

2001 DRAFTING REQUEST

Bill

Received: 11/28/2000

Received By: fasttn

Wanted: As time permits

Identical to LRB:

For: Jeff Stone (608) 266-8590

By/Representing: Corey Dolezalek

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: PJH, DAK, ISR, TNF - 1

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Blue lights on vehicle transporting organs for transplantation

Instructions:

See Attached

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 03/19/2001			_____			
/1	agary 03/29/2001	jdyer 03/30/2001	jfrantze 03/30/2001	_____	lrb_docadmin 03/30/2001	lrb_docadmin 04/26/2001	

FE Sent For:

<END>

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1?	fasttn 03/19/2001 agary	1 3/29 jld	3/30	3/30			

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<END>

TUF?

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.

Date 11/21/00

Legislator, agency, or other person requesting this draft Corey Dolezalek

Person submitting request (name and phone number) Representative Jeff Stone

Persons to contact for questions about this draft (names and phone numbers) Corey Dolezalek and Jeff Stone 266-85900

Describe the problem, including any helpful examples. How do you want to solve the problem?

Aerocare is a business that deals with organ transplants. They not only do business in Wisconsin, but also in Illinois and Indiana. The situation this company faces is Wisconsin does not want them to have blue lights on their vehicles. Because of this, they are pulled over by troopers, hence minutes are passing to get an organ to its destination. In this business, time is of the essence, and because Wisconsin does not allow blue lights on their vehicles - an organ may be wasted.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person? YES NO



AEROCARE MEDICAL TRANSPORT SYSTEM

Fax **Transmission**

To:	Rep. Stone C/O Cory Dolezalek
From:	AEROCARE DISPATCH: 1-800-823-1911 REMOTE SENT FROM: 414-383-9552 - Milwaukee Office
Date:	November 20 th , 2000
Re:	Copy of Amendment to Illinois Vehicle Code
# of Pages INCLUDING COVER	2 pages

Comments:

Cory,

Attached is a copy of the Illinois Emergency Vehicle Code Amendment, issued to AeroCare Special Operations Group for operating our vehicles. The statute is specific to Illinois code, but was purposely written in a generic format for future translation to other jurisdictions. Hopefully, this is specific enough to meet Wisconsin standards, with only the addition of specific vehicle code statute numbers, etc.

One issue I wanted to address is if we could possibly have some type of temporary license or statute issued to cover our operation during the legislation process. I understand that this is rather a unique circumstance for your office, and may take some time.

Please contact me with any additional questions you may have at any time.

Thank you for the time,

Dan Dumas - Regional Supervisor Milwaukee
(414) 383-9571 - Office
(414) 383-9552 - Fax

AMENDMENT TO ILLINIOS VEHICLE CODE.

The Illinois Vehicle Code is amended by adding section 1-154.4 and changing sections 12-215 and 12-601 as follows:

(625 ILCS 5/1-154.4 new)

Sec. 1-154.4. Organ transport vehicle. A motor vehicle of the second division equipped and used exclusively for the transportation of organs for human transplant or the transportation of members of the surgical team performing the organ harvesting or transplant operations. Vehicles defined in this section shall be owned or operated by a company that has a contractual agreement with a federally designated organ procurement organization for the purposes stated in this Section.

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)
(text of Section after amendment by P.A. 89-507)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this code.

(c) The use of blue oscillating, rotating, or flashing lights, whether lighted or unlighted is prohibited except:

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

(625 ILCS 5/12-601) (from Ch. 95 1/2, par. 12-601)
(text of Section after amendment by P.A. 89-687)

Sec. 12-601. Horns and warning devices.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. Any authorized emergency vehicle or organ transport vehicle as defined in Chapter 1 of this Act may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but such siren, whistle or bell, shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law in either of which events the driver of such vehicle shall sound such siren, whistle or bell, when necessary to warn pedestrians and other drivers of the approach thereof.



Jld

2001 BILL

need Fri. 3/30 in p.m.

D-Note

gen

1 AN ACT ...; relating to: vehicles transporting human organs or medical personnel
2 for human organ harvesting or 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 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 *

BILL

* 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).

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

17 346.03 (1) The operator of an authorized emergency vehicle, when responding
18 to an emergency call or when in the pursuit of an actual or suspected violator of the

BILL

1 ^{plain} law~~er~~, when responding to but not upon returning from a fire alarm, when
2 transporting an organ for human transplantation, or when transporting medical
3 personnel for the purpose of performing human organ harvesting or transplantation
4 immediately after the transportation, may exercise the privileges set forth in this
5 section, but subject to the conditions stated in subs. (2) to (5).

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

7 346.03 (3) The exemption granted the operator of an authorized emergency
8 vehicle by sub. (2) (a) applies only when the operator of the vehicle is giving visual
9 signal by means of at least one flashing, oscillating, or rotating red light except that
10 the visual signal given by a police vehicle or an organ transport vehicle under s.
11 340.01 (3) (dg) may be by means of a blue light and a red light which are flashing,
12 oscillating, or rotating, except as otherwise provided in sub. (4m). The exemptions
13 granted by sub. (2) (b), (c), and (d) apply only when the operator of the emergency
14 vehicle is giving both such visual signal and also an audible signal by means of a siren
15 or exhaust whistle, except as otherwise provided in sub. (4) or (4m).

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

17 346.94 (14) USE OF FLASHING BLUE LIGHTS ALONG HIGHWAYS. Except as provided
18 in ss. 346.03 (3) and 347.25 (1m) and (1s), no person may maintain or operate any
19 device equipped with a flashing, oscillating, or rotating blue light within 100 feet of
20 a highway if the light is visible from the highway and if the department or the local
21 authority responsible for maintaining the highway determines that motorists would
22 believe the light was the warning light of a police vehicle ^{plain} or an organ transport
23 vehicle under s. 340.01 (3) (dg). This subsection does not apply to airport lights.

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

BILL

SECTION 7

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

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

5 347.25 (1m) (b) If the a police vehicle or an organ transport vehicle is so
6 equipped, the lights shall be illuminated as required under s. 346.03 when the
7 operator of the police vehicle is exercising the privileges granted under that section.
8 On a marked police vehicle ^{plain} or an organ transport vehicle, the blue light shall be
9 mounted on the passenger side of the vehicle and the red light shall be mounted on
10 the driver side of the vehicle. When in use on an unmarked police vehicle, the blue
11 light shall be displayed on the passenger side of the vehicle and the red light shall
12 be displayed on the driver side of the vehicle. The lights shall be designed and
13 displayed so as to be plainly visible and understandable from a distance of 500 feet
14 during normal sunlight and during hours of darkness. No operator of a police vehicle
15 or an organ transport vehicle may use the warning lights except when responding
16 to an emergency call or when in pursuit of an actual or suspected violator of the law,
17 when responding to but not upon returning from a fire alarm, when transporting an
18 organ for human transplantation, when transporting medical personnel for the
19 purpose of performing human organ harvesting or transplantation immediately
20 after the transportation, or when necessarily parked on a highway in a position
21 which is likely to be hazardous to traffic using the highway.

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

23 347.25 (4) No vehicle may be equipped with or display any blue colored light
24 or lamp unless the vehicle is used in police work authorized by the state or a political

BILL

1 subdivision of the state^{plain} or is used by a fire department as authorized under sub. (1s),
2 or is used as an organ transport vehicle described in s. 340.01 (3) (dg).

3 **SECTION 10.** 347.38 (4)[✓] of the statutes is amended to read:

4 347.38 (4) An authorized emergency vehicle shall be equipped with a siren, but
5 such siren shall not be used except when such vehicle is operated in response to an
6 emergency call or in the immediate pursuit of an actual or suspected violator of the
7 law, when responding to but not upon returning from a fire alarm, when transporting
8 an organ for human transplantation, or when transporting medical personnel for the
9 purpose of performing human organ harvesting or transplantation immediately
10 after the transportation,[✓] in which events the driver of such vehicle shall sound the
11 siren when reasonably necessary to warn pedestrians and other drivers.

12 **SECTION 11. Initial applicability.**

13 (1) This act first applies to vehicles operated on the effective date of this
14 subsection.[✓]

15 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1219/1dn

ARG:.....
JLD

Based upon the sample Illinois vehicle code provisions submitted with the request, I drafted the attached bill to allow organ transport vehicles to be equipped with red and blue flashing lights and a siren, and to be exempt from certain traffic restrictions in the same manner as other authorized emergency vehicles. The bill would therefore allow organ transport vehicles, in certain circumstances and when warning devices are activated, to exceed the speed limit and to disregard restrictions relating to traffic signals, parking, and direction of vehicle travel. See s. 346.03 (2), stats. Although exempt from these traffic restrictions, an organ transport vehicle must still be driven with due regard under the circumstances for the safety of all persons. See s. 346.03 (5), stats. Are these provisions consistent with your intent?

Also, in the attached bill, a vehicle is allowed the privileges of an authorized emergency vehicle if the vehicle is being used by an organ procurement organization or under an agreement with an organ procurement organization and the vehicle is transporting organs for human transplantation or transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation. The attached bill does not incorporate language from the sample Illinois vehicle code requiring the organ procurement organization or medical personnel to formally declare that the transportation is an emergency. Is this consistent with your intent?

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1219/1dn
ARC:jld:jf

March 30, 2001

Based upon the sample Illinois vehicle code provisions submitted with the request, I drafted the attached bill to allow organ transport vehicles to be equipped with red and blue flashing lights and a siren, and to be exempt from certain traffic restrictions in the same manner as other authorized emergency vehicles. The bill would therefore allow organ transport vehicles, in certain circumstances and when warning devices are activated, to exceed the speed limit and to disregard restrictions relating to traffic signals, parking, and direction of vehicle travel. See s. 346.03 (2), stats. Although exempt from these traffic restrictions, an organ transport vehicle must still be driven with due regard under the circumstances for the safety of all persons. See s. 346.03 (5), stats. Are these provisions consistent with your intent?

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

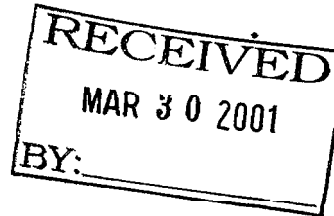
March 30, 2001

MEMORANDUM

To: Representative Stone

From: Arron R. Gary, Attorney

Re: LRB-1219 Blue lights on vehicle transporting organs for transplantation



The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.