



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1759/P2 P3
EVM:amn

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

SA

5/9/17

Regen

1 AN ACT to repeal 340.01 (30) (b); to consolidate, renumber and amend 340.01
2 (30) (intro.) and (a); to amend 70.111 (1), 194.01 (7), 340.01 (29m) (bm), 340.01
3 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title), 346.02 (4) (a) and 347.489
4 (title); and to create 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (4) and
5 349.18 (4) of the statutes; relating to: electric bicycles and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

6 SECTION 1. 70.111 (1) of the statutes is amended to read:
7 70.111 (1) JEWELRY, HOUSEHOLD FURNISHINGS, AND APPAREL. Personal ornaments
8 and jewelry, family portraits, private libraries, musical instruments other than

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1 pianos, radio equipment, household furniture, equipment and furnishings, apparel,
2 motor bicycles, electric bicycles, bicycles, and firearms if such items are kept for
3 personal use by the owner and pianos if they are located in a residence.

4 **SECTION 2.** 194.01 (7) of the statutes is amended to read:

5 194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer,
6 tractor, motor bus, or any self-propelled or motor driven vehicle, except a motorcycle,
7 moped, motor bicycle, electric bicycle, electric personal assistive mobility device, or
8 vehicle operated on rails.

9 **SECTION 3.** 340.01 (15ph) of the statutes is created to read:

10 340.01 (15ph) (a) "Electric bicycle" means a bicycle that is equipped with fully
11 operative pedals for propulsion by human power and an electric motor of less than
12 750 watts and that meets the requirements of any of the following classifications:

13 1. Class 1 electric bicycle is an electric bicycle equipped with a motor that
14 provides assistance only when the rider is pedaling and that ceases to provide
15 assistance when the bicycle reaches the speed of 20 miles per hour.

16 2. Class 2 electric bicycle is an electric bicycle that may be powered solely by
17 the motor and is not capable of providing assistance when the bicycle reaches the
18 speed of 20 miles per hour.

19 3. Class 3 electric bicycle is an electric bicycle equipped with a motor that
20 provides assistance only when the rider is pedaling and that ceases to provide
21 assistance when the bicycle reaches the speed of 28 miles per hour.

22 (b) The electric motor on an electric bicycle need not be an integral part of the
23 electric bicycle.

24 **SECTION 4.** 340.01 (29m) (bm) of the statutes is amended to read:

25 340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

1 **SECTION 5.** 340.01 (30) (intro.) and (a) of the statutes are consolidated,
2 renumbered 340.01 (30) and amended to read:

3 340.01 **(30)** “Motor bicycle” means ~~any of the following:~~ (a) A a bicycle to which
4 a power unit not an integral part of the vehicle has been added to permit the vehicle
5 to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a
6 dry, level, hard surface with no wind and having a seat for the operator. “Motor
7 bicycle” does not include an electric bicycle.

8 **SECTION 6.** 340.01 (30) (b) of the statutes is repealed.

9 **SECTION 7.** 340.01 (35) of the statutes is amended to read:

10 340.01 **(35)** “Motor vehicle” means a vehicle, including a combination of 2 or
11 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
12 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
13 commercial motor vehicle or a vehicle which is propelled by electric power obtained
14 from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain
15 vehicle, a utility terrain vehicle, and an electric personal assistive mobility device
16 shall be considered motor vehicles only for purposes made specifically applicable by
17 statute. “Motor vehicle” does not include an electric bicycle.

18 **SECTION 8.** 340.01 (74p) (c) of the statutes is amended to read:

19 340.01 **(74p)** (c) An operator of a moped, electric bicycle, or motor bicycle.

20 **SECTION 9.** 341.05 (23) of the statutes is amended to read:

21 341.05 **(23)** The vehicle is a motor bicycle, electric bicycle, or bicycle, except as
22 provided in s. 349.18.

23 **SECTION 10.** 346.02 (4) (title) of the statutes is amended to read:

24 346.02 **(4)** (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES,
25 AND MOTOR BICYCLES.

1 **SECTION 11.** 346.02 (4) (a) of the statutes is amended to read:

2 346.02 (4) (a) Subject to the special provisions applicable to bicycles, every
3 person riding a bicycle upon a roadway or shoulder of a highway is granted all the
4 rights and is subject to all the duties ~~which~~ that this chapter grants or applies to the
5 operator of a vehicle, except those provisions ~~which~~ that by their express terms apply
6 only to motor vehicles or ~~which~~ that by their very nature would have no application
7 to bicycles. For purposes of this chapter, provisions ~~which~~ that apply to bicycles also
8 apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

9 **SECTION 12.** 346.806 of the statutes is created to read:

10 **346.806 Special rules applicable to electric bicycles.** (1) Except as
11 otherwise expressly provided, an electric bicycle and an operator of an electric bicycle
12 shall be afforded all the same rights and privileges, and be subject to the same duties,
13 as a bicycle or an operator of a bicycle. An electric bicycle shall be considered a vehicle
14 to the same extent as a bicycle.

15 (2) A person operating an electric bicycle is not subject to the provisions under
16 ch. 341, 342, 343, or 344 relating to financial responsibility, operator's licenses,
17 registration, or certificates of title.

18 (3) (a) No person may ride a class 3 electric bicycle upon a bicycle way or bicycle
19 path, except upon a bicycle way or bicycle path that is upon or adjacent to a highway
20 or ^{or rule} unless permitted by an ordinance ^{or rule} enacted under s. 349.18 (4).

21 (b) A person may ride, with the power unit in operation, a class 1 or class 2
22 electric bicycle upon a bicycle way or bicycle path, ^{or rule} subject to any restrictions specified
23 in an ordinance ^{or rule} enacted under s. 349.18 (4).

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1 (4) No person under the age of 16 years may operate a class 3 electric bicycle.
2 A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle
3 that is designed to accommodate passengers.

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

5 347.02 (1) (em) Electric bicycles.

6 **SECTION 14.** 347.489 (title) of the statutes is amended to read:

7 **347.489 (title) Lamps and other equipment on bicycles, motor bicycles,**
8 **electric bicycles, and electric personal assistive mobility devices.**

9 **SECTION 15.** 347.489 (4) of the statutes is created to read:

10 347.489 (4) (a) 1. After January 1, 2018, a manufacturer or distributor of
11 electric bicycles shall permanently affix to the electric bicycle a label containing all
12 of the following information in Arial font of a minimum size of 9 point:

13 a. The classification number of the electric bicycle.

14 b. The speed at which the motor will cease to provide assistance or power.

15 c. The wattage of the motor equipped to the electric bicycle.

16 2. If a person modifies an electric bicycle so as to change the speed at which the
17 motor will cease to provide assistance or power, the person shall prepare and affix
18 to the electric bicycle a revised label satisfying the requirements of subd. 1.

19 (b) An electric bicycle shall meet the requirements of 16 CFR part 1512.

20 (c) An electric bicycle shall operate in one of the following manners:

21 1. For a class 2 electric bicycle, the motor ceases to provide assistance or power
22 when the brakes are applied.

23 2. For a class 1 electric bicycle or class 3 electric bicycle, the motor ceases to
24 provide assistance or power when the rider stops pedaling.

1 (d) No person may operate a class 3 electric bicycle unless the electric bicycle
2 is equipped with a speedometer that with reasonable accuracy registers the speed
3 of the electric bicycle in miles per hour.

4 SECTION 16. 349.18 (4) of the statutes is created to read:

5 349.18 (4) (a) A city, village, or town may by ordinance prohibit the operation,
6 with the power unit in operation, of class 1 and class 2 electric bicycles on bicycle
7 ways or bicycle paths under its jurisdiction.

8 (b) A city, village, or town may by ordinance authorize the operation, with the
9 power unit in operation, of class 3 electric bicycles on bicycle ways or bicycle paths
10 under its jurisdiction.

11 (END)

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INS
6-10

1. The governing body of a municipality or county

1 INS Analysis

2

This bill regulates the operation of electric bicycles.

Under current law, a motor bicycle is "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 with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator" or "a ~~2~~-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power 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 surface with no wind." In general, a motor bicycle is subject to the same rules as other bicycles and an operator of a motor bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles. An operator of a motor bicycle, however, must possess a valid operator's license. [that is]

This bill eliminates the second type of motor bicycle and establishes a similar definition for electric bicycle. Unlike an operator of a motor bicycle, however, an operator of an electric bicycle is not required to hold an operator's license. *

Under this bill, an electric bicycle is, in general, "a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of less than 750 watts." Electric bicycles are divided into three classes, as follows:

1. Class 1 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 20 miles per hour.

2. Class 2 electric bicycles may be powered solely by the motor and are not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

3. Class 3 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 28 miles per hour.

In general, an electric bicycle is subject to the same rules as other bicycles and an operator of an electric bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles, with the following exceptions:

1. A person may not operate a class 3 electric bicycle on a bicycle way or bicycle path unless such operation is permitted by the governmental body having jurisdiction of the bicycle way or bicycle path.

2. Persons under the age of 16 years may not operate a class 3 electric bicycle.

3. A manufacturer or distributor of an electric bicycle must affix a label containing the classification number of the electric bicycle, the speed at which the motor will cease to provide assistance or power, and the wattage of the motor equipped to the electric bicycle.

4. For a class 2 electric bicycle, the motor must cease to provide assistance or power when the brakes are applied. For a class 1 or 3 electric bicycle, the motor must cease to provide assistance or power when the rider stops pedaling.

* 5. A person may not operate a class 3 electric bicycle unless the electric bicycle is equipped with a speedometer.

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, for a bicycle way or bicycle path under the jurisdiction of the department, unless permitted by a rule promulgated by the department, or, for a bicycle way or bicycle path under the jurisdiction of a municipality or county or the department of natural resources,

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for a bicycle way or bicycle path under the jurisdiction of the department, subject to any restrictions specified in a rule promulgated by the department, or, for a bicycle way or bicycle path under the jurisdiction of a municipality or county or the department of natural resources,

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2. The department of natural resources may promulgate rules prohibiting the operation, with the power unit in operation, of class 1 and class 2 electric bicycles on bicycle ways or bicycle paths under its jurisdiction.

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INS 6-10

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2. The department of natural resources may promulgate rules authorizing the operation, with the power unit in operation, of class 3 electric bicycles on bicycle ways or bicycle paths under its jurisdiction.

Mueller, Eric

From: Dave Cieslewicz <dave.cieslewicz@wisconsinbikefed.org>
Sent: Monday, June 19, 2017 3:24 PM
To: Alex Logemann; Mueller, Eric; Peters, Steve
Subject: Re: FW: E-Bike Legislation

Eric,

Can you draft the changes suggested here by Alex Logemann?

Dave Cieslewicz
The Bike Fed

On Thu, Jun 15, 2017 at 3:21 PM, Alex Logemann <alex@peopleforbikes.org> wrote:
Hi Steve and Dave,

Here are my thoughts on those two issues:

- I think I have better idea on the DNR concern to avoid the whole definition of a bike path issue. What if we amend section 16 of the bill (349.18(4)(b)2.) to read as follows:

"The department of natural resources may promulgate rules authorizing or prohibiting the operation, with the power unit in operation, of any class of electric bicycles on lands under its jurisdiction."

I think this help clarify that they have plenary authority to regulate on e-bikes on all of their lands, and should eliminate the concerns as to whether their "trails" fall within the authority to regulate e-bikes on "bike paths."

- As far as section 12 goes, here is what I would propose we draft to clarify what rights are at issue:

"Except as otherwise expressly provided, an electric bicycle and an operator of an electric bicycle shall be afforded all of the rights and privileges, and be subject to the same duties, as a bicycle or an operator of a bicycle provided in chapters 340 through 351. An electric bicycle shall be considered a vehicle to the same extent as a bicycle."

LRB may have a different convention to say "340 through 351" which is fine, but I want to include all of the traffic sections - this a good future move in case new bicycles are codified in the future in difference chapters of the traffic laws.

Dave - I suggest you proceed as you had suggested earlier and simply tell any legislators that we may make a couple of technical correction in coordination with DNR.

Alex Logemann
Director of State + Local Policy

PeopleForBikes
P.O. Box 2359 / Boulder, CO 80306
EMAIL: alex@peopleforbikes.org



JOIN US at the PlacesForBikes Conference, June 28-30

On Wed, Jun 14, 2017 at 1:04 PM, Peters, Steve <Steve.Peters@legis.wisconsin.gov> wrote:

Dave and Alex,

In speaking with the drafter he has some questions regarding the DNR feedback. Mainly clarification about what specific "rights & privileges" we want to see defined in the first question. Also how should we define "bicycle path" Shall we just call them designated bicycle trails on DNR lands?

Thanks,

Steve

From: Dave Cieslewicz [mailto:dave.cieslewicz@wisconsinbikefed.org]
Sent: Wednesday, June 14, 2017 9:50 AM
To: Peters, Steve <Steve.Peters@legis.wisconsin.gov>
Cc: Alex Logemann <alex@peopleforbikes.org>

Subject: Re: FW: E-Bike Legislation

Yes. Please convey that to the drafter.

Thanks!

Dave

On Mon, Jun 12, 2017 at 1:45 PM, Peters, Steve <Steve.Peters@legis.wisconsin.gov> wrote:

Are we going ahead with the DNR changes or not?

From: Alex Logemann [mailto:alex@peopleforbikes.org]
Sent: Monday, June 12, 2017 12:09 PM
To: Dave Cieslewicz <dave.cieslewicz@wisconsinbikefed.org>
Cc: Peters, Steve <Steve.Peters@legis.wisconsin.gov>
Subject: Re: FW: E-Bike Legislation

I am fine with that - I agree we need to get the process going.

Alex Logemann

Director of State + Local Policy

PeopleForBikes

P.O. Box 2359 / Boulder, CO 80306

EMAIL: alex@peopleforbikes.org

MOBILE: [720.256.3646](tel:720.256.3646)

PeopleForBikes.org



JOIN US at the [PlacesForBikes Conference](#), June 28-30

On Sat, Jun 10, 2017 at 7:08 PM, Dave Cieslewicz <dave.cieslewicz@wisconsinbikefed.org> wrote:

I think maybe it's time to fish or cut bait and get this draft circulated.

If we're good enough for now, is it okay for me to take it to Rohkaste and Fitzgerald and see if they'll sponsor?

Dave

On Fri, Jun 9, 2017 at 12:19 PM, Alex Logemann <alex@peopleforbikes.org> wrote:

My thoughts exactly, thanks Dave.

Alex Logemann

Director of State + Local Policy

PeopleForBikes

P.O. Box 2359 / Boulder, CO 80306

EMAIL: alex@peopleforbikes.org

MOBILE: [720.256.3646](tel:720.256.3646)

PeopleForBikes.org



JOIN US at the PlacesForBikes Conference, June 28-30

On Fri, Jun 9, 2017 at 11:18 AM, Dave Cieslewicz <dave.cieslewicz@wisconsinbikefed.org> wrote:

Alex,

Sorry for missing your response earlier. It got lost in the chain.

Your suggestion seems fine. On the one hand it probably wouldn't be a bad idea to tackle the lack of a definition of bicycle path, but on the other it does open another set of issues. As a rule, it's often better just to address only what you need to.

Steve, could we run Alex' suggestion by the drafter?

Dave

On Wed, May 31, 2017 at 1:13 PM, Alex Logemann <alex@peopleforbikes.org> wrote:

Thanks Steve. Overall this is really positive feedback. I have no objection to either of the proposed revisions. However....

Dave - adding another defined term for "bicycle path" may be confusing for the overall structure of the code. Perhaps we can limit any new definition to the specific section that is at issue - i.e., "For the purposes of this section, bicycle paths shall include any bicycle paths designated by the Department of Natural Resources." Or something like that. We probably don't want to create new terms for the entire motor vehicle code do deal with this issue.

Alex Logemann

State + Local Policy Analyst

PeopleForBikes

P.O. Box 2359 / Boulder, CO 80306

EMAIL: alex@peopleforbikes.org

MOBILE: [720.256.3646](tel:720.256.3646)

PeopleForBikes.org



JOIN US at the [PlacesForBikes Conference](#), June 28-30

On Wed, May 31, 2017 at 9:31 AM, Peters, Steve <Steve.Peters@legis.wisconsin.gov> wrote:

Please see the attached analysis from DNR. What do we think about the two suggested edits?

Steve

From: Gary, Timothy J - DNR
Sent: Tuesday, May 30, 2017 6:12 PM
To: Peters, Steve <Steve.Peters@legis.wisconsin.gov>
Subject: RE: E-Bike Legislation

Steve,

Please see the attached bill analysis prepared by DNR staff and me. Thank you for the opportunity to review. We appreciate it.

Please let me know if you have further questions regarding this or any other natural resource issues.

Sincerely,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tim Gary
Legislative Liaison
Wisconsin Department of Natural Resources
Phone: [\(608\) 266-2120](tel:(608)266-2120)

Timothy.Gary@wisconsin.gov

From: Peters, Steve [<mailto:Steve.Peters@legis.wisconsin.gov>]
Sent: Wednesday, May 24, 2017 3:58 PM
To: Gary, Timothy J - DNR
Subject: RE: E-Bike Legislation

That should be fine.

Thanks,

Steven Peters

Office of Representative Eric Genrich

320W State Capitol

608-266-0616

From: Gary, Timothy J - DNR
Sent: Wednesday, May 24, 2017 12:57 PM
To: Peters, Steve <Steve.Peters@legis.wisconsin.gov>
Subject: RE: E-Bike Legislation

Steve,

Can DNR legal and program staff have until next Friday to complete their analysis?

Sincerely,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tim Gary
Legislative Liaison
Wisconsin Department of Natural Resources
Phone: (608) 266-2120

Timothy.Gary@wisconsin.gov

From: Peters, Steve [<mailto:Steve.Peters@legis.wisconsin.gov>]
Sent: Wednesday, May 24, 2017 11:09 AM
To: Gary, Timothy J - DNR
Subject: E-Bike Legislation

Timothy,

We have been doing some preparatory work on e-bike legislation with various bike groups and are at the point that we wanted to share it with DNR to make sure you are comfortable with the language we are using, specifically in sections 12 and 16 of the bill.

Thanks,

Steven Peters

Office of Representative Eric Genrich

320W State Capitol

608-266-0616



State of Wisconsin
2017 - 2018 LEGISLATURE

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5 349.18 (4) of the statutes; **relating to:** electric bicycles and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the operation of electric bicycles.

Under current law, a motor bicycle is “a bicycle to which a power unit [that is] 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 with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator” or “a 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power 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 surface with no wind.” In general, a motor bicycle is subject to the same rules as other bicycles and an operator of a motor bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles. An operator of a motor bicycle, however, must possess a valid operator’s license.

This bill eliminates the second type of motor bicycle and establishes a similar definition for electric bicycle. Unlike an operator of a motor bicycle, however, an operator of an electric bicycle is not required to hold an operator’s license.

Under this bill, an electric bicycle is, in general, “a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of less than 750 watts.” Electric bicycles are divided into three classes, as follows:

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2. Class 2 electric bicycles may be powered solely by the motor and are not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

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In general, an electric bicycle is subject to the same rules as other bicycles and an operator of an electric bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles, with the following exceptions:

1. A person may not operate a class 3 electric bicycle on a bicycle way or bicycle path unless such operation is permitted by the governmental body having jurisdiction of the bicycle way or bicycle path.

2. Persons under the age of 16 years may not operate a class 3 electric bicycle.

3. A manufacturer or distributor of an electric bicycle must affix a label containing the classification number of the electric bicycle, the speed at which the motor will cease to provide assistance or power, and the wattage of the motor equipped to the electric bicycle.

4. For a class 2 electric bicycle, the motor must cease to provide assistance or power when the brakes are applied. For a class 1 or 3 electric bicycle, the motor must cease to provide assistance or power when the rider stops pedaling.

5. A person may not operate a class 3 electric bicycle unless the electric bicycle is equipped with a speedometer.

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

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5 motor bicycles, electric bicycles, bicycles, and firearms if such items are kept for
6 personal use by the owner and pianos if they are located in a residence.

1 **SECTION 2.** 194.01 (7) of the statutes is amended to read:

2 194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer,
3 tractor, motor bus, or any self-propelled or motor driven vehicle, except a motorcycle,
4 moped, motor bicycle, electric bicycle, electric personal assistive mobility device, or
5 vehicle operated on rails.

6 **SECTION 3.** 340.01 (15ph) of the statutes is created to read:

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9 750 watts and that meets the requirements of any of the following classifications:

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19 (b) The electric motor on an electric bicycle need not be an integral part of the
20 electric bicycle.

21 **SECTION 4.** 340.01 (29m) (bm) of the statutes is amended to read:

22 340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

23 **SECTION 5.** 340.01 (30) (intro.) and (a) of the statutes are consolidated,
24 renumbered 340.01 (30) and amended to read:

1 340.01 (30) “Motor bicycle” means any of the following: (a) A a bicycle to which
2 a power unit not an integral part of the vehicle has been added to permit the vehicle
3 to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a
4 dry, level, hard surface with no wind and having a seat for the operator. “Motor
5 bicycle” does not include an electric bicycle.

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9 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
10 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
11 commercial motor vehicle or a vehicle which is propelled by electric power obtained
12 from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain
13 vehicle, a utility terrain vehicle, and an electric personal assistive mobility device
14 shall be considered motor vehicles only for purposes made specifically applicable by
15 statute. “Motor vehicle” does not include an electric bicycle.

16 **SECTION 8.** 340.01 (74p) (c) of the statutes is amended to read:

17 340.01 (74p) (c) An operator of a moped, electric bicycle, or motor bicycle.

18 **SECTION 9.** 341.05 (23) of the statutes is amended to read:

19 341.05 (23) The vehicle is a motor bicycle, electric bicycle, or bicycle, except as
20 provided in s. 349.18.

21 **SECTION 10.** 346.02 (4) (title) of the statutes is amended to read:

22 346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES,
23 AND MOTOR BICYCLES.

24 **SECTION 11.** 346.02 (4) (a) of the statutes is amended to read:

1 346.02 (4) (a) Subject to the special provisions applicable to bicycles, every
2 person riding a bicycle upon a roadway or shoulder of a highway is granted all the
3 rights and is subject to all the duties which that this chapter grants or applies to the
4 operator of a vehicle, except those provisions which that by their express terms apply
5 only to motor vehicles or which that by their very nature would have no application
6 to bicycles. For purposes of this chapter, provisions which that apply to bicycles also
7 apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

8 **SECTION 12.** 346.806 of the statutes is created to read:

9 **346.806 Special rules applicable to electric bicycles.** (1) Except as
10 otherwise expressly provided, an electric bicycle and an operator of an electric bicycle
11 shall be afforded all the same rights and privileges, and be subject to the same duties,
12 as a bicycle or an operator of a bicycle. An electric bicycle shall be considered a vehicle
13 to the same extent as a bicycle.

14 (2) A person operating an electric bicycle is not subject to the provisions under
15 ch. 341, 342, 343, or 344 relating to financial responsibility, operator's licenses,
16 registration, or certificates of title.

17 (3) (a) No person may ride a class 3 electric bicycle upon a bicycle way or bicycle
18 path, except upon a bicycle way or bicycle path that is upon or adjacent to a highway
19 or, for a bicycle way or bicycle path under the jurisdiction of the department, unless
20 permitted by a rule promulgated by the department, or, for a bicycle way or bicycle
21 path under the jurisdiction of a municipality or county or the department of natural
22 resources, unless permitted by an ordinance or rule enacted under s. 349.18 (4).

23 (b) A person may ride, with the power unit in operation, a class 1 or class 2
24 electric bicycle upon a bicycle way or bicycle path, for a bicycle way or bicycle path
25 under the jurisdiction of the department, subject to any restrictions specified in a

1 rule promulgated by the department, or, for a bicycle way or bicycle path under the
 2 jurisdiction of a municipality or county or the department of natural resources,
 3 subject to any restrictions specified in an ordinance or rule enacted under s. 349.18
 4 (4).

5 (4) No person under the age of 16 years may operate a class 3 electric bicycle.
 6 A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle
 7 that is designed to accommodate passengers.

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

9 347.02 (1) (em) Electric bicycles.

10 **SECTION 14.** 347.489 (title) of the statutes is amended to read:

11 **347.489 (title) Lamps and other equipment on bicycles, motor bicycles,**
 12 **electric bicycles, and electric personal assistive mobility devices.**

13 **SECTION 15.** 347.489 (4) of the statutes is created to read:

14 347.489 (4) (a) 1. After January 1, 2018, a manufacturer or distributor of
 15 electric bicycles shall permanently affix to the electric bicycle a label containing all
 16 of the following information in Arial font of a minimum size of 9 point:

17 a. The classification number of the electric bicycle.

18 b. The speed at which the motor will cease to provide assistance or power.

19 c. The wattage of the motor equipped to the electric bicycle.

20 2. If a person modifies an electric bicycle so as to change the speed at which the
 21 motor will cease to provide assistance or power, the person shall prepare and affix
 22 to the electric bicycle a revised label satisfying the requirements of subd. 1.

23 (b) An electric bicycle shall meet the requirements of 16 CFR part 1512.

24 (c) An electric bicycle shall operate in one of the following manners:

(c) Notwithstanding pars. (a) and (b), no person may ride an electric bicycle, with the power unit in operation, on lands under the jurisdiction of the department of natural resources unless permitted by a rule promulgated

1 1. For a class 2 electric bicycle, the motor ceases to provide assistance or power
2 when the brakes are applied.

3 2. For a class 1 electric bicycle or class 3 electric bicycle, the motor ceases to
4 provide assistance or power when the rider stops pedaling.

5 (d) No person may operate a class 3 electric bicycle unless the electric bicycle
6 is equipped with a speedometer that with reasonable accuracy registers the speed
7 of the electric bicycle in miles per hour.

8 **SECTION 16.** 349.18 (4) of the statutes is created to read:

9 349.18 (4) (a) 1. The governing body of a municipality or county may by
10 ordinance prohibit the operation, with the power unit in operation, of class 1 and
11 class 2 electric bicycles on bicycle ways or bicycle paths under its jurisdiction.

12 2. The department of natural resources may promulgate rules prohibiting the
13 operation, with the power unit in operation, of class 1 and class 2 electric bicycles on
14 bicycle ways or bicycle paths under its jurisdiction.

15 (b) 1. The governing body of a municipality or county may by ordinance
16 authorize the operation, with the power unit in operation, of class 3 electric bicycles
17 on bicycle ways or bicycle paths under its jurisdiction.

18 2. The department of natural resources may promulgate rules authorizing the
19 operation, with the power unit in operation, of class 3 electric bicycles on bicycle ways
20 or bicycle paths under its jurisdiction.

21

(END)

any class of

or prohibiting



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1759/P4 / 1
EVM:amn

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA

8/15/17

repeal

1 **AN ACT** to repeal 340.01 (30) (b); to consolidate, renumber and amend 340.01
2 (30) (intro.) and (a); to amend 70.111 (1), 194.01 (7), 340.01 (29m) (bm), 340.01
3 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title), 346.02 (4) (a) and 347.489
4 (title); and to create 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (4) and
5 349.18 (4) of the statutes; relating to: electric bicycles and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the operation of electric bicycles.

Under current law, a motor bicycle is “a bicycle to which a power unit [that is] 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 with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator” or “a 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power 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 surface with no wind.” In general, a motor bicycle is subject to the same rules as other bicycles and an operator of a motor bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles. An operator of a motor bicycle, however, must possess a valid operator’s license.

This bill eliminates the second type of motor bicycle and establishes a similar definition for electric bicycle. Unlike an operator of a motor bicycle, however, an operator of an electric bicycle is not required to hold an operator’s license.

Under this bill, an electric bicycle is, in general, “a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of less than 750 watts.” Electric bicycles are divided into three classes, as follows:

1. Class 1 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 20 miles per hour.

2. Class 2 electric bicycles may be powered solely by the motor and are not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

3. Class 3 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 28 miles per hour.

In general, an electric bicycle is subject to the same rules as other bicycles and an operator of an electric bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles, with the following exceptions:

1. A person may not operate a class 3 electric bicycle on a bicycle way or bicycle path unless such operation is permitted by the governmental body having jurisdiction of the bicycle way or bicycle path.

2. Persons under the age of 16 years may not operate a class 3 electric bicycle.

3. A manufacturer or distributor of an electric bicycle must affix a label containing the classification number of the electric bicycle, the speed at which the motor will cease to provide assistance or power, and the wattage of the motor equipped to the electric bicycle.

4. For a class 2 electric bicycle, the motor must cease to provide assistance or power when the brakes are applied. For a class 1 or 3 electric bicycle, the motor must cease to provide assistance or power when the rider stops pedaling.

5. A person may not operate a class 3 electric bicycle unless the electric bicycle is equipped with a speedometer.

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.** 70.111 (1) of the statutes is amended to read:

2 **70.111 (1) JEWELRY, HOUSEHOLD FURNISHINGS, AND APPAREL.** Personal ornaments
3 and jewelry, family portraits, private libraries, musical instruments other than
4 pianos, radio equipment, household furniture, equipment and furnishings, apparel,
5 motor bicycles, electric bicycles, bicycles, and firearms if such items are kept for
6 personal use by the owner and pianos if they are located in a residence.

*as affected by
2017 Wisconsin Act 13,*

1 SECTION 2. 194.01 (7) of the statutes is amended to read:

2 194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer,
3 tractor, motor bus, ^{or} any self-propelled or motor driven vehicle, except a motorcycle,
4 moped, motor bicycle, electric bicycle, electric personal assistive mobility device, ^{or}
5 vehicle operated on rails.

*personal delivery
device,*

6 SECTION 3. 340.01 (15ph) of the statutes is created to read:

7 340.01 (15ph) (a) "Electric bicycle" means a bicycle that is equipped with fully
8 operative pedals for propulsion by human power and an electric motor of less than
9 750 watts and that meets the requirements of any of the following classifications:

10 1. Class 1 electric bicycle is an electric bicycle equipped with a motor that
11 provides assistance only when the rider is pedaling and that ceases to provide
12 assistance when the bicycle reaches the speed of 20 miles per hour.

13 2. Class 2 electric bicycle is an electric bicycle that may be powered solely by
14 the motor and is not capable of providing assistance when the bicycle reaches the
15 speed of 20 miles per hour.

16 3. Class 3 electric bicycle is an electric bicycle equipped with a motor that
17 provides assistance only when the rider is pedaling and that ceases to provide
18 assistance when the bicycle reaches the speed of 28 miles per hour.

19 (b) The electric motor on an electric bicycle need not be an integral part of the
20 electric bicycle.

21 SECTION 4. 340.01 (29m) (bm) of the statutes is amended to read:

22 340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

23 SECTION 5. 340.01 (30) (intro.) and (a) of the statutes are consolidated,
24 renumbered 340.01 (30) and amended to read:

1 340.01 (30) “Motor bicycle” means ~~any of the following:~~ (a) A a bicycle to which
2 a power unit not an integral part of the vehicle has been added to permit the vehicle
3 to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a
4 dry, level, hard surface with no wind and having a seat for the operator. “Motor
5 bicycle” does not include an electric bicycle.

6 **SECTION 6.** 340.01 (30) (b) of the statutes is repealed.

7 **SECTION 7.** 340.01 (35) of the statutes is amended to read:

8 340.01 (35) “Motor vehicle” means a vehicle, including a combination of 2 or
9 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
10 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
11 commercial motor vehicle or a vehicle which is propelled by electric power obtained
12 from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain
13 vehicle, a utility terrain vehicle, and an electric personal assistive mobility device
14 shall be considered motor vehicles only for purposes made specifically applicable by
15 statute. “Motor vehicle” does not include an electric bicycle.

16 **SECTION 8.** 340.01 (74p) (c) of the statutes is amended to read:

17 340.01 (74p) (c) An operator of a moped, electric bicycle, or motor bicycle.

18 **SECTION 9.** 341.05 (23) of the statutes is amended to read:

19 341.05 (23) The vehicle is a motor bicycle, electric bicycle, or bicycle, except as
20 provided in s. 349.18.

21 **SECTION 10.** 346.02 (4) (title) of the statutes is amended to read:

22 346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES,
23 AND MOTOR BICYCLES.

24 **SECTION 11.** 346.02 (4) (a) of the statutes is amended to read:

1 346.02 (4) (a) Subject to the special provisions applicable to bicycles, every
2 person riding a bicycle upon a roadway or shoulder of a highway is granted all the
3 rights and is subject to all the duties ~~which~~ that this chapter grants or applies to the
4 operator of a vehicle, except those provisions ~~which~~ that by their express terms apply
5 only to motor vehicles or ~~which~~ that by their very nature would have no application
6 to bicycles. For purposes of this chapter, provisions ~~which~~ that apply to bicycles also
7 apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

8 **SECTION 12.** 346.806 of the statutes is created to read:

9 **346.806 Special rules applicable to electric bicycles.** (1) Except as
10 otherwise expressly provided, an electric bicycle and an operator of an electric bicycle
11 shall be afforded all the same rights and privileges, and be subject to the same duties,
12 provided in chs. 340 to 351 as a bicycle or an operator of a bicycle. An electric bicycle
13 shall be considered a vehicle to the same extent as a bicycle.

14 (2) A person operating an electric bicycle is not subject to the provisions under
15 ch. 341, 342, 343, or 344 relating to financial responsibility, operator's licenses,
16 registration, or certificates of title.

17 (3) (a) No person may ride a class 3 electric bicycle upon a bicycle way or bicycle
18 path, except upon a bicycle way or bicycle path that is upon or adjacent to a highway
19 or, for a bicycle way or bicycle path under the jurisdiction of the department, unless
20 permitted by a rule promulgated by the department, or, for a bicycle way or bicycle
21 path under the jurisdiction of a municipality or county, unless permitted by an
22 ordinance enacted under s. 349.18 (4).

23 (b) A person may ride, with the power unit in operation, a class 1 or class 2
24 electric bicycle upon a bicycle way or bicycle path, for a bicycle way or bicycle path
25 under the jurisdiction of the department, subject to any restrictions specified in a

1 rule promulgated by the department, or, for a bicycle way or bicycle path under the
2 jurisdiction of a municipality or county, subject to any restrictions specified in an
3 ordinance enacted under s. 349.18 (4).

4 (c) Notwithstanding pars. (a) and (b), no person may ride an electric bicycle,
5 with the power unit in operation, on lands under the jurisdiction of the department
6 of natural resources unless permitted by a rule promulgated under s. 349.18 (4).

7 (4) No person under the age of 16 years may operate a class 3 electric bicycle.
8 A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle
9 that is designed to accommodate passengers.

10 SECTION 13. 347.02 (1) (em) of the statutes is created to read:

11 347.02 (1) (em) Electric bicycles.

12 SECTION 14. 347.489 (title) of the statutes is amended to read:

13 347.489 (title) **Lamps and other equipment on bicycles, motor bicycles,**
14 **electric bicycles, and electric personal assistive mobility devices.**

15 SECTION 15. 347.489 (4) ^(3m) of the statutes is created to read:

16 347.489 ^(3m) (4) (a) 1. After January 1, 2018, a manufacturer or distributor of
17 electric bicycles shall permanently affix to the electric bicycle a label containing all
18 of the following information in Arial font of a minimum size of 9 point:

- 19 a. The classification number of the electric bicycle.
- 20 b. The speed at which the motor will cease to provide assistance or power.
- 21 c. The wattage of the motor equipped to the electric bicycle.

22 2. If a person modifies an electric bicycle so as to change the speed at which the
23 motor will cease to provide assistance or power, the person shall prepare and affix
24 to the electric bicycle a revised label satisfying the requirements of subd. 1.

25 (b) An electric bicycle shall meet the requirements of 16 CFR part 1512.

1 (c) An electric bicycle shall operate in one of the following manners:

2 1. For a class 2 electric bicycle, the motor ceases to provide assistance or power
3 when the brakes are applied.

4 2. For a class 1 electric bicycle or class 3 electric bicycle, the motor ceases to
5 provide assistance or power when the rider stops pedaling.

6 (d) No person may operate a class 3 electric bicycle unless the electric bicycle
7 is equipped with a speedometer that with reasonable accuracy registers the speed
8 of the electric bicycle in miles per hour.

9 **SECTION 16.** 349.18 (4) of the statutes is created to read:

10 349.18 (4) (a) The governing body of a municipality or county may by ordinance
11 prohibit the operation, with the power unit in operation, of class 1 and class 2 electric
12 bicycles on bicycle ways or bicycle paths under its jurisdiction.

13 (b) The governing body of a municipality or county may by ordinance authorize
14 the operation, with the power unit in operation, of class 3 electric bicycles on bicycle
15 ways or bicycle paths under its jurisdiction.

16 (c) The department of natural resources may promulgate rules authorizing or
17 prohibiting the operation, with the power unit in operation, of any class of electric
18 bicycles on lands under its jurisdiction.

19

(END)

Barman, Mike

From: Pulda, Matt
Sent: Tuesday, January 02, 2018 11:26 AM
To: LRB.Legal
Subject: Draft Review: LRB -1759/1

Please Jacket LRB -1759/1 for the ASSEMBLY.