

BILL HISTORY FOR SENATE BILL 393 (LRB -4363)

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

2002

01-22.	S.	Introduced by Senator Breske ; cosponsored by Representative Stone .	
01-22.	S.	Read first time and referred to committee on Insurance, Tourism, and Transportation	515
02-05.	S.	Executive action taken.	
02-07.	S.	Report passage recommended by committee on Insurance, Tourism, and Transportation, Ayes 5, Noes 0	560
02-07.	S.	Available for scheduling.	
02-11.	S.	Fiscal estimate received.	
02-27.	S.	Placed on calendar 3-7-2002 by committee on Senate Organization.	
02-28.	S.	Fiscal estimate received.	
03-07.	S.	Read a second time	621
03-07.	S.	Senate amendment 1 offered by Senator Breske (LRB a1526)	621
03-07.	S.	Senate amendment 1 adopted	621
03-07.	S.	Ordered to a third reading	621
03-07.	S.	Rules suspended	621
03-07.	S.	Read a third time and passed	621
03-07.	S.	Ordered immediately messaged	624
03-07.	A.	Received from Senate.	
03-07.	A.	Read first time.	
03-07.	A.	Rules suspended and taken up.	
03-07.	A.	Read a second time.	
03-07.	A.	Ordered to a third reading.	
03-07.	A.	Rules suspended.	
03-07.	A.	Read a third time and concurred in .	
03-07.	A.	Ordered immediately messaged.	
03-08.	S.	Received from Assembly concurred in	628

**2001
ENROLLED BILL**

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Orig **Engr** **SubAmdt**

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Amendments to above (if none, write "NONE"): SA1

Corrections - show date (if none, write "NONE"): None

Topic Electric personal assistive
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3/08/02
Date

[Signature]
Enrolling Drafter

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2001 SENATE BILL 393

January 22, 2002 - Introduced by Senator BRESKE, cosponsored by Representative STONE. Referred to Committee on Insurance, Tourism, and Transportation.

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), 346.805, 346.94 (18),
13 347.02 (1) (i), 349.015 and 349.236 of the statutes; **relating to:** electric personal

SENATE BILL 393

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

Analysis by the Legislative Reference Bureau

This bill creates a new category of device, used to transport a person, called an “electric personal assistive mobility device.” An electric personal assistive mobility device is defined as a self-balancing device with two nontandem wheels that is designed to transport only one person and which is equipped with an electric propulsion system that limits the maximum speed of the device to not more than 15 miles per hour. The bill exempts an electric personal assistive mobility device from the definition of “vehicle” for purposes of state transportation laws, except those laws made specifically applicable to electric personal assistive mobility devices.

The major provisions relating to electric personal assistive mobility devices include the following:

1. The bill exempts electric personal assistive mobility devices from vehicle registration by the department of transportation (DOT). Under current law, road machinery, implements of husbandry (agriculture), and certain vehicles that are operated primarily off a highway or to cross a highway are exempt from registration by DOT. Bicycles and motor bicycles are exempt from registration by DOT, but may be subject to local registration.

2. The bill does not require an operator of an electric personal assistive mobility device to have a valid operator’s license to operate an electric personal assistive mobility device upon a highway.

3. The bill requires the operators of electric personal assistive mobility devices to observe most of the rules of the road (traffic laws) and subjects violators of those laws to the same penalties as those that apply to violations committed while operating a bicycle (or, in some cases, any vehicle), including the assessment of demerit points and the imposition of fines, forfeitures, and terms of imprisonment. Specifically, operators of electric personal assistive mobility devices are exempt from traffic laws relating to operating a motor vehicle while intoxicated (OWI), including this state’s implied consent law.

4. The bill permits electric personal assistive mobility devices to be operated on roadways and sidewalks. However, DOT may by rule prohibit electric personal assistive mobility devices on any sidewalk under its jurisdiction or on any roadway under its jurisdiction having a speed limit of more than 25 miles per hour, except that the bill allows a local highway authority to enact an ordinance permitting electric personal assistive mobility devices 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. A local highway authority may by ordinance prohibit electric personal assistive mobility devices on any sidewalk under its jurisdiction or on any roadway under its jurisdiction having a speed limit of more than 25 miles per hour. The bill specifically

SENATE BILL 393

permits electric personal assistive mobility devices to be operated on the highway shoulder, unless prohibited by the applicable state or local highway authority.

5. The bill permits electric personal assistive mobility devices to be operated on any bicycle lane or bicycle way.

6. The bill generally requires the operator of an electric personal assistive mobility device to yield the right-of-way to pedestrians and bicyclists, and requires the operator to give an audible signal when passing a bicycle or other electric personal assistive mobility device traveling in the same direction. The bill also governs the riding of electric personal assistive mobility devices on roadways by treating such devices similar to bicycles. The bill permits electric personal assistive mobility devices to be operated two abreast under certain circumstances, but prohibits more than two abreast. Current law permits the riding of bicycles more than two abreast under certain circumstances.

7. The bill treats electric personal assistive mobility devices similar to bicycles with respect to equipment requirements. The bill prohibits an electric personal assistive mobility device from being operated during hours of darkness unless the device is equipped with a white light that is visible from a distance of not less than 500 feet from the front of the device and with a red reflector that is visible from a distance of 500 feet to the rear. The red reflector may be a strip of reflective tape with a surface area of not less than two square inches. An electric personal assistive mobility device must have a functioning braking mechanism, and no siren or compression whistle may be used. An electric personal assistive mobility device is not required to have a slow-moving vehicle (SMV) emblem.

8. The bill treats electric personal assistive mobility devices the same as bicycles with respect to parking. The bill permits electric personal assistive mobility devices to be parked on a sidewalk if such parking does not interfere with pedestrians and is not prohibited by a sign, signal, marking, or other device. An electric personal assistive mobility device may be parked in a bike rack or other parking area for bicycles.

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.** 23.117 of the statutes is amended to read:
2 **23.117 Use of trails by bicycles and electric personal assistive mobility**
3 **devices.** (1) No person may operate a bicycle or electric personal assistive mobility
4 device on a trail in a state park or in the Kettle Moraine state forest unless the

SENATE BILL 393**SECTION 1**

1 department has determined that the trail will be opened for use by bicycles or electric
2 personal assistive mobility devices and has posted the trail open for such use.

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

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

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

12 23.175 (2) (a) Designate a system of state trails as part of the state park system
13 for use by equestrians, bicyclists, riders of electric personal assistive mobility
14 devices, cross-country skiers or hikers.

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

16 23.33 (4) (d) 1. To cross a roadway. The crossing of a roadway is authorized only
17 if the crossing is done in the most direct manner ~~practical~~ practicable, if the crossing
18 is made at a place where no obstruction prevents a quick and safe crossing, and if the
19 operator stops the all-terrain vehicle prior to the crossing and yields the
20 right-of-way to other vehicles ~~and, pedestrians, and electric personal assistive~~
21 mobility devices using the roadway.

22 3. To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge,
23 culvert, or railroad right-of-way is not authorized if the roadway is officially closed
24 to all-terrain vehicle traffic. The crossing is authorized only if the crossing is done
25 in the most direct manner ~~practical~~ practicable, if the crossing is made at a place

SENATE BILL 393

SECTION 3

1 where no obstruction prevents a quick and safe crossing, and if the operator stops the
2 all-terrain vehicle prior to the crossing ~~and, pedestrians, and electric personal~~
3 assistive mobility devices using the roadway.

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

5 29.001 (57) "Motor vehicle" means a self-propelled vehicle, including a
6 combination of 2 or more vehicles or an articulated vehicle. "Motor vehicle" includes
7 a snowmobile or an all-terrain vehicle. "Motor vehicle" does not include an aircraft
8 ~~or~~, a vehicle operated exclusively on rails, or an electric personal assistive mobility
9 device.

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

11 59.84 (2) (j) *Traffic types and speed limits.* After an expressway project has
12 been certified as completed, the public body having jurisdiction over the
13 maintenance thereof shall have the power to regulate the type of vehicular use of
14 such portion of the expressway except as limited by federal and state laws and
15 regulations, and the power to fix speed limits thereon not in excess of the maximum
16 speed limits for state trunk highways, and to provide and enforce reasonable
17 penalties for infraction of such vehicular use regulation or speed limits.
18 Notwithstanding s. 346.16 (2), the use of the expressways by pedestrians, mopeds,
19 motor bicycles, motor scooters, bicycles, electric personal assistive mobility devices,
20 funeral processions, and animals on foot and the hauling of oversized equipment
21 without special permit shall be prohibited when an ordinance in conformity with this
22 section and, with respect to prohibiting the use of electric personal assistive mobility
23 devices, in conformity with s. 349.236 (1) (a) or (b) is enacted by the board, but a
24 forfeiture provided therein shall not exceed the maximum forfeiture under s. 346.17
25 (2). The board may not prohibit the towing of disabled vehicles on expressways,

SENATE BILL 393

1 except that the board may prohibit the towing of disabled vehicles during the peak
2 hours of 7 a.m. to 9 a.m. and 4 p.m. to 6:30 p.m. as established under county
3 ordinance and except that the board may establish procedures for and may contract
4 for the towing of vehicles which have become disabled on the expressway.

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

6 66.1001 (2) (c) *Transportation element.* A compilation of objectives, policies,
7 goals, maps and programs to guide the future development of the various modes of
8 transportation, including highways, transit, transportation systems for persons
9 with disabilities, bicycles, electric personal assistive mobility devices, walking,
10 railroads, air transportation, trucking and water transportation. The element shall
11 compare the local governmental unit's objectives, policies, goals and programs to
12 state and regional transportation plans. The element shall also identify highways
13 within the local governmental unit by function and incorporate state, regional and
14 other applicable transportation plans, including transportation corridor plans,
15 county highway functional and jurisdictional studies, urban area and rural area
16 transportation plans, airport master plans and rail plans that apply in the local
17 governmental unit.

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

19 83.42 (1) **PURPOSE.** In order to create and preserve rustic and scenic roads for
20 vehicular, bicycle, electric personal assistive mobility device, and pedestrian travel
21 in unhurried, quiet and leisurely enjoyment; to protect and preserve recreational
22 driving, culture, beauty, trees, vegetation and wildlife by establishing protective
23 standards of rustic road design, access, speed, maintenance and identification,
24 which will promote a continuous system of rustic roads and scenic easements for the
25 public health and welfare; a state system of rustic roads is created.

SENATE BILL 393

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

2 84.60 (1) (a) “Bikeway” means a public path, trail, lane or other way, including
3 structures, traffic control devices and related support facilities and parking areas,
4 designated for use by bicycles, electric personal assistive mobility devices, and other
5 vehicles propelled by human power. The term also includes “bicycle lane” as defined
6 in s. 340.01 (5e) and “bicycle way” as defined in s. 340.01 (5s).

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

8 167.31 (1) (h) “Vehicle” has the meaning given ~~under~~ in s. 340.01 (74), and
9 includes a snowmobile, as defined ~~under~~ in s. 340.01 (58a), and an electric personal
10 assistive mobility device, as defined in s. 340.01 (15pm), except that for purposes of
11 subs. (4) (c) and (cg) and (4m) “vehicle” has the meaning given for “motor vehicle” in
12 s. 29.001 (57).

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

14 194.01 (7) “Motor vehicle” means any automobile, truck, trailer, semitrailer,
15 tractor, motor bus or any self-propelled or motor driven vehicle, except a motorcycle,
16 moped, motor bicycle, electric personal assistive mobility device, or ~~a~~ vehicle
17 operated on rails.

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

19 287.81 (1) (b) “Vehicle” has the meaning given in s. 340.01 (74), and includes
20 an electric personal assistive mobility device, as defined in s. 340.01 (15pm).

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

22 340.01 (5e) “Bicycle lane” means that portion of a roadway set aside by the
23 governing body of any city, town, village, or county for the exclusive use of bicycles,
24 electric personal assistive mobility devices, or other modes of travel where permitted
25 under s. 349.23 (2) (a), and so designated by appropriate signs and markings.

SENATE BILL 393

1 (5s) “Bicycle way” means any path or sidewalk or portion thereof designated
2 for the use of bicycles and electric personal assistive mobility devices by the
3 governing body of any city, town, village, or county.

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

5 **340.01 (15pm)** “Electric personal assistive mobility device” means a
6 self-balancing, 2-nontandem-wheeled device that is designed to transport only one
7 person and which has an electric propulsion system that limits the maximum speed
8 of the device to 15 miles per hour or less.

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

10 **340.01 (43)** “Pedestrian” means any person afoot or any person in a wheelchair,
11 either manually or mechanically propelled, or other low-powered, mechanically
12 propelled vehicle designed specifically for use by a physically disabled person, but
13 does not include any person using an electric personal assistive mobility device.

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

15 **340.01 (74)** “Vehicle” means every device in, upon, or by which any person or
16 property is or may be transported or drawn upon a highway, except railroad trains.
17 A snowmobile or electric personal assistive mobility device shall not be considered
18 a vehicle except for purposes made specifically applicable by statute.

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

20 **341.058 Electric personal assistive mobility devices.** Electric personal
21 assistive mobility devices, even though operated upon a highway of this state, are
22 exempt from registration.

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

24 **344.01 (2) (g)** “Vehicle” means every device in, upon, or by which any person
25 or property is or may be transported or drawn upon a highway, except vehicles used

SENATE BILL 393

1 exclusively upon stationary rails or tracks and except electric personal assistive
2 mobility devices.

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

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

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

14 346.05 (1m) Notwithstanding sub. (1), any person operating a bicycle or
15 electric personal assistive mobility device may ride on the shoulder of a highway
16 unless such riding is prohibited by the authority in charge of the maintenance of the
17 highway.

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

19 **346.075 (title) Overtaking and passing bicycles, electric personal**
20 **assistive mobility devices, and motor buses.** (1) The operator of a motor vehicle
21 overtaking a bicycle or electric personal assistive mobility device proceeding in the
22 same direction shall exercise due care, leaving a safe distance, but in no case less
23 than 3 feet clearance when passing the bicycle or electric personal assistive mobility
24 device, and shall maintain clearance until safely past the overtaken bicycle or
25 electric personal assistive mobility device.

SENATE BILL 393

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

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

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

7 346.16 (2) (b) A pedestrian or other person under par. (a) or (am) may go upon
8 a portion of a hiking trail, cross-country ski trail, bridle trail or bicycle trail
9 incorporated into the highway right-of-way and crossing the highway if the portion
10 of the trail is constructed under s. 84.06 (11).

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

13 RESPECTIVE RIGHTS AND DUTIES
14 OF DRIVERS, PEDESTRIANS AND,
15 BICYCLISTS, AND RIDERS OF
16 ELECTRIC PERSONAL ASSISTIVE
17 MOBILITY DEVICES

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

19 **346.23 Crossing controlled intersection or crosswalk.** (1) At an
20 intersection or crosswalk where traffic is controlled by traffic control signals or by a
21 traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian,
22 or to a person who is riding a bicycle or electric personal assistive mobility device in
23 a manner which is consistent with the safe use of the crosswalk by pedestrians, who
24 has started to cross the highway on a green or "Walk" signal and in all other cases
25 pedestrians and, bicyclists, and riders of electric personal assistive mobility devices

SENATE BILL 393

1 shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a green
2 signal. No operator of a vehicle proceeding ahead on a green signal may begin a turn
3 at a controlled intersection or crosswalk when a pedestrian ~~or~~, bicyclist, or rider of
4 an electric personal assistive mobility device crossing in the crosswalk on a green or
5 “Walk” signal would be endangered or interfered with in any way. The rules stated
6 in this subsection are modified at intersections or crosswalks on divided highways
7 or highways provided with safety zones in the manner and to the extent stated in sub.
8 (2).

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

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

18 **346.24 Crossing at uncontrolled intersection or crosswalk.** (1) At an
19 intersection or crosswalk where traffic is not controlled by traffic control signals or
20 by a traffic officer, the operator of a vehicle shall yield the right-of-way to a
21 pedestrian, or to a person riding a bicycle or electric personal assistive mobility
22 device in a manner which is consistent with the safe use of the crosswalk by
23 pedestrians, who is crossing the highway within a marked or unmarked crosswalk.

24 (2) No pedestrian ~~or~~, bicyclist, or rider of an electric personal assistive mobility
25 device shall suddenly leave a curb or other place of safety and walk, run, or ride into

SENATE BILL 393

SECTION 25

1 the path of a vehicle which is so close that it is difficult for the operator of the vehicle
2 to yield.

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

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

8 **346.25 Crossing at place other than crosswalk.** Every pedestrian ~~or~~,
9 bicyclist, or rider of an electric personal assistive mobility device crossing a roadway
10 at any point other than within a marked or unmarked crosswalk shall yield the
11 right-of-way to all vehicles upon the roadway.

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

13 **346.28 (title) Pedestrians to walk on left side of highway; pedestrians**
14 **and, bicyclists, and riders of electric personal assistive mobility devices on**
15 **sidewalks.**

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

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

20 346.30 (1) (b) 2. Any operator of a bicycle or electric personal assistive mobility
21 device violating s. 346.23, 346.24 or 346.25 may be required to forfeit not more than
22 \$20.

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

24 346.34 (1) (b) In the event any other traffic may be affected by such movement,
25 no person may so turn any vehicle without giving an appropriate signal in the

SENATE BILL 393

1 manner provided in s. 346.35. When given by the operator of a vehicle other than
2 a bicycle or electric personal assistive mobility device, such signal shall be given
3 continuously during not less than the last 100 feet traveled by the vehicle before
4 turning. The operator of a bicycle or electric personal assistive mobility device shall
5 give such signal continuously during not less than the last 50 feet traveled before
6 turning. A signal by the hand and arm need not be given continuously if the hand
7 is needed in the control or operation of the bicycle or electric personal assistive
8 mobility device.

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

10 346.36 (2) Any operator of a bicycle or electric personal assistive mobility
11 device violating ss. 346.31 to 346.35 may be required to forfeit not more than \$20.

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

14 346.37 (1) (a) 2. Pedestrians, and persons who are riding bicycles or electric
15 personal assistive mobility devices in a manner which is consistent with the safe use
16 of the crosswalk by pedestrians, facing the signal may proceed across the roadway
17 within any marked or unmarked crosswalk.

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

21 3. Vehicular traffic facing a red signal at an intersection may, after stopping as
22 required under subd. 1., cautiously enter the intersection to make a right turn into
23 the nearest lawfully available lane for traffic moving to the right or to turn left from
24 a one-way highway into the nearest lawfully available lane of a one-way highway
25 on which vehicular traffic travels to the left. No turn may be made on a red signal

SENATE BILL 393**SECTION 31**

1 if lanes of moving traffic are crossed or if a sign at the intersection prohibits a turn.
2 In making a turn on a red signal vehicular traffic shall yield the right-of-way to
3 pedestrians ~~and, bicyclists, and riders of electric personal assistive mobility devices~~
4 lawfully within a crosswalk and to other traffic lawfully using the intersection.

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

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

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

15 346.38 (1) WALK. A pedestrian, or a person riding a bicycle ~~or electric personal~~
16 ~~assistive mobility device~~ in a manner which is consistent with the safe use of the
17 crossing by pedestrians, facing a "Walk" signal may proceed across the roadway or
18 other vehicular crossing in the direction of the signal and the operators of all vehicles
19 shall yield the right-of-way to the pedestrian ~~or, bicyclist, or electric personal~~
20 ~~assistive mobility device rider.~~

21 (2) DON'T WALK. No pedestrian ~~or, bicyclist, or rider of an electric personal~~
22 ~~assistive mobility device~~ may start to cross the roadway or other vehicular crossing
23 in the direction of a "Don't Walk" signal, but any pedestrian ~~or, bicyclist, or rider of~~
24 ~~an electric personal assistive mobility device~~ who has partially completed crossing

SENATE BILL 393

1 on the “Walk” signal may proceed to a sidewalk or safety zone while a “Don’t Walk”
2 signal is showing.

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

4 346.43 (1) (b) 2. Any operator of a bicycle or electric personal assistive mobility
5 device violating s. 346.37, 346.38 or 346.39 may be required to forfeit not more than
6 \$20.

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

8 346.47 (1) The operator of a vehicle emerging from an alley or about to cross
9 or enter a highway from any point of access other than another highway shall stop
10 such vehicle immediately prior to moving on to the sidewalk or on to the sidewalk
11 area extending across the path of such vehicle and shall yield the right-of-way to any
12 pedestrian ~~or~~ bicyclist, or rider of an electric personal assistive mobility device, and
13 upon crossing or entering the roadway shall yield the right-of-way to all vehicles
14 approaching on such roadway.

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

17 346.49 (1) (b) Any operator of a bicycle or electric personal assistive mobility
18 device violating s. 346.46 (1), (2m) or (4) may be required to forfeit not more than \$20.

19 (1g) (b) Any operator of a bicycle or electric personal assistive mobility device
20 violating s. 346.46 (3) shall forfeit not more than \$40.

21 (2m) (b) Any operator of a bicycle or electric personal assistive mobility device
22 violating s. 346.44 may be required to forfeit not more than \$40.

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

24 346.54 (1) (e) For the purpose of parking, mopeds ~~as defined in s. 340.01 (29m)~~
25 and electric personal assistive mobility devices shall be considered bicycles. Where

SENATE BILL 393

1 possible without impeding the flow of pedestrian traffic, a bicycle ~~or~~, moped, or
2 electric personal assistive mobility device may be parked on a sidewalk. A bicycle
3 ~~or~~, moped, or electric personal assistive mobility device may be parked in a bike rack
4 or other similar area designated for bicycle parking.

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

6 346.60 (5) (a) Any operator of a bicycle or electric personal assistive mobility
7 device who violates s. 346.57 may be required to forfeit not more than \$20.

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

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

11 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
12 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
13 electric personal assistive mobility device operator 14 years of age or older and who
14 died within 6 hours of the time of the accident, the coroner or medical examiner of
15 the county where the death occurred shall require that a blood specimen of at least
16 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her
17 death, by the coroner or medical examiner or by a physician so designated by the
18 coroner or medical examiner or by a qualified person at the direction of the physician.
19 All funeral directors shall obtain a release from the coroner or medical examiner of
20 the county where the accident occurred as provided in s. 979.01 (4) prior to
21 proceeding with embalming any body coming under the scope of this section. The
22 blood so drawn shall be forwarded to a laboratory approved by the department of
23 health and family services for analysis of the alcoholic content of the blood specimen.
24 The coroner or medical examiner causing the blood to be withdrawn shall be notified
25 of the results of each analysis made and shall forward the results of each such

SENATE BILL 393

1 analysis to the department of health and family services. If the death involved a
2 motor vehicle, the department shall keep a record of all such examinations to be used
3 for statistical purposes only and the department shall disseminate and make public
4 the cumulative results of the examinations without identifying the individuals
5 involved. If the death involved an all-terrain vehicle, the department of natural
6 resources shall keep a record of all such examinations to be used for statistical
7 purposes only and the department of natural resources shall disseminate and make
8 public the cumulative results of the examinations without identifying the
9 individuals involved.

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

12 **BICYCLES, ELECTRIC PERSONAL**

13 **ASSISTIVE MOBILITY DEVICES,**

14 **AND PLAY VEHICLES**

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

16 **346.80 (title) Riding bicycle or electric personal assistive mobility**
17 **device on roadway.** (1) In this section, “substandard width lane” means a lane
18 that is too narrow for a bicycle or electric personal assistive mobility device and a
19 motor vehicle to travel safely side by side within the lane.

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

22 **346.80 (2) (a) (intro.)** Any person operating a bicycle or electric personal
23 assistive mobility device upon a roadway at less than the normal speed of traffic at
24 the time and place and under the conditions then existing shall ride as close as
25 practicable to the right-hand edge or curb of the unobstructed traveled roadway,

SENATE BILL 393**SECTION 41**

1 including operators who are riding 2 or more abreast where permitted under sub. (3),
2 except:

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

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

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

13 346.80 (3) (a) Persons riding bicycles or electric personal assistive mobility
14 devices upon a roadway may ride 2 abreast if such operation does not impede the
15 normal and reasonable movement of traffic. Bicycle or electric personal assistive
16 mobility device operators riding 2 abreast on a 2-lane or more roadway shall ride
17 within a single lane.

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

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

22 346.80 (4) No person may operate a bicycle, electric personal assistive mobility
23 device, or moped upon a roadway where a sign is erected indicating that bicycle,
24 electric personal assistive mobility device, or moped riding is prohibited.

SENATE BILL 393

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

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

6 **346.803 (title) Riding bicycle or electric personal assistive mobility**
7 **device on bicycle way.** (1) (intro.) Every person operating a bicycle or electric
8 personal assistive mobility device upon a bicycle way shall:

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

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

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

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

19 **346.804 Riding bicycle on sidewalk.** When local authorities under s. 346.94

20 (1) permit bicycles on the sidewalk, every person operating a bicycle upon a sidewalk
21 shall yield the right-of-way to any pedestrian and shall exercise due care and give
22 an audible signal when passing a bicycle or electric personal assistive mobility device
23 rider or a pedestrian proceeding in the same direction.

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

19-22

SENATE BILL 393**346.805 Riding electric personal assistive mobility device on sidewalk.**

1 **346.805 Riding electric personal assistive mobility device on sidewalk.**
2 Except as provided in ss. 346.94 (18) (a) 2. and 349.236 (1) (b), a person may operate
3 an electric personal assistive mobility device upon any sidewalk. Every person
4 operating an electric personal assistive mobility device upon a sidewalk shall yield
5 the right-of-way to any pedestrian or bicyclist and shall exercise due care and give
6 an audible signal when passing a bicycle or other electric personal assistive mobility
7 device or a pedestrian proceeding in the same direction.

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

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

9 **346.82 (title) Penalty for violating sections 346.77 to 346.804 346.805.**
10 **(1)** Any person violating ss. 346.77, 346.79 (1) to (3), or 346.80 to ~~346.804~~ 346.805
11 may be required to forfeit not more than \$20.

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

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

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

21 **346.94 (18) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON ROADWAYS AND**
22 **SIDEWALKS.** (a) 1. Except as otherwise prohibited in this chapter, a person may
23 operate an electric personal assistive mobility device upon any roadway or sidewalk
24 that is under the jurisdiction of the department.

SENATE BILL 393

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

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

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

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

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

14 347.02 (1) (i) Electric personal assistive mobility devices.

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

16 347.245 (1) After January 1, 1970, no person may operate on a highway, day
17 or night, any vehicle or equipment, any animal-drawn vehicle, or any other
18 machinery, including all road machinery, that usually ~~travel~~ travels at speeds of less
19 than 25 miles per hour or any vehicle operated under a special restricted operator's
20 license issued under s. 343.135, unless there is displayed on the most practicable
21 visible rear area of the vehicle or combination of vehicles, a slow moving vehicle
22 (SMV) emblem as described in and displayed as provided in sub. (2). Any towed
23 vehicle or machine is exempt from this provision if the towing vehicle is visible from
24 the rear and is in compliance with this section. All road machinery is excluded when
25 it is engaged in actual construction or maintenance work either guarded by a

SENATE BILL 393

1 flagman or clearly visible warning signs. Except as provided in s. 347.21 (1), the
2 requirement of the emblem shall be in addition to any lighting devices required or
3 permitted by law. Mopeds and motor bicycles are excluded from the provisions of this
4 section unless they are operated under a special restricted operator's license issued
5 under s. 343.135. Electric personal assistive mobility devices are excluded from the
6 provisions of this section. The SMV emblem need not be displayed on vehicles
7 moving directly across the highway.

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

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

SENATE BILL 393

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

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

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

10 **349.015 Applicability of chapter to electric personal assistive mobility**
11 **devices.** An electric personal assistive mobility device shall be considered a vehicle
12 for purposes of this chapter, except those provisions which by their express terms
13 apply only to motor vehicles or which by their very nature would have no application
14 to electric personal assistive mobility devices.

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

16 **349.236 Authority to regulate operation of electric personal assistive**
17 **mobility devices.** (1) The governing body of any municipality or county may, by
18 ordinance, do any of the following:

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

24 (b) Prohibit the operation of electric personal assistive mobility devices on all
25 sidewalks under its jurisdiction or only on certain sidewalks, or portions of such

SENATE BILL 393

24-3
1 sidewalks, under its jurisdiction that are designated in the ordinance. This
2 paragraph does not apply to the operation of such devices on any sidewalk 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.**



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa1526/1
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SENATE AMENDMENT,
TO 2001 SENATE BILL 393

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 19, line 17: after that line insert:

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

4 346.803 (4) Except as provided in s. 349.236 (1) (bm), a person may operate an
19-17 5 electric personal assistive mobility device upon any bicycle path.

6 ✓ 2. Page 24, line 3: after that line insert:

7 (bm) Prohibit the operation of electric personal assistive mobility devices on
8 all bicycle paths under its jurisdiction or only on certain bicycle paths, or portions of
24-3 9 such bicycle paths, under its jurisdiction that are designated in the ordinance. This
10 paragraph does not apply to the operation of such devices on any bicycle paths at a
11 permanent or temporarily established driveway.

12

(END)