

2001 DRAFTING REQUEST

Bill

Received: 09/28/2000

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Brian Burke (608) 266-8535

By/Representing: Cindy

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - traffic laws

Extra Copies: TNF, PJH

Pre Topic:

No specific pre topic given

Topic:

Motorists approaching parked law enforcement officers and tow trucks

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>
/?	nilsepe 09/28/2000	jdye 09/28/2000					S&L
/1			martykr 09/29/2000		lrb_docadmin 09/29/2000	lrb_docadminS&L 10/18/2000	
/2	fastn 01/09/2001	jdye 01/09/2001	martykr 01/09/2001		lrb_docadmin 01/09/2001	lrb_docadmin 01/09/2001	

FE Sent For:

<END>

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/1		1/2 1/9 jld	martykr 09/29/2000		lrb_docadmin 09/29/2000	lrb_docadmin 10/18/2000	

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1/?	nilsepe	1 9/28 JLD	RM 9/28	2/20/9 RM/29			

FE Sent For:

<END>

9/28/00

Per Cindy, Sen Burke

Redraft 99 SB 349, trooper bill

a 1785/1

include 99 SA1 tow-truck drivers

-PEN

SB349

SENATE BILL 349

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 stopped near a highway and providing a penalty. (FE)

2000

01-27-00. S.	Introduced by Senators Burke, Clausing, Darling, Drzewiecki, Erpenbach, Grobschmidt, A. Lasee, Panzer, Robson, Roessler, Rosenzweig and Schultz; cosponsored by Representatives Kaufert, Hebl, Ainsworth, Black, Bock, Boyle, Freese, Gunderson, Huber, Hundertmark, Jensen, Kelso, Kreuser, Krusick, Ladwig, Lassa, Musser, Olsen, Ott, Owens, Plouff, Porter, Riley, Ryba, Spillner, Stone, Sykora, Turner and Ward, by request of Wisconsin State Patrol and Francis Springob, Chief of Police, City of Greenfield.	
01-27-00. S.	Read first time and referred to committee on Insurance, Tourism, Transportation and Corrections. . . . .	405
02-17-00. S.	Fiscal estimate received.	
03-01-00. S.	Senate amendment 1 offered by Senator Breske. . . . .	456
03-01-00. S.	Public hearing held.	
03-01-00. S.	Executive action taken.	
03-07-00. S.	Report Senate amendment 1 adoption recommended by committee on Insurance, Tourism, Transportation and Corrections, Ayes 6, Noes 1 . . . .	466
03-07-00. S.	Report passage as amended recommended by committee on Insurance, Tourism, Transportation and Corrections, Ayes 7, Noes 0. . . . .	466
03-07-00. S.	Available for scheduling.	
03-14-00. S.	Senator Farrow added as a coauthor . . . . .	497
03-14-00. S.	Read a second time . . . . .	498
03-14-00. S.	Refused to reject Senate amendment 1 . . . . .	498
03-14-00. S.	Senate amendment 1 <b>adopted</b> . . . . .	498
03-14-00. S.	Ordered to a third reading. . . . .	498
03-14-00. S.	Rules suspended . . . . .	498
03-14-00. S.	Read a third time and <b>passed</b> . . . . .	498
03-14-00. S.	Ordered immediately messaged . . . . .	502
03-16-00. A.	Received from Senate . . . . .	771
03-16-00. A.	Read first time and referred to committee on Rules . . . . .	772
03-30-00. A.	Assembly amendment 1 offered by Representative Suder . . . . .	896
04-06-00. A.	Failed to concur in pursuant to Senate Joint Resolution 1 . . . . .	915

**SENATE AMENDMENT 1,  
TO 1999 SENATE BILL 349**

March 1, 2000 - Offered by Senator BRESKE.

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

2 ~~1.~~ Page 1, line 3: after "vehicles" insert "or tow trucks".

3 ~~2.~~ Page 3, line 1: after "vehicles" insert "and tow trucks".

4 ~~3.~~ Page 3, line 2: after "that" insert "is giving visual signal or a tow truck that  
5 is flashing red lamps as required by s. 347.26 (6) (b) and".

6 ~~4.~~ Page 3, line 3: delete "and that is giving visual signal".

7 ~~5.~~ Page 3, line 6: after "vehicle" insert "or tow truck".

8 ~~6.~~ Page 3, line 7: after "vehicle" insert "or tow truck".

9 ~~7.~~ Page 3, line 13: after "vehicle" insert "or tow truck".

10

(END)

Th 10/5

-0589/1 JLD

~~1999 SENATE BILL 349~~

2001 Bill

January 27, 2000 - Introduced by Senators BURKE, CLAUSING, DARLING, DRZEWIECKI, ERPENBACH, GROBSCHMIDT, A. LASEE, PANZER, ROBSON, ROESSLER, ROSENZWEIG and SCHULTZ, cosponsored by Representatives KAUFERT, HEBL, AINSWORTH, BLACK, BOCK, BOYLE, FREESE, GUNDERSON, HUBER, HUNDERTMARK, JENSEN, KELSO, KREUSER, KRUSICK, LADWIG, LASSA, MUSSER, OLSEN, OTT, OWENS, PLOUFF, PORTER, RILEY, RYBA, SPILLNER, STONE, SYKORA, TURNER and WARD, by request of Wisconsin State Patrol and Francis Springob, Chief of Police, City of Greenfield. Referred to Insurance, Tourism, Transportation and Corrections.

Regen

- 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 <sup>or tow trucks</sup> stopped near a highway and providing a 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) that is stopped on or within 12 feet of the paved portion of a highway and that is giving visual signal by a flashing light, to move into a lane not nearest the authorized emergency vehicle and travel in that lane until he or she passes the authorized emergency vehicle. 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.

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 privilege for not less than 180 days nor more than two years, if the violation resulted



**SENATE BILL 349**

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 requirements take effect on July 1, 2000.

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<sup>X</sup> (1o) of the statutes is created to read:

2           343.30 (1o) Upon conviction of a person for violating s. 346.072<sup>✓</sup>, 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<sup>X</sup> (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<sup>✓</sup>.

18          SECTION 3. 346.072<sup>X</sup> of the statutes is created to read:

PROOF W/FOLD

SENATE BILL 349

(3)

and tow trucks

1           **346.072 Passing stopped emergency vehicles.** (1) The operator of a motor  
2 vehicle approaching an authorized emergency vehicle that is parked or standing on  
3 or within 12 feet of a roadway ~~and that is giving visual signal~~ shall proceed with due  
4 regard for all other traffic and shall do either of the following:

visual signal is giving or a

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

tow truck that is flashing red lamps as required by S. 347.26 (6)(b) and

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

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

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

20           346.17 (2) Any person violating ss. 346.05, 346.07 (2) or (3), 346.072, 346.08,  
21 346.09, 346.10 (2) to (4), 346.11, 346.13 (2) or 346.14 to 346.16 may be required to  
22 forfeit not less than \$30 nor more than \$300.

23           **SECTION 5. Initial applicability.**

PROOF w/ FOLIO

**SENATE BILL 349**

1 (1) This act first applies to vehicles operated on July 1, ~~2000~~<sup>2001</sup>, or on the first day  
2 of the 4th month beginning after publication, whichever is later.

3 (END)



STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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

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

September 29, 2000

### MEMORANDUM

To: Senator Burke

From: Paul E. Nilsen, Legislative Attorney

Re: LRB-0589 Motorists approaching parked law enforcement officers and tow trucks

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.

WANTED TODAY  
1/9/01 TUES

JLD

2001 BILL

Regen

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**

which

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 ~~that~~ 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

**BILL**

*A The bill takes effect on July 1, 2001, or on the first day of the fourth month beginning after publication, whichever is later.*

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 requirements take effect on July 1, 2000.~~

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:*

**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:

**BILL**

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.** ~~Initial applicability~~

Effective date.

**BILL**

1 *Fix*  
*component*

*takes effect*

(1) This act ~~first applies to vehicles operated~~ on July 1, 2001, or on the first day  
2 of the 4th month beginning after publication, whichever is later.

3

(END)

D-NOTE



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

0589/2dn  
LRB-1749/1dn  
TNF/jld/km

January 5, 2001 3 new date

This bill contains an effective date provision in lieu of an initial applicability provision.

Timothy N. Fast  
Senior Legislative Attorney  
Phone: (608) 266-9739  
E-mail: [tim.fast@legis.state.wi.us](mailto:tim.fast@legis.state.wi.us)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0589/2dn  
TNF:jld:kll

January 9, 2001

This bill contains an effective date provision in lieu of an initial applicability provision.

Timothy N. Fast  
Senior Legislative Attorney  
Phone: (608) 266-9739  
E-mail: [tim.fast@legis.state.wi.us](mailto:tim.fast@legis.state.wi.us)