

1993 Assembly Bill 317

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1993 WISCONSIN ACT 198

AN ACT to renumber and amend 346.22 (1); to amend 346.17 (1), 346.30 (2), 346.43 (1) (b) 1, 346.49 (1) (a), 346.60 (2) and (3), 346.65 (1) (intro.) and 346.65 (3) and (5); and to create 340.01 (22e), 346.17 (5), 346.22 (1) (b), 346.30 (4), 346.43 (1) (b) 3, 346.49 (1) (c), 346.60 (3m), 346.65 (5m) and 349.06 (3) of the statutes, relating to: increasing forfeitures and fines for certain traffic law violations committed in highway maintenance or construction areas and providing a penalty.

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

SECTION 1. 340.01 (22e) of the statutes is created to read:

340.01 (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.

SECTION 2. 346.17 (1) of the statutes is amended to read:

346.17 (1) Any Except as provided in sub. (5), any person violating s. 346.04 (1) or (2), 346.06, 346.07 (1), 346.12 or 346.13 (1) or (3) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 3. 346.17 (5) of the statutes is created to read:

346.17 (5) If an operator of a vehicle violates s. 346.04 (1) or (2) where persons engaged in work in a highway maintenance or construction area are at risk from traffic, any applicable minimum and maximum forfeiture specified in sub. (1) for the violation shall be doubled.

SECTION 4. 346.22 (1) of the statutes is renumbered 346.22 (1) (a) and amended to read:

346.22 (1) (a) Any Except as provided in par. (b), any person violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 5. 346.22 (1) (b) of the statutes is created to read:

346.22 (1) (b) If an operator of a vehicle violates s. 346.18 (6) where persons engaged in work in a highway maintenance or construction area are at risk from traffic, any applicable minimum and maximum forfeiture specified in par. (a) for the violation shall be doubled.

SECTION 6. 346.30 (2) of the statutes is amended to read:

346.30 (2) Unless otherwise provided in sub. (1) (b) 2., any person violating s. 346.24 (1) or (3) ~~or 346.27~~ may be required to forfeit not less than \$30 nor more than \$300.

SECTION 7. 346.30 (4) of the statutes is created to read:

346.30 (4) Any person violating s. 346.27 may be required to forfeit not less than \$60 nor more than \$600.

SECTION 8. 346.43 (1) (b) 1. of the statutes is amended to read:

346.43 (1) (b) 1. Unless otherwise provided in subd. 2 or 3, any operator of a vehicle violating ss. 346.37 to 346.39 may be required to forfeit not less than \$20 nor

1993 Assembly Bill 317

more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 9. 346.43 (1) (b) 3. of the statutes is created to read:

346.43 (1) (b) 3. If an operator of a vehicle violates s. 346.37 or 346.39 where persons engaged in work in a highway maintenance or construction area are at risk from traffic, any applicable minimum and maximum forfeiture specified in subd. 1 for the violation shall be doubled.

SECTION 10. 346.49 (1) (a) of the statutes is amended to read:

346.49 (1) (a) Unless otherwise provided in par. (b) or (c), any person violating s. 346.46 or 346.47 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 11. 346.49 (1) (c) of the statutes is created to read:

346.49 (1) (c) If an operator of a vehicle violates s. 346.46 (1) where persons engaged in work in a highway maintenance or construction area are at risk from traffic, any applicable minimum and maximum forfeiture specified in par. (a) for the violation shall be doubled.

SECTION 12. 346.60 (2) and (3) of the statutes are amended to read:

346.60 (2) (a) Except as provided in sub. (3m) or (5), any person violating s. 346.57 (4) (d) to (g) or (h) or (5) or 346.58 may be required to forfeit not less than \$30 nor more than \$300.

(b) Except as provided in sub. (3m) or (5), any person violating s. 346.57 (4) (gm) may be required to forfeit not less than \$50 nor more than \$300.

(3) Except as provided in sub. (3m) or (5), any person violating s. 346.57 (2), (3) or (4) (a) to (c) may be required to forfeit not less than \$40 nor more than \$300 for the first offense and may be required to forfeit not less than \$80 nor more than \$600 for the 2nd or subsequent conviction within a year.

SECTION 13. 346.60 (3m) of the statutes is created to read:

346.60 (3m) If an operator of a vehicle violates s. 346.57 (2), (3) or (4) (d) to (h) where persons engaged in work in a highway maintenance or construction area are at risk from traffic, any applicable minimum and maximum forfeiture specified in sub. (2) or (3) for the violation shall be doubled.

SECTION 14. 346.65 (1) (intro.) of the statutes is amended to read:

346.65 (1) (intro.) Any Except as provided in sub. (5m), any person who violates s. 346.62 (2):

SECTION 15. 346.65 (3) and (5) of the statutes are amended to read:

346.65 (3) Any Except as provided in sub. (5m), any person violating s. 346.62 (3) or 346.63 (2) or (6) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned not less than 30 days nor more than one year in the county jail.

(5) Any Except as provided in sub. (5m), any person violating s. 346.62 (4) shall be fined not less than \$600 nor more than \$2,000 and may be imprisoned for not less than 90 days nor more than 18 months.

SECTION 16. 346.65 (5m) of the statutes is created to read:

346.65 (5m) If an operator of a vehicle violates s. 346.62 (2) to (4) where persons engaged in work in a highway maintenance or construction area are at risk from traffic, any applicable minimum and maximum forfeiture or fine specified in sub. (1), (2), (2j), (3) or (5) for the violation shall be doubled.

SECTION 17. 349.06 (3) of the statutes is created to read:

349.06 (3) If an operator of a vehicle violates a local ordinance in strict conformity with s. 346.04 (1) or (2), 346.18 (6), 346.27, 346.37, 346.39, 346.46 (1), 346.57 (2), (3) or (4) (d) to (h) or 346.62 (2) where persons engaged in work in a highway maintenance or construction area are at risk from traffic, any applicable minimum and maximum forfeiture for the violation shall be doubled.

SECTION 18. Nonstatutory provisions. The department of transportation shall develop and construct a highway sign to inform motorists that forfeitures and fines for certain traffic law violations committed in highway maintenance or construction areas are doubled under state law. On or before January 1, 1995, the department shall submit a report on the highway signs to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor. The report shall include a plan for erecting and maintaining such signs on the highways of this state.

SECTION 19. Initial applicability. This act first applies to violations committed on the effective date of this SECTION, but does not preclude the counting of other violations as prior violations for sentencing a person or for suspending or revoking a person's operating privilege.