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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2009 Senate Bill 321**

**Assembly  
Substitute Amendment 1**

*Memo published:* April 14, 2010

*Contact:* Heidi J. Frechette, Staff Attorney (266-0680)

**Current law** allows a municipality, by ordinance, to authorize the use of a Neighborhood Electric Vehicle (NEV) on roadways under its jurisdiction that have a speed limit of 35 miles per hour or less. However, if the roadway is a connecting highway or the roadway crosses a state trunk highway, the following must apply in order for the ordinance to be valid: (1) the municipality must provide written notice to the Department of Transportation (DOT) of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance applies; and (2) within 21 days of receiving the notice, DOT consents or fails to object to the use of NEVs on the connecting highway or through the intersection crossing the state trunk highway.

**2009 Senate Bill 321** allows a municipality, by ordinance, to authorize the use of NEVs on any roadway within a municipality that has a speed limit of 35 miles per hour or less.

**Assembly Substitute Amendment 1** allows the operation of a Low Speed Vehicle (LSV) on certain highways at 25 miles per hour or less and includes NEVs in the definition of LSV. In general, the substitute amendment allows the operation of LSVs on any highway that has a speed limit of 35 miles per hour or less that is under the jurisdiction, for maintenance purposes, of a municipality or county. Any municipality or county may prohibit the use of LSVs on highways under their jurisdiction by ordinance. The substitute amendment gives preference to a municipality's determination regarding LSV operation.

**Assembly Substitute Amendment 1** contains exceptions to the general rule for intersections crossing state trunk highways, connecting highways, expressways, freeways, or controlled-access highways. LSVs may be operated on a connecting highway only if the connecting highway has a speed limit of 25 miles per hour or less **or** the municipality or county with jurisdiction has adopted a valid ordinance. LSVs may be operated through intersections where the highway under the jurisdiction of the municipality or county crosses a state trunk highway **or** the connecting highway has a speed limit of 35 miles per hour or less and traffic at the intersection is controlled by traffic control signals.

The substitute amendment exempts intersections where the highway crosses a freeway, expressway, or controlled-access highway from the general authorization. However, a municipality may adopt an ordinance authorizing the use of LSVs on any roadway that has a speed limit of 35 miles per hour or less located within the territorial boundaries of the municipality regardless of whether the municipality has jurisdiction over the roadway, which may include intersections where the highway crosses an expressway, freeway or controlled-access highway.

Operating an LSV in excess of 25 miles per hour or on those roads not authorized under the substitute amendment may result in a fine of not more than \$200 and assessment of two demerit points against the person's driving record.

**Legislative History**

*Assembly Substitute Amendment 1* was offered by Representative Steinbrink. On April 1, 2010, the Assembly Transportation Committee recommended the amendment for adoption by a vote of Ayes, 10; Noes, 0. Senate Bill 321, as amended, was recommended for passage on a vote of Ayes, 10; Noes, 0.

HJF:jb;wu