



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2498/1
EVM:kjf

2017 SENATE BILL 148

March 29, 2017 - Introduced by Senators KAPENGA, RISSER, TESTIN and DARLING, cosponsored by Representatives KUGLITSCH, STEFFEN, JAGLER, KRUG, KULP, MURPHY, QUINN, RIPP, SANFELIPPO, THIESFELDT, TUSLER and SKOWRONSKI. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT** *to amend* 194.01 (7), 340.01 (74), 344.01 (2) (g), subchapter IV (title) of
2 chapter 346 [precedes 346.23], 346.23 (1), 346.23 (2), 346.24 (1), 346.24 (2),
3 346.24 (3), 346.28 (title), 346.28 (2), 346.30 (1) (a), 346.37 (1) (a) 2., 346.37 (1)
4 (c) 2., 346.37 (1) (c) 3., 346.37 (1) (c) 4., 346.37 (1) (d) 1., 346.37 (1) (d) 2., 346.37
5 (1) (e) 1., 346.37 (1) (e) 2., 346.38 (1), 346.38 (2), 346.43 (1) (a), 346.47 (1),
6 subchapter XII (title) of chapter 346 [precedes 346.77], 346.80 (5), 346.82 (title),
7 346.82 (1), 346.95 (6), 347.245 (1), 347.489 (title), 347.489 (1), 349.236 (title),
8 349.236 (1) (b), 349.236 (1) (c) and 349.236 (2); and **to create** 340.01 (43fg),
9 340.01 (43fs), 341.0585, 346.807, 346.94 (18m), 347.02 (1) (k), 347.489 (1m) and
10 347.489 (4) of the statutes; **relating to:** personal delivery devices and providing
11 a penalty.

Analysis by the Legislative Reference Bureau

This bill authorizes the operation of personal delivery devices (PDDs) on sidewalks and crosswalks.

Under this bill, a PDD is defined as an electronically powered device that 1) is intended primarily to transport property on sidewalks and crosswalks; 2) weighs less

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than 80 pounds, excluding cargo; 3) is capable of a maximum speed of 10 miles per hour or less; and 4) is capable of operating with and without active control or monitoring by an individual. A PDD operator is defined as an entity or its agent that exercises control over, or that monitors, the navigation system and operation of the PDD.

This bill authorizes the operation of a PDD on any sidewalk or crosswalk, unless the authority with jurisdiction of the sidewalk or crosswalk prohibits such operation. In general, PDD operators must ensure that a PDD operates in compliance with rules of the road regulating the conduct of pedestrians. In addition, PDD operators must ensure that all of the following are satisfied when operating a PDD on a sidewalk or crosswalk:

1. A PDD operator must control or monitor the navigation and operation of the PDD.
2. A PDD may not go on a roadway except while crossing at a crosswalk.
3. A PDD must be operated with due care.
4. A PDD must comply with each traffic signal and sign.
5. The speed of a PDD may not exceed 10 miles per hour.

This bill also provides that a PDD must be equipped with a braking system, a plate or marker that is in a position to be clearly visible and that identifies the name and contact information of the PDD operator, and, if operated during hours of darkness, a white light visible from the front and a red reflector visible from the rear.

For further information see the *state and local* 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:

1 **SECTION 1.** 194.01 (7) of the statutes is amended to read:

2 194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer,
3 tractor, motor bus, or any self-propelled or motor driven vehicle, except a motorcycle,
4 moped, motor bicycle, electric personal assistive mobility device, personal delivery
5 device, or vehicle operated on rails.

6 **SECTION 2.** 340.01 (43fg) of the statutes is created to read:

7 340.01 (43fg) "Personal delivery device" means an electronically powered
8 device that satisfies all of the following:

- 9 (a) The device is intended primarily to transport property on sidewalks and
10 crosswalks.

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1 (b) The device has an empty weight of less than 80 pounds, excluding cargo.

2 (c) The device is capable of a maximum speed of 10 miles per hour or less.

3 (d) The device is capable of operating with and without the active control or
4 monitoring by an individual.

5 **SECTION 3.** 340.01 (43fs) of the statutes is created to read:

6 340.01 (43fs) "Personal delivery device operator" means an entity or its agent
7 that exercises control over, or that monitors, the navigation system and operation of
8 a personal delivery device. "Personal delivery device operator" does not include an
9 entity or person that requests the services of a personal delivery device to transport
10 property or that only arranges for and dispatches the requested services of a personal
11 delivery device.

12 **SECTION 4.** 340.01 (74) of the statutes is amended to read:

13 340.01 (74) "Vehicle" means every device in, upon, or by which any person or
14 property is or may be transported or drawn upon a highway, except railroad trains.
15 A snowmobile, an all-terrain vehicle, a personal delivery device, and an electric
16 personal assistive mobility device shall not be considered a vehicle except for
17 purposes made specifically applicable by statute.

18 **SECTION 5.** 341.0585 of the statutes is created to read:

19 **341.0585 Personal delivery devices.** Personal delivery devices, even
20 though operated upon a highway of this state, are exempt from registration.

21 **SECTION 6.** 344.01 (2) (g) of the statutes is amended to read:

22 344.01 (2) (g) "Vehicle" means every device in, upon, or by which any person
23 or property is or may be transported or drawn upon a highway, except vehicles used
24 exclusively upon stationary rails or tracks and except electric personal assistive
25 mobility devices and personal delivery devices.

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1 highways provided with safety zones in the manner and to the extent stated in sub.
2 (2).

3 **SECTION 9.** 346.23 (2) of the statutes is amended to read:

4 346.23 (2) At intersections or crosswalks on divided highways or highways
5 provided with safety zones where traffic is controlled by traffic control signals or by
6 a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian,
7 personal delivery device, bicyclist, or rider of an electric personal assistive mobility
8 device ~~who~~ that has started to cross the roadway either from the near curb or
9 shoulder or from the center dividing strip or a safety zone with the green signal or
10 a pedestrian signal authorizing crossing in the favor of the pedestrian, personal
11 delivery device, bicyclist, or rider of an electric personal assistive mobility device.

12 **SECTION 10.** 346.24 (1) of the statutes is amended to read:

13 346.24 (1) At an intersection or crosswalk where traffic is not controlled by
14 traffic control signals or by a traffic officer, the operator of a vehicle shall yield the
15 right-of-way to a pedestrian or personal delivery device, or to a person riding a
16 bicycle or electric personal assistive mobility device in a manner which is consistent
17 with the safe use of the crosswalk by pedestrians, ~~who~~ that is crossing the highway
18 within a marked or unmarked crosswalk.

19 **SECTION 11.** 346.24 (2) of the statutes is amended to read:

20 346.24 (2) No pedestrian, personal delivery device, bicyclist, or rider of an
21 electric personal assistive mobility device shall may suddenly leave, and no personal
22 delivery device operator may allow a personal delivery device to suddenly leave, a
23 curb or other place of safety and walk, run, or ride into the path of a vehicle which
24 is so close that it is difficult for the operator of the vehicle to yield.

25 **SECTION 12.** 346.24 (3) of the statutes is amended to read:

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1 346.24 (3) Whenever any vehicle is stopped at an intersection or crosswalk to
2 permit a pedestrian, personal delivery device, bicyclist, or rider of an electric
3 personal assistive mobility device to cross the roadway, the operator of any other
4 vehicle approaching from the rear shall may not overtake and pass the stopped
5 vehicle.

6 **SECTION 13.** 346.28 (title) of the statutes is amended to read:

7 **346.28 (title) Pedestrians to walk on left side of highway; pedestrians,**
8 **bicyclists, and riders of electric personal assistive mobility devices drivers**
9 **to yield on sidewalks.**

10 **SECTION 14.** 346.28 (2) of the statutes is amended to read:

11 346.28 (2) Operators of vehicles shall yield the right-of-way to pedestrians,
12 personal delivery devices, bicyclists, and riders of electric personal assistive mobility
13 devices on sidewalks as required by s. 346.47.

14 **SECTION 15.** 346.30 (1) (a) of the statutes is amended to read:

15 346.30 (1) (a) Any pedestrian violating s. 346.23, 346.24 (2), 346.25, 346.28 or
16 346.29 and any personal delivery device operator violating s. 346.23 or 346.24 (2)
17 may be required to forfeit not less than \$2 nor more than \$20 for the first offense and
18 not less than \$10 nor more than \$50 for the 2nd or subsequent conviction within a
19 year.

20 **SECTION 16.** 346.37 (1) (a) 2. of the statutes is amended to read:

21 346.37 (1) (a) 2. Pedestrians, and persons who are riding bicycles or electric
22 personal assistive mobility devices in a manner which is consistent with the safe use
23 of the crosswalk by pedestrians, facing the signal may proceed, and personal delivery
24 device operators may allow personal delivery devices to proceed, across the roadway
25 within any marked or unmarked crosswalk.

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1 **SECTION 17.** 346.37 (1) (c) 2. of the statutes is amended to read:

2 346.37 (1) (c) 2. No pedestrian, personal delivery device, bicyclist, or rider of
3 an electric personal assistive mobility device facing such signal shall enter, and no
4 personal delivery device operator may allow a personal delivery device facing such
5 signal to enter, the roadway unless he or she can do so safely and without interfering
6 with any vehicular traffic.

7 **SECTION 18.** 346.37 (1) (c) 3. of the statutes is amended to read:

8 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
9 stopping as required under subd. 1., cautiously enter the intersection to make a right
10 turn into the nearest lawfully available lane for traffic moving to the right or to turn
11 left from a one-way highway into the nearest lawfully available lane of a one-way
12 highway on which vehicular traffic travels to the left. Vehicular traffic in the leftmost
13 right-turn lane of a roadway that provides 2 right-turn lanes may make a right turn
14 on a red signal into a lawfully available lane that is 2nd to the rightmost lane for
15 traffic moving to the right. Except for a vehicle turning right from the leftmost
16 right-turn lane of a roadway that provides 2 right-turn lanes, no turn may be made
17 on a red signal if lanes of moving traffic are crossed. No turn may be made on a red
18 signal if a sign at the intersection prohibits the turn on a red signal. In making a turn
19 on a red signal vehicular traffic shall yield the right-of-way to pedestrians, personal
20 delivery devices, bicyclists, and riders of electric personal assistive mobility devices
21 lawfully within a crosswalk, to operators of vehicles making a lawful U-turn, and to
22 other traffic lawfully using the intersection.

23 **SECTION 19.** 346.37 (1) (c) 4. of the statutes is amended to read:

24 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle, moped, motor bicycle,
25 or bicycle facing a red signal at an intersection may, after stopping as required under

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1 subd. 1. for not less than 45 seconds, proceed cautiously through the intersection
2 before the signal turns green if no other vehicles are present at the intersection to
3 actuate the signal and the operator of the motorcycle, moped, motor bicycle, or bicycle
4 reasonably believes the signal is vehicle actuated. The operator of a motorcycle,
5 moped, motor bicycle, or bicycle proceeding through a red signal under this
6 subdivision shall yield the right-of-way to any vehicular traffic, pedestrian,
7 personal delivery device, bicyclist, or rider of an electric personal assistive mobility
8 device proceeding through a green signal at the intersection or lawfully within a
9 crosswalk or using the intersection. This subdivision does not affect any
10 authorization for a bicyclist under subd. 2.

11 **SECTION 20.** 346.37 (1) (d) 1. of the statutes is amended to read:

12 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
13 intersection to make the movement indicated by the arrow but shall yield the
14 right-of-way to pedestrians, personal delivery devices, bicyclists, and riders of
15 electric personal assistive mobility devices lawfully within a crosswalk and to other
16 traffic lawfully using the intersection. Vehicular traffic facing a left turn arrow may
17 make a U-turn unless a sign prohibits U-turns. When the green arrow signal
18 indicates a right or left turn traffic shall cautiously enter the intersection.

19 **SECTION 21.** 346.37 (1) (d) 2. of the statutes is amended to read:

20 346.37 (1) (d) 2. No pedestrian, bicyclist, or rider of electric personal assistive
21 mobility device facing such signal shall may enter, and no personal delivery device
22 operator may allow a personal delivery device facing such signal to enter, the
23 roadway unless he or she can do so safely and without interfering with any vehicular
24 traffic.

25 **SECTION 22.** 346.37 (1) (e) 1. of the statutes is amended to read:

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1 346.37 (1) (e) 1. Vehicular traffic facing a flashing yellow arrow signal may
2 cautiously enter the intersection to make the movement indicated by the arrow but
3 shall yield the right-of-way to pedestrians, personal delivery devices, bicyclists, and
4 riders of electric personal assistive mobility devices lawfully within a crosswalk and
5 to other traffic lawfully using the intersection. Vehicular traffic facing a left turn
6 arrow may make a U-turn unless a sign prohibits U-turns.

7 **SECTION 23.** 346.37 (1) (e) 2. of the statutes is amended to read:

8 346.37 (1) (e) 2. No pedestrian, bicyclist, or rider of an electric personal
9 assistive mobility device facing such signal shall may enter, and no personal delivery
10 device operator may allow a personal delivery device facing such signal to enter, the
11 roadway unless he or she can do so safely and without interfering with any vehicular
12 traffic.

13 **SECTION 24.** 346.38 (1) of the statutes is amended to read:

14 346.38 (1) WALK. A pedestrian, or a person riding a bicycle or electric personal
15 assistive mobility device in a manner which is consistent with the safe use of the
16 crossing by pedestrians, facing a pedestrian signal authorizing crossing may
17 proceed, and a personal delivery device operator may allow a personal delivery device
18 facing a pedestrian signal authorizing crossing to proceed, across the roadway or
19 other vehicular crossing in the direction of the signal and the operators of all vehicles
20 shall yield the right-of-way to the pedestrian, personal delivery device, bicyclist, or
21 electric personal assistive mobility device rider.

22 **SECTION 25.** 346.38 (2) of the statutes is amended to read:

23 346.38 (2) DON'T WALK. No pedestrian, personal delivery device, bicyclist, or
24 rider of an electric personal assistive mobility device may start to cross, and no
25 personal delivery device operator may allow a personal delivery device to start to

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1 cross, the roadway or other vehicular crossing in the direction of a pedestrian signal
2 limiting crossing, regardless of whether the signal is steady or flashing, but any
3 pedestrian, personal delivery device, bicyclist, or rider of an electric personal
4 assistive mobility device ~~who~~ that has partially completed crossing on the pedestrian
5 signal authorizing crossing may proceed to a sidewalk or safety zone while a
6 pedestrian signal limiting crossing is showing.

7 **SECTION 26.** 346.43 (1) (a) of the statutes is amended to read:

8 346.43 (1) (a) Any pedestrian or personal delivery device operator violating s.
9 346.37 or 346.38 may be required to forfeit not less than \$2 nor more than \$20 for the
10 first offense and not less than \$10 nor more than \$50 for the 2nd or subsequent
11 conviction within a year.

12 **SECTION 27.** 346.47 (1) of the statutes is amended to read:

13 346.47 (1) The operator of a vehicle emerging from an alley or about to cross
14 or enter a highway from any point of access other than another highway shall stop
15 such vehicle immediately prior to moving on to the sidewalk or on to the sidewalk
16 area extending across the path of such vehicle and shall yield the right-of-way to any
17 pedestrian, bicyclist, personal delivery device, or rider of an electric personal
18 assistive mobility device, and upon crossing or entering the roadway shall yield the
19 right-of-way to all vehicles approaching on such roadway.

20 **SECTION 28.** Subchapter XII (title) of chapter 346 [precedes 346.77] of the
21 statutes is amended to read:

CHAPTER 346**SUBCHAPTER XII****BICYCLES, ELECTRIC PERSONAL****ASSISTIVE MOBILITY DEVICES,**

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PERSONAL DELIVERY DEVICES,

AND PLAY VEHICLES

SECTION 29. 346.80 (5) of the statutes is amended to read:

346.80 (5) Except as provided in ss. 346.23, 346.24, 346.37, and 346.38, every rider of a bicycle or electric personal assistive mobility device shall, upon entering on a highway, yield, and every personal delivery device operator shall ensure that the personal delivery device, upon entering on a highway, yield the right-of-way to motor vehicles.

SECTION 30. 346.807 of the statutes is created to read:

346.807 Operating personal delivery device on sidewalk. (1) Except as provided in s. 346.94 (18m) (a) 2. and 349.236 (1) (b), a personal delivery device may be operated upon any sidewalk or crosswalk.

(2) Every personal delivery device operator shall ensure that the operation of the personal delivery device upon a sidewalk or crosswalk satisfies all of the following:

(a) The personal delivery device operator shall control or monitor the navigation and operation of the device.

(b) The device may not go upon any roadway except while crossing a roadway at a crosswalk.

(c) The device shall be operated with due care.

(d) The device shall comply with each traffic signal and sign.

(e) The speed of the device may not exceed 10 miles per hour.

SECTION 31. 346.82 (title) of the statutes is amended to read:

346.82 (title) Penalty for violating sections 346.77 to 346.805 346.807.

SECTION 32. 346.82 (1) of the statutes is amended to read:

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1 346.82 (1) Any person violating ss. 346.77, 346.79 (1) to (3), or 346.80 to-346.805
2 346.807 may be required to forfeit not more than \$20.

3 **SECTION 33.** 346.94 (18m) of the statutes is created to read:

4 346.94 (18m) PERSONAL DELIVERY DEVICES ON SIDEWALKS AND CROSSWALKS. (a) 1.
5 Except as otherwise prohibited in this chapter, a personal delivery device operator
6 may operate a personal delivery device upon a sidewalk or crosswalk that is under
7 the jurisdiction of the department.

8 2. Except as provided in s. 349.236 (1) (c), the department may by rule prohibit
9 personal delivery devices upon any sidewalk under its jurisdiction. This subdivision
10 does not apply upon any sidewalk at a permanent or temporarily established
11 driveway.

12 (b) A personal delivery device operator may operate a personal delivery device
13 upon any sidewalk under the jurisdiction of a local authority, subject to any
14 prohibitions specified by municipal ordinance enacted under s. 349.236.

15 **SECTION 34.** 346.95 (6) of the statutes is amended to read:

16 346.95 (6) Any person violating s. 346.94 (17) ~~or~~, (18), or (18m) may be required
17 to forfeit not less than \$10 nor more than \$20 for the first offense and not less than
18 \$25 nor more than \$50 for the 2nd or subsequent conviction within a year.

19 **SECTION 35.** 347.02 (1) (k) of the statutes is created to read:

20 347.02 (1) (k) Personal delivery devices.

21 **SECTION 36.** 347.245 (1) of the statutes is amended to read:

22 347.245 (1) No person may operate on a highway any vehicle or equipment, any
23 implement of husbandry, any animal-drawn vehicle, or any other machinery,
24 including all road machinery, that usually travels at speeds of less than 25 miles per
25 hour or any vehicle operated under a special restricted operator's license issued

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1 under s. 343.135 or any lightweight utility vehicle, as defined in s. 346.94 (21) (a) 2.,
2 unless there is displayed on the most practicable visible rear area of the vehicle or
3 combination of vehicles, a slow moving vehicle (SMV) emblem as described in and
4 displayed as provided in sub. (2). Any towed vehicle or machine is exempt from this
5 provision if the towing vehicle is visible from the rear and is in compliance with this
6 section. All road machinery is excluded when it is engaged in actual construction or
7 maintenance work either guarded by a flagman or clearly visible warning signs. The
8 requirement of the emblem shall be in addition to any lighting devices required or
9 permitted by law. Mopeds and motor bicycles are excluded from the provisions of this
10 section unless they are operated under a special restricted operator's license issued
11 under s. 343.135. Electric personal assistive mobility devices and personal delivery
12 devices are excluded from the provisions of this section. The SMV emblem need not
13 be displayed on vehicles moving directly across the highway.

14 **SECTION 37.** 347.489 (title) of the statutes is amended to read:

15 **347.489 (title) Lamps and other equipment on bicycles, motor bicycles,**
16 **and electric personal assistive mobility other vehicles and devices.**

17 **SECTION 38.** 347.489 (1) of the statutes is amended to read:

18 347.489 (1) No person may operate a bicycle, motor bicycle, personal delivery
19 device, or electric personal assistive mobility device upon a highway, sidewalk,
20 bicycle lane, or bicycle way during hours of darkness unless the bicycle, motor
21 bicycle, personal delivery device, or electric personal assistive mobility device is
22 equipped with or, with respect to a bicycle or motor bicycle, the operator is wearing,
23 a lamp emitting a white light visible from a distance of at least 500 feet to the front
24 of the bicycle, motor bicycle, personal delivery device, or electric personal assistive
25 mobility device. A bicycle, motor bicycle, personal delivery device, or electric

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1 personal assistive mobility device shall also be equipped with a red reflector that has
2 a diameter of at least 2 inches of surface area or, with respect to an electric personal
3 assistive mobility device, that is a strip of reflective tape that has at least 2 square
4 inches of surface area, on the rear so mounted and maintained as to be visible from
5 all distances from 50 to 500 feet to the rear when directly in front of lawful upper
6 beams of headlamps on a motor vehicle. A lamp emitting a steady or flashing red
7 light visible from a distance of 500 feet to the rear may be used in lieu of the red
8 reflector.

9 **SECTION 39.** 347.489 (1m) of the statutes is created to read:

10 347.489 (1m) No person may operate a personal delivery device upon a
11 sidewalk unless the device is equipped with a braking system that, when engaged,
12 will enable the personal delivery device to come to a controlled stop.

13 **SECTION 40.** 347.489 (4) of the statutes is created to read:

14 347.489 (4) No person may operate a personal delivery device upon a sidewalk
15 unless the device is equipped with a plate or marker that is in a position to be clearly
16 visible and that identifies the name and contact information of the personal delivery
17 device operator.

18 **SECTION 41.** 349.236 (title) of the statutes is amended to read:

19 **349.236 (title) Authority to regulate operation of electric personal**
20 **assistive mobility devices and personal delivery devices.**

21 **SECTION 42.** 349.236 (1) (b) of the statutes is amended to read:

22 349.236 (1) (b) Prohibit the operation of electric personal assistive mobility
23 devices or personal delivery devices on all sidewalks under its jurisdiction or only on
24 certain sidewalks, or portions of such sidewalks, under its jurisdiction that are

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1 designated in the ordinance. This paragraph does not apply to the operation of such
2 devices on any sidewalk at a permanent or temporarily established driveway.

3 **SECTION 43.** 349.236 (1) (c) of the statutes is amended to read:

4 349.236 (1) (c) Designate and mark locations for electric personal assistive
5 mobility devices or personal delivery devices to cross a state trunk highway or
6 connecting highway that is not a controlled-access highway and on which the
7 department has prohibited the operation of electric personal assistive mobility
8 devices under s. 346.94 (18) (a) 2. A municipality or county may erect official signs
9 or otherwise mark a crossing designated under this paragraph only as directed by
10 the department.

11 **SECTION 44.** 349.236 (2) of the statutes is amended to read:

12 349.236 (2) Except as otherwise provided in this chapter, ch. 346, and s. 59.84
13 (2) (j), the governing body of any municipality or county may not restrict the
14 operation of electric personal assistive mobility devices or personal delivery devices
15 on any roadway or sidewalk under its jurisdiction.

16 (END)