



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Senate Bill 307**

**Senate Amendments 1 and 2**

*Memo published:* February 10, 2014

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

2013 Senate Bill 307 creates a category of highway users termed “vulnerable highway users” and creates penalty enhancements for traffic violations that result in bodily harm, great bodily harm, or death to a vulnerable highway user.

### **2013 SENATE BILL 307**

2013 Senate Bill 307 defines “vulnerable highway user” to mean any of the following:

- A pedestrian.
- A bicyclist.
- An operator of a moped or motor bicycle.
- An operator of, or passenger on, an animal-drawn vehicle, farm tractor, farm truck tractor, farm trailer, or implement of husbandry.
- A person riding upon in-line skates, a horse, or a play vehicle.
- A law enforcement officer, traffic officer, fire fighter, or emergency medical technician, while performing his or her official duties.
- A person who is rendering medical or emergency assistance to another person.

### **Doubling of Penalties**

The bill provides that the applicable forfeitures or fines for most traffic offenses are doubled if a violation of the offense results in bodily harm, great bodily harm, or death to a vulnerable highway user. Bodily harm means “physical pain or injury, illness, or any impairment of physical condition.” Great bodily harm means “bodily injury which creates a

substantial risk of death or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.” The bill also doubles the applicable penalties for causing great bodily harm or death to another by intoxicated use of a motor vehicle if the great bodily harm or death was to a vulnerable highway user.

### **Criminalization of Certain Offenses**

For specific traffic violations, the bill makes the offense a Class B misdemeanor if the violation results in great bodily harm to a vulnerable highway user, and a Class A misdemeanor if the violation results in death to a vulnerable highway user. The offenses that are elevated to criminal offenses if violation of the offense results in great bodily harm or death to a vulnerable user are:

- Failure to exercise due care when overtaking and passing bicycles, electric personal assistive mobility devices, and motor buses.
- Failure to yield the right-of-way.
- Failure to yield the right-of-way to livestock.
- Inattentive driving.

A Class B misdemeanor is punishable by a fine not to exceed \$1,000, or imprisonment not to exceed 90 days, or both. A Class A misdemeanor is punishable by a fine not to exceed \$10,000, or imprisonment not to exceed nine months, or both.

### **License Suspension**

Under current law, the Department of Transportation (DOT) must suspend a person’s operator’s license upon receiving a record of conviction for a failure to yield violation that results in bodily harm, great bodily harm, or death to another for, respectively, two months, three months, or nine months. Before the person’s operating privilege may be reinstated, the person must complete a vehicle right-of-way course approved by DOT.

Under the bill, DOT must suspend a person’s license upon receiving a record of conviction for the following offenses if the violations result in great bodily harm or death to a vulnerable highway user:

- Failure to exercise due care when overtaking and passing bicycles, electric personal assistive mobility devices, and motor buses.
- Failure to yield the right-of-way.
- Failure to yield the right-of-way to livestock.
- Inattentive driving.

For violations resulting in great bodily harm to a vulnerable highway user, DOT must suspend the license for six months; for violations resulting in death to a vulnerable highway user, DOT

must suspend the license for one year. Before a person's license may be reinstated, the person must complete a safe driver course approved by DOT.

### **License Revocation**

Under current law, DOT must revoke the operator's license of a person who causes great bodily harm to another by intoxicated operation of a motor vehicle for two years and the license of a person who causes death to another person for five years. Under the bill, the revocation periods are increased to two years and six months and five years and six months, respectively. The bill also provides that DOT must revoke, for one year, the license of a person who causes great bodily harm or death to another by the negligent operation of a motor vehicle.

### **Driver Education Courses**

Under current law, all approved driver education courses must, among other criteria, do all of the following:

- Acquaint each student with the hazards posed by farm machinery and animals on highways and providing instruction in safely dealing with such hazards.
- Provide at least 30 minutes of instruction on motorcycle awareness, as approved by a recognized motorcycle safety and awareness organization, and pedestrian and bicycle awareness, as approved by a recognized pedestrian and bicycle safety and awareness organization.
- Include instruction relating to passing stopped emergency vehicles, tow trucks, and highway machinery equipment.

Under the bill, all approved driver education courses must acquaint each student with the hazards posed by motor vehicles to vulnerable highway users and provide at least 30 minutes of instruction in safely dealing with these hazards.

### **SENATE AMENDMENT 1**

Senate Amendment 1 eliminates the requirement that DOT order a person convicted of certain offenses resulting in great bodily harm or death to a vulnerable highway user to attend a safe driver course before DOT may reinstate the person's operating privilege.

### **SENATE AMENDMENT 2**

Senate Amendment 2 delays the effective date of the bill's provisions until the second day after publication of the 2015-17 Biennial Budget Act, except the provisions that require driver education courses to instruct each student with the hazards posed by motor vehicles to vulnerable highway users. Those provisions take effect on the first day of the fourth month beginning after publication.

## **BILL HISTORY**

Senator Olsen offered Senate Amendments 1 and 2 to Senate Bill 307. On January 21, 2014, the Senate Committee on Transportation, Public Safety, and Veterans and Military Affairs voted to recommend adoption of Senate Amendment 1 on a vote of Ayes, 4; Noes, 1 and adoption of Senate Amendment 2 on a vote of Ayes, 5; Noes, 0. On the same day, the committee voted to recommend passage of Senate Bill 307, as amended, on a vote of Ayes, 5; Noes, 0.

MQ:jal