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1995 SENATE BILL 48

January 31, 1995 - Introduced by Senators A. LASEE, BRESKE, RUDE, SCHULTZ, ROSENZWEIG, BUETTNER, FITZGERALD and DRZEWIECKI, cosponsored by Representatives BRANDEMUEHL, DOBYNS, BALDUS, HAHN, BOCK, COLEMAN, ZIEGELBAUER, AINSWORTH, GOETSCH, KAUFERT, FREESE, LEHMAN, OTTE, VRAKAS, HUBER, WALKER, RYBA, SERATTI, BRANCEL and OTT. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 AN ACT to amend 346.60 (3m) and 346.65 (5m) of the statutes; relating to: in-
2 creasing forfeitures for speeding committed in highway maintenance or
3 construction area and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires any applicable minimum and maximum forfeiture or fine for a violation of certain traffic laws to be doubled if the offense was committed in a highway maintenance or construction area. The traffic laws subject to this penalty enhancement include certain speeding violations, but does not include the general prohibition against exceeding any posted speed limit. A violation of this prohibition may result in a forfeiture of not less than \$30 nor more than \$300.

This bill provides that the traffic laws subject to this penalty enhancement include the general prohibition against exceeding any posted speed limit, thereby doubling the applicable minimum and maximum forfeiture for any violation of this general prohibition that was committed in a highway maintenance or construction area.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 346.60 (3m) of the statutes is amended to read:
5 346.60 (3m) If an operator of a vehicle violates s. 346.57 (2), (3) or (4) (d) to (h)
6 or (5) where persons engaged in work in a highway maintenance or construction area

1 are at risk from traffic, any applicable minimum and maximum forfeiture specified
2 in sub. (2) or (3) for the violation shall be doubled.

3 **SECTION 2.** 346.65 (5m) of the statutes is amended to read:

4 346.65 (5m) If an operator of a vehicle violates s. 346.62 (2) to (4) where persons
5 engaged in work in a highway maintenance or construction area are at risk from traf-
6 fic, any applicable minimum and maximum forfeiture or fine specified in sub. (1), (2),
7 (~~2j~~), (3) or (5) for the violation shall be doubled.

8 **SECTION 3. Initial applicability.**

9 (1) This act first applies to violations committed on the effective date of this sub-
10 section, but does not preclude the counting of other violations as prior violations for
11 sentencing a person or for suspending or revoking a person's operating privilege.

12

(END)

DATE: May 16, 1995

BACKGROUND

Under current law, the minimum and maximum forfeiture or fine for violating certain traffic violations are doubled if the offense is committed in a highway maintenance or construction area. Certain speeding violations are included under this provision, but the general prohibition against exceeding posted speeding limits is not. The forfeiture for exceeding a posted speed limit is not less than \$30 or more than \$300.

Current law also requires municipalities to double their fines if a vehicle violates certain municipal traffic ordinances in construction zones. The general prohibition against exceeding a posted speed limit would not receive a double forfeiture.

SUMMARY OF SENATE BILL 48

Senate Bill 48 will double the minimum and maximum forfeiture for driving in excess of any posted speed limit in a highway maintenance or construction zone.

AMENDMENTS

Senate Amendment 1 requires municipalities to double their forfeitures and fines for people who violate municipal traffic ordinances by exceeding the posted speed limit in highway maintenance and construction areas. This amendment was adopted in the Senate Committee on a 5-0 vote.

FISCAL EFFECT

A fiscal note prepared by the Department of Transportation estimates that the bill will have minimal costs associated with it, but that the costs can be absorbed within the current budget. Furthermore, the DOT estimates that revenues will increase, but the amount is indeterminable because it is impossible to determine how many people will be cited for this offense.

PROS

- (1) Senate Bill 48 will help maintain a safe environment for construction crews working on highways and motorists driving through construction zones.

May 16, 1995
SB 48, page two

- (2) This bill clears up an oversight that left this offense out of 1993 Assembly Bill 317 that passed the Legislature last session.

CONS

- (1) The bill doubles the forfeitures and fines in all construction zones and at all times. It may be unfair to penalize someone double for this offense when construction hazards or construction workers are not present (i.e., at night or when a project is just beginning or ending).
- not at*

SUPPORTERS

Senator Lasee and the Department of Transportation testified for this bill during the public hearing held in the Senate.

OPPOSITION

No one testified or registered against Senate Bill 48 during the Senate's public hearing.

LEGISLATIVE HISTORY

Senate Bill 48 was introduced on January 31, 1995, and referred to the Senate Committee on Transportation, Agriculture and Local Affairs. A public hearing was held on February 22, 1995. On the same day, the committee vote 5-0 to recommend passage. On March 1, 1995, the Senate passed Senate Bill 48 on a voice vote. Senate Bill 48 was referred to the Assembly Committee on Highways and Transportation. Executive action was taken on March 16, 1995, and the committee voted 14-0 to recommend concurrence.

CONTACT: Matt Phillips, ARC

1995 Session

LRB or Bill No./Adm. Rule No.
LRB 2095/1 - SB48

Amendment No. if Applicable

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 (R 10/92)

Subject: Increasing Forfeitures for Speeding in Highway Maintenance or Construction Zones

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts VTAE Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
20.395(5)(03)(cq)

Assumptions Used in Arriving at Fiscal Estimate

This bill would require that the minimum and maximum forfeitures be doubled if the violation was committed in a highway construction or maintenance area.

FISCAL IMPACT

Costs:

This bill would have minimal costs associated with data processing and public relations that could be absorbed with current resources.

Revenue:


There would be a minimal increase in state and local returns associated with the various traffic violations committed. However, the revenue cannot be estimated because it is unknown how many of the traffic violations committed in the categories affected by this bill, but it is unknown how many occurred in construction zones.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Department of Transportation
Patrick J. Riopelle (608) 266-2573

Authorized Signature/Telephone No.


James D. McDonnell (608) 266-7575

Date

02/06/95

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect
DOA-2047(R10/92)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

1995 SESSION

LRB or Bill No/Adm.Rule No.
LRB 2095-1 - SB48

Amendment No.

Subject
Increasing Forfeitures for Speeding in Highway Maintenance or Construction Zones

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:		Annualized Fiscal Impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations-Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations-Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ Minimal	\$ - 0
B. State Costs by Source of Funds			
GPR		\$	\$ -
FED		\$	\$ -
PRO/PRS		\$	\$ -
SEG/SEG-S		\$	\$ -
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees, etc.)			
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S		0	- 0
TOTAL State Revenues		\$ Unknown	\$ - Unknown

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ Minimal	\$ 0
NET CHANGE IN REVENUES	\$ Unknown	\$ Unknown

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Date
02/06/95

① The Bill only applies where persons are

1. engaged in work in the construction area
- and
2. are at risk from traffic

② The Bill only applies where persons exceed a speed limit posted on a white and black official highway traffic control sign.

If the authorities in charge of the highway post an advisory orange and black speed limit sign, the Bill does not apply to that because no ticket may be issued for exceeding the speed limit posted by one of these signs.

③ If the authorities post a white and black lower speed limit in a highway construction or maintenance area and a person exceeds the speed limit, the forfeiture may be doubled only if ① above applies