



2009 ASSEMBLY BILL 552

November 5, 2009 – Introduced by Representatives KAUFERT, BERCEAU, SMITH, BROOKS, KERKMAN, MURSAU, ZEPNICK, LOTHIAN, TOWNSEND and CLARK, cosponsored by Senators HANSEN, LEHMAN, TAYLOR and SCHULTZ. Referred to Committee on Transportation.

- 1 **AN ACT** *to renumber and amend* 346.915 (2); and *to create* 346.915 (2) (a) 1.
2 and 2. and 346.915 (3) of the statutes; **relating to:** following snowplows and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person operating a vehicle may not follow an official snowplow closer than 200 feet when upon a highway having a posted speed limit of more than 35 miles per hour when the snowplow is: 1) engaged in winter highway maintenance snow and ice removal and 2) displaying two flashing red or amber lamps or a flashing red or amber lamp of the dome-light type. A person does not violate this provision when overtaking and passing a snowplow, or when a snowplow is stopped or standing in the highway. A person violating this provision 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 the second or subsequent conviction within a year.

This bill prohibits a person operating a vehicle from following an official snowplow, equipped and engaged as described above, closer than 75 feet when upon a highway having a posted speed limit of 35 miles per hour or less. This bill also requires a person operating a vehicle that approaches from the rear an official snowplow, equipped and engaged as described above, that is stopped at an intersection to stop not less than 20 feet from the snowplow and remain stopped until the snowplow resumes motion. Other than the intersection stopping requirement, the current exceptions regarding overtaking and passing a snowplow remain. The

ASSEMBLY BILL 552

existing penalties for following a snowplow too closely apply to the prohibitions in this bill.

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

1 **SECTION 1.** 346.915 (2) of the statutes is renumbered 346.915 (2) (a) and
2 amended to read:

3 346.915 (2) (a) The operator of any vehicle that is not a snowplow may not
4 follow a snowplow closer than 200 feet upon any highway having a posted speed limit
5 of more than 35 miles per hour the following distances, if the snowplow is engaged
6 in highway winter maintenance snow and ice removal, as described in sub. (1), and
7 is using lamps described in s. 347.26 (7). ~~This subsection;~~

8 (b) Paragraph (a) does not apply when overtaking and passing a snowplow, but
9 the fact that the operator of any vehicle upon a highway having a posted speed limit
10 of more than 35 miles per hour follows the snowplow more closely than 200 feet
11 permitted by par. (a) for one mile or more or follows more closely than 200 feet
12 permitted by par. (a) when the snowplow is moving at the maximum speed limit is
13 prima facie evidence that the operator of such following vehicle is violating this
14 subsection. ~~This subsection par. (a).~~

15 (c) Paragraph (a) does not apply to a snowplow that is stopped or standing in
16 the highway.

17 **SECTION 2.** 346.915 (2) (a) 1. and 2. of the statutes are created to read:

18 346.915 (2) (a) 1. Two hundred feet upon any highway having a posted speed
19 limit of more than 35 miles per hour.

20 2. Seventy-five feet upon any highway having a posted speed limit of 35 miles
21 per hour or less.

