

2001 ASSEMBLY BILL 141

February 20, 2001 – Introduced by Representatives AINSWORTH, HAHN, OWENS, TOWNSEND and VRAKAS, cosponsored by Senator DARLING. Referred to Committee on Highway Safety.

1 **AN ACT to amend** 345.60 (1) and (2), 346.17 (2), 346.22 (1) (a), 346.22 (2), 346.22
2 (3), 346.30 (1) (b) 1., 346.30 (2), 346.30 (4), 346.36 (1), 346.43 (1) (b) 1., 346.49
3 (2m) (a), 346.60 (2) (a), 346.60 (2) (b) and 346.60 (3); and **to create** 343.30 (2r)
4 and 345.60 (4) of the statutes; **relating to:** committing 3 or more specified
5 traffic offenses within a single course of conduct, and providing a penalty.

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 on the severity of the offense, the consequences of the violation, and the number of previous violations. Penalties include fines and civil monetary penalties; terms of imprisonment; suspension or revocation of a motor vehicle operating privilege; required attendance at a course of instruction in traffic safety or defensive driving or a similar course or at driver improvement counseling; or certain combinations of these penalties.

This bill creates a penalty enhancer for persons 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. Disregarding a traffic control signal or flashing red or yellow lights.
2. Following another vehicle too closely.

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3. 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 a pedestrian or bicyclist crossing at an intersection or crosswalk.

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

5. Violating a maximum speed limit.

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

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

The period of suspension of operating privilege 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 and local* 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, or 346.57, or of a local ordinance that strictly conforms
5 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 (4) and, except as provided in subd. 2., shall suspend the person’s operating privilege
10 for 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.** 345.60 (1) and (2) of the statutes are amended to read:

5 345.60 (1) Except as provided in ~~sub. (3)~~ subs. (3) and (4), in addition to or in
6 lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court
7 may in its judgment of conviction order the convicted person to attend, for a certain
8 number of school days, a traffic safety school whose course and mode of instruction
9 is approved by the secretary and which is conducted by the police department of the
10 municipality, by the sheriff's office of the county, or by any regularly established
11 safety organization.

12 (2) ~~This section~~ Subsection (1) also applies in the case of an adjudication of
13 violation of a local traffic regulation which is in conformity with chs. 346 to 348.

14 **SECTION 3.** 345.60 (4) of the statutes is created to read:

15 345.60 (4) In addition to other penalties provided under s. 343.30 (2r) (b), a
16 court shall order the offender to attend, for a certain number of school days, a school
17 under sub. (1).

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

19 346.17 (2) ~~Any~~ Subject to s. 343.30 (2r), any person violating ss. 346.05, 346.07
20 (2) or (3), 346.08, 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may
21 be required to forfeit not less than \$30 nor more than \$300.

22 **SECTION 5.** 346.22 (1) (a) of the statutes is amended to read:

23 346.22 (1) (a) Except as provided in par. (b), and subject to s. 343.30 (2r), any
24 person violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20

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1 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for
2 the 2nd or subsequent conviction within a year.

3 **SECTION 6.** 346.22 (2) of the statutes is amended to read:

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

6 **SECTION 7.** 346.22 (3) of the statutes is amended to read:

7 346.22 (3) ~~Any~~ Subject to s. 343.30 (2r), any person violating s. 346.20 (2), (3),
8 or (4) (b) or (c) or 346.21 may be required to forfeit not less than \$10 nor more than
9 \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or
10 subsequent conviction within a year.

11 **SECTION 8.** 346.30 (1) (b) 1. of the statutes is amended to read:

12 346.30 (1) (b) 1. Unless otherwise provided in subd. 2., and subject to s. 343.30
13 (2r), any operator of a vehicle violating s. 346.23 or 346.28 may be required to forfeit
14 not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor
15 more than \$100 for the 2nd or subsequent conviction within a year.

16 **SECTION 9.** 346.30 (2) of the statutes is amended to read:

17 346.30 (2) Unless otherwise provided in sub. (1) (b) 2., and subject to s. 343.30
18 (2r), any person violating s. 346.24 (1) or (3) may be required to forfeit not less than
19 \$30 nor more than \$300.

20 **SECTION 10.** 346.30 (4) of the statutes is amended to read:

21 346.30 (4) ~~Any~~ Subject to s. 343.30 (2r), any person violating s. 346.27 may be
22 required to forfeit not less than \$60 nor more than \$600.

23 **SECTION 11.** 346.36 (1) of the statutes is amended to read:

24 346.36 (1) Unless otherwise provided in sub. (2), and subject to s. 343.30 (2r),
25 any person violating ss. 346.31 to 346.35 may be required to forfeit not less than \$20

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1 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for
2 the 2nd or subsequent conviction within a year.

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

4 346.43 (1) (b) 1. Unless otherwise provided in subd. 2. or 3., and subject to s.
5 343.30 (2r), any operator of a vehicle violating ss. 346.37 to 346.39 may be required
6 to forfeit not less than \$20 nor more than \$40 for the first offense and not less than
7 \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

8 **SECTION 13.** 346.49 (2m) (a) of the statutes is amended to read:

9 346.49 (2m) (a) Unless otherwise provided in par. (b), and subject to s. 343.30
10 (2r), any person violating s. 346.44 may be required to forfeit not more than \$1,000.

11 **SECTION 14.** 346.60 (2) (a) of the statutes is amended to read:

12 346.60 (2) (a) Except as provided in sub. (3m) or (5), and subject to s. 343.30
13 (2r), any person violating s. 346.57 (4) (d) to (g) or (h) or (5) or 346.58 may be required
14 to forfeit not less than \$30 nor more than \$300.

15 **SECTION 15.** 346.60 (2) (b) of the statutes is amended to read:

16 346.60 (2) (b) Except as provided in sub. (3m) or (5), and subject to s. 343.30
17 (2r), any person violating s. 346.57 (4) (gm) may be required to forfeit not less than
18 \$50 nor more than \$300.

19 **SECTION 16.** 346.60 (3) of the statutes is amended to read:

20 346.60 (3) Except as provided in sub. (3m) or (5), and subject to s. 343.30 (2r),
21 any person violating s. 346.57 (2), (3), or (4) (a) to (c) may be required to forfeit not
22 less than \$40 nor more than \$300 for the first offense and may be required to forfeit
23 not less than \$80 nor more than \$600 for the 2nd or subsequent conviction within a
24 year.

25 **SECTION 17. Initial applicability.**

