

State of Wisconsin



2019 Assembly Bill 132

Date of enactment: **November 20, 2019**

Date of publication*: **November 21, 2019**

2019 WISCONSIN ACT 34

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

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

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

23.335 (1) (q) “Off-highway motorcycle” means 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. “Off-highway motorcycle” does not include an electric bicycle, as defined under s. 340.01 (15ph).

SECTION 2. 70.111 (1) of the statutes is amended to read:

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

SECTION 3. 194.01 (7) of the statutes, as affected by 2019 Wisconsin Act 11, is amended to read:

194.01 (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 bicycle, electric scooter, electric personal assistive mobility device, personal delivery device, or vehicle operated on rails.

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

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

(a) Class 1 electric bicycle is 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 is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

(c) Class 3 electric bicycle is 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.

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

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

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

340.01 (30) “Motor bicycle” means ~~any of the following: (a) A~~ 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. “Motor bicycle” does not include an electric bicycle.

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

SECTION 8. 340.01 (35) of the statutes, as affected by 2019 Wisconsin Act 11, is amended to read:

340.01 (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, an electric scooter, 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.

SECTION 9. 340.01 (74p) (c) of the statutes, as affected by 2019 Wisconsin Act 11, is amended to read:

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

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

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

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

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

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

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

chapter, provisions ~~which that~~ apply to bicycles also apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

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

346.806 Special rules applicable to electric bicycles. (1) Except as otherwise expressly provided, an electric bicycle and an operator of an electric bicycle shall be afforded all the same rights and privileges, and be subject to the same duties, provided in chs. 340 to 351 as a bicycle or an 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 under ch. 341, 342, 343, or 344 relating to financial responsibility, operator’s licenses, registration, or certificates of title.

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

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

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

347.02 (1) (em) Electric bicycles.

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

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

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

2. If a person modifies an electric bicycle so as to change the classification of the electric bicycle, the person shall prepare and affix to the electric bicycle a revised label satisfying the requirements of subd. 1.

(b) An electric bicycle shall meet the requirements of 16 CFR Part 1512, as if the electric bicycle were a bicycle as defined under 16 CFR 1512.2 (a).

(c) An electric bicycle shall operate so that the motor ceases to provide assistance or power when the brakes are applied or the motor ceases to provide assistance or power when the rider stops pedaling.

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

SECTION 16. 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 bikeways, as defined under s. 84.60 (1) (a), under its jurisdiction.

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