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DISTRICT IV

January 23, 2026

To:

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Electronic Notice

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Jefferson County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2025AP1370

County of Jefferson v. Tammy Lynn Kronquist
(L.C. # 2023TR6546)

Before Blanchard, J.¹

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Tammy Lynn Kronquist appeals one aspect of the traffic court record reflecting her traffic forfeiture of failing to change lanes in order to avoid driving in the lane next to a stopped emergency vehicle, contrary to WIS. STAT. § 346.072(1m)(a). The challenged aspect is a 30-day suspension of her driving privileges. The circuit court concluded that it was statutorily obligated to suspend Kronquist's Wisconsin driver's license for 30 days based on this forfeiture, but the

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(c) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

court stayed the suspension pending this appeal. Kronquist argues that the statutes do not mandate license suspension whenever this forfeiture is imposed, and she requests that this court order the suspension condition removed from the traffic court record. Jefferson County agrees with Kronquist that the statutes do not mandate the license suspension, and it joins her request. On review of the briefs and record, I conclude that this case is appropriate for summary disposition. Because the circuit court unambiguously said that it would not have imposed the suspension if it were not statutorily required to do so, and because I agree with the parties that there was not a statutory requirement, I order the traffic court record modified to remove the imposed suspension, and, as modified, I affirm the forfeiture.

At a bench trial, a deputy sheriff testified to the following. The deputy conducted a traffic stop on the side of a four-lane highway. His stopped police vehicle was unmarked, but its emergency lights were illuminated. A vehicle driven by Kronquist passed by the stopped police vehicle in the nearest lane, despite the fact that there were no other vehicles than Kronquist's traveling in the same direction within several hundred feet, such that Kronquist could have safely moved one lane to her left and avoided travelling in the lane next to the stopped vehicle. A video of the incident was also played. Kronquist, who was not represented by counsel at the trial, was also a witness. She testified that, just before the incident, she had been aware of vehicles behind her and that by the time she approached the deputy's vehicle she was not certain that the vehicles that had been trailing her were far enough behind for her to make a safe lane change. Instead, she testified, she slowed down before passing the deputy's vehicle.

The circuit court concluded that Kronquist committed the violation because, regardless of her subjective perceptions, objectively she could have safely changed lanes before passing the deputy's vehicle. In accord with WIS. STAT. § 346.17(2), the court imposed a fine. After the

court discussed with Kronquist her right to appeal, it asked the prosecutor if there was anything further. The prosecutor responded that WIS. STAT. § 346.072(2) “does require the Court to suspend her driver’s license.” The court informed Kronquist that “[u]nder [§ 346.072](2), I’m required to suspend your driver’s license.” The court then told Kronquist it would stay this requirement pending appeal. After further discussion of the mechanics of the appeal, the court again emphasized that it viewed the suspension as mandatory, and added that “because the legislature says ‘shall’ on these, or I wouldn’t have done it ... I don’t want to do it, but I have to follow the law.”

Kronquist does not challenge the forfeiture itself, but instead appeals the suspension aspect of the traffic court record. Jefferson County has also filed a brief. The parties now agree to all of the following points, and I conclude that they are correct.

WISCONSIN STAT. § 346.072(2) states that, “[i]n addition to any penalty imposed under [WIS. STAT. §] 346.17(2), any person violating this section shall have his or her operating privilege suspended as provided in [WIS. STAT. §] 343.30(1o).” In general, the legislature’s use of the word “shall” in describing an action means that the action is mandatory. *Eby v. Kozarek*, 153 Wis. 2d 75, 79, 450 N.W.2d 249 (1990).

If one looks no further, it appears that license suspension is required any time a person is found to have violated this statute. But one must also take into account the cross-reference to chapter 343, specifically that any suspension shall be imposed “as provided in [WIS. STAT. §] 343.30(1o).”

Under WIS. STAT. § 343.30(1o), the circumstances in which a suspension must be imposed are limited to those in which a driver’s failure to safely change lanes caused property

damage, bodily harm to another, or the death of another. *See* § 343.30(1o)(a)-(c). Therefore, the unambiguous direction of these cross-referenced statutes is that license suspension is required for a violation of WIS. STAT. § 346.072(2) only when the violation results in on one of the harms listed in § 343.30(1o). Because none of these harms occurred as a result of Kronquist’s failure to change lanes, the statutes do not require license suspension.

While a circuit court does not have an obligation to impose a license suspension for a violation of WIS. STAT. § 346.072(2) under these circumstances, it does have the discretion to do so. This is because WIS. STAT. § 343.30(1) states that a circuit court “may” impose a suspension for up to one year for the vast majority of traffic offenses, including for a violation of § 346.072(2). Therefore, the circuit court here could have imposed the suspension if it had properly exercised its discretion to do so; its error was its mistaken understanding that imposition is mandatory under these circumstances. Typically, when a circuit court has taken an action that it had the discretion to take, but did so under a mistaken view of the law, an appellate court will remand so that the circuit court can exercise its discretion consistent with a correct understanding of the law. *King v. King*, 224 Wis. 2d 235, 253-54, 590 N.W.2d 480 (1999). But here, as summarized above, the court unambiguously said that it did not believe that Kronquist’s conduct called for a license suspension, and that it imposed this sanction only because it believed that it was statutorily obligated to do so. Having concluded that the court was not statutorily obligated to suspend Kronquist’s license, I agree with the parties that the appropriate remedy is to order removal of this portion of the judgment, in accord with the court’s expressed preference. Further court proceedings on this topic would serve no purpose.

Therefore,

IT IS ORDERED that the traffic court record in this matter is amended to remove the license suspension, and as amended the forfeiture is summarily affirmed under WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals