



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Assembly Bill 516**

**Assembly Amendment 1**

*Memo published:* February 17, 2012

*Contact:* Mike Queensland, Staff Attorney (266-3810)

Under *current law*, a person is disqualified from operating a commercial motor vehicle (CMV) for a 60-day period upon a second conviction, or a 120-day period upon a third conviction, of a “serious traffic violation.” A “serious traffic violation” includes various offenses committed while doing any of the following:

- Operating a CMV.
- Operating a non-commercial vehicle if the person has ever held a commercial driver’s license (CDL), has ever operated a CMV on a highway, or has ever been convicted of a violation related to, or been disqualified from, operating a CMV.

Also under current law, if an emergency vehicle, tow truck, or road maintenance vehicle is stopped on or within 12 feet of the paved portion of the highway, and is giving a proper visual signal, an approaching motorist must move his or her vehicle into a lane not nearest the stopped vehicle and travel in that lane until he or she passes the stopped vehicle. If the roadway has only one lane for traffic traveling in the same direction as the approaching motorist or if the motorist cannot change lanes safely or without interfering with other traffic, the motorist must slow his or her vehicle until he or she has passed the stopped vehicle. This statute is commonly referred to as the “Move Over Law.”

**2011 Assembly Bill 516** provides that a traffic violation that occurs while operating a non-commercial vehicle can only be considered a “serious traffic violation” if the offense results in the revocation, cancellation, or suspension of the person’s operating privilege. In addition, the bill provides that a violation of the “Move Over Law” is a serious traffic violation.

**Assembly Amendment 1** removes the “Move Over Law” from the “serious traffic violation” classification.

**Legislative History**

Assembly Amendment 1 was offered by the Assembly Committee on Transportation. On February 14, 2012, the Assembly Committee on Transportation recommended adoption of Assembly Amendment 1, on a vote of Ayes, 13; Noes, 0. The committee then recommended passage of Assembly Bill 516, as amended, on a vote of Ayes, 13; Noes, 0.

MQ:jal