



2011 SENATE BILL 439

February 7, 2012 – Introduced by Senator LAZICH, cosponsored by Representatives KAPENGA and CRAIG. Referred to Committee on Transportation and Elections.

1 **AN ACT** *to amend* 346.46 (title), 346.46 (2m), 346.465 (title), 346.465 (2) (intro.)
2 and 346.465 (3); and *to create* 346.01 (3) and 349.217 of the statutes; **relating**
3 **to:** authorizing local governments to appoint traffic control attendants to direct
4 traffic at or near special events and vehicle owner liability for failure to follow
5 directions of traffic control attendants.

Analysis by the Legislative Reference Bureau

This bill authorizes any city, village, or town (municipality) or county to adopt an ordinance under which traffic control attendants may be appointed to direct traffic at special events in the municipality or county. Any appointment of a traffic control attendant must specify all dates and times, and locations, for which the appointment is valid. No municipality or county may appoint a person as a traffic control attendant unless the person has received prior training in traffic control and traffic safety. A person appointed as a traffic control attendant must wear an insignia or uniform that designates the person as a traffic control attendant and must be equipped with signals or signs to direct traffic.

Under the bill, a motor vehicle operator approaching a crosswalk that is controlled by a traffic control attendant must follow the directions of the traffic control attendant, even if the operator is facing a green traffic light. A “crosswalk” includes both a marked crosswalk and an unmarked crosswalk formed at the periphery of an intersection. If directed by the traffic control attendant to stop, the operator must stop the vehicle between 10 and 30 feet from the crosswalk and remain

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stopped until the traffic control attendant directs the operator to proceed. A motor vehicle operator who fails to follow the directions of a traffic control attendant 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.

Current law imposes, with exceptions, liability on the owner of a vehicle that is observed violating certain traffic laws, including vehicles observed by an adult school crossing guard failing to follow the directions of the crossing guard. The owner of a vehicle used to commit these traffic violations is subject to specified penalties, but the owner's motor vehicle operating privilege may not be revoked or suspended and no demerit points may be assessed against the owner's driving record. The vehicle owner may assert certain defenses to owner liability.

This bill imposes, in the same manner applicable under current law to school crossing guard violations, liability on the owner of a vehicle observed by a traffic control attendant failing to follow the directions of the traffic control attendant (violation). A traffic control attendant who observes a violation may, within 24 hours after observing the violation, report the violation to a traffic officer of the county or municipality in which the violation occurred. If the report contains specified information, the traffic officer may, within 48 hours after receiving the report, prepare a uniform traffic citation and serve it upon the owner of the vehicle involved in the violation. The owner is liable for the violation, subject to certain limited defenses. Although the owner generally may not assert as a defense that the owner was not operating the vehicle at the time of the violation, the owner has a defense to liability if the owner provides the traffic officer with the name and address of the person who was operating the vehicle at the time of the violation and that person admits operating the vehicle at the time of the violation. If the owner is liable for the violation, the owner is subject to the same forfeiture amounts that would apply to the vehicle operator, specified above, but the owner's operating privilege may not be suspended or revoked and no demerit points may be recorded against the owner's driving record.

For further information see the *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.** 346.01 (3) of the statutes is created to read:

2 346.01 (3) In this chapter, "traffic control attendant" means a person who is
3 appointed as a traffic control attendant under s. 349.217 (1) and who is acting under
4 authority of the appointment.

5 **SECTION 2.** 346.46 (title) of the statutes is amended to read:

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1 **346.46** (title) **Vehicles to stop at stop signs and school certain crossings.**

2 **SECTION 3.** 346.46 (2m) of the statutes is amended to read:

3 346.46 **(2m)** Every operator of a motor vehicle approaching a school crossing
4 ~~which that~~ is controlled by an adult school crossing guard appointed under s. 120.13
5 (31) or 349.215 shall follow the directions of the school crossing guard. Every
6 operator of a motor vehicle approaching a crosswalk that is controlled by a traffic
7 control attendant shall follow the directions of the traffic control attendant, even if
8 the operator of the motor vehicle faces a green traffic signal. If directed by the school
9 crossing guard or traffic control attendant to stop, the operator shall stop the vehicle
10 not less than 10 feet nor more than 30 feet from, respectively, the school crossing or
11 crosswalk and shall remain stopped until the school crossing guard or traffic control
12 attendant directs the operator to proceed.

13 **SECTION 4.** 346.465 (title) of the statutes is amended to read:

14 **346.465** (title) **Owner's liability for vehicle illegally crossing controlled**
15 **school crossing.**

16 **SECTION 5.** 346.465 (2) (intro.) of the statutes is amended to read:

17 346.465 **(2)** (intro.) An adult school crossing guard who observes a violation of
18 s. 346.46 (2m) involving a controlled school crossing, or a traffic control attendant
19 who observes a violation of s. 346.46 (2m) involving a controlled crosswalk, may
20 prepare a written report indicating that a violation has occurred. If possible, the
21 report shall contain the following information:

22 **SECTION 6.** 346.465 (3) of the statutes is amended to read:

23 346.465 **(3)** Within 24 hours after observing the violation, the school crossing
24 guard or traffic control attendant may deliver the report to a traffic officer of the
25 county or municipality in which the violation occurred. A report which does not

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1 contain all the information in sub. (2) shall nevertheless be delivered and shall be
2 maintained by the county or municipality for statistical purposes.

3 **SECTION 7.** 349.217 of the statutes is created to read:

4 **349.217 Authority to appoint traffic control attendants. (1)** The
5 governing body of any municipality or county may by ordinance provide for the
6 appointment of traffic control attendants for the protection of persons who are
7 crossing a highway at or near a location where a special event is being held in the
8 municipality or county.

9 **(2)** If a person is appointed as a traffic control attendant under sub. (1), the
10 appointment shall specify all dates and times, and locations, for which the
11 appointment is valid.

12 **(3)** No municipality or county may appoint a person as a traffic control
13 attendant under sub. (1) unless the person has received prior training in traffic
14 control and traffic safety.

15 **(4)** During the dates and times, and at the locations, specified in the
16 appointment as provided in sub. (2), a person appointed as a traffic control attendant
17 shall wear an insignia or uniform that designates the person as a traffic control
18 attendant and be equipped with signals or signs to direct traffic at or near the special
19 event.

20 **(END)**