 4. Page 10, line 5, delete "any" and substitute "roadways" for "roadway" 5. Page 10, line 6: Insert "to roadways" after "jurisdiction" 6. Page 10, delete lines 7 and 8.
Please call me if you have any questions. Jim Thiel says really good things about your work.

hmh
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cjs

1999 ASSEMBLY BILL 618

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

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indicated in
draft

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

Analysis by the Legislative Reference Bureau

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

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

ASSEMBLY BILL 618

and transporters of motorcycles. Such regulations include requiring business and occupational licensing, imputing liability for certain misconduct of employees, 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. *as with*

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

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

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

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

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

2. Low-speed vehicles are prohibited from operating on state trunk highways and connecting highways, even where the applicable speed limit is 35 or less miles per hour. However, the bill allows low-speed vehicles to cross state trunk highways or connecting highways at officially designated crossings and at intersections where traffic is controlled by an official traffic control sign, signal, marking or other device. *35*

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.

ASSEMBLY BILL 618

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:

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

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

SECTION 2. 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 low-speed vehicle, motorcycle, moped, motor bicycle or a vehicle operated on rails.

SECTION 3. ~~218.01 (1) (km)~~ ^{218.0101 (19m)} of the statutes is created to read:

~~218.01 (1) (km)~~ ^{218.0101 (19m)} "Low-speed vehicle" has the meaning given in s. 340.01 (27m).

SECTION 4. ~~218.01 (1) (m)~~ ^{218.0101 (23) (a) 2.} of the statutes is amended to read:

~~218.01 (1) (m)~~ ^{218.0101 (23) (a) 2.} Is engaged wholly or in part in the business of selling or leasing motor vehicles, including motorcycles and low-speed vehicles, whether or not ~~such~~ ^{the} motor vehicles are owned by ~~that~~ ^{that} person, firm or corporation.

SECTION 5. ~~218.01 (2) (bb) 1.~~ ^{218.0114 (5) (a)} of the statutes is amended to read:

~~218.01 (2) (bb) 1.~~ ^{218.0114 (5) (a)} A motor vehicle dealer or an applicant for a motor vehicle dealer license shall provide and maintain in force a bond or irrevocable letter of credit of not less than \$25,000 or, if the dealer or applicant sells or proposes to sell motorcycles or low-speed vehicles, or both, and not other types of motor vehicles, a bond or irrevocable letter of credit of not less than \$5,000. The bond or letter of credit

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ASSEMBLY BILL 618

1 shall be executed in the name of the department of transportation for the benefit of
2 any person who sustains a loss because of an act of a motor vehicle dealer that
3 constitutes grounds for the suspension or revocation of a license under ~~this section~~ *218.*

218.0122(3)

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

5 218.01 (2d) (c) This subsection does not apply to motorcycles or low-speed
6 vehicles that are delivered in a crated, disassembled condition to the dealer or the
7 dealer's agent. *218.0171*

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

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

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4-19*

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

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

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

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

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

ASSEMBLY BILL 618

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

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

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

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

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

14 include a golf cart ~~or motor truck~~

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

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

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

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

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

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

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ASSEMBLY BILL 618

SECTION 15

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

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

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

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

10 341.31 (1) (b) 5. The vehicle is a motorcycle ~~which~~ or low-speed vehicle that has
11 been transferred ~~or leased~~ to the applicant and for which a current registration
12 plates ~~had~~ ^{has} been issued to the previous owner; or **STET: leave it as typed**

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

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

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

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

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ASSEMBLY BILL 618

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

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

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

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

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

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ASSEMBLY BILL 618

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

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

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

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

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

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

14 346.94 (18) LOW-SPEED VEHICLES ON ROADWAY. (a) Subject to s. 349.237, a person
15 may operate a low-speed vehicle upon any roadway that is under the jurisdiction of
16 a local authority and that has a speed limit of ~~35~~³⁵ or less miles per hour.

17 (b) ~~Except where authorized under s. 349.237 (2),~~ No person may operate a
18 low-speed vehicle upon any highway that has a speed limit of more than ~~35~~³⁵ miles per
19 hour. Except at crossings authorized under s. 349.237 ~~(2)~~^(c) and at intersections where
20 traffic is controlled by an official traffic control device, no person may operate a
21 low-speed vehicle upon a state trunk highway or connecting highway. This
22 paragraph does not apply to vehicles registered under s. 341.26 (2m) or vehicles
23 exempted from this paragraph by the department by rule.

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

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ASSEMBLY BILL 618

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

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

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

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

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

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

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

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ASSEMBLY BILL 618

1 SECTION 29. 349.237 of the statutes is created to read:

2 349.237 Authority to regulate operation of low-speed vehicles. The
3 governing body of any municipality or county may by ordinance do any of the
4 following:

5 (1) Restrict the operation of low-speed vehicles on ~~any roadway~~ ^{roadways} under its
6 jurisdiction ^{to roadways} having a speed limit of 25 or less miles per hour.

7 (2) Authorize the operation of low-speed vehicles upon any roadway under its
8 jurisdiction having a speed limit of 35 miles or less per hour.

9 (2) Designate locations for low-speed vehicles to cross a state trunk highway
10 or connecting highway that is not a controlled-access highway. A municipality or
11 county may erect official signs or mark a crossing designated under this subsection
12 only as directed by the department.

13 SECTION 30. 779.41 (2) of the statutes is amended to read:

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

22 (END)

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Insert 4-19:

1 SECTION 1. 218.0101 (23) (a) 2. of the statutes is amended to read:

2 218.0101 (23) (a) 2. Is engaged wholly or in part in the business of selling or
3 leasing motor vehicles, including motorcycles, ^{and low-speed vehicles} whether or not the motor vehicles are
4 owned by that person, firm or corporation.

History: 1999 a. 31 ss. 15 to 53.

5 SECTION 2. 218.0114 (5) (a) of the statutes is amended to read:

6 218.0114 (5) (a) A motor vehicle dealer or an applicant for a motor vehicle
7 dealer license shall provide and maintain in force a bond or irrevocable letter of credit
8 of not less than \$25,000 or, if the dealer or applicant sells or proposes to sell
9 motorcycles ^{or low-speed vehicles, or both} and not other types of motor vehicles, a bond or irrevocable letter of
10 credit of not less than \$5,000. The bond or letter of credit shall be executed in the
11 name of the department of transportation for the benefit of any person who sustains
12 a loss because of an act of a motor vehicle dealer that constitutes grounds for the
13 suspension or revocation of a license under ss. 218.0101 to 218.0163.

History: 1999 a. 31 ss. 57 to 104; 1999 a. 186.

14 SECTION 3. 218.0122 (3) of the statutes is amended to read:

15 218.0122 (3) This section does not apply to motorcycles ^{or low-speed vehicles} that are delivered in
16 a crated, disassembled condition to the dealer or the dealer's agent.

History: 1999 a. 31 s. 111.

17 SECTION 4. 218.0171 (2) (b) 2. b. of the statutes is amended to read:

18 218.0171 (2) (b) 2. b. Accept return of the motor vehicle and refund to the
19 consumer and to any holder of a perfected security interest in the consumer's motor
20 vehicle, as their interest may appear, the full purchase price plus any sales tax,
21 finance charge, amount paid by the consumer at the point of sale and collateral costs,
22 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 of miles the motor
 4 vehicle was driven before the consumer first reported the nonconformity to the motor
 5 vehicle dealer.

(end 4-19)

History: 1983 a. 48; 1985 a. 205 ss. 1m to 6. 8; 1987 a. 105, 169, 323, 403; 1989 a. 31; 1999 a. 31 s. 287; Stats. 1999 s. 218.0171.

6 SECTION 5. 341.25 (1) (b) of the statutes is amended to read:

insert
6-9

7 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
 8 or less, except a specially designed vehicle under s. 341.067, which is designed for the
 9 transportation of persons rather than property, ^{and for each low-speed vehicle;} a biennial fee of \$23!

History: 1973 c. 67, 90, 270, 333; 1975 c. 39 s. 734; 1975 c. 136; 1977 c. 29 ss. 1422m to 1430, 1654 (7) (a); 1977 c. 288, 418; 1979 c. 34, 221; 1981 c. 20; 1983 a. 175, 243; 1985 a. 65; 1985 a. 208 ss. 7, 8, 11; 1987 a. 212, 403; 1989 a. 31; 1991 a. 39; 1997 a. 27; 1999 a. 9, 80, 142.

10 SECTION 6. 341.297 (1) of the statutes is amended to read:

11 341.297 (1) A motorcycle ^{Plain or moped} ~~or moped~~, ^{or low-speed vehicle} as specified in s. 341.25 (1) (b).

History: 1989 a. 31; 1999 a. 142.

end 6-9 (or)

12 SECTION 7. 342.15 (4) (a) of the statutes is amended to read:

insert
7-14

~~or low-speed vehicle~~
PLAIN

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

History: 1971 c. 278; 1975 c. 121, 199; 1977 c. 29 ss. 1453, 1654 (7) (a); 1977 c. 79, 129, 203, 418, 447; 1983 a. 126, 227, 270, 538; 1985 a. 29, 202, 332; 1987 a. 349; 1993 a. 63, 159; 1995 a. 421; 1997 a. 27; 1999 a. 9, 80.

20 SECTION 8. 342.34 (1) (c) of the statutes is amended to read:

21 342.34 (1) (c) If the vehicle is a motorcycle ^{or low-speed vehicle} ~~or~~ an automobile registered under
 22 s. 341.27 ^{PLAIN} or a motor home or a motor truck, dual purpose motor home ^{or} dual purpose
 23 farm truck which has a gross weight of not more than 8,000 pounds or a farm truck

1 which has a gross weight of not more than 12,000 pounds, the owner shall remove
 2 the registration ^{plate or} plates and retain and preserve ^{the plate or plates} them for use on any other vehicle of
 3 the same type which may subsequently be registered in his or her name. If the
 4 vehicle is not a motorcycle ^{or low-speed vehicle} ~~or~~ an automobile registered under s. 341.27; ^{strike comma} or a motor
 5 home or a motor truck, ^{PLAIN} dual purpose motor home ^{or} dual purpose farm truck which
 6 has a gross weight of not more than 8,000 pounds or a farm truck which has a gross
 7 weight of not more than 12,000 pounds, he or she shall remove and destroy the plates.

History: 1971 c. 278; 1977 c. 29 ss. 1455, 1654 (7) (a); 1977 c. 129, 418; 1983 a. 126, 227, 270, 538; 1987 a. 349; 1993 a. 63; 1997 a. 27; 1999 a. 80.

(encl 7-14)

plate or

insert
8-5

343.135(2)(a)

(a) (intro.) ~~A special restricted operator's license may be issued only for the specific vehicle or type of vehicle described on the license. A license under this paragraph may not be issued to authorize operation of a commercial motor vehicle or a school bus. A special restricted operator's license may be issued only for the following vehicles:~~

Sec. # AM 343.135(2)(a)1.

343.135(2)(a)1. Motor bicycles or mopeds; or

①

343.135(2)(a)2.

2. ~~Specially designed vehicles having a maximum speed of 35 miles per hour which the department authorizes to be operated on the highway.~~

(end insert)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

December 14, 2000

MEMORANDUM

To: Representative Olsen

From: Timothy N. Fast, Sr. Legislative Attorney, (608) 266-9739

Subject: Technical Memorandum to **2001 (un-introduced)** (LRB 01-0271/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE MEMORANDUM

DT1175 97

Wisconsin Department of Transportation

Date: December 8, 2000
To: Legislative Reference Bureau
From: Department of Transportation
Subject: **TEGHNICAL MEMO** – LRB-0271/1, relating to low speed vehicles, granting rule making authority and providing a penalty

LRB-0271/1 does not exclude "motor truck" from the definition of a "low speed vehicle."

This conflicts with federal regulation, which specifically says a "low speed vehicle means a 4-wheeled motor vehicle, *other than a truck*, whose speed attainable...." The federal regulation was written this way because of concerns that certain trucks which are capable only of slow speeds might unintentionally be subject to LSV regulation.

WisDOT has sufficient concerns about the safety of LSV's that the Department clearly and specifically wants to limit LSV's to the exact vehicles that NHTSA regulations apply to. NHTSA definition specifically applies to "other than trucks."

The confusion envisioned by NHTSA would certainly occur in state law if "motor trucks" are not excluded in the definition. WisDOT is also concerned about the safety risks of enlarging the universe of eligible vehicles, without benefit of NHTSA analysis and equipment regulation.

NHTSA has been petitioned to consider changing the LSV definition to include low-speed light trucks, but no change in federal definition could occur until NHTSA has completed its entire rule making process, which it has not even begun yet.

Definition is 49CFR 571.3
attached

Jim Trul

Low-speed vehicle means a 4-wheeled motor vehicle, other than a truck, whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface.

\\TITLE 49--TRANSPORTATION\\SUBTITLE B--OTHER REGULATIONS
RELATING TO TRANSPORTATION\\CHAPTER V--NATIONAL HIGHWAY
TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF
TRANSPORTATION\\PART 571--FEDERAL MOTOR VEHICLE SAFETY
STANDARDS\\SUBPART A--GENERAL\\§ 571.3 Definitions. [49 CFR SEC
571.3]\\Current through August 1, 2000; 65 FR 47238\\

FISCAL ESTIMATE FORM

2001 Session

LRB # 2001 LRB-0271/1

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

INTRODUCTION #

Admin. Rule #

Subject
Low speed vehicles

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

- | | | |
|--|--|--|
| 1. <input checked="" type="checkbox"/> Increase Costs
<input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Villages <input checked="" type="checkbox"/> Cities
<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|--|--|--|

Fund Sources Affected

- GPR FED PRO PRS SEG

Affected Ch. 20 Appropriations

20.395(5)(cq), 20.395(5)(dq), 20.395(4)(aq)

Assumptions Used in Arriving at Fiscal Estimate:

This draft makes several changes to vehicle titling/registration, equipment, dealer licensing, state and local motor vehicle powers, and vehicle emission statutes, to accommodate a "low-speed vehicle" (LSV), which is a newly authorized type of motor vehicle under National Highway Traffic Safety Administration (NHTSA) regulations—a 4-wheeled vehicle whose top speed is between 20 and 25 mph. The federal regulation excludes truck from the definition of LSV, but this draft includes it. LSVs are very small electric vehicles used principally in golf or retirement communities, for very short trips. While we cannot estimate how many of these vehicles might be registered in Wisconsin, we anticipate that very few will be registered here, since these vehicles are more suited to warm climates.

LSVs will be titled and registered by DMV. The registration fee would be the same as motorcycles (\$23 biennially). We may absorb the workload of titling/registering, and dealer and salesperson licensing, within our current staffing level. One-time start-up data processing work will be minimal and may be absorbed. No change to driver licensing procedures results from this bill. Revenue increase from fees will be minimal.

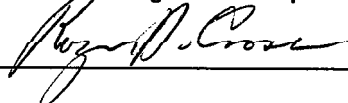
DOT is authorized to promulgate rules for vehicle equipment standards, with certain limitations. Work may be absorbed within current staffing level. This draft allows municipalities or counties to enact and enforce an ordinance regulating LSV equipment if the ordinance strictly conforms to DOT's equipment rules. Any cost that a municipality or county would incur for enforcement would depend on the number of LSVs in the community and the degree of enforcement which the local government would take.

This draft allows LSV operation on local streets which have speed limits 35 mph or less. But municipalities or counties may, by ordinance, restrict operation of LSVs to their streets which have speed limits of 25 mph or less. LSVs may not operate on State Trunk Highways but may cross STHs at locations designated by municipalities or counties. The local authority may mark or sign the crossing only as directed by DOT. It is estimated that each sign would cost the local authority \$300, including sign, post, and installation. Total cost to each local government would depend on how many crossings the government designates and is directed to sign.

Long-Range Fiscal Implications:

Prepared By: / Phone # / Agency Name
Carson P. Frazier/266-7857/Transportation

Authorized Signature / Telephone No.



266-2233

Date
12/4/00

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect

2001 Session

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB # 2001 LRB-0271/1

Admin. Rule #

INTRODUCTION #

Subject
Low speed vehicles

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
None

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$Minimal _____	\$Minimal _____
NET CHANGE IN REVENUES	\$Minimal _____	\$None _____

Prepared By: / Phone # / Agency Name Carson P. Frazier/266-7857/Transportation	Authorized Signature/Telephone No. 266-2233	Date 12/4/00
--	---	------------------------

Fast, Timothy

From: Kernats, Mike
Sent: Monday, December 18, 2000 8:45 AM
To: Fast, Timothy
Subject: RE: Low Speed Vehicle Draft

Sorry Tim, the only day that will work for me this week is Friday. Next week I'll be on the road visiting family, except for Tuesday and possibly Wednesday. Let me know if any of those days work for you.

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

From: Fast, Timothy
Sent: Friday, December 15, 2000 1:39 PM
To: Kernats, Mike
Subject: RE: Low Speed Vehicle Draft

Thanks, Mike. I won't be able to get to this until next Monday or so. I'll be in touch.

Thanks for the Holiday greetings. By the way, how does next Tuesday morning look re Original Pancake House for breakfast? They won't be moving, I'm told, until late January, so sometime after the New Year would be OK too.

Peace, Tim

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

From: Kernats, Mike
Sent: Friday, December 15, 2000 8:36 AM
To: Fast, Timothy
Subject: Low Speed Vehicle Draft

Tim, here is the problem we need to resolve after our meeting with Rep. Olsen yesterday. The definition of "low speed vehicle" on page 5, in section 12, accurately reflects current federal law by excluding trucks. However, NHTSA is considering modifying this definition to include trucks in the definition of low speed vehicle. We do not know at this point whether NHTSA will modify the definition to include trucks, but if NHTSA does make this modification we want it incorporated in the Wisconsin definition without the need for further action.

My idea is to refer to the federal definition (49 CFR 571.3) in our definition. We refer to the federal equipment standards (49 CFR 571.500) earlier in our definition. We might then delete "or motor truck" from the last sentence of the definition, since it is covered in the federal definition. If NHTSA modifies the federal definition to include trucks, then our definition would also be modified without further action. For clarity, we might want to mention in the Analysis that trucks are currently excluded from the definition of low speed vehicles. This would make Rep. Olsen happy, and DOT can live with it.

This is just an idea, you may have a better way to deal with this problem.

Charles M. Kernats
Assistant General Counsel
Wis. Dept. of Transportation
608/267-7940
mike.kernats@dot.state.wi.us

Fast, Timothy

From: Frazier, Carson
Sent: Thursday, December 21, 2000 9:23 AM
To: Fast, Timothy
Cc: Kernats, Mike; Porter, Karen
Subject: Low speed vehicles

Hi, Tim: thanks for the /3 draft of LRB-0674, looks good.

But, like the Bud Light commercial, now I have to say we're now looking at LRB-0271, Rep Olsen's draft.... We agreed with Rep Olsen/Sen Breske to a change in the definition of LSV's on page 5, SEction 12 of the draft 0271/1. I believe Mike Kernats sent you a note the other day, and I just wanted to let you know that Mike is available to discuss the change, whenever you give him a call. He did tell me that after today, he's out until after New Year. thanks a lot and thanks for all your work on the duelling drafts of this bill!!

WANTED WED.
1/17 NOON

2001 BILL

a motor vehicle, as defined by federal law, that[✓] complies with applicable equipment standards, but does not include a golf cart. Currently, federal law defines a low-speed vehicle as

Regen

1 AN ACT to amend 70.112 (5), 194.01 (7), 218.0101 (23) (a) 2., 218.0114 (5) (a),
2 218.0122 (3), 218.0171 (2) (b) 2. b., 285.30 (5) (c), 340.01 (4) (a), 341.067, 341.25
3 (title), 341.25 (1) (b), 341.297 (1), 341.31 (1) (b) 5., 341.31 (4) (c), 342.15 (4) (a);
4 342.34 (1) (c), 343.08 (1) (a) and (2) (a), 343.135 (2) (a) 1., 346.16 (2) (a), 349.105
5 and 779.41 (2); and to create 218.0101 (19m), 285.30 (5) (j), 340.01 (19d),
6 340.01 (27m), 343.135 (2) (a) 1m., 346.94 (18), 346.95 (8), 347.02 (8), 349.06 (4)
7 and 349.237 of the statutes; relating to: low-speed vehicles, granting
8 rule-making authority, and providing a penalty. other than a truck,

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,

on a paved, level surface

BILL

manufacturers, and transporters of motorcycles. Such regulations include requiring business and occupational licensing, imputing liability for certain misconduct of employees, 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, as with 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 of 35 or less miles per hour. Local highway authorities may further regulate low-speed vehicles or may restrict their operation to highways having a speed limit of 25 or less miles per hour.

2. Low-speed vehicles are prohibited from operating on state trunk highways and connecting highways, even where the applicable speed limit is 35 or less miles per hour. However, the bill allows low-speed vehicles to cross state trunk highways or connecting highways at officially designated crossings and at intersections where traffic is controlled by an official traffic control sign, signal, marking, or other device.

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

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

BILL

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

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

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

2 70.112 (5) MOTOR VEHICLES, BICYCLES, SNOWMOBILES. Every automobile,
3 low-speed vehicle, motor bicycle, motor bus, motorcycle, motor truck, moped, road
4 tractor, school bus, snowmobile, truck tractor, or other similar motor vehicle, or
5 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.** 218.0101 (19m) of the statutes is created to read:

11 218.0101 (19m) “Low-speed vehicle” has the meaning given in s. 340.01 (27m).

12 **SECTION 4.** 218.0101 (23) (a) 2. of the statutes is amended to read:

13 218.0101 (23) (a) 2. Is engaged wholly or in part in the business of selling or
14 leasing motor vehicles, including motorcycles and low-speed vehicles, whether or
15 not the motor vehicles are owned by that person, firm or corporation.

16 **SECTION 5.** 218.0114 (5) (a) of the statutes is amended to read:

17 218.0114 (5) (a) 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

BILL

1 shall be executed in the name of the department of transportation for the benefit of
2 any person who sustains a loss because of an act of a motor vehicle dealer that
3 constitutes grounds for the suspension or revocation of a license under ss. 218.0101
4 to 218.0163.

5 **SECTION 6.** 218.0122 (3) of the statutes is amended to read:

6 218.0122 (3) This section does not apply to motorcycles or low-speed vehicles
7 that are delivered in a crated, disassembled condition to the dealer or the dealer's
8 agent.

9 **SECTION 7.** 218.0171 (2) (b) 2. b. of the statutes is amended to read:

10 218.0171 (2) (b) 2. b. Accept return of the motor vehicle and refund to the
11 consumer and to any holder of a perfected security interest in the consumer's motor
12 vehicle, as their interest may appear, the full purchase price plus any sales tax,
13 finance charge, amount paid by the consumer at the point of sale and collateral costs,
14 less a reasonable allowance for use. Under this subdivision, a reasonable allowance
15 for use may not exceed the amount obtained by multiplying the full purchase price
16 of the motor vehicle by a fraction, the denominator of which is 100,000 or, for a
17 motorcycle or low-speed vehicle, 20,000, and the numerator of which is the number
18 of miles the motor vehicle was driven before the consumer first reported the
19 nonconformity to the motor vehicle dealer.

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

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

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

25 285.30 (5) (j) A low-speed vehicle, as defined in s. 340.01 (27m).

BILL

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

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

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

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

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

11 340.01 (27m) "Low-speed vehicle" means a ~~two-wheeled motor~~ vehicle ^{low-speed} ~~originally~~
12 ~~manufactured to meet~~ the equipment standards under 49 CFR 571.500 and ~~whose~~
13 ~~maximum speed attainable in 1 mile is more than 20 miles per hour but not more~~
14 ~~than 25 miles per hour on a paved, level surface~~. "Low-speed vehicle" does not
15 include a golf cart. ^{as defined in 49 CFR 571.3, that satisfies}
^{which was originally manufactured to meet the applicable equipment standards under 49}

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

17 **341.067 Registration of special vehicles.** The department shall register a ^{CFR}
18 specially designed vehicle which is authorized for operation by a person holding a ^{571.500}
19 special restricted operator's license under s. 343.135 if the special vehicle meets the
20 equipment standards established under s. 347.02 (6) or (8).

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

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

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

BILL

1 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
2 or less, except a specially designed vehicle under s. 341.067, which is designed for the
3 transportation of persons rather than property, and for each low-speed vehicle, a
4 biennial fee of \$23.

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

6 341.297 (1) A motorcycle ~~or~~, moped, or low-speed vehicle, as specified in s.
7 341.25 (1) (b).

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

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

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

13 341.31 (4) (c) A person retaining a ~~set of plates~~ plate removed from a motorcycle
14 or low-speed vehicle may receive credit for the unused portion of the registration fee
15 paid when registering a ~~replacement motorcycle~~ vehicle of the same type.

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

17 342.15 (4) (a) If the vehicle being transferred is a motorcycle or low-speed
18 vehicle or an automobile registered under s. 341.27 or a motor home or a motor truck,
19 dual purpose motor home, or dual purpose farm truck which has a gross weight of
20 not more than 8,000 pounds or a farm truck which has a gross weight of not more than
21 12,000 pounds, the owner shall remove the registration plate or plates and retain and
22 preserve ~~them~~ the plate or plates for use on any other vehicle of the same type and
23 gross weight which may subsequently be registered in his or her name.

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

BILL

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

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

14 343.08 (1) (a) The department must be satisfied that it is necessary for the
15 applicant to operate an automobile, farm truck, dual purpose farm truck, low-speed
16 vehicle, Type 1 motorcycle powered with an engine of not more than 125 cubic
17 centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and
18 registered by the applicant's parent or guardian or a farm truck leased to the
19 applicant's parent or guardian.

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

BILL

1 the licensee's parent or guardian or a farm truck leased to the licensee's parent or
2 guardian or any combination of these vehicles, depending on the restrictions placed
3 by the department on the particular license.

4 **SECTION 22.** 343.135 (2) (a) 1. of the statutes is amended to read:

5 343.135 (2) (a) 1. Motor bicycles or mopeds; ~~or.~~

6 **SECTION 23.** 343.135 (2) (a) 1m. of the statutes is created to read:

7 343.135 (2) (a) 1m. Low-speed vehicles.

8 **SECTION 24.** 346.16 (2) (a) of the statutes is amended to read:

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

14 **SECTION 25.** 346.94 (18) of the statutes is created to read:

15 346.94 (18) LOW-SPEED VEHICLES ON ROADWAY. (a) Subject to s. 349.237, a person
16 may operate a low-speed vehicle upon any roadway that is under the jurisdiction of
17 a local authority and that has a speed limit of 35 or less miles per hour.

18 (b) No person may operate a low-speed vehicle upon any highway that has a
19 speed limit of more than 35 miles per hour. Except at crossings authorized under s.
20 349.237 (2), and at intersections where traffic is controlled by an official traffic
21 control device, no person may operate a low-speed vehicle upon a state trunk
22 highway or connecting highway. This paragraph does not apply to vehicles
23 registered under s. 341.26 (2m) or vehicles exempted from this paragraph by the
24 department by rule.

25 **SECTION 26.** 346.95 (8) of the statutes is created to read:

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

3 **SECTION 27.** 347.02 (8) of the statutes is created to read:

or s. 340.01
(27m)

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

10 **SECTION 28.** 349.06 (4) of the statutes is created to read:

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

17 **SECTION 29.** 349.105 of the statutes is amended to read:

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

LRB-0271/2dn

TNF: jld

DRAFTER'S NOTE

This draft is identical to LRB-0271/1, except for changes to the definition of "low-speed vehicle" and ^{the} applicability of equipment standards. See proposed ss. 340.01(27m) and 347.02(8).

TNF

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

LRB-0271/2dn
TNF:jld:pg

January 17, 2001

This draft is identical to LRB-0271/1, except for changes to the definition of "low-speed vehicle" and the applicability of equipment standards. See proposed ss. 340.01 (27m) and 347.02 (8).

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January 17, 2001

MEMORANDUM

To: Representative Olsen

From: Paul E. Nilsen, Legislative Attorney

Re: LRB-0271 Low-speed vehicles

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

Barman, Mike

From: Barman, Mike
Sent: Wednesday, January 17, 2001 3:43 PM
To: Rep.Olsen
Subject: 01-0271/1 (per your request)



01-0271/2



01-0271/2dn

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
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