

2001 SENATE BILL 10

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

1 **AN ACT to amend** 346.05 (3) and 346.17 (2); and **to create** 343.30 (1o) 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) 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

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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:

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

2 **343.30 (1o)** Upon conviction of a person for violating s. 346.072, the court shall
3 suspend the violator's operating privilege as follows:

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

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

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

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

11 **346.05 (3)** Any vehicle proceeding upon a roadway at less than the normal
12 speed of traffic at the time and place and under the conditions then existing shall be
13 driven in the right-hand lane then available for traffic, or as close as practicable to
14 the right-hand edge or curb of the roadway, except when overtaking and passing
15 another vehicle proceeding in the same direction or when preparing for a left turn
16 at an intersection or into a private road or driveway, and except as provided in s.
17 346.072.

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

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1 **346.072 Passing stopped emergency vehicles and tow trucks. (1)** The
2 operator of a motor vehicle approaching an authorized emergency vehicle that is
3 giving visual signal or a tow truck that is flashing red lamps, as required by s. 347.26
4 (6) (b), and is parked or standing on or within 12 feet of a roadway shall proceed with
5 due regard for all other traffic and shall do either of the following:

6 (a) Move the vehicle into a lane that is not the lane nearest the parked or
7 standing authorized emergency vehicle or tow truck and continue traveling in that
8 lane until safely clear of the authorized emergency vehicle or tow truck. This
9 paragraph applies only if the roadway has at least two lanes for traffic proceeding
10 in the direction of the approaching vehicle and if the approaching vehicle may change
11 lanes safely and without interfering with any vehicular traffic.

12 (b) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
13 the vehicle at a reduced speed until completely past the authorized emergency
14 vehicle or tow truck. This paragraph applies only if the roadway has only one lane
15 for traffic proceeding in the direction of the approaching vehicle or if the approaching
16 vehicle may not change lanes safely and without interfering with any vehicular
17 traffic.

18 **(2)** In addition to any penalty imposed under s. 346.17 (2), any person violating
19 this section shall have his or her operating privilege suspended as provided in s.
20 343.30 (1o).

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

22 346.17 **(2)** Any person violating ss. 346.05, 346.07 (2) or (3), 346.072, 346.08,
23 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to
24 forfeit not less than \$30 nor more than \$300.

25 **SECTION 5. Effective date.**

