



2015 ASSEMBLY BILL 491

November 9, 2015 – Introduced by Representatives GENRICH, STEFFEN, GOYKE, JORGENSEN, SINICKI, BERCEAU, C. TAYLOR, KOLSTE, SUBECK, OHNSTAD, WACHS and ZAMARRIPA, cosponsored by Senators LASSA and L. TAYLOR. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 346.23 (1), 346.23 (2), 346.24 (1), 346.24 (2), 346.37 (1) (a) 1.,
2 346.37 (1) (c) 3., 346.37 (1) (c) 4. and 346.37 (1) (d) 1. of the statutes; **relating**
3 **to:** requiring vehicles to stop for pedestrians at certain intersections and
4 crosswalks.

Analysis by the Legislative Reference Bureau

This bill requires a vehicle operator to stop his or her vehicle and remain stopped until a pedestrian crossing at a crosswalk has completed crossing the roadway.

Under current law, the operator of a vehicle is required to yield the right-of-way to a pedestrian, bicyclist, or rider of a personal assistive mobility device who is crossing a highway at an intersection or crosswalk controlled by a traffic signal on a green or “walk” signal or who is crossing a highway at an intersection or crosswalk not controlled by a traffic signal within a marked or unmarked crosswalk. “Yield the right-of-way to a pedestrian” is defined to mean that the operator of a vehicle must reduce speed, or stop if necessary, to avoid endangering, colliding with, or interfering with pedestrian travel.

This bill requires that, under these circumstances, rather than yield, the vehicle operator must stop the vehicle and remain stopped until the pedestrian,

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bicyclist, or rider of a personal assistive mobility device has completed crossing the roadway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 346.23 (1) of the statutes is amended to read:

2 346.23 (1) At an intersection or crosswalk where traffic is controlled by traffic
3 control signals or by a traffic officer, the operator of a vehicle shall yield the
4 ~~right-of-way to stop the vehicle when~~ a pedestrian, or to a person who is riding a
5 bicycle or electric personal assistive mobility device in a manner which is consistent
6 with the safe use of the crosswalk by pedestrians, ~~who~~ has started to cross the
7 highway on a green or "Walk" signal ~~and in, and shall remain stopped until the~~
8 pedestrian, bicyclist, or rider of an electric personal assistive mobility device has
9 completed crossing the roadway. In all other cases pedestrians, bicyclists, and riders
10 of electric personal assistive mobility devices shall yield the right-of-way to vehicles
11 lawfully proceeding directly ahead on a green signal. ~~No~~ The operator of a vehicle
12 proceeding ahead on a green signal ~~may begin a turn and preparing to turn~~ at a
13 controlled intersection or crosswalk ~~when~~ where a pedestrian, bicyclist, or rider of
14 an electric personal assistive mobility device is crossing in the crosswalk on a green
15 or "Walk" signal ~~would be endangered or interfered with in any way~~ shall stop the
16 vehicle and shall remain stopped until the pedestrian, bicyclist, or rider of an electric
17 personal assistive mobility device has completed crossing the roadway. The rules
18 stated in this subsection are modified at intersections or crosswalks on divided
19 highways or highways provided with safety zones in the manner and to the extent
20 stated in sub. (2).

21 **SECTION 2.** 346.23 (2) of the statutes is amended to read:

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1 346.23 (2) At intersections or crosswalks on divided highways or highways
2 provided with safety zones where traffic is controlled by traffic control signals or by
3 a traffic officer, the operator of a vehicle shall ~~yield the right-of-way to~~ stop the
4 vehicle when a pedestrian, bicyclist, or rider of an electric personal assistive mobility
5 device who has started to cross the roadway either from the near curb or shoulder
6 or from the center dividing strip or a safety zone with the green or “Walk” signal in
7 the favor of the pedestrian, bicyclist, or rider of an electric personal assistive mobility
8 device, and shall remain stopped until the pedestrian, bicyclist, or rider of an electric
9 personal assistive mobility device has completed crossing the roadway.

10 **SECTION 3.** 346.24 (1) of the statutes is amended to read:

11 346.24 (1) At an intersection or crosswalk where traffic is not controlled by
12 traffic control signals or by a traffic officer, the operator of a vehicle shall ~~yield the~~
13 ~~right-of-way to~~ stop the vehicle when a pedestrian, or to a person riding a bicycle
14 or electric personal assistive mobility device in a manner which is consistent with the
15 safe use of the crosswalk by pedestrians, who is crossing the highway within a
16 marked or unmarked crosswalk, and shall remain stopped until the pedestrian,
17 bicyclist, or rider of an electric personal assistive mobility device has completed
18 crossing the roadway.

19 **SECTION 4.** 346.24 (2) of the statutes is amended to read:

20 346.24 (2) No pedestrian, bicyclist, or rider of an electric personal assistive
21 mobility device shall suddenly leave a curb or other place of safety and walk, run, or
22 ride into the path of a vehicle which is so close that it is difficult for the operator of
23 the vehicle to ~~yield~~ stop.

24 **SECTION 5.** 346.37 (1) (a) 1. of the statutes is amended to read:

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1 346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight
2 through, make a U-turn, or turn right or left unless a sign at such place prohibits
3 the turning maneuver, but, subject to s. 346.23, vehicular traffic shall yield the
4 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
5 an adjacent crosswalk at the time the signal is exhibited.

6 **SECTION 6.** 346.37 (1) (c) 3. of the statutes is amended to read:

7 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
8 stopping as required under subd. 1., cautiously enter the intersection to make a right
9 turn into the nearest lawfully available lane for traffic moving to the right or to turn
10 left from a one-way highway into the nearest lawfully available lane of a one-way
11 highway on which vehicular traffic travels to the left. No turn may be made on a red
12 signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits
13 a turn. ~~In~~ Subject to s. 346.23, in making a turn on a red signal vehicular traffic shall
14 yield the right-of-way to pedestrians, bicyclists, and riders of electric personal
15 assistive mobility devices lawfully within a crosswalk, to operators of vehicles
16 making a lawful U-turn, and to other traffic lawfully using the intersection.

17 **SECTION 7.** 346.37 (1) (c) 4. of the statutes is amended to read:

18 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle, moped, motor bicycle,
19 or bicycle facing a red signal at an intersection may, after stopping as required under
20 subd. 1. for not less than 45 seconds, proceed cautiously through the intersection
21 before the signal turns green if no other vehicles are present at the intersection to
22 actuate the signal and the operator of the motorcycle, moped, motor bicycle, or bicycle
23 reasonably believes the signal is vehicle actuated. ~~The~~ Subject to s. 346.23, the
24 operator of a motorcycle, moped, motor bicycle, or bicycle proceeding through a red
25 signal under this subdivision shall yield the right-of-way to any vehicular traffic,

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1 pedestrian, bicyclist, or rider of an electric personal assistive mobility device
2 proceeding through a green signal at the intersection or lawfully within a crosswalk
3 or using the intersection. This subdivision does not affect any authorization for a
4 bicyclist under subd. 2.

5 **SECTION 8.** 346.37 (1) (d) 1. of the statutes is amended to read:

6 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
7 intersection to make the movement indicated by the arrow but, subject to s. 346.23,
8 shall yield the right-of-way to pedestrians, bicyclists, and riders of electric personal
9 assistive mobility devices lawfully within a crosswalk and to other traffic lawfully
10 using the intersection. Vehicular traffic facing a left turn arrow may make a U-turn
11 unless a sign prohibits U-turns. When the green arrow signal indicates a right or
12 left turn traffic shall cautiously enter the intersection.

13 **SECTION 9. Initial applicability.**

14 (1) This act first applies to offenses committed on the effective date of this
15 subsection but does not preclude the counting of other convictions as prior
16 convictions for purposes of sentencing by a court, administrative action by the
17 department of transportation, or suspension or revocation of motor vehicle operating
18 privileges.

19

(END)