



## 2011 ASSEMBLY BILL 265

1     **AN ACT** *to renumber and amend* 346.09 (3); *to amend* 340.01 (5), 346.09 (1),  
2           346.35 (intro.), 346.54 (1) (cm), 346.54 (1) (e), 346.58 (2), 347.45 (2) (a) and  
3           347.489 (1); and *to create* 346.09 (3) (b) and 349.13 (6) of the statutes; **relating**  
4           **to:** the definition of bicycle; manual turn signals for bicyclists; lighting of  
5           bicycles, motor bicycles, and electric personal assistive mobility devices;  
6           overtaking and passing vehicles; the operation of bicycles equipped with  
7           metal-studded tires; and moped parking.

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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:*

8           **SECTION 1.** 340.01 (5) of the statutes is amended to read:  
9           340.01 (5) “Bicycle” means every vehicle propelled by the feet or hands acting  
10          upon pedals or cranks and having wheels any 2 of which are not less than 14 inches  
11          in diameter.

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1           **SECTION 2.** 346.09 (1) of the statutes is amended to read:

2           346.09 (1) Upon any roadway where traffic is permitted to move in both  
3 directions simultaneously, the operator of a vehicle shall not drive to the left side of  
4 the center of the roadway in overtaking and passing another vehicle proceeding in  
5 the same direction unless such left side is clearly visible and is free of oncoming  
6 traffic for a sufficient distance ahead to permit such overtaking and passing to be  
7 done in safety. In no case when overtaking and passing on a roadway divided into  
8 4 or more clearly indicated lanes shall the operator of a vehicle drive to the left of the  
9 pavement marking indicating allocation of lanes to vehicles moving in the opposite  
10 direction or, in the absence of such marking, to the left of the center of the roadway.  
11 ~~In~~ Except as provided in sub. (3) (b), in no case shall the operator of a vehicle drive  
12 in a lane when signs or signals indicate that such lane is allocated exclusively to  
13 vehicles moving in the opposite direction.

14           **SECTION 3.** 346.09 (3) of the statutes is renumbered 346.09 (3) (a) and amended  
15 to read:

16           346.09 (3) (a) The Except as provided in par. (b), the operator of a vehicle shall  
17 not drive on the left side of the center of a roadway on any portion thereof which has  
18 been designated a no-passing zone, either by signs or by a yellow unbroken line on  
19 the pavement on the right-hand side of and adjacent to the center line of the  
20 roadway, provided such signs or lines would be clearly visible to an ordinarily  
21 observant person.

22           **SECTION 4.** 346.09 (3) (b) of the statutes is created to read:

23           346.09 (3) (b) The operator of a vehicle may drive on the left side of the center  
24 of a roadway on any portion thereof which has been designated a no-passing zone,

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1 as described in par. (a), to overtake and pass, with care, any vehicle traveling at a  
2 speed less than half of the applicable speed limit at the place of passing.

3 **SECTION 5.** 346.35 (intro.) of the statutes is amended to read:

4 **346.35 Method of giving signals on turning and stopping.** (intro.)

5 Whenever a stop or turn signal is required by s. 346.34, such signal may in any event  
6 be given by a signal lamp or lamps of a type meeting the specifications set forth in  
7 s. 347.15. Except as provided in s. 347.15 (3m), such signals also may be given by the  
8 hand and arm in lieu of or in addition to signals by signal lamp. When given by hand  
9 and arm, such signals, except signals by the operator of a bicycle, who may use either  
10 hand and arm, shall be given from the left side of the vehicle in the following manner  
11 and shall indicate as follows:

12 **SECTION 6.** 346.54 (1) (cm) of the statutes is amended to read:

13 346.54 (1) (cm) 1. In a parallel parking area, a Type 1 motorcycle or moped may  
14 park at an angle. If parallel parking spaces are not indicated by markers, no Type  
15 1 motorcycle or moped may be parked within 2 feet of another vehicle. Where a  
16 parallel parking space is indicated by a marker or where angle parking is authorized,  
17 up to 3 Type 1 motorcycles or mopeds may park in the space.

18 2. Up to 3 Type 1 motorcycles or mopeds may be parked in a parking space  
19 where a parking meter has been installed unless the space is restricted by official  
20 traffic sign or marker to a single motorcycle or moped. The operator of each Type 1  
21 motorcycle or moped parked in a single space regulated by a parking meter shall  
22 receive a citation for any violation of a time restriction.

23 **SECTION 7.** 346.54 (1) (e) of the statutes is amended to read:

24 346.54 (1) (e) For Except as provided in par. (cm) and s. 349.13 (6), for the  
25 purpose of parking, mopeds and electric personal assistive mobility devices shall be

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1 considered bicycles. Where Except as provided in s. 349.13 (6), where possible  
2 without impeding the flow of pedestrian traffic, a bicycle, moped, or electric personal  
3 assistive mobility device may be parked on a sidewalk. ~~A Except as provided in s.~~  
4 ~~349.13 (6), a bicycle, moped, or electric personal assistive mobility device may be~~  
5 ~~parked in a bike rack or other similar area designated for bicycle parking.~~

6 **SECTION 8.** 346.58 (2) of the statutes is amended to read:

7 346.58 (2) In addition to complying with other speed restrictions imposed by  
8 law, no person may drive any vehicle equipped with metal tires or solid rubber tires  
9 at a speed in excess of 15 miles per hour. This subsection does not apply to operation  
10 of a bicycle.

11 **SECTION 9.** 347.45 (2) (a) of the statutes is amended to read:

12 347.45 (2) (a) Farm tractors, self-propelled farm implements, implements of  
13 husbandry, bicycles, animal-drawn vehicles, and road machinery may be operated  
14 with metal tires or tires having protuberances that will not injure the highway.

15 **SECTION 10.** 347.489 (1) of the statutes is amended to read:

16 347.489 (1) No person may operate a bicycle, motor bicycle, or electric personal  
17 assistive mobility device upon a highway, sidewalk, bicycle lane, or bicycle way  
18 during hours of darkness unless the bicycle, motor bicycle, or electric personal  
19 assistive mobility device is equipped with or, with respect to a bicycle or motor  
20 bicycle, the operator is wearing, a lamp emitting a white light visible from a distance  
21 of at least 500 feet to the front of the bicycle, motor bicycle, or electric personal  
22 assistive mobility device. A bicycle, motor bicycle, or electric personal assistive  
23 mobility device shall also be equipped with a red reflector that has a diameter of at  
24 least 2 inches of surface area or, with respect to an electric personal assistive mobility  
25 device, that is a strip of reflective tape that has at least 2 square inches of surface

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1 area, on the rear so mounted and maintained as to be visible from all distances from  
2 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps  
3 on a motor vehicle. A lamp emitting a steady or flashing red ~~or flashing amber~~ light  
4 visible from a distance of 500 feet to the rear may be used ~~in addition to but not in~~  
5 lieu of the red reflector.

6 **SECTION 11.** 349.13 (6) of the statutes is created to read:

7 349.13 **(6)** Notwithstanding s. 346.54 (1) (e), the governing body of any  
8 municipality may, by ordinance, consider mopeds as Type 1 motorcycles rather than  
9 bicycles for the purpose of parking, may establish parking areas for mopeds only  
10 marked by appropriate signs, and may regulate the parking of mopeds.

11 **SECTION 12m. Effective date.**

12 (1) This act takes effect on the first day of the 3rd month beginning after  
13 publication.

14 (END)