

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB59)

Received: **04/03/2009**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **Spencer Black**

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

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Black@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Add exercise due care requirement and limited three foot rule.

Instructions:

See attached. Same as Sen. Rissers SA to SA29

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>
/?	emueller 04/07/2009	jdye 04/07/2009		_____			
/1			rschluet 04/07/2009	_____	lparisi 04/07/2009	lparisi 04/07/2009	

FE Sent For:

<END>

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FE Sent For:

END

2009 ASSEMBLY BILL 59

February 17, 2009 – Introduced by Representatives BLACK, SHERMAN, MASON, BERCEAU, POPE-ROBERTS, POCAN, ZEPNICK, A. WILLIAMS and BALLWEG, cosponsored by Senators RISSE, MILLER, LEHMAN and HANSEN. Referred to Committee on Transportation.

1 AN ACT *to repeal* 346.80 (2) (c); *to amend* 346.95 (1); and *to create* 346.94 (20)
2 of the statutes; **relating to:** passing parked motor vehicles and opening motor
3 vehicle doors on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, any person operating a bicycle or electric personal assistive mobility device (EPAMD) upon a roadway must exercise due care when passing a parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of three feet between the bicycle or EPAMD and the vehicle and giving an audible signal when passing a bicycle or EPAMD proceeding in the same direction. This bill eliminates this requirement.

This bill also prohibits any person from opening any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle. A person who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for any subsequent conviction within a year.

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

4 SECTION 1. 346.80 (2) (c) of the statutes is repealed.

ASSEMBLY BILL 59**SECTION 2**

1 **SECTION 2.** 346.94 (20) of the statutes is created to read:

2 346.94 **(20)** OPENING MOTOR VEHICLE DOOR ON HIGHWAY. No person may open any
3 door of a motor vehicle located on a highway without first taking due precaution to
4 ensure that his or her act will not interfere with the movement of traffic or endanger
5 any other person or vehicle.

6 **SECTION 3.** 346.95 (1) of the statutes is amended to read:

7 346.95 **(1)** Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92
8 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15), or (20) may be required to forfeit not less than
9 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
10 for the 2nd or subsequent conviction within a year.

11

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

0179
LRBa0173/1
EVM files

ASSEMBLY

KEEP

SENATE AMENDMENT,

TO 2009 SENATE BILL 29 59

ASSEMBLY

ln 4/7/09

Today

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At the locations indicated, amend the bill as follows:

1. Page 1, line 4: delete that line and substitute:

"SECTION 1m. 346.80 (2) (c) of the statutes is amended to read:

346.80 (2) (c) Any person operating a bicycle or electric personal assistive mobility device upon a roadway shall exercise due care when passing a standing or parked vehicle or a vehicle proceeding in the same direction, ~~allowing and when~~ passing a standing or parked vehicle that is a school bus that is not displaying flashing red warning lights as provided in s. 346.48 (1) or a motor bus, shall allow a minimum of 3 feet between the bicycle or electric personal assistive mobility device and the vehicle, ~~and shall give an audible signal when passing a bicycle or electric personal assistive mobility device rider proceeding in the same direction.~~"

Strike comma

score

(END)