



2011 SENATE BILL 423

February 3, 2012 – Introduced by Senator LAZICH, cosponsored by Representatives PETROWSKI, BIES, A. OTT and SPANBAUER, by request of The Department of Transportation. Referred to Committee on Transportation and Elections.

- 1 **AN ACT to amend** 343.315 (2) (f) (intro.) and 343.315 (2) (f) 4. of the statutes;
2 **relating to:** disqualification of commercial motor vehicle operators.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) issues commercial driver licenses (CDLs) authorizing the licensee to operate commercial motor vehicles (CMVs). CMVs are generally defined as motor vehicles that are designed or used to transport property or passengers and weigh more than 26,000 pounds, that transport 15 or more passengers plus the driver, or that transport hazardous materials. A person is disqualified from operating a CMV for a 60-day period upon a second conviction, or for a 120-day period upon a third conviction, of a serious traffic violation within a three-year period if the violation is committed while the person is operating a CMV or if the person holds a CDL and commits the violation while operating a non-CMV vehicle. A “serious traffic violation” is defined to include various offenses committed: 1) while operating a CMV; or 2) while operating a non-CMV vehicle if the person has ever held a CDL, has ever operated a CMV on a highway, or has ever been convicted of a violation related to, or been disqualified from, operating a CMV.

Under this bill, the definition of “serious traffic violation” identified in item 2), above, applies only if the offense results in the revocation, cancellation, or suspension of the person’s operating privilege.

Under current law, if an authorized emergency vehicle, tow truck, or road maintenance vehicle is stopped on or within 12 feet of the paved portion of a highway and is giving a proper visual signal, an approaching motorist must move his or her

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vehicle into a lane not nearest the stopped vehicle and travel in that lane until he or she passes the stopped vehicle. If the roadway has only one lane for traffic traveling in the same direction as the approaching motorist or if the motorist cannot change lanes safely or without interfering with other traffic, the motorist must slow his or her vehicle until he or she has passed the stopped vehicle. This statute is commonly referred to as the "Move Over Law."

This bill classifies a violation of the "Move Over Law" as a serious traffic violation for purposes of disqualification from operating a CMV.

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

1 **SECTION 1.** 343.315 (2) (f) (intro.) of the statutes is amended to read:

2 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
3 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
4 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
5 committed within a 3-year period while driving or operating a commercial motor
6 vehicle or while driving or operating any motor vehicle if the person holds a
7 commercial driver license. The 120-day period of disqualification under this
8 paragraph shall be in addition to any other period of disqualification imposed under
9 this paragraph. In this paragraph, "serious traffic violations" means any of the
10 following offenses committed while engaged in commercial motor vehicle-related
11 activities specified in sub. (1g) (a), or any of the following offenses committed while
12 engaged in commercial motor vehicle-related activities specified in sub. (1g) (b) if the
13 offense results in the revocation, cancellation, or suspension of the person's
14 operating privilege:

15 **SECTION 2.** 343.315 (2) (f) 4. of the statutes is amended to read:

16 343.315 (2) (f) 4. Violating s. 346.07 (2), 346.072 (1), 346.08, 346.09, 346.10,
17 346.13, 346.24 (3), or 346.34 (1) (a) 3. or a local ordinance in conformity therewith or
18 a law of a federally recognized American Indian tribe or band in this state in

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1 conformity with s. 346.07 (2), 346.072 (1), 346.08, 346.09, 346.10, 346.13, 346.24 (3),
2 or 346.34 (1) (a) 3.; or the law of another jurisdiction prohibiting improper or erratic
3 lane changes or improper passing, or otherwise prohibiting the conduct described in
4 sections 11-304 to 306 and 11-309 of the uniform vehicle code and model traffic
5 ordinance (1987), as those or substantially similar terms are used in that
6 jurisdiction's law.

7 **SECTION 3. Initial applicability.**

8 (1) This act first applies to violations occurring on the effective date of this
9 subsection.

10 (END)