



State of Wisconsin
2001 - 2002 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 10**

March 6, 2001 - Offered by Senator BURKE.

1 **AN ACT to amend** 346.05 (3) and 346.17 (2); and **to create** 343.30 (1o) and
2 346.072 of the statutes; **relating to:** motorists approaching certain authorized
3 emergency vehicles, tow trucks, or highway maintenance equipment stopped
4 near a highway and providing a penalty.

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

5 **SECTION 1.** 343.30 (1o) of the statutes is created to read:

6 343.30 (1o) Upon conviction of a person for violating s. 346.072, the court shall
7 suspend the violator's operating privilege as follows:

8 (a) For a period of not less than 90 days nor more than one year, if the offense
9 resulted in damage to the property of another but did not result in bodily harm to
10 another.

11 (b) For a period of not less than 180 days nor more than 2 years, if the offense
12 resulted in bodily harm to another but did not result in the death of another.

1 (c) For a period of 2 years, if the offense resulted in the death of another.

2 **SECTION 2.** 346.05 (3) of the statutes is amended to read:

3 346.05 (3) Any vehicle proceeding upon a roadway at less than the normal
4 speed of traffic at the time and place and under the conditions then existing shall be
5 driven in the right-hand lane then available for traffic, or as close as practicable to
6 the right-hand edge or curb of the roadway, except when overtaking and passing
7 another vehicle proceeding in the same direction or when preparing for a left turn
8 at an intersection or into a private road or driveway, and except as provided in s.
9 346.072.

10 **SECTION 3.** 346.072 of the statutes is created to read:

11 **346.072 Passing stopped emergency vehicles, tow trucks and highway**
12 **machinery equipment.** (1) If an authorized emergency vehicle giving visual
13 signal, a tow truck flashing red lamps, as required by s. 347.26 (6) (b), or any road
14 machinery or motor vehicle used in highway construction or maintenance displaying
15 the lights specified in s. 347.23 (1) (a) or (b) or, with respect to a motor vehicle,
16 displaying the lights specified in s. 347.26 (7), is parked or standing on or within 12
17 feet of a roadway, the operator of a motor vehicle approaching such vehicle or
18 machinery shall proceed with due regard for all other traffic and shall do either of
19 the following:

20 (a) Move the motor vehicle into a lane that is not the lane nearest the parked
21 or standing vehicle or machinery and continue traveling in that lane until safely
22 clear of the vehicle or machinery. This paragraph applies only if the roadway has at
23 least two lanes for traffic proceeding in the direction of the approaching motor vehicle
24 and if the approaching motor vehicle may change lanes safely and without
25 interfering with any vehicular traffic.

1 (b) Slow the motor vehicle, maintaining a safe speed for traffic conditions, and
2 operate the motor vehicle at a reduced speed until completely past the vehicle or
3 machinery. This paragraph applies only if the roadway has only one lane for traffic
4 proceeding in the direction of the approaching motor vehicle or if the approaching
5 motor vehicle may not change lanes safely and without interfering with any
6 vehicular traffic.

7 (2) In addition to any penalty imposed under s. 346.17 (2), any person violating
8 this section shall have his or her operating privilege suspended as provided in s.
9 343.30 (1o).

10 **SECTION 4.** 346.17 (2) of the statutes is amended to read:

11 346.17 (2) Any person violating ss. 346.05, 346.07 (2) or (3), 346.072, 346.08,
12 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to
13 forfeit not less than \$30 nor more than \$300.

14 **SECTION 5. Effective date.**

15 (1) This act takes effect on July 1, 2001, or on the first day of the 4th month
16 beginning after publication, whichever is later.

17 (END)