



2005 ASSEMBLY BILL 978

February 2, 2006 – Introduced by Representatives VRUWINK, AINSWORTH, BIES, OTT, SHERIDAN, TURNER, SINICKI, BALLWEG, GUNDERSON, KERKMAN and ALBERS. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to renumber* 346.03 (1) and 347.25 (1); *to amend* 343.055 (1) (b), 346.03
2 (3), 346.94 (14), 347.25 (1m) (a) and (b), 347.25 (1r) (a) 1., 347.25 (1r) (b) 1. a.,
3 347.25 (1r) (b) 2. a., 347.25 (1r) (c) 1. a., 347.25 (1r) (c) 2. a. and 347.25 (1s) and
4 (4); and *to create* 346.03 (1c) and 347.25 (1c) of the statutes; **relating to:**
5 authorized emergency vehicles operated by law enforcement officers.

Analysis by the Legislative Reference Bureau

Current law generally prohibits any vehicle from being equipped with a flashing or rotating light. Exceptions to this prohibition include authorized emergency vehicles, such as police vehicles, fire department vehicles, ambulances, conservation warden vehicles, designated emergency vehicles of municipal or county departments, and designated emergency vehicles of state departments. Most emergency vehicles may be equipped with red lights or red and white lights, but police vehicles may be equipped with red and blue lights. For purposes of these lighting provisions, “police vehicle” is not a defined term. When an authorized emergency vehicle is responding to an emergency call or in pursuit of an actual or suspected violator of the law, the operator is exempt from traffic restrictions relating to parking if the vehicle’s warning lights are activated. The operator of an authorized emergency vehicle is also exempt from traffic restrictions relating to speed, traffic signals, and direction of travel if the vehicle’s warning lights and siren are activated.

This bill allows police vehicles to be equipped with a white light between the red and blue lights. The bill also defines police vehicles to include any authorized

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emergency vehicle operated by a law enforcement officer, including conservation warden vehicles and designated emergency vehicles of state departments.

Under current law, a vehicle used by a fire department as a command post at the site of an emergency call may be equipped with a blue or green flashing or rotating light. No vehicle may be equipped with or display a blue light unless the vehicle is used in police work authorized by the state or a political subdivision or is used by a fire department as a command post at the site of an emergency call.

Under this bill, a vehicle used as a command post may be equipped only with a green flashing or rotating light, but such a vehicle may be used by the state or a political subdivision, not just by a fire department. Under the bill, only police vehicles, as defined in the bill, may be equipped with or display blue lights.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 343.055 (1) (b) of the statutes is amended to read:

2 343.055 (1) (b) *Fire fighters.* The operator of the commercial motor vehicle
3 including, without limitation, fire trucks, hook and ladder trucks and foam or water
4 transporters, is a person employed by a volunteer or paid fire organization and the
5 person is operating emergency or fire fighting equipment necessary to the
6 preservation of life or property or the execution of emergency management functions
7 and equipped with a siren and warning lamps as provided in ss. 347.25 (1) (1g) and
8 347.38 (4) and the operation is in the routine performance of other duties of the fire
9 organization or in response to an emergency call under s. 346.03 or during the return
10 from a fire or other emergency response.

11 **SECTION 2.** 346.03 (1) of the statutes is renumbered 346.03 (1g).

12 **SECTION 3.** 346.03 (1c) of the statutes is created to read:

13 346.03 (1c) In this section:

14 (a) “Law enforcement officer” has the meaning given in s. 164.01.

15 (b) “Police vehicle” has the meaning given in s. 347.25 (1c) (b).

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1 **SECTION 4.** 346.03 (3) of the statutes is amended to read:

2 346.03 (3) The exemption granted the operator of an authorized emergency
3 vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual
4 signal by means of at least one flashing, oscillating or rotating red light except that
5 the visual signal given by a police vehicle may be by means of a blue light and a red
6 light, or a blue light and a white light and a red light, which are flashing, oscillating
7 or rotating, except as otherwise provided in sub. (4m). The exemptions granted by
8 sub. (2) (b), (c) and (d) apply only when the operator of the emergency vehicle is giving
9 both such visual signal and also an audible signal by means of a siren or exhaust
10 whistle, except as otherwise provided in sub. (4) or (4m).

11 **SECTION 5.** 346.94 (14) of the statutes is amended to read:

12 346.94 (14) USE OF FLASHING BLUE LIGHTS ALONG HIGHWAYS. Except as provided
13 in ss. 346.03 (3) and 347.25 (1m) ~~and (1s)~~, no person may maintain or operate any
14 device equipped with a flashing, oscillating or rotating blue light within 100 feet of
15 a highway if the light is visible from the highway and if the department or the local
16 authority responsible for maintaining the highway determines that motorists would
17 believe the light was the warning light of a police vehicle. This subsection does not
18 apply to airport lights.

19 **SECTION 6.** 347.25 (1) of the statutes is renumbered 347.25 (1g).

20 **SECTION 7.** 347.25 (1c) of the statutes is created to read:

21 347.25 (1c) In this section:

22 (a) "Law enforcement officer" has the meaning given in s. 164.01.

23 (b) "Police vehicle" means any authorized emergency vehicle being operated by
24 a law enforcement officer.

25 (c) "Political subdivision" has the meaning given in s. 349.025 (1) (b).

ASSEMBLY BILL 978**SECTION 8**

1 **SECTION 8.** 347.25 (1m) (a) and (b) of the statutes are amended to read:

2 347.25 **(1m)** (a) A police vehicle ~~under s. 340.01 (3) (a)~~ may be equipped with
3 a blue light and a red light, or with a blue light and a white light and a red light, which
4 are flashing, oscillating or rotating.

5 (b) If the vehicle is so equipped, the lights shall be illuminated as required
6 under s. 346.03 when the operator of the police vehicle is exercising the privileges
7 granted under that section. On a marked police vehicle, the blue light shall be
8 mounted on the passenger side of the vehicle ~~and~~, the red light shall be mounted on
9 the driver side of the vehicle, and, if the vehicle is equipped with a white light, the
10 white light shall be mounted between the blue light and the red light. When in use
11 on an unmarked police vehicle, the blue light shall be displayed on the passenger side
12 of the vehicle ~~and~~, the red light shall be displayed on the driver side of the vehicle,
13 and, if the vehicle is equipped with a white light, the white light shall be displayed
14 between the blue light and the red light. The lights shall be designed and displayed
15 so as to be plainly visible and understandable from a distance of 500 feet during
16 normal sunlight and during hours of darkness. No operator of a police vehicle may
17 use the warning lights except when responding to an emergency call or when in
18 pursuit of an actual or suspected violator of the law, when responding to but not upon
19 returning from a fire alarm, or when necessarily parked on a highway in a position
20 which is likely to be hazardous to traffic using the highway.

21 **SECTION 9.** 347.25 (1r) (a) 1. of the statutes is amended to read:

22 347.25 **(1r)** (a) 1. A police vehicle ~~under s. 340.01 (3) (a)~~ may be equipped so that
23 the high beams of its headlamps pulsate or flash alternately at a rate of 70 to 90
24 pulses or flashes per minute. The pulsating or flashing headlamps may be used only
25 when the warning lamps authorized under sub. ~~(1)~~ (1g) or (1m) are in use.

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1 **SECTION 10.** 347.25 (1r) (b) 1. a. of the statutes is amended to read:

2 347.25 (1r) (b) 1. a. A vehicle of a fire department under s. 340.01 (3) (c) or an
3 ambulance under s. 340.01 (3) (g) may be equipped so that the high beams of its
4 headlamps pulsate or flash alternately at a rate of 70 to 90 pulses or flashes per
5 minute. The pulsating or flashing headlamps may be used only when the warning
6 lamps authorized under sub. ~~(1)~~ (1g) are in use.

7 **SECTION 11.** 347.25 (1r) (b) 2. a. of the statutes is amended to read:

8 347.25 (1r) (b) 2. a. A sheriff or others designated by the county board may
9 authorize that an ambulance under s. 340.01 (3) (i) be equipped so that the high
10 beams of its headlamps pulsate or flash alternately at a rate of 70 to 90 pulses or
11 flashes per minute. The pulsating or flashing headlamps may be used only when the
12 warning lamps authorized under sub. ~~(1)~~ (1g) are in use.

13 **SECTION 12.** 347.25 (1r) (c) 1. a. of the statutes is amended to read:

14 347.25 (1r) (c) 1. a. The state fire marshal may authorize that a privately owned
15 motor vehicle under s. 340.01 (3) (d) that is being used by a deputy state fire marshal
16 be equipped so that the high beams of its headlamps pulsate or flash alternately at
17 a rate of 70 to 90 pulses or flashes per minute. The pulsating or flashing headlamps
18 may be used only when the warning lamps authorized under sub. ~~(1)~~ (1g) are in use.

19 **SECTION 13.** 347.25 (1r) (c) 2. a. of the statutes is amended to read:

20 347.25 (1r) (c) 2. a. A fire chief may authorize that a privately owned motor
21 vehicle under s. 340.01 (3) (d) that is being used by an employee of the fire
22 department or, if applicable, a member of the volunteer fire department be equipped
23 so that the high beams of its headlamps pulsate or flash alternately at a rate of 70
24 to 90 pulses or flashes per minute. The pulsating or flashing headlamps may be used
25 only when the warning lamps authorized under sub. ~~(1)~~ (1g) are in use.

