

2003 DRAFTING REQUEST

Bill

Received: **02/09/2003**

Received By: **phurley**

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: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws
Education - miscellaneous**

Extra Copies: **PJH, TNF, PG**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Aggressive driving and driver education instruction

Instructions:

see attached; redraft 2001 AB 141 with changes

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 04/18/2003	kgilfoy 04/29/2003		_____			S&L
	agary 04/24/2003			_____			
/P1			pgreensl 05/01/2003	_____	lemery 05/01/2003		S&L

<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	agary 07/15/2003	kgilfoy 07/29/2003	jfrantze 07/30/2003	_____	lemery 07/30/2003	mbarman 08/06/2003	

FE Sent For:

AA Intro.

<END>

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	agary 04/24/2003	1-7/29 KMG		_____			
/P1				pgreensl 05/01/2003		lemery 05/01/2003	
				<i>[Signature]</i> 7/30		<i>[Signature]</i> 7/30	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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1/?	phurley 04/18/2003 agary	1/11 = 4/29 Kmg	4/30 p8	5/1 5/1 p8/15			

FE Sent For:

<END>

MEMORANDUM

To: Peggy Hurley, Legislative Reference Bureau Attorney

From: Representative John Ainsworth

Date: December 4, 2002

Re: Amended Redraft of 2001 Assembly Bill 141

I would like to again draft legislation addressing the topic of aggressive driving. For the past two sessions, I have introduced a proposal enhancing the penalty for persons convicted of violating three or more specified traffic offenses within a single course of conduct (see attached draft). According to this draft, a person who violates three or more of these offenses would be required to attend a traffic safety school and would have his or her operating privilege suspended.

Before commencing with an identical draft, I have a couple of questions:

- 1) If one were convicted of violating three or more of these specified offenses – would they already have accumulated enough points to necessitate attendance at traffic safety school?
- 2) Would this same point level necessitate a suspension of operating privileges?

Based upon the answer to the aforementioned questions, an identical draft may not be necessary. However, I would also like to address the topic of aggressive driving through driver's education. I believe the most efficient means of approaching this goal would be an amendment to Section 115.28 (11). I would like to include, perhaps as "(c)", a requirement that driver's education courses must acquaint students with the hazards of aggressive driving and road rage and provide instruction in safely dealing with such hazards.

If you have any questions regarding these questions or my draft request, please do not hesitate to contact Kristina Boardman in my office at 266-3097. Thank you in advance for your work on this topic.

3 4
2001 - 2002 LEGISLATURE

Soon
turned in
4/24

2006/PI
LRB-~~2001~~
kmg:kjf
ARC ↑

3
2001 ASSEMBLY BILL 143

D-Note

PWF: all amended stats.

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

1
2
3
4

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

3

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.

ASSEMBLY BILL 141

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.

insert A

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

insert 2-1

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.

ASSEMBLY BILL 141

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

insert
3-17

346.072

ASSEMBLY BILL 141

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

ASSEMBLY BILL 141

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.**

ASSEMBLY BILL 141

SECTION 17

(1) ~~This act~~ first applies to offenses committed on the effective date of this subsection.

(END)

Insert
6-2

The treatment of sections 343.30 (2)^r,
345.60 (1), (2), and (4), 346.17 (2),
346.22 (1)(a), (2), and (3), 346.30 (1)(b) 1.,
(2), and (4), 346.36 (1), 346.43 (1)(b) 1.,
346.49 (2m)(a), and 346.60 (2)(a) and (b)
and (3) of the statutes

Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2006/P1dn

ARG: /:....

kmg

ATTN: Kristina Boardman

The attached redraft of 2001 AB-141 incorporates the amendment from last session (2001 LRBa0318) adding a delayed effective date of approximately 3 months. Is this consistent with your intent?

In response to the questions raised with the drafting request, under existing law, DOT may suspend a person's operating privilege if the person is a habitually reckless or negligent operator of a motor vehicle or repeatedly violates state traffic laws. (See s. 343.32 (2) (a).) In making this determination, DOT may adopt by rule a scale of "demerit points." For some offenses, demerit points are specified by statute. For most offenses, DOT establishes the number of demerit points assessed for the offense. By DOT rule, DOT must generally suspend or revoke the operating privilege of a person who attains 12 demerit points in a 12-month period (Trans. 101.04). However, because this requirement is imposed by rule and not statute, DOT can change the requirement at any time to make suspension permissive rather than mandatory. Depending on the offense, committing 3 or more of the offenses specified in the bill during one course of conduct may or may not result in DOT's suspension of the person's operating privilege.

There are significant differences between the bill and the current DOT demerit point system. First, as stated above, DOT suspension for excessive demerit points is, by statute, generally permissive, not mandatory, while the bill provides for mandatory operating privilege suspension. In addition, operating privilege suspension resulting from excessive demerit points is an administrative proceeding in which DOT imposes the penalty. The bill provides for operating privilege suspension by a court as part of a judicial proceeding in which the convictions for the requisite offenses are entered. Accordingly, the effect of the bill is not already covered under existing law.

Under existing law, a court may, but is not required to, order a person to attend traffic safety school for violation of most state traffic laws. (See s. 345.60 (1) and (3).) Since the bill requires courts to order attendance at traffic safety school under specified circumstances, the effect of the bill is not already covered under existing law.

Under existing law, while DOT may require a person who has accumulated sufficient demerit points to attend "driver improvement counseling" (s. 343.32 (2) (d)) as a practical matter, I'm not sure what this "counseling" consists of; this requirement is again permissive, not mandatory. Do you want to amend s. 343.32 (2) (d) to specifically

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343.32

include traffic safety school in addition to "counseling"? Under existing s. 343.32, it appears that DOT may provide by rule for a reduction of a person's demerit points if the person attends a traffic safety school (s. 343.12 (5)), but this section does not specifically authorize DOT to compel attendance at a traffic safety school. ✓

If the attached draft meets with your approval, please let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2006/P1dn
ARG:.....

INSERT A:

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in safely dealing with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

This bill requires driver education courses to also acquaint each student with the hazards posed by aggressive, hostile, or violent driving (including "road rage") and to provide instruction in safely dealing with such hazards.

INSERT 2-1:

~~#~~ SECTION ~~1~~. 38.04 (4) (e) 3. of the statutes is created to read:

38.04 (4) (e) 3. Acquaints each student with the hazards posed by aggressive, hostile, or violent operation of a motor vehicle and provides instruction in safely dealing with such hazards.

~~#~~ SECTION ~~2~~. 115.28 (11) (c) of the statutes is created to read:

115.28 (11) (c) Acquaint each student with the hazards posed by aggressive, hostile, or violent operation of a motor vehicle and provide instruction in safely dealing with such hazards.

INSERT 3-17:

~~#~~ SECTION ~~3~~. 343.61 (6) (c) of the statutes is created to read:

343.61 (6) (c) Acquaints each student with the hazards posed by aggressive, hostile, or violent operation of a motor vehicle and provides instruction in safely dealing with such hazards.

INSERT 6-2: ✓

[#](2) The treatment of sections 38.04 (4) (e) 3., 115.28 (11) (c), and 343.61 (6) (c) ✓ ✓ ✓
of the statutes first applies to driver education courses that are begun on the effective
date of this subsection.

SECTION [#]4. Effective date.

[#](1) This act takes effect on the first day of the 3rd month beginning after
publication.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2006/P1dn
ARG:kmg:pg

April 30, 2003

ATTN: Kristina Boardman

The attached redraft of 2001 AB-141 incorporates the amendment from last session (2001 LRBa0318) adding a delayed effective date of approximately 3 months. Is this consistent with your intent?

In response to the questions raised with the drafting request, under existing law, DOT may suspend a person's operating privilege if the person is a habitually reckless or negligent operator of a motor vehicle or repeatedly violates state traffic laws. (*See* s. 343.32 (2) (a).) In making this determination, DOT may adopt by rule a scale of "demerit points." For some offenses, demerit points are specified by statute. For most offenses, DOT establishes the number of demerit points assessed for the offense. By DOT rule, DOT must generally suspend or revoke the operating privilege of a person who attains 12 demerit points in a 12-month period (Trans. 101.04). However, because this requirement is imposed by rule and not by statute, DOT can change the requirement at any time to make suspension permissive rather than mandatory. Depending on the offense, committing 3 or more of the offenses specified in the bill during one course of conduct may or may not result in DOT's suspension of the person's operating privilege.

There are significant differences between the bill and the current DOT demerit point system. First, as stated above, DOT suspension for excessive demerit points is, by statute, generally permissive, not mandatory, while the bill provides for mandatory operating privilege suspension. In addition, operating privilege suspension resulting from excessive demerit points is an administrative proceeding in which DOT imposes the penalty. The bill provides for operating privilege suspension by a court as part of a judicial proceeding in which the convictions for the requisite offenses are entered. Accordingly, the effect of the bill is not already covered under existing law.

Under existing law, a court may, but is not required to, order a person to attend traffic safety school for violation of most state traffic laws. (*See* s. 345.60 (1) and (3).) Since the bill *requires* courts to order attendance at traffic safety school under specified circumstances, the effect of the bill is not already covered under existing law.

Under existing law, while DOT may require a person who has accumulated sufficient demerit points to attend "driver improvement counseling" (s. 343.32 (2) (d) — as a practical matter, I'm not sure what this "counseling" consists of), this requirement is

again permissive, not mandatory. Do you want to amend s. 343.32 (2) (d) to specifically include traffic safety school in addition to "counseling"? Under existing s. 343.32, it appears that DOT may provide by rule for a reduction of a person's demerit points if the person attends a traffic safety school (s. 343.32 (5)), but this section does not specifically authorize DOT to compel attendance at a traffic safety school.

If the attached draft meets with your approval, please let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

son
turned in
7/15

EMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Sen. Cat.

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* 38.04 (4) (e)
 4 3., 115.28 (11) (c), 343.30 (2r), 343.61 (6) (c) and 345.60 (4) of the statutes;
 5 **relating to:** committing 3 or more specified traffic offenses within a single
 6 course of conduct, driver education instruction, 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:

or until successful completion of traffic safety school

1. Disregarding a traffic control signal or flashing red or yellow lights.
2. Following another vehicle too closely.
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 ^{the shorter of} 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.

Current law requires all driver education courses offered by school districts, county children with disabilities education boards, technical college districts, and driver schools to acquaint each student with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and to provide instruction in safely dealing with such hazards. Driver education courses must also include at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

This bill requires driver education courses to also acquaint each student with the hazards posed by aggressive, hostile, or violent driving (including "road rage") and to provide instruction in safely dealing with such hazards.

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. 38.04 (4) (e) 3. of the statutes is created to read:

2 38.04 (4) (e) 3. Acquaints each student with the hazards posed by aggressive,
3 hostile, or violent operation of a motor vehicle and provides instruction in safely
4 dealing with such hazards.

5 SECTION 2. 115.28 (11) (c) of the statutes is created to read:

6 115.28 (11) (c) Acquaint each student with the hazards posed by aggressive,
7 hostile, or violent operation of a motor vehicle and provide instruction in safely
8 dealing with such hazards.

>
>
The longer of

1 SECTION 3. 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. *or until successful completion of the traffic safety school*

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.

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

18 SECTION 4. 343.61 (6) (c) of the statutes is created to read:

19 343.61 (6) (c) Acquaints each student with the hazards posed by aggressive,
20 hostile, or violent operation of a motor vehicle and provides instruction in safely
21 dealing with such hazards.

22 SECTION 5. 345.60 (1) and (2) of the statutes are amended to read:

23 345.60 (1) Except as provided in ~~sub. (3)~~ subs. (3) and (4), in addition to or in
24 lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court
25 may in its judgment of conviction order the convicted person to attend, for a certain

the lesser of

the greater of

1 number of school days, a traffic safety school whose course and mode of instruction
2 is approved by the secretary and which is conducted by the police department of the
3 municipality, by the sheriff's office of the county, or by any regularly established
4 safety organization.

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

7 **SECTION 6.** 345.60 (4) of the statutes is created to read:

8 345.60 (4) In addition to other penalties provided under s. 343.30 (2r) (b), a
9 court shall order the offender to attend, for a certain number of school days, a school
10 under sub. (1).

11 **SECTION 7.** 346.17 (2) of the statutes is amended to read:

12 346.17 (2) Any Subject to s. 343.30 (2r), any person violating ss. 346.05, 346.07
13 (2) or (3), 346.072, 346.08, 346.09, 346.10 (2) to (4), 346.11, 346.13 (2), or 346.14 to
14 346.16 may be required to forfeit not less than \$30 nor more than \$300.

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

16 346.22 (1) (a) Except as provided in par. (b), and subject to s. 343.30 (2r), any
17 person violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20
18 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for
19 the 2nd or subsequent conviction within a year.

20 **SECTION 9.** 346.22 (2) of the statutes is amended to read:

21 346.22 (2) Any Subject to s. 343.30 (2r), any person violating s. 346.19 or 346.20
22 (4) (a) may be required to forfeit not less than \$30 nor more \$300.

23 **SECTION 10.** 346.22 (3) of the statutes is amended to read:

24 346.22 (3) Any Subject to s. 343.30 (2r), any person violating s. 346.20 (2), (3),
25 or (4) (b) or (c) or 346.21 may be required to forfeit not less than \$10 nor more than

1 \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or
2 subsequent conviction within a year.

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

4 346.30 (1) (b) 1. Unless otherwise provided in subd. 2., and subject to s. 343.30
5 (2r), any operator of a vehicle violating s. 346.23 or 346.28 may be required to forfeit
6 not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor
7 more than \$100 for the 2nd or subsequent conviction within a year.

8 **SECTION 12.** 346.30 (2) of the statutes is amended to read:

9 346.30 (2) Unless otherwise provided in sub. (1) (b) 2., and subject to s. 343.30
10 (2r), any person violating s. 346.24 (1) or (3) may be required to forfeit not less than
11 \$30 nor more than \$300.

12 **SECTION 13.** 346.30 (4) of the statutes is amended to read:

13 346.30 (4) ~~Any~~ Subject to s. 343.30 (2r), any person violating s. 346.27 may be
14 required to forfeit not less than \$60 nor more than \$600.

15 **SECTION 14.** 346.36 (1) of the statutes is amended to read:

16 346.36 (1) Unless otherwise provided in sub. (2), and subject to s. 343.30 (2r),
17 any person violating ss. 346.31 to 346.35 may be required to forfeit not less than \$20
18 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for
19 the 2nd or subsequent conviction within a year.

20 **SECTION 15.** 346.43 (1) (b) 1. of the statutes is amended to read:

21 346.43 (1) (b) 1. Unless otherwise provided in subd. 2. or 3., and subject to s.
22 343.30 (2r), any operator of a vehicle violating ss. 346.37 to 346.39 may be required
23 to forfeit not less than \$20 nor more than \$40 for the first offense and not less than
24 \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

25 **SECTION 16.** 346.49 (2m) (a) of the statutes is amended to read:

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

3 **SECTION 17.** 346.60 (2) (a) of the statutes is amended to read:

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

7 **SECTION 18.** 346.60 (2) (b) of the statutes is amended to read:

8 346.60 (2) (b) Except as provided in sub. (3m) or (5), and subject to s. 343.30
9 (2r), any person violating s. 346.57 (4) (gm) may be required to forfeit not less than
10 \$50 nor more than \$300.

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

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

17 **SECTION 20. Initial applicability.**

18 (1) The treatment of sections 343.30 (2r), 345.60 (1), (2), and (4), 346.17 (2),
19 346.22 (1) (a), (2), and (3), 346.30 (1) (b) 1., (2), and (4), 346.36 (1), 346.43 (1) (b) 1.,
20 346.49 (2m) (a), and 346.60 (2) (a) and (b) and (3) of the statutes first applies to
21 offenses committed on the effective date of this subsection.

22 (2) The treatment of sections 38.04 (4) (e) 3., 115.28 (11) (c), and 343.61 (6) (c)
23 of the statutes first applies to driver education courses that are begun on the effective
24 date of this subsection.

25 **SECTION 21. Effective date.**

Gary, Aaron

From: Boardman, Kristina
Sent: Monday, July 14, 2003 2:14 PM
To: Gary, Aaron
Subject: RE: LRB 2006/P1

Great. Thanks AGAIN Aaron!!!

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

From: Gary, Aaron
Sent: Monday, July 14, 2003 2:11 PM
To: Boardman, Kristina
Subject: RE: LRB 2006/P1

Thanks. As to your question re lines 13-14, it would be both - the person would both have operating privilege suspended and have to go to traffic school. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

From: Boardman, Kristina
Sent: Monday, July 14, 2003 9:09 AM
To: Gary, Aaron
Subject: RE: LRB 2006/P1

Aaron:

Sorry for the delay in getting back to you.

The language you suggest sounds good. One question - for the lines 13-14 language, would the person need to complete traffic safety school and have their operating privilege suspended - or just the longer of the two? John wanted both for this "repeat" offender.

Also - you can go ahead and issue it as a slash 1.

Thank you!

Kristina

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

From: Gary, Aaron
Sent: Friday, July 11, 2003 12:03 PM
To: Boardman, Kristina
Subject: RE: LRB 2006/P1

Kristina,

I'll take care of this today. One question: Do you want the judge to have discretion as to how long to suspend the operating privilege? As I interpret this, you do not.

I have drafted this so that, on p. 3, under s. 343.30 (2r) (b) 1. and 2., the following changes in italics are made:

At lines 9-10, (b) 1., "except as provided in subd. 2., shall suspend the person's operating privilege for *the*

lesser of 6 months or until completion of the traffic safety school."

At lines 13-14, (b) 2., "the court shall suspend the person's operating privilege for *the greater of one year or until successful completion of the traffic safety school.*"

Is this what you had in mind? If I were to remove the "lesser"/"greater" language, that would give the judge discretion whether to go with the shorter or longer period in each situation.

Thanks. Aaron

Aaron R. Gary
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-----Original Message-----

From: Boardman, Kristina
Sent: Thursday, July 10, 2003 1:10 PM
To: Gary, Aaron
Subject: LRB 2006/P1

Aaron:

Representative Ainsworth would like to make a minor change to LRB 2006/P1 - relative to the penalties.

As presently drafted - 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.

Instead - he would like to change that to:

The period of suspension of operating privilege is six months - or until completion of traffic safety school 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 and traffic safety school.

In regards to the drafter's note - no additional changes are desired at this time.

Thanks Aaron. (no rush)

Kristina Boardman
Representative Ainsworth's Office
608.266.3097

Barman, Mike

From: Boardman, Kristina
Sent: Wednesday, August 06, 2003 8:55 AM
To: LRB.Legal
Subject: Draft review: LRB 03-2006/1 Topic: Aggressive driving and driver education instruction

It has been requested by <Boardman, Kristina> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2006/1 Topic: Aggressive driving and driver education instruction