

2007 SENATE BILL 233

July 13, 2007 – Introduced by Senators PLALE, DARLING, ERPENBACH, GROTHMAN, LASSA, OLSEN, RISSER, ROESSLER and SCHULTZ, cosponsored by Representatives KRUSICK, PETROWSKI, STONE, ALBERS, BALLWEG, BERCEAU, BIES, BOYLE, FIELDS, GRIGSBY, GUNDERSON, HAHN, HINES, JESKEWITZ, MUSSER, NYGREN, A. OTT, TOWNSEND, TURNER and M. WILLIAMS. Referred to Committee on Health and Human Services.

1 **AN ACT** *to renumber* 343.01 (2) (dg); *to amend* 110.08 (1m), 346.03 (1), 347.25
2 (1) and 347.38 (4); and *to create* 340.01 (3) (dg), 340.01 (3) (dh) and 346.03 (5m)
3 of the statutes; **relating to:** vehicles transporting human organs for
4 transplantation, medical personnel for human organ harvesting or
5 transplantation purposes, or medical devices or equipment for emergency
6 purposes.

Analysis by the Legislative Reference Bureau

Current law generally prohibits any vehicle from being equipped with a flashing light. Exceptions to this prohibition include authorized emergency vehicles such as police vehicles, fire department vehicles, and ambulances. Current law also prohibits any vehicle other than an authorized emergency vehicle from being equipped with a siren. Under current law, an authorized emergency vehicle must be equipped with a siren and may be equipped with one or more flashing, oscillating, or rotating red lights.

Also 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

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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 provides that motor vehicles used by an organ procurement organization, or under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the immediate purpose of performing human organ harvesting or transplantation (organ transport vehicles) are authorized emergency vehicles. The bill also provides that motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee, to transport or pick up medical devices or equipment for the immediate purpose of human implantation or urgent medical treatment (emergency medical device transport vehicles) are authorized emergency vehicles. Organ transport vehicles and emergency medical device transport vehicles may be equipped with red or red and white flashing, oscillating, or rotating lights and must be equipped with a siren. Organ transport vehicles and emergency medical device transport vehicles are permitted the same traffic law exemptions, and subject to the same limitations, as other authorized emergency vehicles when, respectively, they are transporting an organ for human transplantation or transporting medical personnel for the immediate purpose of performing human organ harvesting or transplantation, or they are responding to an emergency call from a treating physician or his or her designee to transport or pick up medical devices or equipment. However, in contrast to operators of other authorized emergency vehicles, operators of organ transport vehicles and emergency medical device transport vehicles must have successfully completed a safety and training course in emergency vehicle operation, and must be operating a vehicle marked as an organ transport vehicle or emergency medical device transport vehicle, in order for these traffic law exemptions to apply.

For further information see the *state* 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.** 110.08 (1m) of the statutes is amended to read:

2 **110.08 (1m)** Each operator's license examiner shall receive informational
3 training on the powers and duties of the department relating to organ donor
4 information under s. 343.175 once every 2 years and, for operator's license examiners
5 hired after January 1, 1997, prior to initial assignment to operator's license
6 examining activities. The informational training under this subsection shall be

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1 developed by all organ procurement organizations, as defined in s. 343.01 (2) (dg)
2 340.01 (41k), in cooperation with the department.

3 **SECTION 2.** 340.01 (3) (dg) of the statutes is created to read:

4 340.01 (3) (dg) Privately owned motor vehicles being used by an organ
5 procurement organization, or by any person under an agreement with an organ
6 procurement organization, to transport organs for human transplantation or to
7 transport medical personnel for the purpose of performing human organ harvesting
8 or transplantation immediately after the transportation.

9 **SECTION 3.** 340.01 (3) (dh) of the statutes is created to read:

10 340.01 (3) (dh) Privately owned motor vehicles being operated in the course of
11 a business and being used, in response to an emergency call from a treating physician
12 or his or her designee declaring the transportation to be an emergency, to transport
13 medical devices or equipment to a hospital or ambulatory surgery center, or to pick
14 up medical devices or equipment for immediate transportation to a hospital or
15 ambulatory surgery center, if the medical devices or equipment are to be used for
16 human implantation or for urgent medical treatment immediately after the
17 transportation.

18 **SECTION 4.** 343.01 (2) (dg) of the statutes is renumbered 340.01 (41k).

19 **SECTION 5.** 346.03 (1) of the statutes is amended to read:

20 346.03 (1) The operator of an authorized emergency vehicle, when responding
21 to an emergency call or when in the pursuit of an actual or suspected violator of the
22 law or, when responding to but not upon returning from a fire alarm, when
23 transporting an organ for human transplantation, or when transporting medical
24 personnel for the purpose of performing human organ harvesting or transplantation

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1 immediately after the transportation, may exercise the privileges set forth in this
2 section, but subject to the conditions stated in subs. (2) to ~~(5)~~ (5m).

3 **SECTION 6.** 346.03 (5m) of the statutes is created to read:

4 346.03 **(5m)** The privileges granted under this section apply to the operator of
5 an authorized emergency vehicle under s. 340.01 (3) (dg) or (dh) only if the operator
6 has successfully completed a safety and training course in emergency vehicle
7 operation that is taken at a technical college under ch. 38 or that is approved by the
8 department and only if the vehicle being operated is plainly marked, in a manner
9 prescribed by the department, to identify it as an authorized emergency vehicle
10 under s. 340.01 (3) (dg) or (dh).

11 **SECTION 7.** 347.25 (1) of the statutes is amended to read:

12 347.25 **(1)** Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
13 emergency vehicle may be equipped with one or more flashing, oscillating, or
14 rotating red lights, except that ambulances, fire department equipment, and
15 privately owned motor vehicles under s. 340.01 (3) (d), ~~(dg)~~, or (dm) being used by
16 personnel of a full-time or part-time fire department ~~or~~, by members of a volunteer
17 fire department or rescue squad, or by an organ procurement organization or any
18 person under an agreement with an organ procurement organization, and privately
19 owned motor vehicles under s. 340.01 (3) (dh) being used to transport or pick up
20 medical devices or equipment, may be equipped with red or red and white lights, and
21 shall be so equipped when the operator thereof is exercising the privileges granted
22 by s. 346.03. The lights shall be so designed and mounted as to be plainly visible and
23 understandable from a distance of 500 feet both during normal sunlight and during
24 hours of darkness. No operator of an authorized emergency vehicle may use the
25 warning lights except when responding to an emergency call or when in pursuit of

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1 an actual or suspected violator of the law, when responding to but not upon returning
2 from a fire alarm, when transporting an organ for human transplantation, when
3 transporting medical personnel for the purpose of performing human organ
4 harvesting or transplantation immediately after the transportation, or when
5 necessarily parked in a position which is likely to be hazardous to traffic.

6 **SECTION 8.** 347.38 (4) of the statutes is amended to read:

7 347.38 (4) An authorized emergency vehicle shall be equipped with a siren, but
8 such siren shall not be used except when such vehicle is operated in response to an
9 emergency call or in the immediate pursuit of an actual or suspected violator of the
10 law, when responding to but not upon returning from a fire alarm, when transporting
11 an organ for human transplantation, or when transporting medical personnel for the
12 purpose of performing human organ harvesting or transplantation immediately
13 after the transportation, in which events the driver of such vehicle shall sound the
14 siren when reasonably necessary to warn pedestrians and other drivers.

15 **SECTION 9. Initial applicability.**

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

18

(END)