



JANEL BRANDTJEN

STATE REPRESENTATIVE • 22ND ASSEMBLY DISTRICT

Thank you Chairman Wanggaard and the entire Senate Committee on Judiciary and Public Safety for allowing me to testify today on behalf of Senate Bill 189. I'll keep my remarks brief.

Several sessions ago, ABATE along with a bipartisan group of legislators worked together to pass ACT 466. The bill enhanced penalties for certain traffic violations regarding right of way law including failure to yield. The ACT also required those who were found guilty of "Right of Way" (ROW) violations to attend an instructive class regarding ROW laws. The class is available online.

SB 189 expands the list of ROW violations that fall under the new guidelines to things such as failure to yield at sidewalks, while backing up, and approaching alleyways.

SB 189 would require a fine if the violation results in great bodily harm or death of another. The person must forfeit \$500 if great bodily harm results, and \$1,000 if death results.

For ROW violations, DOT would require attendance at a vehicle right-of-way course, and in serious violations, suspend the person's operating privilege. For great bodily harm the DOT suspension must be for a period of three months and if the offense resulted in death the suspension must be for nine months.

Act 466 required an automatic suspension if a "Right of Way" violation caused bodily harm (not to be confused with great bodily harm), this bill removes that requirement.

In closing I might add that the bill would reduce the amount of automatic suspensions and increase the number of drivers required to take the vehicle right of way course. A win-win for Wisconsin's drivers.

I know we all want to make our roads as safe as possible for everybody. I feel this bill will take Wisconsin a step further in that direction.

Thank you,

A handwritten signature in black ink that reads "Janel Brandtjen". The signature is written in a cursive style with a large, sweeping initial "J".

State Representative Janel Brandtjen

(608) 267-2367

Rep.brandtjen@legis.wisconsin.gov

TO: Committee on Judiciary and Public Safety
FROM: Senator Luther Olsen and Representative Janel Brandtjen
DATE: Tuesday, May 9th, 2017
SUBJECT: Testimony for Senate Bill 189

Thank you Senator Wanggaard and members of the Senate Committee on Judiciary and Public Safety for holding a hearing and allowing us to testify in support of Senate Bill 189. This is an important piece of legislation, that has been brought to our attention by ABATE of Wisconsin.

In 2011, I was a co-author of Assembly Bill 55 which was the original right-of-way legislation and included a required safety course for some violations. This bi-partisan bill was signed into law in April of 2012.

Under current law, depending on the violation, a person who commits a right-of-way violation on the current list may be subject to a fine between \$20 and \$300. For certain violations on the current list, one may also receive a suspended operating license for up to one year, and the person is ordered to attend a vehicle right-of-way course by the Department of Transportation (DOT). The suspended operating license is not to be reinstated until the required course is completed.

Last year, when Representative Brandtjen and I introduced similar legislation to expand the list of violations, it was opposed by the insurance industry as they felt it would lead to an increase of license suspensions. Representative Brandtjen worked hard to draft legislation for this session that would fix these concerns.

The purpose of Senate Bill 189, is to continue to increase the safety of Wisconsin's roadways by **expanding** the list of right-of-way violations. The following circumstances would be added to the current violations list:

1. Driving on a roadway.
2. Meeting vehicles passing in opposite directions.
3. Overtaking and passing another vehicle.
4. Facing a stop sign or traffic control signal.
5. Proceeding through an intersection.
6. Turning at an intersection.
7. Yielding to a pedestrian, bicycle, or electric mobility device in a crosswalk.
8. Backing.
9. Entering the roadway from an alley or a parked position.

Under this bill, if a person has committed any of the violations in the list and caused great bodily harm to another, the fine would be \$500 and an operating license must be suspended for 3 months. A fine would be \$1,000 and an operating license must be suspended for 9 months if death to another results during these violations. DOT must require any violator to attend the right-of-way course, even if the violation is committed and no great bodily harm or death occurs to another. If the course is not completed by the violator within six months, the person's operating license must be suspended by the DOT until the course is completed, but the suspension may not exceed five years.

Thank you members, we ask for your support on Senate Bill 189 and we would be more than happy to answer any questions.



**WISCONSIN
BIKE FED**

*137 E. Wilson St.
Madison, WI 53703
Wisconsinbikefed.org*

May 9, 2017

Sen. Van Wanggaard, Chair
Senate Committee on Judiciary & Public Safety
State Capitol
Madison, WI 53703

Dear Chair Wanggaard:

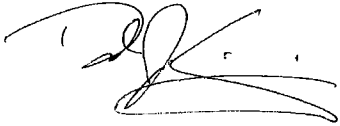
The Wisconsin Bicycle Federation represents 7,000 members around the state of Wisconsin. Our mission is to provide better, safer places in which to walk or to ride a bike.

We support Senate Bill 189 because it will increase penalties on those who cause death or serious injury to cyclists or pedestrians through vehicle moving violations.

The most common car-bike crash involves a car turning right in front of a cyclist riding near the curb. This is often referred to as a "right hook." SB-189 would increase penalties and require remedial driver's education to provide a more appropriate response to this and other violations. We hope that it might also act as a deterrent, making drivers more cautious around cyclists and pedestrians.

We hope that at some point soon after today's public hearing you will advance the bill in an executive session.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Cieslewicz', with a stylized flourish at the end.

David Cieslewicz
Executive Director
The Bike Fed