



## 2015 ASSEMBLY BILL 298

August 6, 2015 – Introduced by Representative BRANDTJEN, cosponsored by Senator PETROWSKI. Referred to Committee on Transportation.

1     **AN ACT to amend** 340.01 (5e), 340.01 (5m), 340.01 (10) (a), 340.01 (10) (b), 340.01  
2           (38), 346.05 (1) (e), 346.09 (1), 346.31 (1), subchapter VI (title) of chapter 346  
3           [precedes 346.37], 346.37 (1) (c) 1., 346.37 (2), 346.41 (1) (intro.), 346.52 (1) (c),  
4           (d) and (f), 346.54 (1) (a) to (d), 349.09, 349.10 (1) (b), 349.13 (1e) (c) 1. and 349.13  
5           (1g); **to repeal and recreate** 346.09 (1); and **to create** 340.01 (42t) of the  
6           statutes; **relating to:** highway pavement markings.

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### *Analysis by the Legislative Reference Bureau*

Current law refers to official markings upon a highway by the terms “mark,” “marker,” “marking,” and “pavement marking,” none of which are defined. This bill amends those references to use the term “pavement marking,” which this bill defines as any material or device on the surface of a highway intended to regulate, warn, or guide highway users.

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

7           **SECTION 1.** 340.01 (5e) of the statutes is amended to read:

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1           340.01 (5e) “Bicycle lane” means that portion of a roadway set aside by the  
2 governing body of any city, town, village, or county for the exclusive use of bicycles,  
3 electric personal assistive mobility devices, or other modes of travel where permitted  
4 under s. 349.23 (2) (a), and so designated by appropriate signs and pavement  
5 markings.

6           **SECTION 2.** 340.01 (5m) of the statutes is amended to read:

7           340.01 (5m) “Bike route” means any bicycle lane, bicycle way, or highway  
8 which has been duly designated by the governing body of any city, town, village, or  
9 county and which is identified by appropriate signs and pavement markings.

10          **SECTION 3.** 340.01 (10) (a) of the statutes is amended to read:

11          340.01 (10) (a) *Marked crosswalk.* Any portion of a highway clearly indicated  
12 for pedestrian crossing by signs, ~~lines or other markings on the surface~~ or pavement  
13 markings; or

14          **SECTION 4.** 340.01 (10) (b) of the statutes is amended to read:

15          340.01 (10) (b) *Unmarked crosswalk.* In the absence of signs, ~~lines~~ or pavement  
16 markings, that part of a roadway, at an intersection, which is included within the  
17 transverse lines which would be formed on such roadway by connecting the  
18 corresponding lateral lines of the sidewalks on opposite sides of such roadway or, in  
19 the absence of a corresponding sidewalk on one side of the roadway, that part of such  
20 roadway which is included within the extension of the lateral lines of the existing  
21 sidewalk across such roadway at right angles to the center line thereof, except in no  
22 case does an unmarked crosswalk include any part of the intersection and in no case  
23 is there an unmarked crosswalk across a street at an intersection of such street with  
24 an alley.

25          **SECTION 5.** 340.01 (38) of the statutes is amended to read:

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1           340.01 **(38)** “Official traffic control device” means all signs, signals, pavement  
2 markings, and devices, not inconsistent with chs. 341 to 349, placed or erected by  
3 authority of a public body or official having jurisdiction for the purpose of regulating,  
4 warning, or guiding traffic; and includes the terms “official traffic sign” and “official  
5 traffic signal”.

6           **SECTION 6.** 340.01 (42t) of the statutes is created to read:

7           340.01 **(42t)** “Pavement marking” means any material or device on the surface  
8 of a highway intended to regulate, warn, or guide highway users.

9           **SECTION 7.** 346.05 (1) (e) of the statutes is amended to read:

10          346.05 **(1)** (e) When driving in a particular lane in accordance with signs or  
11 ~~markers~~ pavement markings designating such lane for traffic moving in a particular  
12 direction or at designated speeds; or

13          **SECTION 8.** 346.09 (1) of the statutes is amended to read:

14          346.09 **(1)** Upon any roadway where traffic is permitted to move in both  
15 directions simultaneously, the operator of a vehicle shall not drive to the left side of  
16 the center of the roadway in overtaking and passing another vehicle proceeding in  
17 the same direction unless such left side is clearly visible and is free of oncoming  
18 traffic for a sufficient distance ahead to permit such overtaking and passing to be  
19 done in safety. In no case when overtaking and passing on a roadway divided into  
20 4 or more clearly indicated lanes shall the operator of a vehicle drive to the left of the  
21 pavement marking indicating allocation of lanes to vehicles moving in the opposite  
22 direction or, in the absence of such pavement marking, to the left of the center of the  
23 roadway. Except as provided in sub. (3) (b), in no case shall the operator of a vehicle  
24 drive in a lane when signs or signals indicate that such lane is allocated exclusively  
25 to vehicles moving in the opposite direction.

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1           **SECTION 9.** 346.09 (1) of the statutes, as affected by 2013 Wisconsin Act 377 and  
2 2015 Wisconsin Act .... (this act), is repealed and recreated to read:

3           **346.09 (1)** Upon any roadway where traffic is permitted to move in both  
4 directions simultaneously, the operator of a vehicle shall not drive to the left side of  
5 the center of the roadway in overtaking and passing another vehicle proceeding in  
6 the same direction unless such left side is clearly visible and is free of oncoming  
7 traffic for a sufficient distance ahead to permit such overtaking and passing to be  
8 done in safety. In no case when overtaking and passing on a roadway divided into  
9 4 or more clearly indicated lanes shall the operator of a vehicle drive to the left of the  
10 pavement marking indicating allocation of lanes to vehicles moving in the opposite  
11 direction or, in the absence of such pavement marking, to the left of the center of the  
12 roadway. Except as provided in sub. (3) (b) and s. 346.05 (1) (g), in no case shall the  
13 operator of a vehicle drive in a lane when signs or signals indicate that such lane is  
14 allocated exclusively to vehicles moving in the opposite direction.

15           **SECTION 10.** 346.31 (1) of the statutes is amended to read:

16           **346.31 (1)** TURNS INDICATED BY ~~MARKERS~~ PAVEMENT MARKINGS. Where state or  
17 local authorities have placed ~~markers, buttons~~ pavement markings or signs within  
18 or adjacent to an intersection directing traffic turning at such intersection to follow  
19 a particular course, the operator of a vehicle turning at such intersection shall  
20 comply with such directions. In the absence of such ~~markers, buttons~~ pavement  
21 markings or signs, the operator of a vehicle intending to turn at an intersection shall  
22 do as provided in subs. (2) to (4).

23           **SECTION 11.** Subchapter VI (title) of chapter 346 [precedes 346.37] of the  
24 statutes is amended to read:

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## SUBCHAPTER VI

TRAFFIC SIGNS, SIGNALS, AND PAVEMENT MARKINGS

**SECTION 12.** 346.37 (1) (c) 1. of the statutes is amended to read:

346.37 (1) (c) 1. Vehicular traffic facing a red signal shall stop before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection or at such other point as may be indicated by a clearly visible sign or pavement marking and shall remain standing until green or other signal permitting movement is shown.

**SECTION 13.** 346.37 (2) of the statutes is amended to read:

346.37 (2) In the event an official traffic signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or ~~marking on the pavement~~ marking indicating where the stop shall be made, but in the absence of any such sign or pavement marking the stop shall be made at the signal.

**SECTION 14.** 346.41 (1) (intro.) of the statutes is amended to read:

346.41 (1) (intro.) No person shall place, maintain, or display upon or in view of any highway or at or in view of any railroad crossing any unauthorized sign, light, reflector, signal, pavement marking, or device which:

**SECTION 15.** 346.52 (1) (c), (d) and (f) of the statutes are amended to read:

346.52 (1) (c) Between a safety zone and the adjacent curb, or within 15 feet of a point on the curb immediately opposite the end of a safety zone unless a different distance is clearly indicated by an official traffic sign or ~~marker~~, pavement marking, or parking meter.

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1 (d) On a sidewalk or sidewalk area, except when parking on the sidewalk or  
2 sidewalk area is clearly indicated by official traffic signs or ~~markers~~, pavement  
3 markings, or parking meters.

4 (f) On the roadway side of any parked vehicle unless double parking is clearly  
5 indicated by official traffic signs or ~~markers~~ pavement markings.

6 **SECTION 16.** 346.54 (1) (a) to (d) of the statutes are amended to read:

7 346.54 (1) (a) Upon a street where traffic is permitted to move in both directions  
8 simultaneously and where angle parking is not clearly designated by official traffic  
9 signs or ~~markers~~ pavement markings, a vehicle must be parked parallel to the edge  
10 of the street, headed in the direction of traffic on the right side of the street.

11 (b) Upon a one-way street or divided street where parking on the left side of  
12 the roadway is clearly authorized by official traffic signs or ~~markers~~ pavement  
13 markings, vehicles may be parked only as indicated by the signs or ~~markers~~  
14 pavement markings.

15 (c) Upon streets where angle parking is clearly authorized by official traffic  
16 signs or ~~markers~~ pavement markings, vehicles shall be parked at the angle and  
17 within the spaces indicated.

18 (cm) 1. In a parallel parking area, a Type 1 motorcycle or moped may park at  
19 an angle. If parallel parking spaces are not indicated by ~~markers~~ pavement  
20 markings, no Type 1 motorcycle or moped may be parked within 2 feet of another  
21 vehicle. Where a parallel parking space is indicated by ~~a marker~~ pavement  
22 markings or where angle parking is authorized, up to 3 Type 1 motorcycles or mopeds  
23 may park in the space.

24 2. Up to 3 Type 1 motorcycles or mopeds may be parked in a parking space  
25 where a parking meter has been installed unless the space is restricted by official

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1 traffic sign or ~~marker~~ pavement markings to a single motorcycle or moped. The  
2 operator of each Type 1 motorcycle or moped parked in a single space regulated by  
3 a parking meter shall receive a citation for any violation of a time restriction.

4 (d) In parallel parking, a vehicle shall be parked facing in the direction of traffic  
5 with the right wheels within 12 inches of the curb or edge of the street when parked  
6 on the right side and with the left wheels within 12 inches of the curb or edge of the  
7 street when parked on the left side. In parallel parking, a vehicle shall be parked  
8 with its front end at least 2 feet from the vehicle in front and with its rear end at least  
9 2 feet from the vehicle in the rear, unless a different system of parallel parking is  
10 clearly indicated by official traffic signs or ~~markers~~ pavement markings.

11 **SECTION 17.** 349.09 of the statutes is amended to read:

12 **349.09 Authority to remove prohibited signs or signals.** Every sign,  
13 signal, pavement marking, or device which is placed, maintained, or displayed in  
14 violation of s. 346.41 is declared to be a public nuisance. The authority in charge of  
15 maintenance of the highway in question may notify in writing the owner or occupant  
16 of the premises upon which the nuisance exists or the person causing or maintaining  
17 the nuisance to remove the same. If such nuisance is not removed within 30 days  
18 after such notice is given or if an unauthorized signal or device is found to be in  
19 operation at any time after such notice is given, the authority in charge of  
20 maintenance of the highway may cause the nuisance to be removed and collect the  
21 expense of removal from the person notified to remove it. The expense of removal  
22 may be charged against the premises and, upon certificate of the highway authority  
23 causing the removal, assessed as are other special taxes.

24 **SECTION 18.** 349.10 (1) (b) of the statutes is amended to read:

