

JACKSON POLICE DEPARTMENT  
JACKSON, WISCONSIN

## Play Vehicles, Scooters, Segways, Wheelchairs, In-Line Skates....

Springtime brings the return of that age-old question, “is that gizmo allowed on the street?”.

### **Definitions (340.01)**

Highway: all public ways and thoroughfares, and bridges on the same. Includes everything within the right-of-way including sidewalks.

Roadway: the paved portion of a highway that’s intended for vehicular travel.

Vehicle: every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Snowmobiles and electric personal assistive mobility devices (the Segway) are excluded from this definition.

Motor vehicle: a vehicle that is self-propelled. Snowmobiles and ATV’s can be considered motor vehicles when specified in a statute.

Play vehicle: a coaster, skate board, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride. In-line skates (Rollerblades) are excluded from this definition, and are considered vehicles.

Pedestrian: any person “afoot”, in a wheelchair, or other device made specifically for a physically disabled person. Segways are excluded from this definition.

### **Play Vehicles**

These simplest of devices enjoy the simplest rule: they can only be used on the sidewalk. Play vehicles cannot be used on the roadway except when crossing, and then only at a crosswalk.<sup>1</sup>

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<sup>1</sup> 346.78

### **In-Line Skates**

In-skates can be used on the street. They cannot be used on state highways, except at a crosswalk. The user cannot attach himself to another vehicle, and they must be used with “with due regard under the circumstances for the safety of all persons using the roadway”.<sup>2</sup>

As a vehicle, in-line skates should be used on the right side of the street.

### **Segway**

Segways can operate on any roadway having a speed limit of 25mph or less, and they can be used on the sidewalk. When used on a sidewalk, the operator of a Segway must yield the right-of-way to pedestrians and bicycles, exercise due care, and give an audible signal when passing pedestrians, bikes, or other Segways.<sup>3</sup>

As far as using a Segway on the roadway (when permitted), the rules are the same as for bicycles.<sup>4</sup> The Segway should stay as close as practicable to the right-hand edge of the pavement or curb except when overtaking and passing another vehicle; preparing to turn left at an intersection, private road, or driveway; or to avoid unsafe conditions. The machines can be operated two-abreast as long as they don’t impede traffic, and occupy only a single lane if on a road having two or more lanes.

If permitted on a bike trail, the Segway operator must exercise due care and give a signal when overtaking a bike, Segway or pedestrian. The device must be operated on the right side, and may not be used two-abreast. The operator must

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<sup>2</sup> 346.94(17)

<sup>3</sup> 346.805

<sup>4</sup> 346.80

yield to pedestrians and bikes when entering the trail.<sup>5</sup>

### **Wheelchairs**

Those who use wheelchairs and other low powered devices designed for the disabled are defined as “pedestrians” and are bound by the same kind of rules. Wheelchairs must travel on



the left side of the street, must use a crosswalk when one is provided, obey walk/don't walk signals, and yield the right of way

to vehicles when crossing where there is no crosswalk.<sup>6</sup>

### **Motorized Scooters**



A typical scooter is shown above. It can be powered by a gasoline engine or battery motor. The scooter's top speed is between 8-20mph but can be modified to achieve speeds up to 40mph. Motorized scooters meet the definition of “motor vehicle”. They cannot be registered, per state law.



A scooter shouldn't be confused with a moped (above). The majority of mopeds are Type-1 motorcycles with an automatic transmission and

an integrated (part of the original manufacture) engine no larger than 50cc.

Unless exempted, a motor vehicle must be registered in order to operate on the highway, and its operator must have a driver's license.<sup>7</sup> Because motor scooters cannot be registered (and aren't exempt), it is inherently illegal to operate them on the highway. The operator can be cited for Operating Unregistered Vehicle; if the operator isn't licensed, he or she can be cited for Operating Without a Valid DL. Because they can't be used on the “highway”, these scooters are also banned from sidewalks that are adjacent to highways. Sidewalks are typically within the right-of-way, which makes them part of the “highway” as defined in the motor vehicle code.<sup>8</sup>

State law prohibits a local municipality, like Jackson, from passing an ordinance that would allow the use of motorized scooters on the highway, sidewalks adjacent to the highway, or on bike paths, because this would be contrary to state law.

Ultimately, the only undisputed places on which motorized scooters can be operated are private property, private roads, and private driveways (with permission).<sup>9</sup>

### **Lawnmowers, Go-Carts, “Gators”, Dirt Bikes, ATVs**

These vehicles were designed for off-road use and can't be registered. As with scooters, they can't be used on the highway, and a local municipality can't waive this.

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<sup>7</sup> 341.04(1) & 343.05(3)(a)

<sup>8</sup> 340.01(22)

<sup>9</sup> Information on scooters courtesy of John J. Sobotik, Assistant General Counsel, Wisconsin DOT.

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<sup>5</sup> 346.803

<sup>6</sup> 346.23-346.25 & 346.28