



2017 SENATE BILL 189

April 20, 2017 - Introduced by Senators OLSEN, ERPENBACH, WIRCH and TESTIN, cosponsored by Representatives BRANDTJEN, KNODL, NOVAK, HORLACHER, WEATHERSTON, R. BROOKS, KRUG, PETRYK, KREMER, SANFELIPPO, TITTL, CONSIDINE, ROHRKASTE and TUSLER. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to repeal* 343.31 (2t) (a) 1.; *to amend* 343.30 (1), 343.31 (2t) (a) (intro.),
2 343.31 (2t) (b), 346.17 (1), 346.17 (2), 346.30 (1) (b) 1., 346.36 (1), 346.43 (1) (b)
3 1., 346.49 (1) (a) and 346.95 (1); and *to create* 343.31 (2t) (c), 346.17 (6), 346.30
4 (5), 346.36 (3), 346.43 (4), 346.49 (5) and 346.95 (13) of the statutes; **relating**
5 **to:** traffic violations requiring operating privilege suspension and attendance
6 at a vehicle right-of-way course, increasing penalties for numerous traffic
7 violations, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill expands the list of traffic violations for which the Department of Transportation must suspend a violator's operating privilege and require attendance at a vehicle right-of-way course, and increases the penalties for certain offenses.

Current law specifies the required method of operation of a motor vehicle in all of the following circumstances:

1. Driving on a roadway.
2. Meeting vehicles passing in opposite directions.
3. Overtaking and passing another vehicle.
4. Facing a stop sign or traffic control signal.
5. Proceeding through an intersection.
6. Turning at an intersection.

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7. Yielding to a pedestrian, bicycle, or electric mobility device in a crosswalk.
8. Backing.
9. Entering the roadway from an alley or a parked position.

Under current law, a person who violates the requirements applicable in these circumstances may be subject to a forfeiture of between \$20 and \$300, depending on the violation. For certain right-of-way violations, a court may suspend a person's operating privilege for up to one year, and DOT is required to order the person to attend a vehicle right-of-way course. DOT may not reinstate a person's operating privilege unless the person has completed the required course.

Under this bill, if a person has committed any of the aforementioned violations and the violation results in great bodily harm or death to another, the person must forfeit \$500 if great bodily harm results, and \$1,000 if death results. In addition, DOT must require attendance at the vehicle right-of-way course and suspend the person's operating privilege. This DOT suspension must be for a period of three months if the offense resulted in great bodily harm to another, and nine months if the offense resulted in the death of another. Under this bill, if a person has committed any of the aforementioned violations and the violation does not result in great bodily harm or death to another, DOT must require attendance at the vehicle right-of-way course. If the person fails to complete the course within six months, DOT must suspend the person's operating privilege until the person completes the course, but the period of the suspension may not exceed five years.

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. 346.05 (1), 346.06, 346.07 (2) or (3), 346.09, 346.18, 346.23, 346.31,
6 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1), 346.46 (1) or (4) (a), 346.47 (1) or (2), or
7 346.87 or a local ordinance in conformity with ~~s. 346.18~~ therewith for which
8 operating privilege suspension is required under s. 343.31 (2t) (a).

9 **SECTION 2.** 343.31 (2t) (a) (intro.) of the statutes is amended to read:

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1 343.31 (2t) (a) (intro.) The department shall suspend a person's operating
2 privilege upon receiving a record of conviction for a violation of s. 346.05 (1), 346.06,
3 346.07 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39
4 (1), 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87 or a local ordinance in conformity
5 with s. 346.18 therewith, resulting in bodily harm, as defined in s. 939.22 (4), great
6 bodily harm, as defined in s. 939.22 (14), or death, as follows:

7 **SECTION 3.** 343.31 (2t) (a) 1. of the statutes is repealed.

8 **SECTION 4.** 343.31 (2t) (b) of the statutes is amended to read:

9 343.31 (2t) (b) If a person is convicted of violating s. 346.05 (1), 346.06, 346.07
10 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1),
11 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87 or a local ordinance in conformity with
12 s. 346.18 therewith, in addition to any other penalty provided by law, the department
13 shall order the person to attend a vehicle right-of-way course whose mode of
14 instruction is approved by the secretary and which is conducted by any regularly
15 established safety organization, by the provider of driver education courses approved
16 under s. 38.04 (4) or 115.28 (11), or by a driver school licensed under s. 343.61. The
17 course of instruction shall acquaint the person with vehicle right-of-way rules and
18 provide instruction on motorcycle, pedestrian, and bicycle awareness. If the course
19 is conducted by the provider of approved driver education courses or a driver school,
20 the provider or driver school shall issue to the person a certificate upon successful
21 completion of the course. If a person's operating privilege has been suspended under
22 par. (a) or (c), the department may not reinstate the person's operating privilege
23 unless the person has successfully completed the course required under this
24 paragraph.

25 **SECTION 5.** 343.31 (2t) (c) of the statutes is created to read:

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1 343.31 **(2t)** (c) If a person is convicted of violating s. 346.05 (1), 346.06, 346.07
2 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1),
3 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87 or a local ordinance in conformity
4 therewith and great bodily harm or death did not result, and the person has not
5 completed the course required under par. (b) within 6 months of the department
6 ordering the person to attend the course, the department shall suspend the person's
7 operating privilege until the person successfully completes the course. The
8 department may not suspend a person's operating privilege for more than 5 years
9 under this subsection.

10 **SECTION 6.** 346.17 (1) of the statutes is amended to read:

11 346.17 **(1)** Except as provided in ~~sub.~~ subs. (5) and (6), any person violating s.
12 346.04 (1) or (2), 346.06, 346.12 or 346.13 (1) or (3) may be required to forfeit not less
13 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
14 \$100 for the 2nd or subsequent conviction within a year.

15 **SECTION 7.** 346.17 (2) of the statutes is amended to read:

16 346.17 **(2)** ~~Any~~ Except as provided in sub. (6), any person violating ss. 346.05,
17 346.07 (2) or (3), 346.072, 346.08, 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14
18 to 346.16 may be required to forfeit not less than \$30 nor more than \$300.

19 **SECTION 8.** 346.17 (6) of the statutes is created to read:

20 346.17 **(6)** (a) If a person violates s. 346.05 (1), 346.06, 346.07 (2) or (3), or
21 346.09 and the violation results in great bodily harm, as defined in s. 939.22 (14), to
22 another, the person shall forfeit \$500.

23 (b) If a person violates s. 346.05 (1), 346.06, 346.07 (2) or (3), or 346.09 and the
24 violation results in death to another, the person shall forfeit \$1,000.

25 **SECTION 9.** 346.30 (1) (b) 1. of the statutes is amended to read:

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1 346.30 (1) (b) 1. ~~Unless otherwise~~ Except as provided in subd. 2. ~~or sub. (5)~~, any
2 operator of a vehicle violating s. 346.23 or 346.28 may be required to forfeit not less
3 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
4 \$100 for the 2nd or subsequent conviction within a year.

5 **SECTION 10.** 346.30 (5) of the statutes is created to read:

6 346.30 (5) (a) If a person violates s. 346.23 and the violation results in great
7 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

8 (b) If a person violates s. 346.23 and the violation results in death to another,
9 the person shall forfeit \$1,000.

10 **SECTION 11.** 346.36 (1) of the statutes is amended to read:

11 346.36 (1) ~~Unless otherwise~~ Except as provided in sub. ~~subs. (2) and (3)~~, any
12 person violating ss. 346.31 to 346.35 may be required to forfeit not less than \$20 nor
13 more than \$40 for the first offense and not less than \$50 nor more than \$100 for the
14 2nd or subsequent conviction within a year.

15 **SECTION 12.** 346.36 (3) of the statutes is created to read:

16 346.36 (3) (a) If a person violates s. 346.31 and the violation results in great
17 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

18 (b) If a person violates s. 346.31 and the violation results in death to another,
19 the person shall forfeit \$1,000.

20 **SECTION 13.** 346.43 (1) (b) 1. of the statutes is amended to read:

21 346.43 (1) (b) 1. ~~Unless otherwise~~ Except as provided in subd. 2. or 3. ~~or sub.~~
22 (4), any operator of a vehicle violating ss. 346.37 to 346.39 may be required to forfeit
23 not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor
24 more than \$100 for the 2nd or subsequent conviction within a year.

25 **SECTION 14.** 346.43 (4) of the statutes is created to read:

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1 346.43 (4) (a) If a person violates s. 346.37 (1) (a) 1., (c) 3., or (d) 1. or 346.39
2 (1) and the violation results in great bodily harm, as defined in s. 939.22 (14), to
3 another, the person shall forfeit \$500.

4 (b) If a person violates s. 346.37 (1) (a) 1., (c) 3., or (d) 1. or 346.39 (1) and the
5 violation results in death to another, the person shall forfeit \$1,000.

6 **SECTION 15.** 346.49 (1) (a) of the statutes is amended to read:

7 346.49 (1) (a) ~~Unless otherwise~~ Except as provided in par. (b) or (c) or sub. (5),
8 any person violating s. 346.46 (1), (2m) or (4) or 346.47 may be required to forfeit not
9 less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more
10 than \$100 for the 2nd or subsequent conviction within a year.

11 **SECTION 16.** 346.49 (5) of the statutes is created to read:

12 346.49 (5) (a) If a person violates s. 346.46 (1) or (4) (a) or 346.47 (1) or (2) and
13 the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the
14 person shall forfeit \$500.

15 (b) If a person violates s. 346.46 (1) or (4) (a) or 346.47 (1) or (2) and the violation
16 results in death to another, the person shall forfeit \$1,000.

17 **SECTION 17.** 346.95 (1) of the statutes is amended to read:

18 346.95 (1) ~~Any~~ Except as provided in sub. (13), any person violating s. 346.87,
19 346.88, 346.89 (4), (4m), or (5), 346.90 to 346.92, or 346.94 (1), (9), (10), (11), (12), or
20 (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense
21 and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within
22 a year.

23 **SECTION 18.** 346.95 (13) of the statutes is created to read:

24 346.95 (13) (a) If a person violates s. 346.87 and the violation results in great
25 bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

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1 (b) If a person violates s. 346.87 and the violation results in death to another,
2 the person shall forfeit \$1,000.

3 **SECTION 19. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this
5 subsection.

6 (END)