

**2015 DRAFTING REQUEST**

**Bill**

Received: **10/1/2015** Received By: **zwyatt**  
For: **Jerry Petrowski (608) 266-2502** Same as LRB: **-2601**  
May Contact: By/Representing: **Derek**  
Subject: **Transportation - motor vehicles** Drafter: **zwyatt**  
Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Sen.Petrowski@legis.wisconsin.gov**  
Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**  
**aaron.gary@legis.wisconsin.gov**  
**eric.mueller@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Registration of autocycles

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	zwyatt 10/21/2015	eweiss 10/1/2015	_____	lparisi 10/1/2015	lparisi 10/1/2015	State S&L
/2		aernstr 10/22/2015	_____	sbasford 10/22/2015	sbasford 10/22/2015	State S&L

FE Sent For:

*at intro  
10/23/15*

<END>

## Wyatt, Zachary

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**From:** Punches, Derek  
**Sent:** Wednesday, October 21, 2015 8:35 AM  
**To:** Wyatt, Zachary  
**Subject:** FW: Autocycle Draft  
**Attachments:** 15-2601\_2.pdf

**Importance:** High

Zach,

Our office is comfortable with this latest draft of the autocycle bill. Can you have the companion jacketed and sent over?

Thank you for all your work on this.

Best regards,  
Derek

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Derek Punches  
Clerk, Senate Committee on Transportation and Veterans Affairs  
Office of Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

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**From:** Ruby, Erin  
**Sent:** Friday, October 16, 2015 9:54 AM  
**To:** Yahn, Nate - DOT <Nate.Yahn@dot.wi.gov>; McGinn, Reed - DOT <Reed.McGinn@dot.wi.gov>; stevepanten <stevepanten@yahoo.com>; Forbes@wis-gps.com; johnreblin@yahoo.com  
**Cc:** Punches, Derek <Derek.Punches@legis.wisconsin.gov>  
**Subject:** Autocycle Draft  
**Importance:** High

Good morning!

Please find attached an updated version of the autocycle draft based on our discussion last week.

I would ask that you please review the draft and let me know by **NOON on Monday, October 19<sup>th</sup>** if you have any questions or concerns.

Thank you!  
Erin

**Erin Ruby**  
*Office of State Representative Al Ott*  
*3<sup>rd</sup> Assembly District*  
608.266.5831  
[erin.ruby@legis.wi.gov](mailto:erin.ruby@legis.wi.gov)

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eric.mueller@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Registration of autocycles

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**Instructions:**

See attached

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/1	zwyatt 10/1/2015	eweiss 10/1/2015	_____	lparisi 10/1/2015	lparisi 10/1/2015	State S&L

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Pre Topic:

No specific pre topic given

Topic:

Registration of autocycles ✓

Instructions:

See attached

Please jacket for Senate. -ZSW

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	zwyatt		_____			State S&L

FE Sent For:

<END>

## Wyatt, Zachary

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**From:** Punches, Derek  
**Sent:** Wednesday, September 30, 2015 12:01 PM  
**To:** Wyatt, Zachary  
**Cc:** Ruby, Erin  
**Subject:** RE: LRB 2601 - Companion Draft

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Zach,

I second that request. Please have the Senate jacket sent to our office at your convenience.

Best regards,  
Derek

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Derek Punches  
Clerk, Senate Committee on Transportation and Veterans Affairs  
Office of Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502

---

**From:** Ruby, Erin  
**Sent:** Wednesday, September 30, 2015 11:59 AM  
**To:** Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>  
**Cc:** Punches, Derek <Derek.Punches@legis.wisconsin.gov>  
**Subject:** LRB 2601 - Companion Draft

Zach,

Sen. Petrowski will be offering a companion to LRB 2601.

You have whatever permission you might need from our office to get that draft to the Senator.

Thank you!!  
Erin

***Erin Ruby***  
*Office of State Representative Al Ott*  
*3<sup>rd</sup> Assembly District*  
*608.266.5831*  
[erin.ruby@legis.wi.gov](mailto:erin.ruby@legis.wi.gov)



NO CHANGES

# 2015 BILL

S.A. ✓

1 AN ACT to repeal 340.01 (32) (a) (intro.) and 340.01 (32) (b); to renumber 340.01  
2 (32) (a) 1. and 340.01 (32) (a) 2.; to renumber and amend 990.01 (43m) and  
3 990.01 (43r); to amend 20.395 (5) (dr), 20.395 (5) (eh), 85.30, 285.30 (5) (c),  
4 340.01 (29m) (am) 2., 340.01 (32) (intro.), 340.01 (38m) (a) 1., 343.03 (3) (a),  
5 343.04 (1) (e), 343.05 (3) (b), 343.07 (1g) (intro.), 343.07 (4) (title) and (a), 343.07  
6 (4) (b), 343.08 (1) (a), 343.08 (2) (a), 343.16 (1) (d) 1., 343.16 (2) (b), 343.17 (3)  
7 (c) 5., 343.32 (4), 346.54 (1) (cm), 346.595 (1), 346.595 (3), 346.595 (3m), 347.09  
8 (1) (b), 347.15 (1), 347.35 (1a), 347.42, 347.485 (title) and (1), 347.485 (2) (c),  
9 347.485 (3), 347.485 (4), 347.486 (1), 347.486 (2) and 347.487; and to create  
10 285.30 (5) (m), 340.01 (3m) and 341.25 (1) (bg) of the statutes; relating to:  
11 registration and operation of vehicles defined as autocycles.

### Analysis by the Legislative Reference Bureau

This bill creates a definition of an autocycle, which is a three-wheeled motor vehicle with operation controls similar to an automobile.

Under current law, there are two types of motorcycles. A "Type 1 motorcycle" is a motor vehicle which has either two wheels in tandem and a seat for the operator

**BILL**

or three wheels and unenclosed seating for the operator and passengers. A “Type 2 motorcycle” is a motor vehicle with at least three wheels and an enclosed space for the operator and passengers. This bill eliminates the definition for the Type 2 motorcycle and creates a definition for an autocycle. “Autocycle” is defined as a motor vehicle, excluding a tractor, an all-terrain vehicle, a utility terrain vehicle, or a motorcycle, that is designed and built to have a steering wheel, foot-operated pedals for controlling acceleration and braking, and no more than three wheels in contact with the ground.

Under current law, a motor vehicle may not be operated upon a highway in this state without a current, valid registration. Generally, the fee for registering an automobile with the Department of Transportation (DOT) is \$75 annually. The fee for registering a motorcycle is \$23 biennially. Under this bill, the fee for registering an autocycle is \$45 annually.

Under current law, no person may operate a motor vehicle upon a highway in this state unless the person possesses a valid operator’s license. Additional endorsements are required for the operation of certain vehicles, including motorcycles. This bill classifies autocycles as “Class D” vehicles, which means they may be operated with the regular license issued by DOT without the need for additional endorsements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.395 (5) (dr) of the statutes is amended to read:

2           20.395 (5) (dr) *Transportation safety, state funds.* The amounts in the schedule  
3 for activities related to highway safety under s. 85.07 and the ~~Type 1~~ motorcycle,  
4 moped, and motor bicycle safety program under s. 85.30.

5           **SECTION 2.** 20.395 (5) (eh) of the statutes is amended to read:

6           20.395 (5) (eh) *Motorcycle safety program supplement, state funds.* From the  
7 general fund, all moneys received under s. 341.14 (6r) (b) 14m., for activities under  
8 the ~~Type 1~~ motorcycle, moped, and motor bicycle safety program under s. 85.30  
9 limited to evaluation of basic rider education courses, conducting public workshops,  
10 rallies, and programs related to ~~Type 1~~ motorcycle safety and training, and making  
11 grants for providing motorcycle riding courses.

**BILL**

1           **SECTION 3.** 85.30 of the statutes is amended to read:

2           **85.30 ~~Type 1 motorcycle~~ Motorcycle, moped and motor bicycle safety**  
3 **program.** The department shall develop and administer a ~~Type 1~~ motorcycle,  
4 moped and motor bicycle safety program. The program shall include operational  
5 skills training, safety education and public awareness and such other elements as  
6 the department deems desirable. The safety education program for ~~Type 1~~  
7 motorcycles shall include instruction as to the proper eye protection to be worn  
8 during hours of darkness. The department may make grants under this program for  
9 establishment of courses which further the aims of this program. The department  
10 shall adopt rules to implement this section.

11           **SECTION 4.** 285.30 (5) (c) of the statutes is amended to read:

12           285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except  
13 that a motor vehicle owned by the United States is not exempt unless it comes under  
14 par. (a), (b), (d), (e), (f), (g), (h), (j), ~~or (k), or (m)~~.

15           **SECTION 5.** 285.30 (5) (m) of the statutes is created to read:

16           285.30 (5) (m) An autocycle as defined in s. 340.01 (3m).

17           **SECTION 6.** 340.01 (3m) of the statutes is created to read:

18           340.01 (3m) “Autocycle” means a motor vehicle, excluding a tractor, an  
19 all-terrain vehicle, a utility terrain vehicle, or a motorcycle, that is designed and  
20 built to have a steering wheel, foot-operated pedals for controlling acceleration and  
21 braking, and no more than 3 wheels in contact with the ground.

22           **SECTION 7.** 340.01 (29m) (am) 2. of the statutes is amended to read:

23           340.01 (29m) (am) 2. A ~~Type 1~~ motorcycle with an automatic transmission and  
24 an engine certified by the manufacturer at not more than 50 cubic centimeters or an  
25 equivalent power unit.



**BILL**

1           **SECTION 8.** 340.01 (32) (intro.) of the statutes is amended to read:

2           340.01 **(32)** (intro.) “Motorcycle” means a motor vehicle, excluding a tractor, an  
3 all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess  
4 of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind,  
5 with a power source as an integral part of the vehicle, and which meets either of the  
6 following conditions ~~under par. (a) or (b)~~:

7           **SECTION 9.** 340.01 (32) (a) (intro.) of the statutes is repealed.

8           **SECTION 10.** 340.01 (32) (a) 1. of the statutes is renumbered 340.01 (32) (c).

9           **SECTION 11.** 340.01 (32) (a) 2. of the statutes is renumbered 340.01 (32) (d).

10          **SECTION 12.** 340.01 (32) (b) of the statutes is repealed.

11          **SECTION 13.** 340.01 (38m) (a) 1. of the statutes is amended to read:

12          340.01 **(38m)** (a) 1. A motor vehicle that is designed and constructed to carry  
13 no more than 2 persons and to be used for collecting residential and commercial solid  
14 waste, such as yard waste, recyclable materials, and household garbage, refuse, and  
15 rubbish, landscaping, or incidental street maintenances; that is not certified by the  
16 manufacturer for on-road use or that is certified by the manufacturer as meeting the  
17 equipment standards for a low-speed vehicle under 49 CFR 571.500; and that  
18 satisfies the equipment standards for a Type 2 automobile or ~~Type 2 motoreyele~~  
19 autocycle under ch. 347 or the equipment standards for a low-speed vehicle under  
20 49 CFR 571.500.

21          **SECTION 14.** 341.25 (1) (bg) of the statutes is created to read:

22          341.25 **(1)** (bg) For each autocycle, a fee of \$45.

23          **SECTION 15.** 343.03 (3) (a) of the statutes is amended to read:

24          343.03 **(3)** (a) *Regular license.* The standard license legend is “regular” or a  
25 readily recognizable abbreviation thereof. The regular license, without any express

**BILL**

1 endorsement or restrictions as provided in this chapter, authorizes the licensee to  
2 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise  
3 provided in this subsection. The license may be endorsed to permit operation of ~~Type~~  
4 ~~1-~~ motorcycles or school buses that are not commercial motor vehicles. A regular  
5 license may be subject to restrictions, including the attachment of a special  
6 restrictions card as provided in s. 343.17 (4).

7 **SECTION 16.** 343.04 (1) (e) of the statutes is amended to read:

8 343.04 (1) (e) *Class M.* A “Class M” vehicle is any ~~Type 1-~~ motorcycle.

9 **SECTION 17.** 343.05 (3) (b) of the statutes is amended to read:

10 343.05 (3) (b) No person may operate a ~~Type 1-~~ motorcycle unless the person  
11 possesses a valid operator’s license specifically authorizing the operation of ~~Type 1-~~  
12 motorcycles.

13 **SECTION 18.** 343.07 (1g) (intro.) of the statutes is amended to read:

14 343.07 (1g) (intro.) REGULAR PERMIT; ISSUANCE, RESTRICTIONS. Upon application  
15 therefor by a person at least 15 years and 6 months of age who, except for age or lack  
16 of training in the operation of a motor vehicle, is qualified to obtain an operator’s  
17 license and has passed such knowledge test as the department may require, the  
18 department may issue a regular instruction permit. If the application is made by a  
19 male who is at least 18 years of age but less than 26 years of age, the application shall  
20 include the information required under s. 343.14 (2) (em). The permit entitles the  
21 permittee to operate a motor vehicle, except a commercial motor vehicle, school bus,  
22 or ~~Type 1-~~ motorcycle, a motor bicycle, or a moped, upon the highways, subject to the  
23 following restrictions:

24 **SECTION 19.** 343.07 (4) (title) and (a) of the statutes are amended to read:

**BILL****SECTION 19**

1           343.07 (4) (title) INSTRUCTION PERMITS; ~~TYPE 1~~ MOTORCYCLE, MOTOR BICYCLE, AND  
2 MOPED. (a) Subject to s. 343.16 (1) (a), upon application by a person who qualifies for  
3 issuance of a license under s. 343.06 (1) (c) and who wishes to qualify for the operation  
4 of a ~~Type 1~~ motorcycle, the department may issue an instruction permit for the  
5 operation of “Class M” vehicles.

6           **SECTION 20.** 343.07 (4) (b) of the statutes is amended to read:

7           343.07 (4) (b) The permit for ~~Type 1~~ motorcycle operation shall be valid for 6  
8 months. The department shall issue no more than 3 permits for ~~Type 1~~ motorcycle  
9 operation to a person unless the person has successfully completed a rider course  
10 approved by the department. The department may, by rule, exempt certain persons  
11 from the rider course requirement of this paragraph. The permit for ~~Type 1~~  
12 motorcycle operation entitles the permittee to operate a ~~Type 1~~ motorcycle subject  
13 to the following restrictions:

14           1. No passenger may accompany the permittee except that a person with at  
15 least 2 years of licensed driving experience and whose license is endorsed for ~~Type~~  
16 ~~1~~ motorcycle operation may ride as a passenger-instructor.

17           2. The permittee may not operate a ~~Type 1~~ motorcycle during hours of darkness  
18 unless accompanied by a licensed person 25 years of age or more and meeting the  
19 requirements of subd. 1.

20           **SECTION 21.** 343.08 (1) (a) of the statutes is amended to read:

21           343.08 (1) (a) The department must be satisfied that it is necessary for the  
22 applicant to operate an automobile, farm truck, dual purpose farm truck, ~~Type 1~~  
23 motorcycle powered with an engine of not more than 125 cubic centimeters  
24 displacement, ~~Type 2~~ ~~motoreyele~~ autocycle, moped, or motor bicycle owned and

**BILL**

1 registered by the applicant's parent or guardian or a farm truck leased to the  
2 applicant's parent or guardian.

3 **SECTION 22.** 343.08 (2) (a) of the statutes is amended to read:

4 343.08 (2) (a) A restricted license issued pursuant to this section is valid only  
5 until the licensee secures an operator's license issued pursuant to s. 343.03 or  
6 reaches 18 years of age and, except as provided in par. (b), entitles the licensee to  
7 operate an automobile, farm truck, dual purpose farm truck, ~~Type 1~~ motorcycle  
8 powered with an engine of not more than 125 cubic centimeters displacement, ~~Type~~  
9 ~~2~~ ~~motoreyele~~ autocycle, moped, or motor bicycle owned and registered by the  
10 licensee's parent or guardian or a farm truck leased to the licensee's parent or  
11 guardian or any combination of these vehicles, depending on the restrictions placed  
12 by the department on the particular license.

13 **SECTION 23.** 343.16 (1) (d) 1. of the statutes is amended to read:

14 343.16 (1) (d) 1. That the department will issue a regular license, as described  
15 in s. 343.03 (3) (a), to any person moving to this state who has been licensed by the  
16 other country, province or other subdivision for at least 3 years, who presently holds  
17 a license to operate that type of vehicle, other than an instructional permit, from the  
18 other country, province or other subdivision and who is at least 21 years of age.  
19 Notwithstanding s. 343.03 (3) (a), a regular license issued under this subdivision  
20 may be endorsed to permit operation of ~~Type 1~~ motorcycles, but may not be endorsed  
21 to permit operation of school buses. The department shall issue a probationary  
22 license under s. 343.085 to any other applicant who holds a valid operator's license  
23 issued by the other country, province or other subdivision.

24 **SECTION 24.** 343.16 (2) (b) of the statutes, as affected by 2015 Wisconsin Act 55,  
25 is amended to read:

**BILL****SECTION 24**

1           343.16 (2) (b) *Specific requirements.* The standards developed by the  
2 department under par. (c) shall provide that the examination for persons making  
3 their first application for an operator’s license shall include, subject to sub. (3) (am),  
4 a test of the applicant’s eyesight, ability to read and understand highway signs  
5 regulating, warning and directing traffic, knowledge of the traffic laws, including ss.  
6 346.072 and 346.26, understanding of fuel-efficient driving habits and the relative  
7 costs and availability of other modes of transportation, knowledge of the need for  
8 anatomical gifts and the ability to make an anatomical gift through the use of a donor  
9 card issued under s. 343.175 (2), and an actual demonstration of ability to exercise  
10 ordinary and reasonable control in the operation of a motor vehicle. The test of  
11 knowledge of the traffic laws shall include questions on the provisions of ss. 343.30  
12 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor  
13 vehicle and the consumption of alcohol beverages. The test of knowledge may also  
14 include questions on the social, medical and economic effects of alcohol and other  
15 drug abuse. The examination of applicants for authorization to operate ‘Class M’  
16 vehicles shall test an applicant’s knowledge of ~~Type 1~~ motorcycle safety, including  
17 proper eye protection to be worn during hours of darkness. The department may  
18 require persons changing their residence to this state from another jurisdiction and  
19 persons applying for a reinstated license after termination of a revocation period to  
20 take all or parts of the examination required of persons making their first application  
21 for an operator’s license. Any applicant who is required to give an actual  
22 demonstration of ability to exercise ordinary and reasonable control in the operation  
23 of a motor vehicle shall furnish a representative vehicle in safe operating condition  
24 for use in testing ability.

25           **SECTION 25.** 343.17 (3) (c) 5. of the statutes is amended to read:

**BILL**

1           343.17 (3) (c) 5. Classification “M”, which authorizes the operation of ~~Type 1~~  
2 motorcycles.

3           **SECTION 26.** 343.32 (4) of the statutes is amended to read:

4           343.32 (4) In adopting rules for weighing traffic convictions by their  
5 seriousness under sub. (2), the secretary shall provide by rule for a reduction of up  
6 to 3 points if a person shows to the department satisfactory evidence of completion  
7 of a rider course approved by the secretary. This subsection applies only to demerit  
8 points relating to violations committed before completion of the rider course by a  
9 person while driving or operating a ~~Type 1~~ motorcycle.

10          **SECTION 27.** 346.54 (1) (cm) of the statutes is amended to read:

11          346.54 (1) (cm) 1. In a parallel parking area, a ~~Type 1~~ motorcycle or moped may  
12 park at an angle. If parallel parking spaces are not indicated by markers, no ~~Type~~  
13 ~~1~~ motorcycle or moped may be parked within 2 feet of another vehicle. Where a  
14 parallel parking space is indicated by a marker or where angle parking is authorized,  
15 up to 3 ~~Type 1~~ motorcycles or mopeds may park in the space.

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

21          **SECTION 28.** 346.595 (1) of the statutes is amended to read:

22          346.595 (1) All motor vehicles including motorcycles and mopeds are entitled  
23 to the full use of a traffic lane and no vehicle may be driven or operated in such a  
24 manner so as to deprive any other vehicle of the full use of a traffic lane. With the  
25 consent of both drivers, ~~Type 1~~ motorcycles may be operated not more than 2 abreast

**BILL****SECTION 28**

1 in a single lane, but mopeds may be so operated only where the speed limit is 25 miles  
2 per hour or less.

3 **SECTION 29.** 346.595 (3) of the statutes is amended to read:

4 346.595 (3) No passenger may ride a ~~Type 1~~ motorcycle who, when properly  
5 seated, cannot rest the feet on assigned foot rests or pegs. No passenger may ride on  
6 a moped.

7 **SECTION 30.** 346.595 (3m) of the statutes is amended to read:

8 346.595 (3m) No more than 2 persons may ride on a motorcycle having 2 wheels  
9 in tandem during operation unless a sidecar has been attached to the motorcycle as  
10 provided in s. 340.01 (32) ~~(a) 1.~~ (c) and the additional passengers are provided with  
11 adequate seating within the sidecar.

12 **SECTION 31.** 347.09 (1) (b) of the statutes is amended to read:

13 347.09 (1) (b) Every moped or ~~Type 1~~ motorcycle shall be equipped with at least  
14 one and not more than 2 headlamps, which headlamps shall comply with the  
15 requirements and limitations set forth in sub. (2) and s. 347.10.

16 **SECTION 32.** 347.15 (1) of the statutes is amended to read:

17 347.15 (1) No person may sell any new motor vehicle, other than a moped or  
18 ~~Type 1~~ motorcycle, unless such motor vehicle is equipped with direction signal lamps  
19 meeting the requirements of this section. No person may operate on a highway any  
20 motor vehicle sold new after January 1, 1955, or any mobile home, or trailer or  
21 semitrailer sold new after January 1, 1968, other than a vehicle which is operated  
22 pursuant to s. 341.47 (1) (b) or a moped or ~~Type 1~~ motorcycle, unless such vehicle is  
23 equipped with direction signal lamps meeting the requirements of this section. Any  
24 other vehicle may be equipped with such lamps. Subsection (3m) notwithstanding  
25 direction signals are not required on trailers when the rear direction signals on the

**BILL**

1 towing vehicle are fully visible from all distances to the rear to 300 feet during normal  
2 sunlight when viewed from the driver's seat of the vehicle following.

3 **SECTION 33.** 347.35 (1a) of the statutes is amended to read:

4 347.35 (1a) PARKING BRAKES. Every such vehicle and combination of vehicles,  
5 except mopeds and ~~Type 1~~, motorcycles, and autocycles, shall be equipped with  
6 parking brakes adequate to hold the vehicle on any grade on which it is operated,  
7 under all conditions of loading on a surface free from snow, ice or loose material. The  
8 parking brakes shall be capable of being applied by the driver's muscular effort or  
9 by spring action or by equivalent means. Their operation may be assisted by the  
10 service brakes or other source of power provided that failure of the service brake  
11 actuation system or other power assisting mechanism will not prevent the parking  
12 brakes from being applied. The parking brakes shall be so designed that when once  
13 applied they shall remain applied with the required effectiveness despite exhaustion  
14 of any source of energy or leakage of any kind. The same brake drums, brake shoes  
15 and lining assemblies, brake shoe anchors and mechanical brake shoe actuation  
16 mechanism normally associated with the wheel brake assemblies may be used for  
17 both the service brakes and the parking brakes. If the means of applying the parking  
18 brakes and the service brakes are connected in any way, they shall be so constructed  
19 that failure of any one part shall not leave the vehicle without operative brakes.

20 **SECTION 34.** 347.42 of the statutes is amended to read:

21 **347.42 Windshield wipers.** No person may operate on a highway any motor  
22 vehicle equipped with a windshield, except a moped or ~~Type 1~~ motorcycle, unless the  
23 motor vehicle also is equipped with a device for cleaning rain, snow or other moisture  
24 from the windshield. The device shall be so constructed as to be controlled or



**BILL****SECTION 34**

1 operated by the operator of the vehicle and shall at all times be maintained in good  
2 working order.

3 **SECTION 35.** 347.485 (title) and (1) of the statutes are amended to read:

4 **347.485 (title) Protective headgear for use on Type 1- motorcycles. (1)**

5 (a) No person who holds an instructional permit under s. 343.07 (4) or who is under  
6 18 years of age may operate or ride upon a ~~Type 1-~~ motorcycle on any highway unless  
7 the person is wearing protective headgear of a type which meets the standards  
8 established for motorcycle operation in 49 CFR 571.218 and the chin strap is properly  
9 fastened.

10 (am) No person may operate a ~~Type 1-~~ motorcycle when carrying a passenger  
11 under 18 years of age unless the passenger is wearing protective headgear.

12 (b) No person may sell or offer for sale any protective headgear for use by a  
13 driver or passenger on a ~~Type 1-~~ motorcycle, not meeting the standards established  
14 for motorcycle operation in 49 CFR 571.218.

15 **SECTION 36.** 347.485 (2) (c) of the statutes is amended to read:

16 347.485 (2) (c) Notwithstanding par. (a), if the ~~motorcycle~~ vehicle is a ~~Type 2~~  
17 ~~motorcycle equipped with a windshield~~ an autocycle or a ~~Type 1-~~ motorcycle equipped  
18 with a windshield that rises a minimum of 15 inches above the handlebar, the use  
19 of other eye protective devices is not mandatory.

20 **SECTION 37.** 347.485 (3) of the statutes is amended to read:

21 347.485 (3) No person may rent, lease or loan a ~~Type 1-~~ motorcycle to another  
22 unless he or she has ascertained that such party has the required eye protection and,  
23 if the party holds an instructional permit under s. 343.07 (4) or is under 18 years of  
24 age, that the party has the required protective headgear for operating the ~~Type 1-~~  
25 motorcycle.

**BILL**

1           **SECTION 38.** 347.485 (4) of the statutes is amended to read:

2           347.485 (4) Every person in the ~~Type 1~~ motorcycle rental business shall have  
3 clean, usable protective headgear for rent in sufficient quantity to care for the needs  
4 of all customers.

5           **SECTION 39.** 347.486 (1) of the statutes is amended to read:

6           347.486 (1) No person may operate a ~~Type 1~~ motorcycle if the handlegrips of  
7 the handlebars rise more than 30 inches above the lowest point of the top of the  
8 driver's seat when the seat is occupied.

9           **SECTION 40.** 347.486 (2) of the statutes is amended to read:

10          347.486 (2) No person may operate a ~~Type 1~~ motorcycle with an improvised,  
11 defective or repaired handlebar.

12          **SECTION 41.** 347.487 of the statutes is amended to read:

13          **347.487 Seating requirements.** Except as provided in s. 346.595 (3m), no  
14 more than 2 persons may ride on a ~~Type 1~~ motorcycle during operation, and then only  
15 if the vehicle is equipped and designed with adequate seats and foot rests or pegs.  
16 Foot rests or pegs shall be mounted in accordance with manufacturer's  
17 specifications. In the absence of manufacturer's specifications, foot rests or pegs for  
18 the passenger shall be located on the same horizontal plane as those of the operator.

19          **SECTION 42.** 990.01 (43m) of the statutes is renumbered 990.01 (21m) and  
20 amended to read:

21          990.01 (21m) ~~TYPE 1 MOTORCYCLE~~ MOTORCYCLE. "~~Type 1 motoreycle~~ Motorcycle"  
22 is a motor vehicle as defined in s. 340.01 (32) (a).

23          **SECTION 43.** 990.01 (43r) of the statutes is renumbered 990.01 (3m) and  
24 amended to read:





## 2015 BILL

Replace this version with -2601/2.

REGEN

1 **AN ACT to repeal** 340.01 (32) (a) (intro.) and 340.01 (32) (b); **to renumber** 340.01  
2 (32) (a) 1. and 340.01 (32) (a) 2.; **to renumber and amend** 990.01 (43m) and  
3 990.01 (43r); **to amend** 20.395 (5) (dr), 20.395 (5) (eh), 85.30, 285.30 (5) (c),  
4 340.01 (29m) (am) 2., 340.01 (32) (intro.), 340.01 (38m) (a) 1., 343.03 (3) (a),  
5 343.04 (1) (e), 343.05 (3) (b), 343.07 (1g) (intro.), 343.07 (4) (title) and (a), 343.07  
6 (4) (b), 343.08 (1) (a), 343.08 (2) (a), 343.16 (1) (d) 1., 343.16 (2) (b), 343.17 (3)  
7 (c) 5., 343.32 (4), 346.54 (1) (cm), 346.595 (1), 346.595 (3), 346.595 (3m), 347.09  
8 (1) (b), 347.15 (1), 347.35 (1a), 347.42, 347.485 (title) and (1), 347.485 (2) (c),  
9 347.485 (3), 347.485 (4), 347.486 (1), 347.486 (2) and 347.487; and **to create**  
10 285.30 (5) (m), 340.01 (3m) and 341.25 (1) (bg) of the statutes; **relating to:**  
11 registration and operation of vehicles defined as autocycles.

---

### *Analysis by the Legislative Reference Bureau*

This bill creates a definition of an autocycle, which is a three-wheeled motor vehicle with operation controls similar to an automobile.

Under current law, there are two types of motorcycles. A "Type 1 motorcycle" is a motor vehicle which has either two wheels in tandem and a seat for the operator

**BILL**

or three wheels and unenclosed seating for the operator and passengers. A “Type 2 motorcycle” is a motor vehicle with at least three wheels and an enclosed space for the operator and passengers. This bill eliminates the definition for the Type 2 motorcycle and creates a definition for an autocycle. “Autocycle” is defined as a motor vehicle, excluding a tractor, an all-terrain vehicle, a utility terrain vehicle, or a motorcycle, that is designed and built to have a steering wheel, foot-operated pedals for controlling acceleration and braking, and no more than three wheels in contact with the ground.

Under current law, a motor vehicle may not be operated upon a highway in this state without a current, valid registration. Generally, the fee for registering an automobile with the Department of Transportation (DOT) is \$75 annually. The fee for registering a motorcycle is \$23 biennially. Under this bill, the fee for registering an autocycle is \$45 annually.

Under current law, no person may operate a motor vehicle upon a highway in this state unless the person possesses a valid operator’s license. Additional endorsements are required for the operation of certain vehicles, including motorcycles. This bill classifies autocycles as “Class D” vehicles, which means they may be operated with the regular license issued by DOT without the need for additional endorsements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.395 (5) (dr) of the statutes is amended to read:

2           20.395 (5) (dr) *Transportation safety, state funds.* The amounts in the schedule  
3 for activities related to highway safety under s. 85.07 and the ~~Type 1~~ motorcycle,  
4 moped, and motor bicycle safety program under s. 85.30.

5           **SECTION 2.** 20.395 (5) (eh) of the statutes is amended to read:

6           20.395 (5) (eh) *Motorcycle safety program supplement, state funds.* From the  
7 general fund, all moneys received under s. 341.14 (6r) (b) 14m., for activities under  
8 the ~~Type 1~~ motorcycle, moped, and motor bicycle safety program under s. 85.30  
9 limited to evaluation of basic rider education courses, conducting public workshops,  
10 rallies, and programs related to ~~Type 1~~ motorcycle safety and training, and making  
11 grants for providing motorcycle riding courses.

**BILL**

1           **SECTION 3.** 85.30 of the statutes is amended to read:

2           **85.30 ~~Type 1 motorcycle~~ Motorcycle, moped and motor bicycle safety**  
3 **program.** The department shall develop and administer a ~~Type 1~~ motorcycle,  
4 moped and motor bicycle safety program. The program shall include operational  
5 skills training, safety education and public awareness and such other elements as  
6 the department deems desirable. The safety education program for ~~Type 1~~  
7 motorcycles shall include instruction as to the proper eye protection to be worn  
8 during hours of darkness. The department may make grants under this program for  
9 establishment of courses which further the aims of this program. The department  
10 shall adopt rules to implement this section.

11           **SECTION 4.** 285.30 (5) (c) of the statutes is amended to read:

12           285.30 **(5)** (c) A motor vehicle exempt from registration under s. 341.05, except  
13 that a motor vehicle owned by the United States is not exempt unless it comes under  
14 par. (a), (b), (d), (e), (f), (g), (h), (j), ~~or (k), or (m)~~.

15           **SECTION 5.** 285.30 (5) (m) of the statutes is created to read:

16           285.30 **(5)** (m) An autocycle as defined in s. 340.01 (3m).

17           **SECTION 6.** 340.01 (3m) of the statutes is created to read:

18           340.01 **(3m)** “Autocycle” means a motor vehicle, excluding a tractor, an  
19 all-terrain vehicle, a utility terrain vehicle, or a motorcycle, that is designed and  
20 built to have a steering wheel, foot-operated pedals for controlling acceleration and  
21 braking, and no more than 3 wheels in contact with the ground.

22           **SECTION 7.** 340.01 (29m) (am) 2. of the statutes is amended to read:

23           340.01 **(29m)** (am) 2. A ~~Type 1~~ motorcycle with an automatic transmission and  
24 an engine certified by the manufacturer at not more than 50 cubic centimeters or an  
25 equivalent power unit.

**BILL****SECTION 8**

1           **SECTION 8.** 340.01 (32) (intro.) of the statutes is amended to read:

2           340.01 **(32)** (intro.) “Motorcycle” means a motor vehicle, excluding a tractor, an  
3 all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess  
4 of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind,  
5 with a power source as an integral part of the vehicle, and which meets either of the  
6 following conditions under par. (a) or (b):

7           **SECTION 9.** 340.01 (32) (a) (intro.) of the statutes is repealed.

8           **SECTION 10.** 340.01 (32) (a) 1. of the statutes is renumbered 340.01 (32) (c).

9           **SECTION 11.** 340.01 (32) (a) 2. of the statutes is renumbered 340.01 (32) (d).

10          **SECTION 12.** 340.01 (32) (b) of the statutes is repealed.

11          **SECTION 13.** 340.01 (38m) (a) 1. of the statutes is amended to read:

12          340.01 **(38m)** (a) 1. A motor vehicle that is designed and constructed to carry  
13 no more than 2 persons and to be used for collecting residential and commercial solid  
14 waste, such as yard waste, recyclable materials, and household garbage, refuse, and  
15 rubbish, landscaping, or incidental street maintenances; that is not certified by the  
16 manufacturer for on-road use or that is certified by the manufacturer as meeting the  
17 equipment standards for a low-speed vehicle under 49 CFR 571.500; and that  
18 satisfies the equipment standards for a Type 2 automobile or ~~Type 2 motorcycle~~  
19 autocycle under ch. 347 or the equipment standards for a low-speed vehicle under  
20 49 CFR 571.500.

21          **SECTION 14.** 341.25 (1) (bg) of the statutes is created to read:

22          341.25 (1) (bg) For each autocycle, a fee of \$45.

23          **SECTION 15.** 343.03 (3) (a) of the statutes is amended to read:

24          343.03 **(3)** (a) *Regular license.* The standard license legend is “regular” or a  
25 readily recognizable abbreviation thereof. The regular license, without any express

**BILL**

1 endorsements or restrictions as provided in this chapter, authorizes the licensee to  
2 operate only “class D” vehicles as described in s. 343.04 (1) (d), except as otherwise  
3 provided in this subsection. The license may be endorsed to permit operation of ~~Type~~  
4 ~~1-~~ motorcycles or school buses that are not commercial motor vehicles. A regular  
5 license may be subject to restrictions, including the attachment of a special  
6 restrictions card as provided in s. 343.17 (4).

7 **SECTION 16.** 343.04 (1) (e) of the statutes is amended to read:

8 343.04 (1) (e) *Class M.* A “Class M” vehicle is any ~~Type 1-~~ motorcycle.

9 **SECTION 17.** 343.05 (3) (b) of the statutes is amended to read:

10 343.05 (3) (b) No person may operate a ~~Type 1-~~ motorcycle unless the person  
11 possesses a valid operator’s license specifically authorizing the operation of ~~Type 1-~~  
12 motorcycles.

13 **SECTION 18.** 343.07 (1g) (intro.) of the statutes is amended to read:

14 343.07 (1g) (intro.) REGULAR PERMIT; ISSUANCE, RESTRICTIONS. Upon application  
15 therefor by a person at least 15 years and 6 months of age who, except for age or lack  
16 of training in the operation of a motor vehicle, is qualified to obtain an operator’s  
17 license and has passed such knowledge test as the department may require, the  
18 department may issue a regular instruction permit. If the application is made by a  
19 male who is at least 18 years of age but less than 26 years of age, the application shall  
20 include the information required under s. 343.14 (2) (em). The permit entitles the  
21 permittee to operate a motor vehicle, except a commercial motor vehicle, school bus,  
22 or ~~Type 1-~~ motorcycle, a motor bicycle, or a moped, upon the highways, subject to the  
23 following restrictions:

24 **SECTION 19.** 343.07 (4) (title) and (a) of the statutes are amended to read:



**BILL****SECTION 19**

1           343.07 (4) (title) INSTRUCTION PERMITS; ~~TYPE-1~~ MOTORCYCLE, MOTOR BICYCLE, AND  
2 MOPED. (a) Subject to s. 343.16 (1) (a), upon application by a person who qualifies for  
3 issuance of a license under s. 343.06 (1) (c) and who wishes to qualify for the operation  
4 of a ~~Type 1~~ motorcycle, the department may issue an instruction permit for the  
5 operation of “Class M” vehicles.

6           **SECTION 20.** 343.07 (4) (b) of the statutes is amended to read:

7           343.07 (4) (b) The permit for ~~Type 1~~ motorcycle operation shall be valid for 6  
8 months. The department shall issue no more than 3 permits for ~~Type 1~~ motorcycle  
9 operation to a person unless the person has successfully completed a rider course  
10 approved by the department. The department may, by rule, exempt certain persons  
11 from the rider course requirement of this paragraph. The permit for ~~Type 1~~  
12 motorcycle operation entitles the permittee to operate a ~~Type 1~~ motorcycle subject  
13 to the following restrictions:

14           1. No passenger may accompany the permittee except that a person with at  
15 least 2 years of licensed driving experience and whose license is endorsed for ~~Type~~  
16 ~~1~~ motorcycle operation may ride as a passenger-instructor.

17           2. The permittee may not operate a ~~Type 1~~ motorcycle during hours of darkness  
18 unless accompanied by a licensed person 25 years of age or more and meeting the  
19 requirements of subd. 1.

20           **SECTION 21.** 343.08 (1) (a) of the statutes is amended to read:

21           343.08 (1) (a) The department must be satisfied that it is necessary for the  
22 applicant to operate an automobile, farm truck, dual purpose farm truck, ~~Type 1~~  
23 motorcycle powered with an engine of not more than 125 cubic centimeters  
24 displacement, ~~Type 2~~ motorcycle autocycle, moped, or motor bicycle owned and

**BILL**

1 registered by the applicant's parent or guardian or a farm truck leased to the  
2 applicant's parent or guardian.

3 **SECTION 22.** 343.08 (2) (a) of the statutes is amended to read:

4 343.08 (2) (a) A restricted license issued pursuant to this section is valid only  
5 until the licensee secures an operator's license issued pursuant to s. 343.03 or  
6 reaches 18 years of age and, except as provided in par. (b), entitles the licensee to  
7 operate an automobile, farm truck, dual purpose farm truck, ~~Type 1~~ motorcycle  
8 powered with an engine of not more than 125 cubic centimeters displacement, ~~Type~~  
9 ~~2~~ ~~motoreyele~~ autocycle, moped, or motor bicycle owned and registered by the  
10 licensee's parent or guardian or a farm truck leased to the licensee's parent or  
11 guardian or any combination of these vehicles, depending on the restrictions placed  
12 by the department on the particular license.

13 **SECTION 23.** 343.16 (1) (d) 1. of the statutes is amended to read:

14 343.16 (1) (d) 1. That the department will issue a regular license, as described  
15 in s. 343.03 (3) (a), to any person moving to this state who has been licensed by the  
16 other country, province or other subdivision for at least 3 years, who presently holds  
17 a license to operate that type of vehicle, other than an instructional permit, from the  
18 other country, province or other subdivision and who is at least 21 years of age.  
19 Notwithstanding s. 343.03 (3) (a), a regular license issued under this subdivision  
20 may be endorsed to permit operation of ~~Type 1~~ motorcycles, but may not be endorsed  
21 to permit operation of school buses. The department shall issue a probationary  
22 license under s. 343.085 to any other applicant who holds a valid operator's license  
23 issued by the other country, province or other subdivision.

24 **SECTION 24.** 343.16 (2) (b) of the statutes, as affected by 2015 Wisconsin Act 55,  
25 is amended to read:

**BILL****SECTION 24**

1           343.16 (2) (b) *Specific requirements.* The standards developed by the  
2 department under par. (c) shall provide that the examination for persons making  
3 their first application for an operator’s license shall include, subject to sub. (3) (am),  
4 a test of the applicant’s eyesight, ability to read and understand highway signs  
5 regulating, warning and directing traffic, knowledge of the traffic laws, including ss.  
6 346.072 and 346.26, understanding of fuel-efficient driving habits and the relative  
7 costs and availability of other modes of transportation, knowledge of the need for  
8 anatomical gifts and the ability to make an anatomical gift through the use of a donor  
9 card issued under s. 343.175 (2), and an actual demonstration of ability to exercise  
10 ordinary and reasonable control in the operation of a motor vehicle. The test of  
11 knowledge of the traffic laws shall include questions on the provisions of ss. 343.30  
12 (1q), 343.303 to 343.31 and 346.63 to 346.655, relating to the operation of a motor  
13 vehicle and the consumption of alcohol beverages. The test of knowledge may also  
14 include questions on the social, medical and economic effects of alcohol and other  
15 drug abuse. The examination of applicants for authorization to operate ‘Class M’  
16 vehicles shall test an applicant’s knowledge of ~~Type 1~~ motorcycle safety, including  
17 proper eye protection to be worn during hours of darkness. The department may  
18 require persons changing their residence to this state from another jurisdiction and  
19 persons applying for a reinstated license after termination of a revocation period to  
20 take all or parts of the examination required of persons making their first application  
21 for an operator’s license. Any applicant who is required to give an actual  
22 demonstration of ability to exercise ordinary and reasonable control in the operation  
23 of a motor vehicle shall furnish a representative vehicle in safe operating condition  
24 for use in testing ability.

25           **SECTION 25.** 343.17 (3) (c) 5. of the statutes is amended to read:

**BILL**

1           343.17 (3) (c) 5. Classification “M”, which authorizes the operation of ~~Type 1~~  
2 motorcycles.

3           **SECTION 26.** 343.32 (4) of the statutes is amended to read:

4           343.32 (4) In adopting rules for weighing traffic convictions by their  
5 seriousness under sub. (2), the secretary shall provide by rule for a reduction of up  
6 to 3 points if a person shows to the department satisfactory evidence of completion  
7 of a rider course approved by the secretary. This subsection applies only to demerit  
8 points relating to violations committed before completion of the rider course by a  
9 person while driving or operating a ~~Type 1~~ motorcycle.

10          **SECTION 27.** 346.54 (1) (cm) of the statutes is amended to read:

11          346.54 (1) (cm) 1. In a parallel parking area, a ~~Type 1~~ motorcycle or moped may  
12 park at an angle. If parallel parking spaces are not indicated by markers, no ~~Type~~  
13 ~~1~~ motorcycle or moped may be parked within 2 feet of another vehicle. Where a  
14 parallel parking space is indicated by a marker or where angle parking is authorized,  
15 up to 3 ~~Type 1~~ motorcycles or mopeds may park in the space.

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

21          **SECTION 28.** 346.595 (1) of the statutes is amended to read:

22          346.595 (1) All motor vehicles including motorcycles and mopeds are entitled  
23 to the full use of a traffic lane and no vehicle may be driven or operated in such a  
24 manner so as to deprive any other vehicle of the full use of a traffic lane. With the  
25 consent of both drivers, ~~Type 1~~ motorcycles may be operated not more than 2 abreast

**BILL****SECTION 28**

1 in a single lane, but mopeds may be so operated only where the speed limit is 25 miles  
2 per hour or less.

3 **SECTION 29.** 346.595 (3) of the statutes is amended to read:

4 346.595 (3) No passenger may ride a ~~Type 1~~ motorcycle who, when properly  
5 seated, cannot rest the feet on assigned foot rests or pegs. No passenger may ride on  
6 a moped.

7 **SECTION 30.** 346.595 (3m) of the statutes is amended to read:

8 346.595 (3m) No more than 2 persons may ride on a motorcycle having 2 wheels  
9 in tandem during operation unless a sidecar has been attached to the motorcycle as  
10 provided in s. 340.01 (32) ~~(a) 1.~~ (c) and the additional passengers are provided with  
11 adequate seating within the sidecar.

12 **SECTION 31.** 347.09 (1) (b) of the statutes is amended to read:

13 347.09 (1) (b) Every moped or ~~Type 1~~ motorcycle shall be equipped with at least  
14 one and not more than 2 headlamps, which headlamps shall comply with the  
15 requirements and limitations set forth in sub. (2) and s. 347.10.

16 **SECTION 32.** 347.15 (1) of the statutes is amended to read:

17 347.15 (1) No person may sell any new motor vehicle, other than a moped or  
18 ~~Type 1~~ motorcycle, unless such motor vehicle is equipped with direction signal lamps  
19 meeting the requirements of this section. No person may operate on a highway any  
20 motor vehicle sold new after January 1, 1955, or any mobile home, or trailer or  
21 semitrailer sold new after January 1, 1968, other than a vehicle which is operated  
22 pursuant to s. 341.47 (1) (b) or a moped or ~~Type 1~~ motorcycle, unless such vehicle is  
23 equipped with direction signal lamps meeting the requirements of this section. Any  
24 other vehicle may be equipped with such lamps. Subsection (3m) notwithstanding  
25 direction signals are not required on trailers when the rear direction signals on the

**BILL**

1 towing vehicle are fully visible from all distances to the rear to 300 feet during normal  
2 sunlight when viewed from the driver's seat of the vehicle following.

3 **SECTION 33.** 347.35 (1a) of the statutes is amended to read:

4 347.35 (1a) PARKING BRAKES. Every such vehicle and combination of vehicles,  
5 except mopeds and ~~Type 1~~, motorcycles, and autocycles, shall be equipped with  
6 parking brakes adequate to hold the vehicle on any grade on which it is operated,  
7 under all conditions of loading on a surface free from snow, ice or loose material. The  
8 parking brakes shall be capable of being applied by the driver's muscular effort or  
9 by spring action or by equivalent means. Their operation may be assisted by the  
10 service brakes or other source of power provided that failure of the service brake  
11 actuation system or other power assisting mechanism will not prevent the parking  
12 brakes from being applied. The parking brakes shall be so designed that when once  
13 applied they shall remain applied with the required effectiveness despite exhaustion  
14 of any source of energy or leakage of any kind. The same brake drums, brake shoes  
15 and lining assemblies, brake shoe anchors and mechanical brake shoe actuation  
16 mechanism normally associated with the wheel brake assemblies may be used for  
17 both the service brakes and the parking brakes. If the means of applying the parking  
18 brakes and the service brakes are connected in any way, they shall be so constructed  
19 that failure of any one part shall not leave the vehicle without operative brakes.

20 **SECTION 34.** 347.42 of the statutes is amended to read:

21 **347.42 Windshield wipers.** No person may operate on a highway any motor  
22 vehicle equipped with a windshield, except a moped or ~~Type 1~~ motorcycle, unless the  
23 motor vehicle also is equipped with a device for cleaning rain, snow or other moisture  
24 from the windshield. The device shall be so constructed as to be controlled or

**BILL****SECTION 34**

1 operated by the operator of the vehicle and shall at all times be maintained in good  
2 working order.

3 **SECTION 35.** 347.485 (title) and (1) of the statutes are amended to read:

4 **347.485 (title) Protective headgear for use on ~~Type 1~~ motorcycles. (1)**

5 (a) No person who holds an instructional permit under s. 343.07 (4) or who is under  
6 18 years of age may operate or ride upon a ~~Type 1~~ motorcycle on any highway unless  
7 the person is wearing protective headgear of a type which meets the standards  
8 established for motorcycle operation in 49 CFR 571.218 and the chin strap is properly  
9 fastened.

10 (am) No person may operate a ~~Type 1~~ motorcycle when carrying a passenger  
11 under 18 years of age unless the passenger is wearing protective headgear.

12 (b) No person may sell or offer for sale any protective headgear for use by a  
13 driver or passenger on a ~~Type 1~~ motorcycle, not meeting the standards established  
14 for motorcycle operation in 49 CFR 571.218.

15 **SECTION 36.** 347.485 (2) (c) of the statutes is amended to read:

16 347.485 (2) (c) Notwithstanding par. (a), if the ~~motorcycle vehicle~~ is a ~~Type 2~~  
17 ~~motorcycle equipped with a windshield~~ an autocycle or a ~~Type 1~~ motorcycle equipped  
18 with a windshield that rises a minimum of 15 inches above the handlebar, the use  
19 of other eye protective devices is not mandatory.

20 **SECTION 37.** 347.485 (3) of the statutes is amended to read:

21 347.485 (3) No person may rent, lease or loan a ~~Type 1~~ motorcycle to another  
22 unless he or she has ascertained that such party has the required eye protection and,  
23 if the party holds an instructional permit under s. 343.07 (4) or is under 18 years of  
24 age, that the party has the required protective headgear for operating the ~~Type 1~~-  
25 motorcycle.

**BILL**

1           **SECTION 38.** 347.485 (4) of the statutes is amended to read:

2           347.485 (4) Every person in the ~~Type 1~~ motorcycle rental business shall have  
3 clean, usable protective headgear for rent in sufficient quantity to care for the needs  
4 of all customers.

5           **SECTION 39.** 347.486 (1) of the statutes is amended to read:

6           347.486 (1) No person may operate a ~~Type 1~~ motorcycle if the handlegrips of  
7 the handlebars rise more than 30 inches above the lowest point of the top of the  
8 driver's seat when the seat is occupied.

9           **SECTION 40.** 347.486 (2) of the statutes is amended to read:

10          347.486 (2) No person may operate a ~~Type 1~~ motorcycle with an improvised,  
11 defective or repaired handlebar.

12          **SECTION 41.** 347.487 of the statutes is amended to read:

13          **347.487 Seating requirements.** Except as provided in s. 346.595 (3m), no  
14 more than 2 persons may ride on a ~~Type 1~~ motorcycle during operation, and then only  
15 if the vehicle is equipped and designed with adequate seats and foot rests or pegs.  
16 Foot rests or pegs shall be mounted in accordance with manufacturer's  
17 specifications. In the absence of manufacturer's specifications, foot rests or pegs for  
18 the passenger shall be located on the same horizontal plane as those of the operator.

19          **SECTION 42.** 990.01 (43m) of the statutes is renumbered 990.01 (21m) and  
20 amended to read:

21          990.01 (21m) ~~TYPE 1 MOTORCYCLE~~ MOTORCYCLE. "~~Type 1 motereycle~~ Motorcycle"  
22 is a motor vehicle as defined in s. 340.01 (32) (a).

23          **SECTION 43.** 990.01 (43r) of the statutes is renumbered 990.01 (3m) and  
24 amended to read:







State of Wisconsin  
2015 - 2016 LEGISLATURE

Use as insert for  
-3441/2  
LRB-2601/2  
ZDW:ah&emw

## 2015 BILL

1     **AN ACT to amend** 285.30 (5) (c), 340.01 (32) (intro.), 340.01 (32) (b) and 343.07  
2           (1g) (intro.); and **to create** 285.30 (5) (m), 340.01 (3m), 340.01 (32) (c) and  
3           341.25 (1) (bg) of the statutes; **relating to:** registration of vehicles defined as  
4           autocycles.

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### *Analysis by the Legislative Reference Bureau*

This bill creates a definition of an autocycle, which is a three-wheeled motor vehicle with operation controls similar to an automobile.

Under current law, there are two types of motorcycles. A "Type 1 motorcycle" is a motor vehicle which has either two wheels in tandem and a seat for the operator or three wheels and unenclosed seating for the operator and passengers. A "Type 2 motorcycle" is a motor vehicle with at least three wheels and an enclosed space for the operator and passengers. This bill creates a "Type 3 motorcycle," which is defined as an autocycle. "Autocycle" is defined as a three-wheeled motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

Under current law, a motor vehicle may not be operated upon a highway in this state without a current, valid registration. Generally, the fee for registering an automobile with the Department of Transportation (DOT) is \$75 annually. The fee for registering a motorcycle is \$23 biennially. Under this bill, the fee for registering an autocycle is \$45 annually.

Under current law, no person may operate a motor vehicle upon a highway in this state unless the person possesses a valid operator's license. Additional

**BILL**

endorsements are required for the operation of certain vehicles, including motorcycles. This bill classifies autocycles as “Class D” vehicles, which means they may be operated with the regular license issued by DOT without the need for additional endorsements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 285.30 (5) (c) of the statutes is amended to read:

2           285.30 (5) (c) A motor vehicle exempt from registration under s. 341.05, except  
3 that a motor vehicle owned by the United States is not exempt unless it comes under  
4 par. (a), (b), (d), (e), (f), (g), (h), (j), ~~or (k)~~, or (m).

5           **SECTION 2.** 285.30 (5) (m) of the statutes is created to read:

6           285.30 (5) (m) An autocycle as defined in s. 340.01 (3m).

7           **SECTION 3.** 340.01 (3m) of the statutes is created to read:

8           340.01 (3m) “Autocycle” means a 3-wheeled motorcycle that has a steering  
9 wheel and seating that does not require the operator to straddle or sit astride it.

10          **SECTION 4.** 340.01 (32) (intro.) of the statutes is amended to read:

11          340.01 (32) (intro.) “Motorcycle” means a motor vehicle, excluding a tractor, an  
12 all-terrain vehicle, or a utility terrain vehicle, which is capable of speeds in excess  
13 of 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind,  
14 with a power source as an integral part of the vehicle, and which meets the conditions  
15 under par. (a) ~~or~~, (b), or (c):

16          **SECTION 5.** 340.01 (32) (b) of the statutes is amended to read:

17          340.01 (32) (b) Type 2 is a motor vehicle, except an autocycle, designed and built  
18 to have at least 3 wheels in contact with the ground, a curb weight of less than 1,500

**BILL**

1 pounds, and a passenger and operator area with sides permanently enclosed with  
2 rigid construction and a top which may be convertible.

3 **SECTION 6.** 340.01 (32) (c) of the statutes is created to read:

4 340.01 (32) (c) Type 3 is an autocycle.

5 **SECTION 7.** 341.25 (1) (bg) of the statutes is created to read:

6 341.25 (1) (bg) For each autocycle, a fee of \$45.

7 **SECTION 8.** 343.07 (1g) (intro.) of the statutes is amended to read:

8 343.07 (1g) REGULAR PERMIT; ISSUANCE, RESTRICTIONS. (intro.) Upon application  
9 therefor by a person at least 15 years and 6 months of age who, except for age or lack  
10 of training in the operation of a motor vehicle, is qualified to obtain an operator's  
11 license and has passed such knowledge test as the department may require, the  
12 department may issue a regular instruction permit. If the application is made by a  
13 male who is at least 18 years of age but less than 26 years of age, the application shall  
14 include the information required under s. 343.14 (2) (em). The permit entitles the  
15 permittee to operate a motor vehicle, except a commercial motor vehicle, school bus,  
16 ~~or~~ Type 1 or 3 motorcycle, ~~a~~ motor bicycle, or ~~a~~ moped, upon the highways, subject  
17 to the following restrictions:

18 **SECTION 9. Initial applicability.**

19 (1) The treatment of section 341.25 (1) (bg) of the statutes first applies to  
20 applications for registration received by the department of transportation on the  
21 effective date of this subsection.

22 **SECTION 10. Effective dates.** This act takes effect on the day after publication,  
23 except as follows:



2015 SENATE BILL \_\_\_\_\_

LRB -3441

SENATE

relating to: registration and operation of vehicles defined as motorcycles.

Jacket from / 1

Introduced by Senator PETROWSKI (PRINCIPAL AUTHOR) Cosponsored by Representative OTT, A.

(BY REQUEST OF)

(CONTINUE HERE FOR ADDITIONAL SENATORS)

(CONTINUE HERE FOR ADDITIONAL REPRESENTATIVES)

HARSDORF		JARCHOW	TAUCHEN
LEMAHIEU		BORN	TITTL
MOULTON		BOWEN	VORPAGEL
OLSEN		BRANDTJEN	
RINGHAND		BROOKS, E.	
STROEBEL		BROOKS, R.	
VINEHOUT		CZAJA	
		DANOU	
		DOYLE	
		EDMING	
		GANNON	
		JAGLER	
		KATZMA	
		KOBYENGA	
		KREMER	
		KULP	
		LARSON	
		MILROY	
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		NEYLON	
		RIPP	
		ROHRKASTE	
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