

2001 DRAFTING REQUEST

Bill

Received: **10/08/2001**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Senate Chief Clerk**

By/Representing: **Donna Doyle**

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

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles
Transportation - traffic laws**

Extra Copies: **TNE, PJH**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Vehicles transporting human organs for transplantation or medical devices or equipment for emergency purposes

Instructions:

Printing engrossed AB-374 with AA-3 and AA-4

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>
/?	agary 10/08/2001			_____			
/1	agary 10/11/2001	gilfokm 10/15/2001	haugcca 10/11/2001 jfrantze 10/16/2001	_____	lrb_docadmin 10/16/2001	lrb_docadmin 10/16/2001	

FE Sent For:

<END>

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1?	agary	11-10/15 KMG	Engrossed JEM 10-9-01	_____	_____		
FE Sent For:			10/10/01	10/10/01 10/10/01			

<END>
10/10

Printed 10/15
By KMG

BILL HISTORY FOR ASSEMBLY BILL 374 (LRB -1219)

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

2001

05-03.	A.	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.	
05-03.	A.	Read first time and referred to committee on Highway Safety	226
05-09.	A.	Public hearing held.	
05-31.	A.	Assembly amendment 1 offered by Representative Jeskewitz (LRB a0550)	261
05-31.	A.	Assembly amendment 2 offered by Representative Jeskewitz (LRB a0551)	261
07-19.	A.	Assembly amendment 3 offered by Representative Stone (LRB a0543)	367
08-29.	A.	Executive action taken.	
08-31.	A.	Report Assembly amendment 3 adoption recommended by committee on Highway Safety, Ayes 7, Noes 0	381
08-31.	A.	Report passage as amended recommended by committee on Highway Safety, Ayes 7, Noes 0	381
08-31.	A.	Referred to committee on Rules	381
09-26.	A.	Placed on calendar 10-2-2001 by committee on Rules.	
10-02.	A.	Read a second time	411
10-02.	A.	Assembly amendment 3 adopted	411
10-02.	A.	Assembly amendment 4 offered by Representative Jeskewitz (LRB a0685)	411
10-02.	A.	Assembly amendment 4 adopted	411
10-02.	A.	Ordered to a third reading	411
10-02.	A.	Rules suspended	411
10-02.	A.	Read a third time and passed	411
10-02.	A.	Ordered immediately messaged	411
10-03.	S.	Received from Assembly	389
10-03.	S.	Read first time and referred to committee on Insurance, Tourism, and Transportation	389
10-05.	S.	Printed engrossed by the direction of the Senate Chief Clerk.	

ASSEMBLY BILL 374 (LRB-1219)

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

2001

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10-02.	A.	Ordered immediately messaged	411
10-03.	S.	Received from Assembly	389
10-03.	S.	Read first time and referred to committee on Insurance, Tourism, and Transportation	389
10-05.	S.	Report correctly enrolled on 10-5-2001	

2001

soon

LRB # 397511

ENGROSS BILL
[or 2nd House Sub]

(To Be Printed for Legislature)

ENGROSSED 2001 Assembly BILL 374

(Date) Oct. 4⁵, 2001 - Printed by direction of Donald J. Schneider CHIEF CLERK

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Orig Sub

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Amendments to above (if none, write "NONE"): _____

AA-3 ✓, AA-4 ✓

Corrections - show date (if none, write "NONE"): NONE

<u>10/8/01</u>	<u>ARG C R Gay</u>	<u>KMG</u>
Date	Drafter	Editor

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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

ASSEMBLY BILL 374

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).

ASSEMBLY BILL 374

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

ASSEMBLY BILL 374**SECTION 6**

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:

**ASSEMBLY AMENDMENT 3,
TO 2001 ASSEMBLY BILL 374**

July 19, 2001 - Offered by Representative STONE.

1 At the locations indicated, amend the bill as follows:

2 ✓1. Page 3, line 9: delete the material beginning with that line and ending with
3 page 5, line 4, and substitute:

4 "SECTION 9m. 347.25 (1) of the statutes is amended to read:

5 347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
6 emergency vehicle may be equipped with one or more flashing, oscillating, or
7 rotating red lights, except that ambulances, fire department equipment, and
8 privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by
9 personnel of a full-time or part-time fire department or, by members of a volunteer
10 fire department or rescue squad, or by an organ procurement organization or any
11 person under an agreement with an organ procurement organization, may be
12 equipped with red or red and white lights, and shall be so equipped when the operator
13 thereof is exercising the privileges granted by s. 346.03. The lights shall be so

1 designed and mounted as to be plainly visible and understandable from a distance
2 of 500 feet both during normal sunlight and during hours of darkness. No operator
3 of an authorized emergency vehicle may use the warning lights except when
4 responding to an emergency call or when in pursuit of an actual or suspected violator
5 of the law, when responding to but not upon returning from a fire alarm, when
6 transporting an organ for human transplantation, when transporting medical
7 personnel for the purpose of performing human organ harvesting or transplantation
8 immediately after the transportation, or when necessarily parked in a position which
9 is likely to be hazardous to traffic.”

10 (END)

**ASSEMBLY AMENDMENT 4,
TO 2001 ASSEMBLY BILL 374**

October 2, 2001 – Offered by Representative JESKEWITZ.

1 At the locations indicated, amend the bill as follows:

2 ✓ **1.** Page 1, line 4: delete “organs or” and substitute “organs for
3 transplantation.”

4 ✓ **2.** Page 1, line 5: before the period insert “, or medical devices or equipment
5 for emergency purposes”.

6 ✓ **3.** Page 2, line 14: after that line insert:

7 “SECTION 2g. 340.01 (3) (dh) of the statutes is created to read:

8 340.01 (3) (dh) Privately owned motor vehicles being operated in the course of
9 a business and being used, in response to an emergency call from a treating physician
10 or his or her designee declaring the transportation to be an emergency, to transport
11 medical devices or equipment to a hospital or ambulatory surgery center, or to pick
12 up medical devices or equipment for immediate transportation to a hospital or
13 ambulatory surgery center, if the medical devices or equipment are to be used for

1 human implantation or for urgent medical treatment immediately after the
2 transportation.”.

3 ✓ 4. Page 3, line 9: delete the material beginning with that line and ending with
4 page 5, line 4, and substitute:

5 “SECTION 6m. 347.25 (1) of the statutes is amended to read:

6 347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
7 emergency vehicle may be equipped with one or more flashing, oscillating, or
8 rotating red lights, except that ambulances, fire department equipment, and
9 privately owned motor vehicles under s. 340.01 (3) (d) or (dm) being used by
10 personnel of a full-time or part-time fire department or by members of a volunteer
11 fire department or rescue squad, and privately owned motor vehicles under s. 340.01
12 (3) (dh) being used to transport or pick up medical devices or equipment, may be
13 equipped with red or red and white lights, and shall be so equipped when the operator
14 thereof is exercising the privileges granted by s. 346.03. The lights shall be so
15 designed and mounted as to be plainly visible and understandable from a distance
16 of 500 feet both during normal sunlight and during hours of darkness. No operator
17 of an authorized emergency vehicle may use the warning lights except when
18 responding to an emergency call or when in pursuit of an actual or suspected violator
19 of the law, when responding to but not upon returning from a fire alarm, or when
20 necessarily parked in a position which is likely to be hazardous to traffic.”.

21 (END)

Error No.	Introduced No.	Page No.	Line No.
1	AA3-AB374	00003	00009
	AA4-AB374	00003	00009
2	AA3-AB374	00003	00009
	AA4-AB374	00003	00009
3	AA3-AB374	00005	00004
	AA4-AB374	00005	00004
4	AA4-AB374	00005	00004
	AA3-AB374	00005	00004
5	AA3-AB374	00005	00004
	AA4-AB374	00005	00004

Bill Sect. No.	Introduced No.	Page No.	Line No.	Error Message
NONE	AA4-AB374	1	4	
NONE	AA4-AB374	1	5	
2G	AA4-AB374	2	14	
5	AA3-AB374	3	9	
5	AA4-AB374	3	9	
6	AA4-AB374	3	9	
7	AA4-AB374	3	9	
8	AA4-AB374	3	9	
9	AA4-AB374	3	9	
9M	AA3-AB374	3	9	
6M	AA4-AB374	3	9	



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1219/en
ARG:jld:jf

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[NONE; AA4-AB374; Page: 1, Line: 4] organs for ✓
5 transplantation, [NONE; AA4-AB374; Page: 1, Line: 4] medical personnel for
6 human organ harvesting or transplantation purposes, or medical devices or ✓
7 equipment for emergency purposes [NONE; AA4-AB374; Page: 1, Line: 5].

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1.** 110.08 (1m) of the statutes is amended to read:
9 110.08 (1m) Each operator's license examiner shall receive informational
10 training on the powers and duties of the department relating to organ donor

ASSEMBLY BILL 374**SECTION 1**

1 information under s. 343.175 once every 2 years and, for operator's license examiners
2 hired after January 1, 1997, prior to initial assignment to operator's license
3 examining activities. The informational training under this subsection shall be
4 developed by all organ procurement organizations, as defined in s. ~~343.01 (2) (dg)~~
5 340.01 (41k), in cooperation with the department.

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

7 340.01 (3) (dg) Privately owned motor vehicles being used by an organ
8 procurement organization, or by any person under an agreement with an organ
9 procurement organization, to transport organs for human transplantation or to
10 transport medical personnel for the purpose of performing human organ harvesting
11 or transplantation immediately after the transportation.

~~12~~ **SECTION 2g.** 340.01 (3) (dh) of the statutes is created to read:

13 340.01 (3) (dh) Privately owned motor vehicles being operated in the course of
14 a business and being used, in response to an emergency call from a treating physician
15 or his or her designee declaring the transportation to be an emergency, to transport
16 medical devices or equipment to a hospital or ambulatory surgery center, or to pick
17 up medical devices or equipment for immediate transportation to a hospital or
18 ambulatory surgery center, if the medical devices or equipment are to be used for
19 human implantation or for urgent medical treatment immediately after the
20 transportation. [2g; AA4-AB374; Page: 2, Line: 14]

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

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

23 346.03 (1) The operator of an authorized emergency vehicle, when responding
24 to an emergency call or when in the pursuit of an actual or suspected violator of the
25 law ~~or~~, when responding to but not upon returning from a fire alarm, when

ASSEMBLY BILL 374

1 transporting an organ for human transplantation, or when transporting medical
 2 personnel for the purpose of performing human organ harvesting or transplantation
 3 immediately after the transportation, may exercise the privileges set forth in this
 4 section, but subject to the conditions stated in subs. (2) to (5).

5 ✓ [5; AA3-AB374; Page: 3, Line: 9][5; AA4-AB374; Page: 3, Line: 9]

6 [5; AA4-AB374; Page: 3, Line: 9]

7 [6; AA4-AB374; Page: 3, Line: 9]

8 [6; AA4-AB374; Page: 3, Line: 9]

9 [7; AA4-AB374; Page: 3, Line: 9]

10 [7; AA4-AB374; Page: 3, Line: 9]

11 [8; AA4-AB374; Page: 3, Line: 9]

12 ✓ [8; AA4-AB374; Page: 3, Line: 9]

13 [9; AA4-AB374; Page: 3, Line: 9]

14 [9; AA4-AB374; Page: 3, Line: 9][9; AA4-AB374; Page: 3, Line: 9]

15 ~~15~~ SECTION 9m. 347.25 (1) of the statutes is amended to read:

16 347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
 17 emergency vehicle may be equipped with one or more flashing, oscillating, or
 18 rotating red lights, except that ambulances, fire department equipment, and
 19 privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by
 20 personnel of a full-time or part-time fire department ~~or~~, by members of a volunteer
 21 fire department or rescue squad, or by an organ procurement organization or any
 22 person under an agreement with an organ procurement organization, may be
 23 equipped with red or red and white lights, and shall be so equipped when the operator
 24 thereof is exercising the privileges granted by s. 346.03. The lights shall be so
 25 designed and mounted as to be plainly visible and understandable from a distance

ASSEMBLY BILL 374

SECTION 9m

1 of 500 feet both during normal sunlight and during hours of darkness. No operator
2 of an authorized emergency vehicle may use the warning lights except when
3 responding to an emergency call or when in pursuit of an actual or suspected violator
4 of the law, when responding to but not upon returning from a fire alarm, when
5 transporting an organ for human transplantation, when transporting medical
6 personnel for the purpose of performing human organ harvesting or transplantation
7 immediately after the transportation, or when necessarily parked in a position which
8 is likely to be hazardous to traffic. [9m; AA3-AB374; Page: 3, Line: 9] ✓

9 SECTION 6m. 347.25 (1) of the statutes is amended to read:

10 347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
11 emergency vehicle may be equipped with one or more flashing, oscillating, or
12 rotating red lights, except that ambulances, fire department equipment, and
13 privately owned motor vehicles under s. 340.01 (3) (d) or (dm) being used by
14 personnel of a full-time or part-time fire department or by members of a volunteer
15 fire department or rescue squad, and privately owned motor vehicles under s. 340.01
16 (3) (dh) being used to transport or pick up medical devices or equipment, may be
17 equipped with red or red and white lights, and shall be so equipped when the operator
18 thereof is exercising the privileges granted by s. 346.03. The lights shall be so
19 designed and mounted as to be plainly visible and understandable from a distance
20 of 500 feet both during normal sunlight and during hours of darkness. No operator
21 of an authorized emergency vehicle may use the warning lights except when
22 responding to an emergency call or when in pursuit of an actual or suspected violator
23 of the law, when responding to but not upon returning from a fire alarm, or when
24 necessarily parked in a position which is likely to be hazardous to traffic. [6m; ✓

25 AA4-AB374; Page: 3, Line: 9]



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3975/1

ARG::ch

King

Soon

turned in 10/11

STAYS

ENGROSSED 2001 ASSEMBLY BILL 374

DUE
10/16

5

by end of
day 10/16/01

Senate

October 9, 2001 - Printed by direction of ~~ASSEMBLY~~ CHIEF CLERK.

Gen. Cont.

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

insert A

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

ENGROSSED ASSEMBLY BILL 374

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 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.

and emergency medical device transport vehicles, respectively,

insert B white and emergency medical device transport vehicles

or they are responding to an emergency call from a treating physician or his or her designee to transport or pick up medical devices or equipment.
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.

ENGROSSED ASSEMBLY BILL 374

1 **SECTION 2g.** 340.01 (3) (dh) of the statutes is created to read:

2 340.01 (3) (dh) Privately owned motor vehicles being operated in the course of
3 a business and being used, in response to an emergency call from a treating physician
4 or his or her designee declaring the transportation to be an emergency, to transport
5 medical devices or equipment to a hospital or ambulatory surgery center, or to pick
6 up medical devices or equipment for immediate transportation to a hospital or
7 ambulatory surgery center, if the medical devices or equipment are to be used for
8 human implantation or for urgent medical treatment immediately after the
9 transportation.

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

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

12 346.03 (1) The operator of an authorized emergency vehicle, when responding
13 to an emergency call or when in the pursuit of an actual or suspected violator of the
14 law ~~or~~, when responding to but not upon returning from a fire alarm, when
15 transporting an organ for human transplantation, or when transporting medical
16 personnel for the purpose of performing human organ harvesting or transplantation
17 immediately after the transportation, may exercise the privileges set forth in this
18 section, but subject to the conditions stated in subs. (2) to (5).

19 **SECTION 9m.** 347.25 (1) of the statutes is amended to read:

20 347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
21 emergency vehicle may be equipped with one or more flashing, oscillating, or
22 rotating red lights, except that ambulances, fire department equipment, ~~and~~
23 privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by
24 personnel of a full-time or part-time fire department ~~or~~, by members of a volunteer
25 fire department or rescue squad, or by an organ procurement organization or any

strikeout
AA4

ENGROSSED ASSEMBLY BILL 374

SECTION 9m

1 person under an agreement with an organ procurement organization, may be
2 equipped with red or red and white lights, and shall be so equipped when the operator
3 thereof is exercising the privileges granted by s. 346.03. The lights shall be so
4 designed and mounted as to be plainly visible and understandable from a distance
5 of 500 feet both during normal sunlight and during hours of darkness. No operator
6 of an authorized emergency vehicle may use the warning lights except when
7 responding to an emergency call or when in pursuit of an actual or suspected violator
8 of the law, when responding to but not upon returning from a fire alarm, when
9 transporting an organ for human transplantation, when transporting medical
10 personnel for the purpose of performing human organ harvesting or transplantation
11 immediately after the transportation, or when necessarily parked in a position which
12 is likely to be hazardous to traffic.

13 ~~SECTION 6m. 347.25(1) of the statutes is amended to read:~~

14 ~~347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized~~
15 ~~emergency vehicle may be equipped with one or more flashing, oscillating, or~~
16 ~~rotating red lights, except that ambulances, fire department equipment, and~~
17 ~~privately owned motor vehicles under s. 340.01 (3) (d) or (dm) being used by~~
18 ~~personnel of a full-time or part-time fire department or by members of a volunteer~~
19 ~~fire department or rescue squad, and privately owned motor vehicles under s. 340.01~~
20 ~~(3) (dh) being used to transport or pick up medical devices or equipment, may be~~
21 ~~equipped with red or red and white lights, and shall be so equipped when the operator~~
22 ~~thereof is exercising the privileges granted by s. 346.03. The lights shall be so~~
23 ~~designed and mounted as to be plainly visible and understandable from a distance~~
24 ~~of 500 feet both during normal sunlight and during hours of darkness. No operator~~
25 ~~of an authorized emergency vehicle may use the warning lights except when~~

ENGROSSED ASSEMBLY BILL 374

1 ~~responding to an emergency call or when in pursuit of an actual or suspected violator~~
2 ~~of the law, when responding to but not upon returning from a fire alarm, or when~~
3 ~~necessarily parked in a position which is likely to be hazardous to traffic.~~

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

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

13 **SECTION 11. Initial applicability.**

14 (1) This act first applies to vehicles operated on the effective date of this
15 subsection.

16 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3975/lins
ARG:.....

Insert A:

Engrossment information:

The text of Engrossed 2001 Assembly Bill 374 consists of the bill, ~~as passed by the assembly on October 2, 2001,~~ as affected by the following ~~Assembly Amendments~~ adopted in the assembly on October 2, 2001: Assembly Amendments 3 and 4.

These amendments affect, in part, the same text. In this bill, amendments are reconciled as follows: Assembly Amendments 3 and 4 affect s. 347.25 (1). This bill reflects the effect of both of those amendments, which have been combined into one bill section.

Content of Engrossed 2001 Assembly Bill 374:

Insert B:

§ The bill also provides that motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee, to transport or pick up medical devices or equipment for the immediate purpose of human implantation or urgent medical treatment (emergency medical device transport vehicles) are ~~also~~ authorized emergency vehicles.

the bill as affected by documents

>



stays

ENGROSSED 2001 ASSEMBLY BILL 374

Fix SEC. #'s,
Freeze Entire
Bill.

October 5, 2001 - Printed by direction of SENATE CHIEF CLERK.

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

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2001 Assembly Bill 374 consists of the bill, as affected by the following documents adopted in the assembly on October 2, 2001: the bill as affected by Assembly Amendments 3 and 4.

These amendments affect, in part, the same text. In this bill, amendments are reconciled as follows: Assembly Amendments 3 and 4 affect s. 347.25 (1). This bill reflects the effect of both of those amendments, which have been combined into one bill section.

Content of Engrossed 2001 Assembly Bill 374:

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

ENGROSSED ASSEMBLY BILL 374

equipped with a siren and may be equipped with one or more flashing, oscillating, or rotating red 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 the immediate purpose of performing human organ harvesting or transplantation (organ transport vehicles) are authorized emergency vehicles.

The bill also provides that motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee, to transport or pick up medical devices or equipment for the immediate purpose of human implantation or urgent medical treatment (emergency medical device transport vehicles) are authorized emergency vehicles. Organ transport vehicles and emergency medical device transport vehicles may be equipped with red or red and white flashing, oscillating, or rotating lights and must be equipped with a siren. Organ transport vehicles and emergency medical device transport vehicles are permitted the same traffic law exemptions, and subject to the same limitations, as other authorized emergency vehicles when, respectively, they are transporting an organ for human transplantation or transporting medical personnel for the immediate purpose of performing human organ harvesting or transplantation, or they are responding to an emergency call from a treating physician or his or her designee to transport or pick up medical devices or equipment.

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

ENGROSSED ASSEMBLY BILL 374

1 developed by all organ procurement organizations, as defined in s. ~~343.01 (2) (dg)~~
2 340.01 (41k), in cooperation with the department.

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

4 340.01 (3) (dg) Privately owned motor vehicles being used by an organ
5 procurement organization, or by any person under an agreement with an organ
6 procurement organization, to transport organs for human transplantation or to
7 transport medical personnel for the purpose of performing human organ harvesting
8 or transplantation immediately after the transportation.

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

10 340.01 (3) ~~(dh)~~ Privately owned motor vehicles being operated in the course of
11 a business and being used, in response to an emergency call from a treating physician
12 or his or her designee declaring the transportation to be an emergency, to transport
13 medical devices or equipment to a hospital or ambulatory surgery center, or to pick
14 up medical devices or equipment for immediate transportation to a hospital or
15 ambulatory surgery center, if the medical devices or equipment are to be used for
16 human implantation or for urgent medical treatment immediately after the
17 transportation.

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

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

20 346.03 (1) The operator of an authorized emergency vehicle, when responding
21 to an emergency call or when in the pursuit of an actual or suspected violator of the
22 law ~~or~~, when responding to but not upon returning from a fire alarm, when
23 transporting an organ for human transplantation, or when transporting medical
24 personnel for the purpose of performing human organ harvesting or transplantation

ENGROSSED ASSEMBLY BILL 374

1 immediately after the transportation, may exercise the privileges set forth in this
2 section, but subject to the conditions stated in subs. (2) to (5).

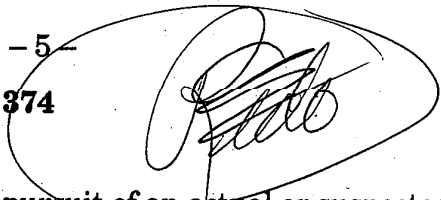
3 **SECTION 9m.** 347.25 (1) of the statutes is amended to read:

4 347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
5 emergency vehicle may be equipped with one or more flashing, oscillating, or
6 rotating red lights, except that ambulances, fire department equipment, and
7 privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by
8 personnel of a full-time or part-time fire department or by members of a volunteer
9 fire department or rescue squad, or by an organ procurement organization or any
10 person under an agreement with an organ procurement organization, and privately
11 owned motor vehicles under s. 340.01 (3) (dh) being used to transport or pick up
12 medical devices or equipment, may be equipped with red or red and white lights, and
13 shall be so equipped when the operator thereof is exercising the privileges granted
14 by s. 346.03. The lights shall be so designed and mounted as to be plainly visible and
15 understandable from a distance of 500 feet both during normal sunlight and during
16 hours of darkness. No operator of an authorized emergency vehicle may use the
17 warning lights except when responding to an emergency call or when in pursuit of
18 an actual or suspected violator of the law, when responding to but not upon returning
19 from a fire alarm, when transporting an organ for human transplantation, when
20 transporting medical personnel for the purpose of performing human organ
21 harvesting or transplantation immediately after the transportation, or when
22 necessarily parked in a position which is likely to be hazardous to traffic.

23 **SECTION 10.** 347.38 (4) of the statutes is amended to read:

24 347.38 (4) An authorized emergency vehicle shall be equipped with a siren, but
25 such siren shall not be used except when such vehicle is operated in response to an

ENGROSSED ASSEMBLY BILL 374



1 emergency call or in the immediate pursuit of an actual or suspected violator of the
2 law, when responding to but not upon returning from a fire alarm, when transporting
3 an organ for human transplantation, or when transporting medical personnel for the
4 purpose of performing human organ harvesting or transplantation immediately
5 after the transportation, in which events the driver of such vehicle shall sound the
6 siren when reasonably necessary to warn pedestrians and other drivers.

7 **SECTION 5. Initial applicability.**

8 (1) This act first applies to vehicles operated on the effective date of this
9 subsection.

10 (END)

