



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 173
[2011 Assembly Bill 55]

Failure to Yield Violations

CURRENT LAW

A person who fails to yield the right-of-way is generally subject to a forfeiture of not less than \$20 nor more than \$50 for a first offense, and not less than \$50 nor more than \$100 for any subsequent offense within a year. If a person's failure to yield results in bodily harm or death to another person, the court must suspend the person's driver's license for 30 days for causing bodily harm, 90 days for causing great bodily harm, and nine months for causing death; and the person must forfeit \$200 if bodily harm results, \$500 if great bodily harm results, and \$1,000 if death results from the failure to yield.

For any failure-to-yield violation, the court must also order the person who commits the violation to attend a traffic safety school approved by the Department of Transportation (DOT) and conducted by a police department, sheriff's office, or regularly established safety organization. The traffic safety school must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

A court is also allowed to suspend a person's operating privilege if the person is convicted of violating any state or local traffic law.

2011 WISCONSIN ACT 173

Under the Act, if bodily harm, great bodily harm, or death result from a failure to yield violation, DOT, not the court, must suspend the driver's operating privilege for two months for causing bodily harm, three months for causing great bodily harm, and nine months for causing death.

The Act requires DOT, instead of a court, to order a person to attend a vehicle right-of-way course for a failure to yield violation. The vehicle right-of-way-course must be conducted by specified

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/>.

organizations and must be approved by DOT. In addition, the course must acquaint the person with vehicle right-of-way rules and provide instruction on motorcycle, pedestrian, and bicycle awareness.

If a person's operator's license has been suspended for a failure to yield violation that results in injury or death, the DOT may not reinstate a person's driving privileges unless the person has successfully completed the vehicle right-of-way course.

In addition, the Act requires that driver education courses include at least 30 minutes of motorcycle, pedestrian, and bicycle awareness instruction.

Effective date: The Act's ***effective date*** is August 1, 2012. The Act ***first applies to right-of-way violations*** occurring on August 1, 2012. The Act does not preclude the counting of other violations as prior violations for the purposes of sentencing a person. In addition, the Act ***first applies to driver education courses*** that begin on August 1, 2012.

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