

2011 DRAFTING REQUEST

Bill

Received: **10/22/2010**

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Donald Pridemore (608) 267-2367**

By/Representing: **Bill Savage**

May Contact:

Drafter: **agary**

Subject: **Transportation - traffic laws**

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

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

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Failure to yield violations; traffic safety school and operating privilege suspension

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>
/?				_____			S&L
/P1	agary 11/01/2010	edt_keagan 11/17/2010	jfrantze 11/17/2010	_____	sbasford 11/17/2010		S&L
/P2	agary 01/13/2011	kfollett 01/23/2011	rschluet 01/24/2011	_____	lparisi 01/24/2011		S&L
/P3	agary 01/26/2011	kfollett 01/27/2011	rschluet 01/27/2011	_____	lparisi 01/27/2011		S&L

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/1	agary 02/23/2011	kfollett 02/23/2011	rschluet 02/23/2011	_____	sbasford 02/23/2011	lparisi 03/09/2011	

FE Sent For:

At Intro.

<END>

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1/16/11
2/3/11
2/23/11

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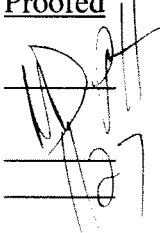
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/P2	agary 01/13/2011	kfollett 01/23/2011	rschluet 01/24/2011		lparisi 01/24/2011		

FE Sent For:

1 P315 f
11/27
12/7/11

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Wanted: As time permits

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By/Representing: Bill Savage

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Drafter: agary

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Extra Copies: EVM

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/?		/P1 Kpc 11/9					S&L
/P1	agary 11/01/2010	lrb_editor	"11/7	_____	_____		

FE Sent For:

<END>

Gary, Aaron

From: Savage, Bill
Sent: Thursday, October 21, 2010 1:13 PM
To: Gary, Aaron
Subject: 2005 Act 466

Attachments: Drafting instructions Act 466.doc

Aaron, would you still be the one to handle changes to ABATE's bill 2005 SB 528 or act 466?

If so these are the revisions we would like make. Call me with any questions thanks.. Bill



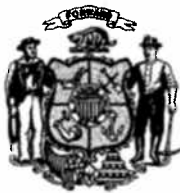
Drafting
structions Act 466.

Bill Savage - Research Assistant
Office of State Rep. Don Pridemore
(608) 267 -2367

1. Remove license suspension actions from the Judges and make it an Administrative DOT function following any 346.18 violation involving injury or death coming in to DOT. This would include any that are convicted through a court or simply mailed in with payment of the fine.

2. Clarify language to allow ABATE's Share the Road to be an approved class for violators. Remove the section that requires a Sherriff to approve, teach or offer the class and switch it to DPI. Allow businesses and schools that offer Driver's Education classes to offer the Share the Road class and issue a completion certificate to violators that will be accepted by DOT for license reinstatement.

3. Insert language to clarify that appropriate educational class must be successfully completed as requirement prior to license reinstatement.



in 11/4
State of Wisconsin
2011 - 2012 LEGISLATURE

c
in
11/1



LRB-0276/P1

ARG:.....

kpe & kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

1 AN ACT ...; relating to: vehicle failure-to-yield violations. ✓

1)

Analysis by the Legislative Reference Bureau

3)

4)

2)

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. In addition, if a person's failure to yield the right-of-way results in bodily harm or death to another, the court must suspend the person's motor vehicle operating privilege and the person must forfeit \$200 if bodily harm results, \$500 if great bodily harm results, and \$1,000 if death results. For any failure-to-yield violation, the court must also order the person who commits the violation to attend a traffic safety school approved by the Department of Transportation (DOT) and conducted by a police department, sheriff's office, or regularly established safety organization. The traffic safety school must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

Current law also allows a court to suspend a person's operating privilege if the person is convicted of violating any state or local traffic law.

Under this bill, if a person is convicted of a failure-to-yield violation that results in bodily harm, great bodily harm, or death, DOT must suspend the person's operating privilege, but a court cannot suspend the person's operating privilege. The bill also makes changes related to the traffic safety school that a court must order a person to attend for any failure-to-yield violation. Under the bill, the traffic safety school may also be conducted by the Department of Public Instruction or by driver schools or providers of approved driver education courses, but may not be conducted by sheriff's offices. If the traffic safety school is conducted by a driver school or provider of a driver education course, the driver school or provider must issue a certificate upon successful completion of the traffic safety school. If a person's operating privilege has been suspended as a result of a failure-to-yield violation, DOT may not reinstate the person's operating privilege unless the person has successfully completed the traffic safety school.

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. 343.30 (1) of the statutes is amended to read:

2 343.30 (1) A court may suspend a person's operating privilege for any period
3 not exceeding one year upon such person's conviction in such court of violating any
4 of the state traffic laws or any local ordinance enacted under ch. 349, other than a
5 violation of s. 346.18 or a local ordinance in conformity with s. 346.18 for which
6 operating privilege suspension is required under s. 343.31 (2t).

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1991 a. 16, 227, 317; 1995 a. 27, 77, 269, 328, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 & 445; 2005 a. 466; 2007 a. 20 ss. 3300, 121 (6) (a); 2007 a. 134; 2009 a. 102, 103, 402.

7 SECTION 2. 343.30 (1j) of the statutes is renumbered 343.31 (2t), and 343.31 (2t)

8 (intro.), as renumbered, is amended to read:

9 343.31 (2t) ^(intro.) ~~Upon conviction of a person for violating s. 346.18, the court~~ The
10 department shall suspend the violator's a person's operating privilege upon
11 receiving a record of conviction for a violation of s. 346.18, or a local ordinance in

1 conformity with s. 346.18, resulting in bodily harm, as defined in s. 939.22 (4), great
 2 bodily harm, as defined in s. 939.22 (14), or death, as follows:

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 279; 2005 a. 466; 2007 a. 20 ss. 3300, 3121 (6) (a); 2007 a. 134; 2009 a. 100, 102, 103, 402.

3 **SECTION 3. 343.31 (3) (a) of the statutes is amended to read:**

4 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m), (2s),
 5 (2t), or (2x), all revocations or suspensions under this section shall be for a period of
 6 one year.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200; 2005 a. 387; 2009 a. 100, 102, 121.

7 **SECTION 4. 343.38 (3) of the statutes is amended to read:**

8 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and
 9 s. 343.10, the department shall not reinstate the operating privilege of a person
 10 whose operating privilege has been duly suspended while the suspension remains in
 11 effect. ~~Upon~~ Subject to s. 345.60 (4), upon the expiration of the period of suspension,
 12 the person's operating privilege is reinstated upon receipt by the department of the
 13 fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of an operating
 14 privilege suspended under ch. 344, the filing with the department of proof of financial
 15 responsibility, if required, in the amount, form, and manner specified under ch. 344.

History: 1977 c. 29 s. 1654 (7) (a), (c); 1979 c. 306, 316; 1983 a. 525; 1989 a. 72; 1991 a. 277, 316; 1997 a. 27, 84; 1999 a. 143; 2007 a. 20; 2009 a. 100, 103; s. 13.92 (2) (i).

16 **SECTION 5. 345.60 (1) of the statutes is amended to read:**

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

1 department of the municipality, by the sheriff's office of the county, or by any
2 regularly established safety organization.

3 **History:** 1971 c. 278 s. 45; Stats. 1971 s. 345.60; 1977 c. 29 s. 1654 (7) (c); 1977 c. 193; 1981 c. 20; 1985 a. 337; 1987 a. 3; 2005 a. 466.

SECTION 6. 345.60 (4) of the statutes is amended to read:

4 345.60 (4) If a person is convicted of violating s. 346.18 or a local ordinance in
5 conformity with s. 346.18, in addition to any other penalty provided by law, a court
6 shall order the person to attend a school under sub. (1), which, for a certain number
7 of school days, a traffic safety school whose course and mode of instruction is
8 approved by the secretary and which is conducted by the police department of the
9 municipality, by the department of public instruction, by any regularly established
10 safety organization, by the provider of driver education courses approved under s.
11 38.04 (4) or 115.28 (11), or by a driver school licensed under s. 343.61. The traffic
12 safety school's course of instruction shall acquaint the person with vehicle
13 right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle
14 awareness. If the traffic safety school is conducted by the provider of approved driver
15 education courses or a driver school, the provider or driver school shall issue to the
16 person a certificate upon successful completion of the traffic safety school. If a
17 person's operating privilege has been suspended as a result of a violation of s. 346.18
18 or a local ordinance in conformity with s. 346.18, including any suspension under s.
19 343.31 (2t), the department may not reinstate the person's operating privilege unless
20 the person has successfully completed the traffic safety school required under this
21 subsection.

22 **History:** 1971 c. 278 s. 45; Stats. 1971 s. 345.60; 1977 c. 29 s. 1654 (7) (c); 1977 c. 193; 1981 c. 20; 1985 a. 337; 1987 a. 3; 2005 a. 466.

SECTION 7. 346.22 (1) (c) of the statutes is amended 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 shall forfeit \$200 and shall
 3 have his or her operating privilege suspended as provided in s. 343.30 (1j).

4 History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277; 2005 a. 466; 2009 a. 46.

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

5 346.22 (1) (d) If a person violates s. 346.18 and the violation results in great
 6 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500 and
 7 shall have his or her operating privilege suspended as provided in s. 343.30 (1j).

8 History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277; 2005 a. 466; 2009 a. 46.

8 **SECTION 9.** 346.22 (1) (e) of the statutes is amended to read:

9 346.22 (1) (e) If a person violates s. 346.18 and the violation results in death
 10 to another, the person shall forfeit \$1,000 and shall have his or her operating
 11 privilege suspended as provided in s. 343.30 (1j).

12 History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277; 2005 a. 466; 2009 a. 46.

12 **SECTION 10. Initial applicability.**

13 (1) This act first applies to violations occurring on the effective date of this
 14 subsection, but does not preclude the counting of other violations as prior violations
 15 for purposes of sentencing a person.

16 **SECTION 11. Effective date.**

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

19 (END)

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

LRB-0276/P1dn

ARG:.....

Kpe & Kjf

DATE

ATTN: Bill Savage

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

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.wisconsin.gov

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

LRB-0276/P1dn
ARG:kpe&kjf:jf

November 17, 2010

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

Gary, Aaron

From: Rep.Pridemore
Sent: Thursday, January 06, 2011 11:30 AM
To: Gary, Aaron
Subject: RE: Act 466

Gary, here is (hopefully) the final requests for changes. fell free to call with any questions!
 Thanks again.

Bill Savage - Research Assistant
 Office of State Rep. Don Pridemore
 (608) 267 -2367

Changes needed to the draft fix of Act 466;

The current suspension periods below need to be changed from 30 days (a) to 2 months and from 90 days (b) to 3 months.

343.30 (1j)

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

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

In the following my suggested changes are in *bold italics* and ~~bold strikethrough~~

345.60 (4) If a person is convicted of violating s. 346.18 or a local ordinance in conformity with s. 346.18, *and the violation resulted in the injury or death of a motorcycle operator, motorcycle passenger, bicycle operator, bicycle passenger or pedestrian* in addition to any other penalty provided by law, a court (*remove "a court" and insert an appropriate reference to the DOT*)

shall order the person to attend a school under sub. (1), which, for a certain number of school days, a traffic safety school whose course and mode of instruction is approved by the secretary and which is conducted by ~~the police department of the municipality, by the department of public instruction, by~~ any regularly established safety organization, by the provider of driver education courses approved under s. 38.04 (4) or 115.28 (11), or by a driver school licensed under s. 343.61. The traffic safety school's course of instruction shall acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness. If the traffic safety school is conducted by the provider of approved driver education courses or a driver school, the provider or driver school shall issue to the person a certificate upon successful completion of the traffic safety school. If a person's operating privilege has been suspended as a result of a violation of s. 346.18 or a local ordinance in conformity with s. 346.18, including any suspension under s. 343.31 (2t), the department may not reinstate the person's operating privilege unless the person has successfully completed the traffic safety school required under this subsection.

From: Gary, Aaron

1/6/2011

Sent: Wednesday, December 08, 2010 9:19 AM
To: Rep.Pridemore
Subject: RE: Act 466

Hi Bill,

I'm not sure what happened but these items were not actually included in the initial drafting instructions I received. I can make these changes but I do have a couple of questions or comments.

1. As to the first group of comments, the time period of suspension is specified - it is the same as the old time period. I did not receive any indication that the time periods were supposed to be increased. If you would like them increased, I'll need to know how much to increase them.

2. As to the second group of comments, I can make this change but there may be an administrative obstacle. If DOT is to order the traffic school and is to order traffic school only if the ROW violation involves a motorcycle, pedestrian, or bicycle, how will DOT know if the violation involved a motorcycle, pedestrian, or bicycle? I believe that DOT will simply get a record of conviction that will identify the violation - I don't think there is anything in current law that requires specifying on the record of conviction that the violation involved a motorcycle, pedestrian, or bicycle. This means that the bill would either need to require courts to specify, for ROW violations, when the violation involves a motorcycle, pedestrian, or bicycle (this will cost the courts money) or the initial traffic citation must include this information (which might cost law enforcement time/money and I'm not positive that DOT gets a copy of the citation with the record of conviction). So making this change may generate some amount of cost in a fiscal estimate. Because I am not that familiar with the way information flows from the courts to DOT, you might want to double check this with DOT or, if you want, I would be happy to do so.

Aaron

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

From: Rep.Pridemore
Sent: Tuesday, December 07, 2010 12:03 PM
To: Gary, Aaron
Subject: FW: Act 466

Aaron, attached are some concerns that ABATE has with the draft lrb-0276/p1

Please call with any questions I think the comments are fairly clear.

Thanks, Bill
414 218 0959 cell

From: Dave Dwyer [mailto:rtrider@hughes.net]
Sent: Sun 11/28/2010 11:21 AM
To: 'toby kowalski'; 'steve abate'; 'tony pan'; 'greg rodd abate'; Savage, Bill
Subject: RE: Act 466

I talked with Tobias Sunday morning and with the revisions in the attached document he is ready to proceed with the next try at getting the drafter to write what we want in the bill.

1/6/2011

Bill, unless you hear different by the end of the day on Monday, send it back to drafting with the requested revisions on the attached document

From: toby kowalski [mailto:mrbbmc71@hotmail.com]
Sent: Saturday, November 27, 2010 3:35 PM
To: rtrider@hughes.net; steve abate; tony pan; greg rodd abate
Subject: RE: Act 466

hey all toby here. my thoughts on this under 346.18 it should be a function of the DOT, i agree if we can get it so the judge can also order it on top of what is sentenced in any other crash that is not covered. On page 4 of the preliminary draft, line 3 and 4 we need to take out the bit about the department of public instruction. i think if they are involved with this we may end up having to get a teaching certificate and i don't think we need to put these people in with drivers ed students. Then lines 5 and 6 needs to be an awareness class and not a traffic safety course AKA point reduction school. that's where this people are going right now is to point reduction class this also shows up on line 14. any questions or coments hop in thanks Tobias

From: rtrider@hughes.net
To: stevepanten@yahoo.com; pan@mfhupy.com; biker8698@charter.net; mrbbmc71@hotmail.com
Subject: RE: Act 466
Date: Fri, 26 Nov 2010 13:46:50 -0600

See my comments attached. The rest of the changes appear to be what we discussed. Any more additions or corrections that anyone else has seen?

DAD

From: Steve Panten [mailto:stevepanten@yahoo.com]
Sent: Thursday, November 25, 2010 7:45 PM
To: Tony Sanfelipo; Greg Rodd; District 8 Tobias Kowalski; Dave Dwyer
Subject: RE: Act 466

Is anyone able to meet this weekend to discuss this or should I contact Bill and say we will need more time?

If anyone is available let me know so we can keep this moving.

--- On Mon, 11/22/10, Savage, Bill <Bill.Savage@legis.wisconsin.gov> wrote:

From: Savage, Bill <Bill.Savage@legis.wisconsin.gov>
Subject: RE: Act 466
To: "Steve Panten" <stevepanten@yahoo.com>, "Tony Sanfelipo" <pan@mfhupy.com>, "Greg Rodd" <biker8698@charter.net>, "District 8 Tobias Kowalski" <mrbbmc71@hotmail.com>, dad@mrf.org
Date: Monday, November 22, 2010, 12:32 PM

let's do this. Everyone e-mail me their thoughts, concerns and suggestions by the end of Monday the 29th. I will then meet with the drafter and a rep from leg council and make the recommended changes. Then we can meet for what should be a finalization of the measure.

Bill

1/6/2011

From: Steve Panten [mailto:stevepanten@yahoo.com]
Sent: Sun 11/21/2010 7:00 PM
To: 'Tony Sanfelipo'; 'Greg Rodd'; 'District 8 Tobias Kowalski'; Savage, Bill; dad@mrf.org
Subject: RE: Act 466

Here are some of my thoughts. I don't know how to edit these documents so you get it like this.

Sorry but it might be hard to follow.

Thoughts?

--- On Thu, 11/18/10, Dave Dwyer <dad@mrf.org> wrote:

From: Dave Dwyer <dad@mrf.org>
Subject: RE: Act 466
To: "'Steve Panten'" <stevepanten@yahoo.com>, "'Tony Sanfelipo'" <pan@mhfupy.com>, "'Greg Rodd'" <biker8698@charter.net>, "'District 8 Tobias Kowalski'" <mrbbmc71@hotmail.com>, "Savage Bill" <Bill.Savage@legis.wisconsin.gov>
Date: Thursday, November 18, 2010, 6:13 PM

This is a good start but still needs some tweaking. The way I read it the courts are still the ones that have to order the awareness class, but this also states that a class must be taken before the license can be reinstated. Do we need to change this to a DOT ordered class? Would this be an out for some violators?

This also states that the class must include motorcycle, bicycle and pedestrian awareness and teach rules of the road. Our class only teaches motorcycle awareness. I feel we need some additional language that specifies the type of class must be related to the vehicle or vehicles that were involved or remove bicycle and pedestrian classes from the law.

Thoughts?

From: Steve Panten [mailto:stevepanten@yahoo.com]
Sent: Thursday, November 18, 2010 5:19 PM
To: Dave Dwyer ; Tony Sanfelipo; Greg Rodd; District 8 Tobias Kowalski
Subject: FW: Act 466

For your reading pleasure. Dave, I will leave it up to you to forward to the BOD as see necessary

--- On Thu, 11/18/10, Savage, Bill <Bill.Savage@legis.wisconsin.gov> wrote:

From: Savage, Bill <Bill.Savage@legis.wisconsin.gov>
Subject: FW: Act 466
To: stevepanten@yahoo.com
Date: Thursday, November 18, 2010, 1:31 PM

Remember this is a first draft.....We can make any changes we wish...Bill

From: Savage, Bill
Sent: Mon 9/27/2010 10:40 AM
To: Steve Panten
Subject: RE: Act 466

we are set for the 6th at 4pm

From: Steve Panten [mailto:]
Sent: Sun 9/26/2010 5:27 PM
To: Tony Sanfelipo; Greg Rodd; Savage, Bill
Cc: Greg Rodd; Dave Dwyer ; District 8 Tobias Kowalski
Subject: RE: Act 466

Bill - Thank you very much for getting this set up so quickly.

We have a sudden scheduling conflict with one of the people on our end so would it be possible to reschedule for the 6th at 4PM without too much hassle?

Thanks Steve

--- On Thu, 9/23/10, Savage, Bill <Bill.Savage@legis.wisconsin.gov> wrote:

From: Savage, Bill <Bill.Savage@legis.wisconsin.gov>
Subject: RE: Act 466
To: "Tony Sanfelipo" <pan@mfhupy.com>, "Greg Rodd" <biker8698@charter.net>, "Steve Panten" <stevepanten@yahoo.com>
Cc: "Greg Rodd" <exec@abatewis.org>, "Dave Dwyer" <dad@mrf.org>, "District 8 Tobias Kowalski" <mrbbmc71@hotmail.com>
Date: Thursday, September 23, 2010, 8:53 AM

I'm working on Oct 5th

Bill Savage

From: Tony Sanfelipo [mailto:pan@mfhupy.com]
Sent: Thursday, September 23, 2010 8:49 AM
To: Greg Rodd; Steve Panten; Savage, Bill
Cc: Greg Rodd; Dave Dwyer ; District 8 Tobias Kowalski
Subject: RE: Act 466

Steve:

Let me know about the meeting date. I'm clearing my schedule but I'm in the mix of deadline dates for magazine and news brief articles. I will find time and I have discussed this with Scott Walker and he's on board to do what he can if elected governor. Thanks.

Pan

From: Greg Rodd [mailto:biker8698@charter.net]
Sent: Thursday, September 23, 2010 8:03 AM
To: 'Steve Panten'; 'BillSavage'
Cc: 'Greg Rodd'; Tony Sanfelipo ; ' Dave Dwyer '; 'District 8 Tobias Kowalski'
Subject: RE: Act 466

I'm day to day at work. I'll know better a day or two before.
Greg

From: Steve Panten [mailto:stevepanten@yahoo.com]

Sent: Wednesday, September 22, 2010 5:52 PM

To: BillSavage

Cc: Greg Rodd; Tony Sanfelipo ; Dave Dwyer ; District 8 Tobias Kowalski

Subject: Re: Act 466

Bill - With speaking to the ABATE members involved, we think the next step would be to set a meeting with Erin and Nancy to get thier input on what needs to be included for a legislative fix. With input from Erin, Nancy and Don we should be able to draft legislation that can be enforced and will have a good chance of passing.

As far as scheduling, we are generally available after 4PM on weekdays. The next ABATE BOD meeting is during Bikes to Bogs in WI Rapids the weekend of Oct 10th it would be nice to at least have a meeting scheduled by then.

How about Tues. Oct 5th at 4PM? Can it be done that quickly?

Thanks

Steve

--- On Wed, 9/22/10, Savage, Bill <Bill.Savage@legis.wisconsin.gov> wrote:

From: Savage, Bill <Bill.Savage@legis.wisconsin.gov>

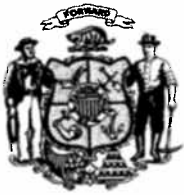
Subject: Act 466

To: "Steve Panten" <stevepanten@yahoo.com>

Date: Wednesday, September 22, 2010, 5:27 PM

Steve, I did get your phone message the other day. Let me know when you want to have the next meeting.....or what step we need to take before hand.

Bill Savage - Research Assistant
Office of State Rep. Don Pridemore
(608) 267 -2367



State of Wisconsin
2011 - 2012 LEGISLATURE

in
1/13



LRB-0276/11 PZ
ARG:kpe&kjf:jf

RMA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

J-note

Reger

1 AN ACT to renumber and amend 343.30 (1j); and to amend 343.30 (1), 343.31
2 (3) (a), 343.38 (3), 345.60 (1), 345.60 (4), 346.22 (1) (c), 346.22 (1) (d) and 346.22
3 (1) (e) of the statutes; relating to: vehicle failure-to-yield violations.

Analysis by the Legislative Reference Bureau

Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including: 1) when turning left across traffic; 2) at an intersection posted with a yield sign; 3) when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or 4) 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. In addition, if a person's failure to yield the right-of-way results in bodily harm or death to another, the court must suspend the person's motor vehicle operating privilege and the person must forfeit \$200 if bodily harm results, \$500 if great bodily harm results, and \$1,000 if death results. For any failure-to-yield violation, the court must also order the person who commits the violation to attend a traffic safety school approved by the Department of Transportation (DOT) and conducted by a police department, sheriff's office, or regularly established safety organization. The traffic safety school must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

Current law also allows a court to suspend a person's operating privilege if the person is convicted of violating any state or local traffic law.

Under this bill, if a person is convicted of a failure-to-yield violation that results in bodily harm, great bodily harm, or death, DOT must suspend the person's operating privilege, but a court cannot suspend the person's operating privilege.

INSHT
ANAL

~~bill also makes changes related to the traffic safety school that a court must order a person to attend for any failure-to-yield violation. Under the bill, the traffic safety school may also be conducted by the Department of Public Instruction or by driver schools or providers of approved driver education courses, but may not be conducted by sheriff's offices. If the traffic safety school is conducted by a driver school or provider of a driver education course, the driver school or provider must issue a certificate upon successful completion of the traffic safety school. If a person's operating privilege has been suspended as a result of a failure-to-yield violation, DOT may not reinstate the person's operating privilege unless the person has successfully completed the traffic safety school.~~

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. 343.30 (1) of the statutes is amended to read:

2 343.30 (1) A court may suspend a person's operating privilege for any period
3 not exceeding one year upon such person's conviction in such court of violating any
4 of the state traffic laws or any local ordinance enacted under ch. 349, other than a
5 violation of s. 346.18 or a local ordinance in conformity with s. 346.18 for which
6 operating privilege suspension is required under s. 343.31 (2t).

✓

✓

7 SECTION 2. 343.30 (1j) of the statutes is renumbered 343.31 (2t) ^(a) and 343.31 (2t) ^(a)
8 (intro.) ^{1, and 2, are} as renumbered, ^{gk} amended to read:

9 343.31 (2t) ^(a) (intro.) Upon conviction of a person for violating s. 346.18, the court
10 The department shall suspend the violator's a person's operating privilege upon
11 receiving a record of conviction for a violation of s. 346.18, or a local ordinance in
12 conformity with s. 346.18, resulting in bodily harm, as defined in s. 939.22 (4), great
13 bodily harm, as defined in s. 939.22 (14), or death, as follows:

INSHT
2-13

1 **SECTION 3.** 343.31 (3) (a) of the statutes is amended to read:

2 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m), (2s),
3 (2t), or (2x), all revocations or suspensions under this section shall be for a period of
4 one year.

5 **SECTION 4.** 343.38 (3) of the statutes is amended to read:

6 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and
7 s. 343.10, the department shall not reinstate the operating privilege of a person
8 whose operating privilege has been duly suspended while the suspension remains in
9 effect. ~~Upon~~ Subject to s. 345.60 (4), upon the expiration of the period of suspension,
10 the person's operating privilege is reinstated upon receipt by the department of the
11 fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of an operating
12 privilege suspended under ch. 344, the filing with the department of proof of financial
13 responsibility, if required, in the amount, form, and manner specified under ch. 344.

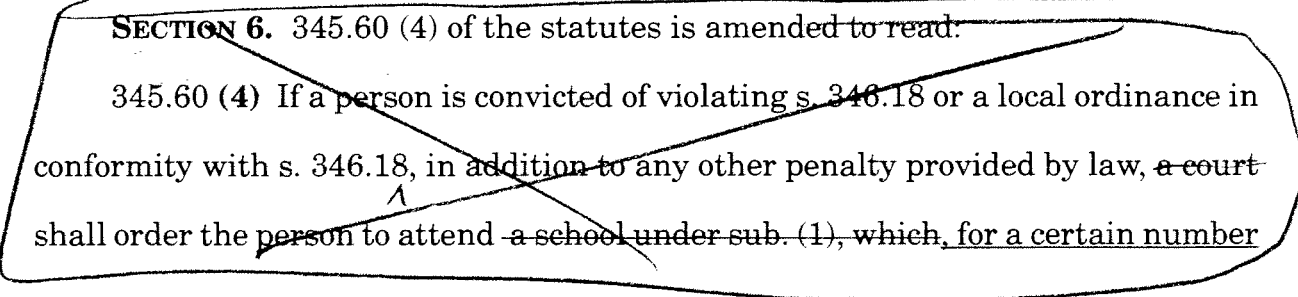
14 **SECTION 5.** 345.60 (1) of the statutes is amended to read:

15 345.60 (1) Except as provided in subs. (3) and (4), ^{and s. 343.31(2t)(b)} in addition to or in lieu of
16 other penalties provided by law for violation of chs. 346 to 348, the trial court may
17 in its judgment of conviction order the convicted person to attend, for a certain
18 number of school days, a traffic safety school whose course and mode of instruction
19 is approved by the secretary, ~~subject to sub. (4),~~ and which is conducted by the police
20 department of the municipality, by the sheriff's office of the county, or by any
21 regularly established safety organization.

insert
3-21

22 **SECTION 6.** 345.60 (4) of the statutes is amended to read:

23 345.60 (4) If a person is convicted of violating s. 346.18 or a local ordinance in
24 conformity with s. 346.18, in addition to any other penalty provided by law, a court
25 shall order the person to attend a school under sub. (1), which, for a certain number



insert
3-25

1 ~~of school days, a traffic safety school whose course and mode of instruction is~~
2 ~~approved by the secretary and which is conducted by the police department of the~~
3 ~~municipality, by the department of public instruction, by any regularly established~~
4 ~~safety organization, by the provider of driver education courses approved under s.~~
5 ~~38.04 (4) or 115.28 (N), or by a driver school licensed under s. 343.61. The traffic~~
6 ~~safety school's course of instruction shall acquaint the person with vehicle~~
7 ~~right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle~~
8 ~~awareness. If the traffic safety school is conducted by the provider of approved driver~~
9 ~~education courses or a driver school, the provider or driver school shall issue to the~~
10 ~~person a certificate upon successful completion of the traffic safety school. If a~~
11 ~~person's operating privilege has been suspended as a result of a violation of s. 346.18~~
12 ~~or a local ordinance in conformity with s. 346.18, including any suspension under s.~~
13 ~~343.31 (2t) the department may not reinstate the person's operating privilege unless~~
14 ~~the person has successfully completed the traffic safety school required under this~~
15 ~~subsection.~~

16 SECTION 7. 346.22 (1) (c) of the statutes is amended to read:

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

20 SECTION 8. 346.22 (1) (d) of the statutes is amended to read:

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

24 SECTION 9. 346.22 (1) (e) of the statutes is amended to read:

1 **INSERT ANAL:**

~~not~~ This DOT suspension must be for a period of two months if the offense resulted in bodily harm to another, three months if the offense resulted in great bodily harm to another, and nine months if the offense resulted in the death of another. The bill requires DOT, instead of a court, to order a person to attend traffic safety school for a failure-to-yield violation that results in the injury or death of a motorcycle operator or passenger, a bicycle operator or passenger, or a pedestrian. The traffic safety school must be conducted by a regularly established safety organization, a licensed driver school, or a provider of driver education courses and must be approved by DOT. The traffic safety school's course of instruction must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness. If the traffic safety school is conducted by a driver school or provider of driver education courses, the driver school or provider must issue a certificate upon successful completion of the traffic safety school. If a person's operating privilege has been suspended as a result of a failure-to-yield violation that results in the injury or death of a motorcycle operator or passenger, a bicycle operator or passenger, or a pedestrian, DOT may not reinstate the person's operating privilege unless the person has successfully completed the traffic safety school.

2 **INSERT 2-13:**

3 (1) (a) For a period of ~~30 days~~ 2 months, if the offense resulted in bodily harm to
4 another but did not result in great bodily harm or the death of another.

5 (2) (b) For a period of ~~90 days~~ 3 months, if the offense resulted in great bodily harm
6 to another but did not result in the death of another.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134; 2009 a. 100, 102, 103, 402.

7
8 **SECTION 1. 343.31 (2t) (b) of the statutes is created to read:**

9 343.31 (2t) (b) If a person is convicted of violating s. 346.18 or a local ordinance
10 in conformity with s. 346.18 and the violation resulted in the injury or death of a
11 motorcycle operator or passenger, a bicycle operator or passenger, or a pedestrian,

1 in addition to any other penalty provided by law, the department shall order the
 2 person to attend, for a certain number of school days, a traffic safety school whose
 3 course and mode of instruction is approved by the secretary and which is conducted
 4 by any regularly established safety organization, by the provider of driver education
 5 courses approved under s. 38.04 (4) or 115.28 (11), or by a driver school licensed under
 6 s. 343.61. The traffic safety school's course of instruction shall acquaint the person
 7 with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian,
 8 and bicycle awareness. If the traffic safety school is conducted by the provider of
 9 approved driver education courses or a driver school, the provider or driver school
 10 shall issue to the person a certificate upon successful completion of the traffic safety
 11 school. If a person's operating privilege has been suspended under par. (a), the
 12 department may not reinstate the person's operating privilege unless the person has
 13 successfully completed the traffic safety school required under this paragraph.

INSERT 3-21:

14
 15 (no P) The trial court may not order a person to attend a traffic safety school under this
 16 subsection if the department is required to order that the person attend a traffic
 17 safety school under s. 343.31 (2t) (b).

INSERT 3-25:

SECTION 2. 345.60 (4) of the statutes is amended to read:

20 345.60 (4) If a person is convicted of violating s. 346.18 or a local ordinance in
 21 conformity with s. 346.18, in addition to any other penalty provided by law, a court
 22 shall order the person to attend a school under sub. (1), which shall acquaint the
 23 person with vehicle right-of-way rules and provide instruction on motorcycle,
 24 pedestrian, and bicycle awareness. This subsection does not apply if the department

1 is required to order that the person attend a traffic safety school as provided in s.
2 343.31 (2t) (b). ✓

3 **History:** 1971 c. 278 s. 45; Stats. 1971 s. 345.60; 1977 c. 29 s. 1654 (7) (c); 1977 c. 193; 1981 c. 20; 1985 a. 337; 1987 a. 3; 2005 a. 466.

4 **INSERT 5-3:**

5 **SECTION 3.** 346.22 (1) (f) of the statutes is amended to read: ✓

6 346.22 (1) (f) If a court finds that a person violated s. 346.18, the court shall,
7 in addition to any other penalty provided by law, order the person to attend a traffic
8 safety school as provided under s. 345.60 (4). This paragraph does not apply if the ✓
9 department is required to order that the person attend a traffic safety school as
10 provided in s. 343.31 (2t) (b). ✓

History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277; 2005 a. 466; 2009 a. 46.

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

LRB-0276/P2dn

ARG: *kgf*

Date

ATTN: Bill Savage

Please review the attached draft carefully to ensure that it is consistent with your intent. In this draft, I have made only those changes requested by the drafting instructions, so I have not changed current law except as specifically requested to do so. Accordingly, this draft does not repeal s. 345.60 (4), but simply carves out a piece of that subsection and relocates it in created s. 343.31 (2t) (b). Please advise if you intended that, upon creation of s. 343.31 (2t) (b), s. 345.60 (4) be eliminated.

As discussed by e-mail, I am not sure how DOT will know when a conviction for violating s. 346.18 or a local ordinance in conformity with that provision results in the injury or death of a motorcycle operator or passenger, a bicycle operator or passenger, or a pedestrian. You may wish to consult with DOT on this issue if you have not done so already.

As requested, this draft refers to a bicycle passenger, although it is usually unlawful to carry a passenger on a bicycle. See s. 346.79 (2).

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-0276/P2dn
ARG:kjf:rs

January 24, 2011

ATTN: Bill Savage

Please review the attached draft carefully to ensure that it is consistent with your intent. In this draft, I have made only those changes requested by the drafting instructions, so I have not changed current law except as specifically requested to do so. Accordingly, this draft does not repeal s. 345.60 (4), but simply carves out a piece of that subsection and relocates it in created s. 343.31 (2t) (b). Please advise if you intended that, upon creation of s. 343.31 (2t) (b), s. 345.60 (4) be eliminated.

As discussed by e-mail, I am not sure how DOT will know when a conviction for violating s. 346.18 or a local ordinance in conformity with that provision results in the injury or death of a motorcycle operator or passenger, a bicycle operator or passenger, or a pedestrian. You may wish to consult with DOT on this issue if you have not done so already.

As requested, this draft refers to a bicycle passenger, although it is usually unlawful to carry a passenger on a bicycle. See s. 346.79 (2).

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

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, January 25, 2011 11:19 AM
To: Rep.Pridemore
Subject: RE: Draft review: LRB 11-0276/P2 Topic: Failure to yield violations; traffic safety school and operating privilege suspension

Bill,

I'm still not sure what you want here. Did you mean for DOT to order traffic school (not the court) for any ROW violation under s. 346.18? [that is, 345.60 (4) would be repealed]

If you can give me a more complete description of what change you want to the /P2 draft, I'll take another crack at it.

Aaron

*1/25 h/c w/ Bill
 - get rid of 345.60 (4) —
 move all ROW violations
 to DOT ordered traffic school*

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

From: Rep.Pridemore
Sent: Tuesday, January 25, 2011 11:06 AM
To: Gary, Aaron
Subject: FW: Draft review: LRB 11-0276/P2 Topic: Failure to yield violations; traffic safety school and operating privilege suspension

Aaron, sorry again for the confusion. We did not want to differentiate between bicycles, cars and motorcycles. That should take care of your concerns on that. Thanks, Bill

From: Parisi, Lori
Sent: Monday, January 24, 2011 12:45 PM
To: Rep.Pridemore
Subject: Draft review: LRB 11-0276/P2 Topic: Failure to yield violations; traffic safety school and operating privilege suspension

Following is the PDF version of draft LRB 11-0276/P2 and drafter's note.



in
1/26



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

soon

Regen

1 **AN ACT to renumber and amend 343.30 (1j); to amend 343.30 (1), 343.31 (3)**
 2 **(a), 343.38 (3), 345.60 (1), 345.60 (4), 346.22 (1) (c), 346.22 (1) (d), 346.22 (1) (e)**
 3 **and 346.22 (1) (f); and to create 343.31 (2t) (b) of the statutes; relating to:**
 4 **vehicle failure-to-yield violations.**

Analysis by the Legislative Reference Bureau

Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including: 1) when turning left across traffic; 2) at an intersection posted with a yield sign; 3) when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or 4) 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. In addition, if a person's failure to yield the right-of-way results in bodily harm or death to another, the court must suspend the person's motor vehicle operating privilege and the person must forfeit \$200 if bodily harm results, \$500 if great bodily harm results, and \$1,000 if death results. For any failure-to-yield violation, the court must also order the person who commits the violation to attend a traffic safety school approved by the Department of Transportation (DOT) and conducted by a police department, sheriff's office, or regularly established safety organization. The traffic safety school must

acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

Current law also allows a court to suspend a person's operating privilege if the person is convicted of violating any state or local traffic law.

Under this bill, if a person is convicted of a failure-to-yield violation that results in bodily harm, great bodily harm, or death, DOT must suspend the person's operating privilege, but a court cannot suspend the person's operating privilege. This DOT suspension must be for a period of two months if the offense resulted in bodily harm to another, three months if the offense resulted in great bodily harm to another, and nine months if the offense resulted in the death of another. The bill requires DOT, instead of a court, to order a person to attend traffic safety school for

~~a failure-to-yield violation that results in the injury or death of a motorcycle operator or passenger, a bicycle operator or passenger, or a pedestrian.~~

The traffic safety school must be conducted by a regularly established safety organization, a licensed driver school, or a provider of driver education courses and must be approved by DOT. The traffic safety school's course of instruction must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness. If the traffic safety school is conducted by a driver school or provider of driver education courses, the driver school or provider must issue a certificate upon successful completion of the traffic safety school. If a person's operating privilege has been suspended as a result of a failure-to-yield violation that

~~results in the injury or death of a motorcycle operator or passenger, a bicycle operator or passenger, or a pedestrian,~~ DOT may not reinstate the person's operating privilege unless the person has successfully completed the traffic safety school.

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:

SECTION 1. 343.30 (1) of the statutes is amended to read:

343.30 (1) A court may suspend a person's operating privilege for any period not exceeding one year upon such person's conviction in such court of violating any of the state traffic laws or any local ordinance enacted under ch. 349, other than a violation of s. 346.18 or a local ordinance in conformity with s. 346.18 for which operating privilege suspension is required under s. 343.31 (2t).

SECTION 2. 343.30 (1j) of the statutes is renumbered 343.31 (2t) (a), and 343.31

(2t) (a) (intro.), 1., and 2., as renumbered, are amended to read:

1 343.31 (2t) (a) (intro.) ~~Upon conviction of a person for violating s. 346.18, the~~
2 ~~court~~ The department shall suspend the violator's a person's operating privilege
3 upon receiving a record of conviction for a violation of s. 346.18, or a local ordinance
4 in conformity with s. 346.18, resulting in bodily harm, as defined in s. 939.22 (4),
5 great bodily harm, as defined in s. 939.22 (14), or death, as follows:

6 1. For a period of ~~30 days~~ 2 months, if the offense resulted in bodily harm to
7 another but did not result in great bodily harm or the death of another.

8 2. For a period of ~~90 days~~ 3 months, if the offense resulted in great bodily harm
9 to another but did not result in the death of another.

10 **SECTION 3.** 343.31 (2t) (b) of the statutes is created to read:

11 343.31 (2t) (b) If a person is convicted of violating s. 346.18 or a local ordinance
12 in conformity with s. 346.18 and the violation resulted in the injury or death of a
13 motorcycle operator or passenger, a bicycle operator or passenger, or a pedestrian,
14 in addition to any other penalty provided by law, the department shall order the
15 person to attend, for a certain number of school days, a traffic safety school whose
16 course and mode of instruction is approved by the secretary and which is conducted
17 by any regularly established safety organization, by the provider of driver education
18 courses approved under s. ~~38.04~~ (4) or 115.28 (11), or by a driver school licensed under
19 s. 343.61. The traffic safety school's course of instruction shall acquaint the person
20 with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian,
21 and bicycle awareness. If the traffic safety school is conducted by the provider of
22 approved driver education courses or a driver school, the provider or driver school
23 shall issue to the person a certificate upon successful completion of the traffic safety
24 school. If a person's operating privilege has been suspended under par. (a), the

1 department may not reinstate the person's operating privilege unless the person has
2 successfully completed the traffic safety school required under this paragraph.

3 SECTION 4. 343.31 (3) (a) of the statutes is amended to read:

4 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m), (2s),
5 (2t), or (2x), all revocations or suspensions under this section shall be for a period of
6 one year.

7 SECTION 5. 343.38 (3) of the statutes is amended to read:

8 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and
9 s. 343.10, the department shall not reinstate the operating privilege of a person
10 whose operating privilege has been duly suspended while the suspension remains in
11 effect. Upon ^{343.31 (2t) (b)} ~~Subject to s. 343.31 (3) (a)~~, upon the expiration of the period of suspension,
12 the person's operating privilege is reinstated upon receipt by the department of the
13 fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of an operating
14 privilege suspended under ch. 344, the filing with the department of proof of financial
15 responsibility, if required, in the amount, form, and manner specified under ch. 344.

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

17 345.60 (1) Except as provided in ^{sub. (3)} ~~subs. (3) and (4)~~ and s. 343.31 (2t) (b), in
18 addition to or in lieu of other penalties provided by law for violation of chs. 346 to 348,
19 the trial court may in its judgment of conviction order the convicted person to attend,
20 for a certain number of school days, a traffic safety school whose course and mode of
21 instruction is approved by the secretary, ~~subject to sub. (4)~~, and which is conducted
22 by the police department of the municipality, by the sheriff's office of the county, or
23 by any regularly established safety organization. The trial court may not order a
24 person to attend a traffic safety school under this subsection if the department is

1 required to order that the person attend a traffic safety school under s. 343.31 (2t)

2 (b).

Insert
5-3 →

3 **SECTION 7.** 345.60 (4) of the statutes is amended to read:
 4 345.60 (4) If a person is convicted of violating s. 346.18 or a local ordinance in
 5 conformity with s. 346.18, in addition to any other penalty provided by law, a court
 6 shall order the person to attend a school under sub. (1), which shall acquaint the
 7 person with vehicle right-of-way rules and provide instruction on motorcycle,
 8 pedestrian, and bicycle awareness. This subsection does not apply if the department
 9 is required to order that the person attend a traffic safety school as provided in s.
 10 343.31 (2t) (b).

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

12 346.22 (1) (c) If a person violates s. 346.18 and the violation results in bodily
13 harm, as defined in s. 939.22 (4), to another, the person shall forfeit \$200 and shall
14 have his or her operating privilege suspended as provided in s. 343.30 (1j).

15 **SECTION 9.** 346.22 (1) (d) of the statutes is amended to read:

16 346.22 (1) (d) If a person violates s. 346.18 and the violation results in great
17 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500 and
18 shall have his or her operating privilege suspended as provided in s. 343.30 (1j).

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

20 346.22 (1) (e) If a person violates s. 346.18 and the violation results in death
21 to another, the person shall forfeit \$1,000 and shall have his or her operating
22 privilege suspended as provided in s. 343.30 (1j).

Insert
5-23 →

23 **SECTION 11.** 346.22 (1) (f) of the statutes is amended to read:
 24 346.22 (1) (f) If a court finds that a person violated s. 346.18, the court shall,
 25 in addition to any other penalty provided by law, order the person to attend a traffic

1 ~~safety school as provided under s. 345.60 (4). This paragraph does not apply if the~~
2 ~~department is required to order that the person attend a traffic safety school as~~
3 ~~provided in s. 343.31 (2t) (b).~~

4 **SECTION 12. Initial applicability.**

5 (1) This act first applies to violations occurring on the effective date of this
6 subsection, but does not preclude the counting of other violations as prior violations
7 for purposes of sentencing a person.

8 **SECTION 13. Effective date.**

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

11 (END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0276/P3ins
ARG:.....

1 **INSERT 5-3:**

2 **SECTION 1.** 345.60 (4) of the statutes is renumbered 343.31 (2t) (b) and amended
3 to read:

4 343.31 (2t) (b) If a person is convicted of violating s. 346.18 or a local ordinance
5 in conformity with s. 346.18, in addition to any other penalty provided by law, a court
6 the department shall order the person to attend a school under sub. (1), which, for
7 a certain number of school days, a traffic safety school whose course and mode of
8 instruction is approved by the secretary and which is conducted by any regularly
9 established safety organization, by the provider of driver education courses approved
10 under s. 38.04 (4) or 115.28 (11), or by a driver school licensed under s. 343.61. The
11 traffic safety school's course of instruction shall acquaint the person with vehicle
12 right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle
13 awareness. If the traffic safety school is conducted by the provider of approved driver
14 education courses or a driver school, the provider or driver school shall issue to the
15 person a certificate upon successful completion of the traffic safety school. If a
16 person's operating privilege has been suspended under par. (a), the department may
17 not reinstate the person's operating privilege unless the person has successfully
18 completed the traffic safety school required under this paragraph.

19 History: 1971 c. 278 s. 45; Stats. 1971 s. 345.60; 1977 c. 29 s. 1654 (7) (c); 1977 c. 193; 1981 c. 20; 1985 a. 337; 1987 a. 3; 2005 a. 466.

19 **INSERT 5-23:**

20 **SECTION 2.** 346.22 (1) (f) of the statutes is repealed.
21
22
23

Gary, Aaron

From: Rep.Pridemore
Sent: Wednesday, February 23, 2011 12:22 PM
To: Gary, Aaron
Subject: RE: Draft review: LRB 11-0276/P2 Topic: Failure to yield violations; traffic safety school and operating privilege suspension

Attachments: ABATE.pdf

Aaron, could we have this as a bill. It looks good!
Thanks, Bill

From: Gary, Aaron
Sent: Tuesday, January 25, 2011 11:19 AM
To: Rep.Pridemore
Subject: RE: Draft review: LRB 11-0276/P2 Topic: Failure to yield violations; traffic safety school and operating privilege suspension

Bill,

I'm still not sure what you want here. Did you mean for DOT to order traffic school (not the court) for any ROW violation under s. 346.18? [that is, 345.60 (4) would be repealed]

If you can give me a more complete description of what change you want to the /P2 draft, I'll take another crack at it.

Aaron

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

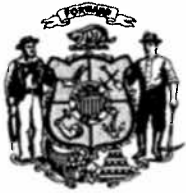
From: Rep.Pridemore
Sent: Tuesday, January 25, 2011 11:06 AM
To: Gary, Aaron
Subject: FW: Draft review: LRB 11-0276/P2 Topic: Failure to yield violations; traffic safety school and operating privilege suspension

Aaron, sorry again for the confusion. We did not want to differentiate between bicycles, cars and motorcycles. That should take care of your concerns on that. Thanks, Bill

From: Parisi, Lori
Sent: Monday, January 24, 2011 12:45 PM
To: Rep.Pridemore
Subject: Draft review: LRB 11-0276/P2 Topic: Failure to yield violations; traffic safety school and operating privilege suspension

Following is the PDF version of draft LRB 11-0276/P2 and drafter's note.

2/23/2011



in
2/23



LRB-0276/23 /
ARG:kpe&kjfrs

TODAY?

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Reger

1 AN ACT *to repeal* 346.22 (1) (f); *to renumber and amend* 343.30 (1j) and 345.60
 2 (4); and *to amend* 343.30 (1), 343.31 (3) (a), 343.38 (3), 345.60 (1), 346.22 (1)
 3 (c), 346.22 (1) (d) and 346.22 (1) (e) of the statutes; **relating to:** vehicle
 4 failure-to-yield violations.

Analysis by the Legislative Reference Bureau

Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including: 1) when turning left across traffic; 2) at an intersection posted with a yield sign; 3) when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or 4) 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. In addition, if a person's failure to yield the right-of-way results in bodily harm or death to another, the court must suspend the person's motor vehicle operating privilege and the person must forfeit \$200 if bodily harm results, \$500 if great bodily harm results, and \$1,000 if death results. For any failure-to-yield violation, the court must also order the person who commits the violation to attend a traffic safety school approved by the Department of Transportation (DOT) and conducted by a police department, sheriff's office, or regularly established safety organization. The traffic safety school must

acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

Current law also allows a court to suspend a person's operating privilege if the person is convicted of violating any state or local traffic law.

Under this bill, if a person is convicted of a failure-to-yield violation that results in bodily harm, great bodily harm, or death, DOT must suspend the person's operating privilege, but a court cannot suspend the person's operating privilege. This DOT suspension must be for a period of two months if the offense resulted in bodily harm to another, three months if the offense resulted in great bodily harm to another, and nine months if the offense resulted in the death of another. The bill requires DOT, instead of a court, to order a person to attend traffic safety school for a failure-to-yield violation. The traffic safety school must be conducted by a regularly established safety organization, a licensed driver school, or a provider of driver education courses and must be approved by DOT. The traffic safety school's course of instruction must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness. If the traffic safety school is conducted by a driver school or provider of driver education courses, the driver school or provider must issue a certificate upon successful completion of the traffic safety school. If a person's operating privilege has been suspended as a result of a failure-to-yield violation that results in injury or death, DOT may not reinstate the person's operating privilege unless the person has successfully completed the traffic safety school.

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.** 343.30 (1) of the statutes is amended to read:
 2 343.30 (1) A court may suspend a person's operating privilege for any period
 3 not exceeding one year upon such person's conviction in such court of violating any
 4 of the state traffic laws or any local ordinance enacted under ch. 349, other than a
 5 violation of s. 346.18 or a local ordinance in conformity with s. 346.18 for which
 6 operating privilege suspension is required under s. 343.31 (2t) (a).

✓

7 **SECTION 2.** 343.30 (1j) of the statutes is renumbered 343.31 (2t) (a), and 343.31
 8 (2t) (a) (intro.), 1., and 2., as renumbered, are amended to read:

1 343.31 (2t) (a) (intro.) ~~Upon conviction of a person for violating s. 346.18, the~~
2 ~~court~~ The department shall suspend the violator's a person's operating privilege
3 upon receiving a record of conviction for a violation of s. 346.18, or a local ordinance
4 in conformity with s. 346.18, resulting in bodily harm, as defined in s. 939.22 (4),
5 great bodily harm, as defined in s. 939.22 (14), or death, as follows:

6 1. For a period of ~~30 days~~ 2 months, if the offense resulted in bodily harm to
7 another but did not result in great bodily harm or the death of another.

8 2. For a period of ~~90 days~~ 3 months, if the offense resulted in great bodily harm
9 to another but did not result in the death of another.

10 SECTION 3. 343.31 (3) (a) of the statutes is amended to read:

11 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m), (2s),
12 (2t), or (2x), all revocations or suspensions under this section shall be for a period of
13 one year.

14 SECTION 4. 343.38 (3) of the statutes is amended to read:

15 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and
16 s. 343.10, the department shall not reinstate the operating privilege of a person
17 whose operating privilege has been duly suspended while the suspension remains in
18 effect. ~~Upon~~ Subject to s. 343.31 (2t) (b), upon the expiration of the period of
19 suspension, the person's operating privilege is reinstated upon receipt by the
20 department of the fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of
21 an operating privilege suspended under ch. 344, the filing with the department of
22 proof of financial responsibility, if required, in the amount, form, and manner
23 specified under ch. 344.

24 SECTION 5. 345.60 (1) of the statutes is amended to read:

1 345.60 (1) Except as provided in ~~subs. (3) and (4)~~ sub. (3) and s. 343.31 (2t) (b),
2 in addition to or in lieu of other penalties provided by law for violation of chs. 346 to
3 348, the trial court may in its judgment of conviction order the convicted person to
4 attend, for a certain number of school days, a traffic safety school whose course and
5 mode of instruction is approved by the secretary, ~~subject to sub. (4)~~, and which is
6 conducted by the police department of the municipality, by the sheriff's office of the
7 county, or by any regularly established safety organization. The trial court may not
8 order a person to attend a traffic safety school under this subsection if the
9 department is required to order that the person attend a traffic safety school under
10 s. 343.31 (2t) (b).

11 **SECTION 6.** 345.60 (4) of the statutes is renumbered 343.31 (2t) (b) and amended
12 to read:

13 343.31 (2t) (b) If a person is convicted of violating s. 346.18 or a local ordinance
14 in conformity with s. 346.18, in addition to any other penalty provided by law, ~~a court~~
15 the department shall order the person to attend a school under sub. (1), which, for
16 a certain number of school days, a traffic safety school whose course and mode of
17 instruction is approved by the secretary and which is conducted by any regularly
18 established safety organization, by the provider of driver education courses approved
19 under s. 38.04 (4) or 115.28 (11), or by a driver school licensed under s. 343.61. The
20 traffic safety school's course of instruction shall acquaint the person with vehicle
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22 awareness. If the traffic safety school is conducted by the provider of approved driver
23 education courses or a driver school, the provider or driver school shall issue to the
24 person a certificate upon successful completion of the traffic safety school. If a
25 person's operating privilege has been suspended under par. (a), the department may

1 not reinstate the person's operating privilege unless the person has successfully
2 completed the traffic safety school required under this paragraph.

3 **SECTION 7.** 346.22 (1) (c) of the statutes is amended to read:

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

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

8 346.22 (1) (d) If a person violates s. 346.18 and the violation results in great
9 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500 and
10 shall have his or her operating privilege suspended as provided in s. 343.30 (1j).

11 **SECTION 9.** 346.22 (1) (e) of the statutes is amended to read:

12 346.22 (1) (e) If a person violates s. 346.18 and the violation results in death
13 to another, the person shall forfeit \$1,000 and shall have his or her operating
14 privilege suspended as provided in s. 343.30 (1j).

15 **SECTION 10.** 346.22 (1) (f) of the statutes is repealed.

16 **SECTION 11. Initial applicability.**

17 (1) This act first applies to violations occurring on the effective date of this
18 subsection, but does not preclude the counting of other violations as prior violations
19 for purposes of sentencing a person.

20 **SECTION 12. Effective date.**

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

23

(END)

Parisi, Lori

From: Dunavant, Keith
Sent: Wednesday, March 09, 2011 12:18 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-0276/1 Topic: Failure to yield violations; traffic safety school and operating privilege suspension

Please Jacket LRB 11-0276/1 for the ASSEMBLY.