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State of Misconsin 2023 - 2024 LEGISLATURE

LRB-3868/1 EVM:skw

2023 ASSEMBLY BILL 448

September 28, 2023 – Introduced by Representatives JOERS, GUSTAFSON, SNODGRASS, EMERSON, MYERS, C. ANDERSON, SHELTON, SINICKI, OHNSTAD, BALDEH, J. ANDERSON, CONSIDINE, HONG, JACOBSON and CLANCY, cosponsored by Senators LARSON, CABRAL-GUEVARA, BALLWEG, TAYLOR and ROYS. Referred to Committee on Transportation.

AUTHORS SUBJECT TO CHANGE

1 AN ACT *to amend* 340.01 (43m) (a) and (b), 340.01 (74p) (e), 346.94 (11), 346.94 2 (17), 348.01 (2) (d) and 349.235 of the statutes; **relating to:** use of skateboards 3 on roadways.

Analysis by the Legislative Reference Bureau

Under current law, a person may not ride a play vehicle on a roadway except while crossing at a crosswalk. "Play vehicle" is defined as "a coaster, skate board, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride." Under this bill, skateboards are removed from the definition of "play vehicle" and are therefore not subject to the regulations that apply to play vehicles.

Also under current law, a person may not ride in-line skates on a roadway under the jurisdiction of the Department of Transportation, but may ride in-line skates on other roadways subject to any restrictions imposed by the local authority having jurisdiction over the roadway. Under the bill, skateboards are similarly authorized to operate on roadways under the jurisdiction of a local authority subject to restrictions imposed by the local authority.

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

SECTION 1. 340.01 (43m) (a) and (b) of the statutes are amended to read:

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1	340.01 (43m) (a) Means a coaster, skate board, roller skates, sled, toboggan,
2	unicycle, or toy vehicle upon which a person may ride.
3	(b) Does not include in-line skates, <u>skateboards</u> , or electric scooters.
4	SECTION 2. 340.01 (74p) (e) of the statutes is amended to read:
5	340.01 (74p) (e) A person riding upon in-line skates, <u>a skateboard</u> , a horse, or
6	a play vehicle.
7	SECTION 3. 346.94 (11) of the statutes is amended to read:
8	346.94 (11) TOWING SLEDS, ETC. No person shall operate any vehicle or
9	combination of vehicles upon a highway when such vehicle or combination of vehicles
10	is towing any toboggan, sled, skis, bicycle, skates <u>, skateboard,</u> or toy vehicle bearing
11	any person.
12	SECTION 4. 346.94 (17) of the statutes is amended to read:
13	346.94 (17) IN-LINE SKATES AND SKATEBOARDS ON ROADWAY. (a) A person riding
14	upon in-line skates <u>or a skateboard</u> may go upon any roadway under the jurisdiction
15	of a local authority, subject to any restrictions specified by municipal ordinance
16	enacted under s. 349.235.
17	(b) Any person riding upon in-line skates <u>or a skateboard</u> upon any roadway
18	shall ride in a careful and prudent manner and with due regard under the
19	circumstances for the safety of all persons using the roadway.
20	(c) Notwithstanding any other provision of this subsection or s. 349.235, no
21	person riding upon in-line skates <u>or a skateboard</u> may attach the in-line skates or
22	skateboard or himself or herself to any vehicle upon a roadway or, except while
23	crossing a roadway at a crosswalk, go upon any roadway under the jurisdiction of the
24	department.
25	SECTION 5. 348.01 (2) (d) of the statutes is amended to read:

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1	348.01 (2) (d) "Vehicle for recreational use" includes a bicycle, moped, motor
2	bicycle, motorcycle, all-terrain vehicle, utility terrain vehicle, snowmobile, boat, as
3	defined in s. 30.50 (2), sailboard, as defined in s. 30.50 (11), personal watercraft,
4	electric scooter, or electric personal assistive mobility device, but does not include an
5	automobile, motor truck, motor home, play vehicle, <u>skateboard</u> , or in-line skates.
6	SECTION 6. 349.235 of the statutes is amended to read:
7	349.235 Authority to restrict use of in-line skates <u>or skateboards</u> on
8	roadway. (1) The governing body of any city, town, village, or county may by
9	ordinance restrict the use of in-line skates <u>or skateboards</u> on any roadway under its
10	jurisdiction. No ordinance may restrict any person from riding upon in-line skates
11	or a skateboard while crossing a roadway at a crosswalk.
12	(2) The department of natural resources may promulgate rules designating
13	roadways under its jurisdiction upon which in-line skates <u>or skateboards</u> may be
14	used, except that no rule may permit a person using in-line skates <u>or a skateboard</u>
15	to attach the skates <u>or the skateboard</u> or himself or herself to any vehicle upon a
16	roadway.
17	SECTION 7. Initial applicability.
18	(1) This act first applies to skateboards used on a roadway on the effective date

- 19 of this subsection.
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(END)