2007 SENATE BILL 233

July 13, 2007 – Introduced by Senators P LALE, DARLING, ERPENBACH, GROTHMAN, LASSA, OLSEN, RISSE, 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.

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

SECTION 1. 110.08 (1m) of the statutes is amended to read:

110.08 (1m) Each operator’s license examiner shall receive informational training on the powers and duties of the department relating to organ donor information under s. 343.175 once every 2 years and, for operator’s license examiners hired after January 1, 1997, prior to initial assignment to operator’s license examining activities. The informational training under this subsection shall be
developed by all organ procurement organizations, as defined in s. 343.01 (2) (dg)
340.01 (41k), in cooperation with the department.

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

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

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

340.01 (3) (dh) Privately owned 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 declaring the transportation to be an emergency, to transport
medical devices or equipment to a hospital or ambulatory surgery center, or to pick
up medical devices or equipment for immediate transportation to a hospital or
ambulatory surgery center, if the medical devices or equipment are to be used for
human implantation or for urgent medical treatment immediately after the
transportation.

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

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

346.03 (1) The operator of an authorized emergency vehicle, when responding
to an emergency call or when in the pursuit of an actual or suspected violator of the
law or, when responding to but not upon returning from a fire alarm, when
transporting an organ for human transplantation, or when transporting medical
personnel for the purpose of performing human organ harvesting or transplantation
immediately after the transportation, may exercise the privileges set forth in this section, but subject to the conditions stated in subs. (2) to (5) (5m).

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

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

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

347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized emergency vehicle may be equipped with one or more flashing, oscillating, or rotating red lights, except that ambulances, fire department equipment, and privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by personnel of a full–time or part–time fire department or by members of a volunteer fire department or rescue squad, or by an organ procurement organization or any person under an agreement with an organ procurement organization, and privately owned motor vehicles under s. 340.01 (3) (dh) being used to transport or pick up medical devices or equipment, may be equipped with red or red and white lights, and shall be so equipped when the operator thereof is exercising the privileges granted by s. 346.03. The lights shall be so designed and mounted as to be plainly visible and understandable from a distance of 500 feet both during normal sunlight and during hours of darkness. No operator of an authorized emergency vehicle may use the warning lights except when responding to an emergency call or when in pursuit of
an actual or suspected violator of the law, when responding to but not upon returning
from a fire alarm, when transporting an organ for human transplantation, when
transporting medical personnel for the purpose of performing human organ
harvesting or transplantation immediately after the transportation, or when
necessarily parked in a position which is likely to be hazardous to traffic.

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

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

SECTION 9. Initial applicability.

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

(END)