



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0337/1
EVM:skw

2023 ASSEMBLY BILL 89

March 8, 2023 - Introduced by Representatives PENTERMAN, EMERSON, NEDWESKI, ARMSTRONG, GUNDRUM, MOSES, NOVAK, ROZAR, SHANKLAND, SUBECK and WITTKKE, cosponsored by Senators TOMCZYK, BALLWEG, MARKLEIN and SPREITZER. Referred to Committee on Transportation.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 340.01 (22e); and *to create* 340.01 (22e) (a)
2 3. and 340.01 (22e) (b) of the statutes; **relating to:** penalties for certain traffic
3 violations where highway maintenance workers are present and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

Under current law, the amount of any applicable minimum and maximum fine or forfeiture is doubled for specified traffic violations committed where persons working in a highway maintenance or construction area are at risk from traffic. These traffic violations include failing to follow certain traffic signs and signals, failing to follow certain orders of traffic officers, exceeding certain maximum speed limits, and driving recklessly. Currently, “highway maintenance or construction area” is defined as the section of highway between the first highway maintenance or construction warning sign and either 1) a sign indicating the end of the maintenance or construction work; or 2) in the case of a moving vehicle engaged in the maintenance or construction work, the section of roadway where traffic may return to normal flow without impeding the maintenance or construction work.

Under this bill, “highway maintenance or construction area” is defined to include the roadway adjacent to which roadside cleanup or maintenance work is being performed. In the case of highway cleanup work or roadside cleanup or maintenance work, including the collection of litter, the highway construction or

ASSEMBLY BILL 89

maintenance area extends from the first advance warning sign to the furthest location at which cleanup or maintenance workers are working.

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

1 **SECTION 1.** 340.01 (22e) of the statutes is renumbered 340.01 (22e) (a) (intro.)
2 and amended to read:

3 340.01 (22e) (a) (intro.) “Highway maintenance or construction area” means
4 the entire section of roadway between the first advance warning sign of highway
5 maintenance or construction work and ~~an~~ any of the following:

6 1. An “END ROAD WORK” or “END CONSTRUCTION” sign ~~or, in,~~

7 2. In the case of a moving vehicle engaged in the maintenance or construction
8 work, that section of roadway where traffic may return to its normal flow without
9 impeding ~~such~~ the work.

10 **SECTION 2.** 340.01 (22e) (a) 3. of the statutes is created to read:

11 340.01 (22e) (a) 3. In the case of highway cleanup work or roadside cleanup or
12 maintenance work, including the collection of litter, the furthest location at which
13 cleanup or maintenance workers are working.

14 **SECTION 3.** 340.01 (22e) (b) of the statutes is created to read:

15 340.01 (22e) (b) “Highway maintenance or construction area” includes the
16 roadway adjacent to which roadside cleanup or maintenance work, including the
17 collection of litter, is being performed, regardless of whether the work is being
18 performed by paid workers or volunteer workers.

19 **SECTION 4. Initial applicability.**

