

2001 Senate Bill 10

Date of enactment: **August 17, 2001**  
Date of publication\*: **August 31, 2001**

## 2001 WISCONSIN ACT 15

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

*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:

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

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

(b) Slow the motor vehicle, maintaining a safe speed for traffic conditions, and operate the motor vehicle at a reduced speed until completely past the vehicle or machinery. This paragraph applies only if the roadway has only one lane for traffic proceeding in the direction of the approaching motor vehicle or if the approaching

---

\* Section 991.11, WISCONSIN STATUTES 1999-00 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**2001 Wisconsin Act 15**

**2001 Senate Bill 10**

motor vehicle may not change lanes safely and without interfering with any vehicular traffic.

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

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

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

**SECTION 5. Effective date.**

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

