



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE QUICK PASSAGE ENACTMENT OF THE *GENERAL PROVISIONS* (11 HCC § 340) AND AUTHORIZATION TO PLACE OUT FOR FORTY-FIVE DAY PUBLIC COMMENT

#### RESOLUTION 01-21-20 I

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation (“Constitution”), formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation (“Nation”) is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) grants the Ho-Chunk Nation Legislature (“Legislature”) the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and
- WHEREAS,** Article V, Section 2(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on June 23, 2015; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** Section 43 of the *Legislative Organization Act* (2 HCC § 11) provides Quick Passage Procedures; and

#### Executive Offices

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

**WHEREAS,** under certain limited circumstances, Section 43 provides “[t]he Legislature may vote to immediately pass Legislation”; and

**WHEREAS,** Section 43.a. of the *Legislative Organization Act* (2 HCC § 11) in relevant parts provides:

(2) For the Legislation to be considered for Quick Passage the Legislature must conclude:

(a) The Legislation must take effect immediately to address a situation that:

1 Adversely affects the health, safety, welfare, or economic well-being of the Nation;

2 Adversely affects a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Legislature;

3 Is internal to the operation of the Government; or

4 Impacts negotiations with a sovereign entity; and

(b) Adherence to the Normal Legislation Process outlined in Section 44 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation; and

**WHEREAS,** Section 43.b. of the *Legislative Organization Act* (2 HCC § 11) provides “[f]or the Legislation to immediately become the law of the Nation it will require an affirmative vote of more than two-thirds (2/3) of the full Legislature seated in office”; and

**WHEREAS,** the Legislature finds that there is a need to protect the safety and well-being of tribal members, the community and Ho-Chunk lands from reckless and dangerous driving that is occurring within the Ho-Chunk Nation’s jurisdiction and to exercise the Nation’s sovereignty; and

**WHEREAS,** on January 9, 2020, the *Operators’ License* (11 HCC § 346) and *Rules of the Road* (11 HCC § 346) was presented to the Administration Committee, which passed a motion to refer it to the full Legislature to be placed out for 45-day public comment; and

**WHEREAS,** the *General Provisions* (11 HCC § 340) should accompany the *Operators’ License* (11 HCC § 343) and *Rules of the Road* (11 HCC § 346) as is provides definitions that are necessary for both codes; and

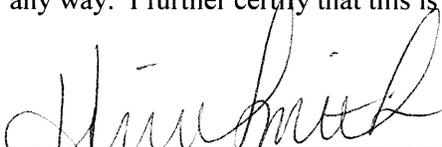
**WHEREAS,** the Legislature finds that adherence to the Normal Legislative Process would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation and thus Quick Passage of the *General Provisions* (11 HCC § 340) is warranted;

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, hereby enacts, by Quick Passage, the attached *General Provisions* (11 HCC § 340);

**BE IT FURTHER RESOLVED,** that the Legislature hereby places the attached *General Provisions* (11 HCC § 340) out for forty-five (45) day public comment, to run from the date the proposed ordinance is posted on the Nation’s website.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom **12** constituting a quorum were present at a meeting duly called and convened and held that on the **21<sup>st</sup> day of January, 2020**, adopted the foregoing resolution at said meeting by an affirmative vote of **10 members, 2 opposed, and 0 abstaining**, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

  
\_\_\_\_\_  
Rep. Hinu Smith, Tribal Secretary

  
\_\_\_\_\_  
Date

**HO-CHUNK NATION CODE (HCC)**  
**TITLE 11 – VEHICLES AND TRAFFIC**  
**SECTION 340 – GENERAL PROVISIONS**

**ENACTED BY LEGISLATURE:**

**LAST AMENDED:**

**CITE AS: 11 HCC § 340**

**340.1 Words and phrases defined.** In Title 11- Vehicles and Traffic, 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 a licensed emergency medical services practitioner licensed 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 sheriff'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) Vehicles operated by federal, state or local authorities for the purpose of bomb and explosive or incendiary ordnance disposal.

**(3m)** "Autocycle" means a motor vehicle that has 3 wheels in contact with the ground, is designed with seating that does not require operators or any occupants to straddle or sit astride it, has a steering wheel, and is originally manufactured to meet federal motor vehicle safety standards for motorcycles under 49 CFR part 571.

**(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 power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

**(4e)** "Automobile 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 scooters, electric personal assistive mobility devices, or other modes of travel where permitted, and so designated by appropriate signs and pavement markings.

**(5s)** "Bicycle way" means any path or sidewalk or portion thereof designated for the use of bicycles, electric scooters, 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, 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 lamps” means lamps on the left and right sides of the front and rear of a vehicle which show 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 motor 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.

**(8m)** “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 by an authorized jurisdiction.

**(9m)** “Controlled substance” has the meaning given in 9 HCC § 961.1 (4).

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

**(9r)** “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 plea of guilty or no contest accepted by the court, the payment of a fine or court cost, or violation of a condition of release without the deposit of property, regardless of whether or not the penalty is rebated, suspended, or probated, in this state or any other jurisdiction. It is immaterial that an appeal has been taken. “Conviction” or “convicted” includes:

(a) A forfeiture of deposit which forfeiture has not been vacated;

(b) An adjudication of having violated a law enacted by a federally recognized American Indian tribe or band in this state.

(c) An adjudication of having violated a local ordinance enacted by an authorized jurisdiction;

(d) A finding by a court assigned to exercise jurisdiction over juvenile for an offense equivalent to a violation of Title 11 or a local ordinance enacted by an authorized jurisdiction.

**(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 licensed finance company 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 applicable law.

**(15mm)** “Drug” means:

(a) Any substance recognized as a drug in the official U.S. pharmacopoeia and national formulary or official homeopathic pharmacopoeia of the United States or any supplement to either of them;

(b) Any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or other conditions in persons or other animals;

(c) Any substance other than a device or food intended to affect the structure or any function of the body of persons or other animals; or

(d) Any substance intended for use as a component of any article specified in pars. (a) to (c) but does not include gases or devices or articles intended for use or consumption in or for mechanical, industrial, manufacturing or scientific applications or purposes.

**(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 the owner’s farm and also used in furtherance of any non-farm occupation, trade, profession or employment.

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

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

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

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

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

**(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.

**(15ps)** “Electric scooter” means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. “Electric scooter” does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

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

**(15s)** “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 pre-scribed 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”, 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. “Farming” means the operation of farm premises owned or rented by the operator. “Farm premises” means areas used for operations herein set forth, but does not include other areas, greenhouses or other similar structures unless used principally for the production of food and farm plants. “Farmer” means any person engaged in farming as defined. Operation of farm premises shall be deemed to be the planting and cultivating of the soil thereof; the raising and harvesting of agricultural, horticultural or arboricultural crops thereon; the raising, breeding, tending, training and management of livestock, bees, poultry, fur-bearing animals, wildlife or aquatic life, or their products, thereon; the processing, drying, packing, packaging, freezing, grading, storing, delivering to storage, to market or to a carrier for transportation to market, distributing directly to consumers or marketing any of the above-named commodities, substantially all of which have been planted or produced thereon; the clearing of such premises and the salvaging of timber and management and use of wood lots thereon, but not including logging, lumbering or wood cutting operations unless conducted as an accessory to other farming operations; the managing, conserving, improving and maintaining of such premises or the tools, equipment and improvements thereon and the exchange of labor, services or the exchange of use of equipment with other farmers in pursuing such activities. The operation for not to exceed 30 days during any calendar year, by any person deriving the person's principal income from farming, of farm machinery in performing farming services for other farmers for a consideration other than exchange of labor shall be deemed farming. Operation of such premises shall be deemed to include also any other activities commonly considered to be farming whether conducted on or off such premises by the farm operator.

**(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.

**(18j)** “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.

**(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.

**(21) (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 applicable local, state 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.

**(22)** “Headlamp” means a major lighting device used to provide general illumination ahead of a vehicle.

**(23)** “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 as elementary and high schools supported by public taxation, 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.

**(24)** “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 as a school bus in accordance with applicable law and which is used for the purpose of transporting individuals with disabilities, as defined as any individual who, because of any temporary or permanent physical or mental condition or institutional residence is unable and without special facilities or special planning or design to use available transportation facility and services as effectively as persons who are not as affected, or seniors, as defined as any individual age 65 or older, 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 as transportation in an urban area by bus, shared-ride taxicab, rail, or other conveyance, either publicly or privately owned, that provides the public with general or special service on a regular and continuing basis or as a taxicab service or as a common carrier of passengers.

3. A school bus used for transportation of individuals that are not pupils.

4. A motor vehicle being used to provide transportation network services, as defined as an Internet site or online-enabled application, software, or system that permits the prearrangement of transportation network services.

**(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.

**(23r)** “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.

**(23v)** “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.

**(25)** (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 or 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.

**(26)** “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.

**(27)** “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.

**(28)** “Local ordinance which is in conformity therewith” means a local traffic regulation enacted by an authorized jurisdiction.

**(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” means any of the following:

(a) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.

(b) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

**(29)** “Manufacturer” means a person who manufactures or assembles motor vehicles, recreational vehicles, trailers or semi-trailers, 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 applicable law.

**(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.

**(30)** “Mobile home” means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. “Mobile home” includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer’s warranty.

**(29k)** a. “Modular home” means any structure or component thereof which is intended for use as a dwelling and:

(1) Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or

(2) Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.

b. “Modular home” does not mean any manufactured home under para. (30) or any building of open construction which is not subject to par. (a) 2.

**(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 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 or electric bicycle.

**(31)** “Motor bicycle” means 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. “Motor bicycle” does not include an electric bicycle.

**(32)** “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.

**(33)** “Motorcycle” means a motor vehicle originally manufactured with motive power, a seat or saddle requiring the rider to sit astride, not more than 3 wheels in contact with the ground, steering controlled by handlebars, and acceleration and braking controlled with handlebar and foot controls and that is capable of speeds in excess of 30 miles per hour.

**(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, an electric scooter, and an electric personal assistive mobility device shall be considered motor vehicles only for purposes made specifically applicable by statute. “Motor vehicle” does not include an electric bicycle.

**(35e)** (a) “Motor vehicle dealer” means any person, firm or corporation, not excluded by par. (b) who:

1. For commission, money or other thing of value, sells, leases, exchanges, buys, offers or attempts to negotiate a sale, consumer lease or exchange of an interest in motor vehicles; or
2. Is engaged wholly or in part in the business of selling or leasing motor vehicles, including motorcycles, whether or not the motor vehicles are owned by that person, firm or corporation.

(b) The term "motor vehicle dealer" does not include:

1. Receivers, trustees, personal representatives, guardians, or other persons appointed by or acting under the judgment or order of any court.
2. Public officers while performing their official duties.
3. Employees of persons, corporations or associations enumerated in subds. 1. and 2., when engaged in the specific performance of their duties as employees of the enumerated persons, corporations or associations.
4. Sales finance companies or other loan agencies who sell or offer for sale motor vehicles repossessed or foreclosed on by those sales finance companies or other loan agencies under terms of an installment contract, or motor vehicles taken in trade on such repossessions.
5. Sales finance companies when engaged in purchasing or otherwise acquiring consumer leases from a motor vehicle dealer, or in renegotiating consumer leases previously purchased or otherwise acquired by them.

**(35j)** "Motor vehicle salvage pool" means a person who is engaged primarily in the business of selling or distributing damaged motor vehicles at wholesale, whether or not the motor vehicles are owned by that person. "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.

**(36r)** "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.

**(36)** "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.

**(37)** "Official traffic control device" means all signs, signals, pavement markings, and devices, not inconsistent Title 11, 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 incidental street maintenances; that is not certified by the manufacturer for on-road use or that is certified by the manufacturer as meeting the equipment standards for a low-speed vehicle under 49 CFR 571.500; and that satisfies the equipment standards for a Type 2 automobile or auticycle under applicable laws or the equipment standards for a low-speed vehicle under 49 CFR 571.500.

2. A Kei class vehicle.

(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 secure 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 tribe, local government or state, including 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 the United States and any province of the Dominion of Canada.

**(41r)** “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 Title 11.

**(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.

**(42t)** “Pavement marking” means any material or device on the surface of a highway intended to regulate, warn, or guide high- way users.

**(43)** “Pedestrian” means any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person, but does not include any person using an electric scooter or 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 uniform traffic control devices standards.

**(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 uniform traffic control devices standards.

**(43e)** “Period of limited visibility” means any time that weather conditions limit visibility such that objects on a highway are not clearly discernible at 500 feet from the front of a vehicle.

**(43fg)** “Personal delivery device” means an electronically powered device that satisfies all of the following:

- (a) The device is intended primarily to transport property on sidewalks and crosswalks.
- (b) The device has an empty weight of less than 80 pounds, excluding cargo.
- (c) The device is capable of a maximum speed of 10 miles per hour or less.
- (d) The device is capable of operating with and without the active control or monitoring by an individual.

**(43fs)** “Personal delivery device operator” means an entity or its agent that exercises control over, or that monitors, the navigation system and operation of a personal delivery device. “Personal delivery device operator” does not include an entity or person that requests the services of a personal delivery device to transport property or that only arranges for and dispatches the requested services of a personal delivery device.

**(43g)** “Person with a disability that limits or impairs the ability 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.
- (f) Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition.

**(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 or electric scooters.

**(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 as elementary and high schools supported by public taxation, 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 with 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 required by Title 11.

**(48r)** “Recreational vehicle” means a vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed 45 feet in length.

**(49)** “Reflector” means a device designed to warn an approaching driver by reflected light from the headlamps 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 controlled 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, excluding its precursors or metabolites, at a concentration of one or more nanograms per milliliter of a person’s blood.

**(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 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, ditchers, 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, but not a mobile crane or trench hoe used for bridge or building construction, for ditching and excavating, for heavy machinery removal or installation or for loading and handling of heavy articles. The foregoing enumeration is intended to be illustrative and does not exclude other similar vehicles which are within the general terms of this subsection, whether used for road construction and maintenance or not, which are not designed or used primarily for transportation of persons or property and only incidentally operated or moved upon a highway.

**(53)** “Road tractor” means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load

so drawn.

**(54)** “Roadway” means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term “roadway” refers to each roadway separately but not to all such roadways collectively.

**(55)** “Safety zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians, including those about to board or alighting from public conveyances, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**(55g)** “Salvage vehicle” means a vehicle less than 7 years old that is not precluded from subsequent registration and titling and that is damaged by collision or other occurrence to the extent that the estimated or actual cost, whichever is greater, of repairing the vehicle exceeds 70 percent of its fair market value. The term does not include a hail-damaged vehicle unless the vehicle is repaired with any replacement part, as defined as a replacement for any of the nonmechanical sheet metal or plastic parts that generally constitute the exterior of a motor vehicle, including inner and outer panels.

**(55r)** “Salvage vehicle purchaser” means a person, including an insurer or motor vehicle dealer, who purchases or otherwise obtains possession of a salvage vehicle.

**(55u)** “Sanitation worker” means an individual engaged in the collection and transport of solid waste and recyclables.

**(56)** “School bus”:

(a) Means a motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted as a school bus in accordance with applicable law for the purpose of transporting:

1. Pupils to or from a public school, as defined as elementary and high schools supported by public taxation, or a private school, as defined as an institution with a private educational program that has been determined by the applicable jurisdiction to meet the minimal requirement for a such a school, or pupils to or from a technical college when required under applicable law for secondary education pupils.

2. Pupils to or from curricular or extracurricular activities.

3. Pupils to or from religious instruction on days when school is in session.

4. Children with disabilities, as defined as par (i) below, to or from an educational program approved by the department of public instruction.

(i) “Child with a disability” means a child who, by reason of any of the following, needs special education and related services:

1. Cognitive disabilities.

2. Hearing impairments.

3. Speech or language impairments.

4. Visual impairments.

5. Emotional behavioral disability.

6. Orthopedic impairments.

7. Autism.

8. Traumatic brain injury.

9. Other health impairments.

10. Learning disabilities.

11. A child who, by reason of his or her significant developmental delay, needs special education and related services, may be designation as a “Child with a disability” at the discretion of the local educational agency and consistent with jurisdictional rules.

(am) Means a motor vehicle which is painted as a school bus in accordance with applicable law and is used for the purpose of transporting individuals with disabilities, as defined as any individual who, because of any temporary or permanent physical or mental condition or institutional residence is unable without special facilities or special planning or design to use available transportation facilities and services as effectively as persons who are not so affected, or seniors, as defined as any individual age 65 or older, in connection with any transportation assistance program for seniors or individuals with disabilities.

(b) Does not include:

1. A motor vehicle owned or operated by a parent or guardian transporting only his or her own children, regardless of whether a school has made a contract with or paid compensation to such parent or guardian for such transportation.

2. A motor vehicle operated as an alternative method of transportation to transport pupils.
3. A motor bus operated for purposes specified in par. (a) 2.
4. A motor vehicle operated in an urban mass transit system as defined as transportation in an urban area by bus, shared-ride taxicab, rail, or other conveyance, either publicly or privately owned, that provides the public with general or special service on a regular and continuing basis.

**(56f)** "Secretary" means the secretary of transportation.

**(56m)** "Secured party" means:

1. A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;
2. A person that holds an agricultural lien;
3. A consignor;
4. A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold; or
5. A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for.

**(56n)** "Security agreement" means an agreement that creates or provides for a security interest.

**(56o)** "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation.

**(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 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 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 drawn individually or in tandem 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.

**(67r)** “Tractor–semitrailer combination” means a combination of 2 vehicles consisting of either a truck tractor and a semi-trailer 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.

**(70)** “Traffic officer” means every officer authorized by law to direct or regulate traffic or to make arrests for violation of traffic regulations and also includes, for purposes of enforcing s. 346.505 (2) or any local ordinance in conformity with s. 346.505 (2) or any prohibition established under applicable law, any person who is employed by a municipality or county and is designated by that municipality or county as authorized to enforce violations of s. 346.505 (2) or a local ordinance in conformity with s. 346.505 (2) or any prohibition established under applicable law.

**(71)** “Trailer” means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

**(71n)** “Transferee” means any person, including the state and its political subdivisions, to whom ownership of a motor vehicle is transferred by purchase, gift or any means other than by creation of a security interest or who, as agent, signs a mileage disclosure statement required under applicable law for such person.

**(71p)** “Transferor” means any person, including the state and its political subdivisions, a dealer, an auction company acting as an agent, a motor vehicle salvage pool, an insurance company or a leasing or rental company with respect to motor vehicle sales, who transfers his or her ownership in a motor vehicle by sale, gift or any means other than by creation of a security interest or who, as agent, signs a mileage disclosure statement required under applicable law for such person.

**(72)** “Transporter” means any of the following:

(a) A person who is engaged in this state in the business of transporting and delivering motor vehicles, trailers, semitrailers or recreational vehicles in tow on their own wheels or under their own power from a distributor, a dealer, the manufacturer, or a branch of the manufacturer to the purchaser, or from any location to a distributor, a dealer, the manufacturer, or a branch of the manufacturer, and who is a 3rd party with no ownership interest in the vehicles.

(b) A person 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, or who is engaged in modifying or converting previously assembled or manufactured complete motor vehicles, but who is not the owner of the vehicles on which manufacturing operations were performed by that person, if incidental to manufacturing operations the person transports motor vehicles in tow on their own wheels or under their own power between the person’s place of business and manufacturers, dealers and distributors, or delivers them to purchasers.

**(72m)** “Transporting hazardous materials requiring placarding” means transporting any material that is classified in 49 CFR 173.2 in a vehicle that is required to be placarded as provided in 49 CFR 172.504.

**(73)** “Truck tractor” means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**(73m)** “Utility work area” means the entire section of roadway between the first advance warning sign of work on a utility facility, or on a high–voltage transmission line, and an “END UTILITY WORK” sign, where the signs are placed according to rules of the department, or, in the case of a moving vehicle engaged in work on such a utility facility or high–voltage transmission line, that section of roadway where traffic may return to its normal flow without impeding such work. In this subsection, “Utility facility” means any pipe, pipeline, duct, wire line, conduit, pole, tower, equipment or other structure used for either of the following: the transmission or distribution of electrical power or light that is not a high-voltage transmission line, or the transmission, distribution or delivery of heat, water, gas, sewer, telegraph or telecommunication services. In this subsection, “High-voltage transmission line” means a conductor of electric energy exceeding one mile in length designed for operation at a nominal voltage of 100 kilovolts or more, together with associated facilities or structures.

**(73r)** “U–turn” means the turning of a vehicle so as to proceed in the opposite direction.

**(74)** “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a high-way, except railroad trains. A snowmobile, an all–terrain vehicle, a personal delivery device, an electric scooter, and an electric personal assistive mobility device shall not be considered a vehicle except

for purposes made specifically applicable by statute.

**(74m)** “Vehicle group” means a class or type of vehicle with certain operating characteristics.

**(74p)** “Vulnerable highway user” means any of the following:

(a) A pedestrian.

(b) A bicyclist.

(c) An operator of a moped, electric scooter, electric bicycle, or motor bicycle.

(d) An operator of, or passenger on, an animal–drawn vehicle, farm tractor, farm truck tractor, farm trailer, or implement of husbandry.

(e) A person riding upon in–line skates, a horse, or a play vehicle.

(f) While performing his or her official duties, a law enforcement officer, traffic officer, fire fighter, or emergency medical services practitioner, as defined as an emergency medical technician, an advanced emergency medical technician, an emergency medical technician — intermediate, or a paramedic.

(g) A person who is rendering medical or emergency assistance to another person.

**(74t)** “Wholesaler” means a person, resident or nonresident who in whole or part, sells or distributes new motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

**(75)** “Yield the right–of–way to a pedestrian” means the operator of a vehicle is required to reduce speed, or stop if necessary, to avoid endangering, colliding with or interfering in any way with pedestrian travel.