



## 2009 ASSEMBLY BILL 59

February 17, 2009 - Introduced by Representatives BLACK, SHERMAN, MASON, BERCEAU, POPE-ROBERTS, POCAN, ZEPNICK, A. WILLIAMS and BALLWEG, cosponsored by Senators RISSER, MILLER, LEHMAN and HANSEN. Referred to Committee on Transportation.

1     **AN ACT** *to repeal* 346.80 (2) (c); *to amend* 346.95 (1); and *to create* 346.94 (20)  
2             of the statutes; **relating to:** passing parked motor vehicles and opening motor  
3             vehicle doors on highways and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

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. This bill eliminates this requirement.

This bill also prohibits any person from opening 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. A person who violates this prohibition 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 any subsequent conviction within a year.

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

4             **SECTION 1.** 346.80 (2) (c) of the statutes is repealed.

**ASSEMBLY BILL 59**

**SECTION 2**

1           **SECTION 2.** 346.94 (20) of the statutes is created to read:

2           346.94 **(20)** OPENING MOTOR VEHICLE DOOR ON HIGHWAY. No person may open any  
3 door of a motor vehicle located on a highway without first taking due precaution to  
4 ensure that his or her act will not interfere with the movement of traffic or endanger  
5 any other person or vehicle.

6           **SECTION 3.** 346.95 (1) of the statutes is amended to read:

7           346.95 **(1)** Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92  
8 or 346.94 (1), (9), (10), (11), (12) ~~or~~ (15), or (20) may be required to forfeit not less than  
9 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100  
10 for the 2nd or subsequent conviction within a year.

11   (END)