

JURISDICTION:

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General Reference:

This chapter summarizes Wisconsin State statutes related to speed. Wisconsin Statutes Annotated and Wisconsin Administrative Code (WAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. §346.57(2)

Statutory Speed Limit:
See Other below.

65 MPH on any freeway or expressway when posted §346.57(4)(gm)
55 MPH on highways not posted §346.57(4)(h)
45 MPH on designated rustic roads §346.57(4)(k)
35 MPH on highways within semiurban district outside city or village corporate limits §346.57(4)(g)
35 MPH on outlying district highways within city or village corporate limits §346.57(4)(f)
35 MPH on certain highway in business, industrial and residential districts §346.57(4)(j)
25 MPH on service roads with city or village corporate limits §346.57(4)(em)
25 MPH on other highways within city or village corporate limits §346.57(4)(e)
15 MPH in an alley §346.57(4)(d)
15 MPH in a safety zone occupied by pedestrians and where a "public passenger vehicle" has stopped to receive or discharge passengers §346.57(4)(c)
15 MPH in a "school crossing" §346.57(4)(b)
15 MPH when passing a school during times when children are either going to or from a school or when children "are playing within the sidewalk area at or about the school." §346.57(4)(a)
15 MPH in town parks or recreation area when children are going to or from or playing within such areas. §346.57(4)(i)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on highways under its jurisdictions. However, no speed limit can be >65 MPH on freeways or expressways or 55 MPH on other highways.¹ §§346.57(5) and 349.11(1)(a), (2)(a), (8)(a) & (8m)
II. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits on highways under its jurisdictions. However, no speed limit can be >55 MPH² §§346.57(5) and 349.11(1)(a), (3)(a) & (8m)

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit: (continued)

Note: State or local government maximum speed limits established under either I or II above must be uniformly applicable to all types of motor vehicles. However, there is an exception. A lower speed limit may be established for vehicles which, because of their weight or size, are operating under a special permit. §349.11(8)(c) & (8m)(c)

¹In addition, the State cannot modify the maximum statutory speed of 15 MPH in a safety zone or the speed limit on the more than 2,000 miles of State trunk highways. §349.11(2)(b) & (c)

²In addition, a local government State cannot modify the maximum statutory speed of 15 MPH in a safety zone. §349.11(3)(b) Such government must obtain State approve to modify speed limits within corporate limits or within a semiurban district outside corporate limits. In addition, in general, it cannot reduce by 10 MPH (15 MPH on rustic roads) or less statutory speed limits without State approval. §349.11(3)(c)

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III. Based on an investigation, the State may establish safe maximum speed limits on bridges, causeways, viaducts or other structures. §349.11(4)

IV. Local governments may establish temporary speed limits on highways that are under going construction or maintenance. §349.11(10)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at a speed so slow as to impede the normal and reasonable movement of traffic. §346.59(1)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §346.05(3)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State may establish a minimum speed limit for State trunk highways. §349.11(1)(b)

Other:

No person shall drive a vehicle that is equipped with metal or solid rubber tires >15 MPH. §346.58

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Civil Forfeiture Offenses. §§346.17(2), 346.60 & 939.12

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

None

Violating the Basic Speed Law, School Area Speed Limits (See II under Other below.), Pedestrian/Passenger Safety Zone Speed Limits-1st offense-\$40 to \$300 Subsequent offense-\$80 to \$600 §346.60(3)

Violating the 65 MPH Speed Limit-\$50 to \$300 §346.60(2)(b)

Violating Other Speed Limits³-\$30 to \$300 §346.60(2)(a)

Violating the Minimum Speed Law (Impeding Traffic)-1st offense-\$20 to \$40 Subsequent offense-\$50 to \$100 §346.60(1)

Failing to Maintain Speed Except in Right Lane-\$30 to \$300 §346.17(2)

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may have points deducted from their driving record if they participate in either driver improvement counseling, a traffic safety school, or a defensive driving course. WAC 101.07

³This includes a violation of §346.58 which prohibits a person from driving a motor vehicle that is equipped with metal or solid rubber tires >15 MPH. §346.60(2)(a)

Other:

I. The above minimum and maximum fines (forfeitures) are **double** if the following offenses occur in either a highway maintenance, construction area or utility work area: Violating the basic speed law; exceeding the speed limit in an alley; or, exceeding the speed limit on highways or roads with 25 to 65 MPH speed limits.⁴ §346.60(3m)(a)
 II. The above minimum and maximum fines (forfeitures) are **double** if a person either violates the basic speed rule in a “designated” school zone (“school crossing”) or exceeds the speed limit in such a zone. This sanction applies on any type of highway (road). §§118.08(1) & 346.60(3m)(b)

Licensing Action:
 Type of Licensing Action
 (Susp/Rev):

Suspension via the Courts §343.30(1) & (1n)
Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁵ §343.32(2)(a)

Term of License Withdrawal
 (Days, Months, Years, etc.):

Suspension via the Courts: (1) For speeding ≥25 MPH over the 65 or 55 MPH speed limit-**15 day suspension** §343.30(1n) (2) For other violations-Not more than **1 year** §343.30(1)
Suspension or Revocation via a Point System-**2 months to 1 year**⁵ §343.32(3) & WAC Trans. 101.04

Mandatory Minimum Term of
 Withdrawal:

Suspension via the Courts: (1) For speeding ≥25 MPH over the 65 or 55 MPH speed limit-**15 day suspension** §343.30(1n) (2) For other violations-**None** Note: Licensing action is discretionary §343.30(1)Suspension or Revocation via a Point System-**None** Note: A person is eligible for occupational driving privileges §343.32(6)

Miscellaneous Sanctions
 Not Included Elsewhere:

Sanctions Following an Adjudication of a Speed Law Violation:
 (continued)

Bicycle Operators. I. A person, who exceeds the speed limit while

Miscellaneous Sanctions

⁴The “double fine” sanction for speeding in a construction zone does not apply (1) in certain 15 MPH school, park or safety zones, (2) on 35 MPH highways located in certain business, industrial or residential areas and (3) on 45 MPH highways which have been designated as rustic roads. §§346.(3m)(a) & 346.57

⁵**Point System.** I. An offender's license is subject to either suspension or revocation for 2 months, 4 months, 6 months or 1 year if they accumulate respectively 12 to 16 points, 17 to 22 points, 23 to 30 points or >30 points within 12 months. WAC Trans. 101.04 II. The following points have been assigned to speeding to speed related offenses: Racing on the highways-6 points; reckless driving-6 points; speeding ≥20 MPH over the speed limit-6 points; imprudent speed or driving too fast for conditions-4 points; speeding >10 MPH but <20 MPH over the speed limit-4 points; inattentive driving-4 points; unnecessary acceleration-4 points; speeding ≤10 MPH over the speed limit-3 points; obstructing traffic/driving excessively slowly-2 points; and, all other moving violations-2 points. WAC Trans. 101.02

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Not Included Elsewhere: (continued)

operating a bicycle, is subject to a Civil Forfeiture of not more than \$20. §346.60(5)(a)
II. A person, who obstructs traffic while operating a bicycle, is subject to a Civil Forfeiture of not more than \$10. §346.60(5)(b)

Other Criminal Actions Related to Speeding:

Racing on Highway:

Civil Forfeiture §§346.94(2) & 346.95(2)

Sanctions:

Criminal Sanction:

None

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

\$20 to \$400 §346.95(2)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via the Courts §343.30

Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁵ §343.32(2)(a)

Length of Term of

Licensing Withdrawal:

Suspension via the Courts-Not more than **1 year** §343.30(1)

Suspension or Revocation via a Point System-**2 months to 1 year**⁵ §343.32(3) & WAC Trans. 101.04

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension via the Courts-**None** Note: Licensing action is discretionary §343.30(1)

Suspension or Revocation via a Point System-**None** Note: A person is eligible for occupational driving privileges §343.32(6)

Other:

Reckless Driving⁶:

Civil Forfeiture, Misdemeanor or Felony §§346.62(2), (3) & (4), 939.12 and 939.60

Sanction:

Criminal:

Imprisonment (Term):

Endangering Persons or Property-1st offense-Forfeiture-**None**
Subsequent offense (within 4 years)-Misdemeanor-Not more than **1 year** in the county jail §346.65(1)(b)

Causing Bodily Harm-Misdemeanor-**30 days to 1 year** in the county jail §346.65(3)

Other Criminal Actions Related to Speeding:

(continued)

Reckless Driving: (continued)

⁶"Reckless driving" is defined as driving a vehicle so as either (1) to endanger the safety or any person or property via negligent operation, (2) to cause bodily harm to another via negligent vehicle operation, or (3) to cause great bodily harm to another via negligent vehicle operation. §346.62(2), (3) & (4)

Imprisonment (Term): (continued)	Causing Great Bodily Harm-Felony⁷-90 days to 2 years and 3 months (imprisonment) §346.65(5)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Endangering Persons or Property-1st offense-Forfeiture-\$25 to \$200 Subsequent offense (within 4 years)-Misdemeanor-Not more than 1 year in county jail §346.65(1)(b)
	Causing Bodily Harm-Misdemeanor-\$300 to \$2,000 §346.65(3)
	Causing Great Bodily Harm-Felony-\$600 to \$2,000 §346.65(5)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Courts §343.30 Suspension or Revocation -Based upon repeated violation of the traffic laws via a Point System ⁵ §343.32(2)(a) Causing Great Bodily Harm-Revocation §343.31(1)(a)
Length of Term of License Withdrawal Action:	Suspension via the Courts-Not more than 1 year §343.30(1) Suspension or Revocation via a Point System- 2 months to 1 year ⁵ §343.32(3) & WAC Trans. 101.04 Causing Great Bodily Harm-1 year §343.31(3)(a)
Mandatory Term of License Withdrawal Action:	Suspension via the Courts- None Note: Licensing action is discretionary §343.30(1) Suspension or Revocation via a Point System- None Note: A person is eligible for occupational driving privileges §343.32(6) Causing Great Bodily Harm-1 year §343.31(3)(a)
Other:	The above <u>fin</u> es are double if the reckless driving offense occur in either a highway maintenance, construction area or utility work area. §346.65(5m)
<u>Inattentive Driving</u> ⁸ :	Civil Forfeiture §§346.89(1) & 346.95(2)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	None
Mandatory Minimum Term:	
Fine (\$ Range):	\$20 to \$400 §346.95(2)
Mandatory Minimum Fine:	None

Other Criminal Actions Related to Speeding:
(continued)

Inattentive Driving: (continued)

⁷If a crime is punishable by imprisonment in one of the State's prisons, it is a felony. §939.60

⁸Inattentive Driving: Driving a motor vehicle while "so engaged or occupied as to interfere with the safe driving of such vehicle." §346.89(1)

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Administrative Licensing Action:
Licensing Authorized and
Type of Action:

Suspension via the Courts §343.30
Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁵ §343.32(2)(a)

Length of Term of
Licensing Withdrawal:

Suspension via the Courts-Not more than **1 year** §343.30(1)
Suspension or Revocation via a Point System-**2 months to 1 year**⁵ §343.32(3) & WAC Trans. 101.04

Mandatory Action--Minimum
Length of License
Withdrawal:

Suspension via the Courts-**None** Note: Licensing action is discretionary §343.30(1)
Suspension or Revocation via a Point System-**None** Note: A person is eligible for occupational driving privileges §343.32(6)

Other:

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §343.315(f)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §343.315(f)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §343.315(f)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight ≥26,001 lbs., is designed to transport 15 or more persons, or is transporting hazardous materials. §340.01(8)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §343.315(f)(1) & (3)-500(17)(a) & (b)