

2005 Senate Bill 528

Date of enactment: **May 26, 2006**
Date of publication*: **June 12, 2006**

2005 WISCONSIN ACT 466

AN ACT to amend 343.07 (4) (a), 343.16 (1) (a), 343.16 (2) (cm), 345.60 (1), 346.22 (1) (a) and 346.22 (1) (b); and **to create** 38.04 (4) (e) 3., 115.28 (11) (c), 343.30 (1j), 343.61 (6) (c), 345.60 (4), 346.22 (1) (c), 346.22 (1) (d), 346.22 (1) (e), 346.22 (1) (f) and 346.37 (1) (c) 4. of the statutes; **relating to:** authorization to operate motorcycles, stops required of vehicles at traffic control signals, vehicle failure-to-yield violations, driver education instruction, and providing a penalty.

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

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

38.04 (4) (e) 3. Includes information 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 3. 115.28 (11) (c) of the statutes is created to read:

115.28 (11) (c) Provide information 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 4. 343.07 (4) (a) of the statutes is amended to read:

343.07 (4) (a) ~~Upon~~ Subject to s. 343.16 (1) (a), upon application by a person who qualifies for issuance of a license under s. 343.06 (1) (c) and who wishes to qualify for the operation of a Type 1 motorcycle, the department may issue an instruction permit for the operation of "Class M" vehicles.

SECTION 5. 343.16 (1) (a) of the statutes is amended to read:

343.16 (1) (a) *General.* The department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle. The department shall not administer a driving skills test to a person applying for authorization to operate "Class M" vehicles who has failed 2 previous such skills tests unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The department may not require a person applying for authorization to operate "Class M" vehicles who has successfully completed a basic rider course approved by the department to

* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

hold an instruction permit under s. 343.07 (4) prior to the department's issuance of a license authorizing the operation of "Class M" vehicles. The department may not require a person applying for authorization to operate "Class M" vehicles who holds an instruction permit under s. 343.07 (4) to hold it for a minimum period of time before administering a driving skills test. The driving skills of applicants for endorsements authorizing the operation of commercial motor vehicles equipped with air brakes, the transportation of passengers in commercial motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving skills. The department may endorse an applicant's commercial driver license for transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the operation of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering the knowledge test, the department shall attempt to accommodate any special needs of the applicant. Except as may be required by the department for an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy or English language proficiency. This paragraph does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

SECTION 6. 343.16 (2) (cm) of the statutes is amended to read:

343.16 (2) (cm) *Motorcycle waiver.* The department shall waive the driving skills test of a person applying for authorization to operate "Class M" vehicles if the applicant ~~holds an instruction permit under s. 343.07 (4) and~~ has successfully completed a basic rider course approved by the department.

SECTION 7. 343.30 (1j) of the statutes is created to read:

343.30 (1j) Upon conviction of a person for violating s. 346.18, the court shall suspend the violator's operating privilege as follows:

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

(b) For a period of 90 days, if the offense resulted in great bodily harm to another but did not result in the death of another.

(c) For a period of 9 months, if the offense resulted in the death of another.

SECTION 8. 343.61 (6) (c) of the statutes is created to read:

343.61 (6) (c) Includes information 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 9. 345.60 (1) of the statutes is amended to read:

345.60 (1) Except as provided in ~~sub. (3) subs. (3) and (4)~~, 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.

SECTION 10. 345.60 (4) of the statutes is created to read:

345.60 (4) 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 shall order the person to attend a school under sub. (1), which shall acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

SECTION 11. 346.22 (1) (a) of the statutes is amended to read:

346.22 (1) (a) Except as provided in par. (b), ~~(c), (d), or (e)~~, any person violating s. 346.18 or 346.20 (1) may be required to forfeit not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 11m. 346.22 (1) (b) of the statutes is amended to read:

346.22 (1) (b) If an operator of a vehicle violates s. 346.18 (6) where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, any applicable minimum and maximum forfeiture specified in par. (a), ~~(c), (d), or (e)~~ for the violation shall be doubled.

SECTION 12. 346.22 (1) (c) of the statutes is created 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 13. 346.22 (1) (d) of the statutes is created 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 14. 346.22 (1) (e) of the statutes is created 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 15. 346.22 (1) (f) of the statutes is created to read:

346.22 (1) (f) If a court finds that a person violated s. 346.18, the court shall, in addition to any other penalty provided by law, order the person to attend a traffic safety school as provided under s. 345.60 (4).

SECTION 16. 346.37 (1) (c) 4. of the statutes is created to read:

346.37 (1) (c) 4. Notwithstanding subd. 1., a motorcycle, moped, motor bicycle, or bicycle facing a red signal at an intersection may, after stopping as required under subd. 1. for not less than 45 seconds, proceed cautiously through the intersection before the signal turns green if no other vehicles are present at the intersection to actuate the signal and the operator of the motorcycle, moped, motor bicycle, or bicycle reasonably believes the signal is vehicle actuated. The operator of a motorcycle, moped, motor bicycle, or bicycle proceeding through a red signal under this subdivision shall yield the right-of-way to any vehicular traffic, pedestrian, bicyclist, or rider of an electric personal assistive mobility device proceeding through a green signal at the intersection or lawfully

within a crosswalk or using the intersection. This subdivision does not affect any authorization for a bicyclist under subd. 2.

SECTION 17. Initial applicability.

(2) The treatment of sections 38.04 (4) (e) 3., 115.28 (11) (c), and 343.61 (6) (c) of the statutes first applies to driver education courses that are begun on the effective date of this subsection.

(3) The treatment of sections 343.30 (1j), 345.60 (1) and (4), 346.22 (1) (a), (b), (c), (d), (e), and (f), and 346.37 (1) (c) 4. 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.

(4) The treatment of sections 343.07 (4) (a) and 343.16 (1) (a) and (2) (cm) of the statutes first applies to applications for an operator's license submitted to the department of transportation on the effective date of this subsection.

SECTION 18. Effective date.

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