



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 46
[2009 Assembly Bill 308]

**Police Escorts and Vehicle Rights-
of-Way**

CURRENT LAW

Current law: (1) generally requires a vehicle facing a red traffic signal to stop before entering an intersection and remain stopped until the signal turns green; and (2) 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, the operator must drive with due regard under the circumstances for the safety of all persons.

2009 WISCONSIN ACT 46

2009 Wisconsin Act 46 specifies that:

1. A police vehicle, *with warning lights activated*, is permitted to escort any vehicle or procession of vehicles.
2. 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.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

3. 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.

4. 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.

5. 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.

6. 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: (a) not less than \$20 nor more than \$50 for the first offense; and (b) not less than \$50 nor more than \$100 for the ***second or subsequent offense within a year***.

Effective Date: 2009 Wisconsin Act 46 took effect on October 21, 2009.

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DLS:jal