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LRB-4270/1 EVM:amn

2019 SENATE BILL 454

September 27, 2019 - Introduced by Senators Smith and Kooyenga, cosponsored by Representatives Vruwink, Tusler, Anderson and Bowen. Referred to Committee on Transportation, Veterans and Military Affairs.

1 AN ACT to create 340.01 (30) (c) and 346.79 (6) of the statutes; relating to:

operation of certain motor bicycles.

Analysis by the Legislative Reference Bureau

This bill creates a new type of motor bicycle for purposes of the rules of the road. 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 of the road as other bicycles and an operator of a motor bicycle is subject to the same requirements 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 creates a third type of motor bicycle that is the same as the second type, except that the motor may be more powerful — less than 2,000 watts instead of less than 750 watts. However, the vehicle qualifies as a motor bicycle for purposes of the rules of the road only when operated by a person with a disability that limits or impairs the ability to walk. Under the bill, authorization to operate such a bicycle must be demonstrated by affixing a special decal issued by the Department of Transportation to the motor bicycle and by carrying a special card issued by DOT.

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For further information see the **state** 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:

Section 1. 340.01 (30) (c) of the statutes is created to read:

340.01 (30) (c) A 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 2,000 watts, 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, that has a special decal affixed as provided under s. 346.79 (6) (b), and that is operated by an operator in possession of a special card provided under s. 346.79 (6) (b).

Section 2. 346.79 (6) of the statutes is created to read:

346.79 **(6)** (a) Any person who qualifies for registration plates of a special design under s. 341.14 (1), (1a), (1m), or (1q) or any other person with a disability that limits or impairs the ability to walk may apply to the department for authorization to operate a motor bicycle as described under s. 340.01 (30) (c).

(b) Upon receipt of a completed application under par. (a), the department shall provide a special decal to the applicant, with instructions for placement of the decal on the motor bicycle, and issue a special card to the applicant identifying the applicant as an authorized operator of a motor bicycle under s. 340.01 (30) (c).

18 (END)