

# State of Wisconsin



2011 Assembly Bill 55

Date of enactment: April 2, 2012  
Date of publication\*: April 16, 2012

## 2011 WISCONSIN ACT 173

AN ACT *to repeal* 346.22 (1) (f); *to renumber and amend* 343.30 (1j) and 345.60 (4); and *to amend* 38.04 (4) (e) 3., 115.28 (11) (c), 343.30 (1), 343.31 (3) (a), 343.38 (3), 343.71 (5) (c), 345.60 (1), 346.22 (1) (c), 346.22 (1) (d) and 346.22 (1) (e) of the statutes; **relating to:** vehicle failure-to-yield violations and driver education instruction.

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

**SECTION 1g.** 38.04 (4) (e) 3. of the statutes is amended to read:

38.04 (4) (e) 3. ~~Includes information~~ Provides at least 30 minutes of instruction on motorcycle awareness, as approved by a recognized motorcycle safety and awareness organization, and pedestrian and bicycle awareness, as approved by a recognized pedestrian and bicycle safety and awareness organization.

**SECTION 1m.** 115.28 (11) (c) of the statutes is amended to read:

115.28 (11) (c) ~~Provide information~~ at least 30 minutes of instruction on motorcycle awareness, as approved by a recognized motorcycle safety and awareness organization, and pedestrian and bicycle awareness, as approved by a recognized pedestrian and bicycle safety and awareness organization.

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

343.30 (1) A court may suspend a person's operating privilege for any period not exceeding one year upon such person's conviction in such court of violating any of the state traffic laws or any local ordinance enacted under ch. 349, other than a violation of s. 346.18 or a local ordi-

nance in conformity with s. 346.18 for which operating privilege suspension is required under s. 343.31 (2t) (a).

**SECTION 2.** 343.30 (1j) of the statutes is renumbered 343.31 (2t) (a), and 343.31 (2t) (a) (intro.), 1., and 2., as renumbered, are amended to read:

343.31 (2t) (a) (intro.) ~~Upon conviction of a person for violating s. 346.18, the court~~ The department shall suspend ~~the violator's~~ a person's operating privilege upon receiving a record of conviction for a violation of s. 346.18, or a local ordinance in conformity with s. 346.18, resulting in bodily harm, as defined in s. 939.22 (4), great bodily harm, as defined in s. 939.22 (14), or death, as follows:

1. For a period of ~~30 days~~ 2 months, if the offense resulted in bodily harm to another but did not result in great bodily harm or the death of another.

2. For a period of ~~90 days~~ 3 months, if the offense resulted in great bodily harm to another but did not result in the death of another.

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

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

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 4.** 343.38 (3) of the statutes is amended to read:

343.38 (3) REINSTATEMENT AFTER SUSPENSION. Except as provided in sub. (2) and s. 343.10, the department shall not reinstate the operating privilege of a person whose operating privilege has been duly suspended while the suspension remains in effect. ~~Upon~~ Subject to s. 343.31 (2t) (b), upon the expiration of the period of suspension, the person's operating privilege is reinstated upon receipt by the department of the fees specified in s. 343.21 (1) (j) and (n) and, for reinstatement of an operating privilege suspended under ch. 344, the filing with the department of proof of financial responsibility, if required, in the amount, form, and manner specified under ch. 344.

**SECTION 4m.** 343.71 (5) (c) of the statutes is amended to read:

343.71 (5) (c) ~~Includes information~~ Provides at least 30 minutes of instruction on motorcycle awareness, as approved by a recognized motorcycle safety and awareness organization, and pedestrian and bicycle awareness, as approved by a recognized pedestrian and bicycle safety and awareness organization.

**SECTION 5.** 345.60 (1) of the statutes is amended to read:

345.60 (1) Except as provided in ~~subs. (3) and (4)~~ sub. (3) and s. 343.31 (2t) (b), in addition to or in lieu of other penalties provided by law for violation of chs. 346 to 348, the trial court may in its judgment of conviction order the convicted person to attend, for a certain number of school days, a traffic safety school whose course and mode of instruction is approved by the secretary, ~~subject to sub. (4), and which is conducted by the police department of the municipality, by the sheriff's office of the county, or by any regularly established safety organization.~~ The trial court may not order a person to attend a traffic safety school under this subsection if the department is required to order that the person attend a vehicle right-of-way course under s. 343.31 (2t) (b).

**SECTION 6.** 345.60 (4) of the statutes is renumbered 343.31 (2t) (b) and amended to read:

343.31 (2t) (b) If a person is convicted of violating s. 346.18 or a local ordinance in conformity with s. 346.18, in addition to any other penalty provided by law, ~~a court~~ the department shall order the person to attend a school ~~under sub. (1), which a vehicle right-of-way course whose mode of instruction is approved by the secretary and which is conducted by any regularly established safety organization, by the provider of driver~~

education courses approved under s. 38.04 (4) or 115.28 (11), or by a driver school licensed under s. 343.61. The course of instruction shall acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness. If the course is conducted by the provider of approved driver education courses or a driver school, the provider or driver school shall issue to the person a certificate upon successful completion of the course. If a person's operating privilege has been suspended under par. (a), the department may not reinstate the person's operating privilege unless the person has successfully completed the course required under this paragraph.

**SECTION 7.** 346.22 (1) (c) of the statutes is amended to read:

346.22 (1) (c) If a person violates s. 346.18 and the violation results in bodily harm, as defined in s. 939.22 (4), to another, the person shall forfeit \$200 ~~and shall have his or her operating privilege suspended as provided in s. 343.30 (1j).~~

**SECTION 8.** 346.22 (1) (d) of the statutes is amended to read:

346.22 (1) (d) If a person violates s. 346.18 and the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500 ~~and shall have his or her operating privilege suspended as provided in s. 343.30 (1j).~~

**SECTION 9.** 346.22 (1) (e) of the statutes is amended to read:

346.22 (1) (e) If a person violates s. 346.18 and the violation results in death to another, the person shall forfeit \$1,000 ~~and shall have his or her operating privilege suspended as provided in s. 343.30 (1j).~~

**SECTION 10.** 346.22 (1) (f) of the statutes is repealed.

**SECTION 11. Initial applicability.**

(1) RIGHT-OF-WAY VIOLATIONS. The treatment of sections 343.30 (1) and (1j), 343.31 (3) (a), 343.38 (3), 345.60 (1) and (4), and 346.22 (1) (c), (d), (e), and (f) of the statutes first applies to violations occurring on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for purposes of sentencing a person.

(2) DRIVER EDUCATION COURSES. The treatment of sections 38.04 (4) (e) 3., 115.28 (11) (c), and 343.71 (5) (c) of the statutes first applies to driver education courses that begin on the effective date of this subsection.

**SECTION 12. Effective date.**

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