CHAPTER 340
VEHICLES — GENERAL PROVISIONS

340.01 Words and phrases defined. In s. 23.33 and chs. 340 to 349 and 351, 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.

(1o) “Agricultural commercial motor vehicle” means a commercial motor vehicle to which all of the following apply:

(a) The vehicle is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use.

(b) The vehicle was designed and manufactured primarily for highway use.

(c) Unless the vehicle was manufactured prior to 1970, the vehicle was manufactured to meet federal motor vehicle safety standard certification label requirements as specified in 49 CFR 567.

(d) The vehicle is used exclusively in the conduct of agricultural operations.

(e) The vehicle is being used in any of the following ways:

1. For directly distributing feed to livestock or for directly applying fertilizer, lime, spray, or seeds, but not manure, to a farm field.

2. For assisting another vehicle directly harvesting farm products by receiving farm products as they are harvested or for assisting another vehicle directly planting potatoes by delivering seed potatoes to the planter.

3. For directly applying manure to a farm field or for off-loading manure if field conditions do not permit manure application by the vehicle directly to the field.

(1q) “Alcohol” means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol.

(1v) “Alcohol concentration” means any of the following:

(a) The number of grams of alcohol per 100 milliliters of a person’s blood.

(b) The number of grams of alcohol per 210 liters of a person’s breath.

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

(2g) “All-terrain vehicle” means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

(2m) “Articulated bus” means a bus constructed in 2 sections and supported by 3 or more axles with the sections of the vehicle hinged in the horizontal plane and so designed that passengers may move freely from either section to the other.

(2q) “Auction company” means any person who, for compensation, takes possession, whether on consignment or in the form of a bailment or any other arrangement, of a motor vehicle owned by a motor vehicle dealer and offers it for sale at an auction that is open only to motor vehicle dealers or wholesalers.

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

(a) Police vehicles, whether publicly or privately owned, including bicycles being operated by law enforcement officers.

(b) Conservation wardens’ vehicles, foresters’ trucks, or vehicles used by commission wardens, 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 en route to a fire or on an emergency call pursuant to orders of their chief or other commanding officer.

(dg) Privately owned motor vehicles being used by an organ procurement organization, or by any person under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation.

(dh) Privately owned motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee declaring the transportation to be an emergency, to transport medical devices or equipment to a hospital or ambulatory surgery center, or to pick up medical devices or equipment for immediate transportation to a hospital or ambulatory surgery center, if the medical devices or equipment are to be used for human implantation or for urgent medical treatment immediately after the transportation.

(dm) Privately owned motor vehicles that are all of the following:

1. Designated or authorized by an ambulance service or rescue squad chief in writing annually.

2. Used by an emergency medical services practitioner licensed under s. 256.15 or an ambulance driver or emergency medical responder authorized by the chief of an ambulance service or rescue squad.

(e) Emergency vehicles of municipal or county departments or public service corporations that are designated or authorized by the local authorities to be authorized emergency vehicles.

(f) Emergency vehicles of state departments that are designated or authorized by the heads of those departments to be authorized emergency vehicles.

(g) Publicly owned ambulances that are designated or authorized by local authorities to be authorized emergency vehicles.

(h) An emergency vehicle authorized by the county board of supervisors of any county for use by the county coroners or medical examiners for traveling to the scene of a fatal accident or a death and on any other occasions that are authorized under par. (e).

(i) Privately owned ambulances that are operated by their owners or by their owners’ agents and that are authorized in writing by the sheriff or others designated by the county board as emergency vehicles. The authorization is 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 those ambulances as authorized emergency vehicles. The written authorization shall at all times be carried on each ambulance used for emergency purposes. The sheriff shall keep a file of authorizations made under this paragraph in the sher-
iff’s office for public inspection, and all other persons permitted to issue authorizations under this paragraph shall file a copy of all authorizations issued with the sheriff.

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

(4) “Automobile” means any of the following:
   (a) Type 1 is a motor vehicle designed and used primarily for carrying persons but which does not come within the definition of a motor bus, motorcycle, moped or motor bicycle.
   (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 curb weight of at least 1,500 pounds, and a passenger and operator area with sides completely enclosed with rigid construction and a top which may be convertible.

(4e) “Automotive haulaway” means a combination of 2 vehicles specially designed, constructed and used to transport operational motor vehicles.

(5) “Bicycle” means every vehicle propelled by feet or hands acting upon pedals or cranks 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, electric personal assistive mobility devices, or other modes of travel where permitted under s. 349.23 (2) (a), and so designated by appropriate signs and pavement markings.

(5f) “Bicycle way” means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the governing body of any city, town, village, or county.

(6) “Business district” means the territory contiguous to a highway when 50 percent 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.

(6r) “Car pool vehicle” means a motor truck having a gross weight of 6,000 pounds or less or an automobile or a motor bus when such vehicles are transporting 2 or more persons, or a motorcycle. “Car pool vehicle” does not include any vehicle which is towing a trailer.

(6u) “Carsharing organization” means a business entity, as defined in s. 180.1100 (1), that is a rental company that offers a membership service in which members share type 1 automobiles, the use of which may be purchased from the business entity on the basis of trip, trip distance, or trip duration.

(7) “Clearance lamp” means a lamp mounted on the left and right sides of the front and rear of a vehicle which shows to the front and rear to mark the extreme sides of the vehicle.

(7m) “Commercial driver license” means a license issued to a person by this state or another jurisdiction that is in accordance with the requirements of 49 USC 31301 to 31317, or by Canada or Mexico, and that authorizes the licensee to operate certain commercial motor vehicles.

(7r) “Commercial driver license information system” means the information system established pursuant to the federal commercial motor vehicle safety act of 1986, 49 USC 31301 to 31317, to serve as a clearinghouse for information related to the licensing and identification of commercial motor vehicle drivers.

(8) “Commercial vehicle” means a motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:

   (a) The vehicle is a single vehicle with a gross vehicle weight rating of 26,001 or more pounds or the vehicle’s registered weight or actual gross weight is more than 26,000 pounds.
   (b) The vehicle is a combination vehicle with a gross combination weight rating, registered weight or actual gross weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight or actual gross weight of more than 10,000 pounds.
   (c) The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers. If the vehicle is equipped with bench type seats intended to seat more than one person, the passenger carrying capacity shall be determined under s. 340.01 (31) or, if the vehicle is a school bus, by dividing the total seating space measured in inches by 13.
   (d) The vehicle is transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.

(6m) “Commercial quadricycle” means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner.

(8t) “Commission” means the Great Lakes Indian Fish and Wildlife Commission.

(8u) “Commission warden” means a conservation warden employed by the commission.

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

(9n) “Controlled substance analog” has the meaning given in s. 961.01 (4m).

(9n) “Conviction” or “convicted” means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of property deposited to secure the person’s appearance in court, a fine or court cost, or violation of a condition of release without a plea of guilty or no contest accepted by the court, the payment of a fine, or a court order. Conviction or “convicted” includes:
   (a) A forfeiture of deposit under ss. 345.26 and 345.37, which forfeiture has not been vacated;
   (b) An adjudication of having violated a local ordinance enacted under ch. 349;
   (c) An adjudication of having violated a local ordinance enacted under chs. 48 and 938 of a violation of chs. 341 to 349 and 351 or a local ordinance enacted under ch. 349.

(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, or pavement markings; or
   (b) Unmarked crosswalk. In the absence of signs or pavement 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 center line 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.

(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.

(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, recreational vehicles, trailers or semitrailers, or who is engaged wholly or in part in the business of selling motor vehicles, recreational vehicles, trailers or semitrailers, whether or not such vehicles are owned by that person, but not including:

(a) A receiver, trustee, personal representative, guardian, or other person appointed by or acting under the judgment or order of any court; or
(b) A public officer while performing official duty; or
(c) An employee of a person enumerated in par. (a) or (b); or
(d) A finance company licensed under ss. 138.09 or 218.0101 to 218.0163 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.

(13m) “Disqualification” means the loss or withdrawal of a person’s privilege to operate a commercial motor vehicle relating to certain offenses committed by the person while driving or operating a motor vehicle or while on duty time with respect to a commercial motor vehicle.

(14) “Distributor” means a person who in whole or in part sells or distributes motor vehicles, recreational vehicles, 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.

(15c) “Division of hearings and appeals” means the division of hearings and appeals in the department of administration.

(15f) “Double bottom” means a combination of 3 vehicles consisting of a truck tractor, a semitrailer and a trailer, or of a truck tractor and 2 semitrailers. For purposes of this paragraph, “truck tractor” includes road tractor.

(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.

(15nn) “Drug” has the meaning specified in s. 450.01 (10).

(15n) “Dual purpose farm truck” means a motor truck owned and operated by a farmer and used for the transportation of supplies, farm equipment and products on the owner’s farm or between the owner’s farms, the transportation of farm products from the owner’s farm to market, and the transportation of supplies to his or her farm.

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

(15pm) “Electric personal assistive mobility device” means a self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(15r) “Endorsement” means an authorization to an operator’s license required to permit the operation of certain vehicles.

(15u) “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.

(15v) “Fair market value” means the value of a vehicle that takes into account the condition of the vehicle immediately before the damage occurred and which has been determined by reliable sources generally accepted within the automotive and insurance industries, limited to price guidebooks, dealer quotations, computerized valuation services and other methods which may be prescribed by the department.

(16) “Farm tractor” means a motor vehicle designed and used primarily as an implement of husbandry for drawing, or having attached to it, other implements of husbandry.

(17) “Farm trailer” means a trailer or semitrailer with a gross weight greater than 3,000 pounds which is owned or leased 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. As used in this subsection “leased” means that the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the trailer or semitrailer for a period of one year or more.

(18) (a) “Farm truck” means either of the following:

1. A motor truck having a gross weight of less than 38,000 pounds that is owned or leased 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 or her farms, the transportation of farm products from the owner’s farm to market, and the transportation of supplies to his or her farm.

2. A motor truck having a gross weight of 38,000 pounds or more that is owned or leased and operated by a farmer and used exclusively for the transportation of supplies, farm equipment and products on the owner’s farm or between his or her farms, the transportation of farm products from the owner’s farm to market, and the transportation of supplies to his or her farm.

(b) 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. In this subsection, “leased” means that the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the motor truck for a period of one year or more.

(18g) “Farm truck tractor” means a truck tractor that is owned or leased and operated by a farmer as defined in sub. (18), used exclusively for the transportation of supplies, farm equipment and products on the owner’s farm or between his or her farms, the transportation of farm products from the owner’s farm to market and the transportation of supplies to his or her farm and is exempt from payment of the heavy vehicle use tax imposed by section 4481 of the internal revenue code. In this subsection, “leased” means that the farmer has entered into a written agreement with a person in the business of leasing vehicles to lease the truck tractor for a period of one year or more.

(18n) “Federal out-of-service order for unsatisfactory safety compliance” means an out-of-service order issued by the federal motor carrier safety administration under 49 CFR 385.13 (a), 385.105 (b), 385.111 (a) or (c), 385.325 (c), 385.337 (b), 386.72 (b) (2), 386.83 (a) (1), or 386.84 (a) (1).

(18m) “Fifth-wheel recreational vehicle” means a recreational vehicle that is towed by a vehicle with a flatbed frame so the trailer hitch of the recreational vehicle is bolted to the flatbed frame of the towing vehicle.
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(18p) “Flood damaged vehicle” means any motor vehicle that is not precluded from subsequent registration or titling and that is damaged by flood to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 70 percent of its fair market value.

(18r) “Forward” means send by mail or furnish by another mode of transmission approved by the department.

(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.

(19g) “Gross combination weight rating” means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating is determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load carried.

(19r) “Gross vehicle weight rating” means the value specified by the vehicle manufacturer, including secondary or final stage manufacturer, as the loaded weight of a vehicle.

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

(20m) “Hail-damaged vehicle” means a vehicle less than 7 years old that is not precluded from subsequent registration and titling and that is damaged solely by hail to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 70 percent of its fair market value.

(20r) “Hazardous inhalant” means a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes.

(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 public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46).

(22e) “Highway maintenance or construction area” means the entire section of roadway between the first advance warning sign of highway maintenance or construction work and an “END ROAD WORK” or “END CONSTRUCTION” sign or, in the case of a moving vehicle engaged in the maintenance or construction work, that section of roadway where traffic may return to its normal flow without impeding such work.

(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.

(23d) “Household goods” means personal effects and property used or to be used in a dwelling when such effects and property are a part of the equipment or supply of the dwelling, but does not include property moving from a factory to a store except such property as a householder has purchased with intent to use in his or her dwelling and which is transported at the request of, and for which the transportation charges are paid to the carrier by, the householder.

(23e) “Household goods carrier” means any person engaged in the transportation of household goods for hire by motor vehicle upon the public highways.

(23g) “Human service vehicle”:

(a) Means a motor vehicle which is not painted in accordance with s. 347.44 (1) and which is used for the purpose of transporting individuals with disabilities as defined in s. 85.22 (2) (bm) or seniors as defined in s. 85.22 (2) (d) in connection with any transportation assistance program for seniors or individuals with disabilities.

(b) Does not include:

1. A motor vehicle performing transportation services under par. (a) provided by a volunteer. Under this subdivision, “volunteer” includes a person who may receive an allowance to defray vehicle operating costs but does not include a person who receives compensation for his or her time for operating the vehicle.

2. A motor vehicle operated in an urban mass transit system as defined in s. 85.20 (1) (c) and (L) or as a taxicab service or as a common carrier of passengers.

3. A school bus used for transportation under s. 120.13 (27) or 341.26 (7).

4. A motor vehicle being used to provide transportation network services, as defined in s. 440.40 (7).

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

(23n) “Identification number” means the numbers, letters or combination of numbers and letters assigned by the manufacturer of a vehicle or vehicle part or by the department and stamped upon or affixed to a vehicle or vehicle part for the purpose of identification. “Identification number” does not include the letters, numbers or combinations thereof on registration plates issued under ch. 341.

(23u) “Ignition interlock device” means a device which measures the person’s alcohol concentration and which is installed on a vehicle in such a manner that the vehicle will not start if the sample shows that the person has a prohibited alcohol concentration.

(23w) “Immobilization device” means a device or mechanism which immobilizes a motor vehicle, making the motor vehicle inoperable.

(24) (a) Subject to par. (b), “implement of husbandry” means all of the following:

1. A self-propelled or towed vehicle that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. An “implement of husbandry” may include any of the following:

   a. A farm tractor.

   b. A self-propelled combine; a self-propelled forage harvester; self-propelled fertilizer or pesticide application equipment but not including manure application equipment; towed or attached tillage, planting, harvesting, and cultivation equipment and its towing farm tractor or other power unit to which it is attached or another self-propelled vehicle that directly engages in harvesting farm products, directly applies fertilizer, spray, or seeds but not manure, or distributes feed to livestock.

   c. A farm wagon, grain cart, farm trailer, manure trailer, or trailer adapted to be towed by, or to tow or pull, another implement of husbandry.

2. A combination of vehicles in which each vehicle in the vehicle combination is an implement of husbandry as described in subd. 1. or in which an implement of husbandry described in subd. 1. is towed by a farm truck, farm truck tractor, motor truck, or agricultural commercial motor vehicle.

   b) “Implement of husbandry” does not include any of the following:

   1. An agricultural commercial motor vehicle.
2. A vehicle that, notwithstanding s. 340.01 (8), is a commercial motor vehicle under 49 CFR 390.5.

(24m) “In-line skates” means skates with wheels arranged singly in a tandem line rather than in pairs.

(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.

(25d) “Intoxicant” includes a hazardous inhalant.

(25g) “Junked” means dismantled for parts or scrapped.

(25j) “Junk vehicle” means any of the following:

(a) A vehicle which is incapable of operation or use upon a highway and which has no resale value except as a source of parts or scrap.

(b) A vehicle for which an insurance company has taken possession of or title to if the estimated cost of repairing the vehicle exceeds its fair market value.

(25m) “Kingpin” means a pin or peg designed to be locked into the 5th wheel of a truck tractor to attach a semitrailer to the truck tractor.

(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.

(27g) “Low-pressure tire” means a tire that has a minimum width of 6 inches and that is designed to be inflated with an operating pressure not to exceed 20 pounds per square inch as recommended by the manufacturer.

(27h) “Low-speed vehicle” means a motor vehicle that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR 571.3 (b) and 49 CFR 571.500. “Low-speed vehicle” does not include a golf cart.

(27m) “Manufactured home” has the meaning given in s. 101.91 (2).

(28) “Manufacturer” means a person who manufactures or assembles motor vehicles, recreational vehicles, 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.

(28e) “Manufacturers buyback vehicle” means a motor vehicle repurchased by its manufacturer, or by an authorized distributor or dealer with compensation from the manufacturer, because of a nonconformity that was not corrected after a reasonable attempt to repair the nonconformity under s. 218.0171 or under a similar law of another state.

(28m) “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.

(28q) “Mass transit way” means that portion of the highway designated for the primary use of mass transit vehicles or car pool vehicles or both and the incidental use of other permitted vehicles.

(29) “Mobile home” has the meaning given in s. 101.91 (10).

(29k) “Modular home” has the meaning given in s. 101.71 (6).

(29m) (am) “Moped” means any of the following motor vehicles capable of speeds of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator:

1. A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than 130 cubic centimeters or an equivalent power unit.

2. 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.

(bm) “Moped” does not include a motor bicycle.

(30) “Motor bicycle” means any of the following:

(a) A bicycle to which a power unit 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.

(b) 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.

(31) “Motor bus” means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 16 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 vehicle, excluding a tructor, an all-terrain vehicle, or a utility 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):

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

1. Is designed and built with 2 wheels in tandem and a seat for the operator, and may be modified to have no more than 3 wheels by attaching a sidecar to one side of the wheels in tandem without changing the location of the power source.

2. Is designed and built to have no more than 3 wheels, seating for the operator and no more than 3 passengers, and does not have the operator area enclosed.

(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.

(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, 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, and an electric personal assistive mobility device shall be considered motor vehicles only for purposes made specifically applicable by statute.

(35e) “Motor vehicle dealer” has the meaning given in s. 218.0101 (23) (a).

(35j) “Motor vehicle salvage pool” has the meaning given in s. 218.50 (5).

(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.

(36m) “Municipality” means a city, village or town.
(36t) “Non-pneumatic tire” means a tire that is designed by the manufacturer to meet all of the following requirements:
(a) To have a minimum width of 6 inches.
(b) To have a reinforced structure.
(c) To not be supported by air pressure.
(37) “Nonresident” means a person who is not a resident of this state.
(37m) “Odometer” means an instrument for measuring and recording the actual distance that a motor vehicle has traveled while in operation, but does not include any auxiliary instrument designed to be reset to zero to measure and record the actual distance that a motor vehicle has traveled on trips.
(38) “Official traffic control device” means all signs, signals, pavement 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”.
(38m) (a) “Off-road utility vehicle” means any of the following:
1. A motor vehicle that is designed and constructed to carry no more than 2 persons and to be used for collecting residential and commercial solid waste, such as yard waste, recyclable materials, and household garbage, refuse, and rubbish, landscaping, or commercial solid waste, such as yard waste, recyclable materials, and household garbage, refuse, and rubbish, landscaping, or incidental street maintenances; that is not certified by the manufacturer for on-road use or that is certified by the manufacturer as being designed and constructed to perform work incidental to streets; and that does not include any auxiliary instrument designed to be reset to zero to measure and record the actual distance that a motor vehicle has traveled on trips.
(b) “Off-road utility vehicle” does not include any motorized construction equipment or any motor vehicle that falls within another definition under this section.
(38r) “On duty time” means, with respect to an operator of a commercial motor vehicle, the period from the time that the operator of the commercial motor vehicle begins to work or is required to be in readiness to work until the time that the operator of the commercial motor vehicle is relieved from work and all responsibility for performing work.
(40) “Operating privilege” means, in the case of a person who is licensed under ch. 343, the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted or occupational license granted to such person; in the case of a resident of this state who is not so licensed, it means the privilege to operate a license under ch. 343; in the case of a nonresident, it means the operating privilege granted by s. 343.05 (2) (a) 2. or (4) (b) 1.
(41) “Operator” means a person who drives or is in actual physical control of a vehicle.
(41g) “Operator’s license” means the authorization granted to a person by this state, another jurisdiction or certain countries to operate a motor vehicle, including a driver’s license, temporary or restricted license or an instruction permit.
(41k) “Organ procurement organization” means an organization that has status as a designated organ procurement organization under the requirements of 42 CFR 485.303.
(41m) “Other jurisdiction” or “another jurisdiction” means any state other than Wisconsin and includes the District of Columbia, the commonwealth of Puerto Rico and any territory or possession of the United States, any federal military installation located within the territorial boundaries of Wisconsin and any province of the Dominion of Canada.
(41t) “Out-of-service order” means a temporary prohibition against operating a commercial motor 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.
(42l) “Pavement marking” means any material or device on the surface of a highway intended to regulate, warn, or guide highway users.
(43) “Pedestrian” means any person afoot or any person in a wheelchair, either manually or mechanized, propelled, or powered; a mechanically propelled, powered device designed specifically for use by a physically or with a disability as does not include any person using an electric personal assistive mobility device.
(43c) “Pedestrian signal authorizing crossing” means a traffic control signal for pedestrians that displays the word “Walk,” the symbol of a walking person, or any other symbol approved for this purpose under the Manual on Uniform Traffic Control Devices adopted by the department under s. 84.02 (4) (e).
(43d) “Pedestrian signal limiting crossing” means a traffic control signal for pedestrians that displays the words “Don’t Walk,” the symbol of an upraised hand, or any other symbol approved for this purpose under the manual on uniform traffic control devices adopted by the department under s. 84.02 (4) (e).
(43f) “Play vehicle” means any low-powered, mechanically propelled vehicle designed specifically for use by a person with a disability that is not so licensed, it means the privilege to walk” means any person with a disability as defined by the federal Americans with disabilities act of 1990, 42 USC 12101 et seq., so far as applicable, or any person who meets any of the following conditions:
(a) Cannot walk 200 feet or more without stopping to rest.
(b) Cannot walk without the use of, or assistance from, another person or a brace, cane, crutch, prosthetic device, wheelchair or other assistive device.
(c) Is restricted by lung disease to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.
(d) Uses portable oxygen.
(e) Has a cardiac condition to the extent that functional limitations are classified in severity as class III or IV, according to standards accepted by the American Heart Association on May 3, 1988.
(43m) “Play vehicle”:
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(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.
(42l) “Pavement marking” means any material or device on the surface of a highway intended to regulate, warn, or guide highway users.
(43) “Pedestrian” means any person afoot or any person in a wheelchair, either manually or mechanized, propelled, or powered; a mechanically propelled, powered device designed specifically for use by a physically or with a disability as does not include any person using an electric personal assistive mobility device.
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(a) Cannot walk 200 feet or more without stopping to rest.
(b) Cannot walk without the use of, or assistance from, another person or a brace, cane, crutch, prosthetic device, wheelchair or other assistive device.
(c) Is restricted by lung disease to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.
(d) Uses portable oxygen.
(e) Has a cardiac condition to the extent that functional limitations are classified in severity as class III or IV, according to standards accepted by the American Heart Association on May 3, 1988.
(43m) “Play vehicle”:
(a) Means a coaster, skate board, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

(b) Does not include in-line skates.

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

(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 public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors.

(46m) “Prohibited alcohol concentration” means one of the following:

(a) If the person has 2 or fewer prior convictions, suspensions, or revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

(c) If the person is subject to an order under s. 343.301 or if the person has 3 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), an alcohol concentration of more than 0.02.

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

(47m) “Railroad track equipment” means a device that is operated on rails and used primarily for the maintenance of railroads.

(48) “Railroad train” means every device 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.

(48m) “Record of conviction” means a report of conviction furnished to the department by a federally recognized American Indian tribe or band in this state or by another jurisdiction or as furnished to the department by a federally recognized American Indian tribe or band.

(49) “Reflector” means a device designed to warn an approaching driver by reflected light from the headlights 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.

(50m) “Restricted control substance” means any of the following:

(a) A controlled substance included in schedule I under ch. 961 other than a tetrahydrocannabinol.

(am) The heroin metabolite 6-monoacetylmorphine.

(b) A controlled substance analog, as defined in s. 961.01 (4m), of a controlled substance described in par. (a).

(c) Cocaine or any of its metabolites.

(d) Methamphetamine.

(e) Delta-9-tetrahydrocannabinol.

(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, ditches, 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.

2017-18 Wisconsin Statutes updated through 2019 Wis. Act 8 and through all Supreme Court and Controlled Substances Board Orders filed before and in effect on July 25, 2019. Published and certified under s. 35.18. Changes effective after July 25, 2019, are designated by NOTES. (Published 7-25-19)
(56o) “Security interest” means a security interest as defined in s. 401.201 (2) (t).

(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 an engine−driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled−type runners, or skis, to be used in contact with snow but does not include such a vehicle that is any of the following:

(a) A vehicle that has inflatable tires.

(b) A vehicle that is driven by a motor of 4 horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or 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.

(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 overall length of 50 feet, including the propelling motor vehicle, for being driven individually by a motor vehicle.

(67n) “Tow truck” means a motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery or transport or both of wrecked, disabled, abandoned, used or replacement vehicles.

(67t) “Tractor−semitrailer combination” means a combination of 2 vehicles consisting of either a truck tractor and a semitrailer or a road tractor and a semitrailer.

(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.
Where frontage roads were immediately adjacent and parallel to a paved highway, a single intersection with outside boundaries being the 2 outer boundaries of the frontage roads existed for sign placement purposes under sub. (22), (25), and (34). Weiss v. City of Milwaukee. 79 Wis. 2d 213, 355 N.W.2d 406 (1977).

Roads on the UW–Madison campus are not highways under sub. (22); they are “private roads or driveways” under sub. (46). The motor vehicle code does not apply to them. Henkel v. Phillips. 82 Wis. 2d 27, 260 N.W.2d 653 (1978).

“Highway” means the entire width between the boundary lines of a public road; the entire right–of–way. In Interest of E.H. 112 Wis. 2d 439, 334 N.W.2d 77 (1983).

A segment of a “state trunk highway” under sub. (69) upgraded to freeway or expressway status remains a part of the expressway under sub. (24) (b), but is not required to be constructed by 1984. State v. Transportation Department. 15 Wis. 2d 222, 365 N.W.2d 919 (1984).

Trucks and permanently mounted potato boxes and special low ratio gearing used solely to collect and transport potatoes in harvest and planting seasons are “implements of husbandry” under sub. (24) and not “farm trucks” under sub. (18). State v. Okray Produce Co., Inc. 132 Wis. 2d 145, 389 N.W.2d 825 (Ct. App. 1986).

A piece of machinery specifically listed under sub. (52) constitutes road machinery regardless of its use. Schanke v. Wisconsin County Mut. Ins. Co. 177 Wis. 2d 746, 502 N.W.2d 886 (Ct. App. 1993).

The graded, but unfinished, bed of a highway lane under construction is not a “roadway” under sub. (52). Burg v. Cincinnati Casualty Insurance Co. 2002 WI 76, 254 Wis. 2d 36, 645 N.W.2d 880, 00–3258.

A “highway” is an area that the entire community has free access to travel on. A public parking lot is available to the entire community for vehicular travel, and as such, a city’s parking lot is a highway.” Ellison v. City of Manitowoc, 2003 WI App 216, 267 Wis. 2d 480, 671 N.W.2d 366, 03–0322.

Sub. (24) (b) provides an exception to the sub. (24) (a) definition of “implement of husbandry” under which it is not necessary to consider whether the vehicle in question otherwise qualifies as an implement of husbandry under sub. (24) (a). Unlike sub. (24) (a), sub. (24) (b) does not require a court to determine where the vehicle is principally used, if it is operated on a highway. A truck operated on highways that was used to haul and spread manure was a motor truck under sub. (24) (b), and was excluded from inclusion as an implement of husbandry under sub. (24) (a). State v. Marshalld Acres, Inc., 2013 WI App 72, 348 Wis. 2d 29, 832 N.W.2d 157, 15–1226 a farm truck under sub. (18). Britton v. Transportation Department. 152 Wis. 2d 222, 365 N.W.2d 919 (1984).

A “motor bicycle” as defined in sub. (30) is a “motor vehicle” as defined in sub. (35) and used in s. 343.63 (1), at least when the motor bicycle being operated is self–propelled, rather than pedaled. State v. Koeppen, 2014 WI 94, 356 Wis. 2d 912, 854 N.W.2d 849, 13–2539.

A conviction, even though expunged, remains “an unvacated adjudication of guilt” under sub. (9). Vacatur under s. 974.06 (3) (d) invalidates the conviction itself, whereas expunction under s. 973.015 merely deletes the evidence of the underlying conviction from court records. Expiration does not invalidate a conviction. State v. Braunenschw. 2018 WI 113, 364 Wis. 2d 742, 921 N.W.2d 199, 17–1261.

The vehicles of licensed private detectives are not authorized emergency vehicles under sub. (3). 61 Atty. Gen. 421.

Public parking lots are not “highways” under sub. (22). 65 Atty. Gen. 45.

A conviction that has been collaterally attacked meets the definition of “conviction” under sub. (9) because a collateral attack does not overturn or vacate the conviction. Instead, it attempts to avoid the conviction’s force of law in a subsequent criminal proceeding. Thus, as long as the adjudication of guilt is unvacated, the conviction remains on DOT’s records and should be counted in determining whether to revoke the offender’s operating privilege. OAG 2–14