

2005 DRAFTING REQUEST

Bill

Received: **05/13/2005**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **David Zien (608) 266-7511**

By/Representing: **Nicole Marklein (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters: **phurley**

Subject: **Transportation - miscellaneous
Transportation - traffic laws**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Zien@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Motorcycles - roadway users responsibility act

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 07/08/2005			_____			S&L
/P1	agary 12/09/2005	kfollett 12/15/2005	rschluet 12/15/2005	_____	sbasford 12/15/2005		S&L Crime
/P2	agary 01/04/2006	kfollett 01/04/2006	rschluet 01/05/2006	_____	sbasford 01/05/2006		S&L Crime
/1	agary	kfollett	jfrantze	_____	lemery	lemery	

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	01/12/2006	01/12/2006	01/12/2006	_____	01/12/2006	01/12/2006	

FE Sent For:

<END>

At
1/12/06

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/P2	agary 01/04/2006	kfollett 01/04/2006	rschluet 01/05/2006	_____	sbasford 01/05/2006		

11 KJF
1/12

JK/Self
1/12

PA'S:
Please
Jacket
1/12
Thanks AEB

FE Sent For:

<END>

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Wanted: As time permits

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For: David Zien (608) 266-7511

By/Representing: Nicole Marklein (aide)

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Addl. Drafters: phurley

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/P1	agary 12/09/2005 agary	kfollett 12/15/2005	rschluet 12/15/2005		sbasford 12/15/2005		

Handwritten notes: 1 P2 KJF, 1/4, 46, pb

FE Sent For:

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FE Sent For:

1/P2 kjf
1/4

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/?	agary	1/11/gjf 12/15					

FE Sent For:

<END>

Gary, Aaron

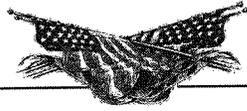
From: Marklein, Nicole
Sent: Friday, May 13, 2005 2:23 PM
To: Gary, Aaron
Subject: Drafting Request

Attached is a copy of a proposal that Senator Zien would like drafted, relating to motorcyclist issues. They are divided into several categories of what we'd like the bill to do. Some of the language is rather vague, so if you have any questions at all, please do not hesitate to ask.



MC Proposal 5 13
05 to drafter...

Nicole Marklein
Office of Senator Zien
(608) 266-7511

**CHAIRPERSON**

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON

COMMITTEE ON VETERANS, HOMELAND SECURITY, MILITARY AFFAIRS, SMALL BUSINESS AND GOVERNMENT REFORM

MEMBER

COMMITTEE ON JOB CREATION, ECONOMIC DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

JOINT LEGISLATIVE COUNCIL

BUILDING COMMISSION

PRESIDENT PRO TEMPORE

Roadway Users Responsibility Act (Tentative) – **DRAFT ONLY**

1. **STOP LIGHTS WITH SENSORS:** Allow motorcycles to proceed through an intersection with a red light signal after coming to a full stop and waiting 30 seconds, when no other vehicles are present.
 - The motorcyclist must have reason to believe the signal is vehicle actuated.
 - This should be used only during low traffic volume times when there are no other vehicles present to actuate the signal.
2. **GROUPS AT INTERSECTIONS:** Allow a group of motorcycles the equivalent of six motorcycles deep or less, or the equivalent size as a tractor-trailer type of vehicle, to proceed through intersections as one vehicle, particularly at 4-way-stop intersections.
3. **PENALTY ENHANCER:** Increase the penalty for failure to yield right of way that results in serious bodily injury. *Please advise on appropriate penalty enhancement.*
4. **ADD MOTORCYCLE AWARENESS TO DRIVERS ED. CURRICULUM BY INCORPORATING A “SHARE THE ROAD” SEGMENT.**
5. **FUNDING FOR “SHARE THE ROAD” PROGRAM:** Designate a percentage of fines for all R.O.W. violations to fund the Share the Road program and require all violators of R.O.W. violations that result in bodily harm to complete the “Share the Road” program.
6. **ALLOW MOTORCYCLE SAFETY COURSE GRADUATES TO GET “CLASS M” ENDORSEMENT WITHOUT GETTING TEMPS FIRST:** Allow the Department of Motor Vehicles to bypass the added paperwork of issuing temporary licenses immediately before issuing their “class M” endorsement.
7. **SEGREGATED FUNDING FOR WI MOTORCYCLE SAFETY PROGRAM:** Reclaim registration and license fees levied to support Motorcycle Rider Education Program, instead of the Registration Fee Trust Fund.
8. **REQUIRE STATE AGENCIES TO CONSIDER MOTORCYCLES IN PLANNING ROAD CONSTRUCTION PROJECTS**



Gary, Aaron

From: Marklein, Nicole
Sent: Friday, July 08, 2005 10:42 AM
To: Gary, Aaron
Subject: RE: Drafting Request

Hi Aaron,

Thanks for getting back to me. We actually have decided to submit a revised version for drafting, so you can just hold off on it for now until I get you something else. I will keep the issues that you bring up in mind while we submit the next drafting request, though.

Thanks,
Nicole

From: Gary, Aaron
Sent: Friday, July 08, 2005 9:56 AM
To: Marklein, Nicole
Subject: RE: Drafting Request

Nicole,

I'm sorry it has taken so long to get to this draft - the budget really backs things up.

Item 5. of the attached memo would be unconstitutional, as the constitution requires fines and forfeitures to be deposited in the common school fund. However, I could create a surcharge to provide funding. Do you want me to do so? If so, how much should the surcharge be?

I'm not sure I understand item 7. Is the intent to dedicate motorcycle registration and class M license fees to this program? If so, there will be a major problem as to registration fees (but not license fees). Under current law, the state issues revenue bonds to fund certain highway and other projects. The "security" of the revenue bonds is the pledge of certain revenue streams of DOT, including motorcycle registration fees. See s. 84.59 (2) (b). Amending this statute and changing the current system will breach the existing bondholder agreement with investors in the state's revenue bonds used for highway project financing. One partial solution would be to dedicate the license fees and require that, as of the effective date of the bill, the state (DOA Capital finance office) cannot enter into any *new* bondholder agreement that pledges motorcycle registration fees. (However, there is a balancing between the fees pledged and the amount of bonding that can be done; you would have to consult with the DOA capital budget office or LFB to get details on how the bill might affect that balance.) How do you want to proceed on this issue?

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Marklein, Nicole
Sent: Friday, May 13, 2005 2:23 PM
To: Gary, Aaron
Subject: Drafting Request

Attached is a copy of a proposal that Senator Zien would like drafted, relating to motorcyclist issues. They are divided into several categories of what we'd like the bill to do. Some of the language is rather vague, so if you have any questions at all, please do not hesitate to ask.

<< File: MC Proposal 5 13 05 to drafter.doc >>

Nicole Marklein
Office of Senator Zien

Gary, Aaron

From: Searing, Eric
Sent: Wednesday, October 26, 2005 4:02 PM
To: Gary, Aaron
Subject: Motorcylce Legislation

Attachments: Tenative Roadway Users Responsibility Act.doc

Aaron,

Here is the tenative version of the Motorcyclist Legislation that we discussed.

Thanks,

Eric Searing
Senator Dave Zien's Office



Tenative Roadway
Users Respons...



CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON

COMMITTEE ON VETERANS, HOMELAND SECURITY, MILITARY AFFAIRS, SMALL BUSINESS AND GOVERNMENT REFORM

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JUDICIAL COUNCIL

JOINT LEGISLATIVE COUNCIL

BUILDING COMMISSION

ROADWAY USERS RESPONSIBILITY ACT (TENATIVE)

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 - The motorcyclist must have reason to believe the signal is vehicle actuated
 - This should be used only during low traffic volume times when there are no other vehicles present to actuate this signal.

2. **GROUPS AT INTERSECTIONS:** Allow a group of motorcycles the equivalent of six motorcycles single file or twelve double file, or the equivalent size as a tractor-trailer type of vehicle, to proceed through intersections as one vehicle, particularly at 4-way-stop intersections.

3. **PENALTY ENHANCER:** Increase the penalty for failure to yield right of way that results in serious bodily injury. *Please advise on appropriate penalty enhancement.*

4. **ADD MOTORCYCLE AWARENESS TO DRIVERS EDUCATION CURRICULUM BY INCORPORATING A "SHARE THE ROAD" PROGRAM** into Driver Education. Also use program as remedial training for those convicted of Right of Way (ROW) violations. Share the road is a 45-60 minute training session that teaches drivers how to share the road with smaller vehicles, such as motorcycles and mopeds.

5. **FUNDING FOR "SHARE THE ROAD" PROGRAM:** Create a surcharge to fund the Share the Road program and require all violators of ROW violations that result in bodily harm to complete the share the road program.

6. **ALLOW MOTORCYCLE SAFETY COURSE GRADUATES TO GET CLASS "M" ENDORSEMENT WITHOUT GETTING TEMPS FIRST:** Allow the Department of Motor Vehicles to bypass the added paperwork of issuing temporary licenses immediately before issuing the "class M" endorsement.

7. **REQUIRE STATE AGENCIES TO CONSIDER MOTORCYCLES IN PLANNING ROAD CONSTRUCTION PROJECTS.**



Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, November 09, 2005 9:56 AM
To: Searing, Eric
Subject: RE: Motorcylce Legislation

Hi Eric,

I have been working on this draft and have a couple of questions about items 4 to 6.

As to item 4., requiring this in the driver education curriculum should be pretty simple and I expect it would entail a fairly low, one-time cost for curriculum development, so it isn't really the type of thing that would be appropriate for the steady stream of funding from a surcharge. Is there a curriculum already developed for the share the road program (I haven't found any)? The curriculum for driver education courses is, I believe, generally developed and/or approved by DPI and the Technical College System (WTCS), and I think the courses are often funded, in part or in whole, from student fees. I believe DOT is responsible for curriculum for private driver schools, and these are obviously self-funded.

Also as to item 4., driver education courses wouldn't seem to be a good fit with remedial training for violators. Instead, I would recommend that the remedial training be conducted through traffic safety school under s. 345.60 - this type of training is the very purpose of the traffic safety school. Under current law, violators of traffic laws may be required to attend the traffic safety school, which I believe is conducted by WTCS now. Traffic safety school is funded at least in part, and possibly in whole, from fees imposed upon the traffic violators who are required to attend.

So would you be OK with requiring share the road curriculum in driver education courses and requiring remedial training to be conducted through traffic safety school?

As to item 5., given that fees support (at least in part) traffic safety school and that funding needs will basically be a one-time shot for curriculum development, it wouldn't seem that a surcharge would be needed in the draft, and that over time the surcharge would just build up unnecessary money. In addition, it is unclear from the instructions where the surcharge should go - to DPI, WTCS, DOT, private schools, etc. I would strongly recommend that you consult DOT on how the curriculum would be developed (would DPI, WTCS, DOT work together to come up with one curriculum), what the funding needs would be for this, and what options might exist for coming up with one-time funding (as opposed to the stream of funding over years and years for the surcharge). On the other hand, if you want to keep the surcharge, we could more generally direct it to DPI, WTCS, DOT or elsewhere or use it for some other purpose.

As to item 6., does "temporary license" mean the instruction permit?

Thanks for your feedback.

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Searing, Eric
Sent: Wednesday, October 26, 2005 4:02 PM
To: Gary, Aaron
Subject: Motorcylce Legislation

Aaron,

Here is the tentative version of the Motorcyclist Legislation that we discussed.

Thanks,

Eric Searing
Senator Dave Zien's Office

<< File: Tentative Roadway Users Responsibility Act.doc >>

Gary, Aaron

From: Searing, Eric
Sent: Tuesday, November 29, 2005 10:03 AM
To: Gary, Aaron
Subject: RE: LRB-3040: Funding of Traffic Safety Schools

That sounds good to me.

From: Gary, Aaron
Sent: Tuesday, November 15, 2005 10:02 AM
To: Searing, Eric
Subject: LRB-3040: Funding of Traffic Safety Schools

Eric,

FYI, the information below shows that the direct costs of traffic safety school is in fact borne by the traffic violators. So, other than the one-time cost of curriculum development for share the road, there shouldn't be a state cost (or minimal state cost) to requiring this curriculum in traffic safety school. A surcharge for this purpose therefore wouldn't be a good fit.

I'm waiting to hear back from you on my last e-mail before finishing up the draft. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Washbon, Janet
Sent: Monday, November 14, 2005 3:56 PM
To: Gary, Aaron
Cc: Petersen, Pete; Foy, Morna; Gibson, James L.
Subject: Funding of Traffic Safety Schools

I am responding on behalf of the WTC System Office to your request of Nov. 7, 2005 regarding the funding of traffic safety schools under s. 345.60, stats.

The WTCS has established a course fee rate for group dynamics and multiple offender courses based on cost recovery of direct instructional expenditures – teacher wages/salaries, fringe benefits and current expenditures such as travel. The cost of consumable supplies is recovered through a material fee. Also, students in these courses are charged a processing fee to recover the costs resulting from the unique record keeping and court reporting requirements associated with these courses.

The course fee and process fee are both indexed to the statutorily established program fee rate. Annually, they are increased by the same percentage that the program fee rate increases. Material fee

rates are adjusted each year based on actual expenditures in the prior fiscal year.

These fees fully fund the direct costs associated with the courses in question. They do not recover the indirect costs associated with all course offerings – utilities, business office operations, student services, etc. The remaining amount of the indirect costs is funded through local property tax levy. Based on historical data, indirect costs represent about 69% of direct costs. The last year we have finalized data for is FY 2003-04. In that year, Group Dynamics/Multiple Offender Fees totaled \$1,526,037.12. Using the 69% indirect cost rate, this means that WTCS districts incurred about \$1,000,000 in unrecovered indirect costs.

Janet L. Washbon
Associate Vice President
Office of Policy and Government Relations
Wisconsin Technical College System
Phone: 608.266.2017
Fax: 608.266.1690

11/29/05

Eric

- OK not to include surcharge →
- Honadel bill

• means instructions permit →

Gary, Aaron

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Janet L. Washbon
Associate Vice President
Office of Policy and Government Relations
Wisconsin Technical College System
Phone: 608.266.2017
Fax: 608.266.1690

Gary, Aaron

From: Weiss, Alice
Sent: Monday, November 07, 2005 3:52 PM
To: Gary, Aaron
Cc: Egan, Erin; Hughes, Dennis - DSP
Subject: RE: Traffic safety schools
Attachments: Jim Gibson Memo 4 7 2005.doc

Hi Aaron:

The Technical College Board sets the program fees for the system which our Traffic Safety School, Group Dynamics and Multiple Offender Program are a part of. Jim Gibson is our contact at the Wisconsin Technical System and I'm attaching an e-mail and memo dated April 7, 2005 stating the 05-06 student course, material and processing fees for the upcoming year.

-----Original Message-----

From: Gibson, James L. [mailto:jim.gibson@wtcsystem.edu]
Sent: Thursday, April 07, 2005 11:22 AM
To: Alan Johnson; Albright Tony - NATC (E-mail); Betty Shaffer; Chase Whitely Cynthia - FVTC (E-mail); Cindy Lazorik; Donald Wlordarski; Dori Marti; Fell, Terry - BTC; Glazman Charles - WITC (E-mail); Huber Larry - LTC (E-mail); Kevin Schwartz; Klett Mike - GTC (E-mail); Koprowski Cindy - WCTC (E-mail); Mauss John - SWTC (E-mail); Newsome Deborah - MATC-4 (E-mail); Palmer, James - NTC; Patrice Wisneski; Phillips John - MPTC (E-mail); Roger Voss
Cc: alice.weiss@dot.state.wi.us; Pat Holt; Bonnie Sparr/Northcentral Technical College; Petersen, Pete; Cullen, Kathleen; Wagner, Greg

Subject: Group Dynamics, Multiple Offender and Traffic Safety Fees 05-06 Letter

Traffic Safety Coordinators

Wisconsin Technical Colleges

Ref.: Group Dynamics, Multiple Offender and Traffic Safety Fees Letter 05-06

As you know the Wisconsin Technical College System Board did set program fees for the system at its most recent meeting. The course fee and processing fees are indexed to the system program fees. The attached letter contains the course, materials and processing fees structure for the upcoming year.

If you have questions about this please contact me or Pete Pedersen in our office.

Thanks for your patience.

Jim

James L. Gibson, Ph.D., Education Director, Agriculture and Natural Resources
 Wisconsin Technical College System
 345 W. Washington Ave.
 Madison, WI 53707-7874
 Phone: 608-266-2412
 E-mail: jim.gibson@wtcsystem.org

Please let me know if you have any other questions regarding the Traffic Safety Programs.

Alice Weiss

Bureau of Driver Services
Qualification & Issuance Section, Rm. 806
PO Box 7920
Madison, WI 53707-7920

Telephone: 608/266-7386
FAX: 608/261-5888
E-mail: dottspmcwaiver@dot.state.wi.us

-----Original Message-----

From: Hughes, Dennis - DSP
Sent: Monday, November 07, 2005 3:19 PM
To: Weiss, Alice
Cc: Gary, Aaron; Egan, Erin
Subject: RE: Traffic safety schools

Alice:

Can you answer Aaron's question?

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Monday, November 07, 2005 2:26 PM
To: Egan, Erin; Hughes, Dennis - DSP
Subject: Traffic safety schools

Good afternoon Erin and Dennis,

I'm not sure whose area traffic safety schools under s. 345.60 would fall - I'm wondering if traffic safety schools are entirely funded by the violators ordered to attend, or if they are also supported by transportation fund moneys and/or local government coffers. (I can't find any guidance in the statutes.) Do either of you have any idea? Thanks for your assistance. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us



Memorandum

DATE: April 7, 2005
TO: WTCS Traffic Safety School Program Coordinators
FROM: James L. Gibson, Ph.D., Education Director
Wisconsin Technical College System
RE: FY 2005-06 Fees for Group Dynamics, Multiple Offender and Traffic Safety Programs

Group Dynamics / Multiple Offender/ Traffic Safety

Explanatory Note:

Course fees have been established in lieu of program fees. In addition to course fees, enrollees are also required to pay material fees and the processing fees. The Wisconsin Traffic Safety Advisory Council has established a standard methodology for setting the course and processing fees. These are indexed to the program fee rates annually reviewed and set by the Wisconsin Technical College System Board.

The course fees for Group Dynamics are always set at an amount evenly divisible by \$5.00. For the Multiple Offender courses, regardless of the credit value of the course offering, the course fee base is the Group Dynamics course which automatically becomes the fee for 0.60 credit Multiple Offender courses. Fees for Multiple Offender courses offered for other than 0.60 credits are computed based on the rate established for the 0.60 credit course (again, rounded to the nearest \$5.00). As with Group Dynamics course offerings, a \$4.00 materials fee (Material Fee Category 00) must be charged for all Multiple Offender course offerings and Traffic Safety course offerings.

Group Dynamics:

The fee for 2005-06 Group Dynamics courses shall be \$115.00 plus a \$4.00 material fee (*Material Fee Category 00*) plus the processing fee (noted under a separate heading below).

Multiple-Offender*:

For 2005-06 Multiple Offender courses, the fee shall be determined from the following table based on the credit value of the course offering plus a \$4.00 material fee - regardless of the credit value of the course offering, plus a processing fee (noted under a separate heading on the next page).

Daniel Clancy, President

345 West Washington Ave. – 2ND Floor PO Box 7874 Madison, Wisconsin 53707-7874 608.266.1207
TTY: 608.267.2483 Fax: 608.266.1690 e-mail: info@wtcsystem.org
www.wtcsystem.org www.witechcolleges.com

Multiple Offender (continued)

Credits	Tuition	Credits	Tuition
0.60	\$ 115.00	0.90	170.00
0.65	125.00	0.95	180.00
0.70	135.00	1.00	190.00
0.75	140.00	1.05	200.00
0.80	150.00	1.10	210.00
0.85	160.00	1.15	220.00
		1.20	230.00

Traffic Safety:

Traffic Safety course fees are established on the basis of standard program fees. (e.g. 15 class hours is 0.4 credit equivalents, etc.). Enrollees also pay the \$4 materials fee and the processing fee noted below. To clarify how course program fees, given variations in class hours, are established please consult (go to the WTCS website) Administrative Bulletin (AB) 0503, Appendix A.)

Processing Fees:

The Wisconsin Traffic Safety Advisory Council has established the following uniform Processing Fees for these courses. Processing Fees are charged to recover the costs resulting from the unique record keeping and judicial court reporting requirements associated with these courses. For FY 2005-06 processing fees will be:

Group Dynamics: \$34.50
 Multiple Offender: \$52.00
 Traffic Safety: \$11.50

These processing fees are to be reported under UFFAS revenue classification 4573.

Student Fee Calculation (example)

Student Fee Calculation (example)	
Group Dynamics course fee:	\$115.00
Materials fee	\$ 4.00
Processing fee	\$ 34.50
Total	\$153.50

If you have any questions, please call me at 608-266-2412.

11/8 He w/ Jim Gibson

- will get back to me on Fri.

Gary, Aaron

From: Gibson, James L.
Sent: Monday, November 07, 2005 4:50 PM
To: Gary, Aaron
Cc: Petersen, Pete
Subject: RE: Traffic safety schools

Arron,

I will visit with our own administrative fiscal office and the person who works most closely with that program and get back to you. Thanks for asking.

Jim

James L. Gibson, Ph.D.
Education Director
Agriculture and Natural Resources
Energy and Transportation
Wisconsin Technical College System
345 W. Washington Ave.
Madison, WI 53707-7874
Phone: 608-266-2412
E-mail: jim.gibson@wctcsystem.edu

From: Gary, Aaron [mailto:Aaron.Gary@legis.state.wi.us]
Sent: Monday, November 07, 2005 4:16 PM
To: Gibson, James L.
Subject: Traffic safety schools

Dr. Gibson,

I am a drafter at the Legislative Reference Bureau and I was referred to you by DOT with regard to funding of traffic safety schools under s. 345.60, stats. I'm wondering if fees, etc. imposed on traffic law violators attending traffic safety schools are sufficient to entirely fund the program (or if the program also needs partial funding from state or local sources). I would greatly appreciate any assistance you could provide in answering this question. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

12/23

Gen

2005 - 2006 LEGISLATURE

LRB-3040/P1

ARG: KGF

in 12/9

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Notes

Gen

1 AN ACT ...; relating to: authorization to operate motorcycles, stops required of
 2 vehicles at traffic control signals and stop signs, vehicle failure-to-yield
 3 violations, driver education instruction, ^e highway project planning by the
 4 Department of Transportation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a vehicle facing a green traffic control signal may proceed through the intersection, a vehicle facing a yellow signal must stop before entering the intersection unless the vehicle is so close to it that a stop may not be made in safety, and a vehicle facing a red signal must stop before entering the intersection and must generally remain stopped until the signal turns green. However, if a traffic control signal is flashing red, vehicles may proceed through the intersection after stopping, as if the signal were a stop sign. With specific exceptions, a vehicle approaching a stop sign must stop before entering the intersection and must yield the right-of-way to other vehicles that have entered or are approaching the intersection upon a highway that is not controlled by a stop sign or traffic control signal. Also, the leading vehicle in a funeral procession must comply with these stopping requirements for traffic control signals and stop signs, but when the leading vehicle has complied with these requirements and proceeded through an intersection, all other vehicles in the funeral procession may proceed without stopping, regardless of the sign or signal.

Under this bill, a motorcycle facing a red traffic control signal at an intersection may, after stopping for not less than 30 seconds, proceed cautiously through the

intersection before the signal turns green if no other vehicles are present at the intersection to actuate the signal and the operator of the motorcycle reasonably believes the signal is vehicle actuated. The operator of a motorcycle proceeding through a red signal must yield the right-of-way to any vehicle, bicyclist, or pedestrian proceeding through a green signal at the intersection or lawfully within a crosswalk or using the intersection. The bill also allows a group of motorcycles in single-file or double-file formation not more than six motorcycles long that enters an intersection on a green signal to proceed through the intersection as a group after the signal is no longer green and allows such a group that approaches a stop sign to, after each motorcycle leading the group stops, proceed through the intersection as a group and without any additional stopping.

X Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including when turning left across traffic; at an intersection posted with a yield sign; when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or 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.

Under this bill, if a person's failure to yield the right-of-way results in death or great bodily harm to another person, the violating person is subject to a forfeiture of not less than \$500 nor more than \$1,000. Also, in addition to any penalty provided under current law for a failure-to-yield violation, the court must order a person who commits a failure-to-yield violation to attend a traffic safety school, which must acquaint the person with vehicle right-of-way rules and the hazards posed to smaller vehicles, including motorcycles and mopeds, by operation of larger vehicles and provide at least 45 minutes of instruction in safely sharing the roadway with these smaller vehicles.

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in safely dealing with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

This bill requires driver education courses to also acquaint each student with vehicle right-of-way rules and the hazards posed to smaller vehicles, including motorcycles and mopeds, by operation of larger vehicles and provide at least 45 minutes of instruction in safely sharing the roadway with these smaller vehicles.

Under current law, an applicant for an operator's license, other than an instruction permit, authorizing operation of a motorcycle must take and pass both a knowledge test and a driving skills test, except that the Department of Transportation (DOT) must waive the driving skills test if the applicant holds an

instruction permit and has successfully completed a basic rider course approved by DOT (basic rider course). Also, DOT generally may not issue a license to any person under the age of 18 authorizing the operation of a motorcycle unless the person has successfully completed a basic rider course. DOT may also issue an instruction permit for the operation of a motorcycle to a person who meets certain qualifications for issuance of an operator's license.

Under this bill, DOT may issue an operator's license authorizing operation of a motorcycle to a person without requiring the person to take a driving skills test if the person has successfully completed a basic rider course, regardless of whether the person holds an instruction permit. In addition, DOT may not require a person applying for authorization to operate a motorcycle who has successfully completed a basic rider course to hold an instruction permit prior to DOT's issuance of a license. DOT also may not require a person applying for authorization to operate a motorcycle who holds an instruction permit to hold it for a minimum period of time before administering a driving skills test.

Under current law, DOT may plan and undertake preliminary engineering work for any highway improvement within its jurisdiction, including highway construction, reconstruction, rehabilitation, and other projects.

This bill requires DOT, in planning any highway improvement, to consider the safety of motorcycles operated on the highway.

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. 38.04 (4) (e) 3. of the statutes is created to read:

2 38.04 (4) (e) 3. Acquaints each student with vehicle right-of-way rules and the
3 hazards posed to smaller vehicles, including motorcycles and mopeds, by operation
4 of larger vehicles and provides at least 45 minutes of instruction in safely sharing the
5 roadway with these smaller vehicles.

6 SECTION 2. 84.06 (1m) of the statutes is amended to read:

7 84.06 (1m) PLANS. The department may prepare plans, estimates and
8 specifications and undertake and perform all surveys, investigations and
9 engineering work for any highway improvement within its jurisdiction. When
10 provision has been made for the necessary funds for any such highway improvement

1 and, if federal aid is to be utilized, when the project has been approved by the proper
2 federal authorities, the department may proceed as provided in this section, with due
3 regard to any applicable federal requirement or regulation. In planning any
4 highway improvement, the department shall consider the safety of motorcycles
5 operated on the highway.

History: 1971 c. 125; 1977 c. 29 ss. 932, 1654 (8) (a); 1977 c. 196 s. 131; 1977 c. 273; 1979 c. 32 s. 92 (9); 1979 c. 34, 314; 1983 a. 27; 1983 a. 524 ss. 31, 50; 1985 a. 225 s. 100; 1985 a. 300, 332; 1987 a. 98, 399; 1989 a. 31, 345; 1993 a. 496; 1995 a. 27; 1997 a. 237; 2001 a. 16.

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

7 115.28 (11) (c) Acquaint each student with vehicle right-of-way rules and the
8 hazards posed to smaller vehicles, including motorcycles and mopeds, by operation
9 of larger vehicles and provide at least 45 minutes of instruction in safely sharing the
10 roadway with these smaller vehicles.

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

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

History: 1971 c. 164; 1973 c. 199; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 128, 273; 1979 c. 345; 1983 a. 243; 1985 a. 65, 202; 1987 a. 122; 1989 a. 87, 105, 359; 1991 a. 12, 269, 316; 1993 a. 16, 24, 399; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 93; 2003 a. 33.

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

17 343.16 (1) (a) *General.* The department shall examine every applicant for an
18 operator's license, including applicants for license renewal as provided in sub. (3),
19 and every applicant for authorization to operate a vehicle class or type for which the
20 applicant does not hold currently valid authorization, other than an instruction
21 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
22 for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or
23 "Class M" vehicles shall include both a knowledge test and an actual demonstration

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

1 or English language proficiency. This paragraph does not prohibit the department
2 from requiring an applicant to correctly read and understand highway signs.

3 ~~Cross Reference: Cross Reference: Cross Reference: See also ch. Trans 129, Wis. adm. code. Cross Reference:~~
History: 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345;
1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995
a. 113, 195, 448; 1997 a. 27, 84, 237; 1999 a. 32, 140; 2001 a. 105; 2003 a. 33.

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

5 343.16 (2) (cm) *Motorcycle waiver.* The department shall waive the driving
6 skills test of a person applying for authorization to operate "Class M" vehicles if the
7 applicant holds an instruction permit under s. 343.07 (4) and has successfully
8 completed a basic rider course approved by the department.

9 ~~Cross Reference: Cross Reference: Cross Reference: See also s. Trans 129.03, Wis. adm. code. Cross Reference:~~
History: 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345;
1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995
a. 113, 195, 448; 1997 a. 27, 84, 237; 1999 a. 32, 140; 2001 a. 105; 2003 a. 33.

10 SECTION 7. 343.61 (6) (c) of the statutes is created to read:

11 343.61 (6) (c) Acquaints each student with vehicle right-of-way rules and the
12 hazards posed to smaller vehicles, including motorcycles and mopeds, by operation
13 of larger vehicles and provides at least 45 minutes of instruction in safely sharing the
14 roadway with these smaller vehicles.

15 SECTION 8. 345.60 (1) of the statutes is amended to read:

16 345.60 (1) Except as provided in ~~sub. (3)~~ subs. (3) and (4), in addition to or in
17 lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court
18 may in its judgment of conviction order the convicted person to attend, for a certain
19 number of school days, a traffic safety school whose course and mode of instruction
20 is approved by the secretary, subject to sub. (4), and which is conducted by the police
21 department of the municipality, by the sheriff's office of the county, or by any
22 regularly established safety organization.

23 SECTION 9. 345.60 (4) of the statutes is created to read:

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 the hazards posed to smaller vehicles,
5 including motorcycles and mopeds, by operation of larger vehicles and provide at
6 least 45 minutes of instruction in safely sharing the roadway with these smaller
7 vehicles.

8 **SECTION 10.** 346.18 (1) of the statutes is amended to read:

9 346.18 (1) GENERAL RULE AT INTERSECTIONS. Except as otherwise expressly
10 provided in this section or in s. 346.19, 346.20 or 346.46 (1) or (2g), when 2 vehicles
11 approach or enter an intersection at approximately the same time, the operator of
12 the vehicle on the left shall yield the right-of-way to the vehicle on the right. The
13 operator of any vehicle driving at an unlawful speed forfeits any right-of-way which
14 he or she would otherwise have under this subsection.

15 History: 1979 c. 210; 1987 a. 25, 28; 1991 a. 316; 1993 a. 490.

16 **SECTION 11.** 346.18 (3) of the statutes is amended to read:

17 346.18 (3) RULE AT INTERSECTION WITH THROUGH HIGHWAY. The Except as
18 provided in s. 346.46 (2g), the operator of a vehicle shall stop as required by s. 346.46
19 (2) (a), (b) or (c) before entering a through highway, and shall yield the right-of-way
20 to other vehicles which have entered or are approaching the intersection upon the
through highway.

21 History: 1979 c. 210; 1987 a. 25, 28; 1991 a. 316; 1993 a. 490.

22 **SECTION 12.** 346.22 (1) (a) of the statutes is amended to read:

23 346.22 (1) (a) Except as provided in par. (b) pars. (bm) and (c), any person
violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20 nor more

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

History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277.

3 **SECTION 13.** 346.22 (1) (b) of the statutes is renumbered 346.22 (1) (c) and
4 amended to read:

5 346.22 (1) (c) If an operator of a vehicle violates s. 346.18 (6) where persons
6 engaged in work in a highway maintenance or construction area or in a utility work
7 area are at risk from traffic, any applicable minimum and maximum forfeiture
8 specified in par. (a) or (b[✓]) for the violation shall be doubled.

History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277.

9 **SECTION 14.** 346.22 (1) (b[✓]) and (d) of the statutes are created to read:

10 346.22 (1) (b[✓]) Any person violating s. 346.18 shall be required to forfeit not
11 less than \$500 nor more than \$1,000 if the violation results in death or great bodily
12 harm, as defined in s. 939.22 (14), to another person.

13 (d) If a court finds that a person violated s. 346.18, the court shall, in addition
14 to any other penalty provided by law, order the person to attend a traffic safety school
15 as provided under s. 345.60 (4).

16 **SECTION 15.** 346.37 (1) (c) 4. and 5. of the statutes are created to read:

17 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle facing a red signal at
18 an intersection may, after stopping as required under subd. 1. for not less than 30
19 seconds, proceed cautiously through the intersection before the signal turns green
20 if no other vehicles are present at the intersection to actuate the signal and the
21 operator of the motorcycle reasonably believes the signal is vehicle actuated. The
22 operator of a motorcycle proceeding through a red signal under this subdivision shall
23 yield the right-of-way to any vehicular traffic, pedestrian, bicyclist, or rider of an

1 electric personal assistive mobility device proceeding through a green signal at the
2 intersection or lawfully within a crosswalk or using the intersection.

3 5. Notwithstanding subd. 1., a group of motorcycles in single-file or double-file
4 formation not more than 6 motorcycles long that enters an intersection on a green
5 signal may proceed through the intersection as a group after the signal is no longer
6 green, subject to any restriction specified in par. (a) or (d).

7 **SECTION 16.** 346.46 (2) ~~(g)~~ of the statutes are created to read:

8 346.46 (2g) Notwithstanding subs. (1) and (2), whenever a group of motorcycles
9 in single-file or double-file formation not more than 6 motorcycles long approaches
10 an official stop sign at an intersection, if each motorcycle leading the group satisfies
11 the requirements under subs. (1) and (2), the entire group of motorcycles may then
12 proceed through the intersection as a group and without any additional stopping as
13 if the group were one vehicle, but shall yield the right-of-way to other vehicles that
14 have entered or are approaching the intersection upon a highway which is not
15 controlled by an official stop sign or traffic signal.

16 **SECTION 17.** 349.06 (3) of the statutes is amended to read:

17 349.06 (3) If an operator of a vehicle violates a local ordinance in strict
18 conformity with s. 346.04 (1) or (2), 346.18 (6), 346.27, 346.37, 346.39, 346.46 (1) and
19 (2g), 346.57 (2), (3), (4) (d) to (h) or (5) or 346.62 (2) where persons engaged in work
20 in a highway maintenance or construction area or in a utility work area are at risk
21 from traffic, any applicable minimum and maximum forfeiture for the violation shall
22 be doubled.

23 History: 1971 c. 277, 278, 307; 1973 c. 336; 1975 c. 248; 1981 c. 20; 1987 a. 3, 27; 1993 a. 198, 256; 1995 a. 44; 1997 a. 190, 277.

SECTION 18. Initial applicability.

1 (1) The treatment of section 84.06 (1m) of the statutes first applies to highway
2 improvements for which planning is begun on the effective date of this subsection.

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

6 (3) The treatment of sections 345.60 (1) and (4), 346.18 (1) and (3), 346.22 (1)
7 (a), (b), (bm), and (d), 346.37 (1) (c) 4. and 5., 346.46 (2g), and 349.06 (3) of the statutes
8 first applies to violations occurring on the effective date of this subsection, but does
9 not preclude the counting of other violations as prior violations for purposes of
10 sentencing a person.

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

14 **SECTION 19. Effective date.**

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

17 (END)

D. Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3040/P1dn

ARG: *kyf*

Date

ATTN: Eric Searing

Please review the attached draft carefully to ensure that it is consistent with your intent.

As discussed, the attached draft does not include a surcharge. There may be a modest one-time funding need for the development of the "share the road" curriculum, but the steady stream of revenue from a surcharge would be inappropriate for such a one-time funding requirement. You may wish to discuss with DOT or the Fiscal Bureau what the fiscal estimate might look like and, if there is a cost associated with the bill, what options might be available for funding that cost.

X → Regarding item 2. *of the instructions* I did not include the "equivalent size as a tractor-trailer type of vehicle" language because it is too vague and also because the provision shouldn't have two potentially inconsistent *maximize* sizes.

seven Regarding item 6. of the instructions, relating to "temporary" licenses, I am not quite sure how to address this issue, as the statutes on the issue are sketchy and perhaps flawed and DOT's administration of these provisions include requirements that are not statutory (such as the requirement that a person hold an instruction permit for at least *seven* 7 days before taking the driving skills test). Is the treatment of s. 343.16 (1) (a) and (2) (cm) what you had in mind?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3040/P1dn
ARG:kjf:rs

December 15, 2005

ATTN: Eric Searing

Please review the attached draft carefully to ensure that it is consistent with your intent.

As discussed, the attached draft does not include a surcharge. There may be a modest one-time funding need for the development of the "share the road" curriculum, but the steady stream of revenue from a surcharge would be inappropriate for such a one-time funding requirement. You may wish to discuss with DOT or the Fiscal Bureau what the fiscal estimate might look like and, if there is a cost associated with the bill, what options might be available for funding that cost.

Regarding item 2. of the instructions, I did not include the "equivalent size as a tractor-trailer type of vehicle" language because it is too vague and also because the provision shouldn't have two potentially inconsistent maximum sizes.

Regarding item 6. of the instructions, relating to "temporary" licenses, I am not quite sure how to address this issue, as the statutes on the issue are sketchy and perhaps flawed and DOT's administration of these provisions include requirements that are not statutory (such as the requirement that a person hold an instruction permit for at least seven days before taking the driving skills test). Is the treatment of s. 343.16 (1) (a) and (2) (cm) what you had in mind?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Hurley, Peggy

From: Gary, Aaron
Sent: Tuesday, January 03, 2006 4:37 PM
To: Hurley, Peggy
Subject: FW: LRB 3040

Peggy,

Per e-mail below, it looks like we've been working on similar things for different requesters. I talked to Eric today and he wants to pull your draft into mine. I'll be out part of tomorrow (Wed.) since Lorena is on vacation, but I've done the drafting. Could you take a look at the redraft and see if it looks okay to you (as you've seen by now, it's on your desk)? Eric would like to see the draft by next Wed.

Thanks. Aaron

From: Searing, Eric
Sent: Tuesday, January 03, 2006 12:06 PM
To: Gary, Aaron
Subject: LRB 3040

Aaron,

I hope that you had a happy new year. I spoke with Chris Reader in Mark Honadel's Office prior to my departure for vacation. Honadel's Office authored LRB 3006/3, which dealt mainly with right of way violations in a similar fashion as ours, but their bill dealt primarily with maximum prosecutorial sentences as opposed to our bill that dealt with forfeitures. After speaking with the organizations that we are working with on this bill and Chris Reader, we all came the conclusion that both bills could:

- A.) Be introduced as separate pieces of legislation
- B.) Be incorporated into a new LRB.

What would your recommendation be?

Also, the determination was also made that parts in our LRB about group motorcyclists riding through intersections should be removed. That was beginning on page 8 Section 15 line 22 and ends with Section 16 at the top of page 9.

Per your memo s. 343.16 (1) (a) and (2) (cm) looked good. As far as curriculum is concerned ABATE already has a curriculum that they are using in classrooms that could be used in the instruction portion of right-of-way training.

Thanks,

Eric Searing
Sen. Dave Zien's Office

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, January 03, 2006 2:52 PM
To: Searing, Eric
Subject: RE: LRB 3040

Eric,

My only suggestion would be if one of these bills has a more politically sensitive or controversial provision than the other or is more likely to draw objection from DOT - if so, you might want to keep the bills separate (but standardize the driver education language in the two bills). Otherwise, it probably makes sense to combine them. Do you prefer the driver education language in one bill over the other, or do you want some type of hybrid of the two?

Also, I'm not sure if I'm clear - did you want me to remove or keep bill section 16 (groups proceeding through stop signs)?

Give me a call to discuss at your convenience. I'll be in the rest of today and part of tomorrow.

Thanks. Aaron

3006 w/ change

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Searing, Eric
Sent: Tuesday, January 03, 2006 12:06 PM
To: Gary, Aaron
Subject: LRB 3040

Aaron,

I hope that you had a happy new year. I spoke with Chris Reader in Mark Honadel's Office prior to my departure for vacation. Honadel's Office authored LRB 3006/3, which dealt mainly with right of way violations in a similar fashion as ours, but their bill dealt primarily with maximum prosecutorial sentences as opposed to our bill that dealt with forfeitures. After speaking with the organizations that we are working with on this bill and Chris Reader, we all came the conclusion that both bills could:

A.) Be introduced as separate pieces of legislation

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Per your memo s. 343.16 (1) (a) and (2) (cm) looked good. As far as curriculum is concerned ABATE already has a curriculum that they are using in classrooms that could be used in the instruction portion of right-of-way training.

Thanks,

Eric Searing
Sen. Dave Zien's Office

1/3/05

UCB-3040

Me w/ Eric Seering

6-7511

- put 3006 into 3040

- section 18 out

• motorcycle awareness

- use 3006 driver instead
language w/ change



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3040/21 P2

ARG:kjf: [initials] & lmk

D-Note

in 1/4

Needed
by 1/11
PM

→ #PJH

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Amn

Regen

1 AN ACT *to renumber and amend* 346.22 (1) (b); *to amend* 84.06 (1m), 343.07
2 (4) (a), 343.16 (1) (a), 343.16 (2) (cm), 345.60 (1), 346.18 (1), 346.18 (3), 346.22
3 (1) (a) and 349.06 (3); and *to create* 38.04 (4) (e) 3., 115.28 (11) (c), 343.61 (6)
4 (c), 345.60 (4), 346.22 (1) (bm) and (d), 346.37 (1) (c) 4. and 5. and 346.46 (2g)
5 of the statutes; **relating to:** authorization to operate motorcycles, stops
6 required of vehicles at traffic control signals ~~and stop signs~~, vehicle
7 failure-to-yield violations, driver education instruction, highway project
8 planning by the Department of Transportation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a vehicle facing a green traffic control signal may proceed through the intersection, a vehicle facing a yellow signal must stop before entering the intersection unless the vehicle is so close to it that a stop may not be made in safety, and a vehicle facing a red signal must stop before entering the intersection and must generally remain stopped until the signal turns green. However, if a traffic control signal is flashing red, vehicles may proceed through the intersection after stopping, as if the signal were a stop sign. With specific exceptions, a vehicle approaching a stop sign must stop before entering the intersection and must yield the right-of-way to other vehicles that have entered or are approaching the

14. Insert ANAL-B

This bill requires driver education courses to also acquaint each student with vehicle right-of-way rules and the hazards posed to smaller vehicles, including motorcycles and mopeds, by operation of larger vehicles and provide at least 45 minutes of instruction in safely sharing the roadway with these smaller vehicles.

Under current law, an applicant for an operator's license, other than an instruction permit, authorizing operation of a motorcycle must take and pass both a knowledge test and a driving skills test, except that the Department of Transportation (DOT) must waive the driving skills test if the applicant holds an instruction permit and has successfully completed a basic rider course approved by DOT (basic rider course). Also, DOT generally may not issue a license to any person under the age of 18 authorizing the operation of a motorcycle unless the person has successfully completed a basic rider course. DOT may also issue an instruction permit for the operation of a motorcycle to a person who meets certain qualifications for issuance of an operator's license.

Under this bill, DOT may issue an operator's license authorizing operation of a motorcycle to a person without requiring the person to take a driving skills test if the person has successfully completed a basic rider course, regardless of whether the person holds an instruction permit. In addition, DOT may not require a person applying for authorization to operate a motorcycle who has successfully completed a basic rider course to hold an instruction permit prior to DOT's issuance of a license. DOT also may not require a person applying for authorization to operate a motorcycle who holds an instruction permit to hold it for a minimum period of time before administering a driving skills test.

Under current law, DOT may plan and undertake preliminary engineering work for any highway improvement within its jurisdiction, including highway construction, reconstruction, rehabilitation, and other projects.

This bill requires DOT, in planning any highway improvement, to consider the safety of motorcycles operated on the highway.

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

Insert ANAL-C

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

Insert 3-2

1 SECTION 1. 38.04 (4) (e) 3. of the statutes is created to read:

2 38.04 (4) (e) 3. Acquaints each student with vehicle right-of-way rules and the
3 hazards posed to smaller vehicles, including motorcycles and mopeds, by operation
4 of larger vehicles and provides at least 45 minutes of instruction in safely sharing the
5 roadway with these smaller vehicles.

6 SECTION 2. 84.06 (1m) of the statutes is amended to read:

1 84.06 (1m) PLANS. The department may prepare plans, estimates and
2 specifications and undertake and perform all surveys, investigations and
3 engineering work for any highway improvement within its jurisdiction. When
4 provision has been made for the necessary funds for any such highway improvement
5 and, if federal aid is to be utilized, when the project has been approved by the proper
6 federal authorities, the department may proceed as provided in this section, with due
7 regard to any applicable federal requirement or regulation. In planning any
8 highway improvement, the department shall consider the safety of motorcycles
9 operated on the highway.

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

11 115.28 (11) (c) Acquaint each student with vehicle right-of-way rules and the
12 hazards posed to smaller vehicles, including motorcycles and mopeds, by operation
13 of larger vehicles and provide at least 45 minutes of instruction in safely sharing the
14 roadway with these smaller vehicles.

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

16 343.07 (4) (a) ~~Upon~~ Subject to s. 343.16 (1) (a), upon application by a person
17 who qualifies for issuance of a license under s. 343.06 (1) (c) and who wishes to qualify
18 for the operation of a Type 1 motorcycle, the department may issue an instruction
19 permit for the operation of "Class M" vehicles.

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

21 343.16 (1) (a) *General.* The department shall examine every applicant for an
22 operator's license, including applicants for license renewal as provided in sub. (3),
23 and every applicant for authorization to operate a vehicle class or type for which the
24 applicant does not hold currently valid authorization, other than an instruction
25 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants

1 for licenses authorizing operation of “Class A”, “Class B”, “Class C”, “Class D” or
2 “Class M” vehicles shall include both a knowledge test and an actual demonstration
3 in the form of a driving skills test of the applicant’s ability to exercise ordinary and
4 reasonable control in the operation of a representative vehicle. The department shall
5 not administer a driving skills test to a person applying for authorization to operate
6 “Class M” vehicles who has failed 2 previous such skills tests unless the person has
7 successfully completed a rider course approved by the department. The department
8 may, by rule, exempt certain persons from the rider course requirement of this
9 paragraph. The department may not require a person applying for authorization to
10 operate “Class M” vehicles who has successfully completed a basic rider course
11 approved by the department to hold an instruction permit under s. 343.07 (4) prior
12 to the department’s issuance of a license authorizing the operation of “Class M”
13 vehicles. The department may not require a person applying for authorization to
14 operate “Class M” vehicles who holds an instruction permit under s. 343.07 (4) to
15 hold it for a minimum period of time before administering a driving skills test. The
16 driving skills of applicants for endorsements authorizing the operation of
17 commercial motor vehicles equipped with air brakes, the transportation of
18 passengers in commercial motor vehicles or the operation of school buses, as provided
19 in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving
20 skills. The department may endorse an applicant’s commercial driver license for
21 transporting hazardous materials requiring placarding or any quantity of a material
22 listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the
23 operation of tank vehicles or vehicles towing double or triple trailers, as described
24 in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In
25 administering the knowledge test, the department shall attempt to accommodate

1 any special needs of the applicant. Except as may be required by the department for
 2 an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy
 3 or English language proficiency. This paragraph does not prohibit the department
 4 from requiring an applicant to correctly read and understand highway signs.

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

6 343.16 (2) (cm) *Motorcycle waiver.* The department shall waive the driving
 7 skills test of a person applying for authorization to operate "Class M" vehicles if the
 8 applicant holds an instruction permit under s. 343.07 (4) and has successfully
 9 completed a basic rider course approved by the department.

10 **SECTION 7.** 343.61 (6) (c) of the statutes is created to read:

11 343.61 (6) (c) Acquaints each student with vehicle right-of-way rules and the
 12 hazards posed to smaller vehicles, including motorcycles and mopeds, by operation
 13 of larger vehicles and provides at least 45 minutes of instruction in safely sharing the
 14 roadway with these smaller vehicles.

15 **SECTION 8.** 345.60 (1) of the statutes is amended to read:

16 345.60 (1) Except as provided in ~~sub. (3)~~ subs. (3) and (4), in addition to or in
 17 lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court
 18 may in its judgment of conviction order the convicted person to attend, for a certain
 19 number of school days, a traffic safety school whose course and mode of instruction
 20 is approved by the secretary, subject to sub. (4), and which is conducted by the police
 21 department of the municipality, by the sheriff's office of the county, or by any
 22 regularly established safety organization.

23 **SECTION 9.** 345.60 (4) of the statutes is created to read:

24 345.60 (4) If a person is convicted of violating s. 346.18 or a local ordinance in
 25 conformity with s. 346.18, in addition to any other penalty provided by law, a court

Insert 6-9
 Insert 6-11

1 shall order the person to attend a school under sub. (1), which shall acquaint the
 2 person with vehicle right-of-way rules and ~~the hazards posed to smaller vehicles,~~
 3 ~~including motorcycles and mopeds, by operation of larger vehicles and provide at~~
 4 ~~least 45 minutes of instruction~~ ^{↓ on motorcycle, pedestrians and} ~~in safely sharing the roadway with these smaller~~
 5 ~~vehicles.~~ ↙ bicycle awareness

6 **SECTION 10.** 346.18 (1) of the statutes is amended to read:
 7 346.18 (1) GENERAL RULE AT INTERSECTIONS. Except as otherwise expressly
 8 provided in this section or in s. 346.19, 346.20 or 346.46 (1) or (2g), when 2 vehicles
 9 approach or enter an intersection at approximately the same time, the operator of
 10 the vehicle on the left shall yield the right-of-way to the vehicle on the right. The
 11 operator of any vehicle driving at an unlawful speed forfeits any right-of-way which
 12 he or she would otherwise have under this subsection.
 13 **SECTION 11.** 346.18 (3) of the statutes is amended to read:
 14 346.18 (3) RULE AT INTERSECTION WITH THROUGH HIGHWAY. The Except as
 15 provided in s. 346.46 (2g), the operator of a vehicle shall stop as required by s. 346.46
 16 (2) (a), (b) or (c) before entering a through highway, and shall yield the right-of-way
 17 to other vehicles which have entered or are approaching the intersection upon the
 18 through highway.

19 **SECTION 12.** 346.22 (1) (a) of the statutes is amended to read:
 20 346.22 (1) (a) Except as provided in ~~par. (b)~~ pars. (bm) and (c), any person
 21 violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20 nor more
 22 than \$50 for the first offense and not less than \$50 nor more than \$100 for the 2nd
 23 or subsequent conviction within a year.

24 **SECTION 13.** 346.22 (1) (b) of the statutes is renumbered 346.22 (1) (c) and
 25 amended to read:

insert
7-25

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

5 SECTION 14. 346.22 (1) ~~(b) and (c)~~ ^(f) of the statutes ~~are~~ ^{is} created to read:

6 346.22 (1) ~~(b)~~ ^(f) Any person violating s. 346.18 shall be required to forfeit not
 7 less than \$500 nor more than \$1,000 if the violation results in death or great bodily
 8 harm, as defined in s. 939.22 (14), to another person.

9 ~~(c)~~ If a court finds that a person violated s. 346.18, the court shall, in addition
 10 to any other penalty provided by law, order the person to attend a traffic safety school
 11 as provided under s. 345.60 (4).

12 SECTION 15. 346.37 (1) (c) 4. ~~and 5.~~ ^{is} of the statutes ~~are~~ created to read:

13 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle facing a red signal at
 14 an intersection may, after stopping as required under subd. 1. for not less than 30
 15 seconds, proceed cautiously through the intersection before the signal turns green
 16 if no other vehicles are present at the intersection to actuate the signal and the
 17 operator of the motorcycle reasonably believes the signal is vehicle actuated. The
 18 operator of a motorcycle proceeding through a red signal under this subdivision shall
 19 yield the right-of-way to any vehicular traffic, pedestrian, bicyclist, or rider of an
 20 electric personal assistive mobility device proceeding through a green signal at the
 21 intersection or lawfully within a crosswalk or using the intersection.

22 5. Notwithstanding subd. 1., a group of motorcycles in single-file or double-file
 23 formation not more than 6 motorcycles long that enters an intersection on a green
 24 signal may proceed through the intersection as a group after the signal is no longer
 25 green, subject to any restriction specified in par. (a) or (d).

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SECTION 16. 346.46 (2g) of the statutes is created to read:

346.46 (2g) Notwithstanding subs. (1) and (2), whenever a group of motorcycles in single-file or double-file formation not more than 6 motorcycles long approaches an official stop sign at an intersection, if each motorcycle leading the group satisfies the requirements under subs. (1) and (2), the entire group of motorcycles may then proceed through the intersection as a group and without any additional stopping as if the group were one vehicle, but shall yield the right-of-way to other vehicles that have entered or are approaching the intersection upon a highway which is not controlled by an official stop sign or traffic signal.

SECTION 17. 349.06 (3) of the statutes is amended 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) and (2g), 346.57 (2), (3), (4) (d) to (h) or (5) or 346.62 (2) where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, any applicable minimum and maximum forfeiture for the violation shall be doubled.

SECTION 18. Initial applicability.

(1) The treatment of section 84.06 (1m) of the statutes first applies to highway improvements for which planning is begun on the effective date of this subsection.

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

(3) The treatment of sections 345.60 (1) and (4), 343.30(1j), 346.46 (1) and (2g), 346.22 (1) (a), (b), (c), (d), (e), (f) and (g), 346.37 (1) (c) 4. and 5, 346.46 (2g), and 349.06 (3) of the statutes first applies to violations occurring on the effective date of this subsection, but does

1 not preclude the counting of other violations as prior violations for purposes of
2 sentencing a person.

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

6 **SECTION 19. Effective date.**

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

9 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3040/P2dn

ARG: *gf*

Date

ATTN: Eric Searing

Please review the attached draft carefully to ensure that it is consistent with your intent.

X For the most part, the attached redraft incorporates LRB-3006/3 into LRB-3040/P1. Created s. 345.60 (4) could not be perfectly meshed. Please let me know if the language in the attached draft is not satisfactory. Also, with regard to s. 346.22¹³(1), LRB-3040 provided for the doubling of the newly enhanced civil penalties for construction zone violations, whereas LRB-3006 did not provide for doubling of new criminal penalties for construction zone violations. The attached draft replaces the civil penalties of LRB-3040/P1 with the criminal penalties of LRB-3006/3 and does not provide for doubling of criminal fines for construction zone violations. Is this okay?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

2005 BILL

INSERTS

1 AN ACT *to amend* 346.22 (1) (a); and *to create* 38.04 (4) (e) 3., 115.28 (11) (c),
 2 343.30 (1j), 346.22 (1) (c), 346.22 (1) (d) and 346.22 (1) (e) of the statutes;
 3 **relating to:** motor vehicle driver education, rules of right-of-way, and
 4 providing a penalty.

Analysis by the Legislative Reference Bureau

~~Under current law, an operator of a motor vehicle who violates a rule of right-of-way 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 second or subsequent conviction within a year.~~

~~Under this bill, if a person violates a rule of right-of-way and the violation results in bodily harm to another, the person will be guilty of a Class C misdemeanor, and his or her operating privilege will be suspended for 30 days. A Class C misdemeanor is punishable by a fine not to exceed \$500, imprisonment not to exceed 30 days, or both.~~

~~If the violation results in great bodily harm to another, the person will be guilty of a Class B misdemeanor, and his or her operating privilege will be suspended for 90 days. A Class B misdemeanor is punishable by a fine not to exceed \$1,000, imprisonment not to exceed 90 days, or both.~~

~~If the violation results in the death of another, the person will be guilty of a Class A misdemeanor, and his or her operating privilege will be suspended for 9 months. A Class A misdemeanor is punishable by a fine not to exceed \$10,000, imprisonment not to exceed 9 months, or both. no \$~~

Insert ANAL-A

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nine

intersection upon a highway that is not controlled by a stop sign or traffic control signal. Also, the leading vehicle in a funeral procession must comply with these stopping requirements for traffic control signals and stop signs, but when the leading vehicle has complied with these requirements and proceeded through an intersection, all other vehicles in the funeral procession may proceed without stopping, regardless of the sign or signal.

Under this bill, a motorcycle facing a red traffic control signal at an intersection may, after stopping for not less than 30 seconds, proceed cautiously through the intersection before the signal turns green if no other vehicles are present at the intersection to actuate the signal and the operator of the motorcycle reasonably believes the signal is vehicle actuated. The operator of a motorcycle proceeding through a red signal must yield the right-of-way to any vehicle, bicyclist, or pedestrian proceeding through a green signal at the intersection or lawfully within a crosswalk or using the intersection. The bill also allows a group of motorcycles in single-file or double-file formation not more than six motorcycles long that enters an intersection on a green signal to proceed through the intersection as a group after the signal is no longer green and allows such a group that approaches a stop sign to, after each motorcycle leading the group stops, proceed through the intersection as a group and without any additional stopping.

Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including: when turning left across traffic; at an intersection posted with a yield sign; when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or 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.

Under this bill, if a person's failure to yield the right-of-way results in death or great bodily harm to another person, the violating person is subject to a forfeiture of not less than \$500 nor more than \$1,000. Also, in addition to any penalty provided under current law for a failure-to-yield violation, the court must order a person who commits a failure-to-yield violation to attend a traffic safety school, which must acquaint the person with vehicle right-of-way rules and the hazards posed to smaller vehicles, including motorcycles and mopeds, by operation of larger vehicles and provide at least 45 minutes of instruction in safely sharing the roadway with these smaller vehicles. *on motorcycle, pedestrian, and bicycle awareness*

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in safely dealing with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

insert
ANAL-A

BILL

Insert ANAL-B

~~The bill also requires all drivers' education courses to include information on motorcycle, pedestrian, and bicyclist awareness that is approved by a nationally recognized motorcycle, pedestrian, or bicycle safety organization.~~ *and awareness*

Insert ANAL-C

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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:

use twice insert 6-11

~~SECTION 1. 38.04 (4) (e) 3. of the statutes is created to read:~~

use twice insert 3-2# 6-11

~~38.04 (4) (e) 3.~~ Includes information on motorcycle awareness, as approved by a ~~nationally~~ *and awareness* recognized motorcycle safety organization, and pedestrian and bicycle awareness, as approved by a ~~nationally~~ recognized pedestrian and bicycle safety organization. This subdivision does not apply unless the materials that provide information on motorcycle, pedestrian, and bicycle awareness are donated to the department of transportation by one or more ~~nationally~~ recognized safety organizations.

~~SECTION 2. 115.28 (II) (e) of the statutes is created to read:~~

Insert 4-10

115.28 (11) (c) Provide information on motorcycle awareness, as approved by a ~~nationally~~ *and awareness* recognized motorcycle safety organization, and pedestrian and bicycle awareness, as approved by a ~~nationally~~ recognized pedestrian and bicycle safety organization. This paragraph does not apply unless the materials that provide information on motorcycle, pedestrian, and bicycle awareness are donated to the department of transportation by one or more ~~nationally~~ recognized safety organizations.

Insert 6-9

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

BILL

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

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

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

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

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

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

13 **SECTION 5.** 346.22 (1) (c) of the statutes is created to read:

14 346.22 (1) (c) If a person violates s. 346.18 and the violation results in bodily
15 harm, as defined in s. 939.22 (4), to another, the person is guilty of a Class C
16 misdemeanor and shall have his or her operating privilege suspended as provided
17 in s. 343.30 (1j).

18 **SECTION 6.** 346.22 (1) (d) of the statutes is created to read:

19 346.22 (1) (d) If a person violates s. 346.18 and the violation results in great
20 bodily harm, as defined in s. 939.22 (14), to another, the person is guilty of a Class
21 B misdemeanor and shall have his or her operating privilege suspended as provided
22 in s. 343.30 (1j).

23 **SECTION 7.** 346.22 (1) (e) of the statutes is created to read:

Insert
6-9
Cont'd

Insert
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BILL

1 346.22 (1) (e) If a person violates s. 346.18 and the violation results in death
2 to another, the person is guilty of a Class A misdemeanor and shall have his or her
3 operating privilege suspended as provided in s. 343.30 (1j).

4 **SECTION 8. Initial applicability.**

5 (1) This act first applies to violations that occur on the effective date of this
6 subsection.

7 (END)

14 sent
7-25 cont'd

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3040/P2dn
ARG:kjf:rs

January 4, 2006

ATTN: Eric Searing

Please review the attached draft carefully to ensure that it is consistent with your intent.

For the most part, the attached redraft incorporates LRB-3006/3 into LRB-3040/P1. Created s. 345.60 (4) could not be perfectly meshed. Please let me know if the language in the attached draft is not satisfactory. Also, with regard to s. 346.22 (1), LRB-3040 provided for the doubling of the newly enhanced civil penalties for construction zone violations, whereas LRB-3006/3 did not provide for doubling of new criminal penalties for construction zone violations. The attached draft replaces the civil penalties of LRB-3040/P1 with the criminal penalties of LRB-3006/3 and does not provide for doubling of criminal fines for construction zone violations. Is this okay?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

He from Eric Seary

1/12

- LRB-3040 looks good - want
it jacketed



State of Wisconsin
2005 - 2006 LEGISLATURE

Wanted
by 1/13
end
of day
stay
KMR
LRB-3040/1
ARG&PJH:kjf&lmk:ts

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Regen

1 AN ACT to amend 84.06 (1m), 343.07 (4) (a), 343.16 (1) (a), 343.16 (2) (cm), 345.60
2 (1) and 346.22 (1) (a); and to create 38.04 (4) (e) 3., 115.28 (11) (c), 343.30 (1j),
3 343.61 (6) (c), 345.60 (4), 346.22 (1) (c), 346.22 (1) (d), 346.22 (1) (e), 346.22 (1)
4 (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, highway project
7 planning by the Department of Transportation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a vehicle facing a green traffic control signal may proceed through the intersection, a vehicle facing a yellow signal must stop before entering the intersection unless the vehicle is so close to it that a stop may not be made in safety, and a vehicle facing a red signal must stop before entering the intersection and must generally remain stopped until the signal turns green. However, if a traffic control signal is flashing red, vehicles may proceed through the intersection after stopping, as if the signal were a stop sign.

Under this bill, a motorcycle facing a red traffic control signal at an intersection may, after stopping for not less than 30 seconds, proceed cautiously through the intersection before the signal turns green if no other vehicles are present at the intersection to actuate the signal and the operator of the motorcycle reasonably

believes the signal is vehicle actuated. The operator of a motorcycle proceeding through a red signal must yield the right-of-way to any vehicle, bicyclist, or pedestrian proceeding through a green signal at the intersection or lawfully within a crosswalk or using the intersection.

Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including: when turning left across traffic; at an intersection posted with a yield sign; when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or 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.

Under this bill, if a person's failure to yield the right-of-way results in bodily harm to another, the person will be guilty of a Class C misdemeanor, and his or her operating privilege will be suspended for 30 days. A Class C misdemeanor is punishable by a fine not to exceed \$500, imprisonment not to exceed 30 days, or both. If the violation results in great bodily harm to another, the person will be guilty of a Class B misdemeanor, and his or her operating privilege will be suspended for 90 days. A Class B misdemeanor is punishable by a fine not to exceed \$1,000, imprisonment not to exceed 90 days, or both. If the violation results in the death of another, the person will be guilty of a Class A misdemeanor, and his or her operating privilege will be suspended for nine months. A Class A misdemeanor is punishable by a fine not to exceed \$10,000, imprisonment not to exceed nine months, or both. Also, in addition to any penalty provided under current law for a failure-to-yield violation, the court must order a person who commits a failure-to-yield violation to attend a traffic safety school, which must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in safely dealing with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

This bill requires driver education courses to also include information on motorcycle, pedestrian, and bicycle awareness that is approved by a recognized motorcycle, pedestrian, or bicycle safety and awareness organization.

Under current law, an applicant for an operator's license, other than an instruction permit, authorizing operation of a motorcycle must take and pass both a knowledge test and a driving skills test, except that the Department of Transportation (DOT) must waive the driving skills test if the applicant holds an instruction permit and has successfully completed a basic rider course approved by

DOT (basic rider course). Also, DOT generally may not issue a license to any person under the age of 18 authorizing the operation of a motorcycle unless the person has successfully completed a basic rider course. DOT may also issue an instruction permit for the operation of a motorcycle to a person who meets certain qualifications for issuance of an operator's license.

Under this bill, DOT may issue an operator's license authorizing operation of a motorcycle to a person without requiring the person to take a driving skills test if the person has successfully completed a basic rider course, regardless of whether the person holds an instruction permit. In addition, DOT may not require a person applying for authorization to operate a motorcycle who has successfully completed a basic rider course to hold an instruction permit prior to DOT's issuance of a license. DOT also may not require a person applying for authorization to operate a motorcycle who holds an instruction permit to hold it for a minimum period of time before administering a driving skills test.

Under current law, DOT may plan and undertake preliminary engineering work for any highway improvement within its jurisdiction, including highway construction, reconstruction, rehabilitation, and other projects.

This bill requires DOT, in planning any highway improvement, to consider the safety of motorcycles operated on the highway.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 38.04 (4) (e) 3. of the statutes is created to read:
- 2 38.04 (4) (e) 3. Includes information on motorcycle awareness, as approved by
- 3 a recognized motorcycle safety and awareness organization, and pedestrian and
- 4 bicycle awareness, as approved by a recognized pedestrian and bicycle safety and
- 5 awareness organization. This subdivision does not apply unless the materials that
- 6 provide information on motorcycle, pedestrian, and bicycle awareness are donated
- 7 to the department of transportation by one or more recognized safety and awareness
- 8 organizations.

SECTION 2

1 **SECTION 2.** 84.06 (1m) of the statutes is amended to read:

2 84.06 (1m) PLANS. The department may prepare plans, estimates and
3 specifications and undertake and perform all surveys, investigations and
4 engineering work for any highway improvement within its jurisdiction. When
5 provision has been made for the necessary funds for any such highway improvement
6 and, if federal aid is to be utilized, when the project has been approved by the proper
7 federal authorities, the department may proceed as provided in this section, with due
8 regard to any applicable federal requirement or regulation. In planning any
9 highway improvement, the department shall consider the safety of motorcycles
10 operated on the highway.

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

12 115.28 (11) (c) Provide 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. This paragraph does not apply unless the materials that
16 provide information on motorcycle, pedestrian, and bicycle awareness are donated
17 to the department of transportation by one or more recognized safety and awareness
18 organizations.

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

20 343.07 (4) (a) ~~Upon~~ Subject to s. 343.16 (1) (a), upon application by a person
21 who qualifies for issuance of a license under s. 343.06 (1) (c) and who wishes to qualify
22 for the operation of a Type 1 motorcycle, the department may issue an instruction
23 permit for the operation of "Class M" vehicles.

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

1 343.16 (1) (a) *General.* The department shall examine every applicant for an
2 operator's license, including applicants for license renewal as provided in sub. (3),
3 and every applicant for authorization to operate a vehicle class or type for which the
4 applicant does not hold currently valid authorization, other than an instruction
5 permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants
6 for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or
7 "Class M" vehicles shall include both a knowledge test and an actual demonstration
8 in the form of a driving skills test of the applicant's ability to exercise ordinary and
9 reasonable control in the operation of a representative vehicle. The department shall
10 not administer a driving skills test to a person applying for authorization to operate
11 "Class M" vehicles who has failed 2 previous such skills tests unless the person has
12 successfully completed a rider course approved by the department. The department
13 may, by rule, exempt certain persons from the rider course requirement of this
14 paragraph. The department may not require a person applying for authorization to
15 operate "Class M" vehicles who has successfully completed a basic rider course
16 approved by the department to hold an instruction permit under s. 343.07 (4) prior
17 to the department's issuance of a license authorizing the operation of "Class M"
18 vehicles. The department may not require a person applying for authorization to
19 operate "Class M" vehicles who holds an instruction permit under s. 343.07 (4) to
20 hold it for a minimum period of time before administering a driving skills test. The
21 driving skills of applicants for endorsements authorizing the operation of
22 commercial motor vehicles equipped with air brakes, the transportation of
23 passengers in commercial motor vehicles or the operation of school buses, as provided
24 in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving
25 skills. The department may endorse an applicant's commercial driver license for

1 transporting hazardous materials requiring placarding or any quantity of a material
2 listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the
3 operation of tank vehicles or vehicles towing double or triple trailers, as described
4 in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In
5 administering the knowledge test, the department shall attempt to accommodate
6 any special needs of the applicant. Except as may be required by the department for
7 an “H” or “S” endorsement, the knowledge test is not intended to be a test for literacy
8 or English language proficiency. This paragraph does not prohibit the department
9 from requiring an applicant to correctly read and understand highway signs.

10 **SECTION 6.** 343.16 (2) (cm)[✓] of the statutes is amended to read:

11 343.16 (2) (cm) *Motorcycle waiver.* The department shall waive the driving
12 skills test of a person applying for authorization to operate “Class M” vehicles if the
13 applicant ~~holds an instruction permit under s. 343.07 (4) and~~ has successfully
14 completed a basic rider course approved by the department.

15 **SECTION 7.** 343.30 (1j)[✓] of the statutes is created to read:

16 343.30 (1j) Upon conviction of a person for violating s. 346.18, the court shall
17 suspend the violator’s operating privilege as follows:

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

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

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

23 **SECTION 8.** 343.61 (6) (c)[✓] of the statutes is created to read:

24 343.61 (6) (c) Includes information on motorcycle awareness, as approved by
25 a recognized motorcycle safety and awareness organization, and pedestrian and

1 bicycle awareness, as approved by a recognized pedestrian and bicycle safety and
2 awareness organization. This subdivision does not apply unless the materials that
3 provide information on motorcycle, pedestrian, and bicycle awareness are donated
4 to the department of transportation by one or more recognized safety and awareness
5 organizations.

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

7 345.60 (1) Except as provided in ~~sub. (3)~~ subs. (3) and (4), in addition to or in
8 lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court
9 may in its judgment of conviction order the convicted person to attend, for a certain
10 number of school days, a traffic safety school whose course and mode of instruction
11 is approved by the secretary, subject to sub. (4), and which is conducted by the police
12 department of the municipality, by the sheriff's office of the county, or by any
13 regularly established safety organization.

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

15 345.60 (4) If a person is convicted of violating s. 346.18 or a local ordinance in
16 conformity with s. 346.18, in addition to any other penalty provided by law, a court
17 shall order the person to attend a school under sub. (1), which shall acquaint the
18 person with vehicle right-of-way rules and provide instruction on motorcycle,
19 pedestrian, and bicycle awareness.

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

21 346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e), any person violating
22 s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20 nor more than \$50
23 for the first offense and not less than \$50 nor more than \$100 for the 2nd or
24 subsequent conviction within a year.

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

1 346.22 (1) (c) If a person violates s. 346.18 and the violation results in bodily
2 harm, as defined in s. 939.22 (4), to another, the person is guilty of a Class C
3 misdemeanor and shall have his or her operating privilege suspended as provided
4 in s. 343.30 (1j).

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

6 346.22 (1) (d) If a person violates s. 346.18 and the violation results in great
7 bodily harm, as defined in s. 939.22 (14), to another, the person is guilty of a Class
8 B misdemeanor and shall have his or her operating privilege suspended as provided
9 in s. 343.30 (1j).

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

11 346.22 (1) (e) If a person violates s. 346.18 and the violation results in death
12 to another, the person is guilty of a Class A misdemeanor and shall have his or her
13 operating privilege suspended as provided in s. 343.30 (1j).

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

15 346.22 (1) (f) If a court finds that a person violated s. 346.18, the court shall,
16 in addition to any other penalty provided by law, order the person to attend a traffic
17 safety school as provided under s. 345.60 (4).

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

19 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle facing a red signal at
20 an intersection may, after stopping as required under subd. 1. for not less than 30
21 seconds, proceed cautiously through the intersection before the signal turns green
22 if no other vehicles are present at the intersection to actuate the signal and the
23 operator of the motorcycle reasonably believes the signal is vehicle actuated. The
24 operator of a motorcycle proceeding through a red signal under this subdivision shall
25 yield the right-of-way to any vehicular traffic, pedestrian, bicyclist, or rider of an

1 electric personal assistive mobility device proceeding through a green signal at the
2 intersection or lawfully within a crosswalk or using the intersection.

3 **SECTION 17. Initial applicability.**

4 (1) The treatment of section 84.06 (1m) of the statutes first applies to highway
5 improvements for which planning is begun on the effective date of this subsection.

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

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

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

16 **SECTION 18. Effective date.**

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

19 (END)