

2001 DRAFTING REQUEST

Bill

Received: **02/27/2001**

Received By: **fasttn**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Cindy (aide)**

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG, PJH - 1**

Pre Topic:

No specific pre topic given

Topic:

Motorists approaching certain stopped vehicles

Instructions:

Combine SB-10 and SA 1 to SB-10 (adding s. 347.26(7))

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fasttn 03/02/2001	csicilia 03/02/2001		_____			S&L
/1			rschluet 03/05/2001	_____	lrb_docadmin 03/05/2001	lrb_docadmin 03/20/2001	

FE Sent For:

<END>

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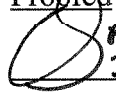
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/?	fasttn	11 cjs 3/07 07	 3-2-1	 3-5-1			

FE Sent For:

<END>

2001

Date (time) needed MON, 3/5 AM

LRB - 2665 1 1

BILL

INF : cjs :

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: **create** → **anal:** → **title:** → **head**

For the subheading, execute: **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: **create** → **anal:** → **text**

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

SECTION #.

~~SENATE SUBSTITUTE AMENDMENT,~~

~~TO 2001 SENATE BILL 10~~

Insert (A)

- ① ~~AN ACT to amend 346.05 (3) and 346.17 (2); and to create 343.30 (1a) 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.

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

5 SECTION 1. 343.30 (1a) of the statutes is created to read:

6 343.30 (1a) Upon conviction of a person for violating s. 346.072, the court shall
7 suspend the violator's operating privilege as follows:

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

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

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

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

3 346.05 (3) Any vehicle proceeding upon a roadway at less than the normal
4 speed of traffic at the time and place and under the conditions then existing shall be
5 driven in the right-hand lane then available for traffic, or as close as practicable to
6 the right-hand edge or curb of the roadway, except when overtaking and passing
7 another vehicle proceeding in the same direction or when preparing for a left turn
8 at an intersection or into a private road or driveway, and except as provided in s.
9 346.072.

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

(B)

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

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

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

7 (2) In addition to any penalty imposed under s. 346.17 (2), any person violating
8 this section shall have his or her operating privilege suspended as provided in s.
9 343.30 (1o).

10 **SECTION 4.** 346.17 (2) of the statutes is amended to read:

11 346.17 (2) Any person violating ss. 346.05, 346.07 (2) or (3), 346.072, 346.08,
12 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to
13 forfeit not less than \$30 nor more than \$300.

14 **SECTION 5. Effective date.**

15 (1) This act takes effect on July 1, 2001, or on the first day of the 4th month
16 beginning after publication, whichever is later.

17 (END)

Insert (A) (page 1 of 2)

~~2001 SENATE BILL 10~~

January 12, 2001 - Introduced by Senator BURKE, cosponsored by Representative KAUBERT Referred to Committee on Insurance, Tourism, and Transportation

or highway maintenance equipment (road machinery or motor vehicle used in highway construction or maintenance)

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

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) ^{parked or standing} or tow truck that is stopped on or within 12 feet of the paved portion of a highway and which is giving visual signal by a flashing light, to move into a lane not nearest the authorized emergency vehicle ~~or tow truck~~ and travel in that lane until he or she passes the authorized emergency vehicle ~~or tow truck~~. 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 ~~or tow truck~~.

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

or highway maintenance equipment

use of one or more flashing lights

or tow truck, or highway maintenance equipment, and to

~~SENATE BILL 10~~ Insert (A) (page 2 of 2)

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.

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

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

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

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

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

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

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

346.05 (3) Any vehicle proceeding upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand edge or curb of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway, and except as provided in s. 346.072.

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

(end of insert)