

TITLE XLIV. VEHICLE CODE.

CONVERSION TABLE

This table is designed to assist in tracing the various provisions of ch. 85 into the sections of the new vehicle code. It covers all sections repealed or renumbered by c. 260, Laws 1957. It does not show (except in the case of complete repeals) what specifically happened to a particular section of ch. 85, i.e., whether it was substantially changed or restated without change. To find that information, turn to the new section and the note attached thereto in Bill No. 99, S. The notes also will show what sections of ch. 85 are covered by a particular section of the new vehicle code.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.01 (1) (first sentence)	341.04 (1)	85.01 (3) (a) (cont'd)	
(2nd sentence).....	341.05 (4) and repealed in part ¹	(2nd sentence)	341.11 (4)
(3rd & 4th sentences)	341.04 (3) and repealed in part ¹	(3rd sentence)	342.10 (1) (b)
(5th sentence)	Repealed ²	(4th sentence)	342.06 (1) (d)
(6th sentence)	341.05 (1), (3), (5)		342.11 (3)
(7th to 10th sentences)	341.30	(3) (b)	342.20 (2) (a)
(11th, 12th, 13th sentences)	341.10 (1)		342.13
(14th and 15th sentences)	341.31	(4) (a)	341.25 (1) (a)
(1a) (a) and (b).....	Repealed ³	(4) (ad)	342.13
(1a) (c)	340.01 (4)	(4) (am)	Repealed ⁶
(1b) (a), (b) and (c)	341.04	(4) (an) (first sentence)	341.27 (3) (a)
(1b) (d)	341.27	(2nd and 3rd sentences)	341.28 (2) (a)
(1b) (e)	341.28 (7) (a)	(4th sentence)	341.33
(1d) (a)	Repealed ³	(4) (ao)	Repealed ⁶
(1d) (b)	Repealed ⁴	(4) (b)	341.25 (1) (b)
(2)	341.08	(4) (ba)	Repealed
	341.10 (2)	(4) (bb)	341.26 (2) (g)
	342.06	(4) (c)	341.25 (1) (d), (e), (2)
	342.10 (1) (a)	(4) (cc) 1.	341.26 (3) (d), (g)
(2a)	341.07	(4) (cc) 2.	341.26 (3) (h)
(3) (a) (first sen- tence)	341.11 (2)	(4) (cc) 3.	341.26 (3) (c)
	341.11 (1)	(4) (cc) 4.	341.26 (3) (e)
	341.12 (1)	(4) (cc) 5.	341.26 (3) (f)
	342.09 (1)	(4) (cc) 6.	341.30 (1) (e)
	342.10 (1)	(4) (cc) 7.	Repealed ⁷
		(4) (cd) 1.	341.26 (1) (a)
		(4) (cd) 2.	341.26 (1) (b)
		(4) (cd) 3.	341.26 (1) (c)
		(4) (cd) 4.	341.26 (1) (e) 1.
		(4) (cd) 5.	341.26 (1) (e) 2.
		(4) (cd) 6.	341.26 (1) (e) 3.

¹See note to s. 341.04 in Bill No. 99, S.

²The 14th sentence is covered by s. 20.951 of the statutes. The fifteenth sentence is unnecessary in view of s. 341.31.

³Not necessary under new drafts.

⁴First sentence considered not necessary; last sentence covered by s. 990.001 (11) of the statutes.

⁵This provision is obsolete.

⁶The points covered by the repealed provision are covered by ss. 341.27 and 341.28, but in a somewhat different manner so as to conform to practice.

⁷This provision is now obsolete.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.01 (4) (cd) 7.	341.26 (1) (d)	85.01 (4) (i) (first sen- tence)	341.62
(4) (cd) 8.	341.05 (11)	(2nd sentence)	341.61 (2)
(4) (cd) 9.	341.05 (7), (16)	(3rd and 4th sen- tences)	341.09 (2)
(4) (cd) 10.	341.05 (8), (9), (10)	(5th sentence)	341.04
(4) (cd) 12.	341.05 (12)		341.61
(4) (cd) 13.	341.05 (12)		341.62
(4) (cm)	341.26 (3) (a)	(4) (j) (first sen- tence)	341.04 (2)
(4) (cr) (first sen- tence)	341.25 (1) (h)		341.32 (2)
(2nd and 3rd sen- tences)	341.30		341.60
(4th sentence)	341.31 (3)	(last sentence)	341.25 (3)
(5th sentence)	341.12	(5)	341.29
(6th sentence)	340.01 (56)		341.30 (2)
(4) (d)	341.25 (1) (h)	(6) (a)	341.12
(4) (dm)	341.26 (2) (h)		341.13 (1) (a)
(4) (e) 1.	341.25 (1) (g)	(6) (ad) (first sentence)	341.14 (1)
(4) (e) 1m	341.05 (13)	(last 2 sentences) ..	346.50 (2)
(4) (e) 2.	341.25 (1) (f)	(6) (b)	341.13 (2)
(4) (el)	341.26 (3) (b)	(6) (c) 1. (first 3 sentences)	341.15 (1), (2)
	and (h)	(last sentence)	341.61 (2)
(4) (em)	341.04 (1)	(6) (c) 2. (first 2 sentences)	342.18 (1) (c)
	341.25 (1) (i)	(last sentence)	341.61 (2)
	342.05	(6) (e) 1.	341.14 (2)
(4) (en)	347.35 (4)	(6) (e) 2.	341.17 (3), (4)
	347.36 (1)		(c), (5)
	341.25 (1) (d)	(7)	341.12
(4) (f)	341.25 (1) (d)		341.15
(4) (g) (first 2 sentences)	341.26 (2) (a)	(8) (a) (first sen- tence)	342.18 (1)
	to (f)	(2nd sentence)	342.19 (1)*
(3rd sentence)	341.12	(3rd sentence)	342.20 (1)
(4th sentence)	341.34 (1)	(4th sentence)	342.18 (1)
(5th sentence)	Repealed ⁸	(5th & 6th sen- tences)	342.19 (1)
(4) (h) (first 4 sentences)	341.28	(last 2 sentences) ..	342.18 (1) (c)
	341.31	(8) (am)	342.18 (1) (c)
(last sentence)	341.33 (2)	(8) (b) (first 3 sentences)	342.06 (1) (f)
(4) (ha) (first 2 sentences)	341.33 (3)		342.30
(last sentence)	341.28 (4) (c)	(last sentence)	Repealed ¹⁰
	341.31 (1) (d)	(8) (c)	342.19 (2)
(4) (hb)	341.09 (3)	(8) (d) (first 2 sentences)	342.34
(4) (hm) (first 3 sentences)	341.28 (2) (a), (6)		342.31 (1)
	341.31 (1) (c), (2) (b)		
(last 3 sentences) ..	342.07		
	342.10 (3)		

⁸The provision serves no purpose since the legislature never has authorized purchase of automobiles for use by conservation wardens.

⁹The statement that the transfer of a vehicle is not valid until the department has been notified thereof is repealed. See note to s. 342.19 in Bill No. 99, S.

¹⁰See note to s. 342.30 in Bill No. 99, S.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.01 (8) (d) (cont'd)		85.02 (10)	341.53
(3rd, 4th sentences) .342.32		(10a)	341.48 (3)
(5th sentence) Repealed			341.49
(6th sentence) 342.08			341.50 (3)
(7th sentence) Repealed ¹¹		(11)	341.48 (2)
(8) (e) (first sentence) 342.06 (2) ¹²			341.49 (3)
(2nd sentence) 342.05 (4)			341.54 (4)
			341.55
	342.18 (2), (3)		341.56
	342.19 (3)	85.025 (1) (first sentence)	341.48
	342.30 (3)		341.54 (2)
	342.34 (2)	(2nd sentence)	341.51 (1)
(9) 342.09 (2)		(2) (first sentence)	Repealed ¹⁵
(9a) 342.31 (2)		(2nd sentence)	341.51 (1)
(10) (a) 341.16		(3) (first sentence)	341.51
(10) (b) (first sentence) 342.12		(2nd sentence)	341.52
(2nd sentence) 342.13		(4)	341.55 (3), (4)
(11) 341.11 (3)		(5)	341.53
(12) (first sentence) 341.17		(6)	341.54 (4)
	341.04 (3)		341.55
	341.11 (4)		341.56
	341.15 (3)	85.03 (1)	342.35
	341.16 (4)	(2)	342.36 (1), (2)
(2nd sentence) Repealed ¹³		(3)	342.37 (1), (2)
85.015 (1) 341.25 (1) (b)		(4)	342.37 (3)
(3) 349.18 (1)		(5)	342.38 (1)
85.02 (1) (a) (first sentence) 341.48		(6)	342.38 (1)
(2nd sentence) 341.54 (2)		(7)	342.38 (2)
(1) (ab) Repealed ¹⁴		(8)	342.35
(1) (b) (first sentence) 341.54 (1)			342.38 (3)
(2nd sentence) 341.51 (3)		85.04 (1)	342.06 (1) (g)
(1) (c) 341.50		(2)	342.33
(2) 341.49		(3) (first sentence)	342.06 (1) (h)
(3) 341.47 (2)		(last 2 sentences)	342.10 (3)
(6) (first sentence) 341.51 (1), (2)		(4) (first sentence)	342.06 (1) (h)
(2nd sentence) 341.47 (1)		(2nd sentence)	342.10 (3)
	341.52	(5)	342.06 (3)
(7) 341.55			342.33
(8) 341.55		85.045 (1)	Repealed ¹⁶
(9) 341.54 (3)		(2)	341.34 (1)
		85.05 (1) (a)	341.40 ¹⁷
		(1) (b)	341.40
		(2)	341.41 (1), (2)

¹¹Covered by s. 15.65 (3) of the statutes.¹²Forgery of certificate of title is covered by the forgery provisions of the criminal code.¹³See note to s. 341.04 in Bill No. 99, S.¹⁴This provision is obsolete.¹⁵The authority to prescribe forms is covered by s. 110.06 (1) of the statutes. The remainder of the repealed provision never has been followed in practice.¹⁶The repealed provision is obsolete.¹⁷Exemption from driver licensing covered by s. 343.05.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.05 (3)	341.41 (3)	85.06 (14) (b)	347.26 (6)
(4)	347.05	(15)	347.15
(5)	341.41 (1a), (4)	(16)	347.12
(6)	345.09 (1), (2)	(17)	347.16
(7)	345.09 (3)		347.17
(8)	345.09 (4)		347.18 (2)
85.055 (1)	341.42 (1), (2)		347.19 (2)
(2)	341.42 (3), (4), (5)	(18)	347.28
(3)	341.42 (5)		347.29
(4)	341.42 (6)	(19) (a) (first & 3rd sentences)	Repealed ²⁰
(5)	Repealed ¹⁸	(2nd sentence)	347.23 (1) (a)
85.06 (1) (a)	340.01 (21)	(19) (b) and (c)	347.23 (1) (b), (3)
(1) (b)	340.01 (36)	(20)	347.22
(1) (c)	Repealed ¹⁹	(21)	347.09 (1) (c)
(1) (d)	Repealed ¹⁹		347.11
(1) (e)	340.01 (59)		347.13 (1)
(1) (f)	340.01 (1)	(22)	346.81 (1)
(1) (g)	340.01 (13)	(23)	347.13
(1) (h)	340.01 (62)		347.14
(1) (i)	340.01 (65)	(24)	347.24
(1) (j)	Repealed ¹⁹		347.27
(1) (k)	Repealed ¹⁹	(25)	347.16 (1) (c)
(1) (l)	340.01 (7)		347.17
(1) (m)	Repealed ¹⁹		347.18 (1)
(1) (n)	340.01 (19)	(26)	347.18 (1)
(1) (o)	340.01 (44)		347.19 (1)
(1) (p)	340.01 (49)	(27)	347.17
(1) (q)	340.01 (23)		347.19 (1)
(2) (a)	347.06 (1)	(28)	347.06 (3)
(2) (b)	347.08 (1)	(29)	349.02
(3)	347.09 (1) (a)	85.063 (1)	347.43 (1)
	347.10 (2)	(2)	347.43 (3)
(4)	347.09 (1) (b)	(3)	Repealed ²¹
	347.10 (2)	(4)	Repealed ²¹
(5)	347.13 (1)	(5) (first sentence)	347.50
	347.27	(2nd sentence)	347.43 (4)
(6)	347.14	85.08 (1) (c)	340.01 (56)
(7)	347.26 (2)	(1) (d)	340.01 (37)
(8)	347.26 (3)	(1) (e)	343.01 (2) (b)
(9)	347.26 (4)	(1) (f)	Repealed ²²
(10)	347.07 (1)	(1) (g)	Repealed ²²
(11)	347.07 (2) (a)	(1) (h)	Repealed ²²
(12)	347.07 (2) (b)	(1) (i)	343.01 (2) (a)
(13)	347.26 (5)	(1) (j)	344.01 (2) (e)
(14) (a)	347.25 (1)	(1) (k)	343.01 (2) (d)

¹⁸Adequate rule-making authority conferred by s. 110.06.

¹⁹The repealed definitions are unnecessary in the new vehicle code.

²⁰See note to s. 347.23 in Bill No. 99, S.

²¹See note to s. 347.43 in Bill No. 99, S.

²²The repealed definitions are unnecessary in the new vehicle code.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.08 (2) (a)	343.02	85.08 (11)	343.25 (3)
(2) (b)	Repealed ²³		343.26
(3) (first sentence)	343.05 (1)	(12) (a)	343.16 (1)
(2nd sentence)	343.26	(12) (b)	Repealed ²⁶
	343.38	(12) (c)	343.16 (1)
(3a)	343.12	(12) (d)	343.16 (2) ²⁷
(4) (a)	343.05 (2) (a)	(12) (e)	Repealed ²⁶
(4) (b)	343.05 (2) (b)	(12) (f)	343.16 (4)
(4) (c)	343.05 (2) (c)	(12) (g)	343.16 (5)
(4) (d)	Repealed ²⁴	(13)	343.17 (1)
(5)	Repealed ²⁵		343.23 (1) (b)
(6) (a)	343.06 (1)	(14)	343.18
(6) (b)	343.06 (3)	(15) (a) (first	
(6) (c)	343.06 (2)	sentence)	343.13
(6) (d)	343.06 (4)	(2nd sentence)	343.17 (2)
(6) (e)	343.06 (5)	(15) (b)	343.34 (1)
(6) (f)	343.06 (7)	(16)	343.19 (1)
(6) (g)	343.06 (8)	(17) (b)	343.20
(6) (h)	343.06 (9)	(17) (c)	343.14 (1)
(6) (i)	343.06 (10)	(17) (d)	343.17 (1)
(6) (j) (first sen-		(18)	343.21
tence)	343.06 (6)	(19) (first sentence)	343.22 (1)
(rest of section)	343.09	(2nd & 3rd sen-	
(6) (k)	343.06 (2)	tences)	343.21 (1) (f)
	343.10 (3)	(20)	343.23
(6m)	343.35	(21)	343.25 (1)
(7)	343.07 (1)		343.35 (1)
(7m)	343.07 (2)	(22) (a)	340.01 (40) ²⁸
(8) (a)	343.14 (1)	(22) (b)	343.26 (3)
(8) (b)	343.14 (2)	(23) (a)	343.31 (2)
(8) (c)	343.14 (2) (e)		343.32 (1) (c)
	343.15 (1)	(23) (b)	Repealed ²⁹
(9) (a) (first sen-		(24) (a) (first	
tence)	343.08 (1) (a)	sentence)	343.28 (2)
(2nd sentence)	343.08 (2)	(2nd sentence)	343.29 (2)
	343.17 (2)	(24) (b) (first	
(3rd & 4th sen-		sentence)	343.28 (1)
tences)	343.08	(2nd sentence)	343.29 (1)
(9) (b)	343.08	(24) (c)	343.28
	343.17 (2)		343.29
(9) (c)	343.15 (2)	(24) (d)	343.36 (1), (2)
(10)	343.15 (3)	(24b)	343.27 (1), (2)
	343.25 (2)	(24c)	343.30 (2)

²³Adequate rule-making authority conferred by s. 110.06.

²⁴The repealed section is obsolete.

²⁵The repealed provision is unnecessary.

²⁶The repealed provisions are obsolete.

²⁷The \$2 limitation on the physician's fee was dropped. See note to s. 343.16 in Bill No. 99, S.

²⁸The term "operating privilege" is used whenever suspension or revocation is involved and "operating privilege" is defined to include the privilege granted a nonresident to operate a vehicle in this state.

²⁹See note to s. 343.39 in Bill No. 99, S.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.08 (25) (a)	343.31 (1) (a)	85.08 (35) (e)	343.14 (3)
(25) (b)	343.31 (1) (b)	(35) (f)	343.43 (1) (e)
(25) (c)	343.31 (1) (c)	(35) (g)	343.05 (3)
(25) (d)	343.31 (1) (d)		343.12 (3)
(25) (e)	343.31 (1) (e)		343.19 (2)
(25) (f)	343.31 (1) (f), (g)	(35) (h)	343.22 (2)
(25) (g)	Repealed ³⁰	(38)	343.43 (1) (f)
(25a)	343.39 (1) (b)	(39)	343.45 (1)
(25c) (a)	343.10 (1)	(40)	343.45 (2)
(25c) (am)	343.10 (2)		343.46 (1), (2), (3)
(25c) (b) (first sentence)	343.10 (4)	(41) (a)	Repealed ³³
(2nd sentence)	343.10 (1)	(41) (b)	343.05 (3)
(last 2 sentences)	343.10 (3)		343.12 (3)
(25c) (c) (first sentence)	343.10 (4)		343.19 (2)
(2nd sentence)	343.10 (5)		343.22 (2)
(25c) (d)	343.30 (3)		343.43 (2)
	343.31 (1) (h)		343.45 (3)
(25c) (e)	343.10 (6)		343.46 (4)
(26)	343.38 (1)	(42)	343.30 (5)
	343.21 (1) (e)	(43)	Repealed ³³
(26m)	340.01 (40) ³¹	85.09 (1) (a)	340.01 (8)
(27) (a)	343.30 (1)	(1) (b)	344.01 (2) (a)
(27) (b)	343.32 (2)	(1) (c)	343.01 (2) (b)
(27) (c)	343.32 (1) (a)	(1) (d)	344.01 (2) (b)
(27) (d)	343.32 (1) (b)	(1) (e)	340.01 (37)
(27) (e)	343.32 (1) (d)	(1) (f)	340.01 (40)
	344.25	(1) (g)	344.01 (2) (c)
(27) (g)	Repealed ³²	(1) (h)	340.01 (42)
(28)	343.33	(1) (i)	Repealed ³⁴
(29)	343.38 (1)	(1) (j)	344.01 (2) (d)
	343.21 (1) (e)	(1) (jm)	344.22
(30)	343.32 (3)	(1) (k)	344.01 (2) (e)
(31)	343.38 (1) (c)	(1) (l)	344.01 (2) (f)
(32)	343.35 (1), (3)	(2) (a)	344.02
(33) (first 2 sen- tences)	343.16 (3)		110.06
(3rd sentence)	343.34 (2)	(2) (b)	344.03
(34)	343.37		227.17
(34a)	343.40	(2) (c)	344.04
(35) (a)	343.43 (1) (a)	(3)	344.06
(35) (b)	343.43 (1) (b)	(4)	344.08
(35) (c)	343.43 (1) (c)	(5) (a)	344.12
(35) (d)	343.35 (2)		344.13 (1), (3)
			344.14 (1)
		(5) (am)	344.13 (2)

³⁰See note to s. 343.31 in Bill No. 99, S.

³¹The term "operating privilege" is used with reference to reinstatement after suspension or revocation and "operating privilege" is defined to include the privilege of an unlicensed person to secure a license.

³²The repealed provision is unnecessary in view of the definition of "local ordinance which is in conformity therewith".

³³The repealed provisions are unnecessary.

³⁴Covered by s. 990.01 (26) of the statutes.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.09 (5) (b) 1.	344.14 (2) (a)	85.09 (39)	Repealed ^{ss}
(5) (b) 2.	344.14 (2) (b)	85.095	345.05
(5) (b) 3.	344.14 (2) (c)	85.10 (1)	340.01 (73)
(5) (b) 4.	344.14 (2) (d)	(2)	340.01 (35)
(5) (c)	344.15 (1), (2), (3)	(3)	340.01 (4)
(5) (d)	344.15 (4)	(4) (first sentence)	340.01 (33)
(5) (e)	218.01 (6m)	(4) (a)	340.01 (45)
(6) (a)	344.14 (2) (e)	(4) (b)	340.01 (30)
(6) (b)	344.14 (2) (f)	(4) (c)	340.01 (32)
(6) (c)	344.14 (1), (2) (g)	(5)	340.01 (34)
(6) (d)	344.14 (2) (h)	(5a)	340.01 (18)
(6m)	344.16	(6)	340.01 (72)
(7)	344.18	(7)	340.01 (53)
(8)	344.19	(8)	340.01 (16)
(9)	344.17	(9)	Repealed ^{ss}
(10)	344.20	(10)	Repealed ^{ss}
(11)	344.21	(11)	340.01 (70)
(12)	344.05	(11a)	340.01 (17)
(13) (a)	344.25 (intro. par.)	(12)	340.01 (57)
(13) (b)	344.25 (2)	(13)	Repealed ^{ss}
(14)	344.26 (1), (2)	(14)	340.01 (3)
(15)	344.26 (3)	(15)	Repealed ^{ss}
(16)	344.27	(16)	340.01 (42)
(17)	344.24	(17)	340.01 (41)
(18)	344.29	(18)	340.01 (43)
	344.30	(19)	340.01 (69)
(19)	344.31	(20)	340.01 (26)
(20)	344.32	(21) (a)	340.01 (22)
(21)	344.33	(21) (b)	340.01 (63)
(22)	344.34	(21) (c)	340.01 (2)
(23)	344.35	(21) (d)	340.01 (46)
(24)	344.36	(21) (e)	340.01 (54)
(25)	344.37	(21) (f)	340.01 (15)
(26)	344.38	(21) (g)	346.02 (8)
(27)	344.39	(22)	340.01 (25)
(28)	344.40 (2)	(23)	340.01 (10)
(29)	344.41	(24)	340.01 (53)
(31)	344.45 (1)	(25)	340.01 (55)
(31m)	344.46 (1), (3)	(26)	Repealed ^{ss}
(32) (a)	344.47	(27)	Repealed ^{ss}
	343.44	(28)	340.01 (6)
(32) (b)	344.45 (2)	(29)	340.01 (50)
(32) (c)	344.48	(30)	Repealed ^{ss}
(32) (d)	344.46 (2)	(31)	340.01 (67)
(33)	344.14 (2) (i), (j)	(32)	Repealed ^{ss}
	344.25 (1)	(33)	349.17 (2)
(35)	Repealed ^{ss}	(34)	Repealed ^{ss}
(36)	Repealed ^{ss}	(35)	340.01 (51)
(37)	344.07	(36) (a)	Repealed ^{ss}
(38)	Repealed ^{ss}	(36) (b)	Repealed ^{ss}
		(36) (c)	340.01 (20)
			348.01 (2) (a)

^{ss}The repealed provisions were considered obsolete or unnecessary.

^{ss}The repealed definitions were considered unnecessary in the revised vehicle code.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.10 (37)	340.01 (38)	85.16 (1)	346.07 (1)
(38)	340.01 (39)	(2)	346.13 (1)
(39)	340.01 (68)	(3)	346.07 (2)
(40)	Repealed ⁸⁷	(4)	346.07 (3)
(41)	340.01 (8)	(5)	346.09 (2)
(42)	340.01 (12)	(6)	346.10
(45)	340.01 (29)	(7)	Repealed
85.11	Repealed ⁸⁸	(8)	Repealed
85.12 (1)	349.02	(9)	Repealed
(2)	346.04 (1)	(10)	346.24 (3)
(3)	346.04 (2)	(11)	346.11
(4)	346.02 (5)	(12) (a)	346.48
(5)	346.03	(12) (b) (first sentence)	347.25 (2)
(6)	346.02 (2), (4)	(2nd sentence)	346.48 (2)
85.13 (1)	346.63 (1)	85.17 (1)	346.31 (2)
(2)	340.01 (35), (73)	(2)	346.31 (3), (4)
(3)	346.63 (3)		346.32
(3)	346.65 (2)	(2a)	346.31 (3), (4)
85.14 (1) (first sentence)	346.61	(3)	346.31 (1)
(2nd sentence)	349.09	(4)	346.33 (1) (a)
(2)	346.42	(5)	346.33 (1) (b), (c), (3)
85.141 (1) (a)	346.67	85.175	346.34
(1) (b)	346.74 (5)	85.176	346.35
(2) (a)	346.67	85.177	346.35
(2) (b)	346.74 (5)	85.18 (1)	346.18 (1)
(3)	346.67	(4)	346.18 (3)
(4) (a)	346.68	(5)	346.18 (2)
(4) (b)	346.74 (3)	(6)	346.20
(5) (a)	346.69	(7)	346.19 (1) (d)
(5) (b)	346.74 (3)	(8)	346.47 (1)
(6) (a)	346.70 (1), (2)	(9)	346.18 (4)
(6) (ag)	346.70 (3)		346.47 (1)
(6) (am)	346.70 (3)	(10)	346.18 (5)
(6) (ar)	346.70 (1)	(11)	346.21
(6) (b)	110.04 (1)	(12)	346.05 (2)
(6) (c)	346.70 (4)	85.19 (1)	346.51
	346.74 (4)	(2) (a)	346.54
(8) (a)	110.04 (3)	(2) (b)	346.54 (1) (c)
(8) (b)	346.70 (2)	(2) (c)	349.13 (2) (d)
(9)	346.71	(3) (a)	346.52 (1) (a)
(10)	346.73	(3) (b)	346.52 (1) (b)
(11)	110.04 (2)	(3) (c)	346.52 (1) (c)
(12)	349.19	(3) (d)	346.52 (1) (d)
85.15 (1)	346.05 (1), (3)	(3) (e)	346.52 (1) (e)
(2)	346.09 (1)	(3) (f)	Repealed ⁸⁹
(3)	346.15	(3) (g)	346.52 (1) (f)
(4)	346.06		
(5)	346.13 (2)		

⁸⁷Covered by s. 990.01 (26) of the statutes.

⁸⁸This provision was enacted at a time when road rights of motor vehicle operators were much less secure than at present. The provision no longer is needed.

⁸⁹See note to s. 346.51 in Bill No. 99, S.

Old Section	New Section	Old Section	New Section
85.19 (4) (a)	346.53 (1)	85.39 (1)	346.92 (1)
(4) (b)	346.53 (2)	(2)	346.92 (2), (3)
(4) (c)	346.52 (1) (g)	(3)	346.94 (3)
(4) (d)	346.53 (3)	85.395	346.62 (1)
(4) (e)	346.53 (4)	85.40 (1) (a)	346.57 (4) (e),
(4) (f)	346.52 (2)	(g)	
(4) (g)	346.52 (1) (h)	(1) (b)	346.57 (4) (f)
	346.53 (6)	(1) (c)	346.57 (4) (a)
(4) (h)	Repealed ⁴⁰	(1) (d)	346.57 (4) (b)
(4) (i)	346.54 (1) (d)	(1) (e)	346.57 (4) (c)
(4) (j)	346.53 (5)	(1) (g)	346.57 (4) (h)
(5)	346.55 (2)	(1) (h)	346.57 (4) (h)
(6)	349.13 (3)	(1) (i)	346.58 (2)
(7)	349.13 (2) (a)	(2) (a)	346.57 (2)
(8)	346.50 (1) (a)	(2) (b)	346.57 (3)
(9)	346.55 (1)	(2) (c)	346.58 (1)
(10)	346.55 (3)	(3) (a)	349.11 (1), (2)
85.20 (1)	346.19 (1)	(3) (b)	349.11 (1), (3)
85.20 (2)	Repealed	(3) (c)	349.11 (5)
85.21	346.90	(3) (d)	349.11 (6)
85.215	344.51	(3) (f)	349.11 (5)
85.216	344.52	(3) (g)	340.01 (26)
85.22 (1)	346.12	(4)	345.13
(2)	Repealed ⁴¹	(5)	346.03
85.23	346.94 (1)		347.25 (1)
85.24	346.94 (2)	(6)	346.59
85.25	346.20 (2)	85.41 (1)	349.11 (4)
85.26	346.78	(2)	346.57 (5)
85.27	346.78	85.44 (1)	346.24 (1)
	346.79 (4)	(2)	346.23 (1)
	346.94 (10)	(3)	346.23 (2)
85.28	Repealed	(4)	346.25
85.29	346.94 (4)	(5)	346.28 (2)
85.30 (1)	346.94 (5)	(6)	346.28 (1)
(2)	346.94 (6)	(7)	346.29 (1)
85.31	346.87	(8)	346.94 (9)
	346.33 (2)	(9)	346.29 (2)
85.32	346.14	(10)	346.26
85.33	347.21 (3)	(11)	349.18 (4)
85.34 (1)	346.88 (1)	85.445	348.05 (2) (i)
(2)	346.88 (2)		348.06 (1)
(3)	346.89 (1)		348.07 (2) (b),
(4)	346.89 (2)		(c)
85.35 (1)	346.88 (3)		348.26 (4)
(2)	347.42		348.27 (7)
(3)	346.88 (3)	85.45 (1)	348.02 (2), (3)
85.355 (first sentence)	346.94 (7)		347.04
(2nd sentence)	346.95 (2)		349.15 (1)
85.36	347.39	(2) (a)	348.05
85.37	347.03	(2) (b)	348.07
85.38	348.10 (2)	(2) (c)	348.07
			348.08

⁴⁰The repealed provision is covered by ss. 346.52 (1) (h) and 346.53 (6).

⁴¹See note to s. 346.12 in Bill No. 99, S.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.45 (2) (d)	348.06	85.54 (1) (last 4 sentences)	348.175
(3) (first 2 sentences)	348.26 (3)	(2)	348.17 (2)
	348.27 (6)	(3)	349.16 (1) (c)
(3rd sentence)	348.08 (2)	(4)	349.16 (1) (b), (2)
(4th sentence)	348.08 (1) (b)		348.15 (3) (a), (b)
(4)	347.21 (1), (2)	85.55	349.17
	348.08 (2)	85.56	347.47 (2)
(5)	347.49	85.57	347.45
(6)	347.46 (2)	85.58	Repealed ⁴⁴
85.46 (1)	348.15 (1) (b)	85.59	347.45 (2)
	348.16 (1) (b)	85.60	Repealed ⁴⁴
(2)	349.15 (2)	85.61	347.46 (1)
(3)	Repealed ⁴²	85.62	Repealed ⁴⁵
85.465	348.18	85.63	347.47 (1)
85.47 (1) (a) (first sentence)	348.15 (2)	85.64	348.10 (1)
(2nd sentence)	348.15 (2) (b), (c)	85.65	348.09
(3rd sentence)	348.15 (3)	85.66	347.20
(1) (b)	348.15 (1) (a)	85.665 (first sentence)	348.10 (3)
(1) (c)	348.15 (3) (a), (b)	(2nd sentence)	348.11 (1)
(1) (d)	348.15 (3) (c), (4)	85.67 (1)	347.35
(2)	349.15 (3)		347.36
85.48 (1)	348.16	(2) (first sentence)	347.38 (1), (2)
(2)	349.15 (3)	(2nd sentence)	347.25 (1)
(6)	348.16 (3)	(3)	347.38 (4)
85.49	348.15 (2) (a)	(4)	347.40
	348.16 (2) (a)	(5)	347.35 (3)
85.50	348.185		347.36
85.51	341.32 (2)	(6)	347.47 (2)
85.52	348.19	(7)	347.41
85.53 (1) (a) (first 2 sentences)	348.25 (4)	85.68	349.07 (1), (2), (3)
	348.26 (2)	85.69	346.46
(3rd, 4th sentences)	348.27 (2)	85.70	346.02 (7)
(5th sentence)	348.25 (2)	85.71	349.08 (1), (2)
(1) (b)	348.27 (4)	85.72	349.08 (5)
(1) (c)	348.25 (3), (5)	85.73	349.08 (3)
(2)	348.26 (2)	85.74	349.08 (4)
(3) (a)	348.26 (5)	85.75 (1)	346.37
(3) (b)	348.25 (5)	(2)	346.39
(4)	348.25 (5)	(3)	346.37 (2)
(5)	348.26 (2)	(4)	346.40
(6)	348.27 (3)	85.76	349.10 (1)
(7)	341.32 (3)	85.77	349.10 (2)
85.54 (1) (first 2 sentences)	349.16	85.78	349.10 (2)
		85.79	349.10 (3)
		85.80	345.06

⁴²The repealed provision is obsolete.

⁴⁴The repealed provisions are largely obsolete and the subject matter is adequately covered by s. 347.45.

⁴⁵The repealed provision is unnecessary in view of the definition of "axle" in ss. 348.15 and 348.16.

<i>Old Section</i>	<i>New Section</i>	<i>Old Section</i>	<i>New Section</i>
85.801	349.25	85.91 (1) (cont'd.)	346.95 (1)
85.81 (1)	346.64 (1)		348.21 (1)
(2)	346.64 (2)	(2)	346.17 (2)
(3)	346.62 (2)		346.22 (2)
	346.63 (2)		346.30 (2)
	346.65 (3)		346.43 (2)
(4)	340.01 (73)		346.49 (2)
85.82	349.24		346.56 (2)
85.83	345.12		346.60 (2)
85.831	345.14		346.82 (3)
85.84 (first sentence)	349.03		346.95 (2)
(2nd sentence)	349.06		347.30 (2)
(3rd, 4th sentences)	345.15		348.11 (1)
85.845	349.14	(2a)	348.11 (2)
85.85	349.03 (1) (a),		348.21 (2)
	(2)	(2b)	348.21 (3)
85.86	349.03 (1)	(3)	346.30 (3)
85.90 (1)	348.21 (4)		346.43 (3)
	348.22		346.60 (3)
(2) (a)	Repealed ⁴⁶		346.65 (1)
(2) (b)	348.21 (4)	(4)	346.56 (1)
(2) (c)	348.21 (4)	(5)	346.74 (2)
(3)	348.20	85.915	345.16
85.91 (1)	346.17 (1)	85.92 (1) (first sentence)	346.44 (1)
	346.22 (1)	(2nd sentence)	Repealed ⁴⁷
	346.30 (1)	(2)	346.45
	346.36	85.93	204.30 (4)
	346.43 (1)	85.94	345.07
	346.49 (1)	85.95	345.08
	346.56 (1)	86.35 (2)	86.35 (3)
	346.60 (1)	110.09 (4)	341.47 to
	346.74 (1)		341.56
	346.82 (2)		

⁴⁶The repealed provision has never served any purpose because of a modification in the original bill creating s. 85.90. See Bill No. 522, S., 1951 session, and amendments thereto.

⁴⁷See note to s. 346.44 in Bill No. 99, S.

SUPPLEMENTARY LIST OF ANNOTATIONS CONSTRUING CHAPTER 85.

The annotations and history notes formerly located under the appropriate sections of Chapter 85, Statutes 1955, have not been moved to a corresponding section under the new Vehicle Code. However, since there is considerable similarity between many sections of the new and the old laws, it may be useful to look at interpretations of Chapter 85.

For history notes and annotations of Chapter 85, Statutes, prior to 1957, see the volume Wisconsin Annotations, 1950 and the 1955 Wisconsin statute volume. The following are the decisions handed down since the 1955 edition of the statutes went to press. They pick up where the 1955 volume stops, and cover through 1 W (2d) 418 and 46 Atty. Gen. 82:

85.01

The conducting of a nursery for the growing of trees is embraced within the term "farm" as used in 85.01 (4) (cm) and 85.10 (5a), relating to the registration of, and license fees for, farm trucks, so that trucks used primarily in conducting such a nursery were entitled thereunder to be registered as, and to pay the reduced license fees prescribed for, farm trucks. Trucks used primarily in operating several large greenhouses were not "farm trucks" within that term used in those sections, but were commercial trucks required to be registered as such and to pay the higher license fees prescribed for commercial trucks. *Holton & Hunkel Greenhouse Co. v. State*, 274 W 337, 80 NW (2d) 371.

See note to 85.10, citing 44 Atty. Gen. 281.

Vehicles owned and operated by Menominee Indians on state highways must be licensed. Some logging roads on the reservation are not public highways. 45 Atty. Gen. 159.

Where insurance companies take ownership of vehicles upon payment of total loss claims to owners whose vehicles are totally wrecked or stolen, such companies must comply with (8), respecting transfer of title. 45 Atty. Gen. 217.

85.05

The sending of process by mail to a business address of a nonresident motorist did not render the service invalid as not complying with the statutory requirement for sending process to his last-known address, the last-known address being the one most likely to give notice to the party to be served, and there being no showing in the instant case that service was more likely to have been made at a different address than at the address which was used. *Waddell v. Mamat*, 271 W 176, 72 NW (2d) 763.

Actual notice to a nonresident motorist is not essential to due process. In certifying the address plaintiff can rely on the police report unless he has actual knowledge of a different address. *Skinner v. Mueller*, 1 W (2d) 328, 84 NW (2d) 71.

85.06

85.06 (18) and 85.19 (1) are safety statutes, the violation of which is negligence as a matter of law. *Robinson v. Briggs Transportation Co.* 272 W 448, 76 NW (2d) 294.

The defendant driver of the county ambulance, through his negligence as to speed, forfeited any right of way which he may otherwise have had over the 2 child pedestrians crossing the street under (14). *Montalto v. Fond du Lac County*, 272 W 552, 76 NW (2d) 279.

The fact that a wrecker was engaged in an emergency rescue operation and would be stopped only about 4 minutes does not excuse it from putting out warning devices. *Vandenack v. Crosby*, 275 W 421, 82 NW (2d) 307.

The presence of various lights on a wrecker and even of a third person waving a flashlight does not excuse the operator from putting out warning signals, but does go to the question of whether his negligence was causal, and presents a jury issue. *Vandenack v. Crosby*, 275 W 421, 82 NW (2d) 307.

85.08

The exemption from Wisconsin driver's license requirements conferred by (4) (c) upon nonresidents holding licenses issued by the states of their residence does not extend to persons whose privilege to operate in Wisconsin has been revoked and who have not complied with conditions imposed by Wisconsin law for restoring such privilege. 44 Atty. Gen. 306.

Where holder of occupational driver's license is convicted of operating in violation of the license restrictions, (25c) (d) makes revocation of his license mandatory, neither commissioner of motor vehicle department nor judge having any discretion in the matter, and a new license may not be issued until one year after the date of revocation, under (30). 44 Atty. Gen. 343.

85.09

An SR-21 form, filed by an insurance company with the commissioner pursuant to (5) (d), stating the name of the owner of a motor vehicle involved in an accident and the name of the operator, and stating that a certain liability policy issued by the insurance company was in effect at the time of the accident, and admitting that the policy applied to the owner and to the operator, may be admissible as an admission against interest and constituting evidence bearing on the question of the liability of the insurance company to persons injured in the accident. *Laughnan v. Griffiths*, 271 W 247, 73 NW (2d) 537.

Where the trial court refused to admit a certified copy of an SR-21 form, a new trial was ordered under appropriate pleadings on the issues of whether the insurer, when it filed the form, acknowledged and assumed liability for the driving of the car at the time of the accident. *Prisuda v. General Casualty Co.* 272 W 41, 74 NW (2d) 777.

Waiver of "no action" and "household exclusion" clauses by foreign insurance company discussed. *Perlick v. Country Mut. Cas. Co.* 274 W 558, 80 NW (2d) 921.

By the filing of an SR-21 form an automobile liability insurer does not thereby absolutely preclude itself from relying on any and every defense which it might have under the terms of the policy; but under certain circumstances an SR-21 becomes admissible in evidence as an admission against interest on the part of the insurer in respect to the issue of whether the insurer assumed and acknowledged liability for the operation of the vehicle in question. *Pulvermacher v. Sharp*, 275 W 371, 82 NW (2d) 163.

By the voluntary filing of the SR-21 form the insurer did not thereby certify or admit that such policy did not contain a valid general exclusionary clause preventing the named insured from recovery thereunder. *Pulvermacher v. Sharp*, 275 W 371, 82 NW (2d) 163.

When an automobile liability insurance company has through an authorized officer, employe, or agent filed an SR-21 with the commissioner, the company cannot thereafter deny liability on its policy because of any act occurring, or fact existing, as of the time of such filing, which it then knew, or could have known through the exercise of due diligence. The legal effect of filing an SR-21 under such circumstances is to conclusively certify that under the facts then existing the policy insured both the named owner and the named operator of the particular vehicle described in the SR-21 as to which the same was filed. An insurance company, which has filed an SR-21, is barred from asserting an exclusion clause in its policy as a defense, except for a "named insured" exclusion, if, in order to do so, it must rely on the occurrence of facts which it could have discovered by the exercise of due diligence within the 60-day period allotted by statute for the filing of the SR-21. *Behringer v. State Farm Mut. Automobile Ins. Co.* 275 W 586, 82 NW (2d) 915.

The purpose of the Safety Responsibility Law is to see that damages to others incurred in a past accident occurring through the negligence of the operator of a motor vehicle are compensated for as a condition of not suspending the driver's license and

the vehicle registration. *Laughnan v. Aetna Casualty & Surety Co.* 1 W (2d) 113, 83 NW (2d) 747.

An automobile liability insurer investigated the facts and voluntarily filed with the commissioner for the purpose of complying with the Safety Responsibility Law an SR-21 form admitting coverage under its policy for the operator of an automobile involved in an accident. No fraud having been practiced on the insurer, it could not avail itself, on the ground of mistake, of testimony which established merely intra-office negligence and divided authority. By such filing, under the circumstances appearing, the insurer conclusively and irrevocably admitted coverage for such operator, so that the filing was not merely an admission against interest which would constitute evidence the effect of which was for the jury. *Laughnan v. Aetna Casualty & Surety Co.* 1 W (2d) 113, 83 NW (2d) 747.

Where the automobile liability insurer became subject to liability under its policy by virtue of its filing of an SR-21, its liability was not limited to the statutory minimum of coverage required by the Safety Responsibility Law for bodily injury, but its liability extended to its policy limit for bodily injury. *Laughnan v. Aetna Casualty & Surety Co.* 1 W (2d) 113, 83 NW (2d) 747.

Liability of an insurer by virtue of filing an SR-21 form does not require the joining of the insured. Liability is based on the statute and the act of the insurer, not upon any new contract. Different treatment of drivers and insurers is not invalid as discrimination. *Prisuda v. General Casualty Co.* 1 W (2d) 166, 83 NW (2d) 739.

An insurer becomes liable to the policy limits, not just the statutory minimums, by filing an SR-21. *Henthorn v. M. G. C. Corp.* 1 W (2d) 180, 83 NW (2d) 759.

Where resolution of foreign insurer authorizing its officers to execute power of attorney appointing motor vehicle department commissioner its attorney to accept service of notice or process in any action arising out of a Wisconsin accident provided that where a certificate of insurance was filed, the policy was deemed varied to comply with Wisconsin law, and no certificate was filed, the policy was not varied so as to delete a restrictive endorsement, and attempted substituted service was ineffective. *Petrovski v. Hawkeye-Security Insurance Co.* 226 F. (2d) 126.

85.10

See note to 85.44, citing *Brunette v. Bierke*, 271 W 190, 72 NW (2d) 702.

See note to 85.01, citing *Holton & Hunkel Greenhouse Co. v. State*, 274 W 337, 80 NW (2d) 371.

Motor driven cycles as defined in 85.10 (4) are either 2 or 3-wheeled vehicles designed with one seat to carry one rider. A 3-wheeled vehicle with a bench seat designed to carry 2 or more people is not a motor driven cycle, and must be registered as an automobile under 85.01 (1a) (a) and (b). Where such vehicles are designed to carry a load commercially, they should be registered as trucks. 44 Atty. Gen. 281.

Question of whether a given truck is being used primarily for farm purposes under (18) is one of fact. 46 Atty. Gen. 51.

85.12

Under (5), to be guilty of actionable negligence, such as driving on the wrong side of the road and going through a stop light, the driver of an emergency vehicle on an emergency errand must be found guilty of reckless disregard of the safety of others. *Montalto v. Fond du Lac County*, 272 W 552, 76 NW (2d) 279.

Although the driver whose car struck a traffic officer entered the intersection on the officer's signal to do so, such driver owed the officer the same duty as that which he owed to anyone whom he might reasonably foresee would be injured in an accident as to which his failure of ordinary care might contribute. *McCarthy v. Behnke*, 273 W 640, 79 NW (2d) 82.

85.13

Evidence that a defendant was found in an intoxicated condition, slumped in the

seat on the passenger side of his automobile, parked in the middle of a street with the headlights on, the motor running, and the right-hand door partially open, was insufficient to sustain a finding that the defendant was "operating" a motor vehicle on the highway while under the influence of intoxicating liquor, in violation of (1) (a). *State v. Hall*, 271 W 450, 73 NW (2d) 585.

85.16

Negligence in deviating from the traffic lane in which he was operating without first ascertaining that such movement could be made with safety to other vehicles approaching from the rear, together with failing to give an appropriate signal of intention to turn was causal as a matter of law. *Swartz v. Sommerfeldt*, 272 W 17, 74 NW (2d) 632.

85.17

85.18 (5), giving a driver the right to turn left across the path of approaching vehicles under certain conditions, contemplates a situation where the left-turning driver has entered the intersection in compliance with the requirements of 85.17 (2), and where, instead, the instant northbound and left-turning driver made his turn toward the west from a parked position at the east curb within the intersection, he acquired no right of way over the southbound driver approaching the intersection, but it was his duty under such circumstances to allow the southbound driver to pass before he crossed the west half of the street. *Schwarz v. Winter*, 272 W 303, 75 NW (2d) 447.

In an intersection of the "Y" type, where one intersecting highway meets another at a very acute angle in a long, sweeping curve, (2) is not to be construed as requiring a car turning left to keep to the left of the center of the intersection. *Blom v. Kumbier*, 275 W 227, 81 NW (2d) 528.

85.175

See note to 85.16, citing *Swartz v. Sommerfeldt*, 272 W 17, 74 NW (2d) 632.

The operator of a motor vehicle should not be relieved from the duty to signal a left turn, if he should have been apprised of the approach of a vehicle from his rear by the exercise of either the sense of sight or of sound. *Pedek v. Wegemann*, 275 W 57, 81 NW (2d) 49.

85.18

See note to 85.17, citing *Schwarz v. Winter*, 272 W 303, 75 NW (2d) 447.

(8) requires vehicles emerging from driveway, garage or alley onto an arterial to stop, without regard to presence or absence of a stop sign. 45 Atty. Gen. 291.

85.19

See note to 85.06, citing *Robinson v. Briggs Transportation Co.* 272 W 448, 76 NW (2d) 294.

A truck temporarily stopped on the highway because its Diesel engine would not start, but capable of being moved to the shoulder of the highway by a truck which had it in tow, was not a "disabled" vehicle within the meaning of (8), so as to be excused from the provisions of (1). *Robinson v. Briggs Transportation Co.* 272 W 448, 76 NW (2d) 294.

The word "temporarily" in (8) includes only such lapse of time as will permit the operator to take reasonable steps to remove the vehicle from its position of danger on the highway. *Western Cas. & Sur. Co. v. Dairyland Mut. Ins. Co.* 273 W. 349, 77 NW (2d) 599.

Under evidence that a driver, whose automobile was stopped on the highway at night preparatory to making a sharp right turn into the driver's farm driveway when struck by an automobile approaching from the rear, had stopped his car in front of his driveway before he was blinded by the headlights of an approaching vehicle, and that by the exercise of ordinary care he could have turned into his driveway without stopping and before he was blinded by any headlights, the jury could find that he was causally negligent in stopping his car where he did. *Vidakovic v. Campbell*, 274 W 168, 79 NW (2d) 806.

Where a bus driver was traveling in the right-hand third traffic lane of a city street, but which street also had an extra and available paved fourth lane at the right near a railroad spur track, and the bus was stopped for the spur track while in the third lane when struck in the rear by a following automobile, the bus driver, although stopping only momentarily, could be deemed to have thereby violated (2). *Jeffers v. Peoria-Rockford Bus. Co.*, 274 W 594, 80 NW (2d) 785.

The requirement of leaving 15 feet of roadway clear is a safety statute, the violation of which constitutes negligence as a matter of law, and under the circumstances discussed was causal as a matter of law. *Wittig v. Kepler*, 275 W 415, 82 NW (2d) 341.

The prohibition against parking or stopping on the left side impliedly, excepts wreckers engaged in rescuing a disabled vehicle, where so stopping is the only practical way to conduct the operation, but the operator must use ordinary care to warn other traffic of the obstruction. *Vandenack v. Crosby*, 275 W 421, 82 NW (2d) 307.

85.40

Plaintiff policeman, although operating a motorcycle as an emergency vehicle at the time of colliding with defendant's turning automobile, would not come under one of the exceptions in (5) if his siren was not in operation prior to the collision. *Pedek v. Wegemann*, 271 W 461, 74 NW (2d) 198.

Under (5), to be guilty of actionable negligence as to speed thereunder, the operator of an emergency vehicle on an emergency errand may be found guilty of a lack of due regard for the safety of others, which is ordinary negligence, or of reckless disregard. *Montalto v. Fond du Lac County*, 272 W 552, 76 NW (2d) 279.

Evidence of the defendant driver's driving at a rate of more than 65 miles per hour as he approached the intersection, together with the undisputed fact that he lost control of his vehicle when he applied his brakes, supported the jury's findings that he was causally negligent as to speed and as to management and control. *Kanzenbach v. S. C. Johnson & Son, Inc.*, 273 W 621, 79 NW (2d) 249.

Even though a motorist is not exceeding the posted limit his speed may be excessive under (2) (a) where he is passing a truck parked on the shoulder of the highway across the street from a public garage, since he might have expected someone to walk across the highway at that point. *Metz v. Rath*, 275 W 12, 81 NW (2d) 34.

In prosecution under (2) (a) involving

collision with another vehicle it is incumbent on prosecutor to prove conditions and actual and potential hazards then existing and that other vehicle was on or entering highway in compliance with legal requirements and using due care; use of (2) (b) suggested. 45 Atty. Gen. 309.

85.44

An apron constructed between the curb and the sidewalk proper, constructed for access to a service station by cars and not for pedestrians must be considered as part of the highway, so that it was the duty of a pedestrian to yield the right of way on it to a car backing out of the station. *Brunette v. Bierke*, 271 W 190, 72 NW (2d) 702.

Under (6), providing that on meeting a vehicle the pedestrian shall if practicable step to the extreme outer limit of the traveled portion of the highway, such traveled portion of the highway includes the shoulder. *Wojciechowski v. Baron*, 274 W 364, 80 NW (2d) 434.

The causal negligence of a pedestrian, who was crossing a street from east to west at a point other than a crosswalk and who failed to yield the right of way to a southbound cab as required by (4), but who was struck by the right side of such cab when he was almost across the street, was not at least equal as a matter of law to the causal negligence of the cab-driver. *Wells v. Dairyland Mut. Ins. Co.*, 274 W 505, 80 NW (2d) 380.

A pedestrian walking on the left half of a highway is not relieved of all duty to keep a lookout to the rear as a matter of law. *Mewhorter v. Integrity Mut. Casualty Co.*, 275 W 77, 80 NW (2d) 782.

A highway is "not provided with sidewalks," within the meaning of (6) where the only sidewalk is not reasonably available because of deep snow or other obstruction making travel on it unduly difficult, and in such case a pedestrian may properly travel on the left side of the highway. *Mewhorter v. Integrity Mut. Casualty Co.*, 275 W 77, 80 NW (2d) 782.

A passenger who had gotten out of a car to assist the driver in turning around at a driveway and who was hit by a trailer which the car was pulling was not violating (6) nor loitering on the roadway in violation of (9). *Vanderhei v. Carlson*, 275 W 300, 81 NW (2d) 742.

85.445

State traffic patrol may charge reasonable fee for oversize mobile homes escort service furnished pursuant to 85.455. Such funds received should be allocated to state highway fund pursuant to 20.420 (91). 45 Atty. Gen. 211.

TITLE XLIV.

Vehicle Code.

CHAPTER 340.

GENERAL PROVISIONS.

340.01 Words and phrases defined.

340.01 Words and phrases defined. In chs. 340 to 349, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

- (1) "Adverse weather lamp" means a lamp specially designed to provide road illumination under conditions of rain, snow, dust or fog.
- (2) "Alley" means every highway within the corporate limits of a city or village primarily intended to provide access to the rear of property fronting upon another highway and not for the use of through traffic.
- (3) "Authorized emergency vehicle" means any of the following:
 - (a) Police vehicles, whether publicly or privately owned;
 - (b) Conservation wardens' vehicles or foresters' trucks, whether publicly or privately owned;
 - (c) Vehicles of a fire department or fire patrol;
 - (d) Privately owned motor vehicles being used by deputy state fire marshals or by personnel of a full-time or part-time fire department or by members of a volunteer fire department while enroute to a fire or on an emergency call pursuant to orders of their chief or other commanding officer;
 - (e) Such emergency vehicles of municipal or county departments or public service corporations as are designated or authorized by the local authorities to be authorized emergency vehicles;
 - (f) Such emergency vehicles of state departments as are designated or authorized by the heads of such departments to be authorized emergency vehicles;
 - (g) Such ambulances, whether publicly or privately owned, as are designated or authorized by local authorities to be authorized emergency vehicles.
- (4) "Automobile" means a motor vehicle with a shipping weight of more than 1,000 pounds and designed primarily for the purpose of transporting persons rather than property but which does not have a passenger-carrying capacity sufficiently large to bring it within the definition of motor bus.
- (5) "Bicycle" means every device propelled by the feet acting upon pedals and having wheels any 2 of which are more than 20 inches in diameter.
- (6) "Business district" means the territory contiguous to a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.
- (7) "Clearance lamps" means lamps on the left and right sides of the front and rear of a vehicle which show to the front and rear to mark the extreme sides of the vehicle.
- (8) "Commissioner" means the motor vehicle commissioner of this state.
- (9) "Connecting street" has the meaning designated in s. 84.02 (11).
- (10) "Crosswalk" means either of the following, except where signs have been erected by local authorities indicating no crossing:
 - (a) *Marked crosswalk.* Any portion of a highway clearly indicated for pedestrian crossing by lines or other markings on the surface; or
 - (b) *Unmarked crosswalk.* In the absence of lines or markings, that part of a roadway, at an intersection, which is included within the transverse lines which would be formed

on such roadway by connecting the corresponding lateral lines of the sidewalks on opposite sides of such roadway or, in the absence of a corresponding sidewalk on one side of the roadway, that part of such roadway which is included within the extension of the lateral lines of the existing sidewalk across such roadway at right angles to the centerline thereof, except in no case does an unmarked crosswalk include any part of the intersection and in no case is there an unmarked crosswalk across a street at an intersection of such street with an alley.

(11) "Dealer" means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in motor vehicles, mobile homes, trailers or semitrailers, or who is engaged wholly or in part in the business of selling motor vehicles, mobile homes, trailers or semitrailers, whether or not such vehicles are owned by him, but not including:

(a) A receiver, trustee, administrator, executor, guardian or other person appointed by or acting under the judgment or order of any court; or

(b) A public officer while performing his official duty; or

(c) An employee of a person enumerated in pars. (a) or (b); or

(d) A finance company licensed under s. 115.09 or 218.01 who sells or offers for sale motor vehicles repossessed or foreclosed by it under the terms of a security contract.

(12) "Department" means the motor vehicle department of this state, acting directly or through its duly authorized officers or agents.

(13) "Direction signal lamp" means a lighting device used to indicate the intention of the operator of a vehicle to change direction.

(14) "Distributor" means a person who in whole or in part sells or distributes motor vehicles, mobile homes, trailers or semitrailers to dealers, or who maintains distributor representatives.

(15) "Divided highway" means a highway with 2 or more roadways separated by spaces not intended for the use of vehicular traffic.

(16) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines and other implements of husbandry.

(17) "Farm trailer" means a trailer or semitrailer which is owned and operated by a farmer and is used exclusively for the transportation of farm products from the owner's farm to market or for the transportation of supplies to his farm.

(18) "Farm truck" means a motor truck owned and operated by a farmer and used primarily for the transportation of supplies, farm equipment and products on the owner's farm or between his farms, the transportation of farm products from the owner's farm to market, and the transportation of supplies to his farm. As used in this subsection, the term "farmer" includes persons who are engaged in those activities specified in the definition of "operation of farm premises" contained in s. 102.04 (4), provided that such activities are directly or indirectly for the purpose of producing a commodity or commodities for market, or as an accessory to such production.

(19) "Fusee" means a paper or fiber tube filled with a flammable material which, when ignited, burns with a red flame for 5 to 30 minutes and which is designed to produce a warning light for temporarily marking a disabled vehicle until more permanent warning devices can be properly placed.

(20) "Gross weight" means the weight of the vehicle equipped for service plus the weight which the vehicle is equipped to carry as a load.

(21) "Headlamp" means a major lighting device used to provide general illumination ahead of a vehicle.

(22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of institutions under the jurisdiction of the board of regents of state colleges, but does not include private roads or driveways as defined in sub. (46).

(23) "Hours of darkness" means the period of time from one-half hour after sunset to one-half hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet.

(24) "Implement of husbandry" means a vehicle or piece of equipment or machinery designed for agricultural purposes and used exclusively in the conduct of agricultural operations.

(25) "Intersection" means the area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of 2 or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(26) "Local authorities" means every county board, city council, town or village board or other local agency having authority under the constitution and laws of this state to adopt traffic regulations.

(27) "Local ordinance which is in conformity therewith" means a local traffic regulation enacted pursuant to s. 349.06.

(28) "Manufacturer" means a person who manufactures or assembles motor vehicles, mobile homes, trailers or semitrailers, or who manufactures or installs on previously assembled truck chassis special bodies or equipment which when installed form an integral part of the motor vehicle and which constitutes a major manufacturing alteration.

(29) "Mobile home" means a vehicle designed to be drawn upon a highway by a motor vehicle and designed, equipped and used, or intended to be used, primarily for sleeping, eating and living quarters.

(30) "Motor bicycle" means a bicycle to which a motor has been added to form a motor driven cycle as distinguished from a power driven cycle or motor cycle in which the motor is an integral part of the original vehicle.

(31) "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 10 or more persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

(32) "Motorcycle" means a motor driven cycle which does not come within the definition of power driven cycle or motor bicycle.

(33) "Motor driven cycle" means a motor vehicle designed to travel on not more than 3 wheels in contact with the ground and having a seat for the use of the rider, including motoreycles, power driven cycles and motor bicycles but excluding tractors.

(34) "Motor truck" means a motor vehicle used for commercial purposes carrying its load as a single unit with a nondetachable propelling power, except those vehicles operating on rails or used for transporting persons exclusively.

(35) "Motor vehicle" means a vehicle which is self-propelled, including a trackless trolley bus.

(36) "Multiple beam headlamp" means a headlamp designed to permit the operator of the vehicle to use any one of 2 or more distributions of light on the roadway.

(37) "Nonresident" means a person who is not a resident of this state.

(38) "Official traffic sign" means a sign or marking other than a signal, not inconsistent with chs. 341 to 349, placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

(39) "Official traffic signal" means any signal not inconsistent with chs. 341 to 349 placed or erected by authority of a public body or official having jurisdiction for the purpose of directing, warning or regulating traffic.

(40) "Operating privilege" means, in the case of a person who is licensed under ch. 343, every license so granted to such person; in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under ch. 343; in the case of a nonresident, it means the operating privilege granted by s. 343.05 (2) (c).

(41) "Operator" means a person who drives or is in actual physical control of a vehicle.

(42) "Owner" means a person who holds the legal title of a vehicle, except that in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee, or mortgagor is the owner for the purposes of chs. 340 to 349.

(43) "Pedestrian" means any person afoot.

(44) "Pot torch" means a wick-type liquid-burning device designed to produce a steady burning flame as a warning signal.

(45) "Power driven cycle" means a motor driven cycle weighing between 100 and 300 pounds fully equipped but without gasoline or oil and designed to travel not over 35 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind.

(46) "Private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than those under the jurisdiction of the board of regents of state colleges.

(47) "Railroad crossing" means the intersection of any highway or private road or driveway at grade with tracks upon which railroad trains operate.

(48) "Railroad train" means every device except a streetcar, with or without engine or motor and whether or not coupled to other similar devices, operated upon rails for the transporting of persons or property.

(49) "Reflector" means a device designed to warn an approaching driver by reflected light from the headlamps on the approaching vehicle.

(50) "Residence district" means the territory contiguous to a highway not comprising a business district where the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(51) "Right of way" means the privilege of the immediate use of the roadway.

(52) "Road machinery" means a piece of mobile machinery or equipment not covered by s. 341.26 (1) (d), such as ditch digging apparatus, power shovels, drag lines and earth-moving equipment, or a piece of road construction or maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, gravel crushers, screening plants, scrapers, tractors, earth movers, front- or rear-end loaders, conveyors, road pavers, or construction shacks. The foregoing enumeration is intended to be illustrative and does not exclude other similar vehicles which are within the general terms of this subsection and are not designed or used primarily for transportation of persons or property and only incidentally operated or moved upon a highway.

(53) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn.

(54) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

(55) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians, including those about to board or alighting from public conveyances, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(56) "School bus" means a motor vehicle which transports children to or from a public school or which transports school groups engaged in extracurricular activities to or from points designated by such public school, even though such vehicle also transports children or school groups to or from private schools or colleges or points designated by them, but does not include:

(a) A motor vehicle owned or operated by a parent or guardian transporting only his own children, regardless of whether the school has made a contact with or paid compensation to such parent or guardian for such transportation; or

(b) A vehicle having a seating capacity of fewer than 10 persons, including the operator, and used in casual, occasional or reciprocal transportation of school children and not under contract.

(57) "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home.

(58) "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

(59) "Spotlamp" means an auxiliary driving lamp used primarily to supplement the headlamps in providing general illumination ahead of the vehicle, usually mounted and designed so it can be controlled by the operator of the vehicle for the purpose of reading signs and illuminating objects to the side of or beyond the scope of the regular headlamp beams.

(60) "State trunk highway" means any highway designated pursuant to s. 84.02 as part of the state trunk highway system, exclusive of connecting streets.

(61) "Stop" when required means complete cessation from movement.

(62) "Stop lamp" means a device giving a steady warning light to the rear of a vehicle to indicate the intention of the operator of the vehicle to diminish speed or stop.

(63) "Street" means every highway within the corporate limits of a city or village except alleys.

(65) "Tail lamp" means a device to designate the rear of a vehicle by a warning light.

(66) "Through highway" means every highway or portion thereof which has been declared by the state or local authorities pursuant to s. 349.07 to be a through highway and at the entrances to which vehicular traffic from intersecting highways is required by traffic control signals or stop signs to stop.

(67) "Traffic" means pedestrians, ridden or herded or driven animals, vehicles and other conveyances, either singly or together, while using any highway for the purpose of travel.

(68) "Traffic control signal" means any device using colored lights, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to go.

(69) "Traffic officer" means every officer authorized by law to direct or regulate traffic or to make arrests for violation of traffic regulations.

(70) "Trailer" means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

(71) "Transporter" means a person engaged in this state in the business of transporting and delivering motor vehicles, trailers, semitrailers or mobile homes in tow on their own wheels or under their own power from the manufacturer to the distributor, dealer or branch of the manufacturer, or from the distributor or dealer to another distributor or dealer, the manufacturer or branch of the manufacturer or from the branch of the manufacturer to the distributor, dealer or manufacturer.

(72) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(73) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains.

History: 1957 c. 260, 514, 554, 615, 684.