

# State of Wisconsin



2017 Assembly Bill 201

Date of enactment: **November 30, 2017**

Date of publication\*: **December 1, 2017**

## 2017 WISCONSIN ACT 105

**AN ACT** to repeal 343.31 (2t) (a) 1.; to amend 343.30 (1), 343.31 (2t) (a) (intro.), 343.31 (2t) (b), 346.17 (1), 346.17 (2), 346.30 (1) (b) 1., 346.36 (1), 346.43 (1) (b) 1., 346.49 (1) (a) and 346.95 (1); and to create 343.31 (2t) (c), 346.17 (6), 346.30 (5), 346.36 (3), 346.43 (4), 346.49 (5) and 346.95 (13) of the statutes; relating to: traffic violations requiring operating privilege suspension and attendance at a vehicle right-of-way course, increasing penalties for numerous traffic violations, and providing a penalty.

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

**SECTION 1.** 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. ~~346.05 (1), 346.06, 346.07 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1), 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87~~ or a local ordinance in conformity with s. ~~346.18~~ therewith for which operating privilege suspension is required under s. 343.31 (2t) (a).

**SECTION 2.** 343.31 (2t) (a) (intro.) of the statutes is amended to read:

343.31 (2t) (a) (intro.) The department shall suspend a person's operating privilege upon receiving a record of conviction for a violation of s. ~~346.05 (1), 346.06, 346.07 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1), 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87~~ or a local ordinance in conformity with s. ~~346.18~~ therewith, 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:~~

**SECTION 3.** 343.31 (2t) (a) 1. of the statutes is repealed.

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

343.31 (2t) (b) If a person is convicted of violating s. ~~346.05 (1), 346.06, 346.07 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1), 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87~~ or a local ordinance in conformity with s. ~~346.18~~ therewith, in addition to any other penalty provided by law, the department shall order the person to attend 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

\* Section 991.11, WISCONSIN STATUTES: 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."

successful completion of the course. If a person's operating privilege has been suspended under par. (a) ~~or (c)~~, the department may not reinstate the person's operating privilege unless the person has successfully completed the course required under this paragraph.

**SECTION 5.** 343.31 (2t) (c) of the statutes is created to read:

343.31 (2t) (c) If a person is convicted of violating s. 346.05 (1), 346.06, 346.07 (2) or (3), 346.09, 346.18, 346.23, 346.31, 346.37 (1) (a) 1., (c) 3., or (d) 1., 346.39 (1), 346.46 (1) or (4) (a), 346.47 (1) or (2), or 346.87 or a local ordinance in conformity therewith and great bodily harm or death did not result, and the person has not completed the course required under par. (b) within 6 months of the department ordering the person to attend the course, the department shall suspend the person's operating privilege until the person successfully completes the course. The department may not suspend a person's operating privilege for more than 5 years under this subsection.

**SECTION 6.** 346.17 (1) of the statutes is amended to read:

346.17 (1) Except as provided in sub. ~~subs.~~ (5) and (6), any person violating s. 346.04 (1) or (2), 346.06, 346.12 or 346.13 (1) or (3) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

**SECTION 7.** 346.17 (2) of the statutes is amended to read:

346.17 (2) ~~Any~~ Except as provided in sub. (6), any person violating ss. 346.05, 346.07 (2) or (3), 346.072, 346.08, 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to forfeit not less than \$30 nor more than \$300.

**SECTION 8.** 346.17 (6) of the statutes is created to read:

346.17 (6) (a) If a person violates s. 346.05 (1), 346.06, 346.07 (2) or (3), or 346.09 and the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

(b) If a person violates s. 346.05 (1), 346.06, 346.07 (2) or (3), or 346.09 and the violation results in death to another, the person shall forfeit \$1,000.

**SECTION 9.** 346.30 (1) (b) 1. of the statutes is amended to read:

346.30 (1) (b) 1. ~~Unless otherwise~~ Except as provided in subd. 2. ~~or sub. (5)~~, any operator of a vehicle violating s. 346.23 or 346.28 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

**SECTION 10.** 346.30 (5) of the statutes is created to read:

346.30 (5) (a) If a person violates s. 346.23 and the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

(b) If a person violates s. 346.23 and the violation results in death to another, the person shall forfeit \$1,000.

**SECTION 11.** 346.36 (1) of the statutes is amended to read:

346.36 (1) ~~Unless otherwise~~ Except as provided in sub. ~~subs.~~ (2) and (3), any person violating ss. 346.31 to 346.35 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

**SECTION 12.** 346.36 (3) of the statutes is created to read:

346.36 (3) (a) If a person violates s. 346.31 and the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

(b) If a person violates s. 346.31 and the violation results in death to another, the person shall forfeit \$1,000.

**SECTION 13.** 346.43 (1) (b) 1. of the statutes is amended to read:

346.43 (1) (b) 1. ~~Unless otherwise~~ Except as provided in subd. 2. or 3. ~~or sub. (4)~~, any operator of a vehicle violating ss. 346.37 to 346.39 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

**SECTION 14.** 346.43 (4) of the statutes is created to read:

346.43 (4) (a) If a person violates s. 346.37 (1) (a) 1., (c) 3., or (d) 1. or 346.39 (1) and the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

(b) If a person violates s. 346.37 (1) (a) 1., (c) 3., or (d) 1. or 346.39 (1) and the violation results in death to another, the person shall forfeit \$1,000.

**SECTION 15.** 346.49 (1) (a) of the statutes is amended to read:

346.49 (1) (a) ~~Unless otherwise~~ Except as provided in par. (b) or (c) ~~or sub. (5)~~, any person violating s. 346.46 (1), (2m) or (4) or 346.47 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

**SECTION 16.** 346.49 (5) of the statutes is created to read:

346.49 (5) (a) If a person violates s. 346.46 (1) or (4) (a) or 346.47 (1) or (2) and the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

(b) If a person violates s. 346.46 (1) or (4) (a) or 346.47 (1) or (2) and the violation results in death to another, the person shall forfeit \$1,000.

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**SECTION 17.** 346.95 (1) of the statutes is amended to read:

346.95 (1) Any Except as provided in sub. (13), any person violating s. 346.87, 346.88, 346.89 (4), (4m), or (5), 346.90 to 346.92, or 346.94 (1), (9), (10), (11), (12), or (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

**SECTION 18.** 346.95 (13) of the statutes is created to read:

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346.95 (13) (a) If a person violates s. 346.87 and the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person shall forfeit \$500.

(b) If a person violates s. 346.87 and the violation results in death to another, the person shall forfeit \$1,000.

**SECTION 19. Initial applicability.**

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