



2015 ASSEMBLY BILL 476

November 3, 2015 - Introduced by Representatives BRANDTJEN, HORLACHER, KERKMAN, KNODL, T. LARSON, VORPAGEL and WEATHERSTON, cosponsored by Senators OLSEN, STROEBEL and WIRCH. Referred to Committee on Transportation.

1 **AN ACT to amend** 343.30 (1), 343.31 (2t) (a) (intro.), 343.31 (2t) (b), 346.17 (1),
2 346.17 (2), 346.30 (1) (b) 1., 346.36 (1), 346.43 (1) (b) 1., 346.49 (1) (a) and 346.95
3 (1); and **to create** 346.17 (6), 346.30 (5), 346.36 (3), 346.43 (4), 346.49 (5) and
4 346.95 (13) of the statutes; **relating to:** traffic violations requiring operating
5 privilege suspension and attendance at a vehicle right-of-way course and
6 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill expands the list of traffic violations for which the Department of Transportation (DOT) must suspend a violator's operating privilege and require attendance at a vehicle right-of-way course, and increases the penalties for certain offenses.

Under current law, operators of vehicles proceeding in opposite directions are required to pass each other to the right. Also under current law, the operator of a vehicle may not back the vehicle unless the movement can be made with reasonable safety.

Under current law, the operator of a vehicle approaching an intersection or crosswalk where traffic is controlled by traffic control signals or by a traffic officer is required to yield the right-of-way to a pedestrian, or to a person riding a bicycle or electric personal assistive mobility device in a manner consistent with the safe use of the crosswalk or intersection.

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Under current law, the operator of a vehicle turning at an intersection is required to follow the course marked for the turn by markers, buttons, or signs. If no course is marked, the operator is required to turn from the lane nearest the direction of the turn. The operator of a vehicle on an alley is required to stop the vehicle immediately before crossing or entering an intersecting alley or highway and before crossing an intersecting sidewalk.

Under current law, the operator of a vehicle approaching an official stop sign at an intersection is required to stop the vehicle before entering the intersection and yield the right-of-way to other vehicles in the intersection or approaching the intersection on a highway that is not controlled by a stop sign or traffic signal. The operator of a vehicle approaching a stop sign erected mid-block is required to stop the vehicle not less than ten nor more than 30 feet from the sign. Vehicular traffic facing a flashing red traffic control signal must stop before entering the intersection and must proceed in the manner required for a stop sign.

Under current law, vehicular traffic facing a green traffic control signal may proceed through an intersection. Vehicular traffic facing a green arrow signal may enter the intersection to make the movement indicated by the arrow, but must yield the right-of-way to other vehicles and pedestrians lawfully within the intersection. Vehicular traffic facing a red traffic control signal must stop before entering the intersection, but may make a right turn after stopping unless a sign at the intersection prohibits a turn. Regardless of the traffic control signal, a vehicle operator proceeding through an intersection is required to yield the right-of-way to other vehicles, pedestrians, bicycles, or electric personal assistive mobility devices lawfully within the intersection or adjacent crosswalks.

A person who violates any of these requirements 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 2nd or subsequent conviction within a year.

Under current law, the operator of a vehicle is generally required to drive on the right half of the roadway and is prohibited from driving to the left of the center of the roadway, subject to certain exceptions. A person who violates these requirements is subject to a forfeiture of not less than \$30 nor more than \$300.

Under this bill, if a person has committed any of the aforementioned violations and the violation results in bodily harm or death of another, the person must forfeit \$200 if bodily harm results, \$500 if great bodily harm results, and \$1,000 if death results. In addition, DOT must require attendance at a vehicle right-of-way course and suspend the person's operating privilege. This DOT suspension must be for a period of two months if the offense resulted in bodily harm to another, three months if the offense resulted in great bodily harm to another, and nine months if the offense resulted in the death of another.

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:

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

2 343.30 (1) A court may suspend a person's operating privilege for any period
3 not exceeding one year upon such person's conviction in such court of violating any
4 of the state traffic laws or any local ordinance enacted under ch. 349, other than a
5 violation of s. 346.05 (1), 346.06, 346.07 (2) or (3), 346.09, 346.18, 346.23, 346.31,
6 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1), 346.46 (1) or (4) (a), 346.47 (1) or (2), or
7 346.87 or a local ordinance in conformity with ~~s. 346.18~~ therewith for which
8 operating privilege suspension is required under s. 343.31 (2t) (a).

9 **SECTION 2.** 343.31 (2t) (a) (intro.) of the statutes is amended to read:

10 343.31 (2t) (a) (intro.) The department shall suspend a person's operating
11 privilege upon receiving a record of conviction for a violation of s. 346.05 (1), 346.06,
12 346.07 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39
13 (1), 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87 or a local ordinance in conformity
14 with ~~s. 346.18~~ therewith, resulting in bodily harm, as defined in s. 939.22 (4), great
15 bodily harm, as defined in s. 939.22 (14), or death, as follows:

16 **SECTION 3.** 343.31 (2t) (b) of the statutes is amended to read:

17 343.31 (2t) (b) If a person is convicted of violating s. 346.05 (1), 346.06, 346.07
18 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1),
19 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87 or a local ordinance in conformity with
20 ~~s. 346.18~~ therewith, in addition to any other penalty provided by law, the department
21 shall order the person to attend a vehicle right-of-way course whose mode of
22 instruction is approved by the secretary and which is conducted by any regularly
23 established safety organization, by the provider of driver education courses approved
24 under s. 38.04 (4) or 115.28 (11), or by a driver school licensed under s. 343.61. The
25 course of instruction shall acquaint the person with vehicle right-of-way rules and

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1 provide instruction on motorcycle, pedestrian, and bicycle awareness. If the course
2 is conducted by the provider of approved driver education courses or a driver school,
3 the provider or driver school shall issue to the person a certificate upon successful
4 completion of the course. If a person's operating privilege has been suspended under
5 par. (a), the department may not reinstate the person's operating privilege unless the
6 person has successfully completed the course required under this paragraph.

7 **SECTION 4.** 346.17 (1) of the statutes is amended to read:

8 346.17 (1) Except as provided in ~~sub. subs.~~ subs. (5) and (6), any person violating s.
9 346.04 (1) or (2), 346.06, 346.12 or 346.13 (1) or (3) may be required to forfeit not less
10 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
11 \$100 for the 2nd or subsequent conviction within a year.

12 **SECTION 5.** 346.17 (2) of the statutes is amended to read:

13 346.17 (2) ~~Any~~ Except as provided in sub. (6), any person violating ss. 346.05,
14 346.07 (2) or (3), 346.072, 346.08, 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14
15 to 346.16 may be required to forfeit not less than \$30 nor more than \$300.

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

17 346.17 (6) (a) If a person violates s. 346.05 (1), 346.06, 346.07 (2) or (3), or
18 346.09 and the violation results in bodily harm, as defined in s. 939.22 (4), to another,
19 the person shall forfeit \$200.

20 (b) If a person violates s. 346.05 (1), 346.06, 346.07 (2) or (3), or 346.09 and the
21 violation results in great bodily harm, as defined in s. 939.22 (14), to another, the
22 person shall forfeit \$500.

23 (c) If a person violates s. 346.05 (1), 346.06, 346.07 (2) or (3), or 346.09 and the
24 violation results in death to another, the person shall forfeit \$1,000.

25 **SECTION 7.** 346.30 (1) (b) 1. of the statutes is amended to read:

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1 346.30 (1) (b) 1. ~~Unless otherwise~~ Except as provided in subd. 2. or sub. (5), any
2 operator of a vehicle violating s. 346.23 or 346.28 may be required to forfeit not less
3 than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than
4 \$100 for the 2nd or subsequent conviction within a year.

5 **SECTION 8.** 346.30 (5) of the statutes is created to read:

6 346.30 (5) (a) If a person violates s. 346.23 and the violation results in bodily
7 harm, as defined in s. 939.22 (4), to another, the person shall forfeit \$200.

8 (b) If a person violates s. 346.23 and the violation results in great bodily harm,
9 as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

10 (c) If a person violates s. 346.23 and the violation results in death to another,
11 the person shall forfeit \$1,000.

12 **SECTION 9.** 346.36 (1) of the statutes is amended to read:

13 346.36 (1) ~~Unless otherwise~~ Except as provided in sub. subs. (2) and (3), any
14 person violating ss. 346.31 to 346.35 may be required to forfeit not less than \$20 nor
15 more than \$40 for the first offense and not less than \$50 nor more than \$100 for the
16 2nd or subsequent conviction within a year.

17 **SECTION 10.** 346.36 (3) of the statutes is created to read:

18 346.36 (3) (a) If a person violates s. 346.31 and the violation results in bodily
19 harm, as defined in s. 939.22 (4), to another, the person shall forfeit \$200.

20 (b) If a person violates s. 346.31 and the violation results in great bodily harm,
21 as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

22 (c) If a person violates s. 346.31 and the violation results in death to another,
23 the person shall forfeit \$1,000.

24 **SECTION 11.** 346.43 (1) (b) 1. of the statutes is amended to read:

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1 346.43 (1) (b) 1. ~~Unless otherwise~~ Except as provided in subd. 2. or 3. or sub.
2 (4), any operator of a vehicle violating ss. 346.37 to 346.39 may be required to forfeit
3 not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor
4 more than \$100 for the 2nd or subsequent conviction within a year.

5 **SECTION 12.** 346.43 (4) of the statutes is created to read:

6 346.43 (4) (a) If a person violates s. 346.37 (1) (a) 1., (c) 3., or (d) 1. or 346.39
7 (1) and the violation results in bodily harm, as defined in s. 939.22 (4), to another, the
8 person shall forfeit \$200.

9 (b) If a person violates s. 346.37 (1) (a) 1., (c) 3., or (d) 1. or 346.39 (1) and the
10 violation results in great bodily harm, as defined in s. 939.22 (14), to another, the
11 person shall forfeit \$500.

12 (c) If a person violates s. 346.37 (1) (a) 1., (c) 3., or (d) 1. or 346.39 (1) and the
13 violation results in death to another, the person shall forfeit \$1,000.

14 **SECTION 13.** 346.49 (1) (a) of the statutes is amended to read:

15 346.49 (1) (a) ~~Unless otherwise~~ Except as provided in par. (b) or (c) or sub. (5),
16 any person violating s. 346.46 (1), (2m) or (4) or 346.47 may be required to forfeit not
17 less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more
18 than \$100 for the 2nd or subsequent conviction within a year.

19 **SECTION 14.** 346.49 (5) of the statutes is created to read:

20 346.49 (5) (a) If a person violates s. 346.46 (1) or (4) (a) or 346.47 (1) or (2) and
21 the violation results in bodily harm, as defined in s. 939.22 (4), to another, the person
22 shall forfeit \$200.

23 (b) If a person violates s. 346.46 (1) or (4) (a) or 346.47 (1) or (2) and the violation
24 results in great bodily harm, as defined in s. 939.22 (14), to another, the person shall
25 forfeit \$500.

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1 (c) If a person violates s. 346.46 (1) or (4) (a) or 346.47 (1) or (2) and the violation
2 results in death to another, the person shall forfeit \$1,000.

3 **SECTION 15.** 346.95 (1) of the statutes is amended to read:

4 346.95 (1) ~~Any~~ Except as provided in sub. (13), any person violating s. 346.87,
5 346.88, 346.89 (4) or (5), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may
6 be required to forfeit not less than \$20 nor more than \$40 for the first offense and not
7 less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

8 **SECTION 16.** 346.95 (13) of the statutes is created to read:

9 346.95 (13) (a) If a person violates s. 346.87 and the violation results in bodily
10 harm, as defined in s. 939.22 (4), to another, the person shall forfeit \$200.

11 (b) If a person violates s. 346.87 and the violation results in great bodily harm,
12 as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

13 (c) If a person violates s. 346.87 and the violation results in death to another,
14 the person shall forfeit \$1,000.

15 **SECTION 17. Initial applicability.**

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

18 (END)