



## 2001 ASSEMBLY BILL 245

March 26, 2001 - Introduced by Representatives KAUFERT, STONE, STARZYK and STEINBRINK, cosponsored by Senator BURKE. Referred to Committee on Highway Safety.

1     **AN ACT to amend** 346.05 (3) and 346.17 (2); and **to create** 343.30 (1o) and  
2             346.072 of the statutes; **relating to:** motorists approaching certain authorized  
3             emergency vehicles, tow trucks, or highway maintenance equipment stopped  
4             near a highway and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law generally requires motorists to drive in the right-hand lane of the roadway. Motorists are also generally required to pass to the left of traffic traveling in the same direction, but are allowed to pass traffic to the right under certain circumstances.

This bill requires any motorist approaching an authorized emergency vehicle (such as police, fire, ambulance, and conservation warden vehicles), tow truck, or highway maintenance equipment (road machinery or motor vehicle used in highway construction or maintenance) that is parked or standing on or within 12 feet of the paved portion of a highway and which is giving visual signal by use of one or more warning lights, to move into a lane not nearest the authorized emergency vehicle, tow truck, or highway maintenance equipment, and to travel in that lane until he or she passes the authorized emergency vehicle, tow truck, or highway maintenance equipment. If the roadway has only one lane for traffic traveling in the same direction as the approaching motorist, or if the motorist cannot change lanes safely or without interfering with other traffic, the motorist must slow until he or she has passed the authorized emergency vehicle, tow truck, or highway maintenance equipment.

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A motorist who violates this requirement may be required to forfeit not less than \$30 nor more than \$300. The bill also requires a court to suspend the violator's operating privilege for not less than 90 days nor more than one year, if the violation resulted in damage to another's property; to suspend the violator's operating privilege for not less than 180 days nor more than two years, if the violation resulted in bodily harm to another; and to suspend the violator's operating privilege for two years if the violation resulted in the death of another.

The bill takes effect on July 1, 2001, or on the first day of the fourth month beginning after publication, whichever is later.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 343.30 (1o) of the statutes is created to read:

2           343.30 (1o) Upon conviction of a person for violating s. 346.072, the court shall  
3 suspend the violator's operating privilege as follows:

4           (a) For a period of not less than 90 days nor more than one year, if the offense  
5 resulted in damage to the property of another but did not result in bodily harm to  
6 another.

7           (b) For a period of not less than 180 days nor more than 2 years, if the offense  
8 resulted in bodily harm to another but did not result in the death of another.

9           (c) For a period of 2 years, if the offense resulted in the death of another.

10          **SECTION 2.** 346.05 (3) of the statutes is amended to read:

11          346.05 (3) Any vehicle proceeding upon a roadway at less than the normal  
12 speed of traffic at the time and place and under the conditions then existing shall be  
13 driven in the right-hand lane then available for traffic, or as close as practicable to  
14 the right-hand edge or curb of the roadway, except when overtaking and passing  
15 another vehicle proceeding in the same direction or when preparing for a left turn

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1 at an intersection or into a private road or driveway, and except as provided in s.  
2 346.072.

3 **SECTION 3.** 346.072 of the statutes is created to read:

4 **346.072 Passing stopped emergency vehicles, tow trucks, and highway**  
5 **machinery equipment.** (1) If an authorized emergency vehicle giving visual  
6 signal, a tow truck flashing red lamps, as required by s. 347.26 (6) (b), or any road  
7 machinery or motor vehicle used in highway construction or maintenance displaying  
8 the lights specified in s. 347.23 (1) (a) or (b) or, with respect to a motor vehicle,  
9 displaying the lights specified in s. 347.26 (7), is parked or standing on or within 12  
10 feet of a roadway, the operator of a motor vehicle approaching such vehicle or  
11 machinery shall proceed with due regard for all other traffic and shall do either of  
12 the following:

13 (a) Move the motor vehicle into a lane that is not the lane nearest the parked  
14 or standing vehicle or machinery and continue traveling in that lane until safely  
15 clear of the vehicle or machinery. This paragraph applies only if the roadway has at  
16 least two lanes for traffic proceeding in the direction of the approaching motor vehicle  
17 and if the approaching motor vehicle may change lanes safely and without  
18 interfering with any vehicular traffic.

19 (b) Slow the motor vehicle, maintaining a safe speed for traffic conditions, and  
20 operate the motor vehicle at a reduced speed until completely past the vehicle or  
21 machinery. This paragraph applies only if the roadway has only one lane for traffic  
22 proceeding in the direction of the approaching motor vehicle or if the approaching  
23 motor vehicle may not change lanes safely and without interfering with any  
24 vehicular traffic.

