



2009 ASSEMBLY BILL 409

August 31, 2009 – Introduced by Representatives STEINBRINK, NERISON, TOWNSEND, BROOKS, PETROWSKI, VOS, M. WILLIAMS and TURNER, cosponsored by Senators SULLIVAN, KANAVAS, TAYLOR, HOLPERIN, PLALE and HANSEN. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 346.05 (1) (a), 346.05 (3), 346.08 (intro.) and (1), 346.09 (4),
2 346.13 (2), 346.15, 346.18 (2), 346.31 (3) (title), (a) and (b), 346.31 (4), 346.33 (1),
3 346.33 (2), 346.34 (1) (b), 346.35 (1), 346.37 (1) (a) 1., 346.37 (1) (c) 3., 346.37 (1)
4 (d) 1., 346.80 (2) (a) 2. and 349.10 (2); *to repeal and recreate* 346.33 (title); and
5 *to create* 340.01 (73r), 346.33 (1) (e) and (f) and 346.33 (1m) of the statutes;
6 **relating to:** U–turns on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, an operator of a vehicle may not make a turn to proceed in the opposite direction (U–turn) in certain circumstances, including at intersections where traffic is controlled by a traffic control signal or by a traffic officer and in any place where there are signs prohibiting U–turns erected by the authority that maintains the highway.

This bill removes the general limitation on U–turns at intersections controlled by traffic control signals. This bill also prohibits making U–turns on a curve or near the crest of a grade on an undivided highway where visibility is limited, and making U–turns when unsafe or when the U–turn would interfere with traffic.

In *Kaufman v. Postle*, 2001 WI App 86, 26 N.W. 2d 10, the Wisconsin Court of Appeals determined that the statutes prohibited a motorist from passing a left–turning vehicle on the right by use of a paved shoulder. This bill reverses that

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decision by specifically allowing a motorist to pass a left–turning vehicle on the right by use of either the roadway or a paved shoulder.

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

1 **SECTION 1.** 340.01 (73r) of the statutes is created to read:

2 340.01 (73r) “U–turn” means the turning of a vehicle so as to proceed in the
3 opposite direction.

4 **SECTION 2.** 346.05 (1) (a) of the statutes is amended to read:

5 346.05 (1) (a) When making an approach for a left turn or U–turn under
6 circumstances in which the rules relating to left turns or U–turns require driving on
7 the left half of the roadway; or

8 **SECTION 3.** 346.05 (3) of the statutes is amended to read:

9 346.05 (3) Any vehicle proceeding upon a roadway at less than the normal
10 speed of traffic at the time and place and under the conditions then existing shall be
11 driven in the right–hand lane then available for traffic, or as close as practicable to
12 the right–hand edge or curb of the roadway, except when overtaking and passing
13 another vehicle proceeding in the same direction or when preparing for a left turn
14 or U–turn at an intersection or a left turn into a private road or driveway, and except
15 as provided in s. 346.072.

16 **SECTION 4.** 346.08 (intro.) and (1) of the statutes are amended to read:

17 **346.08 When overtaking and passing on the right permitted.** (intro.)
18 The operator of a vehicle may overtake and pass another vehicle upon the right only
19 under conditions permitting such the movement in safety and only if the operator can
20 do so ~~without driving off the pavement or main–traveled portion of the~~ while

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1 remaining on either the roadway or a paved shoulder, and then only under the
2 following conditions:

3 **(1)** When the vehicle overtaken is making or about to make a left turn or
4 U-turn; or

5 **SECTION 5.** 346.09 (4) of the statutes is amended to read:

6 346.09 **(4)** Other provisions of this section notwithstanding, the operator of a
7 vehicle ~~shall~~ may not overtake and pass on the left any other vehicle which, by means
8 of signals as required by s. 346.34 (1), indicates its intention to make a left turn or
9 U-turn.

10 **SECTION 6.** 346.13 (2) of the statutes is amended to read:

11 346.13 **(2)** Upon a 2-way roadway which is divided into 3 lanes the operator
12 of a vehicle ~~shall~~ may not drive in the center lane except when overtaking and
13 passing another vehicle where the roadway is clearly visible and ~~such~~ the center lane
14 is clear of traffic within a safe distance, or in preparation for a left turn or U-turn,
15 or where ~~such~~ the center lane is at the time allocated exclusively to traffic moving
16 in the direction the vehicle is proceeding and is marked or posted to give notice of
17 ~~such~~ the allocation.

18 **SECTION 7.** 346.15 of the statutes is amended to read:

19 **346.15 Driving on divided highway.** Whenever any highway has been
20 divided into 2 roadways by an intervening unpaved or otherwise clearly indicated
21 dividing space or by a physical barrier so constructed as to substantially impede
22 crossing by vehicular traffic, the operator of a vehicle shall drive only to the right of
23 ~~such~~ the space or barrier and no operator of a vehicle shall drive over, across, or
24 within ~~any~~ such the space or barrier except through an opening or at a crossover or
25 intersection established by the authority in charge of the maintenance of the

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1 highway, except that the operator of a vehicle when making a left turn to or from a
2 private driveway, alley, or highway or making a U-turn may drive across a paved
3 dividing space or a physical barrier not so constructed as to impede crossing by
4 vehicular traffic, unless ~~such~~ the crossing is prohibited by signs erected by the
5 authority in charge of the maintenance of the highway.

6 **SECTION 8.** 346.18 (2) of the statutes is amended to read:

7 **346.18 (2)** TURNING LEFT OR MAKING A U-TURN AT INTERSECTION. The operator of
8 a vehicle within an intersection intending to turn to the left ~~across the path of any~~
9 ~~vehicle approaching from the opposite direction~~ or make a U-turn shall yield the
10 right-of-way to such any vehicle approaching from the opposite direction.

11 **SECTION 9.** 346.31 (3) (title), (a) and (b) of the statutes are amended to read:

12 **346.31 (3)** (title) LEFT TURNS AND U-TURNS.

13 (a) The approach for a left turn or U-turn shall be made in ~~that~~ the lane farthest
14 to the left which is lawfully available to traffic moving in the direction of travel of the
15 vehicle about to turn left. Unless otherwise marked or posted, this means the lane
16 immediately to the right of the center line or center dividing strip of a 2-way highway
17 and the lane next to the left-hand curb or edge of the roadway of a one-way highway.

18 (b) The intersection shall be entered in the lane of approach and, whenever
19 practicable, the left turn or U-turn shall be made in that portion of the intersection
20 immediately to the left of the center of the intersection. For the purposes of this
21 paragraph, a divided highway intersected by any other highway is considered to be
22 one intersection.

23 **SECTION 10.** 346.31 (4) of the statutes is amended to read:

24 **346.31 (4)** LEFT TURNS AND U-TURNS ON 3-LANE HIGHWAYS. On a 2-way highway
25 having an uneven number of lanes the approach for a left turn or U-turn shall be

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1 made in the center lane thereof, unless otherwise posted or marked. A left turn into
2 a 2-way highway having an uneven number of lanes shall be made so as to enter the
3 highway in the lane immediately to the right of the center lane.

4 **SECTION 11.** 346.33 (title) of the statutes is repealed and recreated to read:

5 **346.33 (title) U-turns.**

6 **SECTION 12.** 346.33 (1) of the statutes is amended to read:

7 346.33 (1) The operator of a vehicle shall ~~may not turn the vehicle so as to~~
8 ~~proceed in the opposite direction~~ make a U-turn upon a highway at any of the
9 following places:

10 (a) At any intersection at which traffic is being controlled by ~~traffic control~~
11 ~~signals or by a traffic officer;~~ unless instructed by the officer to make a U-turn.

12 (b) In mid-block on any street in a business district, except where the highway
13 is a divided highway and where the ~~turn~~ U-turn is made at an opening or crossover
14 established by the authority in charge of the maintenance of the highway.

15 (c) In mid-block on any through highway in a residence district, except where
16 the highway is a divided highway and where the ~~turn~~ U-turn is made at an opening
17 or crossover established by the authority in charge of the maintenance of the
18 highway.

19 (d) At any place where signs prohibiting ~~such turn~~ a U-turn have been erected
20 by the authority in charge of the maintenance of the highway.

21 **SECTION 13.** 346.33 (1) (e) and (f) of the statutes are created to read:

22 346.33 (1) (e) Upon a curve or upon the approach to or near the crest of a grade
23 on any undivided highway where the vehicle cannot be seen by the driver of any other
24 vehicle within 500 feet approaching from any direction.

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1 (f) At any place where a U–turn cannot be made safely or without interfering
2 with other traffic.

3 **SECTION 14.** 346.33 (1m) of the statutes is created to read:

4 346.33 **(1m)** The operator of a vehicle shall exercise due care when making a
5 U–turn upon a highway and shall only make a U–turn when the movement can be
6 made safely and without interfering with other traffic.

7 **SECTION 15.** 346.33 (2) of the statutes is amended to read:

8 346.33 **(2)** The operator of a vehicle shall may not back the vehicle ~~into an~~
9 ~~intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning~~
10 ~~the vehicle so as to proceed in the opposite direction upon the highway at an~~
11 ~~intersection controlled by an official traffic control device for the purpose of making~~
12 a U–turn.

13 **SECTION 16.** 346.34 (1) (b) of the statutes is amended to read:

14 346.34 **(1)** (b) In the event any other traffic may be affected by ~~such~~ the
15 movement, no person may ~~so~~ turn any vehicle without giving an appropriate signal
16 in the manner provided in s. 346.35. A person making a U–turn shall use the same
17 signal used to indicate a left turn. When given by the operator of a vehicle other than
18 a bicycle or electric personal assistive mobility device, ~~such~~ the signal shall be given
19 continuously during not less than the last 100 feet traveled by the vehicle before
20 turning. The operator of a bicycle or electric personal assistive mobility device shall
21 give ~~such~~ the signal continuously during not less than the last 50 feet traveled before
22 turning. A signal by the hand and arm need not be given continuously if the hand
23 is needed in the control or operation of the bicycle or electric personal assistive
24 mobility device.

25 **SECTION 17.** 346.35 (1) of the statutes is amended to read:

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1 346.35 (1) Left turn or U-turn —Hand and arm extended horizontally.

2 **SECTION 18.** 346.37 (1) (a) 1. of the statutes is amended to read:

3 346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight
4 through, make a U-turn, or turn right or left unless a sign at such place prohibits
5 either ~~such turn~~ the turning maneuver, but vehicular traffic shall yield the
6 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
7 an adjacent crosswalk at the time ~~such~~ the signal is exhibited.

8 **SECTION 19.** 346.37 (1) (c) 3. of the statutes is amended to read:

9 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
10 stopping as required under subd. 1., cautiously enter the intersection to make a right
11 turn into the nearest lawfully available lane for traffic moving to the right or to turn
12 left from a one-way highway into the nearest lawfully available lane of a one-way
13 highway on which vehicular traffic travels to the left. No turn may be made on a red
14 signal if lanes of moving traffic are crossed or if a sign at the intersection prohibits
15 a turn. In making a turn on a red signal vehicular traffic shall yield the right-of-way
16 to pedestrians, bicyclists, and riders of electric personal assistive mobility devices
17 lawfully within a crosswalk, to operators of vehicles making a lawful U-turn, and to
18 other traffic lawfully using the intersection.

19 **SECTION 20.** 346.37 (1) (d) 1. of the statutes is amended to read:

20 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
21 intersection ~~only~~ to make the movement indicated by the arrow but shall yield the
22 right-of-way to pedestrians, bicyclists, and riders of electric personal assistive
23 mobility devices lawfully within a crosswalk and to other traffic lawfully using the
24 intersection. Vehicular traffic facing a left turn arrow may make a U-turn unless

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1 a sign prohibits U-turns. When the green arrow signal indicates a right or left turn
2 traffic shall cautiously enter the intersection.

3 **SECTION 21.** 346.80 (2) (a) 2. of the statutes is amended to read:

4 346.80 (2) (a) 2. When preparing for a left turn or U-turn at an intersection or
5 a left turn into a private road or driveway.

6 **SECTION 22.** 349.10 (2) of the statutes is amended to read:

7 349.10 (2) No local authority shall declare any part of a connecting highway
8 between portions of the state trunk highway system to be a one-way highway or
9 prohibit right or left turns or U-turns at any intersection of one such connecting
10 highway with another without due regard for the expeditious flow of intercity traffic
11 using the state trunk highways and without first conferring with the department on
12 the problems involved.

13 **SECTION 23. Initial applicability.**

14 (1) This act first applies to violations committed on the effective date of this
15 subsection.

16 **SECTION 24. Effective date.**

17 (1) This act takes effect on the January 1 after publication.

18 (END)