



1997 ASSEMBLY BILL 891

March 10, 1998 - Introduced by Representatives HAHN, SYKORA, URBAN, HANSON and OLSEN, cosponsored by Senator ROESSLER. Referred to Joint committee on Finance.

1 **AN ACT to renumber and amend** 346.49 (2) (a) and 346.49 (2) (b); **to amend**
2 59.25 (3) (f) 2., 59.40 (2) (m), 195.28 (2), 195.28 (3), 345.26 (1) (b) 1., 345.26 (2)
3 (b), 345.36 (2) (b), 345.37 (1) (b), 345.37 (2), 345.37 (5), 345.47 (1) (intro.), 345.47
4 (1) (b), 345.47 (1) (c), 345.47 (2), 345.47 (3), 345.49 (1), 345.49 (2), 345.61 (2) (c),
5 346.17 (2) and 346.49 (1) (a) and (b); and **to create** 20.395 (2) (gj), 25.40 (1) (ij),
6 346.17 (2m), 346.177, 346.49 (1g), 346.49 (2m) (a) and 346.495 of the statutes;
7 **relating to:** traffic regulations at railroad crossings, creating a railroad
8 crossing improvement assessment, making an appropriation and providing
9 penalties.

Analysis by the Legislative Reference Bureau

Under current law, traffic laws relating to railroad crossings prohibit an operator of a vehicle from doing any of the following:

1. Driving the vehicle on or across a railroad crossing while being signaled to stop by a traffic officer, railroad employe or warning device. After stopping for a warning device, however, the operator may proceed if no train is approaching.

2. Driving the vehicle through, around or under any railroad crossing gate or barrier if it is closed or is being opened or closed.

3. With limited traffic-related exceptions, crossing any railroad track without stopping within 50 feet from the nearest track and taking certain precautions before proceeding to ensure that a train is not approaching. This prohibition only applies to certain vehicles, including school buses, motor buses and vehicles that are transporting certain hazardous substance.

4. Overtaking and passing another vehicle proceeding in the same direction within 100 feet of a railroad crossing unless the roadway has 2 or more lanes for traffic proceeding in the same direction or a traffic officer permits or directs the operator to pass at the crossing.

An operator who fails to comply with any of these provisions may be required to forfeit not less than \$30 nor more than \$300, except that a bicyclist who violates item 1 or 2 may be required to forfeit not more than \$20.

Also under current law, an operator of a vehicle is required to stop not less than 10 feet nor more than 30 feet from the nearest railroad track upon approaching an official stop sign at a railroad crossing. An operator (other than a bicyclist) who fails to stop may be required to forfeit not less than \$20 nor more than \$40 for a first conviction and, for a 2nd or subsequent conviction within one year, not less than \$50 nor more than \$100. A bicyclist who fails to stop may be required to forfeit not more than \$20.

This bill makes the imposition of a forfeiture for a violation of any of these provisions mandatory (rather than permissive) and also doubles the minimum and maximum forfeiture amounts for a violation of any of these traffic laws relating to railroad crossings.

Current law imposes various surcharges or assessments to be levied against persons who violate certain laws; these surcharges and assessments must be paid in addition to any fine or forfeiture imposed and in addition to any other surcharge and assessment imposed. For example, current law imposes a domestic abuse assessment (imposed on a person who violates laws relating to domestic abuse), a driver improvement surcharge (imposed on a person who violates certain laws relating to driving while intoxicated), and a crime victim and witness assistance surcharge (imposed on any person convicted of a crime).

The bill creates a railroad crossing improvement assessment that must be imposed on any person found to have violated any of these traffic laws relating to railroad crossings. The amount of the assessment is equal to 50% of the amount of the forfeiture that is imposed upon conviction. The money collected from the assessment must be used to fund railroad crossing protection improvements, such as automatic signals or other warning devices, and their maintenance.

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.** 20.395 (2) (gj) of the statutes is created to read:

1 20.395 (2) (g) *Railroad crossing protection installation and maintenance, state*
2 *funds.* All moneys received from railroad crossing improvement assessments
3 required under ss. 346.177 and 346.495, for the purpose of railroad crossing
4 protection installation and maintenance under s. 195.28 (2) and (3).

5 **SECTION 2.** 25.40 (1) (ij) of the statutes is created to read:

6 25.40 (1) (ij) All moneys forwarded by county treasurers from railroad crossing
7 improvement assessments required under ss. 346.177 and 346.495, as provided in
8 s. 59.25 (3) (f) 2.

9 **SECTION 3.** 59.25 (3) (f) 2. of the statutes, as affected by 1997 Wisconsin Act 27,
10 section 2160p, is amended to read:

11 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
12 deposited in the state treasury, the amounts required by s. 165.87 for the penalty
13 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
14 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
15 weapons assessment, the amounts required by s. 973.045 for the crime victim and
16 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
17 delinquency victim and witness assistance surcharge, the amounts required by s.
18 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
19 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
20 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse
21 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
22 under the supplemental food program for women, infants and children, the amounts
23 required by ss. 346.177 and 346.495 for the railroad crossing improvement
24 assessment, the amounts required by s. 346.655 (2) (a) and (b) for the driver
25 improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured

1 employer assessment, the amounts required by s. 299.93 for the environmental
2 assessment, the amounts required by s. 29.9965 for the wild animal protection
3 assessment, the amounts required by s. 29.997 for the natural resources assessment
4 surcharge, the amounts required by s. 29.9967 for the fishing shelter removal
5 assessment, the amounts required by s. 350.115 for the snowmobile registration
6 restitution payment and the amounts required by s. 29.998 for natural resources
7 restitution payments, transmit to the state treasurer a statement of all moneys
8 required by law to be paid on the actions entered during the preceding month on or
9 before the first day of the next succeeding month, certified by the county treasurer's
10 personal signature affixed or attached thereto, and at the same time pay to the state
11 treasurer the amount thereof.

12 **SECTION 4.** 59.40 (2) (m) of the statutes, as affected by 1997 Wisconsin Act 27,
13 section 2163p, is amended to read:

14 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
15 percentage of the fees required to be paid on each civil action, criminal action and
16 special proceeding filed during the preceding month and pay monthly to the
17 treasurer for the use of the state the percentage of court imposed fines and forfeitures
18 required by law to be deposited in the state treasury, the amounts required by s.
19 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s.
20 165.755 for the crime laboratories and drug law enforcement assessment, the
21 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
22 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
23 required by s. 938.34 (8d) for the delinquency victim and witness assistance
24 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
25 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program

1 improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required
2 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
3 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
4 program for women, infants and children, the amounts required by ss. 346.177 and
5 346.495 for the railroad crossing improvement assessment, the amounts required by
6 s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85
7 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
8 environmental assessment, the amounts required under s. 29.9965 for the wild
9 animal protection assessment, the amounts required under s. 29.997 (1) (d) for the
10 natural resources assessment surcharge, the amounts required by s. 29.9967 for the
11 fishing shelter removal assessment, the amounts required by s. 350.115 for the
12 snowmobile registration restitution payment and the amounts required under s.
13 29.998 (1) (d) for the natural resources restitution payments. The payments shall
14 be made by the 15th day of the month following receipt thereof.

15 **SECTION 5.** 195.28 (2) of the statutes is amended to read:

16 195.28 (2) INSTALLATION COSTS. The cost of any signal or other crossing
17 protection device which is ordered installed under sub. (1) and the cost of installing
18 any such device shall be paid by the department from the appropriations under s.
19 20.395 (2) ~~(gj)~~, (gr) and (gx).

20 **SECTION 6.** 195.28 (3) of the statutes is amended to read:

21 195.28 (3) MAINTENANCE COSTS. Except as otherwise provided in this
22 subsection, the cost of maintaining crossing protection devices ordered under sub. (1)
23 shall be the responsibility of the railroad or railroad historical society. Any railroad
24 company or railroad historical society that incurs expenses for maintenance of
25 signals or other safety devices may file a claim for reimbursement with the

1 department regardless of the date of installation of the signals or devices. At the
2 close of each fiscal year the department shall reimburse claimants under this
3 subsection for 50% of the costs, as determined by the office, incurred for maintenance
4 of railroad crossing protection devices from the ~~appropriation~~ appropriations under
5 s. 20.395 (2) (gj) and (gq). If the amount in the ~~appropriation~~ appropriations under
6 s. 20.395 (2) (gj) and (gq) is not adequate to fund maintenance reimbursement under
7 this subsection, the amount shall be prorated in the manner determined by the office.

8 **SECTION 7.** 345.26 (1) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
9 27, is amended to read:

10 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
11 regulation, the person need not appear in court at the time fixed in the citation, and
12 the person will be deemed to have tendered a plea of no contest and submitted to a
13 forfeiture and a penalty assessment, if required by s. 165.87, a jail assessment, if
14 required by s. 302.46 (1), a railroad crossing improvement assessment, if required
15 by s. 346.177 or 346.495, and a crime laboratories and drug law enforcement
16 assessment, if required by s. 165.755, plus any applicable fees prescribed in ch. 814,
17 not to exceed the amount of the deposit that the court may accept as provided in s.
18 345.37; and

19 **SECTION 8.** 345.26 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
20 is amended to read:

21 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include
22 court costs, including any applicable fees prescribed in ch. 814, any applicable
23 penalty assessment, any applicable jail assessment, any applicable railroad crossing
24 improvement assessment and any applicable crime laboratories and drug law
25 enforcement assessment.

1 **SECTION 9.** 345.36 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 345.36 **(2)** (b) Deem the nonappearance a plea of no contest and enter judgment
4 accordingly. If the defendant has posted bond for appearance at that date, the court
5 may also order the bond forfeited. The court shall promptly mail a copy of the
6 judgment to the defendant. The judgment shall allow not less than 20 days from the
7 date thereof for payment of any forfeiture, penalty assessment, jail assessment,
8 railroad crossing improvement assessment, crime laboratories and drug law
9 enforcement assessment and costs imposed. If the defendant moves to open the
10 judgment within 20 days after the date set for trial, and shows to the satisfaction of
11 the court that the failure to appear was due to mistake, inadvertence, surprise or
12 excusable neglect, the court shall open the judgment, reinstate the not guilty plea
13 and set a new trial date. The court may impose costs under s. 814.07. The court shall
14 immediately notify the department to delete the record of conviction based upon the
15 original judgment.

16 **SECTION 10.** 345.37 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
17 is amended to read:

18 345.37 **(1)** (b) Deem the nonappearance a plea of no contest and enter judgment
19 accordingly. If the defendant has posted bond for appearance at that date, the court
20 may also order the bond forfeited. The court shall promptly mail a copy or notice of
21 the judgment to the defendant. The judgment shall allow not less than 20 days from
22 the date thereof for payment of any forfeiture, penalty assessment, railroad crossing
23 improvement assessment, crime laboratories and drug law enforcement assessment
24 and costs imposed. If the defendant moves to open the judgment within 6 months
25 after the court appearance date fixed in the citation, and shows to the satisfaction

1 of the court that the failure to appear was due to mistake, inadvertence, surprise or
2 excusable neglect, the court shall open the judgment, accept a not guilty plea and set
3 a trial date. The court may impose costs under s. 814.07. The court shall
4 immediately notify the department to delete the record of conviction based upon the
5 original judgment. If the offense involved is a nonmoving traffic violation and the
6 defendant is subject to s. 345.28 (5) (c), a default judgment may be entered and
7 opened as provided in s. 345.28 (5) (c).

8 **SECTION 11.** 345.37 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
9 is amended to read:

10 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
11 serve as the initial pleading and the defendant shall be deemed to have tendered a
12 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
13 by s. 165.87, a jail assessment, if required by s. 302.46 (1), a railroad crossing
14 improvement assessment, if required by s. 346.177 or 346.495, and a crime
15 laboratories and drug law enforcement assessment, if required by s. 165.755, plus
16 costs, including any applicable fees prescribed in ch. 814, not exceeding the amount
17 of the deposit. The court may either accept the plea of no contest and enter judgment
18 accordingly, or reject the plea and issue a summons under ch. 968. If the defendant
19 fails to appear in response to the summons, the court shall issue a warrant under ch.
20 968. If the court accepts the plea of no contest, the defendant may move within 6
21 months after the date set for the appearance to withdraw the plea of no contest, open
22 the judgment and enter a plea of not guilty upon a showing to the satisfaction of the
23 court that the failure to appear was due to mistake, inadvertence, surprise or
24 excusable neglect. If on reopening the defendant is found not guilty, the court shall

1 immediately notify the department to delete the record of conviction based on the
2 original proceeding and shall order the defendant's deposit returned.

3 **SECTION 12.** 345.37 (5) of the statutes, as affected by 1997 Wisconsin Act 27,
4 is amended to read:

5 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default
6 judgment, the official receiving the forfeiture, the penalty assessment, if required by
7 s. 165.87, the jail assessment, if required by s. 302.46 (1), the railroad crossing
8 improvement assessment, if required by s. 346.177 or 346.495, and the crime
9 laboratories and drug law enforcement assessment, if required by s. 165.755, shall
10 forward to the department a certification of the entry of default judgment or a
11 judgment of forfeiture.

12 **SECTION 13.** 345.47 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
13 Act 27, is amended to read:

14 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
15 judgment against the defendant for a monetary amount not to exceed the maximum
16 forfeiture, penalty assessment, if required by s. 165.87, the jail assessment, if
17 required by s. 302.46 (1), the railroad crossing improvement assessment, if required
18 by s. 346.177 or 346.495, and the crime laboratories and drug law enforcement
19 assessment, if required by s. 165.755, provided for the violation and for costs under
20 s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under
21 s. 343.30. If the judgment is not paid, the court shall order:

22 **SECTION 14.** 345.47 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
23 is amended to read:

24 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
25 or revocation, that the defendant's operating privilege be suspended for 30 days or

1 until the person pays the forfeiture, the penalty assessment, if required by s. 165.87,
2 the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement
3 assessment, if required by s. 346.177 or 346.495, and the crime laboratories and drug
4 law enforcement assessment, if required by s. 165.755, but not to exceed 5 years.
5 Suspension under this paragraph shall not affect the power of the court to suspend
6 or revoke under s. 343.30 or the power of the secretary to suspend or revoke the
7 operating privilege.

8 **SECTION 15.** 345.47 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 27,
9 is amended to read:

10 345.47 (1) (c) If a court or judge suspends an operating privilege under this
11 section, the court or judge shall immediately take possession of the suspended license
12 and shall forward it to the department together with the notice of suspension, which
13 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
14 assessment, if required by s. 165.87, a jail assessment, if required by s. 302.46 (1),
15 a railroad crossing improvement assessment, if required by s. 346.177 or 346.495,
16 and a crime laboratories and drug law enforcement assessment, if required by s.
17 165.755, imposed by the court. The notice of suspension and the suspended license,
18 if it is available, shall be forwarded to the department within 48 hours after the order
19 of suspension. If the forfeiture, penalty assessment, jail assessment, railroad
20 crossing improvement assessment and crime laboratories and drug law enforcement
21 assessment are paid during a period of suspension, the court or judge shall
22 immediately notify the department. Upon receipt of the notice and payment of the
23 reinstatement fee under s. 343.21 (1) (j), the department shall return the
24 surrendered license.

1 **SECTION 16.** 345.47 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 345.47 (2) The payment of any judgment may be suspended or deferred for not
4 more than 60 days in the discretion of the court. In cases where a deposit has been
5 made, any forfeitures, penalty assessments, jail assessments, railroad crossing
6 improvement assessments, crime laboratories and drug law enforcement
7 assessments and costs shall be taken out of the deposit and the balance, if any,
8 returned to the defendant.

9 **SECTION 17.** 345.47 (3) of the statutes, as affected by 1997 Wisconsin Act 27,
10 is amended to read:

11 345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a
12 penalty assessment, a jail assessment, a railroad crossing improvement assessment
13 or a crime laboratories and drug law enforcement assessment for an action brought
14 by a municipality located in more than one county, any commitment to a county
15 institution shall be to the county in which the action was tried.

16 **SECTION 18.** 345.49 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
17 is amended to read:

18 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a
19 forfeiture, a penalty assessment, if required by s. 165.87, a jail assessment, if
20 required by s. 302.46 (1), a railroad crossing improvement assessment, if required
21 by s. 346.177 or 346.495, or a crime laboratories and drug law enforcement
22 assessment, if required by s. 165.755, may, on request, be allowed to work under s.
23 303.08. If the person does work, earnings shall be applied on the unpaid forfeiture,
24 penalty assessment, jail assessment, railroad crossing improvement assessment or
25 crime laboratories and drug law enforcement assessment after payment of personal

1 board and expenses and support of personal dependents to the extent directed by the
2 court.

3 **SECTION 19.** 345.49 (2) of the statutes, as affected by 1997 Wisconsin Act 27,
4 is amended to read:

5 345.49 (2) Any person who is subject to imprisonment under s. 345.47 for
6 nonpayment of a forfeiture, penalty assessment, jail assessment, railroad crossing
7 improvement assessment or crime laboratories and drug law enforcement
8 assessment may be placed on probation to some person satisfactory to the court for
9 not more than 90 days or until the forfeiture, penalty assessment, jail assessment,
10 railroad crossing improvement assessment or crime laboratories and drug law
11 enforcement assessment is paid if that is done before expiration of the 90-day period.
12 The payment of the forfeiture, penalty assessment, jail assessment, railroad crossing
13 improvement assessment or crime laboratories and drug law enforcement
14 assessment during that period shall be a condition of the probation. If the forfeiture,
15 penalty assessment, jail assessment, railroad crossing improvement assessment or
16 crime laboratories and drug law enforcement assessment is not paid or the court
17 deems that the interests of justice require, probation may be terminated and the
18 defendant imprisoned as provided in sub. (1) or s. 345.47.

19 **SECTION 20.** 345.61 (2) (c) of the statutes, as affected by 1997 Wisconsin Act 27,
20 is amended to read:

21 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
22 any printed card or other certificate issued by an automobile club, association or
23 insurance company to any of its members or insureds, which card or certificate is
24 signed by the member or insureds and contains a printed statement that the
25 automobile club, association or insurance company and a surety company, or an

1 insurance company authorized to transact both automobile liability insurance and
2 surety business, guarantee the appearance of the persons whose signature appears
3 on the card or certificate and that they will in the event of failure of the person to
4 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
5 including the penalty assessment required by s. 165.87, the jail assessment required
6 by s. 302.46 (1), the railroad crossing improvement assessment required by s.
7 346.177 or 346.495 and the crime laboratories and drug law enforcement assessment
8 required by s. 165.755, in an amount not exceeding \$200, or \$1,000 as provided in
9 sub. (1) (b).

10 **SECTION 21.** 346.17 (2) of the statutes is amended to read:

11 346.17 (2) Any person violating ss. 346.05, 346.07 (2) or (3), 346.08 ~~to~~, 346.09,
12 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to forfeit not
13 less than \$30 nor more than \$300.

14 **SECTION 22.** 346.17 (2m) of the statutes is created to read:

15 346.17 (2m) Any person violating s. 346.10 (1) shall forfeit not less than \$60
16 nor more than \$600.

17 **SECTION 23.** 346.177 of the statutes is created to read:

18 **346.177 Railroad crossing improvement assessment for vehicles**
19 **illegally passing railroad crossings.** (1) Whenever a court imposes a forfeiture
20 under s. 346.17 (2m) for a violation of s. 346.10 (1), the court shall also impose a
21 railroad crossing improvement assessment equal to 50% of the amount of the
22 forfeiture.

23 (2) If a forfeiture is suspended in whole or in part, the railroad crossing
24 improvement assessment shall be reduced in proportion to the suspension.

1 **(3)** If any deposit is made for an offense to which this section applies, the person
2 making the deposit shall also deposit a sufficient amount to include the railroad
3 crossing improvement assessment under this section. If the deposit is forfeited, the
4 amount of the railroad crossing improvement assessment shall be transmitted to the
5 state treasurer under sub. (4). If the deposit is returned, the amount of the railroad
6 crossing improvement assessment shall also be returned.

7 **(4)** The clerk of the circuit court shall collect and transmit to the county
8 treasurer the railroad crossing improvement assessment as required under s. 59.40
9 (2) (m). The county treasurer shall then pay the state treasurer as provided in s.
10 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this
11 subsection in the transportation fund to be appropriated under s. 20.395 (2) (gj).

12 **SECTION 24.** 346.49 (1) (a) and (b) of the statutes are amended to read:

13 346.49 **(1)** (a) Unless otherwise provided in par. (b) or (c), any person violating
14 s. 346.46 (1), (2m) or (4) or 346.47 may be required to forfeit not less than \$20 nor
15 more than \$40 for the first offense and not less than \$50 nor more than \$100 for the
16 2nd or subsequent conviction within a year.

17 (b) Any operator of a bicycle violating s. 346.46 (1), (2m) or (4) may be required
18 to forfeit not more than \$20.

19 **SECTION 25.** 346.49 (1g) of the statutes is created to read:

20 346.49 **(1g)** (a) Unless otherwise provided in par. (b), any person violating s.
21 346.46 (3) shall forfeit not less than \$40 nor more than \$80 for the first offense and
22 not less than \$100 nor more than \$200 for the 2nd or subsequent conviction within
23 a year.

24 (b) Any operator of a bicycle violating s. 346.46 (3) shall forfeit not more than
25 \$40.

1 **SECTION 26.** 346.49 (2) (a) of the statutes is renumbered 346.49 (2) and
2 amended to read:

3 346.49 (2) ~~Unless otherwise provided in par. (b), any~~ Any person violating s.
4 346.44, 346.45, 346.455 or 346.48 may be required to forfeit not less than \$30 nor
5 more than \$300.

6 **SECTION 27.** 346.49 (2) (b) of the statutes is renumbered 346.49 (2m) (b) and
7 amended to read:

8 346.49 (2m) (b) Any operator of a bicycle violating s. 346.44 ~~may be required~~
9 ~~to~~ shall forfeit not more than \$20 ~~\$20~~ \$40.

10 **SECTION 28.** 346.49 (2m) (a) of the statutes is created to read:

11 346.49 (2m) (a) Unless otherwise provided in par. (b), any person violating s.
12 346.44 or 346.45 shall forfeit not less than \$60 nor more than \$600.

13 **SECTION 29.** 346.495 of the statutes is created to read:

14 **346.495 Railroad crossing improvement assessment for vehicles**
15 **failing to stop at railroad crossings.** (1) Whenever a court imposes a forfeiture
16 under s. 346.49 (2m) for a violation of s. 346.44 or 346.45, the court shall also impose
17 a railroad crossing improvement assessment equal to 50% of the amount of the
18 forfeiture.

19 (2) If a forfeiture is suspended in whole or in part, the railroad crossing
20 improvement assessment shall be reduced in proportion to the suspension.

21 (3) If any deposit is made for an offense to which this subsection applies, the
22 person making the deposit shall also deposit a sufficient amount to include the
23 railroad crossing improvement assessment under this subsection. If the deposit is
24 forfeited, the amount of the railroad crossing improvement assessment shall be

1 transmitted to the state treasurer under sub. (4). If the deposit is returned, the
2 amount of the railroad crossing improvement assessment shall also be returned.

3 (4) The clerk of the circuit court shall collect and transmit to the county
4 treasurer the railroad crossing improvement assessment as required under s. 59.40
5 (2) (m). The county treasurer shall then pay the state treasurer as provided in s.
6 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this
7 subsection in the transportation fund to be appropriated under s. 20.395 (2) (gj).

8 **SECTION 30. Initial applicability.**

9 (1) This act first applies to offenses committed on the effective date of this
10 subsection, but does not preclude the counting of other convictions as prior
11 convictions for purposes of sentencing a person, suspending or revoking a person's
12 operating privilege, disqualifying a person from operating a commercial motor
13 vehicle or determining eligibility for authorization to operate certain vehicles.

14 (END)