

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB388)

Received: 3/10/2014 Received By: agary
Wanted: As time permits Same as LRB:
For: Garey Bies (608) 266-5350 By/Representing: Cory Bruce
May Contact: Drafter: agary
Subject: Transportation - driver licenses Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Rep.Bies@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Vulnerable highway users; driver education courses

Instructions:

Remove everything except driver education component and definition of vulnerable highway users;
eliminate all the penalty provisions

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>
/?	agary 3/10/2014	scalvin 3/10/2014		_____			
/1			rschluet 3/11/2014	_____	mbarman 3/11/2014	mbarman 3/11/2014	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB388)

Received: 3/10/2014 Received By: agary
Wanted: As time permits Same as LRB:
For: Garey Bies (608) 266-5350 By/Representing: Cory Bruce
May Contact: Drafter: agary
Subject: Transportation - driver licenses Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Rep.Bies@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given


Topic:

Vulnerable highway users; driver education courses ✓

Instructions:

Remove everything except driver education component and definition of vulnerable highway users; eliminate all the penalty provisions

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>
/?	agary	/1 SAC 03/10/2014	/1 SAC 03/10/2014				

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE

in 3/10
wanted
3/12



LRB-46002 50381/1

ARG&SYM:sac:fs

RM/R

Assembly Substitute Amendment,
TO **2013 ASSEMBLY BILL 388**

September 23, 2013 - Introduced by Representatives BIES, ZEPNICK, BALLWEG, BERCEAU, BILLINGS, CZAJA, DOYLE, KAHL, T. LARSON, OHNSTAD, A. OTT, RIEMER, RIPP and SINICKI, cosponsored by Senators OLSEN, SHILLING, T. CULLEN, LEHMAN, RISSER and SCHULTZ. Referred to Committee on Transportation.

1 AN ACT to amend 343.30 (1), 343.31 (3) (a), 343.31 (3) (c), 343.31 (3) (f), 343.38
2 (1) (intro.), 343.38 (3), 345.47 (1) (intro.), 345.60 (1), 346.17 (4), 346.22 (1) (a),
3 (b), (d) and (e), 346.22 (3), 346.65 (3m), 346.65 (3p), 346.65 (3r), 346.95 (1) and
4 (2) and 349.06 (1) (a); and to create 38.04 (4) (e) 7., 115.28 (11) (g), 340.01 (74p),
5 343.31 (2t) (a) 4. and 5., 343.31 (2v), 343.71 (5) (g), 345.60 (5), 346.17 (6), 346.22
6 (5), 346.30 (5), 346.36 (3), 346.43 (4), 346.49 (5), 346.56 (5), 346.60 (6), 346.74
7 (7), 346.82 (3) and 346.95 (12) of the statutes; relating to: traffic violations
8 resulting in harm to vulnerable highway users, driver education instruction,
9 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates penalty enhancements for traffic violations that result in bodily harm, great bodily harm, or death (collectively "harm") to vulnerable highway users. The bill defines "vulnerable highway user" as any of the following: 1) a pedestrian; 2) a bicyclist; 3) an operator of a moped or motor bicycle; 4) an operator of, or passenger on, an animal-drawn vehicle, farm tractor, farm truck tractor, farm trailer, or implement of husbandry; 5) a person riding upon in-line skates, a horse, or a play vehicle; 6) a law enforcement officer, traffic officer, fire fighter, or emergency

substitute amendment

ANAL
move
to
p. 5

ASSEMBLY BILL 388

ANAL-
MORE-
CONT'D

medical technician, while performing his or her official duties; or 7) a person who is rendering medical or emergency assistance to another person. For most traffic violations, the bill doubles the applicable forfeiture or fine if the violation results in harm to a vulnerable highway user, and this doubling is in addition to any other applicable penalty enhancement, such as the doubling for certain traffic violations committed in highway maintenance or construction areas or in utility work areas. However, as discussed below, for specific violations, the bill makes the offense a Class B misdemeanor if the violation results in great bodily harm to a vulnerable highway user or a Class A misdemeanor if the violation results in death to a vulnerable highway user. A Class B misdemeanor is punishable by a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both. A Class A misdemeanor is punishable by a fine not exceeding \$10,000 or imprisonment not exceeding 9 months or both.

Under current law, a person who causes the death of another by operating or handling a vehicle while under the influence of an intoxicant is guilty of a Class D felony or, if the person has been convicted of a prior operating under the influence of an intoxicant or other drug (OWI) offense relating to, a Class C felony. A Class C felony is punishable by a fine not exceeding \$100,000 or imprisonment not exceeding 40 years or both. A Class D felony is punishable by a fine not exceeding \$100,000 or imprisonment not exceeding 25 years or both. In addition, if a person is convicted of causing the death of another by OWI, the Department of Transportation (DOT) must in most cases revoke the person's operating privilege for 5 years. A person who causes great bodily harm to another by OWI is guilty of a Class F felony. A Class F felony is punishable by a fine not exceeding \$25,000 or imprisonment not exceeding 12 years and 6 months or both. In addition, if a person is convicted of causing great bodily harm to another by OWI, DOT must in most cases revoke the person's operating privilege for 2 years. A person who causes injury to another by OWI may be fined not less than \$300 nor more than \$2,000 and imprisoned for not less than 30 days nor more than one year or, if the person has been convicted of a prior OWI-related offense, is guilty of a Class H felony.

Under this bill, the penalties are doubled for a person who causes injury by OWI to a vulnerable highway user. Also, DOT must in most cases revoke the person's operating privilege for 5 years and 6 months or 2 years and 6 months, respectively, for a person who causes the death of a vulnerable highway user by OWI or great bodily harm to a vulnerable highway user by OWI.

Under current law, the operator of a vehicle must yield the right-of-way to another vehicle under certain circumstances, including: when turning left across traffic; at an intersection posted with a yield sign; when entering a through highway or a highway from an alley or driveway or from a parked or standing position; or when entering a highway from another highway that ends at a "T" intersection. A person who fails to yield the right-of-way as required is subject to a forfeiture of not less than \$20 nor more than \$50 for a first offense and not less than \$50 nor more than \$100 for any subsequent offense within a year. However, if the violation results in bodily harm, great bodily harm, or death to another, the person must forfeit, respectively, \$200, \$500, or \$1,000 for the violation and DOT must suspend the

ASSEMBLY BILL 388

person's operating privilege for, respectively, 2 months, 3 months or 9 months. Before the person's operating privilege may be reinstated, the person must complete a vehicle right-of-way course approved by DOT.

Under this bill, the penalty for a failure to yield violation is increased to a Class B misdemeanor if the violation results in great bodily harm to a vulnerable highway user and is increased to a Class A misdemeanor if the violation results in death to a vulnerable highway user. In addition to these increased penalties, DOT must suspend the violator's operating privilege for, respectively, six months or one year. As under current law, before the person's operating privilege may be reinstated, the person must complete a vehicle right-of-way course approved by DOT.

Under current law, the operator of a motor vehicle must yield the right-of-way to livestock being driven over or along the highway. A person who fails to yield the right-of-way to livestock is subject to a forfeiture of not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the second or subsequent offense within a year.

Under this bill, the penalty for a failure to yield to livestock violation is increased to a Class B misdemeanor if the violation results in great bodily harm to a vulnerable highway user and is increased to a Class A misdemeanor if the violation results in death to a vulnerable highway user. In addition to these increased penalties, DOT must suspend the violator's operating privilege for, respectively, six months or one year. Before the person's operating privilege may be reinstated, the person must complete a safe driver course approved by DOT.

Under current law, the operator of a motor vehicle overtaking a bicycle proceeding in the same direction must exercise due care, leaving a safe distance but at least three feet clearance when passing the bicycle, and must maintain clearance until safely past the overtaken bicycle. Also, if the operator of a motor vehicle overtakes a motor bus that is stopped at an intersection on the right side of the roadway and that is receiving or discharging passengers, the operator must pass at a safe distance to the left of the motor bus and may not turn to the right in front of the motor bus at that intersection. A person who commits such a passing violation is subject to a forfeiture of not less than \$25 nor more than \$200 for the first offense and not less than \$50 nor more than \$500 for the second or subsequent offense within four years.

Under this bill, the penalty for a passing violation is increased to a Class B misdemeanor if the violation results in great bodily harm to a vulnerable highway user and is increased to a Class A misdemeanor if the violation results in death to a vulnerable highway user. In addition to these increased penalties, DOT must suspend the violator's operating privilege for, respectively, six months or one year. Before the person's operating privilege may be reinstated, the person must complete a safe driver course approved by DOT.

Current law prohibits inattentive driving of a motor vehicle, which includes:

- 1) being so engaged or occupied, while driving a motor vehicle, as to interfere with the safe driving of the vehicle;
- 2) operating a motor vehicle equipped with a television or similar device in the front of the vehicle or otherwise visible to the operator; and
- 3) driving a motor vehicle while composing or sending an electronic text message or

ASSEMBLY BILL 388

an e-mail message; and 4) driving a motor vehicle while using a cellular or wireless telephone, if the driver holds a probationary license or instruction permit. Any person who commits form 1) or 3) of inattentive driving is subject to a forfeiture of not less than \$20 nor more than \$400 and any person who commits form 2) or 4) of inattentive driving is subject to a forfeiture of 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 offense within a year.

Under this bill, the penalty for an inattentive driving violation is increased to a Class B misdemeanor if the violation results in great bodily harm to a vulnerable highway user and is increased to a Class A misdemeanor if the violation results in death to a vulnerable highway user. In addition to these increased penalties, DOT must suspend the violator's operating privilege for, respectively, six months or one year. Before the person's operating privilege may be reinstated, the person must complete a safe driver course approved by DOT.

Under current law, local authorities may enact and enforce traffic regulations that are in strict conformity with state statutes and that provide for a forfeiture as a penalty.

Under this bill, if a local authority enacts a traffic regulation in strict conformity with a state statute and the statutory penalty is doubled if the violation results in harm to a vulnerable highway user, the applicable ordinance penalty for the ordinance violation must also include the doubling of the forfeiture.

Current law allows a court to order a person who is convicted of a traffic violation to attend traffic safety school. However, as discussed above, for a vehicle failure-to-yield violation, DOT, rather than a court, must order the violator to attend a vehicle right-of-way course.

Current law prohibits a person from causing bodily harm, great bodily harm, or death to another by the negligent operation of a vehicle (reckless driving). A person who commits a reckless driving violation that causes great bodily harm or death must have his or her operating privilege revoked by DOT for one year.

Under this bill, if a person is convicted of a reckless driving violation that causes great bodily harm or death, or of causing the death of another or great bodily harm or injury to another by OWI, DOT must order the person to attend a safe driver course approved by DOT and the person must successfully complete the course before DOT may reinstate the person's operating privilege. This course is required in addition to any other penalty imposed for the violation.

Under current law, the Department of Public Instruction (DPI) must approve driver education courses offered by school districts, county children with disabilities education boards, and technical college districts. DPI must also establish minimum standards for driver education courses offered by private driver schools. DPI may not approve a driver education course or establish driver education course standards unless the course or standards include certain content, such as acquainting students with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and providing instruction in safely dealing with these hazards.

Under current law, the Technical College System Board (TCSB) must approve courses of study for each program offered in technical college district schools,

ASSEMBLY BILL 388

The Department of Transportation

including driver education courses. TCSB may not approve a driver education course unless the course includes certain content, such as acquainting students with the hazards posed by farm machinery and animals on highways and by railroad grade crossings and providing instruction in safely dealing with these hazards. (DOT) licenses private driver schools and DOT may not license a driver school unless its course of instruction includes the content required for TCSB approval of a driver education course.

substitute amendment

Under this bill, all approved driver education courses must acquaint each student with the hazards posed by motor vehicles to vulnerable highway users and provide at least 30 minutes of instruction in safely dealing with these hazards.

~~Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.~~

MOVE ANAL from pol

For further information see the *state and 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.** 38.04 (4) (e) 7. of the statutes is created to read:

2 38.04 (4) (e) 7. Acquaints each student with the hazards posed by motor
3 vehicles to vulnerable highway users, as defined in s. 340.01 (74p), and provides at
4 least 30 minutes of instruction in safely dealing with these hazards.

5 **SECTION 2.** 115.28 (11) (g) of the statutes is created to read:

6 115.28 (11) (g) Acquaint each student with the hazards posed by motor vehicles
7 to vulnerable highway users, as defined in s. 340.01 (74p), and provide at least 30
8 minutes of instruction in safely dealing with these hazards.

9 **SECTION 3.** 340.01 (74p) of the statutes is created to read:

10 340.01 (74p) "Vulnerable highway user" means any of the following:

- 11 (a) A pedestrian.
- 12 (b) A bicyclist.
- 13 (c) An operator of a moped or motor bicycle.

ASSEMBLY BILL 388

SECTION 3

1 (d) An operator of, or passenger on, an animal-drawn vehicle, farm tractor,
2 farm truck tractor, farm trailer, or implement of husbandry.

3 (e) A person riding upon in-line skates, a horse, or a play vehicle.

4 (f) A law enforcement officer, traffic officer, fire fighter, or emergency medical
5 technician, while performing his or her official duties.

6 (g) A person who is rendering medical or emergency assistance to another
7 person.

8 **SECTION 4.** 343.30 (1) of the statutes is amended to read:

9 343.30 (1) A court may suspend a person's operating privilege for any period
10 not exceeding one year upon such person's conviction in such court of violating any
11 of the state traffic laws or any local ordinance enacted under ch. 349, other than a
12 violation of s. ~~346.075, 346.18, 346.21, or 346.89~~, or a local ordinance in conformity
13 with s. ~~346.075, 346.18, 346.21, or 346.89~~, for which operating privilege suspension
14 is required under s. 343.31 (2t) (a) or (2v) (b).

15 **SECTION 5.** 343.31 (2t) (a) 4. and 5. of the statutes are created to read:

16 343.31 (2t) (a) 4. Notwithstanding subs. 1. to 3., for a period of 6 months, if
17 the offense resulted in great bodily harm to a vulnerable highway user but did not
18 result in death to a vulnerable highway user.

19 5. Notwithstanding subs. 1. to 3., for a period of one year, if the offense resulted
20 in death to a vulnerable highway user.

21 **SECTION 6.** 343.31 (2v) of the statutes is created to read:

22 343.31 (2v) (a) In this subsection:

- 23 1. "Great bodily harm" has the meaning given in s. 939.22 (14).
- 24 2. "Offense" means a violation of s. 346.075, 346.21, or 346.89, or a local
25 ordinance in conformity with s. 346.075, 346.21, or 346.89.

ASSEMBLY BILL 388

1 (b) The department shall suspend a person's operating privilege upon receiving
2 a record of conviction for an offense resulting in great bodily harm or death to a
3 vulnerable highway user, as follows:

4 1. For a period of 6 months, if the offense resulted in great bodily harm to a
5 vulnerable highway user but did not result in death to a vulnerable highway user.

6 2. For a period of one year, if the offense resulted in death to a vulnerable
7 highway user.

8 (c) If a person is convicted of an offense resulting in great bodily harm or death
9 to a vulnerable highway user, in addition to any other penalty provided by law, the
10 department shall order the person to attend a safe driver course whose mode of
11 instruction is approved by the secretary and which is conducted by any regularly
12 established safety organization, by the provider of driver education courses approved
13 under s. 38.04 (4) or 115.28 (11), by a driver school licensed under s. 343.61, or by a
14 law enforcement agency. The course of instruction shall include skills and habits
15 promoting safe driving and shall acquaint the person with requirements and
16 restrictions for drivers under ss. 346.075, 346.21, and 346.89. If the course is
17 conducted by the provider of approved driver education courses or a driver school, the
18 provider or driver school shall issue to the person a certificate upon successful
19 completion of the course. If a person's operating privilege has been suspended under
20 par. (b), the department may not reinstate the person's operating privilege unless the
21 person has successfully completed the course required under this paragraph.

22 **SECTION 7.** 343.31 (3) (a) of the statutes is amended to read:

23 343.31 (3) (a) Except as otherwise provided in this subsection or sub. (2m), (2s),
24 (2t), (2v), or (2x), all revocations or suspensions under this section shall be for a
25 period of one year.

ASSEMBLY BILL 388**SECTION 8**

1 **SECTION 8.** 343.31 (3) (c) of the statutes is amended to read:

2 343.31 (3) (c) Any person convicted under s. 940.09 of causing the death of
3 another or of an unborn child by the operation or handling of a motor vehicle shall
4 have his or her operating privilege revoked for 5 years. If there was a minor
5 passenger under 16 years of age or an unborn child, as defined in s. 939.75 (1), in the
6 motor vehicle at the time of the violation that gave rise to the conviction under s.
7 940.09, the revocation period is 10 years. If the person convicted under s. 940.09
8 caused the death of a vulnerable highway user, the revocation period is 5 years and
9 6 months.

10 **SECTION 9.** 343.31 (3) (f) of the statutes is amended to read:

11 343.31 (3) (f) Any person convicted under s. 940.25 shall have his or her
12 operating privilege revoked for 2 years. If there was a minor passenger under 16
13 years of age or an unborn child, as defined in s. 939.75 (1), in the motor vehicle at the
14 time of the violation that gave rise to the conviction under s. 940.25, the revocation
15 period is 4 years. If the person convicted under s. 940.25 caused great bodily harm
16 to a vulnerable highway user, the revocation period is 2 years and 6 months.

17 **SECTION 10.** 343.38 (1) (intro.) of the statutes is amended to read:

18 343.38 (1) REINSTATEMENT AFTER REVOCATION. (intro.) Except as provided in ss.
19 343.10, 343.39, and 351.07, and subject to s. 345.60 (5), the department shall not
20 reinstate the operating privilege of a person whose operating privilege has been duly
21 revoked unless the period of revocation has expired and the person:

22 **SECTION 11.** 343.38 (3) of the statutes is amended to read:

23 343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and
24 s. 343.10, the department shall not reinstate the operating privilege of a person
25 whose operating privilege has been duly suspended while the suspension remains in

ASSEMBLY BILL 388

1 ~~effect. Subject to s. 343.31 (2t) (b) and (2v) (c), upon the expiration of the period of~~
2 ~~suspension, the person's operating privilege is reinstated upon receipt by the~~
3 ~~department of the fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of~~
4 ~~an operating privilege suspended under ch. 344, the filing with the department of~~
5 ~~proof of financial responsibility, if required, in the amount, form, and manner~~
6 ~~specified under ch. 344.~~

7 **SECTION 12.** 343.71 (5) (g) of the statutes is created to read:

8 343.71 (5) (g) Acquaints each student with the hazards posed by motor vehicles
9 to vulnerable highway users, as defined in s. 340.01 (74p) and provides at least 30
10 minutes of instruction in safely dealing with these hazards.

11 **SECTION 13.** 345.47 (1) (intro.) of the statutes is amended to read:

12 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
13 judgment against the defendant for a monetary amount not to exceed the maximum
14 forfeiture provided for the violation, plus costs, fees, and surcharges imposed under
15 ch. 814, and, in addition, may suspend or revoke his or her operating privilege under
16 s. 343.30. If the violation is one described in s. 346.17 (6) (b) or (c), 346.22 (5) (b) or
17 (c), or 346.95 (12) (b) or (c), or if the forfeiture for the violation has been doubled under
18 s. 346.17 (6) (a), 346.22 (5) (a), 346.30 (5), 346.36 (3), 346.43 (4), 346.49 (5), 346.56
19 (5), 346.60 (6), 346.74 (7), 346.82 (3), 346.95 (12) (a), or 349.06 (1) (a), the court may
20 also order the defendant to perform community service work. Upon entering
21 judgment, the court shall notify the defendant personally, if the defendant is present,
22 and in writing that the defendant should notify the court if he or she is unable to pay
23 the judgment because of poverty, as that term is used in s. 814.29 (1) (d). If the
24 defendant is present and the court, using the criteria in s. 814.29 (1) (d), determines
25 that the defendant is unable to pay the judgment because of poverty, the court shall

ASSEMBLY BILL 388**SECTION 13**

1 provide the defendant with an opportunity to pay the judgment in installments,
2 taking into account the defendant's income. If the judgment is not paid or if the
3 defendant fails to make any ordered installment payment, the court shall order:

4 **SECTION 14.** 345.60 (1) of the statutes is amended to read:

5 345.60 (1) Except as provided in ~~sub. subs. (3) and (5)~~ and s. 343.31 (2t) (b), in
6 addition to or in lieu of other penalties provided by law for violation of chs. 346 to 348,
7 the trial court may in its judgment of conviction order the convicted person to attend,
8 for a certain number of school days, a traffic safety school whose course and mode of
9 instruction is approved by the secretary and which is conducted by the police
10 department of the municipality, by the sheriff's office of the county, or by any
11 regularly established safety organization. The trial court may not order a person to
12 attend a traffic safety school under this subsection if the department is required to
13 order that the person attend a vehicle right-of-way course under s. 343.31 (2t) (b)
14 or a safe driver course under sub. (5) or s. 343.31 (2v) (c).

15 **SECTION 15.** 345.60 (5) of the statutes is created to read:

16 345.60 (5) If a person is convicted of a violation of s. 346.62 (4), 940.10, or
17 940.25, or of s. 940.06 or 940.09 if the offense resulted from the operation of a motor
18 vehicle, resulting in great bodily harm or death to a vulnerable highway user, or
19 346.65 (2) or (6) resulting in injury to a vulnerable highway user, in addition to any
20 other penalty provided by law, the department shall order the person to attend a safe
21 driver course whose mode of instruction is approved by the secretary and which is
22 conducted by any regularly established safety organization, by the provider of driver
23 education courses approved under s. 38.04 (4) or 115.28 (11), by a driver school
24 licensed under s. 343.61, or by a law enforcement agency. The course of instruction
25 shall include skills and habits promoting safe driving and shall acquaint the person

ASSEMBLY BILL 388

1 with the hazards of reckless driving. If the course is conducted by the provider of
2 approved driver education courses or a driver school, the provider or driver school
3 shall issue to the person a certificate upon successful completion of the course. If a
4 person's operating privilege has been revoked under s. 343.31 (1) (a), the department
5 may not reinstate the person's operating privilege unless the person has successfully
6 completed the course required under this subsection.

7 **SECTION 16.** 346.17 (4) of the statutes is amended to read:

8 346.17 (4) Any Except as provided in sub. (6), any person violating s. 346.075
9 may be required to forfeit not less than \$25 nor more than \$200 for the first offense
10 and not less than \$50 nor more than \$500 for the 2nd or subsequent violation within
11 4 years.

12 **SECTION 17.** 346.17 (6) of the statutes is created to read:

13 346.17 (6) (a) 1. In this paragraph, "harm" means bodily harm, as defined in
14 s. 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

15 2. Except as provided in pars. (b) and (c), if any violation under ss. 346.04 to
16 346.16 results in harm to a vulnerable highway user, the amount of any forfeiture
17 or fine specified in subs. (1) to (4) or s. 939.50 for the violation shall be doubled. If
18 sub. (5) applies with respect to the violation, the doubling of the forfeiture under this
19 subsection shall apply in addition to any doubling under sub. (5).

20 (b) If any violation under s. 346.075 results in great bodily harm, as defined in
21 s. 939.22 (14), to a vulnerable highway user, the person who commits the violation
22 is guilty of a Class B misdemeanor as specified in s. 939.51 (3) (b).

23 (c) If any violation under s. 346.075 results in death to a vulnerable highway
24 user, the person who commits the violation is guilty of a Class A misdemeanor as
25 specified in s. 939.51 (3) (a).

ASSEMBLY BILL 388**SECTION 18**

1 **SECTION 18.** 346.22 (1) (a), (b), (d) and (e) of the statutes are amended to read:

2 346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e) or sub. (5), any person
3 violating s. 346.18, 346.20 (1), or 346.215 (2) (b) or (3) may be required to forfeit not
4 less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more
5 than \$100 for the 2nd or subsequent conviction within a year.

6 (b) If an operator of a vehicle violates s. 346.18 (6) where persons engaged in
7 work in a highway maintenance or construction area or in a utility work area are at
8 risk from traffic, any applicable minimum and maximum forfeiture or fine specified
9 in par. (a), (c), (d), or (e) or sub. (5) (c) and s. 939.51 (3) for the violation shall be
10 doubled.

11 (d) If Except as provided in sub. (5) (b), if a person violates s. 346.18 and the
12 violation results in great bodily harm, as defined in s. 939.22 (14), to another, the
13 person shall forfeit \$500.

14 (e) If Except as provided in sub. (5) (c), if a person violates s. 346.18 and the
15 violation results in death to another, the person shall forfeit \$1,000.

16 **SECTION 19.** 346.22 (3) of the statutes is amended to read:

17 346.22 (3) Any Except as provided in sub. (5), any person violating s. 346.20
18 (2), (3) or (4) (b) or (c) or 346.21 may be required to forfeit not less than \$10 nor more
19 than \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or
20 subsequent conviction within a year.

21 **SECTION 20.** 346.22 (5) of the statutes is created to read:

22 346.22 (5) (a) 1. In this paragraph, "harm" means bodily harm, as defined in
23 s. 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

24 2. Except as provided in pars. (b) and (c), if any violation under s. 346.19,
25 346.20, 346.21, or 346.215 results in harm to a vulnerable highway user, the amount

ASSEMBLY BILL 388

1 of any forfeiture specified in subs. (1) to (3) for the violation shall be doubled. If sub.
2 (1) (b) applies with respect to the violation, the doubling of the forfeiture under this
3 subsection shall apply in addition to any doubling under sub. (1) (b).

4 (b) If any violation under s. 346.18 or 346.21 results in great bodily harm, as
5 defined in s. 939.22 (14), to a vulnerable highway user, the person who commits the
6 violation is guilty of a Class B misdemeanor as specified in s. 939.51 (3) (b).

7 (c) If any violation under s. 346.18 or 346.21 results in death to a vulnerable
8 highway user, the person who commits the violation is guilty of a Class A
9 misdemeanor as specified in s. 939.51 (3) (a).

10 **SECTION 21.** 346.30 (5) of the statutes is created to read:

11 346.30 (5) (a) In this subsection, "harm" means bodily harm, as defined in s.
12 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

13 (b) If any violation under ss. 346.23 to 346.29 results in harm to a vulnerable
14 highway user, the amount of any forfeiture specified in subs. (1) to (4) for the violation
15 shall be doubled.

16 **SECTION 22.** 346.36 (3) of the statutes is created to read:

17 346.36 (3) (a) In this subsection, "harm" means bodily harm, as defined in s.
18 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

19 (b) If any violation under ss. 346.31 to 346.35 results in harm to a vulnerable
20 highway user, the amount of any forfeiture specified in subs. (1) and (2) for the
21 violation shall be doubled.

22 **SECTION 23.** 346.43 (4) of the statutes is created to read:

23 346.43 (4) (a) In this subsection, "harm" means bodily harm, as defined in s.
24 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

ASSEMBLY BILL 388**SECTION 23**

1 (b) If any violation under ss. 346.37 to 346.42 results in harm to a vulnerable
2 highway user, the amount of any forfeiture specified in subs. (1) to (3) for the violation
3 shall be doubled. If sub. (1) (b) 3. applies with respect to the violation, the doubling
4 of the forfeiture under this subsection shall apply in addition to any doubling under
5 sub. (1) (b) 3.

6 **SECTION 24.** 346.49 (5) of the statutes is created to read:

7 346.49 (5) (a) In this subsection, "harm" means bodily harm, as defined in s.
8 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

9 (b) If any violation under s. 346.44, 346.45, 346.455, 346.46, or 346.47 to 346.48
10 results in harm to a vulnerable highway user, the amount of any forfeiture specified
11 in subs. (1), (1g), (2), (2m), and (4) for the violation shall be doubled. If sub. (1) (c)
12 applies with respect to the violation, the doubling of the forfeiture under this
13 subsection shall apply in addition to any doubling under sub. (1) (c).

14 **SECTION 25.** 346.56 (5) of the statutes is created to read:

15 346.56 (5) (a) In this subsection, "harm" means bodily harm, as defined in s.
16 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

17 (b) If any violation under ss. 346.503 to 346.55 results in harm to a vulnerable
18 highway user, the amount of any forfeiture specified in subs. (1) to (4) for the violation
19 shall be doubled.

20 **SECTION 26.** 346.60 (6) of the statutes is created to read:

21 346.60 (6) (a) In this subsection, "harm" means bodily harm, as defined in s.
22 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

23 (b) If any violation under ss. 346.57 to 346.595 results in harm to a vulnerable
24 highway user, the amount of any forfeiture specified in subs. (1) to (5) for the violation
25 shall be doubled. If sub. (3m) applies with respect to the violation, the doubling of

ASSEMBLY BILL 388

1 the forfeiture under this subsection shall apply in addition to any doubling or other
2 penalty enhancement under sub. (3m).

3 **SECTION 27.** 346.65 (3m) of the statutes is amended to read:

4 **346.65 (3m)** Except as provided in sub. (3p) or (3r), any person violating s.
5 346.63 (2) or (6) shall be fined not less than \$300 nor more than \$2,000 and may be
6 imprisoned for not less than 30 days nor more than one year in the county jail. If
7 there was a minor passenger under 16 years of age in the motor vehicle at the time
8 of the violation that gave rise to the conviction under s. 346.63 (2) or (6), the offense
9 is a felony, the applicable minimum and maximum fines or periods of imprisonment
10 for the conviction are doubled and the place of imprisonment shall be determined
11 under s. 973.02. If the injury was to a vulnerable highway user, the applicable
12 minimum and maximum fines for the conviction are doubled.

13 **SECTION 28.** 346.65 (3p) of the statutes is amended to read:

14 **346.65 (3p)** Any person violating s. 346.63 (2) or (6) is guilty of a Class H felony
15 if the person has one or more prior convictions, suspensions, or revocations, as
16 counted under s. 343.307 (1). If there was a minor passenger under 16 years of age
17 in the motor vehicle at the time of the violation that gave rise to the conviction under
18 s. 346.63 (2) or (6), the offense is a felony and the applicable maximum fines or
19 periods of imprisonment for the conviction are doubled. If the injury was to a
20 vulnerable highway user, the applicable minimum and maximum fines for the
21 conviction are doubled.

22 **SECTION 29.** 346.65 (3r) of the statutes is amended to read:

23 **346.65 (3r)** In any county that opts to offer a reduced minimum period of
24 imprisonment for the successful completion of a probation period that includes
25 alcohol and other drug treatment, any person violating s. 346.63 (2) or (6) shall be

ASSEMBLY BILL 388

SECTION 29

1 fined the same as under sub. (3m), but the period of imprisonment shall be not less
2 than 30 days, except that if the person successfully completes a period of probation
3 that includes alcohol and other drug treatment, the period of imprisonment shall be
4 not less than 15 days. If there was a minor passenger under 16 years of age in the
5 motor vehicle at the time of the violation that gave rise to the conviction under s.
6 346.63 (2) or (6), the offense is a felony, the applicable minimum and maximum fines
7 or periods of imprisonment for the conviction are doubled and the place of
8 imprisonment shall be determined under s. 973.02. If the injury was to a vulnerable
9 highway user, the applicable minimum and maximum fines for the conviction are
10 doubled. A person may be sentenced under this subsection or under sub. (2) (bm) or
11 (cm) or (2j) (bm) or (cm) once in his or her lifetime. This subsection does not apply
12 to a person sentenced under sub. (3p).

13 **SECTION 30.** 346.74 (7) of the statutes is created to read:

14 346.74 (7) (a) In this subsection, "harm" means bodily harm, as defined in s.
15 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

16 (b) If any violation under s. 346.67 or ss. 346.68 to 346.70 results in harm to
17 a vulnerable highway user, the amount of any forfeiture or fine specified in subs. (2)
18 to (5) or s. 939.50 for the violation shall be doubled.

19 **SECTION 31.** 346.82 (3) of the statutes is created to read:

20 346.82 (3) (a) In this subsection, "harm" means bodily harm, as defined in s.
21 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

22 (b) If any violation under ss. 346.77 to 346.805 results in harm to a vulnerable
23 highway user, the amount of any forfeiture specified in subs. (1) and (2) for the
24 violation shall be doubled.

25 **SECTION 32.** 346.95 (1) and (2) of the statutes are amended to read:

ASSEMBLY BILL 388

1 346.95 (1) ~~Any Except as provided in sub. (12) (c), any person violating s.~~
2 346.87, 346.88, 346.89 (2) or (4), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) or
3 (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense
4 and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within
5 a year.

6 (2) ~~Any Except as provided in sub. (12) (c), any person violating s. 346.89 (1)~~
7 or (3) (a) or 346.94 (2), (4), or (7) may be required to forfeit not less than \$20 nor more
8 than \$400.

9 **SECTION 33.** 346.95 (12) of the statutes is created to read:

10 346.95 (12) (a) 1. In this paragraph, "harm" means bodily harm, as defined in
11 s. 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death.

12 2. Except as provided in pars. (b) and (c), if any violation under ss. 346.87 to
13 346.94 results in harm to a vulnerable highway user, the amount of any forfeiture
14 specified in subs. (1) to (5e) and (6) to (11) for the violation shall be doubled.

15 (b) If any violation under s. 346.89 results in great bodily harm, as defined in
16 s. 939.22 (14), to a vulnerable highway user, the person who commits the violation
17 is guilty of a Class B misdemeanor as specified in s. 939.51 (3) (b).

18 (c) If any violation under s. 346.89 results in death to a vulnerable highway
19 user, the person who commits the violation is guilty of a Class A misdemeanor as
20 specified in s. 939.51 (3) (a).

21 **SECTION 34.** 349.06 (1) (a) of the statutes is amended to read:

22 349.06 (1) (a) Except for the suspension or revocation of motor vehicle
23 operator's licenses or except as provided in par. (b), any local authority may enact and
24 enforce any traffic regulation which is in strict conformity with one or more
25 provisions of chs. 341 to 348 and 350 for which the penalty for violation thereof is a

ASSEMBLY BILL 388**SECTION 34**

1 forfeiture. If a local authority enacts a traffic regulation in strict conformity with any
2 provision of ch. 346 for which the penalty under ch. 346 is doubled if the violation
3 results in harm to a vulnerable highway user, the applicable penalty for the violation
4 under the ordinance shall also include the doubling of the forfeiture.

SECTION 35. Initial applicability.

6 (1) The treatment of sections ~~349.01 (74p), 343.30 (1), 343.31 (2t) (a) 4. and 5.,~~
7 ~~(2v), and (3) (a), (c), and (f), 343.38 (1) and (3), 345.47 (1) (intro.), 345.60 (1) and (5),~~
8 ~~346.17 (4) and (6), 346.22 (1) (a), (b), (d), and (e), (3), and (5), 346.30 (5), 346.36 (3),~~
9 ~~346.43 (4), 346.49 (5), 346.56 (5), 346.60 (6), 346.65 (3m), (3p), and (3r), 346.74 (7),~~
10 ~~346.82 (3), 346.95 (1), (2), and (12), and 349.06 (1) (a) of the statutes first applies to~~
11 ~~violations committed on the effective date of this subsection.~~

12 (2) The treatment of sections 38.04 (4) (e) 7., 115.28 (11) (g), and 343.71 (5) (g)
13 of the statutes first applies to driver education courses that begin on the effective
14 date of this subsection.

SECTION 36. Effective date.

16 (1) This act takes effect on the first day of the 4th month beginning after
17 publication.

18 (END)