

1985 Assembly Bill 260

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1985 Wisconsin Act 69

AN ACT to renumber 346.02 (4); to renumber and amend 346.30 (1); to amend the unnumbered subchapter title preceding 346.23, 346.23, 346.24, 346.25, 346.28 (title), 346.28 (2), 346.30 (2), 346.37 (1) (a) 2, (c) 2 and 3 and (d), 346.38 (1) and (2), 346.47 (1) and 346.80 (5); and to create 346.02 (4) (b) and 346.30 (1) (b) 2 of the statutes, relating to use of bicycles on sidewalks and in crosswalks and providing a penalty.

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

SECTION 1. 346.02 (4) of the statutes is renumbered 346.02 (4) (a).

SECTION 2. 346.02 (4) (b) of the statutes is created to read:

346.02 (4) (b) Provisions which apply to the operation of bicycles in crosswalks under ss. 346.23, 346.24, 346.37 (1) (a) 2, (c) 2 and (d) 2 and 346.38 do not apply to motor bicycles.

SECTION 3. The unnumbered subchapter title preceding 346.23 of the statutes is amended to read:

RESPECTIVE RIGHTS AND DUTIES OF DRIVERS,
PEDESTRIANS AND BICYCLISTS

SECTION 4. 346.23 of the statutes is amended to read:

346.23 Crossing controlled intersection or crosswalk.

(1) At an intersection or crosswalk where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian, or to a person who is riding a bicycle in a manner which is consistent with the safe use of the crosswalk by pedestrians, who has started to cross the highway on a green or "Walk" signal and in all other cases pedestrians and bicyclists shall yield the right-of-way to vehicles lawfully proceeding directly ahead on a green signal. No operator of a vehicle pro-

ceeding ahead on a green signal may begin a turn at a controlled intersection or crosswalk when a pedestrian or bicyclist crossing in the crosswalk on a green or "Walk" signal would be endangered or interfered with in any way. The rules stated in this subsection are modified at intersections or crosswalks on divided highways or highways provided with safety zones in the manner and to the extent stated in sub. (2).

(2) At intersections or crosswalks on divided highways or highways provided with safety zones where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian or bicyclist who has started to cross the roadway either from the near curb or shoulder or from the center dividing strip or a safety zone with the green or "Walk" signal in the pedestrian's or bicyclist's favor.

SECTION 5. 346.24 of the statutes is amended to read:

346.24 Crossing at uncontrolled intersection or crosswalk.

(1) At an intersection or crosswalk where traffic is not controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way right-of-way to a pedestrian, or to a person riding a bicycle in a manner which is consistent with the safe use of the crosswalk by pedestrians, who

is crossing the highway within a marked or unmarked crosswalk.

(2) No pedestrian or bicyclist shall suddenly leave a curb or other place of safety and walk ~~or~~, run or ride into the path of a vehicle which is so close that it is difficult for the operator of the vehicle to yield.

(3) Whenever any vehicle is stopped at an intersection or crosswalk to permit a pedestrian or bicyclist to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass ~~such~~ the stopped vehicle.

SECTION 6. 346.25 of the statutes is amended to read:

346.25 Crossing at place other than crosswalk. Every pedestrian or bicyclist crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the ~~right-of-way~~ right-of-way to all vehicles upon the roadway.

SECTION 7. 346.28 (title) of the statutes is amended to read:

346.28 (title) Pedestrians to walk on left side of highway; pedestrians and bicyclists on sidewalks.

SECTION 8. 346.28 (2) of the statutes is amended to read:

346.28 (2) Operators of vehicles shall yield the ~~right of way~~ right-of-way to pedestrians and bicyclists on sidewalks as required by s. 346.47.

SECTION 9. 346.30 (1) of the statutes is renumbered 346.30 (1) (a) and amended to read:

346.30 (1) (a) Any pedestrian violating s. 346.23, 346.24 (2), 346.25, 346.28 or 346.29 may be required to forfeit not less than \$2 nor more than \$20 for the first offense and not less than \$10 nor more than \$50 for the 2nd or subsequent conviction within a year.
Any

(b) 1. Unless otherwise provided in subd. 2, any operator of a vehicle violating s. 346.23 or 346.28 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 10. 346.30 (1) (b) 2 of the statutes is created to read:

346.30 (1) (b) 2. Any operator of a bicycle violating s. 346.23, 346.24 or 346.25 may be required to forfeit not more than \$20.

SECTION 11. 346.30 (2) of the statutes is amended to read:

346.30 (2) ~~Any~~ Unless otherwise provided in sub. (1) (b) 2, any person violating s. 346.24 (1) or (3) or 346.27 may be required to forfeit not less than \$30 nor more than \$300.

SECTION 12. 346.37 (1) (a) 2, (c) 2 and 3 and (d) of the statutes are amended to read:

346.37 (1) (a) 2. Pedestrians, and persons who are riding bicycles in a manner which is consistent with the safe use of the crosswalk by pedestrians, facing the

signal may proceed across the roadway within any marked or unmarked crosswalk.

(c) 2. No pedestrian or bicyclist facing such signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

3. Vehicular traffic facing a red signal at an intersection may, after stopping as required under subd. 1, cautiously enter the intersection to make a right turn into the nearest lawfully available lane for traffic moving to the right or to turn left from a one-way highway into the nearest lawfully available lane of a one-way highway on which vehicular traffic travels to the left. No turn may be made on a red signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits a turn. In making a turn on a red signal vehicular traffic shall yield the right-of-way to pedestrians and bicyclists lawfully within a crosswalk and to other traffic lawfully using the intersection.

(d) *Green arrow.* 1. Vehicular traffic facing a green arrow signal may enter the intersection only to make the movement indicated by ~~such~~ the arrow but shall yield the ~~right-of-way~~ right-of-way to pedestrians and bicyclists lawfully within a crosswalk and to other traffic lawfully using the intersection. When the green arrow signal indicates a right or left turn traffic shall cautiously enter the intersection.

2. No pedestrian or bicyclist facing such signal shall enter the roadway unless he or she can do so safely and without interfering with any vehicular traffic.

SECTION 13. 346.38 (1) and (2) of the statutes are amended to read:

346.38 (1) **WALK.** A pedestrian, or a person riding a bicycle in a manner which is consistent with the safe use of the crossing by pedestrians, facing a "Walk" signal may proceed across the roadway or other vehicular crossing in the direction of the signal and the operators of all vehicles shall yield the right-of-way to the pedestrian or bicyclist.

(2) **DON'T WALK.** No pedestrian or bicyclist may start to cross the roadway or other vehicular crossing in the direction of a "Don't Walk" signal, but any pedestrian or bicyclist who has partially completed crossing on the "Walk" signal may proceed to a sidewalk or safety zone while a "Don't Walk" signal is showing.

SECTION 14. 346.47 (1) of the statutes is amended to read:

346.47 (1) The operator of a vehicle emerging from an alley or about to cross or enter a highway from any point of access other than another highway shall stop such vehicle immediately prior to moving on to the sidewalk or on to the sidewalk area extending across the path of such vehicle and shall yield the ~~right-of-way~~ right-of-way to any pedestrian or bicyclist and upon crossing or entering the roadway shall yield the ~~right of way~~ right-of-way to all vehicles approaching on such roadway.

SECTION 15. 346.80 (5) of the statutes is amended to read:

shall, upon entering on a highway, yield the right-of-way to motor vehicles.

346.80 (5) ~~Every~~ Except as provided in ss. 346.23, 346.24, 346.37 and 346.38, every rider of a bicycle

SECTION 16. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
346.43 (1)(b) 2	346.37 or 346.39	346.37, 346.38 or 346.39
