

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB63)

Received: 04/17/2001

Received By: fasttn

Wanted: Today

Identical to LRB:

For: Jeff Stone (608) 266-8590

By/Representing: Tami Rongstad

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG - 1**

Submit via email: YES

Requester's email: Rep.Stone@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Motor vehicle accident duties

Instructions:

Combine LRBa0385/1 and LRBa0394/1

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	fasttn 04/18/2001 phurley 04/20/2001	jdye 04/20/2001	martykr 04/18/2001	_____	lrb_docadmin 04/18/2001	lrb_docadmin 04/18/2001	
/2			martykr 04/20/2001	_____	lrb_docadmin 04/20/2001	lrb_docadmin 04/20/2001	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/1	fasttn 04/18/2001	12/4/20 jld	martykr 04/18/2001	_____	lrb_docadmin 04/18/2001	lrb_docadmin 04/18/2001	

FE Sent For:

Handwritten signatures and dates: jld 4/20, martykr 4/20, lrb_docadmin 4/20

<END>

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1/?	fasttn	1/4/18 jld	km 4/18	km 4/18			

FE Sent For:

<END>

Fast, Timothy

From: Fast, Timothy
Sent: Tuesday, April 17, 2001 2:07 PM
To: Rongstad, Tami
Subject: RE: Amendment compile for AB-63

Tami,

264-6948. Thanks!

-----Original Message-----

From: Rongstad, Tami
Sent: Tuesday, April 17, 2001 1:54 PM
To: Fast, Timothy
Subject: RE: Amendment compile for AB-63

I have a copy of the other amendment. Do you want me to fax it to you for proof? What's your fax number?

-----Original Message-----

From: **Fast, Timothy**
Sent: Tuesday, April 17, 2001 1:42 PM
To: Rongstad, Tami
Subject: Amendment compile for AB-63

Tami,

LRBa0394 was drafted for a legislator other than Rep. Stone. I can't incorporate anything from that amendment unless the other legislative office OKs its use or you have a copy of the amendment. Please let me know. Frustrating (I know) but LRB protocol.

Peace, Tim

Timothy Fast, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-9739



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0394/1
PJH:hmh:rs

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 63

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 4: delete “or who knew or should have known that his or her
3 actions caused”.

4 2. Page 2, line 19: after that line insert:

5 “SECTION 3m. 346.67 (3) of the statutes is created to read:

6 346.67 (3) For purposes of sub. (1), “operator of any vehicle involved in an
7 accident” includes an operator of a vehicle that has not collided with another person
8 or vehicle whenever facts and circumstances provide notice to the operator that his
9 or her operation of the vehicle proximately resulted in an accident resulting in injury
10 to or death of any person or in damage to a vehicle.”.

11 (END)

Fast, Timothy

From: Fast, Timothy
Sent: Tuesday, April 17, 2001 3:12 PM
To: Rongstad, Tami
Cc: Gary, Aaron
Subject: Amendment to AB-63

Tami,

In compiling the two amendments, I noted several statutory provisions that were not amended that you may wish to have amended with respect to proposed s. 346.67(1m) (see LRBa0385/1). Specifically, see s. 343.31(3)(i) and (j) (re operating privilege revocation), s. 343.315(2)(a)3. (re commercial motor vehicle disqualification), s. 351.02(1)(a)7. (re habitual traffic offenders), and ss. 938.17(1), 938.396(3) and 949.03(1)(c) (re criminal law provisions).

I will be working on the amendment this afternoon without amending these provisions unless I hear from you. I will, however, be out of the office tomorrow. If you decide that you'd like to have any (or all) of these provisions amended and you can't reach me, please give Aaron Gary a call (1-6926) and he can help you out. I'll be in Thursday morning and could turn a redraft around quickly if needed. Thanks for your help.

Tim

Timothy Fast, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-9739

2001 - 2002 LEGISLATURE

a 0442/1
LRBa0385/1
PJH:jld:km
stays
* TNF

WANTED
Wed. 4/18

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 63

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 4: delete "or who knew or should have known that his or her
3 actions caused".

4 2. Page 2, line 19: after that line insert: 39

5 "~~SECTION 346.67~~ 346.67 (1m)^x of the statutes is created to read:

6 346.67 (1m) The duties imposed under sub. (1) also apply to the operator of any
7 vehicle who knew or should have known that his or her actions caused an accident
8 resulting in injury to or death of any person or in damage to a vehicle that is driven
9 or attended by any person.

10 SECTION 3r. 346.74 (6)^x of the statutes is created to read:

11 346.74 (6) Any person violating s. 346.67[✓] (1m):

12 (a) Shall be fined not less than \$150 nor more than \$500 or imprisoned for not
13 more than 3 months or both if the accident did not involve death or injury to a person.

Insert 2-9[✓]

1 (b) Shall be fined not less than \$300 nor more than \$2,500 or imprisoned for
2 not less than 5 days nor more than one year or both if the accident involved injury
3 to a person but the person did not suffer great bodily harm.

4 (c) May be fined not more than \$10,000 or imprisoned for not more than one
5 year or both if the accident involved injury to a person and the person suffered great
6 bodily harm.

7 (d) May be fined not more than \$10,000 or imprisoned for not more than 4 years
8 or both if the accident involved death to a person.

9 (e) Is guilty of a felony if the accident involved death of a person.”.

10

(END)

D-NOTE

Insert 2-9 (page 1 of 2)

Section ~~4~~^{3j} 346.67 (2) of the statutes is amended to read:

3j. ✓

346.67 (2) Any stop required under sub. (1) shall be made without obstructing traffic more than is necessary.

History: 1991 a. 316; 1997 a. 258.

or (1m) ✓



Insert 2-9 (page 2 of 2)

~~ASSEMBLY AMENDMENT~~
~~TO 2001 ASSEMBLY BILL 63~~

1
2
3
4
5
6
7
8
9
10
11

~~At the locations indicated, amend the bill as follows:~~

1. Page 2, line 4: delete ~~"or who knew or should have known that his or her actions caused"~~.

~~2. Page 2, line 19: after that line insert~~

~~SECTION 3m.~~ ^v 346.67 (3) of the statutes is created to read:

346.67 (3) For purposes of sub. ^v(1), "operator of any vehicle involved in an accident" includes an operator of a vehicle that has not collided with another person or vehicle whenever facts and circumstances provide notice to the operator that his or her operation of the vehicle proximately resulted in an accident resulting in injury to or death of any person or in damage to a vehicle. ^v

~~END~~

(end of insert)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

a0442/1dn
LRBa0394/1dn
PJH: [unclear] jld+hmb
* TNF

April 4, 2001 } new date

~~North~~ ~~Lowrie~~

Please review this draft carefully to ensure that it is consistent with your intent.

Please note that this amendment creates a subjective, "actual knowledge" requirement and eliminates the option of an objective, "reasonable person" standard. As noted earlier, the "should have known" language provided an objective, "reasonable person" standard which is, generally, easier to prove than the subjective "actual knowledge" requirement.

~~Let me know if you have any questions. I look forward to hearing from you.~~

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

TNF

Finally, this amendment also amends s. 346.67(2), stats, to clarify that any stop required under proposed s. 346.67(1m) must also not obstruct traffic unduly.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0442/1dn
PJH&TNF:jld&hnh:km

April 18, 2001

Please review this draft carefully to ensure that it is consistent with your intent.

Please note that this amendment creates a subjective, "actual knowledge" requirement and eliminates the option of an objective, "reasonable person" standard. As noted earlier, the "should have known" language provided an objective, "reasonable person" standard which is, generally, easier to prove than the subjective "actual knowledge" requirement.

Finally, this amendment also amends s. 346.67 (2), stats., to clarify that any stop required under proposed s. 346.67 (1m) must also not unduly obstruct traffic.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us



ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 63

Final

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 4: delete "or who knew or should have known that his or her
3 actions caused".

4 2. Page 2, line 19: after that line insert:

5 "SECTION 3g. 346.67 (1m) of the statutes is created to read: *insert from*

6 346.67 (1m) The duties imposed under sub. (1) also apply to *P. 2* ~~the operator of any~~
7 ~~vehicle who knew or should have known that his or her actions caused an accident~~
8 ~~resulting in injury to or death of any person or in damage to a vehicle that is driven~~
9 ~~or attended by any person.~~

10 SECTION 3j. 346.67 (2) of the statutes is amended to read:

11 346.67 (2) Any stop required under sub. (1) or (1m) shall be made without
12 obstructing traffic more than is necessary.

13 SECTION 3m. 346.67 (3) of the statutes is created to read:

SOON

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 63

9-20-a

Page 2, line 3: delete "The" and substitute "The Except as provided in sub. (1m), the".

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 4: delete "or who knew or should have known that his or her
3 actions caused".

4 2. Page 2, line 19: after that line insert:

5 "SECTION 3g. 346.67 (1m) of the statutes is created to read:

insert from page 2

6 346.67 (1m) The duties imposed under sub. (1) also apply to ~~the operator of any~~
7 ~~vehicle who knew or should have known that his or her actions caused an accident~~
8 ~~resulting in injury to or death of any person or in damage to a vehicle that is driven~~
9 ~~or attended by any person.~~

10 SECTION 3j. 346.67 (2) of the statutes is amended to read:

11 346.67 (2) Any stop required under sub. (1) or (1m) shall be made without
12 obstructing traffic more than is necessary.

13 ~~SECTION 3m. 346.67 (3) of the statutes is created to read:~~

