



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0276/1
ARG:kpe&kjf:rs

2011 ASSEMBLY BILL 55

March 21, 2011 - Introduced by Representatives PRIDEMORE, KERKMAN, STRACHOTA and SPANBAUER, cosponsored by Senators OLSEN and LASSA. Referred to Committee on Transportation.

1 **AN ACT to repeal** 346.22 (1) (f); **to renumber and amend** 343.30 (1j) and 345.60
2 (4); and **to amend** 343.30 (1), 343.31 (3) (a), 343.38 (3), 345.60 (1), 346.22 (1)
3 (c), 346.22 (1) (d) and 346.22 (1) (e) of the statutes; **relating to:** vehicle
4 failure-to-yield violations.

Analysis by the Legislative Reference Bureau

Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including: 1) when turning left across traffic; 2) at an intersection posted with a yield sign; 3) when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or 4) when entering a highway from another highway that ends at a "T" intersection. A person who fails to yield the right-of-way as required is subject to a forfeiture of not less than \$20 nor more than \$50 for a first offense and not less than \$50 nor more than \$100 for any subsequent offense within a year, except that the forfeiture is doubled if the person fails to yield at a yield sign in a highway maintenance or construction area or in a utility work area. In addition, if a person's failure to yield the right-of-way results in bodily harm or death to another, the court must suspend the person's motor vehicle operating privilege and the person must forfeit \$200 if bodily harm results, \$500 if great bodily harm results, and \$1,000 if death results. For any failure-to-yield violation, the court must also order the person who commits the violation to attend a traffic safety school approved by the Department of Transportation (DOT) and conducted by a police department, sheriff's office, or regularly established safety organization. The traffic safety school must

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acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

Current law also allows a court to suspend a person's operating privilege if the person is convicted of violating any state or local traffic law.

Under this bill, if a person is convicted of a failure-to-yield violation that results in bodily harm, great bodily harm, or death, DOT must suspend the person's operating privilege, but a court cannot suspend the person's operating privilege. This DOT suspension must be for a period of two months if the offense resulted in bodily harm to another, three months if the offense resulted in great bodily harm to another, and nine months if the offense resulted in the death of another. The bill requires DOT, instead of a court, to order a person to attend traffic safety school for a failure-to-yield violation. The traffic safety school must be conducted by a regularly established safety organization, a licensed driver school, or a provider of driver education courses and must be approved by DOT. The traffic safety school's course of instruction must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness. If the traffic safety school is conducted by a driver school or provider of driver education courses, the driver school or provider must issue a certificate upon successful completion of the traffic safety school. If a person's operating privilege has been suspended as a result of a failure-to-yield violation that results in injury or death, DOT may not reinstate the person's operating privilege unless the person has successfully completed the traffic safety school.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 343.30 (1) of the statutes is amended to read:

2 343.30 (1) A court may suspend a person's operating privilege for any period
3 not exceeding one year upon such person's conviction in such court of violating any
4 of the state traffic laws or any local ordinance enacted under ch. 349, other than a
5 violation of s. 346.18 or a local ordinance in conformity with s. 346.18 for which
6 operating privilege suspension is required under s. 343.31 (2t) (a).

7 **SECTION 2.** 343.30 (1j) of the statutes is renumbered 343.31 (2t) (a), and 343.31
8 (2t) (a) (intro.), 1., and 2., as renumbered, are amended to read:

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1 343.31 (2t) (a) (intro.) ~~Upon conviction of a person for violating s. 346.18, the~~
2 ~~court~~ The department shall suspend ~~the violator's~~ a person's operating privilege
3 upon receiving a record of conviction for a violation of s. 346.18, or a local ordinance
4 in conformity with s. 346.18, resulting in bodily harm, as defined in s. 939.22 (4),
5 great bodily harm, as defined in s. 939.22 (14), or death, as follows:

6 1. For a period of ~~30 days~~ 2 months, if the offense resulted in bodily harm to
7 another but did not result in great bodily harm or the death of another.

8 2. For a period of ~~90 days~~ 3 months, if the offense resulted in great bodily harm
9 to another but did not result in the death of another.

10 **SECTION 3.** 343.31 (3) (a) of the statutes is amended to read:

11 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m), (2s),
12 (2t), or (2x), all revocations or suspensions under this section shall be for a period of
13 one year.

14 **SECTION 4.** 343.38 (3) of the statutes is amended to read:

15 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and
16 s. 343.10, the department shall not reinstate the operating privilege of a person
17 whose operating privilege has been duly suspended while the suspension remains in
18 effect. ~~Upon~~ Subject to s. 343.31 (2t) (b), upon the expiration of the period of
19 suspension, the person's operating privilege is reinstated upon receipt by the
20 department of the fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of
21 an operating privilege suspended under ch. 344, the filing with the department of
22 proof of financial responsibility, if required, in the amount, form, and manner
23 specified under ch. 344.

24 **SECTION 5.** 345.60 (1) of the statutes is amended to read:

ASSEMBLY BILL 55**SECTION 5**

1 345.60 (1) Except as provided in ~~subs. (3) and (4)~~ sub. (3) and s. 343.31 (2t) (b),
2 in addition to or in lieu of other penalties provided by law for violation of chs. 346 to
3 348, the trial court may in its judgment of conviction order the convicted person to
4 attend, for a certain number of school days, a traffic safety school whose course and
5 mode of instruction is approved by the secretary, ~~subject to sub. (4)~~, and which is
6 conducted by the police department of the municipality, by the sheriff's office of the
7 county, or by any regularly established safety organization. The trial court may not
8 order a person to attend a traffic safety school under this subsection if the
9 department is required to order that the person attend a traffic safety school under
10 s. 343.31 (2t) (b).

11 **SECTION 6.** 345.60 (4) of the statutes is renumbered 343.31 (2t) (b) and amended
12 to read:

13 343.31 (2t) (b) If a person is convicted of violating s. 346.18 or a local ordinance
14 in conformity with s. 346.18, in addition to any other penalty provided by law, ~~a court~~
15 the department shall order the person to attend a school under sub. (1), which, for
16 a certain number of school days, a traffic safety school whose course and mode of
17 instruction is approved by the secretary and which is conducted by any regularly
18 established safety organization, by the provider of driver education courses approved
19 under s. 38.04 (4) or 115.28 (11), or by a driver school licensed under s. 343.61. The
20 traffic safety school's course of instruction shall acquaint the person with vehicle
21 right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle
22 awareness. If the traffic safety school is conducted by the provider of approved driver
23 education courses or a driver school, the provider or driver school shall issue to the
24 person a certificate upon successful completion of the traffic safety school. If a
25 person's operating privilege has been suspended under par. (a), the department may

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1 not reinstate the person's operating privilege unless the person has successfully
2 completed the traffic safety school required under this paragraph.

3 **SECTION 7.** 346.22 (1) (c) of the statutes is amended to read:

4 346.22 (1) (c) If a person violates s. 346.18 and the violation results in bodily
5 harm, as defined in s. 939.22 (4), to another, the person shall forfeit \$200 and shall
6 ~~have his or her operating privilege suspended as provided in s. 343.30 (1j).~~

7 **SECTION 8.** 346.22 (1) (d) of the statutes is amended to read:

8 346.22 (1) (d) If a person violates s. 346.18 and the violation results in great
9 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500 and
10 ~~shall have his or her operating privilege suspended as provided in s. 343.30 (1j).~~

11 **SECTION 9.** 346.22 (1) (e) of the statutes is amended to read:

12 346.22 (1) (e) If a person violates s. 346.18 and the violation results in death
13 to another, the person shall forfeit \$1,000 and ~~shall have his or her operating~~
14 ~~privilege suspended as provided in s. 343.30 (1j).~~

15 **SECTION 10.** 346.22 (1) (f) of the statutes is repealed.

16 **SECTION 11. Initial applicability.**

17 (1) This act first applies to violations occurring on the effective date of this
18 subsection, but does not preclude the counting of other violations as prior violations
19 for purposes of sentencing a person.

20 **SECTION 12. Effective date.**

21 (1) This act takes effect on the first day of the 4th month beginning after
22 publication.

23 (END)