

time of sale may be offered as a defense in all civil and criminal prosecutions for serving fermented malt beverages or intoxicating liquors to persons to whom sale is prohibited by law because of such person's age, and no penalty shall be imposed if the licensing authority or the court is satisfied that the licensee acted in good faith.

Approved July 11, 1947.

No. 362, S.]

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CHAPTER 407.

AN ACT to repeal 85.42 and 85.43; to amend 85.91 (2) and (3); and to repeal and recreate 85.40 of the statutes, relating to the speed of motor vehicles and providing penalties.

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

SECTION 1. 85.40 of the statutes is repealed and recreated to read:

85.40 SPEED RESTRICTIONS. (1) Except as otherwise provided in this section, the speed of any vehicle shall not be in excess of the following:

- (a) 25 miles per hour in any business or residence district.
 - (b) 35 miles per hour in outlying districts within any city, village or unincorporated village where on each of both sides of the highway there is an average distance of not less than 500 feet between buildings fronting thereon.
 - (c) 15 miles per hour when passing a schoolhouse at those times when children are going to or from school or are playing within the sidewalk area at or about the school.
 - (d) 15 miles per hour when passing an intersection properly marked with a "School Crossing" sign of a type approved by the state highway commission when children are crossing or are about to cross the highway.
 - (e) 15 miles per hour when passing a safety zone.
 - (f) 15 miles per hour when meeting or overtaking any school bus stopped outside the corporate limits of any city or village for the purpose of receiving or discharging school children.
- (2) (a) At all other locations not enumerated in subsection (1), no person shall operate a vehicle at a speed greater than

is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. In every event the speed of the vehicle shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and using due care.

(b) The operator of every vehicle shall, consistent with the requirements of paragraph (a), operate at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, when passing school children or other pedestrians, and when special hazard exists with regard to other traffic or by reasons of weather or highway conditions.

(c) The speed of all vehicles equipped with metal or solid rubber tires shall not exceed 15 miles per hour.

(3) (a) Whenever the state highway commission with respect to the state trunk highway system, and the local authorities with respect to highways under their jurisdiction, shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth, except in subsection (1) (c), (d), (e) and (f), or the actual speed of vehicles on such highways, is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said commission and local authorities may determine and declare a reasonable and safe speed limit thereat, which shall be effective at all times, or at such times as may be determined and indicated by appropriate signs giving notice thereof. The speed limits determined as the result of such engineering surveys shall be applicable to not more than 2,000 miles of state trunk highways.

(b) Local authorities may increase speed limits as provided by this section, but may not decrease speed limits set forth in subsection (1) (a) and (b), nor establish speed limits at any location set forth in subsection (2) without the approval of the state highway commission, nor shall signs giving notice thereof be erected before such approval.

(c) All speed limit signs erected under the provisions of this section shall be of a type approved by the state highway commission.

(d) No liability shall attach to the state highway commission nor to the local authorities by reason of the posting of a speed limit under this section, nor shall such posting constitute a guarantee that it is reasonable and safe under all conditions.

(f) Local authorities shall place and maintain upon all highways where the permissible speed is increased or decreased by them in the manner provided in this subsection, standard signs giving notice of such speed.

(g) For the purposes of this section, the term local authorities shall mean county boards with respect to county trunk highways, town boards with respect to town highways, village boards with respect to village streets and city councils with respect to city streets.

(4) (a) The sheriff, chief of police, or clerk of the court having jurisdiction of violations of this section is authorized to receive at his office from any person who shall have been accused of violation of this section or any county ordinance enacted by authority of chapter 85, and who has been arrested therefor, a deposit in money not to exceed the amount of the maximum penalty, the imposing of which in such case may be authorized, and to release such person from arrest until the opening of the court having jurisdiction of such violation on the next succeeding day when such court may be in session, or until a time which may be fixed for the hearing of the case.

(b) In case the person so arrested and released shall fail to appear, personally or by an authorized attorney or agent, before said court at the time fixed for the hearing of the case, then the money deposited with the sheriff or clerk shall be retained and used for the payment of the penalty, which may be imposed after an ex parte hearing upon such person so arrested and depositing the same, together with the costs; and the surplus, if any there be, shall be refunded to the person who made such deposit upon his application; in case such person is acquitted, then the whole amount of such deposit shall be refunded to said depositor upon application.

(c) The provisions of paragraphs (a) and (b) shall not be construed so as to make the county or municipality in any case liable for the whole or any part of the money deposited with such sheriff, chief of police, or clerk of court.

(5) The speed limitations set forth in this section shall not apply to authorized emergency vehicles when responding to

emergency calls and the operators thereof sound audible signal by siren or exhaust whistle, and when such emergency vehicle is equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. This provision shall not relieve the operator of an authorized emergency vehicle from the duty to operate with due regard for the safety of all persons using the highway, nor shall it protect the operator of any such vehicle from the consequence of a reckless disregard of the safety of others.

SECTION 2. 85.42 of the statutes is repealed.

SECTION 3. 85.43 of the statutes is repealed.

SECTION 4. 85.91 (2) and (3) of the statutes are amended to read:

85.91 (2) Any person violating any of the provisions of section 85.14 (2), section 85.15 (1), (2) and (3), section 85.16 (3) to (7) and (9), (10), (11) and (12), section 85.18 (7), section 85.19 (1), (5) and (9), sections 85.20, 85.24, 85.29, 85.30 and 85.32, section 85.34 (3), sections 85.36 to 85.38, section 85.39 (3), section 85.40 (1) (a) and (b) and (2) (c), * * * section 85.41 (2), sections 85.45, 85.47, 85.48, 85.49, 85.51, 85.52, 85.54 to 85.60 and 85.62 and section 85.67 (1) shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$25 for the first offense and for the second or each subsequent conviction within one year thereafter, by a fine not to exceed \$100 or by imprisonment in the county or municipal jail for not more than 30 days or by both such fine and imprisonment.

(3) Any person violating any provision of sections 85.13, 85.135, 85.14 (1), 85.40 (1) * * * (c), (d), (e), (f) and (2) (a) and (b) and (3), 85.81 and 85.83 shall be punished, in addition to any other penalty provided by law, by a fine not to exceed \$100 or by imprisonment in the county or municipal jail for not more than 6 months, or by both such fine and imprisonment. For the second or each subsequent conviction within one year thereafter such person shall be punished by a fine not to exceed \$200 or by such imprisonment not to exceed one year, or by both such fine and imprisonment.

Approved July 11, 1947.