

1989 Assembly Bill 298

Date of enactment: **March 16, 1990**
Date of publication*: **March 30, 1990**

1989 WISCONSIN ACT 134

AN ACT to amend 342.40 (3) (intro.), 347.26 (6) (a) and (b) and 348.02 (5); and to create 340.01 (67n) of the statutes, relating to: towing operations and abandoned vehicles.

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

SECTION 3. 340.01 (67n) of the statutes is created to read:

340.01 (67n) "Tow truck" means a motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery or transport or both of wrecked, disabled, abandoned, used or replacement vehicles.

SECTION 4m. 342.40 (3) (intro.) of the statutes is amended to read:

342.40 (3) (intro.) Any municipality or county may enact ordinances governing the removal and disposal of abandoned vehicles and, except for abandoned vehicles that have been stolen, provide a forfeiture in addition to providing for the recovery by the municipality or county of the cost of impounding and disposing of the vehicle.

SECTION 5. 347.26 (6) (a) and (b) of the statutes are amended to read:

347.26 (6) (a) Any vehicle which by reason of its use upon a highway creates a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing shall be equipped with a flashing or rotating amber lamp of the dome type at the highest practicable point, visible from a distance of 500 feet, or 2 flashing amber lamps, one showing to the front and one showing to the rear, visible from a distance of 500 feet and mounted approximately midway between the extremities of the width of the vehicle and at the highest practicable point. Such amber lamp or lamps ~~may~~ shall

be lighted ~~only~~ when such vehicle is moving a disabled vehicle along or upon a public highway at a speed below the average speed of motor vehicle traffic on such street or highway and may not be lit at other times.

(b) Operators of ~~wreckers tow trucks~~ or towing vehicles shall equip each ~~wrecker tow truck~~ or towing vehicle with a flashing or rotating red lamp, in addition to flashing type amber lamps. Such lamp shall be placed on the dome of the vehicle at the highest practicable point visible from a distance of 500 feet. This flashing red lamp shall be used only when such vehicle is standing on or near the traveled portion of a highway preparatory to towing or servicing the disabled vehicle.

SECTION 6. 348.02 (5) of the statutes is amended to read:

348.02 (5) The limitations on weight, length and number of vehicles in combination imposed by this chapter shall not apply to a combination of vehicles in an emergency towing operation in which the towing vehicle is being used to remove a stalled or disabled vehicle or combination of vehicles from the highway to the nearest adequate place for repairs, or in which the towing vehicle is an emergency truck tractor temporarily substituted for a stalled or disabled truck tractor, ~~provided that the limitation on the number of vehicles in combination imposed by s. 348.08 may be exceeded only if the vehicles comprising the towed combination of vehicles cannot reasonably be separated so as to be transported singly~~. The vehicle owner or the owner's agent shall designate the nearest adequate place for repairs for vehicles or com-

– 2 –

1989 Assembly Bill 298

binations of vehicles exceeding the statutory length limits or limits on the number of vehicles in combination.
