



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 105
[2017 Assembly Bill 201]

**Traffic Violations and Vehicle
Right-of-Way Courses**

BACKGROUND

Wisconsin law sets forth the rules of the road. The rules of the road include rules that govern the general right-of-way.¹ One of the consequences for violating rules governing the general right-of-way relates to the suspension of a person's operating privilege. If a person violates a general right-of-way traffic rule, the Department of Transportation (DOT) must suspend a person's operating privilege if the violation results in bodily harm, great bodily harm, or death.² If the violation does not result in an injury or death, a person's operating privilege may be suspended if the suspension is ordered by a court. If the suspension is ordered by DOT, the person's operating privilege may not be reinstated until the person attends a vehicle right-of-way course.³ Completion of a course is not required for reinstatements of the operating privilege if the suspension is court-ordered.

Another consequence for violating rules of the road, including rules governing the general right-of-way, is a forfeiture. Very generally, the statutes specify forfeiture amounts that increase for second and subsequent offenses. With respect to a general right-of-way violation,

¹ The general right-of-way rules of the road govern all of the following: (a) the general rule at intersections; (b) turning left or making a U-turn at an intersection; (c) intersections with a "through highway"; (d) entering a highway from alley or nonhighway access; (e) moving from a parked position; (f) right-of-way where a yield sign is installed; (g) entering an alley or a driveway from a highway; and (h) roundabouts. [s. 346.18, Stats.]

² The length for which DOT must suspend a person's operating privilege is as follows: (a) two months if the violation results in bodily harm; (b) three months if the result is great bodily harm; and (c) nine months if the result is death. [s. 343.31 (2t) (a), Stats.]

³ The vehicle right-of-way course's mode of instruction must be approved by DOT and must be conducted by a regularly established safety organization, an approved provider of driver education courses, or by a driver school licensed in Wisconsin. [s. 343.31 (2t) (b), Stats.]

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

the statutes also provide the following increased forfeiture amounts: (1) double the forfeiture amount if the violation occurred in a construction zone; (2) \$200 if the violation resulted in bodily harm; (3) \$500 if the violation resulted in great bodily harm; and (4) \$1,000 if the violation resulted in death.

2017 WISCONSIN ACT 105

2017 Wisconsin Act 105 (“the Act”) expands the list of rules of the road violations for which DOT must require attendance at a vehicle right-of-way course. Under the Act, DOT must require attendance at a vehicle right-of-way course for violating the required method for operating a motor vehicle in all of the following circumstances:

- Driving on a roadway.
- Meeting vehicles passing in opposite directions.
- Overtaking and passing another vehicle.
- Facing a stop sign or traffic control signal.
- Proceeding through an intersection.
- Turning at an intersection.
- Yielding to a pedestrian, bicycle, or electric mobility device in a crosswalk.
- Backing.
- Entering the roadway from an alley or parked position.

Under the Act, if a person is ordered by DOT to attend a vehicle right-of-way course for a right-of-way violation or one of the violations listed above, and the violation resulted in either bodily harm or no injury, the person must complete the vehicle right-of-way course within six months of DOT ordering the person to attend the course. If the person does not complete the course within this six-month period, then DOT must suspend the person’s operating privilege until the person successfully completes the course. The suspension, however, may not be for more than five years.

The Act also increases the penalties applicable to the violations listed above when the violation resulted in great bodily harm or death. Specifically, if the violation resulted in great bodily harm, the Act requires a forfeiture of \$500 and a three-month suspension by DOT of the person’s operating privilege. If the violation resulted in death, the Act requires a forfeiture of \$1,000 and a nine-month suspension by DOT of the person’s operating privilege.

Effective date: December 2, 2017.

Prepared by: Melissa Schmidt, Senior Staff Attorney

December 6, 2017

MS:mcm;jal