

**2001 SENATE BILL 393**

1     **AN ACT** *to amend* 23.117, 23.175 (2) (a), 23.33 (4) (d) 1. and 3., 29.001 (57), 59.84  
2           (2) (j), 66.1001 (2) (c), 83.42 (1), 84.60 (1) (a), 167.31 (1) (h), 194.01 (7), 287.81  
3           (1) (b), 340.01 (5e) and (5s), 340.01 (43), 340.01 (74), 344.01 (2) (g), 346.05 (1m),  
4           346.075 (title) and (1), 346.16 (2) (b), the unnumbered subchapter title  
5           preceding 346.23, 346.23, 346.24, 346.25, 346.28 (title) and (2), 346.30 (1) (b) 2.,  
6           346.34 (1) (b), 346.36 (2), 346.37 (1) (a) 2., (c) 2. and 3. and (d), 346.38 (1) and  
7           (2), 346.43 (1) (b) 2., 346.47 (1), 346.49 (1) (b), (1g) (b) and (2m) (b), 346.54 (1)  
8           (e), 346.60 (5), 346.71 (2), the unnumbered subchapter title preceding 346.77,  
9           346.80 (title) and (1), 346.80 (2) (a) (intro.), (b) and (c), 346.80 (3), 346.80 (4) and  
10          (5), 346.803 (title), (1) (intro.) and (a), (2) and (3), 346.804, 346.82 (title) and (1),  
11          346.94 (12), 346.95 (6), 347.245 (1), 347.489 and 779.41 (2); and *to create*  
12          340.01 (15pm), 341.058, 346.02 (12), 346.16 (2) (am), 346.803 (4), 346.805,  
13          346.94 (18), 347.02 (1) (i), 349.015 and 349.236 of the statutes; **relating to:**

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1 electric personal assistive mobility devices, granting rule-making authority,  
2 and providing penalties.

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***Analysis by the Legislative Reference Bureau***

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

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

4 **23.117 Use of trails by bicycles and electric personal assistive mobility**  
5 **devices.** (1) No person may operate a bicycle or electric personal assistive mobility  
6 device on a trail in a state park or in the Kettle Moraine state forest unless the  
7 department has determined that the trail will be opened for use by bicycles or electric  
8 personal assistive mobility devices and has posted the trail open for such use.

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

12 (4) Any council that is created by the natural resources board under s. 15.04  
13 (1) (c) to advise the department on the opening of trails in state parks and in the  
14 Kettle Moraine state forest for use by bicycles or electric personal assistive mobility  
15 devices shall have its recommendations regarding such use reviewed and approved  
16 by the natural resources board before they are implemented.

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

18 23.175 (2) (a) Designate a system of state trails as part of the state park system  
19 for use by equestrians, bicyclists, riders of electric personal assistive mobility  
20 devices, cross-country skiers or hikers.

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

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1           23.33 (4) (d) 1. To cross a roadway. The crossing of a roadway is authorized only  
2 if the crossing is done in the most direct manner ~~practical~~ practicable, if the crossing  
3 is made at a place where no obstruction prevents a quick and safe crossing, and if the  
4 operator stops the all-terrain vehicle prior to the crossing and yields the  
5 right-of-way to other vehicles ~~and, pedestrians, and electric personal assistive~~  
6 mobility devices using the roadway.

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

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

15           29.001 (57) “Motor vehicle” means a self-propelled vehicle, including a  
16 combination of 2 or more vehicles or an articulated vehicle. “Motor vehicle” includes  
17 a snowmobile or an all-terrain vehicle. “Motor vehicle” does not include an aircraft  
18 ~~or, a vehicle operated exclusively on rails, or an electric personal assistive mobility~~  
19 device.

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

21           59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has  
22 been certified as completed, the public body having jurisdiction over the  
23 maintenance thereof shall have the power to regulate the type of vehicular use of  
24 such portion of the expressway except as limited by federal and state laws and  
25 regulations, and the power to fix speed limits thereon not in excess of the maximum

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1 speed limits for state trunk highways, and to provide and enforce reasonable  
2 penalties for infraction of such vehicular use regulation or speed limits.  
3 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,  
4 motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices,  
5 funeral processions, and animals on foot and the hauling of oversized equipment  
6 without special permit shall be prohibited when an ordinance in conformity with this  
7 section and, with respect to prohibiting the use of electric personal assistive mobility  
8 devices, in conformity with s. 349.236 (1) (a) or (b) is enacted by the board, but a  
9 forfeiture provided therein shall not exceed the maximum forfeiture under s. 346.17  
10 (2). The board may not prohibit the towing of disabled vehicles on expressways,  
11 except that the board may prohibit the towing of disabled vehicles during the peak  
12 hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. as established under county  
13 ordinance and except that the board may establish procedures for and may contract  
14 for the towing of vehicles which have become disabled on the expressway.

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

16 66.1001 (2) (c) *Transportation element.* A compilation of objectives, policies,  
17 goals, maps and programs to guide the future development of the various modes of  
18 transportation, including highways, transit, transportation systems for persons  
19 with disabilities, bicycles, electric personal assistive mobility devices, walking,  
20 railroads, air transportation, trucking and water transportation. The element shall  
21 compare the local governmental unit's objectives, policies, goals and programs to  
22 state and regional transportation plans. The element shall also identify highways  
23 within the local governmental unit by function and incorporate state, regional and  
24 other applicable transportation plans, including transportation corridor plans,  
25 county highway functional and jurisdictional studies, urban area and rural area

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1 transportation plans, airport master plans and rail plans that apply in the local  
2 governmental unit.

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

4 83.42 (1) PURPOSE. In order to create and preserve rustic and scenic roads for  
5 vehicular, bicycle, electric personal assistive mobility device, and pedestrian travel  
6 in unhurried, quiet and leisurely enjoyment; to protect and preserve recreational  
7 driving, culture, beauty, trees, vegetation and wildlife by establishing protective  
8 standards of rustic road design, access, speed, maintenance and identification,  
9 which will promote a continuous system of rustic roads and scenic easements for the  
10 public health and welfare; a state system of rustic roads is created.

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

12 84.60 (1) (a) “Bikeway” means a public path, trail, lane or other way, including  
13 structures, traffic control devices and related support facilities and parking areas,  
14 designated for use by bicycles, electric personal assistive mobility devices, and other  
15 vehicles propelled by human power. The term also includes “bicycle lane” as defined  
16 in s. 340.01 (5e) and “bicycle way” as defined in s. 340.01 (5s).

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

18 167.31 (1) (h) “Vehicle” has the meaning given under in s. 340.01 (74), and  
19 includes a snowmobile, as defined under in s. 340.01 (58a), and an electric personal  
20 assistive mobility device, as defined in s. 340.01 (15pm), except that for purposes of  
21 subs. (4) (c) and (cg) and (4m) “vehicle” has the meaning given for “motor vehicle” in  
22 s. 29.001 (57).

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

24 194.01 (7) “Motor vehicle” means any automobile, truck, trailer, semitrailer,  
25 tractor, motor bus or any self-propelled or motor driven vehicle, except a motorcycle,

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1 moped, motor bicycle, electric personal assistive mobility device, or ~~a~~ vehicle  
2 operated on rails.

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

4 287.81 (1) (b) “Vehicle” has the meaning given in s. 340.01 (74), and includes  
5 an electric personal assistive mobility device, as defined in s. 340.01 (15pm).

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

7 340.01 (5e) “Bicycle lane” means that portion of a roadway set aside by the  
8 governing body of any city, town, village, or county for the exclusive use of bicycles,  
9 electric personal assistive mobility devices, or other modes of travel where permitted  
10 under s. 349.23 (2) (a), and so designated by appropriate signs and markings.

11 (5s) “Bicycle way” means any path or sidewalk or portion thereof designated  
12 for the use of bicycles and electric personal assistive mobility devices by the  
13 governing body of any city, town, village, or county.

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

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

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

20 340.01 (43) “Pedestrian” means any person afoot or any person in a wheelchair,  
21 either manually or mechanically propelled, or other low-powered, mechanically  
22 propelled vehicle designed specifically for use by a physically disabled person, but  
23 does not include any person using an electric personal assistive mobility device.

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

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1           340.01 (74) “Vehicle” means every device in, upon, or by which any person or  
2 property is or may be transported or drawn upon a highway, except railroad trains.  
3 A snowmobile or electric personal assistive mobility device shall not be considered  
4 a vehicle except for purposes made specifically applicable by statute.

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

6           **341.058 Electric personal assistive mobility devices.** Electric personal  
7 assistive mobility devices, even though operated upon a highway of this state, are  
8 exempt from registration.

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

10           344.01 (2) (g) “Vehicle” means every device in, upon, or by which any person  
11 or property is or may be transported or drawn upon a highway, except vehicles used  
12 exclusively upon stationary rails or tracks and except electric personal assistive  
13 mobility devices.

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

15           **346.02 (12) APPLICABILITY TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.** An  
16 electric personal assistive mobility device shall be considered a vehicle for purposes  
17 of ss. 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.23  
18 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48, 346.50  
19 to 346.55, 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78, 346.80,  
20 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those  
21 provisions which by their express terms apply only to motor vehicles or which by  
22 their very nature would have no application to electric personal assistive mobility  
23 devices.

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

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

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

6           **346.075** (title) **Overtaking and passing bicycles, electric personal**  
7 **assistive mobility devices, and motor buses.** (1) The operator of a motor vehicle  
8 overtaking a bicycle or electric personal assistive mobility device proceeding in the  
9 same direction shall exercise due care, leaving a safe distance, but in no case less  
10 than 3 feet clearance when passing the bicycle or electric personal assistive mobility  
11 device, and shall maintain clearance until safely past the overtaken bicycle or  
12 electric personal assistive mobility device.

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

14           346.16 **(2)** (am) Except as provided in par. (b), no person riding an electric  
15 personal assistive mobility device may go upon any expressway or freeway when  
16 official signs have been erected prohibiting persons specified in par. (a) from using  
17 the expressway or freeway.

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

19           346.16 **(2)** (b) A pedestrian or other person under par. (a) or (am) may go upon  
20 a portion of a hiking trail, cross-country ski trail, bridle trail or bicycle trail  
21 incorporated into the highway right-of-way and crossing the highway if the portion  
22 of the trail is constructed under s. 84.06 (11).

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



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1 RESPECTIVE RIGHTS AND DUTIES  
2 OF DRIVERS, PEDESTRIANS AND,  
3 BICYCLISTS, AND RIDERS OF  
4 ELECTRIC PERSONAL ASSISTIVE  
5 MOBILITY DEVICES

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

7 **346.23 Crossing controlled intersection or crosswalk. (1)** At an  
8 intersection or crosswalk where traffic is controlled by traffic control signals or by a  
9 traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian,  
10 or to a person who is riding a bicycle or electric personal assistive mobility device in  
11 a manner which is consistent with the safe use of the crosswalk by pedestrians, who  
12 has started to cross the highway on a green or “Walk” signal and in all other cases  
13 pedestrians and, bicyclists, and riders of electric personal assistive mobility devices  
14 shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a green  
15 signal. No operator of a vehicle proceeding ahead on a green signal may begin a turn  
16 at a controlled intersection or crosswalk when a pedestrian ~~or~~, bicyclist, or rider of  
17 an electric personal assistive mobility device crossing in the crosswalk on a green or  
18 “Walk” signal would be endangered or interfered with in any way. The rules stated  
19 in this subsection are modified at intersections or crosswalks on divided highways  
20 or highways provided with safety zones in the manner and to the extent stated in sub.  
21 (2).

22 **(2)** At intersections or crosswalks on divided highways or highways provided  
23 with safety zones where traffic is controlled by traffic control signals or by a traffic  
24 officer, the operator of a vehicle shall yield the right-of-way to a pedestrian ~~or~~,  
25 bicyclist, or rider of an electric personal assistive mobility device who has started to

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1 cross the roadway either from the near curb or shoulder or from the center dividing  
2 strip or a safety zone with the green or “Walk” signal in the pedestrian’s or bicyclist’s  
3 favor of the pedestrian, bicyclist, or rider of an electric personal assistive mobility  
4 device.

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

6 **346.24 Crossing at uncontrolled intersection or crosswalk. (1)** At an  
7 intersection or crosswalk where traffic is not controlled by traffic control signals or  
8 by a traffic officer, the operator of a vehicle shall yield the right-of-way to a  
9 pedestrian, or to a person riding a bicycle or electric personal assistive mobility  
10 device in a manner which is consistent with the safe use of the crosswalk by  
11 pedestrians, who is crossing the highway within a marked or unmarked crosswalk.

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

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

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

21 **346.25 Crossing at place other than crosswalk.** Every pedestrian ~~or~~  
22 bicyclist, or rider of an electric personal assistive mobility device crossing a roadway  
23 at any point other than within a marked or unmarked crosswalk shall yield the  
24 right-of-way to all vehicles upon the roadway.

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

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1           **346.28** (title) **Pedestrians to walk on left side of highway; pedestrians**  
2 **and, bicyclists, and riders of electric personal assistive mobility devices on**  
3 **sidewalks.**

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

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

8           346.30 **(1)** (b) 2. Any operator of a bicycle or electric personal assistive mobility  
9 device violating s. 346.23, 346.24 or 346.25 may be required to forfeit not more than  
10 \$20.

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

12           346.34 **(1)** (b) In the event any other traffic may be affected by such movement,  
13 no person may so turn any vehicle without giving an appropriate signal in the  
14 manner provided in s. 346.35. When given by the operator of a vehicle other than  
15 a bicycle or electric personal assistive mobility device, such signal shall be given  
16 continuously during not less than the last 100 feet traveled by the vehicle before  
17 turning. The operator of a bicycle or electric personal assistive mobility device shall  
18 give such signal continuously during not less than the last 50 feet traveled before  
19 turning. A signal by the hand and arm need not be given continuously if the hand  
20 is needed in the control or operation of the bicycle or electric personal assistive  
21 mobility device.

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

23           346.36 **(2)** Any operator of a bicycle or electric personal assistive mobility  
24 device violating ss. 346.31 to 346.35 may be required to forfeit not more than \$20.

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

3           346.37 (1) (a) 2. Pedestrians, and persons who are riding bicycles or electric  
4 personal assistive mobility devices in a manner which is consistent with the safe use  
5 of the crosswalk by pedestrians, facing the signal may proceed across the roadway  
6 within any marked or unmarked crosswalk.

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

10           3. Vehicular traffic facing a red signal at an intersection may, after stopping as  
11 required under subd. 1., cautiously enter the intersection to make a right turn into  
12 the nearest lawfully available lane for traffic moving to the right or to turn left from  
13 a one-way highway into the nearest lawfully available lane of a one-way highway  
14 on which vehicular traffic travels to the left. No turn may be made on a red signal  
15 if lanes of moving traffic are crossed or if a sign at the intersection prohibits a turn.  
16 In making a turn on a red signal vehicular traffic shall yield the right-of-way to  
17 pedestrians ~~and~~, bicyclists, and riders of electric personal assistive mobility devices  
18 lawfully within a crosswalk and to other traffic lawfully using the intersection.

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

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

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

5           346.38 (1) WALK. A pedestrian, or a person riding a bicycle or electric personal  
6 assistive mobility device in a manner which is consistent with the safe use of the  
7 crossing by pedestrians, facing a “Walk” signal may proceed across the roadway or  
8 other vehicular crossing in the direction of the signal and the operators of all vehicles  
9 shall yield the right-of-way to the pedestrian ~~or~~, bicyclist, or electric personal  
10 assistive mobility device rider.

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

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

18           346.43 (1) (b) 2. Any operator of a bicycle or electric personal assistive mobility  
19 device violating s. 346.37, 346.38 or 346.39 may be required to forfeit not more than  
20 \$20.

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

22           346.47 (1) The operator of a vehicle emerging from an alley or about to cross  
23 or enter a highway from any point of access other than another highway shall stop  
24 such vehicle immediately prior to moving on to the sidewalk or on to the sidewalk  
25 area extending across the path of such vehicle and shall yield the right-of-way to any

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1 pedestrian ~~or~~, bicyclist, or rider of an electric personal assistive mobility device, and  
2 upon crossing or entering the roadway shall yield the right-of-way to all vehicles  
3 approaching on such roadway.

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

6 346.49 (1) (b) Any operator of a bicycle or electric personal assistive mobility  
7 device violating s. 346.46 (1), (2m) or (4) may be required to forfeit not more than \$20.

8 (1g) (b) Any operator of a bicycle or electric personal assistive mobility device  
9 violating s. 346.46 (3) shall forfeit not more than \$40.

10 (2m) (b) Any operator of a bicycle or electric personal assistive mobility device  
11 violating s. 346.44 may be required to forfeit not more than \$40.

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

13 346.54 (1) (e) For the purpose of parking, mopeds ~~as defined in s. 340.01 (29m)~~  
14 and electric personal assistive mobility devices shall be considered bicycles. Where  
15 possible without impeding the flow of pedestrian traffic, a bicycle ~~or~~, moped, or  
16 electric personal assistive mobility device may be parked on a sidewalk. A bicycle  
17 ~~or~~, moped, or electric personal assistive mobility device may be parked in a bike rack  
18 or other similar area designated for bicycle parking.

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

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

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

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

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1           346.71 (2) In cases of death involving a motor vehicle in which the decedent was  
2           the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or  
3           electric personal assistive mobility device operator 14 years of age or older and who  
4           died within 6 hours of the time of the accident, the coroner or medical examiner of  
5           the county where the death occurred shall require that a blood specimen of at least  
6           10 cc. be withdrawn from the body of the decedent within 12 hours after his or her  
7           death, by the coroner or medical examiner or by a physician so designated by the  
8           coroner or medical examiner or by a qualified person at the direction of the physician.  
9           All funeral directors shall obtain a release from the coroner or medical examiner of  
10          the county where the accident occurred as provided in s. 979.01 (4) prior to  
11          proceeding with embalming any body coming under the scope of this section. The  
12          blood so drawn shall be forwarded to a laboratory approved by the department of  
13          health and family services for analysis of the alcoholic content of the blood specimen.  
14          The coroner or medical examiner causing the blood to be withdrawn shall be notified  
15          of the results of each analysis made and shall forward the results of each such  
16          analysis to the department of health and family services. If the death involved a  
17          motor vehicle, the department shall keep a record of all such examinations to be used  
18          for statistical purposes only and the department shall disseminate and make public  
19          the cumulative results of the examinations without identifying the individuals  
20          involved. If the death involved an all-terrain vehicle, the department of natural  
21          resources shall keep a record of all such examinations to be used for statistical  
22          purposes only and the department of natural resources shall disseminate and make  
23          public the cumulative results of the examinations without identifying the  
24          individuals involved.

**SENATE BILL 393****SECTION 39**

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

3                                   BICYCLES, ELECTRIC PERSONAL

4                                   ASSISTIVE MOBILITY DEVICES,

5                                   AND PLAY VEHICLES

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

7           **346.80** (title) **Riding bicycle or electric personal assistive mobility**  
8 **device on roadway.** (1) In this section, “substandard width lane” means a lane  
9 that is too narrow for a bicycle or electric personal assistive mobility device and a  
10 motor vehicle to travel safely side by side within the lane.

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

13           346.80 (2) (a) (intro.) Any person operating a bicycle or electric personal  
14 assistive mobility device upon a roadway at less than the normal speed of traffic at  
15 the time and place and under the conditions then existing shall ride as close as  
16 practicable to the right-hand edge or curb of the unobstructed traveled roadway,  
17 including operators who are riding 2 or more abreast where permitted under sub. (3),  
18 except:

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

22           (c) Any person operating a bicycle or electric personal assistive mobility device  
23 upon a roadway shall exercise due care when passing a standing or parked vehicle  
24 or a vehicle proceeding in the same direction, allowing a minimum of 3 feet between  
25 the bicycle or electric personal assistive mobility device and the vehicle, and shall



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1 give an audible signal when passing a bicycle or electric personal assistive mobility  
2 device rider proceeding in the same direction.

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

4 346.80 (3) (a) Persons riding bicycles or electric personal assistive mobility  
5 devices upon a roadway may ride 2 abreast if such operation does not impede the  
6 normal and reasonable movement of traffic. Bicycle or electric personal assistive  
7 mobility device operators riding 2 abreast on a 2-lane or more roadway shall ride  
8 within a single lane.

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

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

13 346.80 (4) No person may operate a bicycle, electric personal assistive mobility  
14 device, or moped upon a roadway where a sign is erected indicating that bicycle,  
15 electric personal assistive mobility device, or moped riding is prohibited.

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

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

21 **346.803** (title) **Riding bicycle or electric personal assistive mobility**  
22 **device on bicycle way.** (1) (intro.) Every person operating a bicycle or electric  
23 personal assistive mobility device upon a bicycle way shall:

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

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

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

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

11 346.803 (4) Except as provided in s. 349.236 (1) (bm), a person may operate an  
12 electric personal assistive mobility device upon any bicycle path.

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

14 **346.804 Riding bicycle on sidewalk.** When local authorities under s. 346.94  
15 (1) permit bicycles on the sidewalk, every person operating a bicycle upon a sidewalk  
16 shall yield the right-of-way to any pedestrian and shall exercise due care and give  
17 an audible signal when passing a bicycle or electric personal assistive mobility device  
18 rider or a pedestrian proceeding in the same direction.

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

20 **346.805 Riding electric personal assistive mobility device on sidewalk.**  
21 Except as provided in ss. 346.94 (18) (a) 2. and 349.236 (1) (b), a person may operate  
22 an electric personal assistive mobility device upon any sidewalk. Every person  
23 operating an electric personal assistive mobility device upon a sidewalk shall yield  
24 the right-of-way to any pedestrian or bicyclist and shall exercise due care and give

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1 an audible signal when passing a bicycle or other electric personal assistive mobility  
2 device or a pedestrian proceeding in the same direction.

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

4 **346.82 (title) Penalty for violating sections 346.77 to 346.804 346.805.**

5 **(1)** Any person violating ss. 346.77, 346.79 (1) to (3), or 346.80 to 346.804 346.805  
6 may be required to forfeit not more than \$20.

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

8 **346.94 (12) DRIVING ON BICYCLE LANE OR BICYCLE WAY.** No operator of a motor  
9 vehicle may drive upon a bicycle lane or bicycle way except to enter a driveway, to  
10 merge into a bicycle lane before turning at an intersection, or to enter or leave a  
11 parking space located adjacent to the bicycle lane or bicycle way. Persons operating  
12 a motor vehicle upon a bicycle lane or bicycle way shall yield the right-of-way to all  
13 bicycles and electric personal assistive mobility devices within the bicycle lane or  
14 bicycle way.

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

16 **346.94 (18) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON ROADWAYS AND**  
17 **SIDEWALKS.** (a) 1. Except as otherwise prohibited in this chapter, a person may  
18 operate an electric personal assistive mobility device upon any roadway or sidewalk  
19 that is under the jurisdiction of the department.

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

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

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

5 346.95 (6) Any person violating s. 346.94 (17) or (18) may be required to forfeit  
6 not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor  
7 more than \$50 for the 2nd or subsequent conviction within a year.

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

9 347.02 (1) (i) Electric personal assistive mobility devices.

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

11 347.245 (1) After January 1, 1970, no person may operate on a highway, day  
12 or night, any vehicle or equipment, any animal-drawn vehicle, or any other  
13 machinery, including all road machinery, that usually ~~travel~~ travels at speeds of less  
14 than 25 miles per hour or any vehicle operated under a special restricted operator's  
15 license issued under s. 343.135, unless there is displayed on the most practicable  
16 visible rear area of the vehicle or combination of vehicles, a slow moving vehicle  
17 (SMV) emblem as described in and displayed as provided in sub. (2). Any towed  
18 vehicle or machine is exempt from this provision if the towing vehicle is visible from  
19 the rear and is in compliance with this section. All road machinery is excluded when  
20 it is engaged in actual construction or maintenance work either guarded by a  
21 flagman or clearly visible warning signs. Except as provided in s. 347.21 (1), the  
22 requirement of the emblem shall be in addition to any lighting devices required or  
23 permitted by law. Mopeds and motor bicycles are excluded from the provisions of this  
24 section unless they are operated under a special restricted operator's license issued  
25 under s. 343.135. Electric personal assistive mobility devices are excluded from the

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1 provisions of this section. The SMV emblem need not be displayed on vehicles  
2 moving directly across the highway.

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

4 **347.489 Lamps and other equipment on bicycles and, motor bicycles,**  
5 **and electric personal assistive mobility devices.** (1) No person may operate  
6 a bicycle ~~or, motor bicycle, or electric personal assistive mobility device~~ upon a  
7 highway, sidewalk, bicycle lane, or bicycle way during hours of darkness unless the  
8 bicycle ~~or, motor bicycle, or electric personal assistive mobility device~~ is equipped  
9 with ~~or, with respect to a bicycle or motor bicycle,~~ the operator is wearing, a lamp  
10 emitting a white light visible from a distance of at least 500 feet to the front of the  
11 bicycle ~~or, motor bicycle, or electric personal assistive mobility device.~~ A bicycle ~~or,~~  
12 motor bicycle, ~~or electric personal assistive mobility device~~ shall also be equipped  
13 with a red reflector that has a diameter of at least 2 inches of surface area ~~or, with~~  
14 ~~respect to an electric personal assistive mobility device, that is a strip of reflective~~  
15 ~~tape that has at least 2 square inches of surface area,~~ on the rear so mounted and  
16 maintained as to be visible from all distances from 50 to 500 feet to the rear when  
17 directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp  
18 emitting a red or flashing amber light visible from a distance of 500 feet to the rear  
19 may be used in addition to but not in lieu of the red reflector.

20 (2) No person may operate a bicycle ~~or, motor bicycle, or electric personal~~  
21 ~~assistive mobility device~~ upon a highway, bicycle lane, or bicycle way unless it is  
22 equipped with a brake in good working condition, adequate to control the movement  
23 of and to stop the bicycle ~~or, motor bicycle, or electric personal assistive mobility~~  
24 ~~device~~ whenever necessary.

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

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

5           **349.015 Applicability of chapter to electric personal assistive mobility**  
6 **devices.** An electric personal assistive mobility device shall be considered a vehicle  
7 for purposes of this chapter, except those provisions which by their express terms  
8 apply only to motor vehicles or which by their very nature would have no application  
9 to electric personal assistive mobility devices.

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

11          **349.236 Authority to regulate operation of electric personal assistive**  
12 **mobility devices. (1)** The governing body of any municipality or county may, by  
13 ordinance, do any of the following:

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

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

24           (bm) Prohibit the operation of electric personal assistive mobility devices on all  
25 bicycle paths under its jurisdiction or only on certain bicycle paths, or portions of

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1 such bicycle paths, under its jurisdiction that are designated in the ordinance. This  
2 paragraph does not apply to the operation of such devices on any bicycle paths at a  
3 permanent or temporarily established driveway.

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

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

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

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

25 **SECTION 57. Initial applicability.**

