

## 2013 DRAFTING REQUEST

### Bill

Received: 9/27/2012 Received By: agary  
Wanted: As time permits Same as LRB: -2731  
For: Jerry Petrowski (608) 266-2502 By/Representing: Anna Richter  
May Contact: Drafter: agary  
Subject: Transportation - traffic laws Addl. Drafters:  
Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Repeal audible signal requirement when passing on the right NB 1315-22

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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>
/?	agary 11/9/2012	evinz 11/13/2012	phenry 11/13/2012	_____			
/P1	emueller 7/23/2013			_____	rosee 11/13/2012		
/1	agary 1/21/2014	evinz 7/23/2013	rschluet 7/23/2013	_____	lparisi 7/23/2013	sbasford 1/30/2014	

FE Sent For:

NOT  
NEEDED

<END>

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**Topic:**

Repeal audible signal requirement when passing on the right NB 1315-22

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**Instructions:**

See attached

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/P1	emueller 7/23/2013			_____	srose 11/13/2012		
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/?	agary 11/9/2012	evinz 11/13/2012	phenry 11/13/2012	_____			
/P1	emueller			_____	srose 11/13/2012		

/1 EVM  
7/23/13  
FE Sent For: 11/23/13

<END>

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Wanted: **As time permits** Companion to LRB:  
For: **Transportation** By/Representing: **Anna Richter**  
May Contact: Drafter: **agary**  
Subject: **Transportation - traffic laws** Addl. Drafters:  
Extra Copies: **EVM**

Submit via email: **YES**  
Requester's email: **Anna.Richter@dot.wi.gov**  
Carbon copy (CC) to:

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**Pre Topic:**

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Repeal audible signal requirement when passing on the right NB 1315-22

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**Instructions:**

See attached

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/?	agary 11/9/2012	evinz 11/13/2012	11/13/2012	_____			
/P1				_____	rose 11/13/2012		

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 For: Transportation By/Representing: Anna Richter  
 May Contact: Drafter: agary  
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 Extra Copies: EVM

Submit via email: YES  
 Requester's email: Anna.Richter@dot.wi.gov  
 Carbon copy (CC) to:

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No specific pre topic given

Topic:

Repeal audible signal requirement when passing on the right NB 1315-22

Instructions:

See attached

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/?	agary	/pl eev 11/13/12	1/13 ph				

FE Sent For:

<END>

**LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL  
2013-2015 BIENNIUM**

DT1586 6/2012

Wisconsin Department of Transportation

**Instructions:** Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return one completed copy to the Office of Policy, Budget & Finance (OPBF), Attention: Paul Hammer. The form is available at: <http://dotnet/forms/authorized.htm>.

Short Title of Topic Repeal audible signal requirement when passing on the right			
Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned	"B" Number Assigned	"NB" Number Assigned 1315-22
Date Submitted 07/10/2012	Division(s) State Patrol		
OPBF Contact Person John Swissler	(Area Code) Telephone Number (608)266-0349		
Lead Division Contact Person Zachary Wyatt	(Area Code) Telephone Number (608) 266-0403		
OGC Contact Person Paul Nilsen	(Area Code) Telephone Number (608) 261-0126		
Define Problem Precisely Motorists are required to give an audible signal when passing on the right, but not when passing on the left.			
Description of Proposed Change Repeal the requirement in 346.07(3) that motorists give an audible signal when overtaking another vehicle on highways where overtaking and passing is permitted on the right.			
Justification for Change This would make the state law regarding the use of audible signals when passing a moving vehicle consistent regardless of which side the pass is made.			
Describe any legislative history and related statutory language 346.07(3)			

**X**  
\_\_\_\_\_  
(Division Administrator Signature) (Date)

**X**  
\_\_\_\_\_  
(Division Administrator Signature) (Date)

**X**  
\_\_\_\_\_  
(Division Administrator Signature) (Date)

13 14  
2007 - 2008 LEGISLATURE

in  
11/9

-0169/P1  
LRB-1249L  
ARG:jd:jf  
eev  
RMNR

13  
2007 BILL

D-Note

SA 2013  
of 2011  
of 2009  
of 2007

PWF

regen

1 AN ACT *to amend* 346.07 (3) and 346.59 (2) of the statutes; **relating to:** yielding  
2 to an overtaking vehicle.

***Analysis by the Legislative Reference Bureau***

Current law requires the driver of a vehicle that is being passed on the left by another vehicle traveling in the same direction to give way to the right in favor of the overtaking vehicle upon hearing the driver of the overtaking vehicle give an audible signal that he or she intends to pass. The driver of the vehicle that is being passed may not increase his or her speed until the overtaking vehicle has completed its pass. However, current law does not require the driver of a passing vehicle to make an audible signal that he or she intends to pass. Current law also requires the operator of a vehicle moving at a speed so slow as to impede the normal and reasonable movement of traffic to, if practicable, yield the roadway to an overtaking vehicle whenever the operator of the overtaking vehicle gives audible warning.

This bill eliminates the reference to an audible signal or warning by the driver of an overtaking vehicle, so that the requirements on the driver of the vehicle being passed apply regardless of whether an audible signal or warning is made.

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

3 SECTION 1. 346.07 (3) of the statutes is amended to read:

**BILL****SECTION 1**

1           346.07 (3) Except when overtaking and passing on the right is permitted, the  
2 operator of an overtaken vehicle shall give way to the right in favor of the overtaking  
3 vehicle ~~on audible signal~~ and shall not increase the speed of the vehicle until  
4 completely passed by the overtaking vehicle.

5           <sup>x</sup>  
SECTION 2. 346.59 (2) of the statutes is amended to read:

6           346.59 (2) The operator of a vehicle moving at a speed so slow as to impede the  
7 normal and reasonable movement of traffic shall, if practicable, yield the roadway  
8 to an overtaking vehicle ~~whenever the operator of the overtaking vehicle gives~~  
9 ~~audible warning with a warning device~~ and shall move at a reasonably increased  
10 speed or yield the roadway to overtaking vehicles when directed to do so by a traffic  
11 officer.

12

(END)

A handwritten note in a circle, possibly a signature or initials, located in the bottom right corner of the page.

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

LRB-0169/P1dn

ARG.....

eev

date

Please review the attached draft carefully to ensure that it is consistent with your intent. DOT did not specifically request treatment of s. 346.59 (2), but it seemed to me to be relevant to the request. Please advise if you would like me to remove the treatment of s. 346.59 (2). I also note that I did not treat provisions in ss. 346.803 to 346.805 requiring bicyllists and Segway riders to give audible signals on bicycle ways and sidewalks.

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-0169/P1dn  
ARG:eev:ph

November 13, 2012

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Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0169/01 11  
ARG:eev:ph

Stays  
RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

7/23/13

No Changes

Today

regn

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***Analysis by the Legislative Reference Bureau***

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9 ~~audible warning with a warning device~~ and shall move at a reasonably increased  
10 speed or yield the roadway to overtaking vehicles when directed to do so by a traffic  
11 officer.

12

(END)

## Gary, Aaron

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**From:** Yahn, Nate - DOT <Nate.Yahn@dot.wi.gov>  
**Sent:** Monday, January 20, 2014 6:44 AM  
**To:** Gary, Aaron  
**Subject:** Introducible Draft for LRB-0169/P1  
**Attachments:** 13-0169\_P1.pdf

**Importance:** High

Aaron,

The Department would like to move forward with this particular piece of legislation as well.

Can you please convert the attached LRB-0169/P1 to an introducible "/1"?

Thanks.

Nate

-

**Nate Yahn**

*Legislative Advisor*

Office of the Secretary

Wisconsin Department of Transportation

Phone: (608) 266-1114

Email: [nate.yahn@dot.wi.gov](mailto:nate.yahn@dot.wi.gov)

[www.dot.wisconsin.gov](http://www.dot.wisconsin.gov)

## Basford, Sarah

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**From:** Gary, Aaron  
**Sent:** Thursday, January 30, 2014 1:53 PM  
**To:** Basford, Sarah  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Thank you. All should go to Petrowski, including -0165. Aaron

---

**From:** Basford, Sarah  
**Sent:** Thursday, January 30, 2014 1:51 PM  
**To:** Gary, Aaron  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

I will go ahead and jacket these for the Senate.

**Sarah Basford**  
**Senior Program Assistant**  
Legislative Reference Bureau  
1 East Main St., Suite 200  
Madison, WI 53703  
(608) 266-3561

---

**From:** Fiocchi, Tim  
**Sent:** Thursday, January 30, 2014 1:48 PM  
**To:** Gary, Aaron; Punches, Derek; Portz, Elisabeth  
**Cc:** Basford, Sarah  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Yes – thanks Aaron!

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**From:** Gary, Aaron  
**Sent:** Thursday, January 30, 2014 1:45 PM  
**To:** Fiocchi, Tim; Punches, Derek; Portz, Elisabeth  
**Cc:** Basford, Sarah  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Scratch that – rewind.

I thought these were agency drafts for DOT. Actually LRB-0169, -0175, and -0176 are Petrowski requests, with only -0165 being a DOT request.

Do you want me to jacket all of these for the senate instead, and have companions prepared for the assembly? (I'll get them out right away.)

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:** Gary, Aaron  
**Sent:** Thursday, January 30, 2014 1:38 PM

**To:** Fiocchi, Tim; PUNCHES, Derek  
**Cc:** Portz, Elisabeth  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Hi Tim and Derek,

The four bills below are now assembly bills. Do you want me to enter/prepare a senate companion for Sen. Petrowski for each bill? 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:** Yahn, Nate - DOT [<mailto:Nate.Yahn@dot.wi.gov>]  
**Sent:** Wednesday, January 29, 2014 10:55 AM  
**To:** Portz, Elisabeth; Fiocchi, Tim; PUNCHES, Derek  
**Cc:** Rhatican, Tom M - DOT  
**Subject:** RE: Meeting - DOT Legislative Spring Agenda

Thanks, Liz.

I just emailed jacketing requests to Aaron for the four bills attached in my previous email (LRBs – 0165/1, 0169/1, 0175/1, 0176/1). My request also mentioned that the respective bills would be introduced in each house.

-  
**Nate Yahn**  
*Legislative Advisor*  
Office of the Secretary  
Wisconsin Department of Transportation  
*Phone: (608) 266-1114*