



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 321**

March 31, 2010 - Offered by Representative STEINBRINK.

1 **AN ACT** *to repeal* 349.26 (3); *to renumber and amend* 340.01 (36r); *to amend*
2 285.30 (5) (k), 341.25 (1) (b), 341.297 (1), 342.14 (1r), 342.14 (3m), 346.94 (title),
3 349.26 (title) and 349.26 (2); and *to create* 343.32 (2) (be), 346.94 (22), 346.95
4 (11) and 349.26 (1m) of the statutes; **relating to:** operation of low-speed
5 vehicles on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a “neighborhood electric vehicle” (NEV) is a motor vehicle that is propelled by electric power and that meets certain standards for low-speed vehicles (LSVs) under federal law, but does not include a golf cart. A municipality may, by ordinance, allow the use of NEVs on roadways under its jurisdiction that have a speed limit of 35 miles per hour or less. However, a municipal ordinance may not allow the use of NEVs on connecting highways within the municipality, or where the municipality’s roadways cross state trunk highways, unless all of the following apply: 1) the municipality provides written notice to the Department of Transportation (DOT) of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance will apply; and 2) within 21 days of receiving this notice, DOT consents or fails to object to the use of NEVs on the connecting highway or through the intersection crossing the state trunk highway.

Also under current law, DOT assesses demerit points against the driving record of persons convicted of certain traffic law violations.

This substitute amendment authorizes the operation of LSVs on certain highways. The substitute amendment eliminates the requirement that an NEV be propelled by electric power and redefines an NEV as an LSV. The substitute amendment provides general authorization for the operation of LSVs on highways under the jurisdiction of a municipality or county that have a speed limit of 35 miles per hour or less. This general authorization is subject to exceptions related to intersections crossing state trunk highways, connecting highways, expressways, freeways, or controlled-access highways and to operation of LSVs on connecting highways. However, a municipality or county may override this general authorization by adopting an ordinance prohibiting the operation of LSVs on highways under its jurisdiction. In addition, a municipality may override the exceptions to this general authorization by adopting an ordinance to allow the use of LSVs on any roadway within the municipality that has a speed limit of 35 miles per hour or less, regardless of whether the municipality has jurisdiction over the roadway.

The substitute amendment prohibits any person from operating an LSV on a highway other than a highway on which operation is authorized under the substitute amendment. The substitute amendment also prohibits any person from operating an LSV at a speed in excess of 25 miles per hour. Any person violating either of these prohibitions may be required to forfeit not more than \$200 and is subject to the assessment by DOT of two demerit points against the person’s driving record.

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

1 **SECTION 1.** 285.30 (5) (k) of the statutes is amended to read:

2 285.30 (5) (k) A ~~neighborhood electric~~ low-speed vehicle, as defined in s. 340.01
3 ~~(36r)~~ (27h).

4 **SECTION 2.** 340.01 (36r) of the statutes is renumbered 340.01 (27h) and
5 amended to read:

6 340.01 (27h) “~~Neighborhood electric~~ Low-speed vehicle” means a motor
7 vehicle ~~that is propelled by electric power and~~ that conforms to the definition and
8 requirements for low-speed vehicles as adopted in the federal motor vehicle safety
9 standards for low-speed vehicles under 49 CFR 571.3 (b) and 571.500.
10 ~~“Neighborhood electric~~ Low-speed vehicle” does not include a golf cart.

1 **SECTION 3.** 341.25 (1) (b) of the statutes is amended to read:

2 341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds
3 or less, except a specially designed vehicle under s. 341.067, which is designed for the
4 transportation of persons rather than property, and for each ~~neighborhood electric~~
5 low-speed vehicle, a biennial fee of \$23.

6 **SECTION 4.** 341.297 (1) of the statutes is amended to read:

7 341.297 (1) A motorcycle, moped, or ~~neighborhood electric~~ low-speed vehicle,
8 as specified in s. 341.25 (1) (b).

9 **SECTION 5.** 342.14 (1r) of the statutes, as affected by 2009 Wisconsin Act 28, is
10 amended to read:

11 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
12 impact fee of \$9, by the person filing the application. All moneys collected under this
13 subsection shall be deposited in the environmental fund for environmental
14 management. This subsection does not apply to an application for a certificate of title
15 for a ~~neighborhood electric~~ low-speed vehicle.

16 **SECTION 6.** 342.14 (3m) of the statutes, as affected by 2009 Wisconsin Act 28,
17 is amended to read:

18 342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental
19 title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with
20 respect to an application under sub. (3) for transfer of a decedent's interest in a
21 vehicle to his or her surviving spouse or domestic partner under ch. 770. The fee
22 specified under this subsection is in addition to any other fee specified in this section.
23 This subsection does not apply to an application for a certificate of title for a
24 ~~neighborhood electric~~ low-speed vehicle.

25 **SECTION 7.** 343.32 (2) (be) of the statutes is created to read:

1 343.32 (2) (be) The scale adopted by the secretary shall assess, for each
2 conviction, 2 demerit points for a violation of s. 346.94 (22) (c) or (d), except that
3 convictions arising out of the same incident or occurrence shall be counted as a single
4 conviction.

5 **SECTION 8.** 346.94 (title) of the statutes is amended to read:

6 **346.94 (title) Miscellaneous prohibited or restricted acts.**

7 **SECTION 9.** 346.94 (22) of the statutes is created to read:

8 **346.94 (22) LOW-SPEED VEHICLES OPERATED ON HIGHWAYS.** (a) Except as provided
9 in par. (b) and s. 349.26, a person may operate a low-speed vehicle on any highway
10 that has a speed limit of 35 miles per hour or less and that is under the jurisdiction,
11 for maintenance purposes, of a municipality or county.

12 (b) 1. Paragraph (a) applies to the operation of a low-speed vehicle on a
13 connecting highway only if the connecting highway has a speed limit of 25 miles per
14 hour or less or the municipality or county with jurisdiction has adopted a valid
15 ordinance under s. 349.26 (2).

16 2. Subject to subd. 3., par. (a) applies to an intersection where the highway
17 under the jurisdiction of the municipality or county crosses a state trunk highway
18 or connecting highway only if the state trunk highway or connecting highway has a
19 speed limit at the intersection of 35 miles per hour or less and traffic at the
20 intersection is controlled by traffic control signals.

21 3. Paragraph (a) does not apply to an intersection where the highway under the
22 jurisdiction of the municipality or county crosses an expressway, as defined in s.
23 346.57 (1) (ag), or freeway, as defined in s. 346.57 (1) (am), or a controlled-access
24 highway designated under s. 83.027 or 84.25.

1 (c) No person may operate a low-speed vehicle on any highway except as
2 authorized under this subsection or s. 349.26 (2).

3 (d) No person may operate a low-speed vehicle at a speed in excess of 25 miles
4 per hour.

5 **SECTION 10.** 346.95 (11) of the statutes is created to read:

6 346.95 (11) Any person violating s. 346.94 (22) (c) or (d) may be required to
7 forfeit not more than \$200.

8 **SECTION 11.** 349.26 (title) of the statutes is amended to read:

9 **349.26 (title) Authority to allow or prohibit the operation of**
10 **neighborhood electric low-speed vehicles.**

11 **SECTION 12.** 349.26 (1m) of the statutes is created to read:

12 349.26 (1m) The governing body of any municipality or county may by
13 ordinance prohibit the operation of low-speed vehicles on any highway that is under
14 the jurisdiction, for maintenance purposes, of the municipality or county. A county
15 ordinance enacted under this subsection does not apply within any municipality that
16 has enacted or enacts an ordinance under sub. (2).

17 **SECTION 13.** 349.26 (2) of the statutes is amended to read:

18 349.26 (2) ~~Subject to sub. (3), the~~ The governing body of any city, town, or
19 village municipality may by ordinance allow the use of a ~~neighborhood electric~~
20 ~~low-speed~~ vehicle on a roadway that has a speed limit of 35 miles per hour or less
21 and ~~over which the city, town, or village~~ that is located within the territorial
22 boundaries of the municipality, regardless of whether the municipality has
23 jurisdiction over the roadway.

24 **SECTION 14.** 349.26 (3) of the statutes is repealed.

25 **SECTION 15. Initial applicability.**

1 (1) This act first applies to vehicles operated on the effective date of this
2 subsection.

3 **SECTION 16. Effective date.**

4 (1) This act takes effect on the first day of the 5th month beginning after
5 publication.

6 (END)