

2007 DRAFTING REQUEST

Bill

Received: 10/12/2006

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing: self and Adam Field (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - traffic laws

Extra Copies: BAB

Submit via email: YES

Requester's email: Rep.Wieckert@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Authorized emergency vehicles escorting professional football team buses

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>
/P1	agary 10/12/2006	wjackson 10/12/2006	jfrantze 10/13/2006	_____	sbasford 10/13/2006		
/P2	agary 12/18/2006	wjackson 12/28/2006	sherritz 12/29/2006	_____	sbasford 12/29/2006		
/1	agary 03/27/2007	wjackson 03/27/2007	sherritz 03/27/2007	_____	sbasford 03/27/2007		
/2	agary	wjackson	rschluet	_____	lparisi	cduerst	

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	04/18/2007	04/18/2007	04/19/2007 _____		04/19/2007	02/28/2008	

FE Sent For: *N/A*

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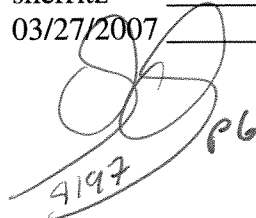
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1/2 WLJ 4/18


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FE Sent For:

11 WJ 3/27 dh
3/27/07 dh
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/P1	agary	/P1 Wlj 10/12	Jb 10/12	Jb/PS 10/13			

FE Sent For:

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10/12/06

He v/

Adam - 4 Rep. Wiedbert

- stop lights —
 - lead car caravans
 - funeral
 - hotel - Appleton
 - want to allow football teams

- Post - Crescent

- funeral procession →

• preliminary draft →

Nancy Peterson
Bekx

- former DA



Gary, Aaron

From: Field, Adam
Sent: Thursday, October 12, 2006 9:25 AM
To: Gary, Aaron
Subject: Packers' Foes May Room Elsewhere

<http://www.postcrescent.com/apps/pbcs.dll/article?AID=/20061011/APC0101/610110596&SearchID=73259633762680>

This is a printer friendly version of an article from the **Appleton Post-Crescent**

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Advertisement

Packers' foes may room elsewhere

More information on the web

 Complete coverage at PackersNews.com

Safety issue may drive visiting NFL teams from Appleton

By Ed Lowe

Post-Crescent staff writer October 11, 2006

National Football League teams that stay overnight in downtown Appleton may need to sack closer to Lambeau Field because police say their long-established pregame escorts are out of bounds.

Brown County sheriff's Capt. Randy Schultz said the long-standing practice of escorting visiting NFL teams from downtown Appleton's Radisson Paper Valley Hotel to Lambeau Field violates state law.

"By next year, we would hope to start bringing the visiting teams into the Green Bay area, and obviously that would cut down the threat assessment issues, distance, safety and security issues," Schultz said.

That is no solution to Jay Schumerth, general manager of the Radisson Paper Valley Hotel, who notes all visiting NFL teams contract to stay at the hotel and have done so since it opened in 1982.

"We've spent a lot of years building up our reputation and then you hear something like this and it's like a kick in the teeth," Schumerth said, adding that he thought any past concerns had been resolved through safety improvements.

State law, however, dictates that law enforcement officers may violate traffic laws only in an emergency situation, not as a part of a traffic-control measure.

Schultz said Nancy Peterson-Bekx, a former district attorney and 25-year criminal justice trainer, provided the legal opinion that prompted the sheriff's department to re-evaluate the procedures.

Peterson-Bekx's legal opinions are published regularly in response to questions from Wisconsin law enforcement officers on a controlled-access Web site offered by the Fox Valley Technical College's criminal justice program, Schultz said.

"The question was, essentially, was there law enforcement authority to escort professional sport teams through traffic lights?" Schultz said.

The department's informal police escort procedure "doesn't pass that test," Schultz said. "It means that we have to change our approach."

The law either forces the caravans to operate no more freely than any other vehicles, or requires an officer's presence at each controlled intersection along the route, Schultz said.

The enforcement challenge intensifies as the caravan nears Lambeau Field, where pregame crowds could surround and block the stopped buses of the visiting teams.

"This has never been a speed issue, but we'd end up having to start off at 6:30 a.m. in order to get the teams into the stadium," Schultz said.

A revised escort game plan went into effect before Sunday's game.

"In Appleton, we just (obeyed) all the lights," Schultz said. "It's once we get on this side of the county line that it will really affect our staffing. We'll have to either leapfrog squads ahead to cover those intersections or add staff. We're still working out the most fiscally sound approach to handle that situation."

Schultz said he plans to ask the state Legislature to allow the escorts much as funeral processions now are permitted.

He also said he has asked two hotels in the Green Bay area if they would house visiting teams and "both are substantially interested."

Capt. Mike Jobe of the Outagamie County Sheriff's Department said his deputies assist Brown County with the escorts as a public service.

"Through the years, it's been our decision to provide that support as part of a community service," Jobe said. "I would think that with all our resources we could do this in a way that would be safe and still comply with the law."

"Personally, I'd hate to see this have a negative economic effect on the business community in Appleton," Jobe said. "But I've just got to follow the law like everybody else."

Peterson-Bekx said Tuesday she was unaware of the stir caused by an opinion she has aired several times over her career as a police trainer. "At least people are using the site," she said.

"I know one time I was driving to church a few years ago when I came up against this (team escorts) and I couldn't believe it," Peterson-Bekx said. "The problem is the law is very clear on what an authorized emergency vehicle can do. And escorting a bus for an NFL team is not one of those circumstances."

"The potential problem, of course, is that if someone is going with the green light and plows into them, that caravan is entirely in the wrong from a legal point of view. The civil liability would be incredible."

Appleton Police Chief Rick Myers said Tuesday his department has discussed occasional safety-related concerns over the NFL team escorts, but never suggested they be discontinued.

"The two sheriff's departments have ownership of the transports and the APD just provides an assist in the city here," Myers said. "We talk about the best way to do it all, with the top priority being safety."

"There's been a long and very healthy relationship that the Paper Valley has had with the visiting teams."

Myers said he is skeptical that visiting teams will abandon the Paper Valley for hotels nearer Green Bay.

"That may be a little bit of optimistic editorializing on behalf of the Green Bay community," Myers said.

"Just like the Packers have a friendly rivalry with the Bears, I'm sure that the economic development people in Green Bay have a friendly rivalry with our own economic and hospitality industries."

Gary, Aaron

From: Field, Adam
Sent: Thursday, October 12, 2006 10:06 AM
To: Gary, Aaron
Subject: FW: Authorized emergency vehicles

Attachments: authorized emergency vehicles.doc



authorized
mergency vehicles..

Hi Aaron,

Here is a copy of what Nancy Peterson-Bekx published on her website. Let me know if you need anything further. Thanks.

Adam Field

-----Original Message-----

From: Bekx, Nancy P [mailto:bekx@fvtc.edu]
Sent: Thursday, October 12, 2006 10:00 AM
To: Field, Adam
Subject: Authorized emergency vehicles

Adam,

Attached is a copy of the question and answer as was on the Legal Update for Wisconsin Law Enforcement site. Please let me know if you have any further questions.

Since I wrote that, departments are trying to find other legal ways to accomplish the same thing. One other way that is legal would be for the traffic signals to be put on flashing yellow and the other way put on flashing red so that the caravan would have the right of way. According to a news report that I saw, there was a concern about the time it took to stop at the red lights. That is one way that it would take less time.

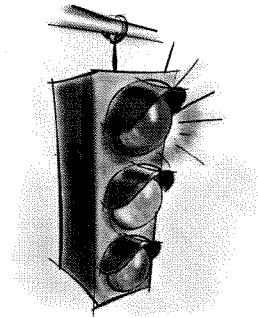
Nancy

Nancy Bekx, J.D.
bekx@fvtc.edu
Legal Instructor
Criminal Justice
Fox Valley Technical College

"If the government becomes a lawbreaker, it breeds contempt for the law." - Justice Louis Brandeis

Click here for the Criminal Justice homepage including the training catalog.
<<http://www.fvtc.edu/tp2.asp?ID=CJ-Criminal+Justice+Division&pix=003>>

QUESTION: A department has been requested to escort a pro sports team from the hotel to the sports facility with marked squads. The route would go through numerous intersections controlled by traffic lights or stop signs. The squads and the buses would go through the red lights and stop signs so the buses can stay grouped together. There would be a police vehicle at the front, then 3 buses, and then a trailing police vehicle. The police vehicles would have red and blue lights on, but no sirens. There would be no other law enforcement vehicles or personnel. Since this can be done for funeral processions, would it be legal?



ANSWER: NO!

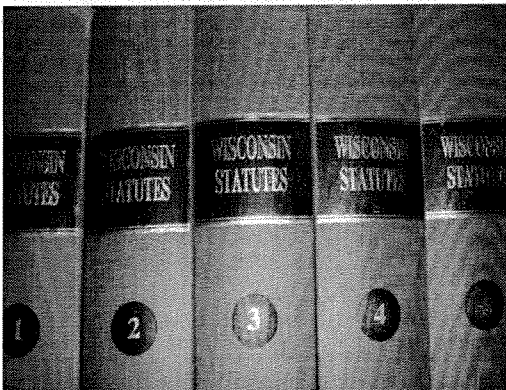
REASONING: I receive this question every fall, but I have not discussed the authorized emergency vehicle statute for a while so it is a good time to revisit the law. This tends to be a law not well understood. No one can violate traffic laws without specific statutory authority. This includes law enforcement.

The Law

The law that deals with authorized emergency vehicles disregarding certain laws is contained in §346.03 Wis. Stats. While there are other authorized emergency vehicles, I am most interested in squad cars so that is what I will use for the rest of the discussion. The statute allows squad cars to disregard certain laws under 3 circumstances. Those 3 are when:

1. responding to an emergency
2. when in pursuit of a violator
3. responding to a fire alarm

Clearly, this scenario does not apply to any of the three above. So the statute would not apply here.



However, I would like to review the rest of the law anyway. Under §346.03 Wis. Stats., when authorized to violate traffic laws, the operator of a squad car can violate laws that deal with the following:

1. stopping, standing, or parking
2. red or stop signal or stop sign (but must slow down as necessary for safe operation)
3. speeding
4. direction of movement or turning

To violate any of the above laws a squad must be using **both** lights and siren.

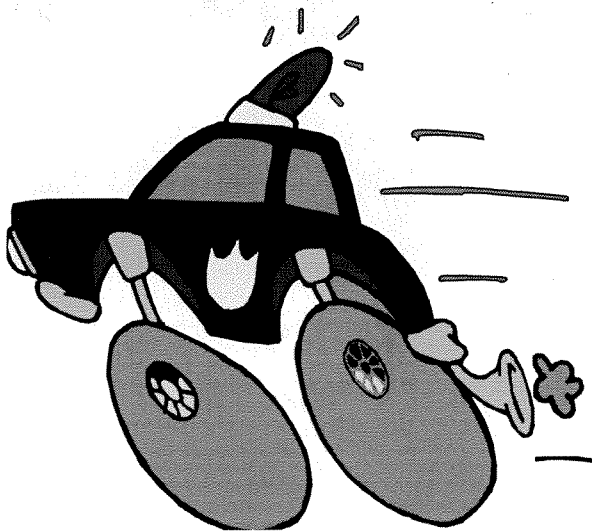
A squad does **not** have to use lights and siren (often called a silent run) to disregard **speed limit** laws only if the officer:

- 1) is obtaining evidence of a speed violation
- 2) is responding to a felony in progress and reasonably believes that knowledge of the officer's presence :
 - a) may endanger the safety of a victim or other person
 - b) may cause the suspected violator to evade apprehension
 - c) may cause the destruction of evidence
 - d) may cause the violator to cease committing the felony before the officer has a chance to develop probable cause

Applying the Law to the Facts

Law enforcement has no authority to go through a red traffic light or stop sign under these facts and certainly cannot authorize a non-emergency vehicle to do so. I am told that many, many years ago officers used to "escort" (with lights and siren) a private vehicle such as a situation where a person is hurrying to the hospital in a private vehicle. Just as no reasonable officer would ever do that today, the above situation falls into the same rationale.

The statute that gives law enforcement under **SPECIFIC SITUATIONS** to violate the traffic laws is §346.03 Wis. Stats. However, you must fit under those specific provisions or the exemption does **NOT** apply.



First, the statute provides authority for drivers of an authorized emergency to violate certain traffic laws. However, a prerequisite to getting any farther into the statute is that there is an authorized emergency vehicle. Buses transporting professional athletes just do not qualify as authorized emergency vehicles.

Even the police vehicles leading the escort discussed above would be in violation of §346.03 Wis. Stats because the statute requires an emergency call, pursuit of a violator, or response to a fire alarm. Escorting professional athletes

does not fit any of those exceptions. Therefore, the protection of §346.03 Wis. Stats. does **NOT** exist for the law enforcement vehicle either.

If the statute did apply, an authorized emergency vehicle can **NEVER** go through a red light without **BOTH** lights **AND** siren. In the situation discussed above, the squads

would go through the red light with only lights on, no siren. That is never legal, even in a silent run. As discussed above, an authorized emergency vehicle, under some circumstances, can make a silent run, but the **ONLY** traffic law that can be violated with a silent run is the speed limit law.

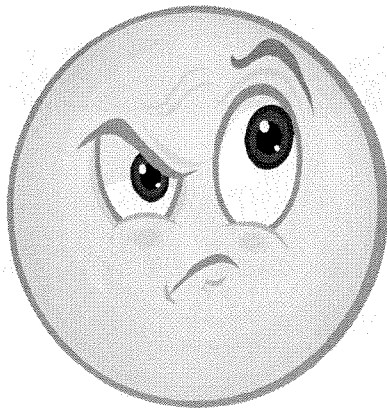
Another point that must be mentioned is under 346.03(5) the law states:

(5) The exemptions granted the operator of an authorized emergency vehicle by this section do **not** relieve such operator from the **duty to drive** or ride with **due regard** under the circumstances for the safety of all persons nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.

Therefore, there are many reasons why the above scenario is not legal. Busses are not authorized emergency vehicles, there is no emergency or other situation placing these facts under §346.03 Wis. Stats., and a squad must use both lights and siren to disregard a red light. And even then, the squad must use due regard.

Other Laws

When I was an inexperienced DA, I quickly learned that there are often other laws that apply in any given fact situation. Therefore, I am curious to see if any of you can think of some other law that may apply. I think I have looked at everything, but I know there is a great deal of wisdom in this state.



In the scenario given above there was a suggestion that since funeral processions can go through red lights, it should be OK here. However, under §346.20 Wis. Stats., the law specifically allows funerals and military convoys certain exemptions. However, the law does **NOT** grant those same exemptions to authorized emergency vehicles.

Apparently, there is another method of escort that some departments use called leapfrog. Under those facts, one squad stops at the intersection and takes physical control of the intersection ordering traffic to stop. While the escorted vehicles in question go through the intersection there is an officer physically present at the intersection in control of that intersection. The next squad leapfrogs ahead to take control of the next intersection. That is a different situation from the original question. Under the facts suggested in the original question, the first squad has left the intersection and no longer controls it after it has passed through. In leapfrog, one officer always has control of each intersection and can direct the traffic to stop.

Certainly, if the intersection is controlled by a law enforcement officer who is present at the scene, the officer can allow the escort in the scenario above. The real world problem, of course, is the number of officers who may be needed.

Politically, the scenario above may be popular, and kind of fun to do. The real danger of a department ignoring the law is, of course, the civil liability. All I can say is that I would not want to be the attorney representing the department in that case. If you do not fit under the exemptions of §346.03 Wis. Stats then you are acting in the same position as a private person. There is an absolutely incredible risk of major liability that any department would assume by acquiescing to the kind of request suggested above.

*Neded
10/13
end of day*

in 10/12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen Cat

- 1 AN ACT *Gen Cat* relating to: police escorts and vehicle rights-of-way related to certain
- 2 vehicle processions and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law generally requires a vehicle facing a red traffic signal to stop before entering an intersection and remain stopped until the signal turns green and requires a vehicle approaching a stop sign to stop before entering the intersection and yield the right-of-way to other vehicles that have entered the intersection or are approaching on a highway not controlled by a stop sign or traffic signal. The leading vehicle in a funeral procession must comply with these stopping requirements for traffic control signals and stop signs, but when the leading vehicle has complied with these requirements and proceeded through an intersection, all other vehicles in the funeral procession that have their headlights on may proceed without stopping, regardless of the sign or signal.

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 allows a police vehicle, with warning lights activated, to escort to a professional football stadium a bus procession transporting passengers that include

*

coaches or members of a professional football team. With each bus procession, there must be at least one police vehicle escort leading the bus procession and at least one police vehicle escort at the rear of the bus procession. The escorting police vehicles and bus procession are not required to stop at red traffic signals or stop signs but must obey all other traffic laws. The escorting police vehicles and bus procession must yield the right-of-way to any other authorized emergency vehicle with its siren activated. All other vehicles must yield the right-of-way to the escorting police vehicles and bus procession and may not drive between vehicles in or escorting the bus procession. A person who fails to yield the right-of-way to the escorting police vehicles and bus procession, who drives between vehicles in or escorting the bus procession, or who operates a vehicle in or escorting a bus procession and fails to yield the right-of-way to another authorized emergency vehicle may be required to forfeit not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent offense within a year.

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

1 **SECTION 1.** 346.02 (5) of the statutes is amended to read:

2 346.02 (5) APPLICABILITY TO PUBLIC OFFICERS AND EMPLOYEES. The provisions of
3 this chapter applicable to operators of vehicles apply also to operators of vehicles
4 owned by or operated by or for any governmental agency, including the United States
5 government, subject to the specific exceptions set forth in this section and s. ss.
6 346.03 and 346.215 (2).

History: 1971 c. 125, 277; 1981 c. 390 s. 252; 1983 a. 243; 1985 a. 29, 69; 1989 a. 56 s. 259; 1989 a. 335 s. 89; 1995 a. 138; 2001 a. 90.

7 **SECTION 2.** 346.02 (10), (11) and (12) of the statutes are amended to read:

8 346.02 (10) APPLICABILITY TO SNOWMOBILES. The operator of a snowmobile upon
9 a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,
10 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26,
11 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50
12 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91,
13 346.92 (1) and 346.94 (1) and (9).

1 **(11) APPLICABILITY TO ALL-TERRAIN VEHICLES.** The operator of an all-terrain
2 vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18,
3 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
4 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
5 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and
6 (9) but is not subject to any other provision of this chapter.

7 **(12) APPLICABILITY TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.** An electric
8 personal assistive mobility device shall be considered a vehicle for purposes of ss.
9 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.215 (3),
10 346.23 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48,
11 346.50 to 346.55, 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78,
12 346.80, 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those
13 provisions which by their express terms apply only to motor vehicles or which by
14 their very nature would have no application to electric personal assistive mobility
15 devices.

History: 1971 c. 125, 277; 1981 c. 390 s. 252; 1983 a. 243; 1985 a. 29, 69; 1989 a. 56 s. 259; 1989 a. 335 s. 89; 1995 a. 138; 2001 a. 90.

16 **SECTION 3.** 346.18 (1) of the statutes is amended to read:

17 **346.18 (1) GENERAL RULE AT INTERSECTIONS.** Except as otherwise expressly
18 provided in this section or in s. 346.19, 346.20, 346.215, or 346.46 (1), when 2 vehicles
19 approach or enter an intersection at approximately the same time, the operator of
20 the vehicle on the left shall yield the right-of-way to the vehicle on the right. The
21 operator of any vehicle driving at an unlawful speed forfeits any right-of-way which
22 he or she would otherwise have under this subsection.

History: 1979 c. 210; 1987 a. 25, 28; 1991 a. 316; 1993 a. 490.

23 **SECTION 4.** 346.215 of the statutes is created to read:

346.215 Police escorts and rights-of-way related to certain vehicle

processions. (1) In this section:

^b~~(a)~~ "Stadium bus procession" means 2 or more motor buses that are operated in consecutive single-file formation and that are transporting to a professional football stadium passengers that include coaches or members of a professional football team.

^a~~(b)~~ "Police vehicle" means an authorized emergency vehicle as defined in s. 340.01 (3) (a).

(2) (a) Except as provided in par. (b), and notwithstanding s. 346.03 (1) and (4), the operator of a police vehicle escorting a stadium bus procession may exercise the privileges specified in s. 346.03 (2) (b) if the operator of the police vehicle is giving visual signal as described in s. 346.03 (3). The operator of the police vehicle under this subsection is not required to give an audible signal as described in s. 346.03 (3). This subsection applies only if the stadium bus procession is escorted by at least 2 police vehicles, at least one of which is leading the stadium bus procession and at least one of which is at the rear of the stadium bus procession. Notwithstanding ss. 346.18 (3), 346.37 (1) (c) 1., and 346.46 (1) and (2), any operator of a bus in the stadium bus procession may accompany these police vehicles as they proceed past any red or stop signal or stop sign in accordance with the privileges specified in this subsection.

(b) The operator of a police vehicle escorting a stadium bus procession, and the operator of any bus in the stadium bus procession, shall yield the right-of-way in accordance with s. 346.19 upon the approach of an authorized emergency vehicle giving an audible signal by siren.

1 (3) Except as provided in sub. (2) (b), the operator of a vehicle not in or escorting
2 a stadium bus procession shall yield the right-of-way at an intersection to vehicles
3 in or escorting a stadium bus procession and shall not, except when authorized to do
4 so by a traffic officer, drive between the vehicles in or escorting the stadium bus
5 procession

6 **SECTION 5.** 346.22 (1) (a) of the statutes is amended to read:

7 346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e), any person violating
8 s. 346.18 ~~or~~, 346.20 (1), or 346.215 (2) (b) or (3) may be required to forfeit not less than
9 \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100
10 for the 2nd or subsequent conviction within a year.

11 History: 1971 c. 278; 1983 a. 27; 1991 a. 73; 1993 a. 198; 1995 a. 121; 1997 a. 277; 2005 a. 466.

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

12 347.25 (1m) (b) If the vehicle is so equipped, the lights shall be illuminated as
13 required under s. 346.03 or 346.215 (2) (a) when the operator of the police vehicle is
14 exercising the privileges granted under ~~that section~~ s. 346.03 or 346.215 (2) (a). On
15 a marked police vehicle, the blue light shall be mounted on the passenger side of the
16 vehicle and the red light shall be mounted on the driver side of the vehicle. When
17 in use on an unmarked police vehicle, the blue light shall be displayed on the
18 passenger side of the vehicle and the red light shall be displayed on the driver side
19 of the vehicle. The lights shall be designed and displayed so as to be plainly visible
20 and understandable from a distance of 500 feet during normal sunlight and during
21 hours of darkness. No operator of a police vehicle may use the warning lights except
22 when responding to an emergency call or when in pursuit of an actual or suspected
23 violator of the law, when responding to but not upon returning from a fire alarm ~~or~~,

1 when necessarily parked on a highway in a position which is likely to be hazardous
2 to traffic using the highway, or as authorized under s. 346.215 (2) (a).

History: 1977 c. 29 s. 1654 (7) (c); 1977 c. 228; 1979 c. 54, 149; 1983 a. 56; 1985 a. 143; 1987 a. 126; 1989 a. 69; 1991 a. 73, 142; 1993 a. 369; 1995 a. 31, 190; 1997 a. 31, 117.

3 **SECTION 7. Initial applicability.**

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

6 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0521/P1dn

.....
ARG: WLj

ATTN: Representative Wieckert

Please review the attached draft carefully to ensure that it is consistent with your intent. To accomplish the purposes of the draft, I have made certain assumptions that may not be consistent with your expectations.

Do you want to include any requirement in the attached draft relating to the motor buses to alert other drivers to the nature of the procession? For example, requiring the name of the football team to appear on the side of the motor bus, placement of a flashing amber light on top of the motor bus, headlights or hazard lights of the motor bus activated, etc.?

Is the penalty in amended s. 346.22 (1) (a) okay? Also, I note that this penalty does not apply to police vehicle escorts and buses in the procession except for failure to yield to another emergency vehicle responding to an emergency with its siren activated.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

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

LRB-0521/P1dn
ARG:wlj:jf

October 13, 2006

ATTN: Representative Wieckert

Please review the attached draft carefully to ensure that it is consistent with your intent. To accomplish the purposes of the draft, I have made certain assumptions that may not be consistent with your expectations.

Do you want to include any requirement in the attached draft relating to the motor buses to alert other drivers to the nature of the procession—for example, requiring the name of the football team to appear on the side of the motor bus, placement of a flashing amber light on top of the motor bus, headlights or hazard lights of the motor bus to be activated, etc.?

Is the penalty in amended s. 346.22 (1) (a) okay? Also, I note that this penalty does not apply to police vehicle escorts and buses in the procession except for failure to yield to another emergency vehicle responding to an emergency with its siren activated.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, December 07, 2006 4:35 PM
To: Becher, Scott
Subject: LRB-0521: Packer escort bill

conv. of RCR
written policies
of CEA

Scott,

Following our discussion, I have tried to come up with some language to describe public venues for purposes of the above-referenced bill. How about something like "stadium or auditorium, as defined in s. 66.0923 (1) (a)."

This definition of auditorium is: "Auditorium" includes a building of arena or music hall type construction or a combination of both, including facilities for sports, dances, convention exhibitions, trade shows, meetings, rallies, theatrical exhibitions, concerts and other events attracting spectators and participants.

If you want to add a capacity limit, we could also add something like: "with a capacity of 200 or more persons". (I would be reluctant to use "seating capacity" because some venues, such as concerts, may not have "seating.")

Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice) ●
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

wants police to have authority to decide what kinds of events they will escort to → try to be general about it

but need to put it in their policy manual

public forum

about any public event, regard to place or site - let police depts. decide

public appearance or performance

12/12
2:45
Mc
Scott
6-3070



State of Wisconsin
2007 - 2008 LEGISLATURE

soon

LRB-0521/P1 P2

ARG:wlj:jf

stays ↑

RMR

in 12/18

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

Regen

1 AN ACT *to amend* 346.02 (5), 346.02 (10), (11) and (12), 346.18 (1), 346.22 (1) (a)
 2 and 347.25 (1m) (b); and *to create* 346.215 of the statutes; **relating to:** police
 3 escorts and vehicle rights-of-way related to certain ^{escorted} vehicle ^s processions and
 4 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law generally requires a vehicle facing a red traffic signal to stop before entering an intersection and remain stopped until the signal turns green and requires a vehicle approaching a stop sign to stop before entering the intersection and yield the right-of-way to other vehicles that have entered the intersection or are approaching on a highway not controlled by a stop sign or traffic signal. The leading vehicle in a funeral procession must comply with these stopping requirements for traffic control signals and stop signs, but when the leading vehicle has complied with these requirements and proceeded through an intersection, all other vehicles in the funeral procession that have their headlights on may proceed without stopping, regardless of the sign or signal.

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.

insert anal

This bill allows a police vehicle, with warning lights activated, to escort to a professional football stadium a bus procession transporting passengers that include coaches or members of a professional football team. With each bus procession, there must be at least one police vehicle escort leading the bus procession and at least one police vehicle escort at the rear of the bus procession. The escorting police vehicles and bus procession are not required to stop at red traffic signals or stop signs but must obey all other traffic laws. The escorting police vehicles and bus procession must yield the right-of-way to any other authorized emergency vehicle with its siren activated. All other vehicles must yield the right-of-way to the escorting police vehicles and bus procession and may not drive between vehicles in or escorting the bus procession. A person who fails to yield the right-of-way to the escorting police vehicles and bus procession, who drives between vehicles in or escorting the bus procession, or who operates a vehicle in or escorting a bus procession and fails to yield the right-of-way to another authorized emergency vehicle may be required to forfeit not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent offense within a year.

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

1 **SECTION 1.** 346.02 (5) of the statutes is amended to read:

2 346.02 (5) APPLICABILITY TO PUBLIC OFFICERS AND EMPLOYEES. The provisions of
3 this chapter applicable to operators of vehicles apply also to operators of vehicles
4 owned by or operated by or for any governmental agency, including the United States
5 government, subject to the specific exceptions set forth in this section and s. ss.
6 346.03 and 346.215 (2).

7 **SECTION 2.** 346.02 (10), (11) and (12) of the statutes are amended to read:

8 346.02 (10) APPLICABILITY TO SNOWMOBILES. The operator of a snowmobile upon
9 a roadway shall in addition to the provisions of ch. 350 be subject to ss, 346.04,
10 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26,
11 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50

1 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91,
2 346.92 (1) and 346.94 (1) and (9).

3 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES. The operator of an all-terrain
4 vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18,
5 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
6 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
7 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and
8 (9) but is not subject to any other provision of this chapter.

9 (12) APPLICABILITY TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES. An electric
10 personal assistive mobility device shall be considered a vehicle for purposes of ss.
11 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.215 (3),
12 346.23 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48,
13 346.50 to 346.55, 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78,
14 346.80, 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those
15 provisions which by their express terms apply only to motor vehicles or which by
16 their very nature would have no application to electric personal assistive mobility
17 devices.

18 **SECTION 3.** 346.18 (1) of the statutes is amended to read:

19 346.18 (1) GENERAL RULE AT INTERSECTIONS. Except as otherwise expressly
20 provided in this section or in s. 346.19, 346.20, 346.215, or 346.46 (1), when 2 vehicles
21 approach or enter an intersection at approximately the same time, the operator of
22 the vehicle on the left shall yield the right-of-way to the vehicle on the right. The
23 operator of any vehicle driving at an unlawful speed forfeits any right-of-way which
24 he or she would otherwise have under this subsection.

25 **SECTION 4.** 346.215 of the statutes is created to read:

escorted (B) (B)

1 **346.215 Police escorts and rights-of-way related to certain**

2 **processions.** (1) In this section:

3 (a) "Police vehicle" means an authorized emergency vehicle as defined in s.
4 340.01 (3) (a).

insert 4-5
5 (b) "Stadium bus procession" means 2 or more motor buses that are operated
6 in consecutive single-file formation and that are transporting to a professional
7 football stadium passengers that include coaches or members of a professional
8 football team.

9 (2) (a) Except as provided in par. (b), and notwithstanding s. 346.03 (1) and (4),
10 the operator of a police vehicle escorting ^{*any special event vehicle*} a stadium bus procession may exercise the
11 privileges specified in s. 346.03 (2) (b) if the operator of the police vehicle is giving
12 visual signal as described in s. 346.03 (3). The operator of the police vehicle under
13 this subsection is not required to give an audible signal as described in s. 346.03 (3).

insert 4-14
14 This subsection applies only if the stadium bus procession is escorted by at least 2
15 police vehicles, at least one of which is leading the stadium bus procession and at
16 least one of which is at the rear of the stadium bus procession. Notwithstanding ss.

insert 4-15
insert 4-16
17 346.18 (3), 346.37 (1) (c) 1., and 346.46 (1) and (2), any operator of a ^{*special event vehicle*} bus in the
18 stadium bus procession ^{*being escorted under this subsection*} may accompany these police vehicles as they proceed past
19 any red or stop signal or stop sign in accordance with the privileges specified in this
20 subsection.

insert 4-21
21 (b) The operator of a police vehicle escorting a stadium bus procession, and the
22 operator of any bus in the stadium bus procession, shall yield the right-of-way in
23 accordance with s. 346.19 upon the approach of an authorized emergency vehicle
24 giving an audible signal by siren.

Insert
5-2
Insert
5-3
Insert
5-4
Insert
5-5

1 (3) Except as provided in sub. (2) (b), the operator of a vehicle ~~not in or escorting~~

2 a stadium bus procession shall yield the right-of-way at an intersection to ~~vehicles~~

3 ~~in or escorting a stadium bus procession~~ and shall not, except when authorized to do

4 so by a traffic officer, drive between ~~the vehicles in or escorting the stadium bus~~

5 procession

6 SECTION 5. 346.22 (1) (a) of the statutes is amended to read:

7 346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e), any person violating

8 s. 346.18 ~~or~~, 346.20 (1), or 346.215 (2) (b) or (3) may be required to forfeit not less than

9 \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100

10 for the 2nd or subsequent conviction within a year.

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

12 347.25 (1m) (b) If the vehicle is so equipped, the lights shall be illuminated as

13 required under s. 346.03 or 346.215 (2) (a) when the operator of the police vehicle is

14 exercising the privileges granted under ~~that section~~ s. 346.03 or 346.215 (2) (a). On

15 a marked police vehicle, the blue light shall be mounted on the passenger side of the

16 vehicle and the red light shall be mounted on the driver side of the vehicle. When

17 in use on an unmarked police vehicle, the blue light shall be displayed on the

18 passenger side of the vehicle and the red light shall be displayed on the driver side

19 of the vehicle. The lights shall be designed and displayed so as to be plainly visible

20 and understandable from a distance of 500 feet during normal sunlight and during

21 hours of darkness. No operator of a police vehicle may use the warning lights except

22 when responding to an emergency call or when in pursuit of an actual or suspected

23 violator of the law, when responding to but not upon returning from a fire alarm ~~or~~,

24 when necessarily parked on a highway in a position which is likely to be hazardous

25 to traffic using the highway, or as authorized under s. 346.215 (2) (a).

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0521/P2ins
ARG:.....

INSERT ANAL: ✓

(no P) the place of a public performance or public appearance vehicles carrying passengers who will perform or appear or who will assist with the performance or appearance (special event vehicles). With each special event vehicle or procession of special event vehicles, there must be at least one police vehicle escort leading the special event vehicle or procession and at least one police vehicle escort at the rear of the special event vehicle or procession. The escorting police vehicles and escorted special event vehicles are not required to stop at red traffic signals or stop signs but must obey all other traffic laws. These privileges apply to the operator of a police vehicle only if the law enforcement agency employing the operator has provided written guidelines for its officers and employees regarding the escorting of special event vehicles. The escorting police vehicles and escorted special event vehicles must yield the right-of-way to any other authorized emergency vehicle with its siren activated. All other vehicles must yield the right-of-way to the escorting police vehicles and escorted special event vehicles and may not drive between them. A person who fails to yield the right-of-way to the escorting police vehicles and escorted special event vehicles or drives between these vehicles, or who operates an escorting police vehicle or escorted special event vehicle and fails to yield the right-of-way to another authorized emergency vehicle,

INSERT 4-5:

(no P) "Special event vehicle" means any vehicle, including a vehicle that is part of a procession of vehicles, that is transporting passengers to the place of a public performance or public appearance at which the passengers will perform or appear or assist with the performance or appearance.

INSERT 4-14:

(no P) special event vehicle, or in the case of a procession of special event vehicles the entire procession,

INSERT 4-15:

(no P) special event vehicle or procession of special event vehicles

INSERT 4-16:

(no P) ✓ special event vehicle or procession of special event vehicles, and only if the requirement under sub. (4) is satisfied.

INSERT 4-21:

(no P) ✓ special event vehicle or procession of special event vehicles

INSERT 4-22:

(no P) ✓ special event vehicle being escorted

INSERT 5-2:

(no P) ✓ other than an escorted special event vehicle or escorting police vehicle

INSERT 5-3:

(no P) ✓ an escorted special event vehicle or escorting police vehicle

INSERT 5-4:

(no P) ✓ these escorting and escorted vehicles

INSERT 5-5:

✓ (4) The privileges specified in sub. (2) (a) do not apply to the operator of a police vehicle unless, prior to escorting any special event vehicle as provided under sub. (2) (a), the law enforcement agency employing the operator of the police vehicle has provided written guidelines for its officers and employees regarding the escorting of special event vehicles under this section.

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

LRB-0521/P2dn

ARG:/.....

WLJ

ATTN: Scott Becher

I had to make numerous changes to the draft to incorporate your redrafting instructions. Please review the attached draft carefully to ensure that it is consistent with your intent.

With regard to created s. 346.215 (4) in the attached draft, I have patterned the provision in part on s. 346.03 (6), under which law enforcement agencies are generally already required to establish some written guidelines in order to exercise privileges under s. 346.03. I also note that this draft provides a penalty for a police officer escorting a special event vehicle who fails to yield the right-of-way to another authorized emergency vehicle, but does not provide a penalty for a police officer who attempts to invoke the privileges under the draft without written guidelines having been established by the officer's department. Is this consistent with your intent?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

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

LRB-0521/P2dn
ARG:wlj:sh

December 28, 2006

ATTN: Scott Becher

I had to make numerous changes to the draft to incorporate your redrafting instructions. Please review the attached draft carefully to ensure that it is consistent with your intent.

With regard to created s. 346.215 (4) in the attached draft, I have patterned the provision in part on s. 346.03 (6), under which law enforcement agencies are generally already required to establish some written guidelines to exercise privileges under s. 346.03. I also note that this draft provides a penalty for a police officer escorting a special event vehicle who fails to yield the right-of-way to another authorized emergency vehicle, but does not provide a penalty for a police officer who attempts to invoke the privileges under the draft without written guidelines having been established by the officer's department. Is this consistent with your intent?

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

wanted
by
3/28
in 3/27

LRB-0521/111 /
ARG:wlj:sh
stays
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes
make / 1st
Scott Beider

Regen

1 AN ACT *to amend* 346.02 (5), 346.02 (10), (11) and (12), 346.18 (1), 346.22 (1) (a)
2 and 347.25 (1m) (b); and *to create* 346.215 of the statutes; **relating to:** police
3 escorts and vehicle rights-of-way related to certain escorted vehicles and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law generally requires a vehicle facing a red traffic signal to stop before entering an intersection and remain stopped until the signal turns green and requires a vehicle approaching a stop sign to stop before entering the intersection and yield the right-of-way to other vehicles that have entered the intersection or are approaching on a highway not controlled by a stop sign or traffic signal. The leading vehicle in a funeral procession must comply with these stopping requirements for traffic control signals and stop signs, but when the leading vehicle has complied with these requirements and proceeded through an intersection, all other vehicles in the funeral procession that have their headlights on may proceed without stopping, regardless of the sign or signal.

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 allows a police vehicle, with warning lights activated, to escort to the place of a public performance or public appearance vehicles carrying passengers who will perform or appear or who will assist with the performance or appearance (special event vehicles). With each special event vehicle or procession of special event vehicles, there must be at least one police vehicle escort leading the special event vehicle or procession and at least one police vehicle escort at the rear of the special event vehicle or procession. The escorting police vehicles and escorted special event vehicles are not required to stop at red traffic signals or stop signs but must obey all other traffic laws. These privileges apply to the operator of a police vehicle only if the law enforcement agency employing the operator has provided written guidelines for its officers and employees regarding the escorting of special event vehicles. The escorting police vehicles and escorted special event vehicles must yield the right-of-way to any other authorized emergency vehicle with its siren activated. All other vehicles must yield the right-of-way to the escorting police vehicles and escorted special event vehicles and may not drive between them. A person who fails to yield the right-of-way to the escorting police vehicles and escorted special event vehicles or drives between these vehicles, or who operates an escorting police vehicle or escorted special event vehicle and fails to yield the right-of-way to another authorized emergency vehicle, may be required to forfeit not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent offense within a year.

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

1 **SECTION 1.** 346.02 (5) of the statutes is amended to read:

2 346.02 (5) **APPLICABILITY TO PUBLIC OFFICERS AND EMPLOYEES.** The provisions of
3 this chapter applicable to operators of vehicles apply also to operators of vehicles
4 owned by or operated by or for any governmental agency, including the United States
5 government, subject to the specific exceptions set forth in this section and ~~s.~~ ss.
6 346.03 and 346.215 (2).

7 **SECTION 2.** 346.02 (10), (11) and (12) of the statutes are amended to read:

8 346.02 (10) **APPLICABILITY TO SNOWMOBILES.** The operator of a snowmobile upon
9 a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,
10 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26,

1 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50
2 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91,
3 346.92 (1) and 346.94 (1) and (9).

4 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES. The operator of an all-terrain
5 vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18,
6 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
7 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
8 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and
9 (9) but is not subject to any other provision of this chapter.

10 (12) APPLICABILITY TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES. An electric
11 personal assistive mobility device shall be considered a vehicle for purposes of ss.
12 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.215 (3),
13 346.23 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48,
14 346.50 to 346.55, 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78,
15 346.80, 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those
16 provisions which by their express terms apply only to motor vehicles or which by
17 their very nature would have no application to electric personal assistive mobility
18 devices.

19 SECTION 3. 346.18 (1) of the statutes is amended to read:

20 346.18 (1) GENERAL RULE AT INTERSECTIONS. Except as otherwise expressly
21 provided in this section or in s. 346.19, 346.20, 346.215, or 346.46 (1), when 2 vehicles
22 approach or enter an intersection at approximately the same time, the operator of
23 the vehicle on the left shall yield the right-of-way to the vehicle on the right. The
24 operator of any vehicle driving at an unlawful speed forfeits any right-of-way which
25 he or she would otherwise have under this subsection.

1 **SECTION 4.** 346.215 of the statutes is created to read:

2 **346.215 Police escorts and rights-of-way related to certain escorted**
3 **vehicles. (1)** In this section:

4 (a) "Police vehicle" means an authorized emergency vehicle as defined in s.
5 340.01 (3) (a).

6 (b) "Special event vehicle" means any vehicle, including a vehicle that is part
7 of a procession of vehicles, that is transporting passengers to the place of a public
8 performance or public appearance at which the passengers will perform or appear
9 or assist with the performance or appearance.

10 **(2)** (a) Except as provided in par. (b), and notwithstanding s. 346.03 (1) and (4),
11 the operator of a police vehicle escorting any special event vehicle may exercise the
12 privileges specified in s. 346.03 (2) (b) if the operator of the police vehicle is giving
13 visual signal as described in s. 346.03 (3). The operator of the police vehicle under
14 this subsection is not required to give an audible signal as described in s. 346.03 (3).
15 This subsection applies only if the special event vehicle, or in the case of a procession
16 of special event vehicles the entire procession, is escorted by at least 2 police vehicles,
17 at least one of which is leading the special event vehicle or procession of special event
18 vehicles and at least one of which is at the rear of the special event vehicle or
19 procession of special event vehicles, and only if the requirement under sub. (4) is
20 satisfied. Notwithstanding ss. 346.18 (3), 346.37 (1) (c) 1., and 346.46 (1) and (2), any
21 operator of a special event vehicle being escorted under this subsection may
22 accompany these police vehicles as they proceed past any red or stop signal or stop
23 sign in accordance with the privileges specified in this subsection.

24 (b) The operator of a police vehicle escorting a special event vehicle or
25 procession of special event vehicles, and the operator of any special event vehicle

1 being escorted, shall yield the right-of-way in accordance with s. 346.19 upon the
2 approach of an authorized emergency vehicle giving an audible signal by siren.

3 (3) Except as provided in sub. (2) (b), the operator of a vehicle other than an
4 escorted special event vehicle or escorting police vehicle shall yield the right-of-way
5 at an intersection to an escorted special event vehicle or escorting police vehicle and
6 shall not, except when authorized to do so by a traffic officer, drive between these
7 escorting and escorted vehicles.

8 (4) The privileges specified in sub. (2) (a) do not apply to the operator of a police
9 vehicle unless, prior to escorting any special event vehicle as provided under sub. (2)
10 (a), the law enforcement agency employing the operator of the police vehicle has
11 provided written guidelines for its officers and employees regarding the escorting of
12 special event vehicles under this section.

13 **SECTION 5.** 346.22 (1) (a) of the statutes is amended to read:

14 346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e), any person violating
15 s. 346.18 or, 346.20 (1), or 346.215 (2) (b) or (3) may be required to forfeit not less than
16 \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100
17 for the 2nd or subsequent conviction within a year.

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

19 347.25 (1m) (b) If the vehicle is so equipped, the lights shall be illuminated as
20 required under s. 346.03 or 346.215 (2) (a) when the operator of the police vehicle is
21 exercising the privileges granted under ~~that section~~ s. 346.03 or 346.215 (2) (a). On
22 a marked police vehicle, the blue light shall be mounted on the passenger side of the
23 vehicle and the red light shall be mounted on the driver side of the vehicle. When
24 in use on an unmarked police vehicle, the blue light shall be displayed on the
25 passenger side of the vehicle and the red light shall be displayed on the driver side

1 of the vehicle. The lights shall be designed and displayed so as to be plainly visible
2 and understandable from a distance of 500 feet during normal sunlight and during
3 hours of darkness. No operator of a police vehicle may use the warning lights except
4 when responding to an emergency call or when in pursuit of an actual or suspected
5 violator of the law, when responding to but not upon returning from a fire alarm or,
6 when necessarily parked on a highway in a position which is likely to be hazardous
7 to traffic using the highway, or as authorized under s. 346.215 (2) (a).

8 **SECTION 7. Initial applicability.**

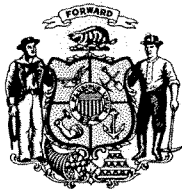
9 (1) This act first applies to vehicles operated on the effective date of this
10 subsection.

11 (END)

4/17

Re: Rep. Wischert

- wants to make the bill more general —
take out performance language —
make the bill apply to ~~all~~ any
vehicle — should just say escorted
vehicle instead of special event vehicle
in analysis
- no other changes



State of Wisconsin
2007 - 2008 LEGISLATURE

(5000)

LRB-0521/2

ARG:wlj:sh

in 4/18

stays (RMN)

2007 BILL

Regen

1 AN ACT ~~to amend~~ 346.02 (5), 346.02 (10), (11) and (12), 346.18 (1), 346.22 (1) (a)
2 and 347.25 (1m) (b); and **to create** 346.215 of the statutes; **relating to:** police
3 escorts and vehicle rights-of-way related to ~~certain~~ escorted vehicles and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law generally requires a vehicle facing a red traffic signal to stop before entering an intersection and remain stopped until the signal turns green and requires a vehicle approaching a stop sign to stop before entering the intersection and yield the right-of-way to other vehicles that have entered the intersection or are approaching on a highway not controlled by a stop sign or traffic signal. The leading vehicle in a funeral procession must comply with these stopping requirements for traffic control signals and stop signs, but when the leading vehicle has complied with these requirements and proceeded through an intersection, all other vehicles in the funeral procession that have their headlights on may proceed without stopping, regardless of the sign or signal.

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,

BILL

any vehicle or procession of vehicles

the operator must drive with due regard under the circumstances for the safety of all persons.

This bill allows a police vehicle, with warning lights activated, to escort ^{to the} ~~the~~ place of a public performance or public appearance ~~vehicles carrying passengers who will perform or appear or who will assist with the performance or appearance (special event vehicles).~~ With each ~~special event~~ vehicle or procession of ~~special event~~ vehicles, there must be at least one police vehicle escort leading the ~~special event~~ vehicle or procession and at least one police vehicle escort at the rear of the ~~special event~~ vehicle or procession. The escorting police vehicles and escorted ~~special event~~ vehicles are not required to stop at red traffic signals or stop signs but must obey all other traffic laws. These privileges apply to the operator of a police vehicle only if the law enforcement agency employing the operator has provided written guidelines for its officers and employees regarding the escorting of ~~special event~~ vehicles. The escorting police vehicles and escorted ~~special event~~ vehicles must yield the right-of-way to any other authorized emergency vehicle with its siren activated. All other vehicles must yield the right-of-way to the escorting police vehicles and escorted ~~special event~~ vehicles and may not drive between them. A person who fails to yield the right-of-way to the escorting police vehicles and escorted ~~special event~~ vehicles or drives between these vehicles, or who operates an escorting police vehicle or escorted ~~special event~~ vehicle and fails to yield the right-of-way to another authorized emergency vehicle, may be required to forfeit not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent offense within a year.

escorted

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

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SECTION 1. 346.02 (5) of the statutes is amended to read:

346.02 (5) APPLICABILITY TO PUBLIC OFFICERS AND EMPLOYEES. The provisions of this chapter applicable to operators of vehicles apply also to operators of vehicles owned by or operated by or for any governmental agency, including the United States government, subject to the specific exceptions set forth in this section and s. ss. 346.03 and 346.215 (2).

SECTION 2. 346.02 (10), (11) and (12) of the statutes are amended to read:

346.02 (10) APPLICABILITY TO SNOWMOBILES. The operator of a snowmobile upon a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26,

BILL

1 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50
2 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91,
3 346.92 (1) and 346.94 (1) and (9).

4 (11) APPLICABILITY TO ALL-TERRAIN VEHICLES. The operator of an all-terrain
5 vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18,
6 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
7 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
8 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and
9 (9) but is not subject to any other provision of this chapter.

10 (12) APPLICABILITY TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES. An electric
11 personal assistive mobility device shall be considered a vehicle for purposes of ss.
12 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.215 (3),
13 346.23 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48,
14 346.50 to 346.55, 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78,
15 346.80, 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those
16 provisions which by their express terms apply only to motor vehicles or which by
17 their very nature would have no application to electric personal assistive mobility
18 devices.

19 **SECTION 3.** 346.18 (1) of the statutes is amended to read:

20 346.18 (1) GENERAL RULE AT INTERSECTIONS. Except as otherwise expressly
21 provided in this section or in s. 346.19, 346.20, 346.215, or 346.46 (1), when 2 vehicles
22 approach or enter an intersection at approximately the same time, the operator of
23 the vehicle on the left shall yield the right-of-way to the vehicle on the right. The
24 operator of any vehicle driving at an unlawful speed forfeits any right-of-way which
25 he or she would otherwise have under this subsection.

BILL

SECTION 4

SECTION 4. 346.215 of the statutes is created to read:

346.215 Police escorts and rights-of-way related to certain escorted

vehicles. (1) In this section,

(a) "Police vehicle" means an authorized emergency vehicle as defined in s. 340.01 (3) (a).

(b) "Special event vehicle" means any vehicle, including a vehicle that is part of a procession of vehicles, that is transporting passengers to the place of a public performance or public appearance at which the passengers will perform or appear or assist with the performance or appearance.

(2) (a) Except as provided in par. (b), and notwithstanding s. 346.03 (1) and (4), the operator of a police vehicle escorting any ~~special event~~ ^{or} vehicle may exercise the privileges specified in s. 346.03 (2) (b) if the operator of the police vehicle is giving visual signal as described in s. 346.03 (3). The operator of the police vehicle under this subsection is not required to give an audible signal as described in s. 346.03 (3). This subsection applies only if the ~~special event~~ vehicle, or in the case of a procession of ~~special event~~ vehicles the entire procession, is escorted by at least 2 police vehicles, at least one of which is leading the ~~special event~~ vehicle or procession of ~~special event~~ vehicles and at least one of which is at the rear of the ~~special event~~ vehicle or procession of ~~special event~~ vehicles, and only if the requirement under sub. (4) is satisfied. Notwithstanding ss. 346.18 (3), 346.37 (1) (c) 1., and 346.46 (1) and (2), any operator of a ~~special event~~ vehicle being escorted under this subsection may accompany these police vehicles as they proceed past any red or stop signal or stop sign in accordance with the privileges specified in this subsection.

(b) The operator of a police vehicle escorting a ~~special event~~ vehicle or procession of ~~special event~~ vehicles, and the operator of any ~~special event~~ vehicle

BILL

1 being escorted, shall yield the right-of-way in accordance with s. 346.19 upon the
2 approach of an authorized emergency vehicle giving an audible signal by siren.

3 (3) Except as provided in sub. (2) (b), the operator of a vehicle other than an
4 escorted ~~special event~~ vehicle or escorting police vehicle shall yield the right-of-way
5 at an intersection to an escorted ~~special event~~ vehicle or escorting police vehicle and
6 shall not, except when authorized to do so by a traffic officer, drive between these
7 escorting and escorted vehicles.

8 (4) The privileges specified in sub. (2) (a) do not apply to the operator of a police
9 vehicle unless, prior to escorting any ~~special event~~ vehicle as provided under sub. (2)
10 (a), the law enforcement agency employing the operator of the police vehicle has
11 provided written guidelines for its officers and employees regarding the escorting of
12 ~~special event~~ vehicles under this section.

13 SECTION 5. 346.22 (1) (a) of the statutes is amended to read:

14 346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e), any person violating
15 s. 346.18 ~~or~~, 346.20 (1), or 346.215 (2) (b) or (3) may be required to forfeit not less than
16 \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100
17 for the 2nd or subsequent conviction within a year.

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

19 347.25 (1m) (b) If the vehicle is so equipped, the lights shall be illuminated as
20 required under s. 346.03 or 346.215 (2) (a) when the operator of the police vehicle is
21 exercising the privileges granted under ~~that section~~ s. 346.03 or 346.215 (2) (a). On
22 a marked police vehicle, the blue light shall be mounted on the passenger side of the
23 vehicle and the red light shall be mounted on the driver side of the vehicle. When
24 in use on an unmarked police vehicle, the blue light shall be displayed on the
25 passenger side of the vehicle and the red light shall be displayed on the driver side

BILL

1 of the vehicle. The lights shall be designed and displayed so as to be plainly visible
2 and understandable from a distance of 500 feet during normal sunlight and during
3 hours of darkness. No operator of a police vehicle may use the warning lights except
4 when responding to an emergency call or when in pursuit of an actual or suspected
5 violator of the law, when responding to but not upon returning from a fire alarm or,
6 when necessarily parked on a highway in a position which is likely to be hazardous
7 to traffic using the highway, or as authorized under s. 346.215 (2) (a).

SECTION 7. Initial applicability.

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

11 (END)

Duerst, Christina

From: Becher, Scott
Sent: Thursday, February 28, 2008 9:11 AM
To: Barman, Mike; LRB.Legal
Subject: FW: Police Escort 07-05212.pdf

Attachments: 07-05212.pdf

Please jacket this bill ASAP.

Scott Becher
Rep. Wieckert

From: Field, Adam
Sent: Thursday, April 19, 2007 10:53 AM
To: Becher, Scott
Subject: Police Escort 07-05212.pdf



07-05212.pdf (23
KB)

Barman, Mike

From: Barman, Mike
Sent: Friday, February 29, 2008 10:20 AM
To: Martyn, Julie
Subject: RE: Typo

Importance: High

Sarah was mistaken ... this will have to be a "Corrected Copy" and not a "CCC". I un-introduced the bill and had DOA delete it from their data base ... it is now ready for you to re-route with the corrected info. Give me a call when you do.

Thanks,

Mike

From: Martyn, Julie
Sent: Thursday, February 28, 2008 11:44 PM
To: Barman, Mike
Subject: Typo

Mike,
I routed AB 898 earlier today and I spelled the third Sheriff's word wrong. See below in red.
Sarah Basford said I need to request a Chief Clerk Correction, since I made the typo.
Please let me know what I need to do.

Thank you,
Julie

Assembly Bill 898

Relating to: police escorts and vehicle rights-of-way related to escorted vehicles and providing a penalty.

By Representative Wieckert, by request of Outagamie County Sheriff's Department, Brown County Sheriff's Department and Badger State Sherrif's Association.

To committee on State Affairs.

REVISION REPORT

INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Under Assembly Rule 17d,
Thursday, February 28, 2008 at 12:57 PM
is considered the official date and time of introduction for the proposals listed in this document.

ASSEMBLY BILL 898 (LRB -0521)

Relating to: police escorts and vehicle rights-of-way related to escorted vehicles and providing a penalty.
By Representative Wieckert by request of Outagamie County Sheriff's Department, Brown County Sheriff's Department and Badger State Sheriff's Association.

Referred to Committee on **STATE AFFAIRS**.

Rec
02-29-2008
for
"corrected copy"



corrected copy

LRB-0521/2

ARG:wlj:rs

Per Julie
(Acc Office)
02-29-2008

2007 ASSEMBLY BILL 898

February 28, 2008 - Introduced by Representative WIECKERT, by request of Outagamie County Sheriff's Department, Brown County Sheriff's Department and Badger State Sherrif's Association. Referred to Committee on State Affairs.

Spelling
corrected

- 1 AN ACT *to amend* 346.02 (5), 346.02 (10), (11) and (12), 346.18 (1), 346.22 (1) (a)
2 and 347.25 (1m) (b); and *to create* 346.215 of the statutes; **relating to:** police
3 escorts and vehicle rights-of-way related to escorted vehicles and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

Current law generally requires a vehicle facing a red traffic signal to stop before entering an intersection and remain stopped until the signal turns green and requires a vehicle approaching a stop sign to stop before entering the intersection and yield the right-of-way to other vehicles that have entered the intersection or are approaching on a highway not controlled by a stop sign or traffic signal. The leading vehicle in a funeral procession must comply with these stopping requirements for traffic control signals and stop signs, but when the leading vehicle has complied with these requirements and proceeded through an intersection, all other vehicles in the funeral procession that have their headlights on may proceed without stopping, regardless of the sign or signal.

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,