

State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0715/P1

EVM:kjf

RMF

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSERT

12/9/18

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.

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.~~ ^{either} ~~or~~
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~~ ^{either} ~~electronic bicycles, with the power unit in operation, on~~ ^{or} ~~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.

The Department of Transportation or

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

NS
2-1

- 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) ^e(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 ^(a) 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 ^(b) 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 ^(c) 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.

17 (3) ^(a) 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, ^{of natural resources} subject to any restrictions specified in a rule promulgated by the
20 department ^{of natural resources} 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).

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:

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

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

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)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0715/P2ins
EVM:kjf

1 INS 2-1

2

3 **SECTION 1.** 23.335 (1) (q) of the statutes is amended to read:

4 23.335 (1) (q) "Off-highway motorcycle" means a 2-wheeled motor vehicle that
5 is straddled by the operator, that is equipped with handlebars, and that is designed
6 for use off a highway, regardless of whether it is also designed for use on a highway.

7 "Off-highway motorcycle" does not include an electric bicycle, as defined under s.

8 340.01 (15ph).

History: 2015 a. 170; 2017 a. 59, 161.

9

10 INS 5-22

11

12 (b) A person may ride, with the power unit in operation, an electric bicycle upon
13 a bicycle way or bicycle path under the jurisdiction of the department, subject to any
14 restrictions specified in a rule promulgated by the department.

15 (c) Notwithstanding par. (a), no person may ride, with the power unit in
16 operation, an electric bicycle upon a trail that is designated non-motorized and that
17 has a natural surface tread made by clearing and grading the native soil with no
18 added surfacing materials.

Mueller, Eric

From: Pulda, Matt
Sent: Thursday, December 13, 2018 1:13 PM
To: Mueller, Eric
Subject: FW: Final (?) change to eBike bill ;)

Hi, Eric,

Would you please make the following change to LRB 0715? Thanks!

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

From: Dave Schlabowske <dave.schlabowske@wisconsinbikefed.org>
Sent: Thursday, December 13, 2018 1:09 PM
To: Pulda, Matt <Matt.Pulda@legis.wisconsin.gov>
Subject: Final (?) change to eBike bill ;)

Hi Matt,

I think we are super close here. After discussing the natural surface trail language with our industry partners, we think it might be more clear to remove it entirely. We think the general reference to trails would include native soil trails (essentially mountain bike trails) as well as paved and crushed limestone trails. So it should not be necessary to specifically name native soil trails.

Below is what is in the current draft of 346.806 Special rules applicable to electric bicycles. Can you ask LRB to remove the highlighted text and leave the rest of the language as is?

(3) (a) 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 natural resources, subject to any restrictions specified in a rule promulgated by the department of natural resources 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)(b) A person may ride, with the power unit in operation, an electric bicycle upon a bicycle way or bicycle path under the jurisdiction of the department, subject to any restrictions specified in a rule promulgated by the department.

(c) Notwithstanding par. (a), no person may ride, with the power unit in operation, an electric bicycle upon a trail that is designated nonmotorized and that has a natural surface tread made by clearing and grading the native soil with no added surfacing materials.

Sorry for all the back and forth on this.

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/P2 P3
EVM:kjf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12/14/18

1 **AN ACT** *to repeal* 340.01 (30) (b); *to consolidate, renumber and amend* 340.01
2 (30) (intro.) and (a); *to amend* 23.335 (1) (q), 70.111 (1), 194.01 (7), 340.01 (29m)
3 (bm), 340.01 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title) and 346.02 (4)
4 (a); and *to create* 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) 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. 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. Either the motor must cease to provide assistance or power when the brakes are applied or 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. The Department of Transportation or local authorities may prohibit the operation of electric bicycles, with the power unit in operation, on designated 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.

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

1 **SECTION 1.** 23.335 (1) (q) of the statutes is amended to read:

2 23.335 (1) (q) "Off-highway motorcycle" means a 2-wheeled motor vehicle that
3 is straddled by the operator, that is equipped with handlebars, and that is designed
4 for use off a highway, regardless of whether it is also designed for use on a highway.

5 "Off-highway motorcycle" does not include an electric bicycle, as defined under s.
6 340.01 (15ph).

1 **SECTION 2.** 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.

7 **SECTION 3.** 194.01 (7) of the statutes is amended to read:

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

12 **SECTION 4.** 340.01 (15ph) of the statutes is created to read:

13 340.01 (15ph) “Electric bicycle” means a bicycle that is equipped with fully
14 operative pedals for propulsion by human power and an electric motor of less than
15 750 watts and that meets the requirements of any of the following classifications:

16 (a) Class 1 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 20 miles per hour.

19 (b) Class 2 electric bicycle is an electric bicycle that may be powered solely by
20 the motor and is not capable of providing assistance when the bicycle reaches the
21 speed of 20 miles per hour.

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

25 **SECTION 5.** 340.01 (29m) (bm) of the statutes is amended to read:

1 340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

2 **SECTION 6.** 340.01 (30) (intro.) and (a) of the statutes are consolidated,
3 renumbered 340.01 (30) and amended to read:

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

9 **SECTION 7.** 340.01 (30) (b) of the statutes is repealed.

10 **SECTION 8.** 340.01 (35) of the statutes is amended to read:

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

19 **SECTION 9.** 340.01 (74p) (c) of the statutes is amended to read:

20 340.01 (74p) (c) An operator of a moped, electric bicycle, or motor bicycle.

21 **SECTION 10.** 341.05 (23) of the statutes is amended to read:

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

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

1 346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES,
2 AND MOTOR BICYCLES.

3 **SECTION 12.** 346.02 (4) (a) of the statutes is amended to read:

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

11 **SECTION 13.** 346.806 of the statutes is created to read:

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

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

20 (3) (a) A person may ride, with the power unit in operation, an electric bicycle
21 upon a bicycle way or bicycle path, for a bicycle way or bicycle path under the
22 jurisdiction of the department of natural resources, subject to any restrictions
23 specified in a rule promulgated by the department of natural resources under s.
24 349.18 (4) (b), or, for a bicycle way or bicycle path under the jurisdiction of a

1 municipality or county, subject to any restrictions specified in an ordinance enacted
2 under s. 349.18 (4) (a).

3 (b) A person may ride, with the power unit in operation, an electric bicycle upon
4 a bicycle way or bicycle path under the jurisdiction of the department, subject to any
5 restrictions specified in a rule promulgated by the department.

6 (c) Notwithstanding par. (a), no person may ride, with the power unit in
7 operation, an electric bicycle upon a trail that is designated nonmotorized and that
8 has a natural surface tread made by clearing and grading the native soil with no
9 added surfacing materials.

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

13 **SECTION 14.** 347.02 (1) (em) of the statutes is created to read:

14 347.02 (1) (em) Electric bicycles.

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

16 347.489 (3m) (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 so that the motor ceases to provide
2 assistance or power when the brakes are applied or the motor ceases to provide
3 assistance or power when the rider stops pedaling.

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

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

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

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

14 (END)

Mueller, Eric

From: Pulda, Matt
Sent: Tuesday, January 22, 2019 11:02 AM
To: Mueller, Eric
Subject: FW: Last minor changes for eBike legislation

Hi, Eric,

Here are what are hopefully the finally changes for LRB 0715. Hopefully it makes sense, but please let me know if you have any questions. (I think the bill itself already addresses #2, insofar as it contains a provision that basically says that laws applying to bicycles generally also apply to e-bikes unless otherwise specified, but I may be misremembering.)

Thanks!

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

From: Dave Schlabowske <dave.schlabowske@wisconsinbikefed.org>
Sent: Tuesday, January 22, 2019 10:23 AM
To: Pulda, Matt <Matt.Pulda@legis.wisconsin.gov>
Subject: Last minor changes for eBike legislation

Hey Matt,

I think we have finally heard from EVERYONE who wanted input on this bill. Two minor issues remain that we would like LRB to consider.

1. Definition of bikeway vs bicycle way and path re: WDNR comments from Brigit Brown:

"there's a segment re DNR lands that references bike way & bicycle path (Pg 5, section 13 (3) (a)) – the statutory definitions of those terms are weird in that Bicycle way technically does not include DNR lands, and bicycle path is not defined. We'd be better off either using Bikeway (though I believe this would include roads (w/o bike lanes) & bike lanes, and I'm not sure if that is intended by this legislation or not) or referencing dept-specific law/code, which would be something like "facility opened to bicycle use under state statute or administrative code". I can reach out to LRB on this. – Brigit Brown

2. This is even less important, but the draft does not add in the term "electric bicycles" along with other "bicycles" and "motor bicycles." For example, draft legislation does not amend s. 349.18(2), which allows municipalities to require registration, nor s. 347.489, which requires working lights and brakes. I don't know if that's intentional. It's possible the drafters assumed that the term "bicycles" encompasses "electric bicycles."

If you could please just run those comments past the drafter at LRB, we trust their interpretation. We just wanted to be thorough.

Once that is done, let's move this over to Sen. Roth's office and then we can work on getting some more cosponsors and letters of support.

Thanks so much for all your help with this. I'm sorry it has dragged on so long, but I think we are near the end!

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/P3

EVM:kjf

RMP

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/23/19

1 **AN ACT to repeal** 340.01 (30) (b); **to consolidate, renumber and amend** 340.01
2 (30) (intro.) and (a); **to amend** 23.335 (1) (q), 70.111 (1), 194.01 (7), 340.01 (29m)
3 (bm), 340.01 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title) and 346.02 (4)
4 (a); and **to create** 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) 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 “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. Either the motor must cease to provide assistance or power when the brakes are applied or 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. The Department of Transportation or local authorities may prohibit the operation of electric bicycles, with the power unit in operation, on designated 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.

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

1 **SECTION 1.** 23.335 (1) (q) of the statutes is amended to read:

2 23.335 (1) (q) “Off-highway motorcycle” means a 2-wheeled motor vehicle that
3 is straddled by the operator, that is equipped with handlebars, and that is designed
4 for use off a highway, regardless of whether it is also designed for use on a highway.

5 “Off-highway motorcycle” does not include an electric bicycle, as defined under s.

6 340.01 (15ph).

bikeways

1 **SECTION 2.** 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.

7 **SECTION 3.** 194.01 (7) of the statutes is amended to read:

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

12 **SECTION 4.** 340.01 (15ph) of the statutes is created to read:

13 340.01 (15ph) “Electric bicycle” means a bicycle that is equipped with fully
14 operative pedals for propulsion by human power and an electric motor of less than
15 750 watts and that meets the requirements of any of the following classifications:

16 (a) Class 1 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 20 miles per hour.

19 (b) Class 2 electric bicycle is an electric bicycle that may be powered solely by
20 the motor and is not capable of providing assistance when the bicycle reaches the
21 speed of 20 miles per hour.

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

25 **SECTION 5.** 340.01 (29m) (bm) of the statutes is amended to read:

1 340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

2 **SECTION 6.** 340.01 (30) (intro.) and (a) of the statutes are consolidated,
3 renumbered 340.01 (30) and amended to read:

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

9 **SECTION 7.** 340.01 (30) (b) of the statutes is repealed.

10 **SECTION 8.** 340.01 (35) of the statutes is amended to read:

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

19 **SECTION 9.** 340.01 (74p) (c) of the statutes is amended to read:

20 340.01 (74p) (c) An operator of a moped, electric bicycle, or motor bicycle.

21 **SECTION 10.** 341.05 (23) of the statutes is amended to read:

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

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

1 346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES,
2 AND MOTOR BICYCLES.

3 **SECTION 12.** 346.02 (4) (a) of the statutes is amended to read:

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

11 **SECTION 13.** 346.806 of the statutes is created to read:

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

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

20 (3) (a) A person may ride, with the power unit in operation, an electric bicycle
21 upon a bicycle way or bicycle path, for a bicycle way or bicycle path under the
22 jurisdiction of the department of natural resources, subject to any restrictions
23 specified in a rule promulgated by the department of natural resources under s.
24 349.18 (4) (b), or, for a bicycle way or bicycle path under the jurisdiction of a

bikeway, as defined under s. 84.60 (1)(a),

1 municipality or county, subject to any restrictions specified in an ordinance enacted
2 under s. 349.18 (4) (a).

3 (b) A person may ride, with the power unit in operation, an electric bicycle upon
4 a ~~bicycle way or bicycle path~~ ^{a bikeway, as defined under s. 21.60(1)(a),} under the jurisdiction of the department, subject to any
5 restrictions specified in a rule promulgated by the department.

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

9 SECTION 14. 347.02 (1) (em) of the statutes is created to read:

10 347.02 (1) (em) Electric bicycles.

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

12 347.489 (3m) (a) 1. After January 1, 2018, a manufacturer or distributor of
13 electric bicycles shall permanently affix to the electric bicycle a label containing all
14 of the following information in Arial font of a minimum size of 9 point:

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

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

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

22 (c) An electric bicycle shall operate so that the motor ceases to provide
23 assistance or power when the brakes are applied or the motor ceases to provide
24 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) The governing body of a municipality or county may by ordinance

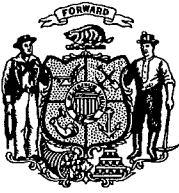
6 prohibit the operation, with the power unit in operation, of electric bicycles on bicycle
7 ways or bicycle paths under its jurisdiction. *bike ways, as defined under S. 84.60 (1)(a),*

8 (b) The department of natural resources may promulgate rules prohibiting the

9 operation, with the power unit in operation, of electric bicycles on bicycle ways or
10 bicycle paths under its jurisdiction.

11 (END)

*bikeways, as defined under
S. 84.60 (1)(a)*



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0715/P4
EVM:kjf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

2/22/19

1 **AN ACT to repeal** 340.01 (30) (b); **to consolidate, renumber and amend** 340.01
2 (30) (intro.) and (a); **to amend** 23.335 (1) (q), 70.111 (1), 194.01 (7), 340.01 (29m)
3 (bm), 340.01 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title) and 346.02 (4)
4 (a); and **to create** 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) and
5 349.18 (4) of the statutes; **relating to:** electric bicycles and providing a penalty.

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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.

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Under this bill, an electric bicycle is “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.

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:

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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. Either the motor must cease to provide assistance or power when the brakes are applied or 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. The Department of Transportation or local authorities may prohibit the operation of electric bicycles, with the power unit in operation, on designated bikeways.

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

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2 23.335 (1) (q) “Off-highway motorcycle” means a 2-wheeled motor vehicle that
3 is straddled by the operator, that is equipped with handlebars, and that is designed

4 for use off a highway, regardless of whether it is also designed for use on a highway.

5 “Off-highway motorcycle” does not include an electric bicycle, as defined under s.

6 340.01 (15ph).

1 **SECTION 2.** 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.

7 **SECTION 3.** 194.01 (7) of the statutes is amended to read:

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

12 **SECTION 4.** 340.01 (15ph) of the statutes is created to read:

13 340.01 (15ph) “Electric bicycle” means a bicycle that is equipped with fully
14 operative pedals for propulsion by human power and an electric motor of less than
15 750 watts and that meets the requirements of any of the following classifications:

16 (a) Class 1 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 20 miles per hour.

19 (b) Class 2 electric bicycle is an electric bicycle that may be powered solely by
20 the motor and is not capable of providing assistance when the bicycle reaches the
21 speed of 20 miles per hour.

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

25 **SECTION 5.** 340.01 (29m) (bm) of the statutes is amended to read:

1 340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

2 **SECTION 6.** 340.01 (30) (intro.) and (a) of the statutes are consolidated,
3 renumbered 340.01 (30) and amended to read:

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

9 **SECTION 7.** 340.01 (30) (b) of the statutes is repealed.

10 **SECTION 8.** 340.01 (35) of the statutes is amended to read:

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

19 **SECTION 9.** 340.01 (74p) (c) of the statutes is amended to read:

20 340.01 (74p) (c) An operator of a moped, electric bicycle, or motor bicycle.

21 **SECTION 10.** 341.05 (23) of the statutes is amended to read:

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

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

1 346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES,
2 AND MOTOR BICYCLES.

3 **SECTION 12.** 346.02 (4) (a) of the statutes is amended to read:

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

11 **SECTION 13.** 346.806 of the statutes is created to read:

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

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

20 (3) (a) A person may ride, with the power unit in operation, an electric bicycle
21 upon a bikeway, as defined under s. 84.60 (1) (a), under the jurisdiction of the
22 department of natural resources, subject to any restrictions specified in a rule
23 promulgated by the department of natural resources under s. 349.18 (4) (b), or under
24 the jurisdiction of a municipality or county, subject to any restrictions specified in an
25 ordinance enacted under s. 349.18 (4) (a).

1 (b) A person may ride, with the power unit in operation, an electric bicycle upon
2 a bikeway, as defined under s. 84.60 (1) (a), under the jurisdiction of the department,
3 subject to any restrictions specified in a rule promulgated by the department.

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

7 **SECTION 14.** 347.02 (1) (em) of the statutes is created to read:

8 347.02 (1) (em) Electric bicycles.

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

10 347.489 (3m) (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 so that the motor ceases to provide
21 assistance or power when the brakes are applied or the motor ceases to provide
22 assistance or power when the rider stops pedaling.

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

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

2 349.18 (4) (a) The governing body of a municipality or county may by ordinance
3 prohibit the operation, with the power unit in operation, of electric bicycles on
4 bikeways, as defined under s. 84.60 (1) (a), under its jurisdiction.

5 (b) The department of natural resources may promulgate rules prohibiting the
6 operation, with the power unit in operation, of electric bicycles on bikeways, as
7 defined under s. 84.60 (1) (a), under its jurisdiction.

8

(END)

Barman, Mike

From: LRB.Legal
To: Rep.Rohrkaste
Subject: Draft review: LRB -0715/1
Attachments: 19-0715/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Eric V. Mueller, Senior Legislative Attorney, at (608) 504-5825, at eric.mueller@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Assembly.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.