



## 2009 ASSEMBLY BILL 308

June 8, 2009 - Introduced by Representatives BERNARD SCHABER, VAN ROY, TOWNSEND, HRAYCHUCK, DANOU, A. OTT, ROTH, STASKUNAS, MOLEPSKE JR., JORGENSEN, TURNER, BERCEAU, PETROWSKI, KAUFERT and ZEPNICK, cosponsored by Senators HANSEN, TAYLOR, ELLIS, SCHULTZ and LEHMAN. Referred to Committee on Public Safety.

1     **AN ACT** *to amend* 346.02 (5), 346.02 (10), (11) and (12), 346.18 (1), 346.22 (1) (a)  
2             and 347.25 (1m) (b); and *to create* 346.215 of the statutes; **relating to:** police  
3             escorts and vehicle rights-of-way related to escorted vehicles and providing a  
4             penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law generally requires a vehicle facing a red traffic signal to stop before entering an intersection and remain stopped until the signal turns green and requires a vehicle approaching a stop sign to stop before entering the intersection and yield the right-of-way to other vehicles that have entered the intersection or are approaching on a highway not controlled by a stop sign or traffic signal. The leading vehicle in a funeral procession must comply with these stopping requirements for traffic control signals and stop signs, but when the leading vehicle has complied with these requirements and proceeded through an intersection, all other vehicles in the funeral procession that have their headlights on may proceed without stopping, regardless of the sign or signal.

Under current law, 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. Even when an authorized emergency vehicle is operated with the vehicle's warning lights and siren activated,

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the operator must drive with due regard under the circumstances for the safety of all persons.

This bill allows a police vehicle, with warning lights activated, to escort any vehicle or procession of vehicles. With each escorted vehicle or procession of vehicles, there must be at least one police vehicle escort leading the vehicle or procession and at least one police vehicle escort at the rear of the vehicle or procession. The escorting police vehicles and escorted special event vehicles are not required to stop at red traffic signals or stop signs but must obey all other traffic laws. These privileges apply to the operator of a police vehicle only if the law enforcement agency employing the operator has provided written guidelines for its officers and employees regarding the escorting of vehicles. The escorting police vehicles and escorted vehicles must yield the right-of-way to any other authorized emergency vehicle with its siren activated. All other vehicles must yield the right-of-way to the escorting police vehicles and escorted vehicles and may not drive between them. A person who fails to yield the right-of-way to the escorting police vehicles and escorted vehicles or drives between these vehicles, or who operates an escorting police vehicle or escorted vehicle and fails to yield the right-of-way to another authorized emergency vehicle, may be required to forfeit not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent offense within a year.

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

1           **SECTION 1.** 346.02 (5) of the statutes is amended to read:

2           346.02 (5) APPLICABILITY TO PUBLIC OFFICERS AND EMPLOYEES. The provisions of  
3 this chapter applicable to operators of vehicles apply also to operators of vehicles  
4 owned by or operated by or for any governmental agency, including the United States  
5 government, subject to the specific exceptions set forth in this section and ~~ss.~~  
6 346.03 and 346.215 (2).

7           **SECTION 2.** 346.02 (10), (11) and (12) of the statutes are amended to read:

8           346.02 (10) APPLICABILITY TO SNOWMOBILES. The operator of a snowmobile upon  
9 a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,  
10 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26,  
11 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50

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1 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91,  
2 346.92 (1) and 346.94 (1) and (9).

3 **(11) APPLICABILITY TO ALL-TERRAIN VEHICLES.** The operator of an all-terrain  
4 vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18,  
5 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,  
6 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,  
7 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and  
8 (9) but is not subject to any other provision of this chapter.

9 **(12) APPLICABILITY TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.** An electric  
10 personal assistive mobility device shall be considered a vehicle for purposes of ss.  
11 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.215 (3),  
12 346.23 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48,  
13 346.50 to 346.55, 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78,  
14 346.80, 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those  
15 provisions which by their express terms apply only to motor vehicles or which by  
16 their very nature would have no application to electric personal assistive mobility  
17 devices.

18 **SECTION 3.** 346.18 (1) of the statutes is amended to read:

19 346.18 **(1) GENERAL RULE AT INTERSECTIONS.** Except as otherwise expressly  
20 provided in this section or in s. 346.19, 346.20, 346.215, or 346.46 (1), when 2 vehicles  
21 approach or enter an intersection at approximately the same time, the operator of  
22 the vehicle on the left shall yield the right-of-way to the vehicle on the right. The  
23 operator of any vehicle driving at an unlawful speed forfeits any right-of-way which  
24 he or she would otherwise have under this subsection.

25 **SECTION 4.** 346.215 of the statutes is created to read:

**ASSEMBLY BILL 308****SECTION 4****1 346.215 Police escorts and rights-of-way related to escorted vehicles.**

2 (1) In this section, “police vehicle” means an authorized emergency vehicle as  
3 defined in s. 340.01 (3) (a).

4 (2) (a) Except as provided in par. (b), and notwithstanding s. 346.03 (1) and (4),  
5 the operator of a police vehicle escorting any vehicle or procession of vehicles may  
6 exercise the privileges specified in s. 346.03 (2) (b) if the operator of the police vehicle  
7 is giving visual signal as described in s. 346.03 (3). The operator of the police vehicle  
8 under this subsection is not required to give an audible signal as described in s.  
9 346.03 (3). This subsection applies only if the vehicle, or in the case of a procession  
10 of vehicles the entire procession, is escorted by at least 2 police vehicles, at least one  
11 of which is leading the vehicle or procession of vehicles and at least one of which is  
12 at the rear of the vehicle or procession of vehicles, and only if the requirement under  
13 sub. (4) is satisfied. Notwithstanding ss. 346.18 (3), 346.37 (1) (c) 1., and 346.46 (1)  
14 and (2), any operator of a vehicle being escorted under this subsection may  
15 accompany these police vehicles as they proceed past any red or stop signal or stop  
16 sign in accordance with the privileges specified in this subsection.

17 (b) The operator of a police vehicle escorting a vehicle or procession of vehicles,  
18 and the operator of any vehicle being escorted, shall yield the right-of-way in  
19 accordance with s. 346.19 upon the approach of an authorized emergency vehicle  
20 giving an audible signal by siren.

21 (3) Except as provided in sub. (2) (b), the operator of a vehicle other than an  
22 escorted vehicle or escorting police vehicle shall yield the right-of-way at an  
23 intersection to an escorted vehicle or escorting police vehicle and shall not, except  
24 when authorized to do so by a traffic officer, drive between these escorting and  
25 escorted vehicles.

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1           (4) The privileges specified in sub. (2) (a) do not apply to the operator of a police  
2 vehicle unless, prior to escorting any vehicle as provided under sub. (2) (a), the law  
3 enforcement agency employing the operator of the police vehicle has provided  
4 written guidelines for its officers and employees regarding the escorting of vehicles  
5 under this section.

6           **SECTION 5.** 346.22 (1) (a) of the statutes is amended to read:

7           346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e), any person violating  
8 s. 346.18 ~~or~~, 346.20 (1), or 346.215 (2) (b) or (3) may be required to forfeit not less than  
9 \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100  
10 for the 2nd or subsequent conviction within a year.

11           **SECTION 6.** 347.25 (1m) (b) of the statutes is amended to read:

12           347.25 (1m) (b) If the vehicle is so equipped, the lights shall be illuminated as  
13 required under s. 346.03 or 346.215 (2) (a) when the operator of the police vehicle is  
14 exercising the privileges granted under ~~that section~~ s. 346.03 or 346.215 (2) (a). On  
15 a marked police vehicle, the blue light shall be mounted on the passenger side of the  
16 vehicle and the red light shall be mounted on the driver side of the vehicle. When  
17 in use on an unmarked police vehicle, the blue light shall be displayed on the  
18 passenger side of the vehicle and the red light shall be displayed on the driver side  
19 of the vehicle. The lights shall be designed and displayed so as to be plainly visible  
20 and understandable from a distance of 500 feet during normal sunlight and during  
21 hours of darkness. No operator of a police vehicle may use the warning lights except  
22 when responding to an emergency call or when in pursuit of an actual or suspected  
23 violator of the law, when responding to but not upon returning from a fire alarm ~~or~~,  
24 when necessarily parked on a highway in a position which is likely to be hazardous  
25 to traffic using the highway, or as authorized under s. 346.215 (2) (a).

