

1985 Senate Bill 370

Date of enactment: November 14, 1985
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1985 Wisconsin Act 65

AN ACT to renumber 340.01 (32) (a) and (b); to amend 15.347 (11), 20.370 (4) (bv) and (ir), 20.395 (4) (gq), 23.09 (25) (a), 85.30, 340.01 (4) (b), 340.01 (29m) (b), 340.01 (32) (intro.), 341.25 (1) (b), 343.05 (1) (b), 343.07 (1) (intro.) and (4), 343.08 (1) (a) and (2), 343.16 (1) (c), 343.21 (1) (h), 346.54 (1) (cm), 346.595 (1) and (3), 347.09 (1) (a) and (b), 347.15 (1), 347.35 (1a), 347.42, 347.485, 347.486 (1) and (2) and 347.487; to repeal and recreate 15.347 (11), 23.09 (25) (a) and 340.01 (32) (intro.); and to create 340.01 (10m), 340.01 (32) (a) (intro.), 340.01 (32) (b) and 990.01 (43m) and (43r) of the statutes, relating to motorcycle and automobile definitions and equipment standards.

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

SECTION 1. 15.347 (11) of the statutes is amended to read:

15.347 (11) MOTORCYCLE RECREATION COUNCIL. There is created in the department of natural resources a motorcycle recreation council consisting of 7 members, appointed by the natural resources board for staggered 3-year terms, who are knowledgeable in off-the-road sporting and recreational needs of the ~~motorcyclist~~ drivers of Type 1 motorcycles.

SECTION 1m. 15.347 (11) of the statutes, as affected by 1985 Wisconsin Acts 29 and (this act) is repealed and recreated to read:

15.347 (11) OFF-THE-ROAD VEHICLE COUNCIL. There is created in the department of natural resources an off-the-road vehicle council consisting of 7 members, appointed by the natural resources board for staggered 3-year terms, who are knowledgeable off-the-road sporting and recreational needs of the drivers of Type 1 motorcycles and all-terrain vehicles.

SECTION 2. 20.370 (4) (bv) and (ir) of the statutes, as affected by 1985 Wisconsin Act 29, are amended to read:

20.370 (4) (bv) *Recreation aids — motorcycle recreation aids; trails.* Biennially, the amounts in the schedule to provide aid to towns, villages, cities and counties for the acquisition, development, operation and maintenance of off-the-road Type 1 motorcycle trails and facilities under s. 23.09 (25) (a) and to the department for the development and maintenance of existing off-the-road Type 1 motorcycle trails at the Black River state forest and the Bong state recreation area under s. 23.09 (25) (a).

(ir) *Aids administration — motorcycle recreation.* The amounts in the schedule for administration of the off-the-road Type 1 motorcycle trails aid program under s. 23.09 (25) (a) and the local park aid program under s. 23.09 (25) (e).

SECTION 3m. 20.395 (4) (gq) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

20.395 (4) (gq) (title) *Type 1 motorcycle, moped and motor bicycle safety program, state funds.* The amounts in the schedule for administering the Type 1 motorcycle, moped and motor bicycle safety program under s. 85.30.

SECTION 4m. 23.09 (25) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

23.09 (25) (a) The department shall administer an off-the-road Type 1 motorcycle recreational aid program from moneys appropriated under s. 20.370 (4) (bv). The department shall distribute these funds to towns, villages, cities, counties and federal agencies for the acquisition, development, operation and maintenance of off-the-road Type 1 motorcycle trails and facilities. In addition, the department may expend moneys appropriated under s. 20.370 (4) (bv) for the development and maintenance of existing off-the-road Type 1 motorcycle trails at the Black River state forest and the Bong state recreation area.

SECTION 4r. 23.09 (25) (a) of the statutes, as affected by 1985 Wisconsin Acts 29 and (this act) is repealed and recreated to read:

23.09 (25) (a) The department shall administer an off-the-road Type 1 motorcycle recreational aid program from moneys appropriated under s. 20.370 (4) (bv). The department shall distribute these funds to towns, villages, cities, counties and federal agencies for the acquisition, development, operation and maintenance of off-the-road motorcycle Type 1 trails and facilities. The department may distribute these funds before July 1, 1989, to towns, villages, cities, counties and federal agencies for the acquisition, development, operation and maintenance of all-terrain vehicle areas and trails if these areas and trails are also available for use by off-the-road Type 1 motorcycles. In addition, the department may expend moneys appropriated under s. 20.370 (4) (bv) for the development and maintenance of existing off-the-road Type 1 motorcycle trails at the Black River state forest and the Bong state recreation area.

SECTION 5. 85.30 of the statutes is amended to read:

85.30 (title) Type 1 motorcycle, moped and motor bicycle safety program. The department shall develop and administer a Type 1 motorcycle, moped and motor bicycle safety program. The program shall include operational skills training, safety education and public awareness and such other elements as the department deems desirable. The safety education program for ~~motor driven eyes~~ Type 1 motorcycles shall include instruction as to the proper eye protection to be worn during hours of darkness. The department may make grants under this program for establishment of courses which further the aims of this program. The department shall adopt rules to implement this section.

SECTION 6. 340.01 (4) (b) of the statutes is amended to read:

340.01 (4) (b) Type 2 is a motor vehicle capable of speeds in excess of 30 miles per hour on a dry, level, hard surface with no wind, designed and built to have at least 3 wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

SECTION 7. 340.01 (10m) of the statutes is created to read:

340.01 (10m) “Curb weight” means the total weight of a vehicle, including a full load of fuel, oil and water, but without any passengers or cargo.

SECTION 8. 340.01 (29m) (b) of the statutes is amended to read:

340.01 (29m) (b) 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.

SECTION 9. 340.01 (32) (intro.) of the statutes is amended to read:

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

SECTION 9m. 340.01 (32) (intro.) of the statutes, as affected by 1985 Wisconsin Acts 29 and (this act) is repealed and recreated to read:

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

SECTION 10. 340.01 (32) (a) and (b) of the statutes are renumbered 340.01 (32) (a) 1 and 2.

SECTION 11. 340.01 (32) (a) (intro.) of the statutes is created to read:

340.01 (32) (a) (intro.) Type 1 is a motor vehicle which meets either of the following conditions:

SECTION 12. 340.01 (32) (b) of the statutes is created to read:

340.01 (32) (b) Type 2 is a motor vehicle designed and built to have at least 3 wheels in contact with the ground, a curb weight of less than 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

SECTION 13. 341.25 (1) (b) of the statutes is amended to read:

341.25 (1) (b) For each motorcycle or moped with a ~~gross vehicle curb~~ weight of ~~1,000~~ 1,499 pounds or less, except specially designed vehicles under s. 341.067, which is designed for the transportation of persons rather than property, a fee of \$7.

SECTION 14. 343.05 (1) (b) of the statutes is amended to read:

343.05 (1) (b) Except as provided in sub. (2), no person may operate a Type 1 motorcycle unless the person possesses a valid operator's license which has been specifically endorsed for motorcycle operation or an operator's license restricted to operation of a Type 1 motorcycle.

SECTION 15. 343.07 (1) (intro.) and (4) of the statutes are amended to read:

343.07 (1) ISSUANCE, RESTRICTIONS. (intro.) Upon application therefor by a person at least 15 years and 6 months of age who, except for age or lack of training in the operation of a motor vehicle, is qualified to obtain a license, the department may issue an instruction permit. The permit entitles the permittee to operate a motor vehicle, except a Type 1 motorcycle, upon the highways, subject to the following restrictions:

(4) (title) INSTRUCTION PERMITS; TYPE 1 MOTORCYCLE. (a) Upon application by a person who wishes to qualify for the operation of a Type 1 motorcycle, the department may issue a special instruction permit for motorcycle operation.

(b) ~~Such~~ The permit shall be valid for 6 months and entitles the permittee to operate a Type 1 motorcycle subject to the following restrictions:

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

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

SECTION 16. 343.08 (1) (a) and (2) of the statutes are amended to read:

343.08 (1) (a) The department must be satisfied that it is necessary for the applicant to operate an automo-

bile, farm truck, dual purpose farm truck, Type 1 motorcycle powered with an engine of not more than 125 cubic centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by the applicant's parent or guardian or a farm truck leased to the applicant's parent or guardian.

(2) A restricted license issued pursuant to this section is valid only until the licensee secures a regular operator's license or reaches 18 years of age and entitles the licensee to operate an automobile, farm truck, dual purpose farm truck, Type 1 motorcycle powered with an engine of not more than 125 cubic centimeters displacement, Type 2 motorcycle, moped or motor bicycle owned and registered by the licensee's parent or guardian or a farm truck leased to the licensee's parent or guardian or any combination of these vehicles, depending on the restrictions placed by the department on the particular license. A license issued pursuant to this section does not authorize the licensee to operate any such vehicle during hours of darkness or to operate a vehicle in a city having a population of 500,000 or more or to operate a commercial motor truck, motor bus or taxicab.

SECTION 17. 343.16 (1) (c) of the statutes is amended to read:

343.16 (1) (c) The department shall examine every applicant for a license to operate a Type 1 motorcycle. The examination shall test an applicant's knowledge of Type 1 motorcycle safety, including but not limited to proper eye protection to be worn during hours of darkness.

SECTION 18. 343.21 (1) (h) of the statutes is amended to read:

343.21 (1) (h) For the validation of a current operator's license for operation of a Type 1 motorcycle, \$4.

SECTION 19. 346.54 (1) (cm) of the statutes is amended to read:

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

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

SECTION 20. 346.595 (1) and (3) of the statutes are amended to read:

346.595 (1) All motor vehicles including motorcycles and mopeds are entitled to the full use of a traffic lane and no vehicle may be driven or operated in such a manner so as to deprive any other vehicle of the full use of a traffic lane. With the consent of both

drivers, Type 1 motorcycles may be operated not more than 2 abreast in a single lane, but mopeds may be so operated only where the speed limit is 25 miles per hour or less.

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

SECTION 21. 347.09 (1) (a) and (b) of the statutes are amended to read:

347.09 (1) (a) Every ~~Except as provided in pars. (b) and (c), every~~ motor vehicle, ~~other than a motorcycle or Type 2 automobile,~~ shall be equipped with at least 2 headlamps, which headlamps shall comply with the requirements and limitations set forth in sub. (2) and s. 347.10 and shall be mounted symmetrically with respect to the vertical plane extending through the longitudinal axis of the vehicle with at least one on each side of the center of the front of the motor vehicle.

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

SECTION 22. 347.15 (1) of the statutes is amended to read:

347.15 (1) No person ~~shall~~ may sell any new motor vehicle, other than a moped or Type 1 motorcycle, unless such motor vehicle is equipped with direction signal lamps meeting the requirements of this section. No person ~~shall~~ may operate on a highway any motor vehicle sold new after January 1, 1955, or any mobile home, or trailer or semitrailer sold new after January 1, 1968, other than a vehicle which is operated pursuant to s. 341.47 (1) (b) or a moped or Type 1 motorcycle, unless such vehicle is equipped with direction signal lamps meeting the requirements of this section. Any other vehicle may be equipped with such lamps. Subsection (3m) notwithstanding direction signals are not required on trailers when the rear direction signals on the towing vehicle are fully visible from all distances to the rear to 300 feet during normal sunlight when viewed from the driver's seat of the vehicle following.

SECTION 23. 347.35 (1a) of the statutes is amended to read:

347.35 (1a) PARKING BRAKES. Every such vehicle and combination of vehicles, except mopeds and Type 1 motorcycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the

parking brakes from being applied. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

SECTION 24. 347.42 of the statutes is amended to read:

347.42 Windshield wipers. No person may operate on a highway any motor vehicle equipped with a windshield, except a moped or Type 1 motorcycle, unless the motor vehicle also is equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be so constructed as to be controlled or operated by the operator of the vehicle and shall at all times be maintained in good working order.

SECTION 25. 347.485 of the statutes is amended to read:

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

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

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

(2) No person ~~shall~~ may operate a motorcycle on any highway unless such person is wearing eye protection as follows: (a) protective face shield attached to the headgear, or (b) glasses or (c) goggles. Except for photosensitive corrective glasses prescribed by an ophthalmologist, physician, oculist or optometrist, eye protection worn during hours of darkness may not be tinted or darkened. If the vehicle is a Type 2 motorcycle equipped with a windshield or a Type 1 motorcycle equipped with a windshield which rises a minimum of 15 inches above the handlebar, the use of other eye protective devices is not mandatory. This subsection shall not apply to persons operating a motorcycle in a parade sanctioned by the local municipality.

(3) No person may rent, lease or loan a Type 1 motorcycle to another unless he or she has ascertained that such party has the required eye protection and, if the party holds an instructional permit under s. 343.07

(4) or is under 18 years of age, that the party has the required protective headgear for operating the Type 1 motorcycle.

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

SECTION 26. 347.486 (1) and (2) of the statutes are amended to read:

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

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

SECTION 27. 347.487 of the statutes is amended to read:

SECTION 29. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
346.595 (3m)	340.01 (32)(a)	340.01 (32)(a) 1

SECTION 30. **Effective dates.** (1) Except as provided in subsection (2), this act takes effect on the day following publication.

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

SECTION 28. 990.01 (43m) and (43r) of the statutes are created to read:

990.01 (43m) "Type 1 motorcycle" is a motor vehicle as defined in s. 340.01 (32) (a).

(43r) "Type 2 motorcycle" is a motor vehicle as defined in s. 340.01 (32) (b).

(2) The repeal and recreation of sections 15.347 (11), 23.09 (25) (a) and 340.01 (32) (intro.) of the statutes takes effect on July 1, 1986.