



1995 SENATE BILL 118

March 22, 1995 - Introduced by Senators C. POTTER, DARLING, BURKE, RISSER, BUETTNER and SCHULTZ, cosponsored by Representatives ZIEGELBAUER, SILBAUGH, DOBYNS, ROBSON, BRANDEMUEHL, BOCK, KAUFERT, TURNER, GROBSCHMIDT, HOVEN, KRUSICK, OTT, BOYLE, SCHNEIDERS, RYBA, UNDERHEIM, PLACHE, GROTHMAN, KREUSER, F. LASEE, MEYER, BAUMGART, HAHN, LA FAVE and SERATTI. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 **AN ACT to amend** 340.01 (3) (a), 346.03 (3), 346.03 (4) (intro.) and 346.03 (5); and
2 **to create** 346.03 (4m) of the statutes; **relating to:** modifying the definition of
3 authorized emergency vehicle to include bicycles being operated by law
4 enforcement officers.

Analysis by the Legislative Reference Bureau

Under current law, the operator of an authorized emergency vehicle is exempt from certain traffic regulations, including stopping, directional and speed restrictions, when responding to an emergency call, when in pursuit of an actual or suspected violator of the law or when responding to a fire alarm. This exemption applies only when the operator is driving with due regard under the circumstances for the safety of all persons and, in most circumstances, is giving visual and audible signals. Police vehicles, whether publicly or privately owned, are authorized emergency vehicles.

This bill specifies that bicycles being operated by law enforcement officers are authorized emergency vehicles. The exemption from certain traffic regulations applies only when the officer operating the bicycle is exercising due regard under the circumstances for the safety of all persons; however, the officer is not required to give visual and audible signals.

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:

5 **SECTION 1.** 340.01 (3) (a) of the statutes is amended to read:

1 340.01 **(3)** (a) Police vehicles, whether publicly or privately owned; Police
2 vehicles include bicycles being operated by law enforcement officers.

3 **SECTION 2.** 346.03 (3) of the statutes is amended to read:

4 346.03 **(3)** The exemption granted the operator of an authorized emergency
5 vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual
6 signal by means of at least one flashing, oscillating or rotating red light except that
7 the visual signal given by a police vehicle may be by means of a blue light and a red
8 light which are flashing, oscillating or rotating, except as otherwise provided in sub.
9 (4m). The exemptions granted by sub. (2) (b), (c) and (d) apply only when the operator
10 of the emergency vehicle is giving both such visual signal and also an audible signal
11 by means of a siren or exhaust whistle, except as otherwise provided in sub. (4) or
12 (4m).

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

14 346.03 **(4)** (intro.) ~~A~~ Except as provided in sub. (4m), a law enforcement officer
15 operating a police vehicle shall otherwise comply with the requirements of sub. (3)
16 relative to the giving of audible and visual signals but may exceed the speed limit
17 without giving audible and visual signal under the following circumstances:

18 **SECTION 4.** 346.03 (4m) of the statutes is created to read:

19 346.03 **(4m)** A law enforcement officer operating a police vehicle that is a
20 bicycle is not required to comply with the requirements of sub. (3) relative to the
21 giving of audible and visual signals.

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

23 346.03 **(5)** The exemptions granted the operator of an authorized emergency
24 vehicle by this section do not relieve such operator from the duty to drive or ride with
25 due regard under the circumstances for the safety of all persons nor do they protect

1 such operator from the consequences of his or her reckless disregard for the safety
2 of others.

3 (END)