



# JANEL BRANDTJEN

STATE REPRESENTATIVE • 22<sup>ND</sup> ASSEMBLY DISTRICT

Thank you Chairman Spiros and the entire Assembly Committee on Criminal Justice and Public Safety for allowing me to testify today on behalf of Assembly Bill 201. I'll keep my remarks brief.

Several sessions ago, ABATE along with a bipartisan group of legislators worked together to pass ACT 466. The bill enhanced penalties for certain traffic violations regarding right of way law including failure to yield. The ACT also required those who were found guilty of "Right of Way" (ROW) violations to attend an instructive class regarding ROW laws. The class is available online.

AB 201 expands the list of ROW violations that fall under the new guidelines to things such as failure to yield at sidewalks, while backing up, and approaching alleyways.

AB 201 would require a fine if the violation results in great bodily harm or death of another. The person must forfeit \$500 if great bodily harm results, and \$1,000 if death results.

For ROW violations, DOT would require attendance at a vehicle right-of-way course, and in serious violations, suspend the person's operating privilege. For great bodily harm the DOT suspension must be for a period of three months and if the offense resulted in death the suspension must be for nine months.

Act 466 required an automatic suspension if a "Right of Way" violation caused bodily harm (not to be confused with great bodily harm), this bill removes that requirement.

In closing I might add that the bill would reduce the amount of automatic suspensions and increase the number of drivers required to take the vehicle right of way course. A win-win for Wisconsin's drivers.

I know we all want to make our roads as safe as possible for everybody. I feel this bill will take Wisconsin a step further in that direction.

Thank you,

A handwritten signature in black ink, appearing to read "Janel Brandtjen". The signature is written in a cursive style and is positioned over the printed name and contact information.

State Representative Janel Brandtjen  
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Rep.brandtjen@legis.wisconsin.gov



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## Luther S. Olsen

State Senator

14th District

**TO:** Committee on Criminal Justice and Public Safety

**SUBJECT:** Testimony for Assembly Bill 201

Thank you Representative Spiros and members of the Assembly Committee on Criminal Justice and Public Safety for holding a hearing and allowing us to testify in support of Assembly Bill 201. This piece of legislation has been brought to our attention by ABATE of Wisconsin.

In 2011, I was a co-author of Assembly Bill 55 which was the original right-of-way legislation and included a required safety course for some violations. This bi-partisan bill was signed into law in April 2012.

Under current law, depending on the violation, a person who commits a right-of-way violation on the current list may be subject to a fine between \$20 and \$300. For certain violations on the current list, one may also receive a suspended operating license for up to one year, and the person is ordered to attend a vehicle right-of-way course by the Department of Transportation (DOT). The suspended operating license is not to be reinstated until the course is completed.

Last year, when Representative Brandtjen and I introduced similar legislation to expand the list of violations, it was opposed by the insurance industry as they felt it would lead to an increase of license suspensions. Representative Brandtjen worked to draft legislation for this session that fix these concerns.

The purpose of Assembly Bill 201, is to continue to increase the safety of Wisconsin's roadways by **expanding** the list of right-of-way violations. The following circumstances would be added to the list:

1. Driving on a roadway.
2. Meeting vehicles passing in opposite directions.
3. Overtaking and passing another vehicle.
4. Facing a stop sign or traffic control signal.
5. Proceeding through an intersection.
6. Turning at an intersection.
7. Yielding to a pedestrian, bicycle, or electric mobility device in a crosswalk.
8. Backing.
9. Entering the roadway from an alley or a parked position.

Under this bill, if a person has committed any of the violations in the list and caused great bodily harm to another, the fine would be \$500 and an operating license must be suspended for 3 months. A fine would be \$1,000 and an operating license must be suspended for 9 months if death to another results during these violations. DOT must require any violator to attend the right-of-way course, even if the violation is committed and no great bodily harm or death occurs to another. If the course is not completed by the violator within six months, the person's operating license must be suspended by the DOT until the course is completed, but the suspension may not exceed five years.

Thank you members, we ask for your support on Assembly Bill 201.

**Testimony of Dave Cieslewicz**  
**Executive Director, Wisconsin Bike Fed**  
**137 E. Wilson St., Madison, WI**  
**May 18, 2017**

First of all, our thanks go to Rep. Brandtjen and Sen. Olsen for introducing **AB-201** and its senate companion bill and to you, Mr. Chairman, for holding today's hearing.

You will hear from others who have compelling stories to tell about their own experience with serious injuries stemming from violations covered by this bill.

I would also like to share a letter to the committee from Laurie Landgraf of Stone Lake who lost her husband Dave to a distracted driver. That driver received only a traffic citation for taking the life of her husband. Ms. Landgraf had hoped to be here today to speak in favor of AB-201, but other obligations kept her in Stone Lake.

Similarly, Prof. Robert Schneider of the Department of Urban Planning at UWM wishes he could be here today but has obligations in Milwaukee. Prof. Schneider asked me to pass on some relevant results from his comprehensive 2015 study of fatal crashes involving pedestrians and cyclists.

- Sixty-five percent of pedestrian fatalities at intersections were due to driver error while only 12% were the result of red light violations by pedestrians.
- Thirty-nine percent of fatal bike crashes involved a motorist striking a cyclist from behind and 69% of those incidents occurred in daylight hours.
- Twenty-eight percent of fatal pedestrian crashes involved drivers not yielding to pedestrians in crosswalks.
- All of these violations could be subject to simple, light traffic citations. AB-201 will increase the penalties to make them more appropriate for the violation.
- Dr. Schneider also notes that nationally pedestrian and bicycle fatalities are up an alarming 30% since 2009, highlighting the need for the kind of attention AB-201 brings to this issue.

In summary, the Bike Fed and its 7,000 members statewide support AB-201. We hope that this committee will support it as well and send it on for consideration by the full Assembly.

May 17, 2017

I am writing this letter to support AB 201. My husband, Dave Landgraf, was killed while riding his bicycle in August of 2011. The woman who struck him was texting. Her consequence for taking his life, was a traffic citation. This was no accident; she made a *choice* to text rather than pay attention to the road. Wisconsin has stiff penalties for driving drunk when injury or death occurs. I believe like drunk driving, there should be severe consequences for driver's who *chose* to break the law resulting in death or great bodily harm to another person. This bill would allow for increase in penalties for those choices, suspension of operating privileges, and require attendance at a vehicle right-of-way course.

Since his death, I have been trained by the National Safety Council as an advocate to end distracted driving, spoken to numerous high school driver's education classes and assemblies and read statistics and studied the science behind the distraction of cell phone use while driving. Although I advocate education to promote distracted free driving choices, I do not feel it is enough to stop it. This is why I support the consequences as proposed in AB 201.

Every Wisconsin citizen has a right to use the roads in our state. Your goal in supporting AB 201 is to make road use safe for *all users*. In making this decision, consider these figures from the National Highway Traffic Safety Administration, "Pedestrian deaths rose by 12 percent from 2006-2015, while bicycle deaths rose by 12 percent from 2014 to 2015."

It has been almost 6 years since Dave's death. There is not a day that passes when I don't think of him and the life we shared. I miss him. My children no longer have their dad to share life's ups and downs. They miss him. His death should not just be a statistic. AB 201 is the action needed to change the

consequences for driver's who make the choice to drive  
distracted.

Thank you for listening to my voice through this letter.

Laurie Landgraf  
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Stone Lake, WI 54876

