

2019 DRAFTING REQUEST

Bill

For: **Mike Rohrkaste (608) 266-5719** Drafter: **emueller**
 By: **Matt** Secondary Drafters:
 Date: **11/2/2018** May Contact:

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Electronic bicycles

Instructions:

See attached

Per EVM

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 11/12/2018	kfollett 11/14/2018			
/P1	emueller 12/6/2018		dwalker 11/14/2018		State S&L
/P2	emueller 12/13/2018	kfollett 12/7/2018	dwalker 12/7/2018		State S&L
/P3	emueller 1/22/2019	kfollett 12/14/2018	lparisi 12/14/2018		State S&L
/P4	emueller	kfollett	jmurphy		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	2/22/2019	1/22/2019	1/22/2019		S&L
		kfollett 2/22/2019	mbarman 2/22/2019	mbarman 2/22/2019	State S&L

FE Sent For:

<END>

A+
Intro.

Mueller, Eric

From: Rep.Rohrkaste
Sent: Thursday, November 01, 2018 6:35 PM
To: Mueller, Eric
Subject: FW: updates to eBike legislation
Attachments: WI E-Bike Bill - DRAFT 08162018.docx

Hi, Eric,

We received some updated language for a redraft of AB 886 from the Bike Fed. I've gone over it, and the substance is almost identical to AB 886. I told Dave that LRB has certain guidelines and that insofar as the content is the same, you would probably organize it as introduced this session (which I think is clearer, anyway).

There are a few substantive changes, most of them minor (as far as I can tell, and some of them may not even be necessary in context), but the one that jumped out at me was that the Bike Fed's new version generally eliminates 1) the ability of a jurisdiction to ban Class 1 & 2 e-bikes from bike paths/ways and 2) the ban on Class 3 bikes on such facilities (unless a jurisdiction allows them), essentially treating all three classes of e-bikes the same as normal bikes for most purposes. I suggested the League of Munis and the Counties Ass'n might have concerns, but Dave didn't think it would be a problem (although I may run it past them once we have a /P1, just to be safe).

Would you please begin redrafting AB 886, incorporating the substantive changes included in the attached document? I am out of the office on Friday, but I'll be back on Monday, if you have any questions.

Thanks!

Matt Pulda
Legislative Assistant
Office of State Rep. Mike Rohrkaste
(608) 266-5719

From: Dave Schlabowske [dave.schlabowske@wisconsinbikefed.org]
Sent: Monday, October 22, 2018 6:35 AM
To: Pratt, Phillip; Rep.Rohrkaste
Subject: updates to eBike legislation

Hello Phillip and Rep. Rohrkaste,

I hope your campaign is going well!

In advance of the legislative session, I have been working with our industry partners to update the language of the proposed eBike legislation with some common sense changes that make it fit Wisconsin better.

I have attached the draft language for your review.

I would be interested in introducing you to Bob Burns from Trek. Bob was their corporate counsel for many years, but is now doing government relations work for Trek. I worked with him on this draft.

We could also schedule a visit in your district or Madison. I'm sure you are super busy before the election, but just let me know if you are interested in a meeting.

Thanks for all your support on this bill and cycling in general. BTW, we are moving the Ride Across Wisconsin to start in La Crosse and end in Green Bay. We are trying to increase the economic impact for Wisconsin, and

have wonderful new partners to work with in the host cities of La Crosse, Stevens Point (overnight for two day riders) and Green Bay.

Dave Schlabowske
Executive Director
Wisconsin Bike Fed
414-255-0369
3618 W. Pierce St., Milwaukee, WI 53215

Have I helped you today?
If so, please consider joining the Wisconsin Bike Fed, thanks!

Wisconsin E-Bike Legislation - DRAFT

340.01 Words and phrases defined. In s. 23.33 and chs. 340 to 349 and 351, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

...

(15ph) "Electric bicycle" shall mean a bicycle equipped with fully operable pedals, a seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

...

(29m)

(am) "Moped" means any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator:

1. A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 130 cubic centimeters or an equivalent power unit.
2. A Type 1 motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than 50 cubic centimeters or an equivalent power unit.

(bm) "Moped" does not include a motor bicycle **or an electric bicycle.**

...

(30) "Motor bicycle" means any of the following:

(a) 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.

(b) ~~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.~~ **"Motor bicycle" does not include an electric bicycle.**

...

(35) "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or

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

...

(74p) "Vulnerable highway user" means any of the following:

- (a) A pedestrian.
- (b) A bicyclist **or operator of an electric bicycle.**
- (c) An operator of a moped or motor bicycle.
- (d) An operator of, or passenger on, an animal-drawn vehicle, farm tractor, farm truck tractor, farm trailer, or implement of husbandry.
- (e) A person riding upon in-line skates, a horse, or a play vehicle.
- (f) A law enforcement officer, traffic officer, fire fighter, or emergency medical technician, while performing his or her official duties.
- (g) A person who is rendering medical or emergency assistance to another person.

341.05 When vehicles exempt from registration. A vehicle, even though operated upon a highway of this state, is exempt from registration if any of the following applies:

...

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

346.02 Applicability of chapter.

- (4) Applicability to persons riding bicycles, **electric bicycles,** and motor bicycles.
 - (a) Subject to the special provisions applicable to bicycles **and electric bicycles,** every person riding a bicycle **or electric bicycle** upon a roadway or shoulder of a highway is granted all the rights and is subject to all the duties which this chapter grants or applies to the operator of a vehicle, except those provisions which by their express terms apply only to motor vehicles or which by their very nature would have no application to bicycles **or electric bicycles.** For purposes of this chapter, provisions which apply to bicycles also apply to motor bicycles, except as otherwise expressly provided.
 - (b) Provisions which apply to the operation of bicycles in crosswalks under ss. 346.23, 346.24, 346.37 (1) (a) 2., (c) 2. and (d) 2. and 346.38 do not apply to motor bicycles.

346.79 Special rules applicable to bicycles. Whenever a bicycle is operated upon a highway, bicycle lane or bicycle way the following rules apply:

- (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (2)
 - (a) Except as provided in par. (b), no bicycle may be used to carry or transport more persons at one time than the number for which it is designed.
 - (b) In addition to the operator, a bicycle otherwise designed to carry only the operator

may be used to carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer.

(3) No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handle bars.

(4) No person riding a bicycle shall attach himself or herself or his or her bicycle to any vehicle upon a roadway.

(5) No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.

(6) Subject to the following provisions, a person may ride an electric bicycle with the motor in operation in places where bicycles are permitted to travel.

(a) An electric bicycle may be ridden with the motor in operation on a bicycle way, bicycle path, or multi-use path where bicycles are permitted.

(b) No person shall exceed the posted or statutory speed limit while riding an electric bicycle on a bicycle way, bicycle path, or multi-use path.

(c) This subsection shall not apply to a trail designated as non-motorized if such trail has a natural surface tread made by clearing and grading the native soil with no added surfacing materials. A local authority or state agency may regulate the use of electric bicycles or any class thereof on such trails that are under its jurisdiction.

346.806 Special rules applicable to electric bicycles.

(1) Except as otherwise expressly provided, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, as a bicycle or the operator of a bicycle. An electric bicycle shall be considered a vehicle to the same extent as a bicycle.

(2) A person operating an electric bicycle is not subject to the provisions of these statutes relating to financial responsibility, operator's licenses, registration, certificates of title, or off-highway motorcycles.

(3) On and after January 1, 2019, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

(4) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless he or she appropriately replaces the label indicating the classification required in subsection (3).

(5) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512).

(6) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

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

(8) All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

194.01 Definitions. In this chapter, unless the context otherwise requires:

...

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

70.111 Personal property exempted from taxation. The property described in this section is exempted from general property taxes:

(1) Jewelry, household furnishings and apparel. Personal ornaments and jewelry, family portraits, private libraries, musical instruments other than pianos, radio equipment, household furniture, equipment and furnishings, apparel, motor bicycles, bicycles, **electric bicycles**, and firearms if such items are kept for personal use by the owner and pianos if they are located in a residence.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1759/1 0715/11

EVM:amn

RMNR

2019

2017 ASSEMBLY BILL 886

January 30, 2018 - Introduced by Representatives ROHRKASTE, GENRICH, CONSIDINE, KULP, SINICKI, SPREITZER, STEFFEN, SUBECK, TITTL and TUSLER, cosponsored by Senators ROTH and MOULTON. Referred to Committee on Transportation.

11/14/18

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) and 346.02 (4) (a); and to
4 create 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) and 349.18 (4) of
5 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.

ASSEMBLY BILL 886

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

2. ~~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.

3. ~~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.

4. ~~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.

5. Local authorities may prohibit the operation of electric bicycles with the power unit in operation, on certain designated non-motorized bicycle ways or bicycle paths.

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1 **SECTION 2.** 194.01 (7) of the statutes, as affected by 2017 Wisconsin Act 13, is
2 amended to read:

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

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

8 340.01 (15ph) (a) "Electric bicycle" means a bicycle that is equipped with fully
9 operative pedals for propulsion by human power and an electric motor of less than
10 750 watts and that meets the requirements of any of the following classifications:

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

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

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

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

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

23 340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

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

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SECTION 5

1 340.01 (30) "Motor bicycle" means any of the following: (a) ~~A~~ a bicycle to which
 2 a power unit ^{that is} 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:

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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

ASSEMBLY BILL 886

under s. 349.18 (4)(b)

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). *(a)*

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 (3m) of the statutes is created to read:

13 347.489 (3m) (a) 1. After January 1, 2018, a manufacturer or distributor of
14 electric bicycles shall permanently affix to the electric bicycle a label containing all
15 of the following information in Arial font of a minimum size of 9 point:

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

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

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

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

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

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

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

6 **SECTION 15.** 349.18 (4) of the statutes is created to read:

7 349.18 (4) (a) The governing body of a municipality or county may by ordinance
8 prohibit the operation, with the power unit in operation, of class 1 and class 2 electric
9 bicycles on bicycle ways or bicycle paths under its jurisdiction.

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

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

16

(END)

*bicycle ways or
bicycle paths*

*that are designated non-paved
and that have a natural surface
by clearing and grading the native soil
with no added surfacing materials*

Mueller, Eric

From: Pulda, Matt
Sent: Tuesday, December 04, 2018 12:55 PM
To: Mueller, Eric
Subject: Edits to LRB 0715
Attachments: Proposed Edits to WI E-Bike Draft.pdf; Proposed Edits to WI Path Rules.docx

Hi, Eric,

I shared the /P1 with the Bike Fed, and they had some additional changes, which are included in this e-mail (in the body and the two attachments). I just talked to him to clarify some of their requests. With regard to off-road motorcycles, they would like to ensure that electric bikes are not included under the definition of off-road motorcycle. With regard to section 12, I pointed out that what they apparently want to accomplish in their proposed edit 346.806(3)(a) is already covered by (1) for the most part (please correct me if I'm wrong), and he agreed. Otherwise, I think the proposed edits are pretty straightforward, but please let me know if you have any questions. You may also contact Dave directly, but please keep me in the loop.

Thanks!

Matt Pulda
Legislative Assistant
Office of Rep. Mike Rohrkaste
(608) 266-5719

From: Dave Schlabowske <dave.schlabowske@wisconsinbikefed.org>
Sent: Monday, December 03, 2018 9:10 AM
To: Pulda, Matt <Matt.Pulda@legis.wisconsin.gov>
Subject: Edits of eBike legislation

Hi Matt,

Sounds like you will be busy with the special session, but I wanted to get you our requested edits. Our proposed revisions are attached.

In addition to the attached changes, we are a little concerned about the definition of "off-road motorcycle", we do have a decent argument that e-bikes do not meet that definition on its face. In Section 23.335 they are defined as "a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway." "Motor vehicle" is not defined in Title 23, but e-bikes are specifically exempt from the primary definition of "motor vehicle" in Section 340.01.35 under our bill. Obviously there is still bit of ambiguity there. In any event, I think we should get some more information on why that language was removed by LRB.

Would it make any sense for you to share our requests with LRB and schedule a meeting with them if any further questions remain?

Dave Schlabowske
Executive Director
Wisconsin Bike Fed

414-255-0369

3618 W. Pierce St., Milwaukee, WI 53215

Have I helped you today?

If so, please consider joining the Wisconsin Bike Fed, thanks!



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0715/P1
EVM:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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) and 346.02 (4) (a); and *to*
4 **create** 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) and 349.18 (4) of
5 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. Persons under the age of 16 years may not operate a class 3 electric bicycle.

2. 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.

3. 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.

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

5. Local authorities may prohibit the operation of a electronic bicycles, with the power unit in operation, on certain designated nonmotorized bicycle ways or bicycle paths.

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

Update
to reflect
changes

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.

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,
5 personal delivery device, or vehicle operated on rails.

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 that is not an integral part of the vehicle has been added to permit the
3 vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider
4 on a 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.

← Is there a reason "off-road motorcycles" can't be listed?

17 (3) A person may ride, with the power unit in operation, an electric bicycle upon
 18 a bicycle way or bicycle path, for a bicycle way or bicycle path under the jurisdiction
 19 of the department, subject to any restrictions specified in a rule promulgated by the
 20 department under s. 349.18 (4) (b), or, for a bicycle way or bicycle path under the
 21 jurisdiction of a municipality or county, subject to any restrictions specified in an
 22 ordinance enacted under s. 349.18 (4) (a).

*Proposal
revisions
in attached
file.*

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

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

2 347.02 (1) (em) Electric bicycles.

3 SECTION 14. 347.489 (3m) of the statutes is created to read:

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

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

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

13 (b) An electric bicycle shall meet the requirements of 16 CFR Part 1512.

14 (c) An electric bicycle shall operate ~~in one of the following manners~~ so that

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

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

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

22 SECTION 15. 349.18 (4) of the statutes is created to read:

23 349.18 (4) (a) The governing body of a municipality or county may by ordinance
24 prohibit the operation, with the power unit in operation, of electric bicycles on bicycle
25 ways or bicycle paths under its jurisdiction that are designated nonmotorized and

Proposed
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1 that have a natural surface tread made by clearing and grading the native soil with
2 no added surfacing materials.

3 (b) The department of natural resources may promulgate rules prohibiting the
4 operation, with the power unit in operation, of electric bicycles on bicycle ways or
5 bicycle paths under its jurisdiction that are designated nonmotorized and that have
6 a natural surface tread made by clearing and grading the native soil with no added
7 surfacing materials.

8 (END)

SECTION 12. 346.806 of the statutes is created to read:
346.806 Special rules applicable to electric bicycles.

...

(3) (a) A person may ride, with the power unit in operation, an electric bicycle on highways, roadways, streets, and bicycle lanes where bicycles are permitted to travel.

(b) A person may ride, with the power unit in operation, an electric bicycle upon a bicycle way or bicycle path, for a bicycle way or bicycle path under the jurisdiction of the department of transportation or department of natural resources, subject to any restrictions specified in a rule promulgated by either department under s. 349.18 (4) (b), or, for a bicycle way or bicycle path under the jurisdiction of a municipality or county, subject to any restrictions specified in an ordinance enacted under s. 349.18 (4) (a). 7

(c) This subsection shall not apply to a trail designated as non-motorized if such trail has a natural surface tread made by clearing and grading the native soil with no added surfacing materials.

SECTION 15. 349.18 (4) of the statutes is created to read:

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

(b) The department of transportation or the department of natural resources may promulgate rules prohibiting the operation, with the power unit in operation, of electric bicycles on bicycle ways or bicycle paths under their jurisdiction.