

State of Wisconsin



2009 Senate Bill 321

Date of enactment: **May 12, 2010**
Date of publication*: **May 26, 2010**

2009 WISCONSIN ACT 311

AN ACT to repeal 349.26 (3); to renumber and amend 340.01 (36r); to amend 285.30 (5) (k), 341.25 (1) (b), 341.297 (1), 342.14 (1r), 342.14 (3m), 346.94 (title), 349.26 (title) and 349.26 (2); and to create 343.32 (2) (be), 346.94 (22), 346.95 (11) and 349.26 (1m) of the statutes; relating to: operation of low-speed vehicles on highways and providing a penalty.

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

SECTION 1. 285.30 (5) (k) of the statutes is amended to read:

285.30 (5) (k) A neighborhood electric low-speed vehicle, as defined in s. 340.01 (36r) (27h).

SECTION 2. 340.01 (36r) of the statutes is renumbered 340.01 (27h) and amended to read:

340.01 (27h) "Neighborhood electric "Low-speed vehicle" means a motor vehicle that is propelled by electric power and 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 571.500. "Neighborhood electric "Low-speed vehicle" does not include a golf cart.

SECTION 3. 341.25 (1) (b) of the statutes is amended to read:

341.25 (1) (b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed vehicle under s. 341.067, which is designed for the transportation of persons rather than property, and for each neighborhood electric low-speed vehicle, a biennial fee of \$23.

SECTION 4. 341.297 (1) of the statutes is amended to read:

341.297 (1) A motorcycle, moped, or neighborhood electric low-speed vehicle, as specified in s. 341.25 (1) (b).

SECTION 5. 342.14 (1r) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental impact fee of \$9, by the person filing the application. All moneys collected under this subsection shall be deposited in the environmental fund for environmental management. This subsection does not apply to an application for a certificate of title for a neighborhood electric low-speed vehicle.

SECTION 6. 342.14 (3m) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with respect to an application under sub. (3) for transfer of a decedent's interest in a vehicle to his or her surviving spouse or domestic partner under ch. 770. The fee specified under this subsection is in addition to any other fee specified in this section. This subsection does not apply

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

to an application for a certificate of title for a ~~neighborhood electric~~ low-speed vehicle.

SECTION 7. 343.32 (2) (be) of the statutes is created to read:

343.32 (2) (be) The scale adopted by the secretary shall assess, for each conviction, 2 demerit points for a violation of s. 346.94 (22) (c) or (d), except that convictions arising out of the same incident or occurrence shall be counted as a single conviction.

SECTION 8. 346.94 (title) of the statutes is amended to read:

346.94 (title) Miscellaneous prohibited or restricted acts.

SECTION 9. 346.94 (22) of the statutes is created to read:

346.94 (22) LOW-SPEED VEHICLES OPERATED ON HIGHWAYS. (a) Except as provided in par. (b) and s. 349.26, a person may operate a low-speed vehicle on any highway that has a speed limit of 35 miles per hour or less and that is under the jurisdiction, for maintenance purposes, of a municipality or county.

(b) 1. Paragraph (a) applies to the operation of a low-speed vehicle on a connecting highway only if the connecting highway has a speed limit of 25 miles per hour or less or the municipality or county with jurisdiction has adopted a valid ordinance under s. 349.26 (2).

2. Subject to subd. 3., par. (a) applies to an intersection where the highway under the jurisdiction of the municipality or county crosses a state trunk highway or connecting highway only if the state trunk highway or connecting highway has a speed limit at the intersection of 35 miles per hour or less and traffic at the intersection is controlled by traffic control signals.

3. Paragraph (a) does not apply to an intersection where the highway under the jurisdiction of the municipality or county crosses an expressway, as defined in s. 346.57 (1) (ag), or freeway, as defined in s. 346.57 (1) (am), or a controlled-access highway designated under s. 83.027 or 84.25.

(c) No person may operate a low-speed vehicle on any highway except as authorized under this subsection or s. 349.26 (2).

(d) No person may operate a low-speed vehicle at a speed in excess of 25 miles per hour.

SECTION 10. 346.95 (11) of the statutes is created to read:

346.95 (11) Any person violating s. 346.94 (22) (c) or (d) may be required to forfeit not more than \$200.

SECTION 11. 349.26 (title) of the statutes is amended to read:

349.26 (title) Authority to allow or prohibit the operation of neighborhood—electric low-speed vehicles.

SECTION 12. 349.26 (1m) of the statutes is created to read:

349.26 (1m) The governing body of any municipality or county may by ordinance prohibit the operation of low-speed vehicles on any highway that is under the jurisdiction, for maintenance purposes, of the municipality or county. A county ordinance enacted under this subsection does not apply within any municipality that has enacted or enacts an ordinance under sub. (2).

SECTION 13. 349.26 (2) of the statutes is amended to read:

349.26 (2) ~~Subject to sub. (3), the~~ The governing body of any ~~city, town, or village~~ municipality may by ordinance allow the use of a ~~neighborhood electric~~ low-speed vehicle on a roadway that has a speed limit of 35 miles per hour or less and ~~over which the city, town, or village that is located within the territorial boundaries of the municipality, regardless of whether the municipality has jurisdiction over the roadway.~~

SECTION 14. 349.26 (3) of the statutes is repealed.

SECTION 15. Initial applicability.

(1) This act first applies to vehicles operated on the effective date of this subsection.

SECTION 16. Effective date.

(1) This act takes effect on the first day of the 5th month beginning after publication.