

2005 ASSEMBLY BILL 365

April 22, 2005 – Introduced by Representatives VAN ROY, GRONEMUS, BIES, DAVIS, KRAWCZYK, AINSWORTH, HINES, LEMAHIEU, OWENS, MURSAU, OTT, NASS, GUNDERSON, PETROWSKI, TOWNSEND, ALBERS, VRAKAS and PRIDEMORE, cosponsored by Senators OLSEN, HANSEN, ROESSLER and LASSA. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to renumber* 347.255 (2); *to renumber and amend* 347.255 (title),
2 347.255 (1) and 347.255 (3); *to amend* 347.50 (1); and *to create* 347.385 (1m),
3 347.385 (5) and 347.50 (1m) of the statutes; **relating to:** traffic control signal
4 emergency preemption devices, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, certain authorized emergency vehicles (police and fire department vehicles and ambulances) may be equipped and operated with lamps designed and used to activate traffic control signal emergency preemption devices. No operator of such an authorized emergency vehicle may use these lamps except under specified emergency circumstances. Any person who is convicted of a violation of this prohibition is subject to a forfeiture of not less than \$10 nor more than \$200.

Under this bill, an emergency preemption device is defined as a device on a traffic control signal that permits an approaching vehicle to alter the normal sequence of the signal to provide or maintain a green light for the emergency vehicle. A transmitter emits a signal for the purpose of activating an emergency preemption device. With limited exceptions, this bill prohibits a person from operating a motor vehicle, other than these authorized emergency vehicles, that is equipped with a transmitter or in which a transmitter is located. A person who is convicted of a violation of this prohibition is subject to a fine of not more than \$10,000 or imprisonment for not more than one year or both. The bill also prohibits the use of any transmitter in an authorized emergency vehicle except under specified emergency circumstances. A person who is convicted of a violation of this prohibition

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is subject to the same forfeiture that applies to a violation under current law, a forfeiture of not less than \$10 nor more than \$200.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** 347.255 (title) of the statutes is renumbered 347.385 (title) and
2 amended to read:

3 **347.385 (title) Auxiliary lamps on emergency vehicles used to activate;**
4 **traffic control signal emergency preemption devices.**

5 **SECTION 2.** 347.255 (1) of the statutes is renumbered 347.385 (2m) and
6 amended to read:

7 347.385 **(2m)** An authorized emergency vehicle described in s. 340.01 (3) (a),
8 (c), (g) or (i) may be equipped and operated with lamps designed and used solely, or
9 with any other transmitter designed and used, to activate ~~official traffic control~~
10 ~~signal~~ emergency preemption devices.

11 **SECTION 3.** 347.255 (2) of the statutes is renumbered 347.385 (3m).

12 **SECTION 4.** 347.255 (3) of the statutes is renumbered 347.385 (4) and amended
13 to read:

14 347.385 **(4)** No operator of an authorized emergency vehicle may use such a
15 transmitter, including lamps under sub. (2m), except when responding to an
16 emergency call, when pursuing an actual or suspected violator of the law, or when
17 responding to, but not when returning from, a fire alarm.

18 **SECTION 5.** 347.385 (1m) of the statutes is created to read:

19 347.385 **(1m)** In this section:

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1 (a) “Authorized emergency vehicle” means an authorized emergency vehicle as
2 defined in s. 340.01 (3) (a), (c), (g), or (i).

3 (b) “Emergency preemption device” means a device, located on or within a
4 traffic control signal, that is designed to receive an electronic, radio, light, or sound
5 transmission from an approaching vehicle that alters the normal sequence of the
6 traffic control signal to provide or maintain a green signal for the vehicle to proceed
7 through the intersection.

8 (c) “Transmitter” means a device that emits a signal for the purpose of
9 activating an emergency preemption device.

10 **SECTION 6.** 347.385 (5) of the statutes is created to read:

11 347.385 (5) No person may operate upon a highway a motor vehicle, other than
12 an authorized emergency vehicle, that is equipped with a transmitter or in which a
13 transmitter is located. This subsection does not apply to a motor carrier or person
14 in the business of selling transmitters to authorized users who transports a
15 transmitter in original, unopened packaging or in an inoperative condition in an
16 enclosed storage compartment of the vehicle.

17 **SECTION 7.** 347.50 (1) of the statutes is amended to read:

18 347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.385 (5), s.
19 347.413 (1) or s. 347.415 (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.475 or s.
20 347.48 (2m) or (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor
21 more than \$200.

22 **SECTION 8.** 347.50 (1m) of the statutes is created to read:

