



BILL SUMMARY

AB 507: Allowing Silent Runs by Certain Law Enforcement Vehicles

Date: November 10, 1999

BACKGROUND

Current law exempts the driver of an authorized emergency vehicle from many traffic regulations (including obeying the posted speed limit) when the vehicle is responding to an emergency, pursuing a suspect, or responding to a fire call. In most circumstances, the exemption only applies if the vehicle is giving visible and audible signals (such as flashing lights and siren) to warn other vehicles. Law enforcement officers are allowed to exceed the speed limit without giving visible and audible signals (a "silent run") under certain circumstances, including for the purpose of gathering evidence of a speeding violation.

SUMMARY OF AB 507

Assembly Bill 507 extends the silent run allowance to police vehicles that are engaged in the testing and certifying of equipment used in detecting speeding violations.

AMENDMENTS

No amendments were offered to Assembly Bill 507.

FISCAL EFFECT

No fiscal estimate was prepared for Assembly Bill 507.

PROS

1. Law enforcement departments must regularly test their radar equipment to certify its accuracy, and these tests must be performed at speeds higher than the posted speed limit in Wisconsin. If officers attempted to carry out these tests while operating their flashing lights and sirens, the flow of traffic might be impaired, and an accurate test might not be possible.
2. AB 507 would allow officers to test their equipment under realistic conditions.

CONS

1. When a police vehicle has its flashing lights and sirens on, other drivers have plenty of time to react and move out of the way. If a vehicle is operating without these signals, other drivers might not be able to react quickly enough.

SUPPORTERS

Rep. Tom Sykora, author; Sen. David Zien, co-author; Sen. Bob Welch; Casey Perry, WI Troopers Association

OPPOSITION

No one testified or registered against AB 507.

HISTORY

Assembly Bill 507 was introduced on October 5, 1999, and referred to the Assembly Committee on Highway Safety. A public hearing was held on October 27, 1999. On November 3, 1999, the Committee voted 8-0 to recommend passage of AB 507.

CONTACT: Mike Prentiss, Office of Rep. Jeff Stone

Hughes, Carolyn

From: Thomas G. Koch [hitech@win.bright.net]
Sent: Sunday, October 24, 1999 4:51 PM
To: Tom Sykora Assembly 67th District
Subject: Statute 346.03 exemption

Tom,

I hope that this helps to explain the goal of the requested legislation:

Statute 346.03(4) clearly defines when a police officer may legally exceed the speed limits. In most of the exemptions an officer must also give visual (emergency lights) and audible (siren) warning. There are a few situations where that is not required.

Where the law falls short and the purpose of this legislation is to allow an exemption when an officer is engaged in certifying and in training of speed equipment that is used for detecting violators.

Basically we have four means to detect and obtain evidence of a speed violation.

1) In no special order first is the pace of a vehicle. Basically an officer pulls in behind a target vehicle. The officer holds a steady speed, i.e. 80-mph, and allows the operator to pull away from the police vehicle thus showing that it was traveling faster than the police car. When the officer goes to court he/she is required to provide documentation as to the accuracy of the speedometer in the patrol car. We establish this by periodically checking the speedometer with a speedometer device. Depending on the style of the speedometer and agency speeds are checked in ten mile increments from 25 to 95 mph. The current law really doesn't allow us to exceed the speed limit for this purpose. Some may argue that s346.03 (4)(a) may cover the procedure of the speedometer certification but a) what was the intent of the law and b) from a liability stand point why not simply correct it to where there is no doubt.

2) The second way is the use of a radar device. I teach radar and as part of the training an officer is required to estimate speeds of a target vehicle. With the State Patrol an instructor goes out every other year with each officer and the officer is required to estimate ten vehicles plus or minus the allowed tolerance. What our goal is here is to allow for a training situation where realistic speeds are used. Estimating speeds is a skill that is developed. There is a difference between 40mph and 70mph. An officer gets skilled in the speed ranges that he/she normally works with. Are we doing our best and taking the steps necessary to make sure that our officers are skilled in this critical criteria of speed enforcement.

3) The third device that we use is the laser. Here again it is the same as radar. In the training situation we take officers out and have them estimate speeds that are within the legal limits, as we have no authority to exceed those limits. Like radar we then turn them loose and now require them to estimate speeds where enforcement action is taken. One of the first requirements in speed enforcement regardless of the device that you are using is a visual observation that the vehicle is speeding and a speed estimate. It is a practice at 40 but arrest at 70 attitude.

4) The final device is the vascar speed computer that operates under the

speed equals distance divided by time mathematical principle. With vascar there is a huge difference in teaching, certifying and re-certifying when dealing with lower speeds versus the realistic speeds that we enforce it. We can only instruct and certify at speeds that are within the legal limits.

We are just asking for an exemption that protects us and gives us the ability to teach and certify in realistic conditions. I personally feel that we owe it to the motoring public. Under s346.03 (5) the exemption does not relive the operator from the duty to operate 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.

I hope that this helps. I will not be home until late Monday but if you have any additional questions please call or e-mail me.

Thanks again

Trooper Tom



Wisconsin Troopers' Association, Inc.

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TO: Chairman Jeff Stone, and
Members of the Assembly Committee on Highway Safety

FR: Casey Perry, Executive Director

DA: October 27, 1999

RE: Support for Assembly Bill 507 (AB 507)

On behalf of the Wisconsin Troopers' Association, I urge your support of Assembly Bill 507. This legislation would allow a law enforcement officer operating a police vehicle to exceed the speed limit without utilizing visual and audible signals when that officer is certifying equipment for use in detecting speed violations.

Currently, an officer operating a police vehicle can exceed the speed limit without utilizing visual and audible signals for purposes such as gathering information for evidence of a speeding violation. It is in situations such as this that visual and audible signals warning other vehicle operators is not necessary, and may even be considered inappropriate in ensuring public safety. In addition, such warning signals impede the flow of traffic and, as a result, an officer's ability to perform a certification test.

The Wisconsin Supreme Court ruled that police vehicle speedometers are to be tested by an independent device other than moving radar used in detecting a speed violation (*Wisconsin v. Lawrence I. Hanson*, 1978). AB 507 simply allows law enforcement to meet that requirement – certifying its equipment used in detecting speeding violations – without the use of visual and audible signals. Wisconsin has overlooked this inconsistency in its statutes, and this legislation clarifies the law for Wisconsin's law enforcement officers.

The State Patrol tests its speedometers for accuracy at least semiannually, and following repairs to the speedometer, transmission, or whenever the drive tires are changed. In addition, the State Patrol certifies other law enforcement agencies' vehicles for accuracy free of charge. This is critical as law enforcement officers are required to testify to the accuracy of their speed detection equipment.

I thank Representative Sykora and Senator Zien for addressing this issue, and I urge your support for Assembly Bill 507. If you have any questions regarding policies and procedures in certifying equipment used in the detection of speed violations, please feel free to contact me at the above association telephone number. Thank you for your attention to this important matter.



Proud Member of the National Troopers Coalition