



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2222/1
EVM:kjf

2019 SENATE BILL 129

March 20, 2019 - Introduced by Senators ROTH, RISSER, BEWLEY, KOOYENGA, LARSON, MILLER, OLSEN, RINGHAND and SMITH, cosponsored by Representatives ROHRKASTE, GOYKE, ANDERSON, BILLINGS, BOWEN, CROWLEY, DUCHOW, HUTTON, JAGLER, MYERS, POPE, RAMTHUN, SINICKI, SPREITZER, STEFFEN, SUBECK, SWEARINGEN, C. TAYLOR, TUSLER, VORPAGEL and VRUWINK. Referred to Committee on Transportation, Veterans and Military Affairs.

1 **AN ACT to repeal** 340.01 (30) (b); **to consolidate, renumber and amend** 340.01
2 (30) (intro.) and (a); **to amend** 23.335 (1) (q), 70.111 (1), 194.01 (7), 340.01 (29m)
3 (bm), 340.01 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title) and 346.02 (4)
4 (a); and **to create** 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) and
5 349.18 (4) of the statutes; **relating to:** electric bicycles and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the operation of electric bicycles.

Under current law, a motor bicycle is “a bicycle to which a power unit [that is] 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” or “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.” In general, a motor bicycle is subject to the same rules as other bicycles and an operator of a motor bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles. An operator of a motor bicycle, however, must possess a valid operator’s license.

This bill eliminates the second type of motor bicycle and establishes a similar definition for electric bicycle. Unlike an operator of a motor bicycle, however, an operator of an electric bicycle is not required to hold an operator’s license.

SENATE BILL 129

Under this bill, an electric bicycle is “a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of less than 750 watts.” Electric bicycles are divided into three classes, as follows:

1. Class 1 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 20 miles per hour.

2. Class 2 electric bicycles may be powered solely by the motor and are not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

3. Class 3 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 28 miles per hour.

In general, an electric bicycle is subject to the same rules as other bicycles and an operator of an electric bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles, with the following exceptions:

1. Persons under the age of 16 years may not operate a class 3 electric bicycle.

2. A manufacturer or distributor of an electric bicycle must affix a label containing the classification number of the electric bicycle, the speed at which the motor will cease to provide assistance or power, and the wattage of the motor equipped to the electric bicycle.

3. Either the motor must cease to provide assistance or power when the brakes are applied or the motor must cease to provide assistance or power when the rider stops pedaling.

4. A person may not operate a class 3 electric bicycle unless the electric bicycle is equipped with a speedometer.

5. The Department of Transportation or local authorities may prohibit the operation of electric bicycles, with the power unit in operation, on designated bikeways.

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.** 23.335 (1) (q) of the statutes is amended to read:

2 23.335 (1) (q) “Off-highway motorcycle” means a 2-wheeled motor vehicle that
3 is straddled by the operator, that is equipped with handlebars, and that is designed
4 for use off a highway, regardless of whether it is also designed for use on a highway.

5 “Off-highway motorcycle” does not include an electric bicycle, as defined under s.

6 340.01 (15ph).

SENATE BILL 129

1 **SECTION 2.** 70.111 (1) of the statutes is amended to read:

2 70.111 (1) **JEWELRY, HOUSEHOLD FURNISHINGS, AND APPAREL.** Personal ornaments
3 and jewelry, family portraits, private libraries, musical instruments other than
4 pianos, radio equipment, household furniture, equipment and furnishings, apparel,
5 motor bicycles, electric bicycles, bicycles, and firearms if such items are kept for
6 personal use by the owner and pianos if they are located in a residence.

7 **SECTION 3.** 194.01 (7) of the statutes is amended to read:

8 194.01 (7) “Motor vehicle” means any automobile, truck, trailer, semitrailer,
9 tractor, motor bus, or any self-propelled or motor driven vehicle, except a motorcycle,
10 moped, motor bicycle, electric bicycle, electric personal assistive mobility device,
11 personal delivery device, or vehicle operated on rails.

12 **SECTION 4.** 340.01 (15ph) of the statutes is created to read:

13 340.01 (15ph) “Electric bicycle” means a bicycle that is equipped with fully
14 operative pedals for propulsion by human power and an electric motor of less than
15 750 watts and that meets the requirements of any of the following classifications:

16 (a) Class 1 electric bicycle is an electric bicycle equipped with a motor that
17 provides assistance only when the rider is pedaling and that ceases to provide
18 assistance when the bicycle reaches the speed of 20 miles per hour.

19 (b) Class 2 electric bicycle is an electric bicycle that may be powered solely by
20 the motor and is not capable of providing assistance when the bicycle reaches the
21 speed of 20 miles per hour.

22 (c) Class 3 electric bicycle is an electric bicycle equipped with a motor that
23 provides assistance only when the rider is pedaling and that ceases to provide
24 assistance when the bicycle reaches the speed of 28 miles per hour.

25 **SECTION 5.** 340.01 (29m) (bm) of the statutes is amended to read:

SENATE BILL 129**SECTION 5**

1 340.01 **(29m)** (bm) “Moped” does not include a motor bicycle or electric bicycle.

2 **SECTION 6.** 340.01 (30) (intro.) and (a) of the statutes are consolidated,
3 renumbered 340.01 (30) and amended to read:

4 340.01 **(30)** “Motor bicycle” means ~~any of the following: (a) A~~ a bicycle to which
5 a power unit that is not an integral part of the vehicle has been added to permit the
6 vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider
7 on a dry, level, hard surface with no wind and having a seat for the operator. “Motor
8 bicycle” does not include an electric bicycle.

9 **SECTION 7.** 340.01 (30) (b) of the statutes is repealed.

10 **SECTION 8.** 340.01 (35) of the statutes is amended to read:

11 340.01 **(35)** “Motor vehicle” means a vehicle, including a combination of 2 or
12 more vehicles or an articulated vehicle, which is self-propelled, except a vehicle
13 operated exclusively on a rail. “Motor vehicle” includes, without limitation, a
14 commercial motor vehicle or a vehicle which is propelled by electric power obtained
15 from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain
16 vehicle, a utility terrain vehicle, and an electric personal assistive mobility device
17 shall be considered motor vehicles only for purposes made specifically applicable by
18 statute. “Motor vehicle” does not include an electric bicycle.

19 **SECTION 9.** 340.01 (74p) (c) of the statutes is amended to read:

20 340.01 **(74p)** (c) An operator of a moped, electric bicycle, or motor bicycle.

21 **SECTION 10.** 341.05 (23) of the statutes is amended to read:

22 341.05 **(23)** The vehicle is a motor bicycle, electric bicycle, or bicycle, except as
23 provided in s. 349.18.

24 **SECTION 11.** 346.02 (4) (title) of the statutes is amended to read:

SENATE BILL 129

1 346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES,
2 AND MOTOR BICYCLES.

3 **SECTION 12.** 346.02 (4) (a) of the statutes is amended to read:

4 346.02 (4) (a) Subject to the special provisions applicable to bicycles, every
5 person riding a bicycle upon a roadway or shoulder of a highway is granted all the
6 rights and is subject to all the duties ~~which~~ that this chapter grants or applies to the
7 operator of a vehicle, except those provisions ~~which~~ that by their express terms apply
8 only to motor vehicles or ~~which~~ that by their very nature would have no application
9 to bicycles. For purposes of this chapter, provisions ~~which~~ that apply to bicycles also
10 apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

11 **SECTION 13.** 346.806 of the statutes is created to read:

12 **346.806 Special rules applicable to electric bicycles.** (1) Except as
13 otherwise expressly provided, an electric bicycle and an operator of an electric bicycle
14 shall be afforded all the same rights and privileges, and be subject to the same duties,
15 provided in chs. 340 to 351 as a bicycle or an operator of a bicycle. An electric bicycle
16 shall be considered a vehicle to the same extent as a bicycle.

17 (2) A person operating an electric bicycle is not subject to the provisions under
18 ch. 341, 342, 343, or 344 relating to financial responsibility, operator's licenses,
19 registration, or certificates of title.

20 (3) (a) A person may ride, with the power unit in operation, an electric bicycle
21 upon a bikeway, as defined under s. 84.60 (1) (a), under the jurisdiction of the
22 department of natural resources, subject to any restrictions specified in a rule
23 promulgated by the department of natural resources under s. 349.18 (4) (b), or under
24 the jurisdiction of a municipality or county, subject to any restrictions specified in an
25 ordinance enacted under s. 349.18 (4) (a).

SENATE BILL 129**SECTION 13**

1 (b) A person may ride, with the power unit in operation, an electric bicycle upon
2 a bikeway, as defined under s. 84.60 (1) (a), under the jurisdiction of the department,
3 subject to any restrictions specified in a rule promulgated by the department.

4 (4) No person under the age of 16 years may operate a class 3 electric bicycle.
5 A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle
6 that is designed to accommodate passengers.

7 **SECTION 14.** 347.02 (1) (em) of the statutes is created to read:

8 347.02 (1) (em) Electric bicycles.

9 **SECTION 15.** 347.489 (3m) of the statutes is created to read:

10 347.489 (3m) (a) 1. After January 1, 2018, a manufacturer or distributor of
11 electric bicycles shall permanently affix to the electric bicycle a label containing all
12 of the following information in Arial font of a minimum size of 9 point:

13 a. The classification number of the electric bicycle.

14 b. The speed at which the motor will cease to provide assistance or power.

15 c. The wattage of the motor equipped to the electric bicycle.

16 2. If a person modifies an electric bicycle so as to change the speed at which the
17 motor will cease to provide assistance or power, the person shall prepare and affix
18 to the electric bicycle a revised label satisfying the requirements of subd. 1.

19 (b) An electric bicycle shall meet the requirements of 16 CFR Part 1512.

20 (c) An electric bicycle shall operate so that the motor ceases to provide
21 assistance or power when the brakes are applied or the motor ceases to provide
22 assistance or power when the rider stops pedaling.

23 (d) No person may operate a class 3 electric bicycle unless the electric bicycle
24 is equipped with a speedometer that with reasonable accuracy registers the speed
25 of the electric bicycle in miles per hour.

