

1987 Assembly Bill 490

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1987 Wisconsin Act 126

AN ACT to renumber and amend 346.03 (4); to amend 346.03 (5), 346.03 (6) and 347.25 (1m) (b); and to create 346.03 (4) (a) and (b) of the statutes, relating to operation of certain emergency vehicles.

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

SECTION 1. 346.03 (4) of the statutes is renumbered 346.03 (4) (intro.) and amended to read:

346.03 (4) (intro.) ~~For the purpose of obtaining evidence of a speed violation, the operator of A law enforcement officer operating a police vehicle may exceed the speed limit without giving audible and visual signal but otherwise shall otherwise comply with the requirements of sub. (3) relative to the giving of audible and visual signals. but may exceed the speed limit without giving audible and visual signal under the following circumstances:~~

SECTION 2. 346.03 (4) (a) and (b) of the statutes are created to read:

346.03 (4) (a) If the officer is obtaining evidence of a speed violation.

(b) If the officer is responding to a call which the officer reasonably believes involves a felony in progress and the officer reasonably believes any of the following:

1. Knowledge of the officer's presence may endanger the safety of a victim or other person.

2. Knowledge of the officer's presence may cause the suspected violator to evade apprehension.

3. Knowledge of the officer's presence may cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony.

4. Knowledge of the officer's presence may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.

SECTION 3. 346.03 (5) of the statutes is amended to read:

346.03 (5) The exemptions granted the operator of an authorized emergency vehicle by this section do not relieve such operator from the duty to drive with due regard under the circumstances for the safety of all persons nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.

SECTION 3m. 346.03 (6) of the statutes is amended to read:

346.03 (6) Every law enforcement agency which uses authorized emergency vehicles shall provide written guidelines for its officers and employes regarding exceeding speed limits under the circumstances specified in sub. (4) and when otherwise in pursuit of actual or suspected violators. The guidelines shall consider, among other factors, road conditions, density of population, severity of crime and necessity of pursuit by vehicle. The guidelines are not subject to requirements for rules under ch. 227.

SECTION 4. 347.25 (1m) (b) of the statutes is amended to read:

347.25 (1m) (b) If the vehicle is so equipped, the lights shall be illuminated as required under s. 346.03 when the operator of the police vehicle is exercising

the privileges granted under ~~s. 346.03~~ that section. On a marked police vehicle, the blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. When in use on an unmarked police vehicle, the blue light shall be displayed on the passenger side of the vehicle and the red light shall be displayed on the driver side of the vehicle. The lights shall be designed and displayed so as to be plainly visible and

understandable from a distance of 500 feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.
