



2009 ASSEMBLY BILL 308

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

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

5 **SECTION 1.** 346.02 (5) of the statutes is amended to read:
6 346.02 (5) APPLICABILITY TO PUBLIC OFFICERS AND EMPLOYEES. The provisions of
7 this chapter applicable to operators of vehicles apply also to operators of vehicles
8 owned by or operated by or for any governmental agency, including the United States
9 government, subject to the specific exceptions set forth in this section and s. ss.
10 346.03 and 346.215 (2).

ASSEMBLY BILL 308**SECTION 2**

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

2 **346.02 (10) APPLICABILITY TO SNOWMOBILES.** The operator of a snowmobile upon
3 a roadway shall in addition to the provisions of ch. 350 be subject to ss. 346.04,
4 346.06, 346.11, 346.14 (1), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26,
5 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50
6 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91,
7 346.92 (1) and 346.94 (1) and (9).

8 **(11) APPLICABILITY TO ALL-TERRAIN VEHICLES.** The operator of an all-terrain
9 vehicle on a roadway is subject to ss. 346.04, 346.06, 346.11, 346.14 (1), 346.18,
10 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39,
11 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54,
12 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and
13 (9) but is not subject to any other provision of this chapter.

14 **(12) APPLICABILITY TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.** An electric
15 personal assistive mobility device shall be considered a vehicle for purposes of ss.
16 346.04 to 346.10, 346.12, 346.13, 346.15, 346.16, 346.18, 346.19, 346.20, 346.215 (3),
17 346.23 to 346.28, 346.31 to 346.35, 346.37 to 346.40, 346.44, 346.46, 346.47, 346.48,
18 346.50 to 346.55, 346.57, 346.59, 346.62, 346.65 (5m), 346.67 to 346.70, 346.78,
19 346.80, 346.87, 346.88, 346.90, 346.91, and 346.94 (4), (5), (9), and (10), except those
20 provisions which by their express terms apply only to motor vehicles or which by
21 their very nature would have no application to electric personal assistive mobility
22 devices.

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

24 **346.18 (1) GENERAL RULE AT INTERSECTIONS.** Except as otherwise expressly
25 provided in this section or in s. 346.19, 346.20, 346.215, or 346.46 (1), when 2 vehicles

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1 approach or enter an intersection at approximately the same time, the operator of
2 the vehicle on the left shall yield the right-of-way to the vehicle on the right. The
3 operator of any vehicle driving at an unlawful speed forfeits any right-of-way which
4 he or she would otherwise have under this subsection.

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

6 **346.215 Police escorts and rights-of-way related to escorted vehicles.**

7 **(1)** In this section, “police vehicle” means an authorized emergency vehicle as
8 defined in s. 340.01 (3) (a).

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

22 (b) The operator of a police vehicle escorting a vehicle or procession of vehicles,
23 and the operator of any vehicle being escorted, shall yield the right-of-way in
24 accordance with s. 346.19 upon the approach of an authorized emergency vehicle
25 giving an audible signal by siren.

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

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

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

12 346.22 **(1)** (a) Except as provided in par. (b), (c), (d), or (e), any person violating
13 s. 346.18 ~~or~~ 346.20 (1), or 346.215 (2) (b) or (3) may be required to forfeit not less than
14 \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$100
15 for the 2nd or subsequent conviction within a year.

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

17 347.25 **(1m)** (b) If the vehicle is so equipped, the lights shall be illuminated as
18 required under s. 346.03 or 346.215 (2) (a) when the operator of the police vehicle is
19 exercising the privileges granted under ~~that section~~ s. 346.03 or 346.215 (2) (a). On
20 a marked police vehicle, the blue light shall be mounted on the passenger side of the
21 vehicle and the red light shall be mounted on the driver side of the vehicle. When
22 in use on an unmarked police vehicle, the blue light shall be displayed on the
23 passenger side of the vehicle and the red light shall be displayed on the driver side
24 of the vehicle. The lights shall be designed and displayed so as to be plainly visible
25 and understandable from a distance of 500 feet during normal sunlight and during

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1 hours of darkness. No operator of a police vehicle may use the warning lights except
2 when responding to an emergency call or when in pursuit of an actual or suspected
3 violator of the law, when responding to but not upon returning from a fire alarm or
4 when necessarily parked on a highway in a position which is likely to be hazardous
5 to traffic using the highway, or as authorized under s. 346.215 (2) (a).

6 **SECTION 7. Initial applicability.**

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

9 (END)