

1999 DRAFTING REQUEST

Bill

Received: **11/20/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF**

Pre Topic:

No specific pre topic given

Topic:

agressive driving

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 03/18/99	ygeller 03/19/99		_____			State
/1	nilsepe 03/23/99	ygeller 03/23/99	martykr 03/22/99	_____	lrb_docadmin 03/22/99		State
/2			lpaasch 03/25/99	_____	lrb_docadmin 03/25/99	lrb_docadmin 03/26/99	

FE Sent For:

05-10-99

<END>

1999 DRAFTING REQUEST

Bill

Received: **11/20/98**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **John Ainsworth (608) 266-3097**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF**

Pre Topic:

No specific pre topic given

Topic:

agressive driving

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 03/18/99	jgeller 03/19/99		_____			State
/1	nilsepe 03/23/99	jgeller 03/23/99	martykr 03/22/99	_____	lrb_docadmin 03/22/99		State
/2			lpaasch 03/25/99	_____	lrb_docadmin 03/25/99		

FE Sent For:

<END>



1999 DRAFTING REQUEST

Bill

Received: 11/20/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - traffic laws

Extra Copies: TNF

Pre Topic:

No specific pre topic given

Topic:

agressive driving

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 03/18/99	ygeller 03/19/99		_____			State
/1		1/2 3/23 jlg	martykr 03/22/99	_____	lrb_docadmin 03/22/99		
FE Sent For:			3-25 LP	3-25 LP			<END>

10

1999 DRAFTING REQUEST

Bill

Received: 11/20/98

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing:

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - traffic laws

Extra Copies: TNF

Topic:

agressive driving

Instructions:

See Attached

Do as penalty
enhancer for
existing offenses

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>
1/?	nilsepe	1 3/19 jlg	dm/22	HH 3 dm/22			

FE Sent For:

<END>

100

100

100

100

100



John Ainsworth

State Representative • 6th Assembly District

Chair: Assembly Committee on Rural Affairs

MEMORANDUM

To: Paul Nilsen, Attorney
From: Representative John Ainsworth
Date: November 19, 1998
Re: Aggressive Driving Legislation

I would like to request a legislative draft, for the 1999-2000 legislative session, relative to aggressive driving legislation, similar to that recently passed in the state of Arizona. This proposal would make the following additions to current law:

AGGRESSIVE DRIVING

- (1) A person who during a course of conduct commits (three or more) of the following violations is guilty of aggressive driving:
 - (a) Failure to obey traffic controls devices
 - (b) Reckless driving, as designated in section 346.62.
 - (c) Excessive speed involving a single offense above the posted speed limit.
 - (d) Overtaking and passing another vehicle on the right by driving off the pavement or main traveled portion of the roadway.
 - (e) Improper or erratic traffic lane changes.
 - (f) Following a vehicle too closely.
 - (g) Failure to yield the right-of-way.
- (2) If a person is convicted under sub (1) the court shall, in addition to any other penalty prescribed by law, order traffic safety school attendance (as provided in 345.60) and suspend the operating privilege of a person for 30 days. The person is eligible for an occupational license under s. 343.10 at any time.
- (3) If a person who is convicted of a violation of this section has been previously convicted of a violation of this section within a period of 24 months:
 - (a) The court shall, in addition to any other penalty prescribed by law, suspend the operating privilege of the person for one year. The person is eligible for an occupational license under 343.10 at any time.



District:
W6382 Waukechon Road
Shawano, Wisconsin 54166
(715) 526-3810

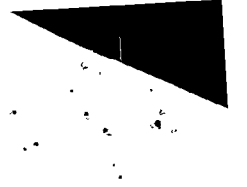
Toll-Free: (888) 529-0006
E-mail: Rep.Ainsworth@legis.state.wi.us
♻️ Printed on recycled paper

Office:
P.O. Box 8952, State Capitol
Madison, Wisconsin 53708-8952
(608) 266-3097 • Fax: (608) 282-3606



- (4) The dates of the commission of the offense are the determining factor in applying subsection (3) of this section. A second or subsequent violation for which a conviction occurs as provided in this section does not include a conviction for an offense arising out of the same series of acts.

Thank you in advance for your attention to this request. If you have any additional questions, do not hesitate to contact myself or Kristina Boardman at 266-3097.





State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-09797

PEN.....

Handwritten initials and a circled number '1'.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Handwritten note: "d-note" circled.

Handwritten note: "gen cat"

1

AN ACT ...; relating to: committing ³ three or more specified traffic offenses within

2

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.
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. Passing a vehicle to the right in an unsafe 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:

SECTION 1. 343.30 (2r) of the statutes is created to read:

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

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

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

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

1 **SECTION 2.** 346.17 (2) ^X of the statutes is amended to read:

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

5 History: 1971 c. 278, 1973 c. 182; 1977 c. 208; 1981 c. 324; 1983 a. 27; 1985 a. 82; 1993 a. 189, 198; 1997 a. 32, 88, 237, 277, 283.

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

7 346.22 (1) (a) Except as provided in par. (b), and subject to s. 343.30 (2r) [✓], any
8 person violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20
9 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for
10 the 2nd or subsequent conviction within a year.

11 History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277.

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

13 346.22 (2) Any Subject to s. 343.30 (2r) [✓], any person violating s. 346.19 or 346.20
14 (4) (a) may be required to forfeit not less than \$30 nor more \$300.

15 History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277.

16 **SECTION 5.** 346.22 (3) ^X 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 History: 1971 c. 278, 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277.

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

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

27 History: 1971 c. 278; 1983 a. 27, 1985 a. 69; 1993 a. 198.

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

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

4 History: 1971 c. 278; 1983 a. 27; 1985 a. 69; 1993 a. 198. ✓

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

5 346.30 (4) Any Subject to s. 343.30 (2r), any person violating s. 346.27 may be
6 required to forfeit not less than \$60 nor more than \$600.

7 History: 1971 c. 278; 1983 a. 27; 1985 a. 69; 1993 a. 198. ✓

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

8 346.36 (1) Unless otherwise provided in sub. (2), and subject to s. 343.30 (2r),
9 any person violating ss. 346.31 to 346.35 may be required to forfeit not less than \$20
10 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for
11 the 2nd or subsequent conviction within a year.

12 History: 1971 c. 278, 1977 c. 208. ✓

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

13 346.43 (1) (b) 1. Unless otherwise provided in subd. 2. or 3., and subject to s.
14 343.30 (2r), any operator of a vehicle violating ss. 346.37 to 346.39 may be required
15 to forfeit not less than \$20 nor more than \$40 for the first offense and not less than
16 \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

17 History: 1971 c. 278, 336; 1973 c. 182; 1983 a. 27; 1985 a. 69 s. 16; 1993 a. 198; 1997 a. 277. ✓

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

18 346.49 (2m) (a) Unless otherwise provided in par. (b), and subject to s. 343.30
19 (2r), any person violating s. 346.44 may be required to forfeit not more than \$1,000.

20 History: 1971 c. 278; 1973 c. 182; 1981 c. 168; 1983 a. 27, 175; 1985 a. 186; 1993 a. 198; 1995 a. 424; 1997 a. 135, 237, 277. ✓

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

1 346.60 (2) (a) Except as provided in sub. (3m) or (5), and subject to s. 343.30
2 (2r), any person violating s. 346.57 (4) (d) to (g) or (h) or (5) or 346.58 may be required
3 to forfeit not less than \$30 nor more than \$300.

4 History: 1971 c. 278; 1973 c. 182, 218; 1973 c. 333 ss. 174p, 202 (12); 1973 c. 336; 1977 c. 30 ss. 6, 7; 1983 a. 27; 1987 a. 17; 1993 a. 198, 1995 a. 44; 1997 a. 277, 325.

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

5 346.60 (2) (b) Except as provided in sub. (3m) or (5), and subject to s. 343.30
6 (2r), any person violating s. 346.57 (4) (gm) may be required to forfeit not less than
7 \$50 nor more than \$300.

8 History: 1971 c. 278; 1973 c. 182, 218; 1973 c. 333 ss. 174p, 202 (12); 1973 c. 336; 1977 c. 30 ss. 6, 7; 1983 a. 27; 1987 a. 17; 1993 a. 198, 1995 a. 44; 1997 a. 277, 325

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

9 346.60 (3) Except as provided in sub. (3m) or (5), and subject to s. 343.30 (2r),
10 any person violating s. 346.57 (2), (3) or (4) (a) to (c) may be required to forfeit not less
11 than \$40 nor more than \$300 for the first offense and may be required to forfeit not
12 less than \$80 nor more than \$600 for the 2nd or subsequent conviction within a year.

13 History: 1971 c. 278; 1973 c. 182, 218; 1973 c. 333 ss. 174p, 202 (12); 1973 c. 336; 1977 c. 30 ss. 6, 7; 1983 a. 27; 1987 a. 17; 1993 a. 198, 1995 a. 44, 1997 a. 277, 325.

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

14 346.65 (1) (intro.) Except as provided in sub. (5m), and subject to s. 343.30 (2r),
15 any person who violates s. 346.62 (2):

16 History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993
a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; s. 13.93 (2) (c).

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

17 346.65 (3) Except as provided in sub. (5m), and subject to s. 343.30 (2r), any
18 person violating s. 346.62 (3) shall be fined not less than \$300 nor more than \$2,000
19 and may be imprisoned for not less than 30 days nor more than one year in the county
20 jail.

21 History: 1971 c. 278; 1973 c. 218; 1977 c. 193; 1979 c. 221; 1981 c. 20; 1985 a. 80, 337; 1987 a. 3, 27, 398, 399; 1989 a. 105, 176, 271; 1991 a. 39, 251, 277, 315; 1993
a. 198, 317, 475; 1995 a. 44, 338, 359, 425; 1997 a. 27, 135, 199, 237, 277, 283, 295; s. 13.93 (2) (c).

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

11

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

1

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

LRB-0979/Adn
PEN.....

jlq
MAA

⑤

Rep. Ainsworth:

This bill creates a penalty enhancer for someone who commits three or more moving violations within a single course of conduct. The bill does not create a separate "road rage" or "aggressive driving" offense as requested because the penalty requested is based on convictions for separate, existing offenses.

Current law authorizes a court to suspend the operating privilege of a person convicted of any traffic offense. See s. 343.30 (1), stats.

Please check the list of offenses under proposed s. 343.30 (2r) closely. Are these the "aggressive driving" offenses you want to consider? See also, ss. 346.07 and 346.09, stats., overtaking and passing on the left. Do you want to include those offenses or any others?

six Section 343.30 (2j) (a), stats., requires a court to revoke a person's operating privilege for ~~8~~ months for a second or subsequent offense of s. 346.44 or 346.62 (2) (railroad crossing violations). Other violations also require minimum periods of suspension or revocation. Because this draft specifies that the mandatory suspension under the draft is "in addition to any other penalty", other required or permitted periods of revocation or suspension might be added to the suspension period required under this draft. OK? (3)

This draft does not affect the number of demerit points assessed for the separate traffic violations. See s. 343.32, stats. Ok?

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0979/1dn
PEN:jlg:km

March 22, 1999

Rep. Ainsworth:

This bill creates a penalty enhancer for someone who commits three or more moving violations within a single course of conduct. The bill does not create a separate "road rage" or "aggressive driving" offense as requested because the penalty requested is based on convictions for separate, existing offenses.

Current law authorizes a court to suspend the operating privilege of a person convicted of any traffic offense. See s. 343.30 (1), stats.

Please check the list of offenses under proposed s. 343.30 (2r) closely. Are these the "aggressive driving" offenses you want to consider? See also, ss. 346.07 and 346.09, stats., overtaking and passing on the left. Do you want to include those offenses or any others?

Section 343.30 (2j) (a), stats., requires a court to revoke a person's operating privilege for six months for a second or subsequent offense of s. 346.44 or 346.62 (2m) (railroad crossing violations). Other violations also require minimum periods of suspension or revocation. Because this draft specifies that the mandatory suspension under the draft is "in addition to any other penalty", other required or permitted periods of revocation or suspension might be added to the suspension period required under this draft. OK?

This draft does not affect the number of demerit points assessed for the separate traffic violations. See s. 343.32, stats. OK?

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: 3/22/99

To: Representative Ainsworth

Relating to LRB drafting number: LRB-0979

Topic

agressive driving

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 John Ainsworth.

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

10

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

LRB-0979/1dn
PEN:jlg:km

March 22, 1999

Rep. Ainsworth:

This bill creates a penalty enhancer for someone who commits three or more moving violations within a single course of conduct. The bill does not create a separate "road rage" or "aggressive driving" offense as requested because the penalty requested is based on convictions for separate, existing offenses.

Current law authorizes a court to suspend the operating privilege of a person convicted of any traffic offense. See s. 343.30 (1), stats.

Please check the list of offenses under proposed s. 343.30 (2r) closely. Are these the "aggressive driving" offenses you want to consider? See also, ss. 346.07 and 346.09, stats., overtaking and passing on the left. Do you want to include those offenses or any others?

include both 346.07 & .09

Section 343.30 (2j) (a), stats., requires a court to revoke a person's operating privilege for six months for a second or subsequent offense of s. 346.44 or 346.62 (2m) (railroad crossing violations). Other violations also require minimum periods of suspension or revocation. Because this draft specifies that the mandatory suspension under the draft is "in addition to any other penalty", other required or permitted periods of revocation or suspension might be added to the suspension period required under this draft. OK?

OK!

This draft does not affect the number of demerit points assessed for the separate traffic violations. See s. 343.32, stats. OK?

OK!

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-09794
PEN:jlg:km

2

1999 BILL

Regen

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.

BILL

- 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. ~~Passing a vehicle ~~in~~ an unsafe manner.~~ *or prohibited*
- 8. Turning or changing lanes in a vehicle without giving the appropriate signal for at least 100 feet.

*overtaking
or*

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, 346.08, 346.14, 346.18, 346.19 (1), 346.20, 346.23, 346.24 (1), 346.27, 346.34 (1) (b), 346.37, 346.39, 346.44, 346.57 or 346.62 or of a local ordinance that strictly conforms to any of those sections.

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

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

346.07, 346.08, 346.09

BILL

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.

BILL

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:

BILL

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.**

**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: 3/25/99

To: Representative Ainsworth

Relating to LRB drafting number: LRB-0979

Topic

agressive driving

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

Atkinson's

FISCAL ESTIMATE

DOA-2048 N(R1298)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
 AB336 (99-0979/2)

Amendment No. if Applicable

Subject

Committing 3 or more specified traffic offenses within a single course of conduct.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

20.395(5)cq,

Assumptions Used in Arriving at Fiscal Estimate

Conclusion:

On-going: Indeterminable impact on DOT, but probably very minimal because of the small volume of these situations under present law and policies.

One-time: \$87,080 Data Processing development of a charge code to identify the driver license withdrawal for the situation.

Basis for Conclusion:

1. The current volume of people with 3 convictions for the specific violations during the same course of conduct is not known. The number is assumed to be very small. The increase in occupational licenses would also be very small.
2. The Courts would order the offender to attend Traffic Safety School and suspend operator's privileges. The Department would not take those actions administratively. No point reduction will occur as a result of completing traffic safety school.
3. The number of offenders who will be ordered to Traffic Safety School and suspended for 3 convictions from one course of action cannot be determined. The number is likely quite low.
4. One-time costs to develop a charge code (IEF) to identify the reason for the license withdrawal is 140 days, including CPU testing, @ \$622 per day = \$87,080.
5. The impact on local law enforcement is indeterminable because agency policies relating to multiple citations from the same course of action may vary among jurisdictions.
6. Local costs to handle these cases are indeterminable.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Fileen Ostrowsky DMV 266-1449

(DOT)

Authorized Signature/Telephone No.

Roger D. Cross 266-2233

Jane A. Gashinski for

Date

May 12, 1999

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R1298)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
AB336

Amendment No.

Subject **Committing 3 or more specified traffic offenses within a single course of conduct.**

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
DP Development: \$87,080.

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	STATE		LOCAL	
NET CHANGE IN COSTS	\$	-0-	\$	-0-
NET CHANGE IN REVENUES	\$	-0-	\$	-0-

Agency/Prepared by: (Name & Phone No.) Eileen Ostrowsky DMV 266-1449	Authorized Signature/Telephone No. Roger Cross Administrator 266-2233 <i>Roger Cross</i>	Date May 12, 1999
---	--	----------------------



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION
REFERENCE SECTION
FAX

(608) 266-3561
(608) 266-0341
(608) 266-5648

STEPHEN R. MILLER
CHIEF

LRB
/

May 18, 1999

MEMORANDUM

To: Representative Ainsworth

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

Subject: Technical Memorandum to **1999 AB 336** (LRB 99-0979/2)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: May 12, 1999

File Ref:

To: Legislative Reference Bureau

From: James Thiel
General Counsel, Department of Transportation

Subject: Technical Note for AB336

The term "single course of conduct" is not defined.

Julie Clark DMV/BDS 266-2239
Agency/Prepared by: (Name & Phone No.)

Authorized Signature