

1999 ASSEMBLY BILL 336

May 11, 1999 – Introduced by Representatives AINSWORTH, BRANDEMUEHL, GRONEMUS, HUTCHISON, KELSO, KLUSMAN, MONTGOMERY, MUSSER and OWENS. Referred to Committee on Highway Safety.

1 **AN ACT to amend** 346.17 (2), 346.22 (1) (a), 346.22 (2), 346.22 (3), 346.30 (1) (b)
 2 1., 346.30 (2), 346.30 (4), 346.36 (1), 346.43 (1) (b) 1., 346.49 (2m) (a), 346.60 (2)
 3 (a), 346.60 (2) (b), 346.60 (3), 346.65 (1) (intro.), 346.65 (3), 346.65 (4m) and
 4 346.65 (5); and **to create** 343.30 (2r) of the statutes; **relating to:** committing
 5 3 or more specified traffic offenses within a single course of conduct.

Analysis by the Legislative Reference Bureau

Current law prescribes specific penalties for violations of the rules of the road, which govern the operation of vehicles on public highways. Penalties vary depending upon the severity of the offense, the severity and consequences of the violation and the frequency or previous violations. Penalties include fines and civil monetary penalties, terms of imprisonment, suspension or revocation of an operating privilege, required attendance at a course of instruction in traffic safety, defensive driving or similar course, driver improvement counseling and combinations of those penalties.

This bill creates a penalty enhancer for those convicted of violating three or more specified traffic offenses within a single course of conduct. In addition to any penalty imposed for the distinct offenses, a person who violates three or more of the following offenses during a single course of conduct will be required to attend a traffic safety school and will have his or her operating privilege suspended:

1. Reckless driving that endangers the safety of any person or property or that causes injury to a person or property.
2. Disregarding a traffic control signal or flashing red or yellow lights.

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3. Following another vehicle too closely.

4. Violating the rules of right-of-way, including failure to yield the right-of-way to an emergency vehicle, funeral procession, military convoy, highway maintenance or construction workers whose presence is indicated by flagmen or warning signs or to a pedestrian or bicyclist crossing at an intersection or crosswalk.

5. Disregarding a signal to stop at a railroad crossing.

6. Violating a maximum speed limit.

7. Overtaking or passing a vehicle in an unsafe or prohibited manner.

8. Turning or changing lanes in a vehicle without giving the appropriate signal for at least 100 feet.

The period of suspension is six months or, if the person has had his or her operating privilege suspended for a similar course of conduct within the preceding 24 months, one year.

For further information see the *state* 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.** 343.30 (2r) of the statutes is created to read:

2 343.30 **(2r)** (a) In this subsection, “offense” means a violation of s. 346.07,
3 346.08, 346.09, 346.14, 346.18, 346.19 (1), 346.20, 346.23, 346.24 (1), 346.27, 346.34
4 (1) (b), 346.37, 346.39, 346.44, 346.57 or 346.62 or of a local ordinance that strictly
5 conforms to any of those sections.

6 (b) 1. If a court finds that a person committed 3 or more offenses during a single
7 course of conduct, the court shall, in addition to any other penalty provided for the
8 offenses, order the person to attend a traffic safety school as provided under s. 345.60
9 and, except as provided in subd. 2., shall suspend the person’s operating privilege for
10 6 months.

11 2. If the person committed the course of conduct that requires suspension under
12 this subsection within 24 months after committing a course of conduct that required
13 suspension under this subsection, the court shall suspend the person’s operating
14 privilege for one year.

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1 (c) Notwithstanding s. 343.10 (2) (a) 4., a person whose operating privilege is
2 suspended under this subsection may apply for an occupational license within 15
3 days after the date of suspension.

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

5 346.17 (2) ~~Any Subject to s. 343.30 (2r), any person violating ss. 346.05, 346.07~~
6 (2) or (3), 346.08, 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may
7 be required to forfeit not less than \$30 nor more than \$300.

8 **SECTION 3.** 346.22 (1) (a) of the statutes is amended to read:

9 346.22 (1) (a) Except as provided in par. (b), and subject to s. 343.30 (2r), any
10 person violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20
11 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for
12 the 2nd or subsequent conviction within a year.

13 **SECTION 4.** 346.22 (2) of the statutes is amended to read:

14 346.22 (2) ~~Any Subject to s. 343.30 (2r), any person violating s. 346.19 or 346.20~~
15 (4) (a) may be required to forfeit not less than \$30 nor more \$300.

16 **SECTION 5.** 346.22 (3) of the statutes is amended to read:

17 346.22 (3) ~~Any Subject to s. 343.30 (2r), any person violating s. 346.20 (2), (3)~~
18 or (4) (b) or (c) or 346.21 may be required to forfeit not less than \$10 nor more than
19 \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or
20 subsequent conviction within a year.

21 **SECTION 6.** 346.30 (1) (b) 1. of the statutes is amended to read:

22 346.30 (1) (b) 1. Unless otherwise provided in subd. 2., and subject to s. 343.30
23 (2r), any operator of a vehicle violating s. 346.23 or 346.28 may be required to forfeit
24 not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor
25 more than \$100 for the 2nd or subsequent conviction within a year.

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1 **SECTION 7.** 346.30 (2) of the statutes is amended to read:

2 346.30 **(2)** Unless otherwise provided in sub. (1) (b) 2., and subject to s. 343.30
3 (2r), any person violating s. 346.24 (1) or (3) may be required to forfeit not less than
4 \$30 nor more than \$300.

5 **SECTION 8.** 346.30 (4) of the statutes is amended to read:

6 346.30 **(4)** ~~Any~~ Subject to s. 343.30 (2r), any person violating s. 346.27 may be
7 required to forfeit not less than \$60 nor more than \$600.

8 **SECTION 9.** 346.36 (1) of the statutes is amended to read:

9 346.36 **(1)** Unless otherwise provided in sub. (2), and subject to s. 343.30 (2r),
10 any person violating ss. 346.31 to 346.35 may be required to forfeit not less than \$20
11 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for
12 the 2nd or subsequent conviction within a year.

13 **SECTION 10.** 346.43 (1) (b) 1. of the statutes is amended to read:

14 346.43 **(1)** (b) 1. Unless otherwise provided in subd. 2. or 3., and subject to s.
15 343.30 (2r), any operator of a vehicle violating ss. 346.37 to 346.39 may be required
16 to forfeit not less than \$20 nor more than \$40 for the first offense and not less than
17 \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

18 **SECTION 11.** 346.49 (2m) (a) of the statutes is amended to read:

19 346.49 **(2m)** (a) Unless otherwise provided in par. (b), and subject to s. 343.30
20 (2r), any person violating s. 346.44 may be required to forfeit not more than \$1,000.

21 **SECTION 12.** 346.60 (2) (a) of the statutes is amended to read:

22 346.60 **(2)** (a) Except as provided in sub. (3m) or (5), and subject to s. 343.30
23 (2r), any person violating s. 346.57 (4) (d) to (g) or (h) or (5) or 346.58 may be required
24 to forfeit not less than \$30 nor more than \$300.

25 **SECTION 13.** 346.60 (2) (b) of the statutes is amended to read:

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1 346.60 **(2)** (b) Except as provided in sub. (3m) or (5), and subject to s. 343.30
2 (2r), any person violating s. 346.57 (4) (gm) may be required to forfeit not less than
3 \$50 nor more than \$300.

4 **SECTION 14.** 346.60 (3) of the statutes is amended to read:

5 346.60 **(3)** Except as provided in sub. (3m) or (5), and subject to s. 343.30 (2r),
6 any person violating s. 346.57 (2), (3) or (4) (a) to (c) may be required to forfeit not less
7 than \$40 nor more than \$300 for the first offense and may be required to forfeit not
8 less than \$80 nor more than \$600 for the 2nd or subsequent conviction within a year.

9 **SECTION 15.** 346.65 (1) (intro.) of the statutes is amended to read:

10 346.65 **(1)** (intro.) Except as provided in sub. (5m), and subject to s. 343.30 (2r),
11 any person who violates s. 346.62 (2):

12 **SECTION 16.** 346.65 (3) of the statutes is amended to read:

13 346.65 **(3)** Except as provided in sub. (5m), and subject to s. 343.30 (2r), any
14 person violating s. 346.62 (3) shall be fined not less than \$300 nor more than \$2,000
15 and may be imprisoned for not less than 30 days nor more than one year in the county
16 jail.

17 **SECTION 17.** 346.65 (4m) of the statutes is amended to read:

18 346.65 **(4m)** Except as provided in sub. (5m), and subject to s. 343.30 (2r), any
19 person violating s. 346.62 (2m) shall forfeit not less than \$300 nor more than \$1,000.

20 **SECTION 18.** 346.65 (5) of the statutes is amended to read:

21 346.65 **(5)** Except as provided in sub. (5m), and subject to s. 343.30 (2r), any
22 person violating s. 346.62 (4) shall be fined not less than \$600 nor more than \$2,000
23 and may be imprisoned for not less than 90 days nor more than 18 months.

24 **SECTION 19. Initial applicability.**

