



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2007 Assembly Bill 528**

**Assembly Substitute  
Amendment 1**

*Memo published:* February 25, 2008

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The substitute amendment makes the following changes to the original bill:

- 1. The violation.** The bill authorizes the use of a traffic control photographic system to detect a violation of s. 346.37 (1) (c) 1. or 3., Stats., or a local ordinance in conformity with those provisions. In addition to prohibiting running a red light, the referenced statutory provision also regulates, among other things, where a vehicle must stop in relation to a crosswalk and when it is appropriate to make a right turn on red. The substitute amendment deletes the reference to the statutory regulations and allows the use of a traffic control photographic system to detect when a vehicle proceeds through a controlled intersection without stopping or when after stopping at an intersection, a vehicle proceeds through the intersection before the traffic control signal exhibits a green light (if the vehicle is not making a right turn). See page 14, lines 5 to 12, of the substitute amendment.
- 2. Nonmoving violation.** While the bill provides that a violation does not result in the suspension or revocation of a person's operating license or result in demerit points against a person's driving record, the violation is in other respects treated as a moving traffic violation. The substitute amendment treats a violation of an ordinance enacted under the proposal as a nonmoving traffic violation; i.e., the violation is treated as a parking ticket.
- 3. Photograph of rear of vehicle only.** The substitute amendment provides that any local ordinance enacted under the bill require that any photograph, video, or digital image produced by the traffic control photographic system be taken from a direction to the rear of the vehicles moving through the intersection and be focused on the rear registration plate. See page 16, lines 7 to 10, of the substitute amendment. There is no similar requirement in the original bill.
- 4. Penalty.** The bill provides a civil forfeiture of not less than \$20 and no more than \$40 for a first offense and not less than \$50 nor more than \$100 for a second or subsequent violation within a year. The substitute amendment provides a civil forfeiture of not more than \$50, with no increased

penalty for repeat violations. See page 16, lines 5 and 6, of the substitute amendment. (Note, also, that because the substitute amendment treats a violation as a nonmoving violation, various surcharges and costs that would apply to a moving traffic violation do not apply.)

5. **Defenses.** The substitute amendment eliminates the general defense, provided in the bill, that applies when a person other than the owner admits committing the violation. Other defenses in the bill remain and the substitute amendment authorizes the county or municipality to include any other defense in its ordinance. See page 15, lines 12 to 25, and page 16, lines 1 to 4, of the substitute amendment.

6. **Clarification.** The substitute amendment clarifies that the traffic control photographic system may be used at controlled intersections of state trunk highways or county trunk highways within municipal limits. See page 14, lines 13 to 15, of the substitute amendment. This clarification was suggested by the Department of Transportation in its fiscal estimate.

### **Legislative History**

Assembly Substitute Amendment 1 was offered by Representative Zepnick. The Assembly Committee on Urban and Local Affairs recommended adoption of the substitute amendment by a vote of Ayes, 8; Noes, 0. The committee recommended passage of the bill, as amended, by a vote of Ayes, 7; Noes, 1.

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