



2009 ASSEMBLY BILL 197

April 7, 2009 – Introduced by Representatives SHERMAN, BERCEAU, BALLWEG, A. OTT and TOWNSEND, cosponsored by Senators HARSDFORF, HOLPERIN, SCHULTZ, TAYLOR and A. LASEE. Referred to Committee on Transportation.

1 **AN ACT** *to renumber* 340.01 (29m); *to renumber and amend* 340.01 (30); and
2 *to create* 340.01 (29m) (bm) and 340.01 (30) (b) of the statutes; **relating to:** the
3 definitions of motor bicycle and moped.

Analysis by the Legislative Reference Bureau

Under current law, a “moped” is defined to include a bicycle-type vehicle, which has fully operative pedals and an engine that is an integral part of the vehicle, that is capable of a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind. A “motor bicycle” is defined as a bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour under the same conditions. Certain legal consequences follow from the classification of a vehicle as a moped or a motor bicycle. For example, a motor bicycle is exempt from the requirement of vehicle registration with the Department of Transportation (DOT), while a moped must be registered with DOT in the same manner as a motorcycle. Also, with exceptions, mopeds are generally treated similarly to motorcycles for purposes of traffic regulation and vehicle equipment requirements, while motor bicycles are generally treated similarly to bicycles. However, a person must possess a valid operator’s license to operate on a highway either a moped or a motor bicycle.

This bill expands the definition of “motor bicycle” to include a two-wheeled or three-wheeled vehicle that has fully operative pedals and an electric motor of less than 750 watts and that is capable, when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard

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surface with no wind. This definition is similar to the definition under current federal law of “low-speed electric bicycle.” The bill also specifies that such a vehicle is not a moped.

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.** 340.01 (29m) of the statutes is renumbered 340.01 (29m) (am).

2 **SECTION 2.** 340.01 (29m) (bm) of the statutes is created to read:

3 340.01 **(29m)** (bm) “Moped” does not include a motor bicycle.

4 **SECTION 3.** 340.01 (30) of the statutes is renumbered 340.01 (30) (intro.) and
5 amended to read:

6 340.01 **(30)** (intro.) “Motor bicycle” means ~~a~~ any of the following:

7 (a) A bicycle to which a power unit not an integral part of the vehicle has been
8 added to permit the vehicle to travel at a speed of not more than 30 miles per hour
9 with a 150-pound rider on a dry, level, hard surface with no wind and having a seat
10 for the operator.

11 **SECTION 4.** 340.01 (30) (b) of the statutes is created to read:

12 340.01 **(30)** (b) A 2-wheeled or 3-wheeled vehicle that has fully operative
13 pedals for propulsion by human power and an electric motor of less than 750 watts
14 and that is capable, when powered solely by the motor, of a maximum speed of less
15 than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no
16 wind.

17 **SECTION 5. Initial applicability.**

