



1995 ASSEMBLY BILL 827

January 29, 1996 - Introduced by Representatives KRUSICK, BLACK, BOCK, DOBYNS, DUFF, GREEN, HANSON, LADWIG, MUSSER, OLSEN, SERATTI, WALKER, WIRCH, SCHNEIDERS and RYBA, cosponsored by Senators GROBSCHMIDT, BURKE, RUDE and SCHULTZ. Referred to Committee on Urban and Local Affairs.

1 **AN ACT to amend** 346.49 (2) (a) and 346.49 (3); and **to create** 346.455 and
2 346.457 of the statutes; **relating to:** requiring motorists to stop for fire trucks
3 backing into a fire station, imposing vehicle owner liability and providing a pen-
4 alty.

Analysis by the Legislative Reference Bureau

Under current law, a motorist must yield the right-of-way to any approaching emergency vehicle sounding a siren, including police, fire department and fire patrol vehicles, and must slow the vehicle to the rightmost edge of the roadway and remain stationary until the emergency vehicle has passed.

This bill requires a motorist approaching a fire department vehicle that is backing into a fire station to stop his or her vehicle if the fire department vehicle is flashing a red emergency light or is attended by a member of the fire department standing in the roadway directing traffic to stop. The bill also provides for imposing liability on the owner of a vehicle that fails to stop under these circumstances. A violator may be subject to a forfeiture of not less than \$30 and not more than \$300. No demerit points are assessed against a vehicle owner for liability under the vehicle owner provisions.

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

5 **SECTION 1.** 346.455 of the statutes is created to read:

1 **346.455 Vehicles to stop at fire station.** (1) The operator of a motor vehicle
2 approaching a fire department or fire patrol vehicle shall stop not less than 30 feet
3 from that vehicle and shall remain stopped, if all of the following apply:

4 (a) The fire department or fire patrol vehicle is about to be or is being driven
5 backwards into a driveway entrance to a fire station.

6 (b) The fire department or fire patrol vehicle is giving visual signal by means
7 of at least one flashing, oscillating or rotating red light or by a member of the fire de-
8 partment or fire patrol standing on the roadway in a position that is visible to ap-
9 proaching traffic and directing traffic to stop.

10 (2) The operator of a motor vehicle required to stop under sub. (1) shall remain
11 stopped until a member of the fire department or fire patrol directs the operator to
12 proceed or until the visual signal under sub. (1) (b) is terminated and all members
13 of the fire department or fire patrol have left the roadway.

14 **SECTION 2.** 346.457 of the statutes is created to read:

15 **346.457 Owner's liability for vehicle illegally passing fire truck.** (1)
16 The owner of a vehicle involved in a violation of s. 346.455 (1) or (2) shall be liable
17 for the violation as provided in this subsection.

18 (2) A member of the fire department or fire patrol who observes a violation of
19 s. 346.455 (1) or (2) may prepare a written report indicating that a violation has oc-
20 curred. The report shall contain the following information:

21 (a) The time and location at which the violation occurred.

22 (b) The license number and color of the vehicle involved in the violation.

23 (c) Identification of the vehicle as an automobile, station wagon, motor truck,
24 motor bus, motorcycle or other type of vehicle.

1 **(3)** Within 24 hours after observing the violation, the member of the fire depart-
2 ment or fire patrol may deliver the report to a traffic officer of the political subdivision
3 in which the violation occurred. A report which does not contain all of the informa-
4 tion in sub. (2) may nevertheless be delivered and shall be maintained by the political
5 subdivision for statistical purposes.

6 **(4)** (a) Within 48 hours after receiving a report containing all of the information
7 in sub. (2) and after conducting an investigation, the traffic officer may prepare a uni-
8 form traffic citation under s. 345.11 for the violation and may personally serve it upon
9 the owner of the vehicle.

10 (b) If with reasonable diligence the owner of the vehicle cannot be served under
11 par. (a) or if the owner lives outside of the jurisdiction of the issuing authority, service
12 may be made by certified mail addressed to the owner's last-known address.

13 **(5)** (a) Except as provided in par. (b), it is not a defense to a violation of s.
14 346.455 (1) or (2) that the owner of the vehicle was not in control of the vehicle at the
15 time of the violation.

16 (b) The following are defenses to a violation of s. 346.455 (1) or (2):

17 1. That a report that the vehicle was stolen was given to a traffic officer before
18 the violation occurred or within a reasonable time after the violation occurred.

19 2. That the owner of the vehicle provides a traffic officer with the name and ad-
20 dress of the person who was in control of the vehicle at the time of the violation and
21 the person so named admits having the vehicle under his or her control at the time
22 of the violation. In such a case, that person and not the owner shall be charged with
23 the violation.

24 3. That the vehicle is owned by a lessor of vehicles and at the time of the viola-
25 tion the vehicle was in the possession of a lessee, and the lessor provides a traffic offi-

1 cer with the information required under s. 343.46 (3). In such a case, the lessee and
2 not the lessor shall be charged with the violation.

3 4. That the vehicle is owned by a dealer as defined in s. 340.01 (11) (intro.) but
4 including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the viola-
5 tion the vehicle was under the control of a person on a trial run and the dealer pro-
6 vides a traffic officer with the name, address and operator's license number of that
7 person. In such a case, that person and not the dealer shall be charged with the viola-
8 tion.

9 **SECTION 3.** 346.49 (2) (a) of the statutes is amended to read:

10 346.49 (2) (a) Unless otherwise provided in par. (b), any person violating s.
11 346.44, 346.45, 346.455 or 346.48 may be required to forfeit not less than \$30 nor
12 more than \$300.

13 **SECTION 4.** 346.49 (3) of the statutes is amended to read:

14 346.49 (3) A vehicle owner or other person found liable under s. 346.485 or
15 346.457 may be required to forfeit not less than \$30 nor more than \$300. Imposition
16 of liability under s. 346.485 or 346.457 shall not result in suspension or revocation
17 of a person's operating license under s. 343.30, nor shall it result in demerit points
18 being recorded on a person's driving record under s. 343.32 (2) (a).

19 (END)