

# State of Wisconsin



2009 Senate Bill 278

Date of enactment: **December 10, 2009**  
Date of publication\*: **December 28, 2009**

## 2009 WISCONSIN ACT 97

**AN ACT** to amend 346.05 (1) (a), 346.05 (3), 346.08 (intro.) and (1), 346.09 (4), 346.13 (2), 346.15, 346.18 (2), 346.31 (3) (title), (a) and (b), 346.31 (4), 346.33 (1), 346.33 (2), 346.34 (1) (b), 346.35 (1), 346.37 (1) (a) 1., 346.37 (1) (c) 3., 346.37 (1) (d) 1., 346.80 (2) (a) 2. and 349.10 (2); to repeal and recreate 346.33 (title); and to create 340.01 (73r), 346.33 (1) (e) and (f) and 346.33 (1m) of the statutes; relating to: U-turns on highways and providing a penalty.

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

**SECTION 1.** 340.01 (73r) of the statutes is created to read:

340.01 (73r) "U-turn" means the turning of a vehicle so as to proceed in the opposite direction.

**SECTION 2.** 346.05 (1) (a) of the statutes is amended to read:

346.05 (1) (a) When making an approach for a left turn or U-turn under circumstances in which the rules relating to left turns or U-turns require driving on the left half of the roadway; or

**SECTION 3.** 346.05 (3) of the statutes is amended to read:

346.05 (3) Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand edge or curb of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn or U-turn at an intersection or a left turn into a private road or driveway, and except as provided in s. 346.072.

**SECTION 4.** 346.08 (intro.) and (1) of the statutes are amended to read:

**346.08 When overtaking and passing on the right permitted.** (intro.) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting ~~such~~ the movement in safety and only if the operator can do so ~~without driving off the pavement or main-traveled portion of the~~ while remaining on either the roadway or a paved shoulder, and then only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn or U-turn; or

**SECTION 5.** 346.09 (4) of the statutes is amended to read:

346.09 (4) Other provisions of this section notwithstanding, the operator of a vehicle ~~shall~~ may not overtake and pass on the left any other vehicle which, by means of signals as required by s. 346.34 (1), indicates its intention to make a left turn or U-turn.

**SECTION 6.** 346.13 (2) of the statutes is amended to read:

346.13 (2) Upon a 2-way roadway which is divided into 3 lanes the operator of a vehicle ~~shall~~ may not drive in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

such ~~the~~ center lane is clear of traffic within a safe distance, or in preparation for a left turn or U-turn, or where such ~~the~~ center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is marked or posted to give notice of such ~~the~~ allocation.

**SECTION 7.** 346.15 of the statutes is amended to read:

**346.15 Driving on divided highway.** Whenever any highway has been divided into 2 roadways by an intervening unpaved or otherwise clearly indicated dividing space or by a physical barrier so constructed as to substantially impede crossing by vehicular traffic, the operator of a vehicle shall drive only to the right of such ~~the~~ space or barrier and no operator of a vehicle shall drive over, across, or within any ~~such the~~ space or barrier except through an opening or at a crossover or intersection established by the authority in charge of the maintenance of the highway, except that the operator of a vehicle when making a left turn to or from a private driveway, alley, or highway or making a U-turn may drive across a paved dividing space or a physical barrier not so constructed as to impede crossing by vehicular traffic, unless such ~~the~~ crossing is prohibited by signs erected by the authority in charge of the maintenance of the highway.

**SECTION 8.** 346.18 (2) of the statutes is amended to read:

346.18 (2) TURNING LEFT OR MAKING A U-TURN AT INTERSECTION. The operator of a vehicle within an intersection intending to turn to the left ~~across the path of any vehicle approaching from the opposite direction or make a U-turn~~ shall yield the right-of-way to such any vehicle approaching from the opposite direction.

**SECTION 9.** 346.31 (3) (title), (a) and (b) of the statutes are amended to read:

346.31 (3) (title) LEFT TURNS AND U-TURNS.

(a) The approach for a left turn or U-turn shall be made in ~~that the~~ lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the vehicle about to turn left. Unless otherwise marked or posted, this means the lane immediately to the right of the center line or center dividing strip of a 2-way highway and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

(b) The intersection shall be entered in the lane of approach and, whenever practicable, the left turn or U-turn shall be made in that portion of the intersection immediately to the left of the center of the intersection. For the purposes of this paragraph, a divided highway intersected by any other highway is considered to be one intersection.

**SECTION 10.** 346.31 (4) of the statutes is amended to read:

346.31 (4) LEFT TURNS AND U-TURNS ON 3-LANE HIGHWAYS. On a 2-way highway having an uneven number of lanes the approach for a left turn or U-turn shall be made

in the center lane thereof, unless otherwise posted or marked. A left turn into a 2-way highway having an uneven number of lanes shall be made so as to enter the highway in the lane immediately to the right of the center lane.

**SECTION 11.** 346.33 (title) of the statutes is repealed and recreated to read:

**346.33 (title) U-turns.**

**SECTION 12.** 346.33 (1) of the statutes is amended to read:

346.33 (1) The operator of a vehicle shall may not ~~turn the vehicle so as to proceed in the opposite direction~~ make a U-turn upon a highway at any of the following places:

(a) At any intersection at which traffic is being controlled by ~~traffic control signals or by a traffic officer;~~ unless instructed by the officer to make a U-turn.

(b) In mid-block on any street in a business district, except where the highway is a divided highway and where the ~~turn U-turn~~ is made at an opening or crossover established by the authority in charge of the maintenance of the highway.

(c) In mid-block on any through highway in a residence district, except where the highway is a divided highway and where the ~~turn U-turn~~ is made at an opening or crossover established by the authority in charge of the maintenance of the highway.

(d) At any place where signs prohibiting such ~~turn a U-turn~~ have been erected by the authority in charge of the maintenance of the highway.

**SECTION 13.** 346.33 (1) (e) and (f) of the statutes are created to read:

346.33 (1) (e) Upon a curve or upon the approach to or near the crest of a grade on any undivided highway where the vehicle cannot be seen by the driver of any other vehicle within 500 feet approaching from any direction.

(f) At any place where a U-turn cannot be made safely or without interfering with other traffic.

**SECTION 14.** 346.33 (1m) of the statutes is created to read:

346.33 (1m) The operator of a vehicle shall exercise due care when making a U-turn upon a highway and shall only make a U-turn when the movement can be made safely and without interfering with other traffic.

**SECTION 15.** 346.33 (2) of the statutes is amended to read:

346.33 (2) The operator of a vehicle shall may not back the vehicle ~~into an intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning the vehicle so as to proceed in the opposite direction upon the highway at an intersection controlled by an official traffic control device for the purpose of making a U-turn.~~

**SECTION 16.** 346.34 (1) (b) of the statutes is amended to read:

346.34 (1) (b) In the event any other traffic may be affected by ~~such~~ the movement, no person may ~~so~~ turn any vehicle without giving an appropriate signal in the manner provided in s. 346.35. A person making a U-turn shall use the same signal used to indicate a left turn. When given by the operator of a vehicle other than a bicycle or electric personal assistive mobility device, ~~such~~ the signal shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The operator of a bicycle or electric personal assistive mobility device shall give ~~such~~ the signal continuously during not less than the last 50 feet traveled before turning. A signal by the hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle or electric personal assistive mobility device.

**SECTION 17.** 346.35 (1) of the statutes is amended to read:

346.35 (1) Left turn or U-turn —Hand and arm extended horizontally.

**SECTION 18.** 346.37 (1) (a) 1. of the statutes is amended to read:

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

**SECTION 19.** 346.37 (1) (c) 3. of the statutes is amended to read:

346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after stopping as required under subd. 1., cautiously enter the intersection to make a right turn into the nearest lawfully available lane for traffic moving to the right or to turn left from a one-way highway into the nearest lawfully available lane of a one-way highway on which vehicular traffic travels to the left. No turn may be made on a red signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits a turn.

In making a turn on a red signal vehicular traffic shall yield the right-of-way to pedestrians, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk, to operators of vehicles making a lawful U-turn, and to other traffic lawfully using the intersection.

**SECTION 20.** 346.37 (1) (d) 1. of the statutes is amended to read:

346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the intersection ~~only~~ to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk and to other traffic lawfully using the intersection. Vehicular traffic facing a left turn arrow may make a U-turn unless a sign prohibits U-turns. When the green arrow signal indicates a right or left turn traffic shall cautiously enter the intersection.

**SECTION 21.** 346.80 (2) (a) 2. of the statutes is amended to read:

346.80 (2) (a) 2. When preparing for a left turn or U-turn at an intersection or a left turn into a private road or driveway.

**SECTION 22.** 349.10 (2) of the statutes is amended to read:

349.10 (2) No local authority shall declare any part of a connecting highway between portions of the state trunk highway system to be a one-way highway or prohibit right or left turns or U-turns at any intersection of one such connecting highway with another without due regard for the expeditious flow of intercity traffic using the state trunk highways and without first conferring with the department on the problems involved.

**SECTION 23. Initial applicability.**

(1) This act first applies to violations committed on the effective date of this subsection.

**SECTION 24. Effective date.**

(1) This act takes effect on the January 1 after publication.