

## 2007 DRAFTING REQUEST

### Bill

Received: **10/24/2006**

Received By: **bbalinsk**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Darcy Paulson**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Penalties for disobeying school crossing guards

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### Instructions:

Draft bill providing for same penalties for disobeying adult crossing guards as for passing a school bus with flashing lights.

---

### 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>
/?	bbalinsk 11/10/2006	kfollett 11/10/2006		_____			State
/P1			rschluet 11/10/2006	_____	lparisi 11/10/2006		State
/1	bbalinsk 12/07/2006	kfollett 12/07/2006	sherritz 12/07/2006	_____	sbasford 12/07/2006	mbarman 01/05/2007	

FE Sent For:

<END>

↳ At Intro.

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/P1		<i>11/10/06</i> <i>12/1/06</i>	rschluet 11/10/2006	_____	lparisi 11/10/2006		
FE Sent For:			<i>dh</i> 12/7	<i>dh/pg</i> 12/7			

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/?	bbalinsk	1 P/1gf 11/10					State

FE Sent For:

<END>

**Balinsky, Brett**

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**From:** Hanaman, Cathlene  
**Sent:** Friday, October 20, 2006 1:05 PM  
**To:** Gary, Aaron; Balinsky, Brett  
**Subject:** Gottlieb's request

Darcy from Gottlieb's office called. She wants a bill that increases the penalty for disobeying an adult crossing guard so that it is the same as the penalty for passing a school bus with flashing lights.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0571/? P1  
BAB: kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 11/10/06

D-NOTE

Gen

1 AN ACT ...; relating to: liability for disobeying school crossing guards and  
2 providing a penalty.

*Analysis by the Legislative Reference Bureau*

Under current law, a driver who disobeys an adult school crossing guard is liable for a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second and subsequent offenses. This bill increases the penalty for failing to obey an adult school crossing guard to a forfeiture of not less than \$30 nor more than \$300.

For further information see the *state* 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:*

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

4 346.49 (1) (a) Unless otherwise provided in par. (b) or (c), any person violating  
5 s. 346.46 (1), ~~(2m)~~ or (4) or 346.47 may be required to forfeit not less than \$20 nor  
6 more than \$40 for the first offense and not less than \$50 nor more than \$100 for the  
7 2nd or subsequent conviction within a year.

Change component

SECTION 2. 346.49 (1) (am) of the statutes is created to read:

346.49 (1) (am) Unless otherwise provide in par. (b) or (c), any person violating s. 346.46 (2m) may be required to forfeit not less than \$30 nor more than \$300.

SECTION 3. 346.49 (1) (c) of the statutes is amended to read:

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

History: 1971 c. 278; 1973 c. 182; 1981 c. 168; 1983 a. 27, 175; 1985 a. 186; 1993 a. 198; 1995 a. 424; 1997 a. 135, 237, 277; 2001 a. 90; 2003 a. 209.

SECTION 4. Initial applicability.

(1) This act first applies to violations of s. 346.46 (2m) occurring on the effective date of this act.

History: 1971 c. 278; 1973 c. 182; 1981 c. 168; 1983 a. 27, 175; 1985 a. 186; 1993 a. 198; 1995 a. 424; 1997 a. 135, 237, 277; 2001 a. 90; 2003 a. 209.

(END)

D- NOTE

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

LRB-0571/?dn

BAB: *gjf*

*P1*

*Date*

ATTN: Darcy Paulson

*o*  
The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent.

*X*  
*X*  
*X*  
Your request specified that the penalties for disobeying a school crossing guard be increased to match those for illegally passing a school bus. However, under ss. 346.46 (2m), ~~§346.465~~, and 346.49 (1) (b), there are three different classes of individuals who could be held liable for disobeying a crossing guard: the driver of a motor vehicle, a person on a bicycle, and the owner of the motor vehicle that is involved with disobeying a crossing guard. I have drafted this bill to provide the increased penalties only for motor vehicle drivers who disobey crossing guards, rather than bicyclists or owners of cars that are being driven by other persons, in order to avoid heavier penalties for those who are less at risk of causing serious accidents at school crossings or who may have no personal culpability. Is that acceptable?

Brett A. Balinsky  
Legislative Attorney  
Phone: (608) 267-7380  
E-mail: [brett.balinsky@legis.wisconsin.gov](mailto:brett.balinsky@legis.wisconsin.gov)

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

LRB-0571/P1dn  
BAB:kjf:rs

November 10, 2006

ATTN: Darcy Paulson

The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent.

Your request specified that the penalties for disobeying a school crossing guard be increased to match those for illegally passing a school bus. However, under ss. 346.46 (2m), 346.465, and 346.49 (1) (b), there are three different classes of individuals who could be held liable for disobeying a crossing guard: the driver of a motor vehicle, a person on a bicycle, and the owner of the motor vehicle that is involved with disobeying a crossing guard. I have drafted this bill to provide the increased penalties only for motor vehicle drivers who disobey crossing guards, rather than bicyclists or owners of cars that are being driven by other persons, in order to avoid heavier penalties for those who are less at risk of causing serious accidents at school crossings or who may have no personal culpability. Is that acceptable?

Brett A. Balinsky  
Legislative Attorney  
Phone: (608) 267-7380  
E-mail: [brett.balinsky@legis.wisconsin.gov](mailto:brett.balinsky@legis.wisconsin.gov)



\* stays as / 1

## 2007 BILL

No changes

Regen

1 AN ACT to amend 346.49 (1) (a) and 346.49 (1) (c); and to create 346.49 (1) (am)  
 2 of the statutes; relating to: liability for disobeying school crossing guards and  
 3 providing a penalty.

### *Analysis by the Legislative Reference Bureau*

Under current law, a driver who disobeys an adult school crossing guard is liable for a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second and subsequent offenses. This bill increases the penalty for failing to obey an adult school crossing guard to a forfeiture of not less than \$30 nor more than \$300.

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

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**BILL**

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9 area are at risk from traffic, any applicable minimum and maximum forfeiture  
10 specified in par. (a) or (am) for the violation shall be doubled.

11 **SECTION 4. Initial applicability.**

12 (1) This act first applies to violations of s. 346.46 (2m) occurring on the effective  
13 date of this act.

14 (END)

**Balinsky, Brett**

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**From:** Paulson, Darcy  
**Sent:** Wednesday, December 06, 2006 12:21 PM  
**To:** Balinsky, Brett  
**Subject:** Bill draft

LRB 0571 relating to liability for disobeying school crossing guards and providing a penalty is drafted the way he wants it to be.

Please remove the preliminary on the draft.

Thanks

Darcy Paulson  
Office of Rep. Mark Gottlieb  
60th Assembly District  
608.267.2369

**Barman, Mike**

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**From:** Richard, Rob  
**Sent:** Friday, January 05, 2007 9:09 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0571/1 Topic: Penalties for disobeying school crossing guards

Please Jacket LRB 07-0571/1 for the ASSEMBLY.