



Transportation Synthesis Report

Research and Communication Services
Wisconsin Department of Transportation
(608) 261-8198
wisdotresearch@dot.state.wi.us

State Statutes on Neighborhood Electric Vehicles

Prepared for
Division of Transportation System Development
Bureau of Highway Operations

Prepared by
CTC & Associates LLC
WisDOT Research & Communication Services Section
November 9, 2006

Transportation Synthesis Reports (TSRs) are brief summaries of currently available information on topics of interest to WisDOT technical staff. Online and print sources include NCHRP and other TRB programs, AASHTO, the research and practices of other state DOTs, and related academic and industry research. Internet hyperlinks in TSRs are active at the time of publication, but changes on the host server can make them obsolete.

Request for Report

Designed for drivers traveling short distances, Neighborhood Electric Vehicles are compact, low-speed vehicles powered by rechargeable batteries and electric motors. Some NEVs are similar in size to golf carts, but often include additional features such as windshields, headlights and taillights, turn signals, rearview mirrors, and seatbelts. NEVs have maximum speeds of around 25 mph, and typically carry one to four passengers.

Enacted earlier this year, 2005 Wisconsin Act 329 authorizes local units of government to allow NEVs to operate on roads under their jurisdiction, and several Wisconsin municipalities have enacted these ordinances. However, the state's registration law prohibits motor vehicles (including NEVs) from being operated on public roads unless they are registered under Chapter 341 of the state statutes, or are exempt from registration. NEVs are neither registered nor exempted. WisDOT expects this legislative conflict to be resolved in 2007.

Recently, the City of Sun Prairie approached Wisconsin DOT for permission to allow NEVs to operate on the portions of WIS 19 in the city that have a speed limit of 35 mph or less, especially to facilitate crossing the highway. In preparation for new legislation on NEV registration, WisDOT's Bureau of Highway Operations is seeking to develop guidance that can be applied statewide in determining when to allow NEVs to cross or operate on a state highway, and requested a scan of other states' laws in this area to inform this guidance.

Summary

In 1998, the National Highway Traffic Safety Administration officially recognized NEVs as a form of transportation. Since then, 37 states¹ have passed legislation allowing these vehicles to be driven on roads with posted speed limits of 35 miles per hour or lower. The U.S. Department of Energy maintains a Web site on alternative fuel vehicles that includes summaries of laws governing NEV use. The Web site identifies 25 states that have "Access to Roadways" laws specifying where NEVs may operate.

The summaries of these 25 laws were compiled in this TSR from the DOE's "Incentives and Laws: State Summary" page at http://www.eere.energy.gov/afdc/progs/all_state_summary.cgi?afdc/0. We group each state into one of three categories:

1. States that specify a maximum speed limit with no mention of crossings (18 states)
2. States that allow NEVs to cross roadways with higher speed limits (6 states)
3. States that specifically prohibit crossing roadways with higher speed limits (1 state)

The Web summaries for three states (California, Colorado and New York) include mentions of NEVs that do not fall into any of the above categories; these are detailed after the category lists.

¹ U.S. Department of Energy, <http://www.eere.energy.gov/cleancities/atv/tech/nev.html>.

In addition to the three categories mentioned, we have highlighted relevant text from state statutes that address local governments' authority to regulate NEV use, and from statutes that address registration, licensing, safety, insurance and inspection requirements.

Some state statutes specify the types of streets or highways where NEVs are permitted; for example, South Carolina mentions "secondary highways," Utah mentions "certain highways," and Illinois prohibits operation on a "state highway, tollroad or interstate highway." In addition, Rhode Island specifies that NEVs "may only be operated during the hours of 6:00 a.m. through 6:00 p.m."

State Statutes

1. States that specify a maximum speed limit with no mention of crossings

Arizona

Neighborhood Electric Vehicle (NEV) Access to Roadways

Neighborhood electric vehicles (NEVs) may not operate at a speed faster than 25 miles per hour (mph) and may only be used on roads that have a posted speed limit of less than 35 mph. NEVs must display a notice of the operational restrictions (either painted or otherwise permanently attached) on the vehicle in a location that is in clear view of the driver. (Reference Arizona Revised Statutes 28-966 and 28-2157)

Hawaii

Neighborhood Electric Vehicle (NEV) Access to Roadways

Neighborhood electric vehicles may not be operated at speed of more than 25 miles per hour (mph) and are only permitted on roads with speed limits not to exceed 35 mph. A neighborhood electric vehicle must have a notice of the operational restrictions pertaining to the vehicle permanently attached to, or painted on, the vehicle in a location that is in clear view of the driver. (Reference Hawaii Revised Statutes Sections 286-2, 286-41, and 291C-134 and Senate Bill 2050, 2006)

Indiana

Low Speed Vehicle Access to Roadways

Low speed electric vehicles (EVs) are considered to be passenger motor vehicles. The use of low speed EVs on local highways is subject to regulation by local transportation authorities. A person may not drive a low speed vehicle on a highway that has a speed limit greater than 35 miles per hour. Low speed vehicles must include standard equipment as outlined in Indiana Code. (Reference Indiana Code 9-21-5-8.5 and 9-13-2-94.5)

Kansas

Low-Speed Vehicle Access to Roadways

A low-speed vehicle is defined as any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour (mph) but not greater than 25 mph and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in the Code of Federal Regulations Title 49, Part 571.500. Low-speed vehicles may only travel on roads with a posted speed limit of 40 miles per hour or less and must be appropriately licensed. (Reference Kansas Statutes 8-15,101; 8-1488; 8-1701; and 8-2118)

Louisiana

Low Speed Vehicle Access to Roadways

Low speed vehicles may only be used on roads that have a posted speed limit of 35 miles per hour or less, must be equipped with safety equipment as specified in 49 C.F.R. 571.500, and must be registered with the state's Office of Motor Vehicles. (Reference Louisiana Revised Statutes, 32:300.1)

Maine

Low-Speed Vehicle Access to Roadways

Low-speed vehicles may only be used on roads that have a posted speed limit of 35 miles per hour or less. Low-speed vehicles must be registered for and must meet specified safety equipment requirements. A person operating a low-speed vehicle must possess a valid Class A, Class B or Class C driver's license. (Reference Maine Revised Statutes Title 29-A, Sections 1925 and 2089)

Missouri

Low-Speed Vehicle Access to Roadways

A low-speed vehicle is defined as a four-wheeled vehicle with a maximum speed between 20 and 25 miles per hour (mph), which is manufactured in compliance with National Highway Traffic Safety Administration standards. A low-speed vehicle **may be operated on a street or highway with a posted speed limit under 35 mph** and is exempt from inspection and emission testing as long as it complies with federal standards. (Reference Missouri Revised Statutes 304.029)

New Hampshire

Neighborhood Electric Vehicle (NEV) Access to Roadways

An NEV is any four-wheel electric vehicle that has a maximum speed greater than 20 miles per hour (mph) but not greater than 25 mph, and complies with the federal safety standards in 49 C.F.R. Section 571.500. NEVs may only **be used on roads that have a posted speed limit 35 mph or less.** (Reference New Hampshire Revised Statutes Title XXI, Chapters 259:66-b; 265:158; and 266:114)

New Mexico

Neighborhood Electric Vehicle (NEV) Access to Roadways

Neighborhood electric vehicles (NEVs) may operate at speeds not more than 25 miles per hour (mph) and **may only be used on roads that have a posted speed limit of less than 35 mph.** NEVs must display a notice of the operational restrictions (either painted or otherwise permanently attached) on the vehicle in a location that is in clear view of the driver. A local authority or the state Department of Transportation may prohibit the operation of NEVs on any road under its jurisdiction if the governing body determines that the prohibition is necessary in the interest of safety. (Reference New Mexico Statutes 66-3-1103)

Oklahoma

Neighborhood Electric Vehicle (NEV) Access to Roadways

Low-speed electric vehicles (Neighborhood Electric Vehicles manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500) are **allowed to operate on Oklahoma streets and highways with a posted speed limit of 35 miles per hour or less.** (Reference Oklahoma Statutes Section 47-11-805.1)

Oregon

Low-Speed Vehicle Access to Roadways

A low-speed vehicle is defined as a four-wheeled motor vehicle with a top speed of more than 20 miles per hour (mph) but not more than 25 mph, and **may not be operated on a highway that has a speed limit or posted speed of more than 35 mph.** However, a city or county may adopt an ordinance allowing operation of low-speed vehicles on city streets or country roads that have speed limits or posted speeds of more than 35 mph. (Reference Oregon Revised Statutes 801.331 and 811.512).

Rhode Island

Low-Speed Vehicle Access to Roadways

Low-speed vehicles may be operated upon the roadways of Prudence Island. A low-speed vehicle is defined as a motor vehicle that is a self-propelled, electric or gas powered, designed to carry four or fewer persons, and conforms to the maximum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard Number 500 (Code of Federal Regulations Part 49, Section 571.500). A low-speed vehicle **may not be operated on a road with a posted speed limit greater than 25 miles per hour** and may only be operated during the hours of 6:00 a.m. through 6:00 p.m. (Reference Rhode Island Code 31-19.4-1)

South Carolina

Low-Speed Vehicle Access to Roadways

Low-speed vehicles **may operate only on a secondary highway that has a posted speed limit of 35 miles per hour or less.** A low-speed vehicle must be registered and licensed in the same fashion as a passenger vehicle and is subject to the same insurance requirements applicable to other motor vehicles. Homemade low-speed vehicles, retrofitted golf carts, or any other similar vehicles do not qualify as low-speed vehicles. (Reference South Carolina Code of Laws Sections 56-1-10, 56-2-100 to 56-2-130, and 56-5-820)

Texas

Neighborhood Electric Vehicle (NEV) Access to Roadways

NEVs **may only be used on roads that have a posted speed limit of 35 miles per hour or less.** (Reference Texas Statutes, Transportation Code, Sections 551.301 to 551.303)

Utah [no speed limit specified]

Low-Speed Vehicle Access to Roadways

Low-speed vehicles are allowed access to certain highways at speeds of not more than 25 miles per hour and are subject to comply with all federal and state motor vehicle regulations. However, low-speed vehicles are exempt from emission inspections. Low-speed vehicles are also required to obtain annual clean special fuel tax certificates. Golf carts are not considered low-speed vehicles. (Reference Utah Code 41-6a-102(27) and 1508)

Virginia

Neighborhood Electric Vehicle (NEV) Access to Roadways

NEVs may not operate at a speed of more than 25 miles per hour (mph) and may only be used on roads that have a posted speed limit of less than 35 mph. The vehicle must comply with safety standards contained in Title 49 of the Code of Federal Regulations, section 571.500, meet the standards set forth in Virginia Code 46.2-908.2, and meet the same titling, registration and insurance requirements applicable to passenger cars. (Reference Virginia Code 46.2-100 and 46.2-908.3)

Vermont

Neighborhood Electric Vehicle (NEV) Access to Roadways

An NEV is defined as an electric vehicle which is designed to be, and is, operated at speeds of up to 25 miles per hour (mph) and conforms to the minimum safety equipment requirements as adopted in the Federal Motor Vehicle Safety Standard Number 500, Low Speed Vehicles (49 C.F.R. 571, 500). NEVs may only be used on roads that have a posted speed limit of 35 mph or less. (Reference Vermont Statutes Title 23, Chapter 1, Section 4, and Chapter 13, Sections 1007a and 1043)

Washington State

Neighborhood Electric Vehicle (NEV) Access to Roadways

NEVs are permitted on roads having speed limits of 35 miles per hour (mph) or less. (Reference Revised Code of Washington 46.61.725)

2. States that allow NEVs to cross roadways with higher speed limits

Alaska

Low Speed Vehicle Access to Roadways

Low-speed vehicles are not permitted on highways with a maximum speed of more than 35 miles per hour (mph) but are permitted to cross a highway that has a maximum speed limit of more than 35 mph if the crossing is made at the intersection with a highway that is authorized for low-speed vehicles. Operators of low-speed vehicles are subject to all the traffic and other laws applicable to operators of passenger vehicles, including a biennial registration fee. A low-speed vehicle is defined as a motor vehicle that has four wheels, was manufactured to be capable of propelling itself and achieving a minimum speed of 20 mph and a maximum speed of 25 mph, and that meets state and federal weight, equipment, and safety. (Reference House Bill 403, 2006 and Alaska Statutes 28.35.261 and 28.40.100)

Iowa

Low-Speed Vehicle Access to Roadways

A low-speed vehicle may not be operated on a street with a posted speed limit greater than 35 miles per hour (mph). A low-speed vehicle may cross a street with a posted speed limit greater than 35 mph. (Reference Iowa Code 321.381A)

Illinois

Neighborhood Electric Vehicle (NEV) Access to Roadways

Effective January 1, 2006, NEVs may be operated only on streets where the posted speed limit is 35 miles per hour (mph) or less and may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 mph (except for any state highway, tollroad or interstate highway). NEVs are defined as self-propelled, electronically powered four-wheeled motor vehicles which are capable of attaining in one mile a speed of more than 20 mph, but not more than 25 mph, and which conform to federal regulations under Title 49 Code of Federal Regulations Part 571.500. (Reference Senate Bill 25, 2005 and 625 Illinois Compiled Statutes 5/11-1426.1)

Maryland

Low-Speed Vehicle Access to Roadways

A low-speed vehicle is defined as a four-wheeled electric vehicle that has a maximum speed capability that exceeds 20 miles per hour (mph) but is less than 25 mph. A low-speed vehicle must be registered with the state Motor Vehicle Administration and comply with federal standards under 49 C.F.R 571.500. The State Highway Administration or any local authority may prohibit the use of low-speed vehicles on any controlled access highway in its jurisdiction. A person may not drive a low-speed vehicle on a highway for which the maximum speed limit exceeds 30 mph or, **except in certain situations, across a highway for which the maximum speed limit exceeds 45 mph.** (Reference Maryland Statutes, Transportation Code 11-130.1, 21-313, 21-1125, 22-101)

Minnesota

Neighborhood Electric Vehicle (NEV) Access to Roadways

A neighborhood electric vehicle (NEV) is defined as an electric vehicle that has four wheels, and has a speed attainable of at least 20 miles per hour (mph) but not more than 25 mph on a paved level surface. An NEV must be titled according to state law and may be operated on public streets and highways if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500 and successor requirements. An NEV may not be operated on a street or highway with a speed limit greater than 35 miles per hour, **except to make a direct crossing of that street or highway.** A road authority, including the commissioner of transportation, may prohibit or further restrict the operation of NEVs on any street or highway under the road authority's jurisdiction. (Reference House File 1838, 2006 and Minnesota Statutes Sections 168.011, 169.01, and 169.224)

Tennessee

Low Speed and Neighborhood Electric Vehicle Access to Roadways

"Low speed vehicle" means any four-wheeled electric vehicle, excluding golf carts, whose top speed is greater than 20 mph but not greater than 25 mph, including neighborhood vehicles. Low speed vehicles may be operated only on streets where the posted speed limit is 35 miles per hour (mph) or less. **This does not prohibit a low speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 mph.** (Reference Tennessee Code 55-8-101 and 55-8-191)

3. States that specifically prohibit crossing roadways with higher speed limits

Idaho

Neighborhood Electric Vehicle (NEV) Access to Roadways

An NEV is defined as a self-propelled, electrically-powered, four-wheeled motor vehicle which is emission free and conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards at 49 CFR part 571. An NEV must be titled, registered and insured according to Idaho law and may only be operated by a licensed driver. **NEVs may not be driven on or across any highways with a speed limit of more than 25 miles per hour.** (Reference Idaho Statutes 49-115, 49-123, 49-402, and 49-663)

Other states

California

Neighborhood Electric Vehicle (NEV) Access to Roadways

Until January 1, 2009, the Cities of Lincoln Rocklin in the Placer County are authorized to establish a neighborhood electric vehicle (NEV) transportation plan subject to the same review process established for a golf cart transportation plan. NEVs are defined as low-speed vehicles. NEVs may be used on state highways by NEVs under certain conditions. A report to the Legislature is required by January 1, 2008. Additionally, discussions are encouraged between the State Legislature, the DMV, and the California Highway Patrol **regarding the adoption of a new classification for licensing motorists who use NEVs.** (Reference California Streets and Highways Code, Sections 1963-1963.8)

Colorado

[mentioned as part of another statute summary]

Neighborhood electric vehicles (NEVs) do not qualify for the AFV credit since they cannot be operated on Colorado highways.

(Reference Colorado Revised Statutes 39-22-516)

New York

[definition only]

Low Speed Vehicle Definition

A low speed vehicle is defined as a limited use automobile which has a maximum speed greater than 20 miles per hour (mph), but not greater than 25 mph, or a truck which has a maximum speed greater than 20 mph by not greater than 25 mph and whose gross vehicle weight rating is less than 3,000 pounds. All low speed vehicles must comply with the safety standards established Federal Motor Vehicle Safety Standard Number 500, Low Speed Vehicles (49 C.F.R. 571, 500). (Reference Senate Bill 7447-B, 2007, and New York Vehicle and Traffic Law 121-f)

Regulation by local authorities

Several state statutes mention regulation by local authorities; relevant portions of the statute summaries on the DOE Web site are excerpted below.

Indiana

The use of low speed EVs on local highways is subject to regulation by local transportation authorities.

Maryland

The State Highway Administration or any local authority may prohibit the use of low-speed vehicles on any controlled access highway in its jurisdiction.

Minnesota

A road authority, including the commissioner of transportation, may prohibit or further restrict the operation of NEVs on any street or highway under the road authority's jurisdiction.

New Mexico

A local authority or the state Department of Transportation may prohibit the operation of NEVs on any road under its jurisdiction if the governing body determines that the prohibition is necessary in the interest of safety.

Oregon

A city or county may adopt an ordinance allowing operation of low-speed vehicles on city streets or country roads that have speed limits or posted speeds of more than 35 mph.

Registration, licensing, safety, inspection and insurance requirements

Many states also refer to federal standards in defining what an NEV is; these states are not included below.

Alaska

Operators of low-speed vehicles are subject to all the traffic and other laws applicable to operators of passenger vehicles, including a biennial registration fee.

Idaho

An NEV must be titled, registered and insured according to Idaho law and may only be operated by a licensed driver.

Kansas

Low-speed vehicles ... must be appropriately licensed.

Louisiana

Low speed vehicles ... must be equipped with safety equipment as specified in 49 C.F.R. 571.500, and must be registered with the state's Office of Motor Vehicles.

Maine

Low-speed vehicles must be registered for and must meet specified safety equipment requirements. A person operating a low-speed vehicle must possess a valid Class A, Class B or Class C driver's license.

Maryland

A low-speed vehicle must be registered with the state Motor Vehicle Administration and comply with federal standards under 49 C.F.R 571.500.

Minnesota

An NEV must be titled according to state law and may be operated on public streets and highways if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500 and successor requirements.

Missouri

A low-speed vehicle ... is exempt from inspection and emission testing as long as it complies with federal standards.

New Hampshire

An NEV ... complies with the federal safety standards in 49 C.F.R. Section 571.500.

South Carolina

A low-speed vehicle must be registered and licensed in the same fashion as a passenger vehicle and is subject to the same insurance requirements applicable to other motor vehicles.

Utah

Low-speed vehicles ... are subject to comply with all federal and state motor vehicle regulations. However, low-speed vehicles are exempt from emission inspections. Low-speed vehicles are also required to obtain annual clean special fuel tax certificates.

Virginia

The vehicle must comply with safety standards contained in Title 49 of the Code of Federal Regulations, section 571.500, meet the standards set forth in Virginia Code 46.2-908.2, and meet the same titling, registration and insurance requirements applicable to passenger cars.