

2005 SENATE BILL 528

1 **AN ACT** *to amend* 343.07 (4) (a), 343.16 (1) (a), 343.16 (2) (cm), 345.60 (1), 346.22
2 (1) (a) and 346.22 (1) (b); and *to create* 38.04 (4) (e) 3., 115.28 (11) (c), 343.30
3 (1j), 343.61 (6) (c), 345.60 (4), 346.22 (1) (c), 346.22 (1) (d), 346.22 (1) (e), 346.22
4 (1) (f) and 346.37 (1) (c) 4. of the statutes; **relating to:** authorization to operate
5 motorcycles, stops required of vehicles at traffic control signals, vehicle
6 failure-to-yield violations, driver education instruction, and providing a
7 penalty.

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1.** 38.04 (4) (e) 3. of the statutes is created to read:
9 38.04 (4) (e) 3. Includes information on motorcycle awareness, as approved by
10 a recognized motorcycle safety and awareness organization, and pedestrian and

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1 bicycle awareness, as approved by a recognized pedestrian and bicycle safety and
2 awareness organization.

3 **SECTION 3.** 115.28 (11) (c) of the statutes is created to read:

4 115.28 (11) (c) Provide information on motorcycle awareness, as approved by
5 a recognized motorcycle safety and awareness organization, and pedestrian and
6 bicycle awareness, as approved by a recognized pedestrian and bicycle safety and
7 awareness organization.

8 **SECTION 4.** 343.07 (4) (a) of the statutes is amended to read:

9 343.07 (4) (a) ~~Upon~~ Subject to s. 343.16 (1) (a), upon application by a person
10 who qualifies for issuance of a license under s. 343.06 (1) (c) and who wishes to qualify
11 for the operation of a Type 1 motorcycle, the department may issue an instruction
12 permit for the operation of “Class M” vehicles.

13 **SECTION 5.** 343.16 (1) (a) of the statutes is amended to read:

14 343.16 (1) (a) *General.* The department shall examine every applicant for an
15 operator’s license, including applicants for license renewal as provided in sub. (3),
16 and every applicant for authorization to operate a vehicle class or type for which the
17 applicant does not hold currently valid authorization, other than an instruction
18 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
19 for licenses authorizing operation of “Class A”, “Class B”, “Class C”, “Class D” or
20 “Class M” vehicles shall include both a knowledge test and an actual demonstration
21 in the form of a driving skills test of the applicant’s ability to exercise ordinary and
22 reasonable control in the operation of a representative vehicle. The department shall
23 not administer a driving skills test to a person applying for authorization to operate
24 “Class M” vehicles who has failed 2 previous such skills tests unless the person has
25 successfully completed a rider course approved by the department. The department

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1 may, by rule, exempt certain persons from the rider course requirement of this
2 paragraph. The department may not require a person applying for authorization to
3 operate “Class M” vehicles who has successfully completed a basic rider course
4 approved by the department to hold an instruction permit under s. 343.07 (4) prior
5 to the department’s issuance of a license authorizing the operation of “Class M”
6 vehicles. The department may not require a person applying for authorization to
7 operate “Class M” vehicles who holds an instruction permit under s. 343.07 (4) to
8 hold it for a minimum period of time before administering a driving skills test. The
9 driving skills of applicants for endorsements authorizing the operation of
10 commercial motor vehicles equipped with air brakes, the transportation of
11 passengers in commercial motor vehicles or the operation of school buses, as provided
12 in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving
13 skills. The department may endorse an applicant’s commercial driver license for
14 transporting hazardous materials requiring placarding or any quantity of a material
15 listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the
16 operation of tank vehicles or vehicles towing double or triple trailers, as described
17 in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In
18 administering the knowledge test, the department shall attempt to accommodate
19 any special needs of the applicant. Except as may be required by the department for
20 an “H” or “S” endorsement, the knowledge test is not intended to be a test for literacy
21 or English language proficiency. This paragraph does not prohibit the department
22 from requiring an applicant to correctly read and understand highway signs.

23 **SECTION 6.** 343.16 (2) (cm) of the statutes is amended to read:

24 343.16 (2) (cm) *Motorcycle waiver.* The department shall waive the driving
25 skills test of a person applying for authorization to operate “Class M” vehicles if the

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1 applicant holds an instruction permit under s. 343.07 (4) and has successfully
2 completed a basic rider course approved by the department.

3 **SECTION 7.** 343.30 (1j) of the statutes is created to read:

4 343.30 (1j) Upon conviction of a person for violating s. 346.18, the court shall
5 suspend the violator's operating privilege as follows:

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

8 (b) For a period of 90 days, if the offense resulted in great bodily harm to
9 another but did not result in the death of another.

10 (c) For a period of 9 months, if the offense resulted in the death of another.

11 **SECTION 8.** 343.61 (6) (c) of the statutes is created to read:

12 343.61 (6) (c) Includes information on motorcycle awareness, as approved by
13 a recognized motorcycle safety and awareness organization, and pedestrian and
14 bicycle awareness, as approved by a recognized pedestrian and bicycle safety and
15 awareness organization.

16 **SECTION 9.** 345.60 (1) of the statutes is amended to read:

17 345.60 (1) Except as provided in ~~sub. (3)~~ subs. (3) and (4), in addition to or in
18 lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court
19 may in its judgment of conviction order the convicted person to attend, for a certain
20 number of school days, a traffic safety school whose course and mode of instruction
21 is approved by the secretary, subject to sub. (4), and which is conducted by the police
22 department of the municipality, by the sheriff's office of the county, or by any
23 regularly established safety organization.

24 **SECTION 10.** 345.60 (4) of the statutes is created to read:

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1 345.60 (4) If a person is convicted of violating s. 346.18 or a local ordinance in
2 conformity with s. 346.18, in addition to any other penalty provided by law, a court
3 shall order the person to attend a school under sub. (1), which shall acquaint the
4 person with vehicle right-of-way rules and provide instruction on motorcycle,
5 pedestrian, and bicycle awareness.

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

7 346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e), any person violating
8 s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20 nor more than \$50
9 for the first offense and not less than \$50 nor more than \$100 for the 2nd or
10 subsequent conviction within a year.

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

12 346.22 (1) (b) If an operator of a vehicle violates s. 346.18 (6) where persons
13 engaged in work in a highway maintenance or construction area or in a utility work
14 area are at risk from traffic, any applicable minimum and maximum forfeiture
15 specified in par. (a), (c), (d), or (e) for the violation shall be doubled.

16 **SECTION 12.** 346.22 (1) (c) of the statutes is created to read:

17 346.22 (1) (c) If a person violates s. 346.18 and the violation results in bodily
18 harm, as defined in s. 939.22 (4), to another, the person shall forfeit \$200 and shall
19 have his or her operating privilege suspended as provided in s. 343.30 (1j).

20 **SECTION 13.** 346.22 (1) (d) of the statutes is created to read:

21 346.22 (1) (d) If a person violates s. 346.18 and the violation results in great
22 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500 and
23 shall have his or her operating privilege suspended as provided in s. 343.30 (1j).

24 **SECTION 14.** 346.22 (1) (e) of the statutes is created to read:

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

4 **SECTION 15.** 346.22 (1) (f) of the statutes is created to read:

5 346.22 (1) (f) If a court finds that a person violated s. 346.18, the court shall,
6 in addition to any other penalty provided by law, order the person to attend a traffic
7 safety school as provided under s. 345.60 (4).

8 **SECTION 16.** 346.37 (1) (c) 4. of the statutes is created to read:

9 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle, moped, motor bicycle,
10 or bicycle facing a red signal at an intersection may, after stopping as required under
11 subd. 1. for not less than 45 seconds, proceed cautiously through the intersection
12 before the signal turns green if no other vehicles are present at the intersection to
13 actuate the signal and the operator of the motorcycle, moped, motor bicycle, or bicycle
14 reasonably believes the signal is vehicle actuated. The operator of a motorcycle,
15 moped, motor bicycle, or bicycle proceeding through a red signal under this
16 subdivision shall yield the right-of-way to any vehicular traffic, pedestrian,
17 bicyclist, or rider of an electric personal assistive mobility device proceeding through
18 a green signal at the intersection or lawfully within a crosswalk or using the
19 intersection. This subdivision does not affect any authorization for a bicyclist under
20 subd. 2.

21 **SECTION 17. Initial applicability.**

22 (2) The treatment of sections 38.04 (4) (e) 3., 115.28 (11) (c), and 343.61 (6) (c)
23 of the statutes first applies to driver education courses that are begun on the effective
24 date of this subsection.

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1 (3) The treatment of sections 343.30 (1j), 345.60 (1) and (4), 346.22 (1) (a), (b),
2 (c), (d), (e), and (f), and 346.37 (1) (c) 4. of the statutes first applies to violations
3 occurring on the effective date of this subsection, but does not preclude the counting
4 of other violations as prior violations for purposes of sentencing a person.

5 (4) The treatment of sections 343.07 (4) (a) and 343.16 (1) (a) and (2) (cm) of the
6 statutes first applies to applications for an operator's license submitted to the
7 department of transportation on the effective date of this subsection.

8 **SECTION 18. Effective date.**

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

11

(END)