



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2009 Wisconsin Act 22 [2009 Senate Bill 29]	Bicycle Passing Parked Vehicle; Opening Vehicle Door on Highway
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CURRENT LAW

Under current law, any person operating a bicycle or electric personal assistive mobility device (EPAMD) upon a roadway must exercise due care when passing a parked vehicle or a vehicle proceeding in the same direction, allowing a minimum of three feet between the bicycle or EPAMD and the vehicle and giving an audible signal when passing a bicycle or EPAMD proceeding in the same direction.

2009 WISCONSIN ACT 22

BICYCLE OR EPAMD PASSING PARKED VEHICLE

Act 22 revises the current law by:

1. Providing that a person operating a bicycle or EPAMD upon a roadway must exercise due care when passing a standing or parked vehicle or a vehicle proceeding in the same direction, ***and, when passing a standing or parked vehicle that is a school bus that is not displaying flashing red warning lights as provided in s. 346.48 (1) or a motor bus, must allow a minimum of three feet between the bicycle or EPAMD and the vehicle.***

2. ***Deleting*** the requirement that the bicycle or EPAMD give an ***audible signal*** when passing a bicycle or EPAMD rider proceeding in the same direction.

OPENING MOTOR VEHICLE DOOR ON HIGHWAY

Act 22 creates new provisions specifying that:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

1. No person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle.

2. The operator of a motor vehicle located on a highway may not permit any person under 16 years of age to open any door of the motor vehicle without the operator first taking due precaution to ensure that opening the door will not interfere with the movement of traffic or endanger any other person or vehicle.

For penalties for these offenses, the Act provides that:

1. Any person who violates item 2, above, and any person 16 years of age or older who violates item 1, above, 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 second or subsequent conviction *within a year*.

2. No forfeiture may be assessed for a violation of item 1, above, if the violator is less than 16 years of age when the offense occurs.

Effective Date: 2009 Wisconsin Act 22 took effect on June 23, 2009.

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DLS:jal