

1999 DRAFTING REQUEST

Bill

Received: 03/15/99

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: John Gard (608) 266-2343

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - traffic laws

Extra Copies: ISR, TNF

Pre Topic:

No specific pre topic given

Topic:

Minimum distance between vehicles

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|---------------------|---------------------|----------------|--------------------------|--------------------------|-----------------|
| /? | nilsepe 03/15/99 | ygeller 03/15/99 | | _____ | | | |
| /1 | | | martykr 03/16/99 | _____ | lrb_docadmin 03/16/99 | lrb_docadmin 03/17/99 | |

FE Sent For:

<END>

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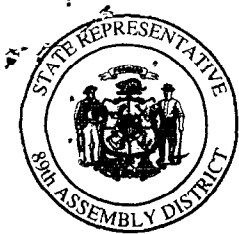
See Attached

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/? | nilsepe | 1 3/15 jcg | 3 km/16 | 2/3 2/16 | | | |

FE Sent For:

<END>





John Gard

-2502

Assembly Chairman, Joint Committee on Finance

Memorandum

TO:  Matt, Rep. Gard's Office
FROM:  LRB; Bill Drafting
REQUEST: Bill draft; distance between moving vehicles

Please draft this request as follows:

Section 346.14 (1): "The operator of a motor vehicle "with a gross weight of less than 10,000 pounds" shall not follow another vehicle more closely than "200 feet", having due regard for the speed of such vehicle and the traffic upon and the condition of the highway".

Thank you for your help. Please feel free to contact me at 6-2343 if you have any questions.

Handwritten marks and scribbles in the top right corner.

Horizontal line of scanning artifacts.

Horizontal line of scanning artifacts.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-25022
PEN...j.....
jlg
1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Note

gen cat

1 AN ACT ...; relating to: the distance between vehicles.

Analysis by the Legislative Reference Bureau

Current law prohibits the operator of any motor vehicle from following another motor vehicle more closely than is reasonable and prudent, considering the speed of the vehicles and the conditions of traffic and road surface. In addition, the operator of a motor truck having a gross weight of 10,000[✓] pounds or more must remain at least 500 feet behind the nearest preceding vehicle.

This bill eliminates the "reasonable and prudent" minimum following distance and substitutes a fixed minimum following distance between certain vehicles. Under the bill, no operator of a motor vehicle having a gross weight of less than 10,000 pounds (generally motorcycles, automobiles and light-duty[✓] trucks) may follow a vehicle closer than 200 feet. The bill retains the current prohibition against heavier motor trucks following closer than 500[✓] feet.

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

2 SECTION 1. 346.14 (1)^x of the statutes is amended to read:

3 346.14 (1) The operator of a motor vehicle shall having a gross weight of less
4 than 10,000[✓] pounds may not follow another vehicle more closely than is reasonable

1 and prudent 200[✓] feet, having due regard for the speed of such vehicle and the traffic
2 upon and the condition of the highway.

History: 1987 a. 27; 1989 a. 105.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to motor vehicle^S_A operated on the effective date of this
5 subsection.✓

6 (END)

D-note
↓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2502/2dn
.....

PEJ

Idn

Rep. Gard:

This bill will allow only 27 automobiles per lane mile. This might aggravate traffic problems, especially during rush hour and in populated areas.

This bill eliminates the statutory "reasonable and prudent" following distance requirement, which under some conditions might be greater than 200 feet. Common law will continue to impose a duty of reasonable care under the circumstances.

Your proposed language requested retaining the "having due regard" language. I am not sure of the legal effect of retaining this language, since the statute now specifies a single fixed distance of 200 feet. If this "having regard language is intended to explain the purpose of the 200 foot distance and is not intended to have any substantive legal effect, this language should be deleted. Do you want to set a fixed distance of 200 feet or, having due regard for speed, etc., a greater distance that is reasonable and prudent?

nyphen

))
Quotation mark

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2502/1dn
PEN:jlg:km

March 16, 1999

Rep. Gard:

This bill will allow only 27 automobiles per lane mile. This might aggravate traffic problems, especially during rush hour and in populated areas.

This bill eliminates the statutory "reasonable and prudent" following distance requirement, which under some conditions might be greater than 200 feet. Common law will continue to impose a duty of reasonable care under the circumstances.

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Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/16/99

To: Representative Gard

Relating to LRB drafting number: LRB-2502


Topic

Minimum distance between vehicles

Subject(s)

Transportation - traffic laws

1. **JACKET** the draft for introduction



in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926