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State of Misconsin 2013 - 2014 LEGISLATURE



2013 ASSEMBLY BILL 802

February 20, 2014 – Introduced by Representatives Jacque, Bies, Berceau, Kahl, Murphy and Nass, cosponsored by Senators Schultz and Lassa. Referred to Committee on Transportation.

 $AN\ ACT$ to renumber and amend 346.49 (2); and to create 346.49 (2) (b), (c) and

(d) of the statutes; **relating to:** the penalty for failing to stop for a school bus displaying flashing red warning lights and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires motorists who approach a school bus that is stopped and displaying flashing red lights to stop their approaching vehicles not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the bus driver extinguishes the flashing red lights, unless the school bus is on the opposite side of a divided highway. With certain exceptions, the operator of a school bus must activate the flashing red lights at least 100 feet before stopping to load or unload pupils or other passengers and may not extinguish these lights until loading or unloading is completed and anyone who must cross the highway is safely across. A motorist who violates the requirement to stop for a school bus displaying flashing red lights may be required to forfeit not less than \$30 nor more than \$300.

This bill creates a penalty enhancement for failure to stop for a school bus displaying flashing red lights if the failure to stop results in bodily harm, great bodily harm, or death to another. Under the bill, the penalty is as follows: 1) if the failure to stop results in bodily harm, the violation is a Class I felony, punishable by a fine not exceeding \$10,000 or imprisonment not exceeding three and one-half years or both; 2) if the failure to stop results in great bodily harm, the violation is a Class H felony, punishable by a fine not exceeding \$10,000 or imprisonment not exceeding six years or both; or 3) if the failure to stop results in death, the violation is a Class G

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felony, punishable by a fine not exceeding \$25,000 or imprisonment not exceeding ten years or both.

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.

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

Section 1. 346.49 (2) of the statutes is renumbered 346.49 (2) (a) and amended 1 $\mathbf{2}$ to read: 3 346.49 (2) (a) Any Except as provided in par. (b), (c), or (d), any person violating s. 346.455 or 346.48 may be required to forfeit not less than \$30 nor more than \$300. 4 **Section 2.** 346.49 (2) (b), (c) and (d) of the statutes are created to read: 5 6 346.49 (2) (b) If a person violates s. 346.48 (1) and the violation results in bodily 7 harm, as defined in s. 939.22 (4), to another, the person is guilty of a Class I felony. 8 (c) If a person violates s. 346.48 (1) and the violation results in great bodily 9 harm, as defined in s. 939.22 (14), to another, the person is guilty of a Class H felony 10 (d) If a person violates s. 346.48 (1) and the violation results in death to another, the person is guilty of a Class G felony. 11 12 SECTION 3. Initial applicability. 13

(1) This act first applies to violations of section 346.48 (1) of the statutes that occur on the effective date of this subsection.

15 (END)

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