

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-AB55)**

Received: **07/15/2011**

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**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Vehicle right of way courses; driver education instruction

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**Instructions:**

See attached

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**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>
/1	agary 07/15/2011	csicilia 07/20/2011	rschluet 07/20/2011	_____	ggodwin 07/20/2011	ggodwin 07/20/2011	

FE Sent For:

<END>

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/1	agary	1 jjs 7/20 11	72011	7/20 jff ph			

FE Sent For:

<END>

**Gary, Aaron**

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**From:** Egan, Erin - DOT [Erin.Egan@dot.wi.gov]  
**Sent:** Monday, June 13, 2011 11:38 AM  
**To:** Gary, Aaron  
**Subject:** RE: AB 55

Works for me!! Thanks, Aaron!

Erin Egan, Chief  
Citations & Withdrawals Section  
Bureau of Driver Services  
(608) 266-9901  
erin.egan@dot.wi.gov

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**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Saturday, June 11, 2011 3:25 PM  
**To:** Egan, Erin - DOT  
**Subject:** RE: AB 55

Thanks Erin. Maybe I can refer to this as a "vehicle right-of-way course" instead of traffic safety school. I'll need to double check with the legislator to make sure this approach is what they want. Aaron

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**From:** Egan, Erin - DOT [mailto:Erin.Egan@dot.wi.gov]  
**Sent:** Fri 6/10/2011 3:57 PM  
**To:** Gary, Aaron  
**Cc:** Savage, Bill  
**Subject:** RE: AB 55

Hi Aaron,

Under current law, if someone attends a traffic safety school that is taught by the technical college system, yes, they are eligible for a 3 demerit point reduction. This traffic safety school is a 12 – 15 hour course, and covers a wide range of topics including speeding, wearing a seat belt, inattentive driving, penalties, etc.

It is my belief that the bill authors envision a different traffic safety school course for persons who violate 346.18. This course would be an hour or two, and focus on motorcycle, pedestrian, and bicycle awareness.

We would like a clear delineation between the traffic safety school ordered by DOT for 346.18 violations and the traffic safety school taught by the technical colleges to eliminate any confusion between the two programs. That way, the persons who violate 346.18 will not erroneously enroll the wrong course at the tech school, nor would they expect a demerit point reduction for attending the 346.18 course.

Hope that makes sense!

Erin Egan, Chief  
Citations & Withdrawals Section

6/13/2011

Bureau of Driver Services  
(608) 266-9901  
erin.egan@dot.wi.gov

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**From:** Gary, Aaron [<mailto:Aaron.Gary@legis.wisconsin.gov>]  
**Sent:** Thursday, June 09, 2011 4:00 PM  
**To:** Egan, Erin - DOT  
**Cc:** Savage, Bill - LEGIS  
**Subject:** RE: AB 55

Hi Erin,

I'm trying to figure out what needs to be done per your suggestions below, consistent with the intent of the bill.

Basically AB-55 is a modification of what was done in 2005 Act 466 (2005 SB-528). Act 466 created s. 345.60 (4), which requires the court to order an offender to attend traffic school (under s. 345.60 (1)) for a failure-to-yield violation and requires the traffic school to provide right-of-way instruction. This has been in effect since Oct. 1, 2006.

With respect to the traffic safety school, I believe the only intended changes in 2011 AB-55 (as expressed in the drafting instructions) were: 1) to have traffic safety school attendance ordered by DOT, not a court, and 2) to have the class offered by a different set of organizations.

Under current law, if a person is ordered by a court to attend traffic safety school for a failure to yield violation and completes the course, is the person eligible for a 3 demerit point reduction? (The statutes don't specify because, under s. 343.32 (5), DOT has discretion to make this determination and I cannot locate the applicable rule.)

Thanks. Aaron

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

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**From:** Egan, Erin - DOT [<mailto:Erin.Egan@dot.wi.gov>]

**Sent:** Thursday, June 09, 2011 11:57 AM

**To:** Gary, Aaron

**Subject:** FW: AB 55

Hi Aaron,

DOT has requested some changes to AB 55. Rep. Pridemore's office has given us permission to work

6/13/2011

directly with you. Please see the bottom of the e-mail chain for our concerns.

Thanks.

Erin Egan, Chief  
Citations & Withdrawals Section  
Bureau of Driver Services  
(608) 266-9901  
erin.egan@dot.wi.gov

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**From:** Savage, Bill [<mailto:Bill.Savage@legis.wisconsin.gov>]  
**Sent:** Thursday, May 19, 2011 10:59 AM  
**To:** Egan, Erin - DOT  
**Subject:** RE: AB 55

Only if it is easier for you. You will need to explain the changes to someone I figure it might as well be Aaron, but only if you want. Thanks, Bill

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**From:** Egan, Erin - DOT [<mailto:Erin.Egan@dot.wi.gov>]

**Sent:** Thursday, May 19, 2011 10:57 AM

**To:** Savage, Bill

**Subject:** RE: AB 55

Hi Bill!

Thank you for your patience – I've been on the road a lot lately doing training and such. If you prefer, I'd be happy to work directly with Aaron.

Erin Egan, Chief  
Citations & Withdrawals Section  
Bureau of Driver Services  
(608) 266-9901  
erin.egan@dot.wi.gov

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**From:** Savage, Bill [<mailto:Bill.Savage@legis.wisconsin.gov>]  
**Sent:** Tuesday, May 17, 2011 10:29 AM  
**To:** Egan, Erin - DOT  
**Subject:** RE: AB 55

Erin, can we get these changes going soon? If you would like you can talk to the bill drafter, Aaron Gary directly. Let me know, thanks!

Bill

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6/13/2011

**From:** Egan, Erin - DOT [<mailto:Erin.Egan@dot.wi.gov>]

**Sent:** Monday, April 04, 2011 2:09 PM

**To:** Savage, Bill

**Cc:** Kleist, Richard - DOT

**Subject:** AB 55

Hi Bill,

We've been reviewing AB 55. Would you be open to making a slight wording change that would make it easier to administer from our end? In Section 6 – "traffic safety school" terminology. Our point reduction school offered by the technical colleges is also called traffic safety school. Would you mind either using different terminology for this course, or adding some language that this school is not eligible for the 3 demerit point reduction? I just want to avoid confusion between the two courses.

Also, in section 6, the bill indicates that the "course and method of instruction is approved by the secretary". We currently administer our Traffic Safety School programs under Trans 106, and would amend Trans 106 to include the "course and method of instruction" for the Failure to Yield course as well. Is that what you were thinking too?

Thanks!

Erin Egan, Chief  
Citations & Withdrawals Section  
Bureau of Driver Services  
(608) 266-9901  
[erin.egan@dot.wi.gov](mailto:erin.egan@dot.wi.gov)

## Gary, Aaron

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**From:** Gary, Aaron  
**Sent:** Saturday, June 11, 2011 3:22 PM  
**To:** Savage, Bill  
**Subject:** RE: AB 55

Hi Bill,

To accommodate Erin's concerns, I could refer to this as a "vehicle right-of-way course" instead of calling it traffic safety school. Is Erin's response below consistent with your intent for the draft?

Thanks. Aaron

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

---

**From:** Egan, Erin - DOT [<mailto:Erin.Egan@dot.wi.gov>]  
**Sent:** Friday, June 10, 2011 3:57 PM  
**To:** Gary, Aaron  
**Cc:** Savage, Bill  
**Subject:** RE: AB 55

Hi Aaron,

Under current law, if someone attends a traffic safety school that is taught by the technical college system, yes, they are eligible for a 3 demerit point reduction. This traffic safety school is a 12 – 15 hour course, and covers a wide range of topics including speeding, wearing a seat belt, inattentive driving, penalties, etc.

It is my belief that the bill authors envision a different traffic safety school course for persons who violate 346.18. This course would be an hour or two, and focus on motorcycle, pedestrian, and bicycle awareness.

We would like a clear delineation between the traffic safety school ordered by DOT for 346.18 violations and the traffic safety school taught by the technical colleges to eliminate any confusion between the two programs. That way, the persons who violate 346.18 will not erroneously enroll the wrong course at the tech school, nor would they expect a demerit point reduction for attending the 346.18 course.

Hope that makes sense!

Erin Egan, Chief  
Citations & Withdrawals Section  
Bureau of Driver Services  
(608) 266-9901  
[erin.egan@dot.wi.gov](mailto:erin.egan@dot.wi.gov)

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**From:** Gary, Aaron [<mailto:Aaron.Gary@legis.wisconsin.gov>]  
**Sent:** Thursday, June 09, 2011 4:00 PM  
**To:** Egan, Erin - DOT

**Gary, Aaron**

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**From:** Savage, Bill  
**Sent:** Thursday, July 14, 2011 12:35 PM  
**To:** Gary, Aaron  
**Subject:** RE: AB55

Yes, thanks..  
Bill

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**From:** Gary, Aaron  
**Sent:** Thursday, July 14, 2011 12:22 PM  
**To:** Savage, Bill  
**Subject:** RE: AB55

Bill,  
There are 3 statutes dealing with driver ed instruction, so I would add 3 new provisions to the bill. Do you want me to do that?

Aaron

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

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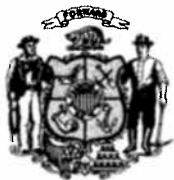
**From:** Savage, Bill  
**Sent:** Thursday, July 14, 2011 12:15 PM  
**To:** Gary, Aaron  
**Subject:** AB55

Aaron, renaming the class something such as ROW Violations would be fine. Also, since there is no time restriction for motorcycle awareness training in drivers education classes some schools feel that as long as they say something they are good. What would it take for us to change that to 30 minutes of training like it is for railroad and other subjects?

Thanks,

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





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7/15

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**ASSEMBLY AMENDMENT ,  
TO 2011 ASSEMBLY BILL 55**

BM ink

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 1, line 4: after "violations" insert "and driver education instruction".

3 2. Page 2, line 1: before that line insert:

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

5 38.04 (4) (e) 3. Includes information Provides at least 30 minutes of instruction

6 on motorcycle awareness, as approved by a recognized motorcycle safety and

7 awareness organization, and pedestrian and bicycle awareness, as approved by a

8 recognized pedestrian and bicycle safety and awareness organization.

History: 1971 c. 154, 211; 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1979 c. 221; 1981 c. 20; 1981 c. 93 ss. 19m, 30m, 30o; 1981 c. 269, 314; 1983 a. 27, 379; 1985 a. 12, 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31, 107, 125, 169, 299, 335, 336; 1991 a. 39, 227, 250; 1993 a. 16, 223, 377, 399, 455, 491; 1995 a. 27 ss. 1800n to 1803, 9126 (19) and 9145 (1); 1995 a. 342; 1997 a. 27; 1999 a. 9, 124; 2001 a. 16, 109; 2003 a. 33, 62; 2005 a. 25, 466; 2007 a. 20 ss. 737, 9121 (6) (a); 2007 a. 68, 125, 130; 2009 a. 28, 59, 64, 181, 220, 302.

9 SECTION 1m. 115.28 (11) (c) of the statutes is amended to read:

10 115.28 (11) (c) Provide information at least 30 minutes of instruction on

11 motorcycle awareness, as approved by a recognized motorcycle safety and awareness

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

**History:** 1971 c. 40, 125; 1973 c. 89, 90; 1975 c. 39, 115, 199, 220, 224, 395, 422; 1977 c. 26, 29, 203, 418, 429; 1979 c. 28, 331; 1979 c. 346 ss. 10, 15; 1979 c. 355; 1981 c. 20, 241; 1983 a. 27, 412; 1985 a. 12; 1985 a. 29 ss. 1686m, 1689, 3202 (43); 1987 a. 27, 159; 1989 a. 31, 56, 297, 336, 359; 1991 a. 39, 93, 108, 164, 227, 250, 269, 315; 1993 a. 16, 27, 213, 223, 335, 339, 437, 455, 492; 1995 a. 27 ss. 3847g to 3858, 9126 (19), 9145 (1); 1995 a. 225; 1997 a. 27, 113, 114, 164, 240, 245, 252; 1999 a. 9, 19, 32, 124, 185, 186; 2001 a. 16; 2003 a. 33, 42; 2005 a. 25 ss. 1108, 1855, 1856m, 1856w; 2005 a. 218, 220, 466; 2007 a. 20 ss. 2683 to 2684m, 9121 (6) (a); 2007 a. 68, 222; 2009 a. 28, 64, 99, 220, 302, 329.

3 **3.** Page 2, line 1: delete “**Section 1i**” and substitute “**Section 1r**”.

4 **4.** Page 3, line 23: after that line insert:

5 “**SECTION 4m.** 343.71 (5) (c) of the statutes is amended to read:

6 343.71 (5) (c) ~~Includes information~~ Provides at least 30 minutes of instruction

7 on motorcycle awareness, as approved by a recognized motorcycle safety and  
8 awareness organization, and pedestrian and bicycle awareness, as approved by a  
9 recognized pedestrian and bicycle safety and awareness organization.”

**History:** 1977 c. 29 s. 1654 (7) (a); 2005 a. 397 ss. 18, 57 to 62, 64 to 66; 2005 a. 466 s. 8; 2007 a. 68; 2007 a. 96 s. 129; 2007 a. 97; 2009 a. 64, 180, 220.

10 **5.** Page 4, line 9: delete “traffic safety school” and substitute “vehicle  
11 right-of-way course”.

12 **6.** Page 4, line 15: delete the material beginning with “, for” and ending with  
13 “and” on line 16 and substitute “a vehicle right-of-way course whose”.

14 **7.** Page 4, line 20: delete “traffic safety school’s”.

15 **8.** Page 4, line 22: on lines 22 and 24, delete “traffic safety school” and  
16 substitute “course”.

17 **9.** Page 5, line 2: delete “traffic safety school” and substitute “course”.

18 **10.** Page 5, line 17: delete “This act” and substitute “RIGHT-OF-WAY VIOLATIONS.  
19 The treatment of sections 343.30 (1), 343.31 (3) (a), 343.38 (3), 345.60 (1), and (346.22 (1)  
20 (c), (d), (e), and (f) of the statutes and the renumbering and amendment of section  
21 343.30 (1j) and 345.60 (4) of the statutes”.

22 **11.** Page 5, line 19: after that line insert:

1           “(2) DRIVER EDUCATION COURSES. The treatment of sections 38.04 (4) (e) 3., 115.28  
2           (11) (c), and 343.71 (5) (c) of the statutes first applies to driver education courses that  
3           begin on the effective date of this subsection.”.

4

(END)