



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5241/1
EVM:emw

2021 ASSEMBLY BILL 853

January 18, 2022 - Introduced by Representatives SHELTON, SNODGRASS, ANDRACA, BILLINGS, CONSIDINE, EMERSON, HEBL, B. MEYERS, POPE, SINICKI, STUBBS, SUBECK, VRUWINK and DRAKE, cosponsored by Senators AGARD and LARSON. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 346.23 (1), 346.23 (2), 346.24 (1), 346.24 (2), 346.37 (1) (a) 1.,
2 346.37 (1) (c) 3., 346.37 (1) (c) 4., 346.37 (1) (d) 1. and 346.37 (1) (e) 1. of the
3 statutes; **relating to:** requiring vehicles to stop for pedestrians at certain
4 intersections and crosswalks.

Analysis by the Legislative Reference Bureau

This bill requires a vehicle operator to stop his or her vehicle and remain stopped until a pedestrian crossing at a crosswalk has completed crossing the roadway.

Under current law, the operator of a vehicle is required to yield the right-of-way to a pedestrian, personal delivery device, bicyclist, or rider of an electric scooter or electric personal assistive mobility device that is crossing a highway at an intersection or crosswalk controlled by a traffic signal on a green or "walk" signal or that is crossing a highway at an intersection or crosswalk not controlled by a traffic signal within a marked or unmarked crosswalk. "Yield the right-of-way to a pedestrian" is defined to mean that the operator of a vehicle must reduce speed, or stop if necessary, to avoid endangering, colliding with, or interfering with pedestrian travel.

The bill requires that, under these circumstances, rather than yield, the vehicle operator must stop the vehicle and remain stopped until the pedestrian, personal

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delivery device, bicyclist, or rider of an electric scooter or electric personal assistive mobility device has completed crossing the roadway.

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

1 **SECTION 1.** 346.23 (1) of the statutes is amended to read:

2 346.23 (1) At an intersection or crosswalk where traffic is controlled by traffic
3 control signals or by a traffic officer, the operator of a vehicle shall yield the
4 right-of-way to stop the vehicle when a pedestrian or personal delivery device, or to
5 a person who is riding a bicycle, electric scooter, or electric personal assistive mobility
6 device in a manner ~~which~~ that is consistent with the safe use of the crosswalk by
7 pedestrians, ~~that~~ has started to cross the highway on a green signal or a pedestrian
8 signal authorizing crossing ~~and in~~ and shall remain stopped until the pedestrian,
9 personal delivery device, bicyclist, or rider of an electric scooter or electric personal
10 assistive mobility device has completed crossing the roadway. In all other cases,
11 pedestrians, bicyclists, and riders of electric scooters and electric personal assistive
12 mobility devices shall yield, and personal delivery device operators shall ensure that
13 personal delivery devices yield, the right-of-way to vehicles lawfully proceeding
14 directly ahead on a green signal. ~~No~~ The operator of a vehicle proceeding ahead on
15 a green signal ~~may begin a~~ and preparing to turn at a controlled intersection or
16 crosswalk ~~when~~ where a pedestrian, personal delivery device, bicyclist, or rider of an
17 electric scooter or an electric personal assistive mobility device is crossing in the
18 crosswalk on a green signal or a pedestrian signal authorizing crossing ~~would be~~
19 ~~endangered or interfered with in any way~~ shall stop the vehicle and shall remain
20 stopped until the pedestrian, personal delivery device, bicyclist, or rider of an electric
21 scooter or electric personal assistive mobility device has completed crossing the

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1 roadway. The rules stated in this subsection are modified at intersections or
2 crosswalks on divided highways or highways provided with safety zones in the
3 manner and to the extent stated in sub. (2).

4 **SECTION 2.** 346.23 (2) of the statutes is amended to read:

5 346.23 (2) At intersections or crosswalks on divided highways or highways
6 provided with safety zones where traffic is controlled by traffic control signals or by
7 a traffic officer, the operator of a vehicle shall ~~yield the right-of-way to~~ stop the
8 vehicle when a pedestrian, personal delivery device, bicyclist, or rider of an electric
9 scooter or an electric personal assistive mobility device ~~that~~ has started to cross the
10 roadway either from the near curb or shoulder or from the center dividing strip or
11 a safety zone with the green signal or a pedestrian signal authorizing crossing in the
12 favor of the pedestrian, personal delivery device, bicyclist, or rider of an electric
13 scooter or an electric personal assistive mobility device and shall remain stopped
14 until the pedestrian, personal delivery device, bicyclist, or rider of an electric scooter
15 or electric personal assistive mobility device has completed crossing the roadway.

16 **SECTION 3.** 346.24 (1) of the statutes is amended to read:

17 346.24 (1) At an intersection or crosswalk where traffic is not controlled by
18 traffic control signals or by a traffic officer, the operator of a vehicle shall ~~yield the~~
19 ~~right-of-way to~~ stop the vehicle when a pedestrian or personal delivery device, or to
20 a person riding a bicycle, electric scooter, or electric personal assistive mobility device
21 in a manner ~~which~~ that is consistent with the safe use of the crosswalk by
22 pedestrians, ~~that~~ is crossing the highway within a marked or unmarked crosswalk
23 and shall remain stopped until the pedestrian, personal delivery device, bicyclist, or
24 rider of an electric scooter or electric personal assistive mobility device has completed
25 crossing the roadway.

ASSEMBLY BILL 853**SECTION 4**

1 **SECTION 4.** 346.24 (2) of the statutes is amended to read:

2 346.24 (2) No pedestrian, personal delivery device, bicyclist, or rider of an
3 electric scooter or an electric personal assistive mobility device may suddenly leave,
4 and no personal delivery device operator may allow a personal delivery device to
5 suddenly leave, a curb or other place of safety and walk, run, or ride into the path
6 of a vehicle ~~which~~ that is so close that it is difficult for the operator of the vehicle to
7 yield stop.

8 **SECTION 5.** 346.37 (1) (a) 1. of the statutes is amended to read:

9 346.37 (1) (a) 1. Vehicular traffic facing a green signal may proceed straight
10 through, make a U-turn, or turn right or left unless a sign at such place prohibits
11 the turning maneuver, but, subject to s. 346.23, vehicular traffic shall yield the
12 right-of-way to other vehicles and to pedestrians lawfully within the intersection or
13 an adjacent crosswalk at the time the signal is exhibited.

14 **SECTION 6.** 346.37 (1) (c) 3. of the statutes is amended to read:

15 346.37 (1) (c) 3. Vehicular traffic facing a red signal at an intersection may, after
16 stopping as required under subd. 1., cautiously enter the intersection to make a right
17 turn into the nearest lawfully available lane for traffic moving to the right or to turn
18 left from a one-way highway into the nearest lawfully available lane of a one-way
19 highway on which vehicular traffic travels to the left. Vehicular traffic in the leftmost
20 right-turn lane of a roadway that provides 2 right-turn lanes may make a right turn
21 on a red signal into a lawfully available lane that is 2nd to the rightmost lane for
22 traffic moving to the right. Except for a vehicle turning right from the leftmost
23 right-turn lane of a roadway that provides 2 right-turn lanes, no turn may be made
24 on a red signal if lanes of moving traffic are crossed. No turn may be made on a red
25 signal if a sign at the intersection prohibits the turn on a red signal. ~~In~~ Subject to

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1 s. 346.23, in making a turn on a red signal vehicular traffic shall yield the
2 right-of-way to pedestrians, personal delivery devices, bicyclists, and riders of
3 electric scooters and electric personal assistive mobility devices lawfully within a
4 crosswalk, to operators of vehicles making a lawful U-turn, and to other traffic
5 lawfully using the intersection.

6 **SECTION 7.** 346.37 (1) (c) 4. of the statutes is amended to read:

7 346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle, moped, motor bicycle,
8 or bicycle facing a red signal at an intersection may, after stopping as required under
9 subd. 1. for not less than 45 seconds, proceed cautiously through the intersection
10 before the signal turns green if no other vehicles are present at the intersection to
11 actuate the signal and the operator of the motorcycle, moped, motor bicycle, or bicycle
12 reasonably believes the signal is vehicle actuated. The Subject to s. 346.23, the
13 operator of a motorcycle, moped, motor bicycle, or bicycle proceeding through a red
14 signal under this subdivision shall yield the right-of-way to any vehicular traffic,
15 pedestrian, personal delivery device, bicyclist, or rider of an electric scooter or an
16 electric personal assistive mobility device proceeding through a green signal at the
17 intersection or lawfully within a crosswalk or using the intersection. This
18 subdivision does not affect any authorization for a bicyclist under subd. 2.

19 **SECTION 8.** 346.37 (1) (d) 1. of the statutes is amended to read:

20 346.37 (1) (d) 1. Vehicular traffic facing a green arrow signal may enter the
21 intersection to make the movement indicated by the arrow but, subject to s. 346.23,
22 shall yield the right-of-way to pedestrians, personal delivery devices, bicyclists, and
23 riders of electric scooters and electric personal assistive mobility devices lawfully
24 within a crosswalk and to other traffic lawfully using the intersection. Vehicular
25 traffic facing a left turn arrow may make a U-turn unless a sign prohibits U-turns.

ASSEMBLY BILL 853**SECTION 8**

1 When the green arrow signal indicates a right or left turn traffic shall cautiously
2 enter the intersection.

3 **SECTION 9.** 346.37 (1) (e) 1. of the statutes is amended to read:

4 346.37 (1) (e) 1. Vehicular traffic facing a flashing yellow arrow signal may
5 cautiously enter the intersection to make the movement indicated by the arrow but,
6 subject to s. 346.23, shall yield the right-of-way to pedestrians, personal delivery
7 devices, bicyclists, and riders of electric scooters and electric personal assistive
8 mobility devices lawfully within a crosswalk and to other traffic lawfully using the
9 intersection. Vehicular traffic facing a left turn arrow may make a U-turn unless
10 a sign prohibits U-turns.

11 **SECTION 10. Initial applicability.**

12 (1) This act first applies to offenses committed on the effective date of this
13 subsection but does not preclude the counting of other convictions as prior
14 convictions for purposes of sentencing by a court, administrative action by the
15 department of transportation, or suspension or revocation of motor vehicle operating
16 privileges.

17 (END)