



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 423

**Senate
Amendment 1**

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Under *current law*, a person is disqualified from operating a commercial motor vehicle (CMV) for 60 days if, within a three-year period, he or she is convicted of two serious traffic violations, and for 120 days if, within a three-year period, he or she is convicted of three serious traffic violations. “Serious traffic violation” is defined, for these purposes, as certain enumerated offenses committed while doing any of the following:

- Operating a CMV.
- Operating a non-CMV if the person has ever held a commercial driver’s license (CDL), has ever operated a CMV on a highway, or has ever been convicted of a violation related to, or been disqualified from, operating a CMV.

Also under current law, if an emergency vehicle, tow truck, or road maintenance vehicle is stopped on or within 12 feet of the paved portion of the highway, and is giving a proper visual signal, an approaching motorist must move his or her vehicle into a lane not nearest the stopped vehicle until he or she passes the stopped vehicle. If the roadway has only one lane for traffic traveling in each direction or if the motorist cannot change lanes safely, the motorist must slow his or her vehicle until he or she has passed the stopped vehicle. This statute is commonly referred to as the “Move Over Law.”

2011 Senate Bill 423 modifies the definition of “serious traffic violation” for the purposes of disqualifying an individual from operating a CMV. The bill specifies that a violation that occurs while the individual is operating a non-CMV is only a serious traffic violation if the offense results in revocation, cancellation, or suspension of the person’s operating privileges. In addition, the bill adds violations of the “Move Over Law” to the list of offenses that may be a serious traffic violation.

Senate Amendment 1 removes violations of the “Move Over Law” from the list of offenses that may be a “serious traffic violation.”

Legislative History

Senate Amendment 1 was offered by Senator Lazich on February 15, 2012. On February 16, 2012 the Senate Committee on Transportation and Elections recommended adoption of the amendment on a vote of Ayes, 4; Noes, 0. On the same day, the committee recommended passage of the bill, as amended, on a vote of Ayes, 4; Noes, 0.

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