

2009 DRAFTING REQUEST

Bill

Received: 02/20/2009

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Adam Field**

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.Kaufert@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Following distance behind snow plow on under 35 mph highway.

Instructions:

See attached.

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>
/?							
/P1	emueller 03/13/2009	bkraft 03/16/2009	rschluet 03/17/2009	_____	sbasford 03/17/2009		
/P2	emueller 08/11/2009	bkraft 08/12/2009	rschluet 08/13/2009	_____	cduerst 08/13/2009		
/1	emueller 10/08/2009	bkraft 10/08/2009	mduchek 10/09/2009	_____	mbarman 10/09/2009	cduerst 10/09/2009 lparisi	

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				_____		10/12/2009	

FE Sent For:

None

<END>

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/1	emueller 10/08/2009	bkraft 10/08/2009	mduchek 10/09/2009	_____	mbarman 10/09/2009	cduerst 10/09/2009	

*for senate
see previous sheet
mistake*

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mistake →

Jacket for
Senate please

Li

↑

FE Sent For:

<END>

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Topic:

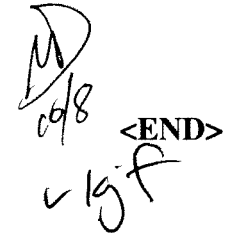
Following distance behind snow plow on under 35 mph highway.

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/P2	emueller 08/11/2009	bkraft 08/12/2009	rschluet 08/13/2009	_____	cdurst 08/13/2009		

11
FE Sent For: 10/8/09 11bjk 10/8


 ✓ 10/8
 <END>

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1?							
/P1	emueller 03/13/2009	bkraft 03/16/2009	rschluet 03/17/2009		sbasford 03/17/2009		

/P2 EUM
FE Sent For: 8/11/09 /P2 bjk 8/12

[Handwritten signatures and initials]
4/13
MRS
<END>
8/13

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1?	emueller	1/1 bjk 3/16					
1/1	EM	3/13/09					

FE Sent For:

(Handwritten signature and date)
3/16/09
<END>

Mueller, Eric

From: Field, Adam
Sent: Thursday, February 19, 2009 5:24 PM
To: Mueller, Eric
Subject: Snowplow Following Rule Bill Request

Attachments: Drafting Instructions, 2-17-09.doc

Hi Eric,

Just following up on our phone conversation earlier today Re a bill draft request. Let me know if you have any further questions. Thanks.

Adam



Drafting
Instructions, 2-17-09.

Adam R. Field
Office of Rep. Dean Kaufert
55th Assembly District

TO: LRB – Drafter
FROM: Rep. Dean Kaufert
DATE: February 17, 2009
RE: Drafting Instructions – Snowplow Following Rules

Current Law:

Under current law, statute 346.915, road rules and restrictions on motorists following snowplows are enumerated. One such rule is that a motorist cannot follow a snowplow by any closer than 200 ft. on a roadway where the speed limit is over 35 mph, while the snowplow is engaging in road maintenance work.

Proposed Change:

Add a new requirement under stat. 346.915 that a motorist may not follow a snow removal vehicle by any closer than 75 ft. on roadways where the speed limit is under 35 mph, with the penalties being the same as violation of the rule for roadways over 35 mph.

Rationale for Change:

Because of the gap with no roadways under 35 mph covered, most cities, villages, townships, etc. have no protection for snow removal vehicles. Local municipalities have reported increased traffic accidents as a result of motorists following snow removal vehicles too closely while in the act of clearing roadways. The 75 ft. following rule would help improve safety on slippery roadways for both snowplows and motorists.



Note
State of Wisconsin
2009 - 2010 LEGISLATURE

1/P1
LRB-21970e
EVM:.....
bjk

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1. 3/13/09

SA
x-ref

Gen

1 AN ACT ...; relating to: following snowplows and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person operating a vehicle may not follow an official snowplow closer than 200 feet when upon a highway having a posted speed limit of
>> more than 35 miles per hour when the snowplow is: (1) engaged in winter highway
> maintenance snow and ice removal and (2) displaying two flashing red or amber
lamps or a red or amber lamp of the dome-light type. A person does not violate the
> provision when overtaking and passing a snowplow, or when a snowplow is stopped
or standing in the highway. A person violating the provision 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 the 2nd or subsequent conviction within a year.

flashing

this
x2

This bill prohibits a person operating a vehicle from following an official snowplow, equipped and engaged as described above, closer than 75 feet when upon a highway having a posted speed limit of 35 miles per hour or less. The same exceptions and penalty in the existing provision apply to the prohibition in this bill.

second

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

2 SECTION 1. 346.915 (2) of the statutes is amended to read:

3 346.915 (2) The operator of any vehicle that is not a snowplow may not follow
4 a snowplow closer than 200 feet upon any highway having a posted speed limit of

- 2 -
distances
distances

1 more than 35 miles per hour the following if the snowplow is engaged in highway
2 winter maintenance snow and ice removal, as described in sub. (1), and is using
3 lamps described in s. 347.26 (7) :

4 (3) This subsection section does not apply when overtaking and passing a
5 snowplow, but the fact that the operator of any vehicle upon a highway having a
6 posted speed limit of more than 35 miles per hour follows the snowplow more closely
7 than 200 feet permitted by sub. (2) for one mile or more or follows more closely than
8 200 feet permitted by sub. (2) when the snowplow is moving at the maximum speed
9 limit is prima facie evidence that the operator of such following vehicle is violating
10 this subsection section.

11 (4) This subsection section does not apply to a snowplow that is stopped or
12 standing in the highway.

History: 2001 a. 34.

13 SECTION 2. 346.915 (2) (a) and (b) of the statutes are created to read:

14 346.915 (2) (a) 200 feet upon any highway having a posted speed limit of more
15 than 35 miles per hour. Two hundred

16 (b) 75 feet upon any highway having a posted speed limit of 35 miles per hour
17 or less. Seventy-five

18 (END)

Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2197/0dn

EVM:.....

Lbjk

Date

ATTN: Adam Field

In drafting your request, I modified current s. 346.915, stats., to create a logical placement point for your requested provision and to make the entire provision more clear. In addition, though I believe you requested a provision for highways with posted speed limits under 35 miles per hour, I drafted a provision applying to highways with posted speed limits of 35 miles per hour or less. The former treatment would have left a substantial gap for highways with posted speed limits of exactly 35 miles per hour. Please let me know if you would like any changes.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2197/P1dn
EVM:bjk:rs

March 17, 2009

ATTN: Adam Field

In drafting your request, I modified current s. 346.915, stats., to create a logical placement point for your requested provision and to make the entire provision more clear. In addition, though I believe you requested a provision for highways with posted speed limits under 35 miles per hour, I drafted a provision applying to highways with posted speed limits of 35 miles per hour or less. The former treatment would have left a substantial gap for highways with posted speed limits of exactly 35 miles per hour. Please let me know if you would like any changes.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Add provision req. 20 ft. clearance when
stopped at an intersection.



State of Wisconsin
2009 - 2010 LEGISLATURE

1P2
LRB-2197/P1
EVM:bjk:rs
stays
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Inserts

to 8/11/09

SA
x-ref
Inserts
are out of order.

regen

1 AN ACT to amend 346.915 (2); and to create 346.915 (2) (a) and (b) of the
2 statutes, relating to: following snowplows and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person operating a vehicle may not follow an official snowplow closer than 200 feet when upon a highway having a posted speed limit of more than 35 miles per hour when the snowplow is: 1) engaged in winter highway maintenance snow and ice removal and 2) displaying two flashing red or amber lamps or a flashing red or amber lamp of the dome-light type. A person does not violate this provision when overtaking and passing a snowplow, or when a snowplow is stopped or standing in the highway. A person violating this provision 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 the second or subsequent conviction within a year.

This bill prohibits a person operating a vehicle from following an official snowplow, equipped and engaged as described above, closer than 75 feet when upon a highway having a posted speed limit of 35 miles per hour or less. The same exceptions and penalty in the existing provision apply to the prohibition in this bill.

Insert
Analysis

Insert
1-3

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

SECTION 1. 346.915 (2) of the statutes is ~~renumbered 346.915 (2) (a) and~~ amended to read:

3
Please
fix
component

1 346.915 (2) The operator of any vehicle that is not a snowplow may not follow
2 a snowplow closer than 200 feet upon any highway having a posted speed limit of
3 more than 35 miles per hour the following distances, if the snowplow is engaged in
4 highway winter maintenance snow and ice removal, as described in sub. (1), and is
5 using lamps described in s. 347.26 (7):

6 ~~(3) This subsection section does not apply when overtaking and passing a~~
7 ~~snowplow, but the fact that the operator of any vehicle upon a highway having a~~
8 ~~posted speed limit of more than 35 miles per hour follows the snowplow more closely~~
9 ~~than 200 feet permitted by sub. (2) for one mile or more or follows more closely than~~
10 ~~200 feet permitted by sub. (2) when the snowplow is moving at the maximum speed~~
11 ~~limit is prima facie evidence that the operator of such following vehicle is violating~~
12 ~~this subsection section.~~

13 ~~(4) This subsection section does not apply to a snowplow that is stopped or~~
14 ~~standing in the highway.~~

15 SECTION 2. 346.915 (2) (a) and (b) of the statutes are created to read:

16 346.915 (2) (a) ^(b) Two hundred feet upon any highway having a posted speed limit
17 of more than 35 miles per hour.

18 ^(b) ⁽²⁾ Seventy-five feet upon any highway having a posted speed limit of 35 miles
19 per hour or less.

Insert
2-19

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2197/P2bkins
EVM:bjk:

Please proof
w/folio.

Insert 1-3

1

2

SECTION 1. 346.915 (2) of the statutes is renumbered 346.915 (2) (a) and amended to read:

3

4

346.915 (2) (a) The operator of any vehicle that is not a snowplow may not follow a snowplow closer than 200 feet upon any highway having a posted speed limit of more than 35 miles per hour the following distances, if the snowplow is engaged in highway winter maintenance snow and ice removal, as described in sub. (1), and is using lamps described in s. 347.26 (7). ~~This subsection:~~

5

6

7

8

9

(b) Paragraph (a) does not apply when overtaking and passing a snowplow, but the fact that the operator of any vehicle ~~upon a highway having a posted speed limit of more than 35 miles per hour~~ follows the snowplow more closely than 200 feet permitted by par. (a) for one mile or more or follows more closely than 200 feet permitted by par. (a) when the snowplow is moving at the maximum speed limit is prima facie evidence that the operator of such following vehicle is violating ~~this subsection.~~ This subsection par. (a).

10

11

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(c) Paragraph (a) does not apply to a snowplow that is stopped or standing in the highway.

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2197/P2ins
EVM:bjk:rs

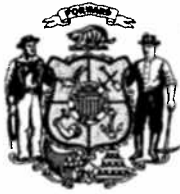
1 INSERT Analysis

^{NO}~~QA~~ This bill also requires a person operating a vehicle that approaches from the rear an official snowplow, equipped and engaged as described above, that is stopped at an intersection to stop not less than 20 feet from the snowplow and remain stopped until the snowplow resumes motion. Other than the intersection stopping requirement, the current exceptions regarding overtaking and passing a snowplow remain. The existing penalties for following a snowplow too closely apply to the prohibitions in this bill.

2 INSERT 2-19

3 **SECTION 1.** 346.915 (3) of the statutes is created to read:

4 346.915 **(3)** The operator of any vehicle that is not a snowplow that approaches
5 from the rear any snowplow that is engaged in highway winter maintenance snow
6 and ice removal, as described in sub. (1), and is using lamps described in s. 347.26
7 (7) that is stopped at an intersection shall stop not less than 20 feet from the
8 snowplow and remain stopped until the snowplow resumes motion.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2197/P2

EVM:bjk:rs

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

10/8/09

SA

regen.

- 1 AN ACT *to renumber and amend* 346.915 (2); and *to create* 346.915 (2) (a) 1.
- 2 and 2. and 346.915 (3) of the statutes; **relating to:** following snowplows and
- 3 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person operating a vehicle may not follow an official snowplow closer than 200 feet when upon a highway having a posted speed limit of more than 35 miles per hour when the snowplow is: 1) engaged in winter highway maintenance snow and ice removal and 2) displaying two flashing red or amber lamps or a flashing red or amber lamp of the dome-light type. A person does not violate this provision when overtaking and passing a snowplow, or when a snowplow is stopped or standing in the highway. A person violating this provision 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 the second or subsequent conviction within a year.

This bill prohibits a person operating a vehicle from following an official snowplow, equipped and engaged as described above, closer than 75 feet when upon a highway having a posted speed limit of 35 miles per hour or less. This bill also requires a person operating a vehicle that approaches from the rear an official snowplow, equipped and engaged as described above, that is stopped at an intersection to stop not less than 20 feet from the snowplow and remain stopped until the snowplow resumes motion. Other than the intersection stopping requirement, the current exceptions regarding overtaking and passing a snowplow remain. The

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

1 **SECTION 1.** 346.915 (2) of the statutes is renumbered 346.915 (2) (a) and
2 amended to read:

3 346.915 (2) (a) The operator of any vehicle that is not a snowplow may not
4 follow a snowplow closer than ~~200 feet upon any highway having a posted speed limit~~
5 ~~of more than 35 miles per hour~~ the following distances, if the snowplow is engaged
6 in highway winter maintenance snow and ice removal, as described in sub. (1), and
7 is using lamps described in s. 347.26 (7). ~~This subsection;~~

8 (b) Paragraph (a) does not apply when overtaking and passing a snowplow, but
9 the fact that the operator of any vehicle ~~upon a highway having a posted speed limit~~
10 ~~of more than 35 miles per hour~~ follows the snowplow more closely than ~~200 feet~~
11 permitted by par. (a) for one mile or more or follows more closely than ~~200 feet~~
12 permitted by par. (a) when the snowplow is moving at the maximum speed limit is
13 prima facie evidence that the operator of such following vehicle is violating ~~this~~
14 ~~subsection.~~ This subsection par. (a).

15 (c) Paragraph (a) does not apply to a snowplow that is stopped or standing in
16 the highway.

17 **SECTION 2.** 346.915 (2) (a) 1. and 2. of the statutes are created to read:

18 346.915 (2) (a) 1. Two hundred feet upon any highway having a posted speed
19 limit of more than 35 miles per hour.

20 2. Seventy-five feet upon any highway having a posted speed limit of 35 miles
21 per hour or less.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

10/8

10:11

Adam @ Rep. Kaufert

Co-5719

re: LRB 2197/PZ

- wants /1 + jacket

