



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0770/1  
EVM:emw

## 2017 ASSEMBLY BILL 1007

March 9, 2018 - Introduced by Representatives GENRICH, KOLSTE, OHNSTAD, SINICKI, BERCEAU, SUBECK, SARGENT and VRUWINK, cosponsored by Senators HANSEN and LARSON. Referred to Committee on Transportation.

1     **AN ACT to amend** 346.23 (1), 346.23 (2), 346.24 (1), 346.24 (2), 346.37 (1) (a) 1.,  
2             346.37 (1) (c) 3., 346.37 (1) (c) 4., 346.37 (1) (d) 1. and 346.37 (1) (e) 1. of the  
3             statutes; **relating to:** requiring vehicles to stop for pedestrians at certain  
4             intersections and crosswalks.

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### *Analysis by the Legislative Reference Bureau*

This bill requires a vehicle operator to stop his or her vehicle and remain stopped until a pedestrian crossing at a crosswalk has completed crossing the roadway.

Under current law, the operator of a vehicle is required to yield the right-of-way to a pedestrian, personal delivery device, bicyclist, or rider of a personal assistive mobility device that is crossing a highway at an intersection or crosswalk controlled by a traffic signal on a green or "walk" signal or that is crossing a highway at an intersection or crosswalk not controlled by a traffic signal within a marked or unmarked crosswalk. "Yield the right-of-way to a pedestrian" is defined to mean that the operator of a vehicle must reduce speed, or stop if necessary, to avoid endangering, colliding with, or interfering with pedestrian travel.

This bill requires that, under these circumstances, rather than yield, the vehicle operator must stop the vehicle and remain stopped until the pedestrian,

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personal delivery device, bicyclist, or rider of a personal assistive mobility device has completed crossing the roadway.

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

1           **SECTION 1.** 346.23 (1) of the statutes, as affected by 2017 Wisconsin Act 13, is  
2 amended to read:

3           346.23 (1) At an intersection or crosswalk where traffic is controlled by traffic  
4 control signals or by a traffic officer, the operator of a vehicle shall yield the  
5 ~~right-of-way to~~ stop the vehicle when a pedestrian or personal delivery device, or to  
6 a person who is riding a bicycle or electric personal assistive mobility device in a  
7 manner which ~~that~~ is consistent with the safe use of the crosswalk by pedestrians,  
8 ~~that~~ has started to cross the highway on a green signal or a pedestrian signal  
9 authorizing crossing ~~and in~~ and shall remain stopped until the pedestrian, personal  
10 delivery device, bicyclist, or rider of an electric personal assistive mobility device has  
11 completed crossing the roadway. In all other cases, pedestrians, bicyclists, and riders  
12 of electric personal assistive mobility devices shall yield, and personal delivery  
13 device operators shall ensure that personal delivery devices yield, the right-of-way  
14 to vehicles lawfully proceeding directly ahead on a green signal. ~~No~~ The operator of  
15 a vehicle proceeding ahead on a green signal ~~may begin a~~ and preparing to turn at  
16 a controlled intersection or crosswalk ~~when~~ where a pedestrian, personal delivery  
17 device, bicyclist, or rider of an electric personal assistive mobility device is crossing  
18 in the crosswalk on a green signal or a pedestrian signal authorizing crossing ~~would~~  
19 ~~be endangered or interfered with in any way~~ shall stop the vehicle and shall remain  
20 stopped until the pedestrian, personal delivery device, bicyclist, or rider of an electric  
21 personal assistive mobility device has complete crossing the roadway. The rules

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1 stated in this subsection are modified at intersections or crosswalks on divided  
2 highways or highways provided with safety zones in the manner and to the extent  
3 stated in sub. (2).

4 **SECTION 2.** 346.23 (2) of the statutes, as affected by 2017 Wisconsin Act 13, is  
5 amended to read:

6 346.23 (2) At intersections or crosswalks on divided highways or highways  
7 provided with safety zones where traffic is controlled by traffic control signals or by  
8 a traffic officer, the operator of a vehicle shall ~~yield the right-of-way to~~ stop the  
9 vehicle when a pedestrian, personal delivery device, bicyclist, or rider of an electric  
10 personal assistive mobility device that has started to cross the roadway either from  
11 the near curb or shoulder or from the center dividing strip or a safety zone with the  
12 green signal or a pedestrian signal authorizing crossing in the favor of the  
13 pedestrian, personal delivery device, bicyclist, or rider of an electric personal  
14 assistive mobility device and shall remain stopped until the pedestrian, personal  
15 delivery device, bicyclist, or rider of an electric personal assistive mobility device has  
16 completed crossing the roadway.

17 **SECTION 3.** 346.24 (1) of the statutes, as affected by 2017 Wisconsin Act 13, is  
18 amended to read:

19 346.24 (1) At an intersection or crosswalk where traffic is not controlled by  
20 traffic control signals or by a traffic officer, the operator of a vehicle shall ~~yield the~~  
21 ~~right-of-way to~~ stop the vehicle when a pedestrian or personal delivery device, or to  
22 a person riding a bicycle or electric personal assistive mobility device in a manner  
23 ~~which that~~ that is consistent with the safe use of the crosswalk by pedestrians, ~~that is~~  
24 crossing the highway within a marked or unmarked crosswalk and shall remain

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1 stopped until the pedestrian, personal delivery device, bicyclist, or rider of an electric  
2 personal assistive mobility device has completed crossing the roadway.

3 **SECTION 4.** 346.24 (2) of the statutes, as affected by 2017 Wisconsin Act 13, is  
4 amended to read:

5 346.24 (2) No pedestrian, personal delivery device, bicyclist, or rider of an  
6 electric personal assistive mobility device may suddenly leave, and no personal  
7 delivery device operator may allow a personal delivery device to suddenly leave, a  
8 curb or other place of safety and walk, run, or ride into the path of a vehicle which  
9 is so close that it is difficult for the operator of the vehicle to yield stop.

10 **SECTION 5.** 346.37 (1) (a) 1. of the statutes is amended to read:

11 346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight  
12 through, make a U-turn, or turn right or left unless a sign at such place prohibits  
13 the turning maneuver, but, subject to s. 346.23, vehicular traffic shall yield the  
14 right-of-way to other vehicles and to pedestrians lawfully within the intersection or  
15 an adjacent crosswalk at the time the signal is exhibited.

16 **SECTION 6.** 346.37 (1) (c) 3. of the statutes, as affected by 2017 Wisconsin Act  
17 13, is amended to read:

18 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after  
19 stopping as required under subd. 1., cautiously enter the intersection to make a right  
20 turn into the nearest lawfully available lane for traffic moving to the right or to turn  
21 left from a one-way highway into the nearest lawfully available lane of a one-way  
22 highway on which vehicular traffic travels to the left. Vehicular traffic in the leftmost  
23 right-turn lane of a roadway that provides 2 right-turn lanes may make a right turn  
24 on a red signal into a lawfully available lane that is 2nd to the rightmost lane for  
25 traffic moving to the right. Except for a vehicle turning right from the leftmost

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1 right-turn lane of a roadway that provides 2 right-turn lanes, no turn may be made  
2 on a red signal if lanes of moving traffic are crossed. No turn may be made on a red  
3 signal if a sign at the intersection prohibits the turn on a red signal. ~~In~~ Subject to  
4 s. 346.23, in making a turn on a red signal, vehicular traffic shall yield the  
5 right-of-way to pedestrians, personal delivery devices, bicyclists, and riders of  
6 electric personal assistive mobility devices lawfully within a crosswalk, to operators  
7 of vehicles making a lawful U-turn, and to other traffic lawfully using the  
8 intersection.

9 **SECTION 7.** 346.37 (1) (c) 4. of the statutes, as affected by 2017 Wisconsin Act  
10 13, is amended to read:

11 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle, moped, motor bicycle,  
12 or bicycle facing a red signal at an intersection may, after stopping as required under  
13 subd. 1. for not less than 45 seconds, proceed cautiously through the intersection  
14 before the signal turns green if no other vehicles are present at the intersection to  
15 actuate the signal and the operator of the motorcycle, moped, motor bicycle, or bicycle  
16 reasonably believes the signal is vehicle actuated. ~~The~~ Subject to s. 346.23, the  
17 operator of a motorcycle, moped, motor bicycle, or bicycle proceeding through a red  
18 signal under this subdivision shall yield the right-of-way to any vehicular traffic,  
19 pedestrian, personal delivery device, bicyclist, or rider of an electric personal  
20 assistive mobility device proceeding through a green signal at the intersection or  
21 lawfully within a crosswalk or using the intersection. This subdivision does not  
22 affect any authorization for a bicyclist under subd. 2.

23 **SECTION 8.** 346.37 (1) (d) 1. of the statutes, as affected by 2017 Wisconsin Act  
24 13, is amended to read:

