

2001 ASSEMBLY BILL 374

May 3, 2001 – Introduced by Representatives STONE, JESKEWITZ, ALBERS, BLACK, BOCK, DUFF, FREESE, GUNDERSON, HAHN, HUEBSCH, HUNDERTMARK, KESTELL, KRAWCZYK, LADWIG, MUSSER, OTT, PETROWSKI, PETTIS, PLOUFF, STARZYK, STASKUNAS, SUDER, SYKORA, TOWNSEND, TURNER, URBAN, WALKER, RYBA, SKINDRUD and D. MEYER, cosponsored by Senators ROBSON, FARROW, BRESKE, COWLES, DARLING, ERPENBACH, GROBSCHMIDT, HUELSMAN, ROESSLER, ROSENZWEIG, SCHULTZ and ZIEN. Referred to Committee on Highway Safety.

1 **AN ACT** *to renumber* 343.01 (2) (dg); *to amend* 110.08 (1m), 346.03 (1), 346.03
2 (3), 346.94 (14), 347.25 (1m) (a), 347.25 (1m) (b), 347.25 (4) and 347.38 (4); and
3 **to create** 340.01 (3) (dg) of the statutes; **relating to:** vehicles transporting
4 human organs or medical personnel for human organ harvesting or
5 transplantation purposes.

Analysis by the Legislative Reference Bureau

Current law generally prohibits any vehicle from being equipped with a flashing light. Exceptions to this prohibition include authorized emergency vehicles such as police vehicles, fire department vehicles, and ambulances. Current law also prohibits any vehicle other than an authorized emergency vehicle from being equipped with a siren. Under current law, an authorized emergency vehicle must be equipped with a siren and may be equipped with one or more flashing, oscillating, or rotating red lights. Only a police vehicle may be equipped with flashing, oscillating, or rotating red and blue lights.

Also under current law, when an authorized emergency vehicle is responding to an emergency call or in pursuit of an actual or suspected violator of the law, the operator is exempt from traffic restrictions relating to parking if the vehicle's warning lights are activated. The operator of an authorized emergency vehicle is also exempt from traffic restrictions relating to speed, traffic signals, and direction of travel if the vehicle's warning lights and siren are activated. Even when an authorized emergency vehicle is operated with the vehicle's warning lights and siren

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activated, the operator must drive with due regard under the circumstances for the safety of all persons.

This bill provides that motor vehicles used by an organ procurement organization, or under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the immediate purpose of performing human organ harvesting or transplantation (organ transport vehicles) are authorized emergency vehicles. Organ transport vehicles may be equipped with red or red and blue flashing, oscillating, or rotating lights and must be equipped with a siren. Organ transport vehicles are permitted the same traffic law exemptions, and subject to the same limitations, as other authorized emergency vehicles when they are transporting an organ for human transplantation or transporting medical personnel for the immediate purpose of performing human organ harvesting or transplantation.

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

1 **SECTION 1.** 110.08 (1m) of the statutes is amended to read:

2 110.08 **(1m)** Each operator's license examiner shall receive informational
3 training on the powers and duties of the department relating to organ donor
4 information under s. 343.175 once every 2 years and, for operator's license examiners
5 hired after January 1, 1997, prior to initial assignment to operator's license
6 examining activities. The informational training under this subsection shall be
7 developed by all organ procurement organizations, as defined in s. ~~343.01 (2) (dg)~~
8 340.01 (41k), in cooperation with the department.

9 **SECTION 2.** 340.01 (3) (dg) of the statutes is created to read:

10 340.01 **(3)** (dg) Privately owned motor vehicles being used by an organ
11 procurement organization, or by any person under an agreement with an organ
12 procurement organization, to transport organs for human transplantation or to
13 transport medical personnel for the purpose of performing human organ harvesting
14 or transplantation immediately after the transportation.

15 **SECTION 3.** 343.01 (2) (dg) of the statutes is renumbered 340.01 (41k).

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1 **SECTION 4.** 346.03 (1) of the statutes is amended to read:

2 346.03 (1) The operator of an authorized emergency vehicle, when responding
3 to an emergency call or when in the pursuit of an actual or suspected violator of the
4 law ~~or~~, when responding to but not upon returning from a fire alarm, when
5 transporting an organ for human transplantation, or when transporting medical
6 personnel for the purpose of performing human organ harvesting or transplantation
7 immediately after the transportation, may exercise the privileges set forth in this
8 section, but subject to the conditions stated in subs. (2) to (5).

9 **SECTION 5.** 346.03 (3) of the statutes is amended to read:

10 346.03 (3) The exemption granted the operator of an authorized emergency
11 vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual
12 signal by means of at least one flashing, oscillating, or rotating red light except that
13 the visual signal given by a police vehicle or an organ transport vehicle under s.
14 340.01 (3) (dg) may be by means of a blue light and a red light which are flashing,
15 oscillating, or rotating, except as otherwise provided in sub. (4m). The exemptions
16 granted by sub. (2) (b), (c), and (d) apply only when the operator of the emergency
17 vehicle is giving both such visual signal and also an audible signal by means of a siren
18 or exhaust whistle, except as otherwise provided in sub. (4) or (4m).

19 **SECTION 6.** 346.94 (14) of the statutes is amended to read:

20 346.94 (14) USE OF FLASHING BLUE LIGHTS ALONG HIGHWAYS. Except as provided
21 in ss. 346.03 (3) and 347.25 (1m) and (1s), no person may maintain or operate any
22 device equipped with a flashing, oscillating, or rotating blue light within 100 feet of
23 a highway if the light is visible from the highway and if the department or the local
24 authority responsible for maintaining the highway determines that motorists would

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1 believe the light was the warning light of a police vehicle or an organ transport
2 vehicle under s. 340.01 (3) (dg). This subsection does not apply to airport lights.

3 **SECTION 7.** 347.25 (1m) (a) of the statutes is amended to read:

4 347.25 **(1m)** (a) A police vehicle under s. 340.01 (3) (a) and an organ transport
5 vehicle under s. 340.01 (3) (dg) may be equipped with a blue light and a red light
6 which are flashing, oscillating, or rotating.

7 **SECTION 8.** 347.25 (1m) (b) of the statutes is amended to read:

8 347.25 **(1m)** (b) If the a police vehicle or an organ transport vehicle is so
9 equipped, the lights shall be illuminated as required under s. 346.03 when the
10 operator of the police vehicle is exercising the privileges granted under that section.
11 On a marked police vehicle or an organ transport vehicle, the blue light shall be
12 mounted on the passenger side of the vehicle and the red light shall be mounted on
13 the driver side of the vehicle. When in use on an unmarked police vehicle, the blue
14 light shall be displayed on the passenger side of the vehicle and the red light shall
15 be displayed on the driver side of the vehicle. The lights shall be designed and
16 displayed so as to be plainly visible and understandable from a distance of 500 feet
17 during normal sunlight and during hours of darkness. No operator of a police vehicle
18 or an organ transport vehicle may use the warning lights except when responding
19 to an emergency call or when in pursuit of an actual or suspected violator of the law,
20 when responding to but not upon returning from a fire alarm, when transporting an
21 organ for human transplantation, when transporting medical personnel for the
22 purpose of performing human organ harvesting or transplantation immediately
23 after the transportation, or when necessarily parked on a highway in a position
24 which is likely to be hazardous to traffic using the highway.

25 **SECTION 9.** 347.25 (4) of the statutes is amended to read:

