

2001 DRAFTING REQUEST

Bill

Received: 11/10/2000

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **kristina boardman**

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

Drafter: **phurley**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF**

Pre Topic:

No specific pre topic given

Topic:

Multiple traffic offenses within single course of conduct

Instructions:

redraft 1999 AB 336, but remove reckless driving

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>
/?	phurley 11/15/2000	wjackson 12/11/2000 rschluet 01/18/2001		_____			S&L
/1			kfollet 01/31/2001	_____	gretskl 01/31/2001	lrb_docadmin 01/31/2001	

FE Sent For:

<END>

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/?	phurley	11/18 12-18-00	11/30	12/13/00			
FE Sent For:		1-1/2 King 18-01					

<END>

Hurley, Peggy

Subject: FW: Drafting request/probable cause

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

From: Fast, Timothy

Sent: Thursday, November 09, 2000 4:14 PM

To: Hurley, Peggy

Subject: Drafting request/probable cause

1. I've received some drafting requests from Kristina Boardman in Rep. Ainsworth's office. One of them appears up your alley. Redraft 1999 AB-336 with one wrinkle. Remove reckless driving (item #1 in analysis).

Peace again, Tim

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

09/16/11

11-15-00

1999 ASSEMBLY BILL 336

LPS: Proof w/ Folio all amended

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

Gen
CO

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 (2n) of the statutes, relating to: committing

5

3 or more specified 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 severity and consequences of the violation, and the frequency of previous violations. Penalties include fines and civil monetary penalties; terms of imprisonment; suspension or revocation of 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.

number of

motor vehicle

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:

or at

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.

ASSEMBLY BILL 336

2 ~~30~~ Following another vehicle too closely.

3 ~~40~~ 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.

4 ~~50~~ Disregarding a signal to stop at a railroad crossing.

5 ~~60~~ Violating a maximum speed limit.

6 ~~70~~ Overtaking or passing a vehicle in an unsafe or prohibited manner.

7 ~~80~~ 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. ^{TD and local}

For further information see the ^{TD and local} 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 (4) ✓
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.

ASSEMBLY BILL 336

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.

ASSEMBLY BILL 336

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:

ASSEMBLY BILL 336

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.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0969/lins
PJH:.....

next

(1) and (2) are

No (B) 345.60

1 SECTION 1. 345.60 of the statutes is amended to read:
2 ~~345.60 Penalty of compulsory safety school attendance.~~ (1) Except as
3 provided in sub. (3) subs. (3) and (4), in addition to or in lieu of other penalties
4 provided by law for violation of chs. 346 to 348, the trial court may in its judgment
5 of conviction order the convicted person to attend, for a certain number of school
6 days, a traffic safety school whose course and mode of instruction is approved by the
7 secretary and which is conducted by the police department of the municipality, the
8 sheriff's office of the county, or by any regularly established safety organization.
9 (2) This section Subsection (1) also applies in the case of an adjudication of
10 violation of a local traffic regulation which is in conformity with chs. 346 to 348.

~~(3) In addition to other penalties provided by law for violation of s. 346.63 (1)
or a local ordinance in conformity therewith, or s. 346.63 (2) or 940.25, or s. 940.09
where the offense involved the use of a vehicle, the convicted person may be required
under s. 343.30 (1q) to attend, for a certain number of school days, a school under sub.
(1).~~

History: 1971 c. 278 s. 45; Stats. 1971 s. 345.60; 1977 c. 29 s. 1654 (7) (c); 1977 c. 193; 1981 c. 20; 1985 a. 337; 1987 a. 3.

16 SECTION 2. 345.60 (4) of the statutes is created to read:
17 345.60 (4) In addition to other penalties provided under s. 343.30 (2r) (b), a
18 court shall order the offender to attend, for a certain number of school days, a school
19 under sub. (1).



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 31, 2001

MEMORANDUM

To: Representative Ainsworth

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-0969 Multiple traffic offenses within single course of conduct

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

March 5, 2001

LRB
2

MEMORANDUM

To: Representative Ainsworth

From: Peggy Hurley, Attorney, (608) 266-8906

Subject: Technical Memorandum to **2001 AB-141** (LRB 01-0969/1)

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: February 22, 2001

File Ref:

To: Legislative Reference Bureau

From: James Thiel
General Counsel, Department of Transportation

LRB
/

Subject: Technical Note for AB141

1. Need clarification if the mandatory attendance at Traffic Safety School can be applied to point reduction. Without point reduction there is no incentive to attend TSS since there is still a mandatory license suspension.
2. Removing the reference to reckless driving [s.346.62(2)] in this proposal does not eliminate reckless driving as the preferred cite for multiple offenses in a single course of conduct.
3. The effective date of the proposal is the date of the legislation. DMV would need at least 60 days to implement a new charge code and provide information to Courts and Law Enforcement.

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

Authorized Signature