



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa0421/1  
EVM:amn

**SENATE AMENDMENT 1,  
TO SENATE BILL 148**

April 25, 2017 - Offered by Senator KAPENGA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 25: after that line insert:

3 “**SECTION 6m.** 346.04 (1) of the statutes is amended to read:

4 346.04 (1) No person including a personal delivery device operator shall fail or  
5 refuse to comply with any lawful order, signal, or direction of a traffic officer.”.

6 **2.** Page 6, line 19: after that line insert:

7 “**SECTION 15m.** 346.37 (1) (intro.) of the statutes is amended to read:

8 346.37 (1) (intro.) Whenever traffic is controlled by traffic control signals  
9 exhibiting different colored lights successively, or with arrows, the following colors  
10 shall be used and shall indicate and apply to operators of vehicles, personal delivery  
11 device operators, and pedestrians as follows:”.

12 **3.** Page 9, line 12: after that line insert:

13 “**SECTION 23m.** 346.37 (3) of the statutes is amended to read:

1           346.37 (3) If a traffic control signal suffers a loss of power or otherwise  
2 malfunctions so that the traffic control signal does not exhibit any color of light,  
3 vehicular traffic, pedestrians, and persons riding bicycles or electric personal  
4 assistive mobility devices shall proceed, and personal delivery device operators shall  
5 ensure that personal delivery devices proceed, at the traffic control signal as if the  
6 traffic control signal were an official stop sign and shall comply with the  
7 requirements applicable under ss. 346.18 (1) and (3) and 346.46 (1), (2), and (4),  
8 unless otherwise directed by a traffic officer.”.

9           **4.** Page 10, line 11: after that line insert:

10           “**SECTION 26c.** 346.445 (title) of the statutes is amended to read:

11           **346.445 (title) Limitations on pedestrians and personal delivery**  
12 **devices crossing railroad tracks.**

13           **SECTION 26g.** 346.445 (1) (intro.) of the statutes is amended to read:

14           346.445 (1) (intro.) No pedestrian may enter or cross a railroad crossing, and  
15 no personal delivery device operator may allow a personal delivery device to enter  
16 or cross a railroad crossing, under any of the following circumstances:

17           **SECTION 26n.** 346.445 (1) (b) of the statutes is amended to read:

18           346.445 (1) (b) While a warning device signals to stop, except that if the  
19 pedestrian after stopping and investigating, or the personal delivery device operator  
20 after stopping the personal delivery device and investigating, finds that no railroad  
21 train or railroad track equipment is approaching, the pedestrian or personal delivery  
22 device may proceed.

23           **SECTION 26r.** 346.445 (2) of the statutes is amended to read:

1           346.445 (2) No pedestrian may cross, and no personal delivery device operator  
2           may allow a personal delivery device to cross, through, around, over, or under any  
3           crossing gate or barrier at a railroad crossing while the gate or barrier is closed or  
4           is being opened or closed.

5           **SECTION 26w.** 346.445 (3) of the statutes is amended to read:

6           346.445 (3) No pedestrian may cross through or around or climb over or under,  
7           and no personal delivery device operator may allow a personal delivery device to  
8           cross through or around or climb over or under, a railroad train or railroad track  
9           equipment while the railroad train or railroad track equipment occupies a railroad  
10          crossing.”.

11          **5.** Page 10, line 19: after that line insert:

12          “**SECTION 27m.** 346.495 (1) (a) of the statutes is amended to read:

13          346.495 (1) (a) If a court imposes a forfeiture under s. 346.49 (1g) or (2m) (a),  
14          (am), (b), or (c) for a violation of s. 346.44, 346.445, 346.45, or 346.46 (3), the court  
15          shall also impose a railroad crossing improvement surcharge under ch. 814 equal to  
16          50 percent of the amount of the forfeiture. This paragraph does not apply to a  
17          personal delivery device operator.”.

18          **6.** Page 11, line 22: after that line insert:

19          “(f) The device shall yield the right-of-way to a pedestrian.”.

20          **7.** Page 15, line 15: after that line insert:

21          “**SECTION 45.** 939.22 (44) of the statutes is amended to read:

22          939.22 (44) “Vehicle” means any self-propelled device for moving persons or  
23          property or pulling implements from one place to another, whether such device is

1 operated on land, rails, water, or in the air. “Vehicle” does not include a personal  
2 delivery device, as defined in s. 340.01 (43fg).”

3 (END)