

# State of Wisconsin



2009 Assembly Bill 308

Date of enactment: **October 6, 2009**  
Date of publication\*: **October 20, 2009**

## 2009 WISCONSIN ACT 46

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

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

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

(11) **APPLICABILITY TO ALL-TERRAIN VEHICLES.** The operator of an all-terrain vehicle on a roadway is 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, 346.27, 346.33,

346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9) but is not subject to any other provision of this chapter.

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

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

346.18 (1) **GENERAL RULE AT INTERSECTIONS.** Except as otherwise expressly provided in this section or in s. 346.19, 346.20, 346.215, or 346.46 (1), when 2 vehicles approach or enter an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right. The operator of any vehicle driving at an unlawful speed for-

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

feits any right-of-way which he or she would otherwise have under this subsection.

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

**346.215 Police escorts and rights-of-way related to escorted vehicles.** (1) In this section, "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 any vehicle or procession of vehicles 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 vehicle, or in the case of a procession of vehicles the entire procession, is escorted by at least 2 police vehicles, at least one of which is leading the vehicle or procession of vehicles and at least one of which is at the rear of the vehicle or procession of 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 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 vehicle or procession of vehicles, and the operator of any vehicle being escorted, 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.

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

(4) The privileges specified in sub. (2) (a) do not apply to the operator of a police vehicle unless, prior to escorting any 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 vehicles under this section.

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

346.22 (1) (a) Except as provided in par. (b), (c), (d), or (e), any person violating s. 346.18 ~~or~~ 346.20 (1), or 346.215 (2) (b) or (3) 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 2nd or subsequent conviction within a year.

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

347.25 (1m) (b) If the vehicle is so equipped, the lights shall be illuminated as required under s. 346.03 or 346.215 (2) (a) when the operator of the police vehicle is exercising the privileges granted under ~~that section s. 346.03 or 346.215 (2) (a)~~. On a marked police vehicle, the blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. When in use on an unmarked police vehicle, the blue light shall be displayed on the passenger side of the vehicle and the red light shall be displayed on the driver side of the vehicle. The lights shall be designed and displayed so as to be plainly visible and understandable from a distance of 500 feet during normal sunlight and during hours of darkness. No operator of a police 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 ~~or~~ when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway, or as authorized under s. 346.215 (2) (a).

**SECTION 7. Initial applicability.**

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