

TITLE XXXII.

Vehicle Code.

CHAPTER 340

GENERAL PROVISIONS

340.01 Words and phrases defined

340.01 Words and phrases defined. In chs. 340 to 349, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(1m) "Adverse weather lamp" means a lamp specially designed to provide road illumination under conditions of rain, snow, dust or fog.

(2) "Alley" means every highway within the corporate limits of a city or village primarily intended to provide access to the rear of property fronting upon another highway and not for the use of through traffic.

(3) "Authorized emergency vehicle" means any of the following:

(a) Police vehicles, whether publicly or privately owned;

(b) Conservation wardens' vehicles or foresters' trucks, whether publicly or privately owned;

(c) Vehicles of a fire department or fire patrol;

(d) Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while enroute to a fire or on an emergency call pursuant to orders of their chief or other commanding officer;

(e) Such emergency vehicles of municipal or county departments or public service corporations as are designated or authorized by the local authorities to be authorized emergency vehicles;

(f) Such emergency vehicles of state departments as are designated or authorized by the

heads of such departments to be authorized emergency vehicles;

(g) Such ambulances, publicly owned, as are designated or authorized by local authorities to be authorized emergency vehicles.

(h) The county board of supervisors of any county may authorize the county coroners or medical examiners to use an emergency vehicle for the purpose of traveling en route to the scene of a fatal accident or a death and on such other occasions as are authorized pursuant to par. (e).

(i) Such ambulances which are privately owned and are operated by owners or their agents and which vehicles are authorized by the sheriff or others designated by the county board to be operated as emergency vehicles. The sheriff or others designated by the county board may make such authorization which shall be in writing and which shall be effective throughout the state until rescinded. The sheriff or others designated by the county board may designate any owner of ambulances usually kept in the county to operate such vehicles as authorized emergency vehicles. Such written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of such authorizations in his office for public inspection, and all other persons permitted to issue authorizations shall file a copy of all authorizations issued with the sheriff who shall keep them on file.

(j) Vehicles operated by federal, state or local authorities for the purpose of bomb and explosive or incendiary ordnance disposal.

(4) "Automobile" means a motor vehicle with a shipping weight of more than 1,000

pounds and designed primarily for the purpose of transporting persons rather than property but which does not have a passenger-carrying capacity sufficiently large to bring it within the definition of motor bus.

(5) "Bicycle" means every device propelled by the feet acting upon pedals and having wheels any 2 of which are not less than 14 inches in diameter.

(5e) "Bicycle lane" means that portion of a roadway set aside by the governing body of any city, town, village or county for the exclusive use of bicycles or other modes of travel where permitted under s. 349.23 (2) (a), and so designated by appropriate signs and markings.

(5m) "Bike route" means any bicycle lane, bicycle way or highway which has been duly designated by the governing body of any city, town, village or county and which is identified by appropriate signs and markings.

(5s) "Bicycle way" means any path or sidewalk or portion thereof designated for the use of bicycles by the governing body of any city, town, village or county.

(6) "Business district" means the territory contiguous to a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

(6m) "Camping trailer" means a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

(7) "Clearance lamps" means lamps on the left and right sides of the front and rear of a vehicle which show to the front and rear to mark the extreme sides of the vehicle.

(9) "Connecting highway" means a highway designated as such under s. 86.32.

(9m) "Controlled substance" has the meaning specified for the term in s. 161.01 (4).

(10) "Crosswalk" means either of the following, except where signs have been erected by local authorities indicating no crossing:

(a) *Marked crosswalk.* Any portion of a highway clearly indicated for pedestrian crossing by signs, lines or other markings on the surface; or

(b) *Unmarked crosswalk.* In the absence of signs, lines or markings, that part of a roadway, at an intersection, which is included within the transverse lines which would be formed on such roadway by connecting the corresponding lateral lines of the sidewalks on opposite sides of such roadway or, in the absence of a corresponding sidewalk on one side of the roadway, that part of such roadway which is included within the extension of the lateral lines of the existing sidewalk across such roadway at right angles to

the centerline thereof, except in no case does an unmarked crosswalk include any part of the intersection and in no case is there an unmarked crosswalk across a street at an intersection of such street with an alley.

(11) "Dealer" means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in motor vehicles, mobile homes, trailers or semitrailers, or who is engaged wholly or in part in the business of selling motor vehicles, mobile homes, trailers or semitrailers, whether or not such vehicles are owned by him, but not including:

(a) A receiver, trustee, administrator, executor, guardian or other person appointed by or acting under the judgment or order of any court; or

(b) A public officer while performing his official duty; or

(c) An employe of a person enumerated in pars. (a) or (b); or

(d) A finance company licensed under s. 138.09 or 218.01 who sells or offers for sale motor vehicles repossessed or foreclosed by it under the terms of a security contract.

(12) "Department" means the department of transportation.

(13) "Direction signal lamp" means a lighting device used to indicate the intention of the operator of a vehicle to change direction.

(14) "Distributor" means a person who in whole or in part sells or distributes motor vehicles, mobile homes, trailers or semitrailers to dealers, or who maintains distributor representatives.

(15) "Divided highway" means a highway with 2 or more roadways separated by spaces not intended for the use of vehicular traffic.

(15m) "Drawbar" means a rigid structure forming a connection between 2 vehicles, securely attached to both vehicles by non-rigid means, and carrying no part of the load of either vehicle. The surface to which the drawbar is attached shall be of sufficient strength to prevent failure under all conditions of operation, including the coupling platform and its attaching members or weldments which is attached to the towing vehicle, and shall otherwise comply with s. 347.47.

(15p) "Dual purpose motor home" means a vehicle which can be interchangeably equipped as a motor home or as a motor truck.

(15s) "Energy emergency" means a period of disruption of energy supplies which poses a serious risk to the economic well-being, health or welfare of the citizens of this state, as certified by executive order of the governor.

(16) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(17) "Farm trailer" means a trailer or semitrailer with a gross weight greater than 3,000 pounds which is owned and operated by a farmer and is used exclusively for the transportation of farm products from the owner's farm to market or for the transportation of supplies to the owner's farm.

(18) "Farm truck" means a motor truck owned and operated by a farmer and used primarily for the transportation of supplies, farm equipment and products on the owner's farm or between his farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his farm. As used in this subsection, the term "farmer" includes persons who are engaged in those activities specified in the definition of "operation of farm premises" contained in s. 102.04 (3), provided that such activities are directly or indirectly for the purpose of producing a commodity or commodities for market, or as an accessory to such production.

(18m) "Fifth-wheel mobile home" means a mobile home as defined in sub. (29) which is towed by a vehicle with a flatbed frame so the trailer hitch of the mobile home is bolted to the flatbed frame of the towing vehicle.

(19) "Fusee" means a paper or fiber tube filled with a flammable material which, when ignited, burns with a red flame for 5 to 30 minutes and which is designed to produce a warning light for temporarily marking a disabled vehicle until more permanent warning devices can be properly placed.

(20) "Gross weight" means the weight of the vehicle equipped for service plus the weight which the vehicle is carrying as a load.

(21) "Headlamp" means a major lighting device used to provide general illumination ahead of a vehicle.

(22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of institutions under the jurisdiction of a county board of public welfare created under s. 46.21, but does not include private roads or driveways as defined in sub. (46).

(23) "Hours of darkness" means the period of time from one-half hour after sunset to one-half hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet.

(23m) "Identification lamps" means lamps grouped in a horizontal row and mounted on the permanent structure of the vehicle at or near the vertical centerline.

(24) "Implement of husbandry" means a vehicle or piece of equipment or machinery designed for agricultural purposes, used exclusively in the conduct of agricultural operations and used principally off the highway.

(25) "Intersection" means the area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of 2 or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(26) "Local authorities" means every county board, city council, town or village board or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.

(27) "Local ordinance which is in conformity therewith" means a local traffic regulation enacted pursuant to s. 349.06.

(28) "Manufacturer" means a person who manufactures or assembles motor vehicles, mobile homes, trailers or semitrailers, or who manufactures or installs on previously assembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration.

(28m) "Mass transit way" means that portion of the highway designated for the primary use of mass transit vehicles and the incidental use of other permitted vehicles.

(28q) "Mass transit vehicle" means any vehicle used for providing transportation service, either publicly or privately owned, which provides a general transportation service to any member of the public on a regular, continuing and completely equal basis.

(29) "Mobile home" means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction. A mobile home exceeding statutory size under s. 348.07 (2) shall be considered a primary housing unit. A mobile home not exceeding the statutory size under s.

348.07 (2) shall be considered a touring or recreational unit.

(29m) "Moped" means a bicycle-type motor vehicle with fully operative pedals for propulsion by human power which has an engine certified by the manufacturer at not more than 50 cubic centimeters, and an automatic transmission. The maximum design speed of a moped shall not exceed 30 miles per hour on level ground.

(30) "Motor bicycle" means a bicycle to which a motor has been added to form a motor-driven cycle as distinguished from a power driven cycle, motor cycle or moped in which the motor is an integral part of the original vehicle.

(31) "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 13 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

(32) "Motorcycle" means a motor driven cycle which does not come within the definition of power driven cycle or motor bicycle.

(33) "Motor-driven cycle" means a motor vehicle designed to travel on not more than 3 wheels in contact with the ground and having a seat for the use of the rider, including motorcycles, power driven cycles and motor bicycles but excluding tractors and mopeds.

(33m) "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

(34) "Motor truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

(35) "Motor vehicle" means a vehicle which is self-propelled, including a trackless trolley bus, except that a snowmobile shall only be considered a motor vehicle for purposes made specifically applicable by statute.

(36) "Multiple beam headlamp" means a headlamp designed to permit the operator of the vehicle to use any one of 2 or more distributions of light on the roadway.

(37) "Nonresident" means a person who is not a resident of this state.

(38) "Official traffic control device" means all signs, signals, markings and devices, not inconsistent with chs. 341 to 349, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic; and includes the terms "official traffic sign" and "official traffic signal".

(40) "Operating privilege" means, in the case of a person who is licensed under ch. 343,

every license so granted to such person; in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under ch. 343; in the case of a nonresident, it means the operating privilege granted by s. 343.05 (2) (c).

(41) "Operator" means a person who drives or is in actual physical control of a vehicle.

(42) "Owner" means a person who holds the legal title of a vehicle, except that if legal title is held by a secured party with the immediate right of possession of the vehicle vested in the debtor, the debtor is the owner for the purposes of chs. 340 to 349.

(42m) "Park or parking" means the halting of a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

(43) "Pedestrian" means any person afoot.

(44) "Pot torch" means a wick-type liquid-burning device designed to produce a steady burning flame as a warning signal.

(45) "Power driven cycle" means a motor driven cycle weighing between 100 and 300 pounds fully equipped but without gasoline or oil and designed to travel not over 35 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind.

(46) "Private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than those under the jurisdiction of a county board of public welfare created under s. 46.21.

(47) "Railroad crossing" means the intersection of any highway or private road or driveway at grade with tracks upon which railroad trains operate.

(48) "Railroad train" means every device except a streetcar, with or without engine or motor and whether or not coupled to other similar devices, operated upon rails for the transporting of persons or property.

(49) "Reflector" means a device designed to warn an approaching driver by reflected light from the headlamps on the approaching vehicle.

(50) "Residence district" means the territory contiguous to a highway not comprising a business district where the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(51) "Right of way" means the privilege of the immediate use of the roadway.

(52) "Road machinery" means a piece of mobile machinery or equipment not covered by

s. 341.26 (1) (d), such as ditch digging apparatus, power shovels, drag lines and earth-moving equipment, or a piece of road construction or maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, gravel crushers, screening plants, scrapers, tractors, earth movers, front- or rear-end loaders, conveyors, road pavers, or construction shacks. The foregoing enumeration is intended to be illustrative and does not exclude other similar vehicles which are within the general terms of this subsection, whether used for road construction and maintenance or not, which are not designed or used primarily for transportation of persons or property and only incidentally operated or moved upon a highway.

(53) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn.

(54) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(55) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians, including those about to board or alighting from public conveyances, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(56) "School bus":

(a) Means a motor vehicle which transports:

1. Minors to or from a public or private school offering any grades as provided under s. 115.01 (2) or s. 121.51 (3) or minors to or from a vocational, technical or adult education school when required under s. 118.15 (1).

1m. Minors to or from any special education program as defined under s. 115.76 (10) operated by a school district, county handicapped children's education board, board of control of a cooperative educational service agency, state or county residential facility or private special education service.

2. School groups engaged in extracurricular or curricular activities of such public or private schools to or from points designated by such schools;

3. Minors to or from religious instruction on days when school is in session; or

4. Persons having a handicap of a type specified under s. 115.76 (3) (a) to (g) to or from a public or private facility for purposes of participating in a rehabilitation, training, or educational program approved by the department of public instruction, or the department of health and social services, except as provided in par. (b) 4.

(b) Does not include:

1. A motor vehicle owned or operated by a parent or guardian transporting only his or her own children, regardless of whether a school has made a contract with or paid compensation to such parent or guardian for such transportation;

2. A motor vehicle transporting fewer than 10 persons including the operator used in transportation within par. (a) arranged by or among parents or guardians of persons being transported.

3. A motor vehicle operated by a common motor carrier of passengers when used in urban transportation within par. (a) or in extracurricular activities to and from points designated by the appropriate agency in charge of such persons under this subsection, and authorized under ch. 194.

4. A motor vehicle having a passenger-carrying capacity of fewer than 7 persons, including the operator, used to transport handicapped persons to and from rehabilitation and training facilities, determined by dividing the total seating space measured in inches by 20, used to transport persons under par. (a) 4.

5. An automobile or station wagon used to provide pupil transportation in compliance with s. 346.96.

6. A motor vehicle used by a school nurse or other school employe for the purpose of transporting a minor home or to a medical treatment facility in cases involving illness or injury.

(56f) "Secretary" means the secretary of transportation.

(56m) "Secured party" means a secured party as defined in s. 409.105 (1) (m).

(56n) "Security agreement" means a security agreement as defined in s. 409.105 (1) (1).

(56o) "Security interest" means a security interest as defined in s. 401.201 (37).

(57) "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home. A vehicle used with a ready-mix motor truck to spread the load is considered a semitrailer.

(57m) "Service road" means every highway that runs generally parallel to but is separated from the main roadway by a physical barrier

and primarily intended to provide access to the abutting property and not for use of through traffic.

(58) "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

(58a) "Snowmobile" means any engine-driven vehicle of a type which utilizes sled type runners, or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include such vehicles which are either manually propelled or driven by a motor of 4 horsepower or less and operated only on private property.

(59) "Spotlamp" means an auxiliary driving lamp used primarily to supplement the headlamps in providing general illumination ahead of the vehicle, usually mounted and designed so it can be controlled by the operator of the vehicle for the purpose of reading signs and illuminating objects to the side of or beyond the scope of the regular headlamp beams.

(59m) "Stand or standing" means the temporary halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

(60) "State trunk highway" means any highway designated pursuant to s. 84.02 or 84.29 as part of the state trunk highway system, exclusive of connecting highways.

(61) "Station wagon" means a dual purpose vehicle designed for the transportation of persons and also designed in such a manner that the seats may be removed or folded out of the way for the purpose of increasing the property carrying space within the vehicle. The term includes, but is not limited to, types of vehicles which carry the trade names of station wagon, estate wagon, town and country wagon and country sedan. The vehicle shall be classed as an automobile for purpose of registration.

(62) "Stop" when required means complete cessation from movement.

(63) "Stop lamp" means a device giving a steady warning light to the rear of a vehicle to indicate the intention of the operator of the vehicle to diminish speed or stop.

(64) "Street" means every highway within the corporate limits of a city or village except alleys.

(66) "Tail lamp" means a device to designate the rear of a vehicle by a warning light.

(67) "Through highway" means every highway or portion thereof which has been declared by the state or local authorities pursuant to s. 349.07 to be a through highway and at the

entrances to which vehicular traffic from intersecting highways is required by traffic control signals or stop signs to stop.

(67m) "Tour trains" means 3 or less trailer type vehicles designed for carrying passengers on educational or recreational excursions, not exceeding a maximum over-all length of 50 feet, including the propelling motor vehicle, for being drawn individually or in tandem by a motor vehicle.

(68) "Traffic" means pedestrians, ridden or herded or driven animals, vehicles and other conveyances, either singly or together, while using any highway for the purpose of travel.

(69) "Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(70) "Traffic officer" means every officer authorized by law to direct or regulate traffic or to make arrests for violation of traffic regulations.

(71) "Trailer" means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

(72) "Transporter" means a person engaged in this state in the business of transporting and delivering motor vehicles, trailers, semitrailers or mobile homes in tow on their own wheels or under their own power from the manufacturer to the distributor, dealer or branch of the manufacturer, or from the distributor or dealer to another distributor or dealer, the manufacturer or branch of the manufacturer or from the branch of the manufacturer to the distributor, dealer or manufacturer.

(73) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(74) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by statute.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418.

Legislative Council Note, 1977: The definitions of "park and parking" in sub. (42m) and "stand or standing" in (59m) are derived from ss. 1-141 and 1-168, respectively, of the Uniform Vehicle Code (1968 revised edition; suppl. I, 1972). The principal difference between "parking" and "standing", as defined, is that "standing" infers a temporary cessation of movement other than for purposes of and while actually engaged in receiving or discharging passengers while

"parking" infers a protracted cessation of movement for purposes other than temporarily halting to load or unload property or passengers. See the note to s 349.13 (1) for further explanation. [Bill 465-A]

Dry and liquid fertilizer applicators discussed as to whether they are implements of husbandry under sub. (24). *Wisconsin Fertilizer Assn v Karns*, 52 W (2d) 309, 190 NW (2d) 513.

Petroleum bulk storage tanks are "buildings in use for business" within meaning of (6). *Billingsley v Zickert*, 72 W (2d) 156, 240 NW (2d) 375.

Where frontage roads were immediately adjacent and parallel to paved highway, single intersection bound by outside

boundaries of two outer separate roadways existed for sign placement purposes under (22), (25) and (54). *Weiss v Milwaukee*, 79 W (2d) 213, 255 NW (2d) 496.

Roads on the U. W. campus are not highways under (22); they are "private roads or driveways" under (46). Thus, motor vehicle code does not apply to them. *Henkel v Phillips*, 82 W (2d) 27, 260 NW (2d) 653.

The vehicles of private detectives and police licensed under 440.26 are not authorized emergency vehicles as defined in (3). 61 Atty. Gen. 421.

Public parking lots are not "highways" under (22). 65 Atty. Gen. 45.