

2011 DRAFTING REQUEST

Bill

Received: 03/29/2011

Received By: emueller

Wanted: As time permits

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Andrew Hanus

May Contact:

Drafter: emueller

Subject: Transportation - traffic laws

Addl. Drafters:

Extra Copies: ARG

Submit via email: YES

Requester's email: Sen.Lazich@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exempt certain public safety officers from motor vehicle door opening requirements.

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>
/?	emueller 03/31/2011	csicilia 04/12/2011		_____			
/P1			jfrantze 04/12/2011	_____	ggodwin 04/12/2011		
/1	emueller 04/15/2011	csicilia 04/21/2011	rschluet 04/21/2011	_____	sbasford 04/21/2011		
/2	emueller	csicilia	jfrantze	_____	mbarman	lparisi	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/07/2011	10/09/2011	10/10/2011 _____		10/10/2011	12/13/2011	

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None

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Exempt certain *public safety officers* police vehicles from motor vehicle door opening requirements.

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See attached

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/P1			jfrantze 04/12/2011	_____	ggodwin 04/12/2011		

11 *EM* 4/15/11 *11* *4/21/11*

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1/?	emueller	pljs 4/12 11	J 4/12 4/12	4/12 pljs			

FE Sent For:

<END>

Mueller, Eric

From: Hanus, Andrew
Sent: Monday, March 28, 2011 4:10 PM
To: Mueller, Eric
Subject: RE: DRAFT: LRB-4036/P1

Hi Eric,

Thanks, yes, please draft for this session.

Best,

Andrew

From: Mueller, Eric
Sent: Monday, March 28, 2011 3:47 PM
To: Hanus, Andrew
Subject: RE: DRAFT: LRB-4036/P1

Andrew,

I can't provide an opinion on the merits of the proposed legislation. However, I do think the approach is workable. Draft No. 09-4036/1 without Section 1 would allow a law enforcement officer to violate s. 346.94 (20) (prohibition on "dooring") in certain situations. Removing Section 1 would simply require the officer violating the dooring statute to exercise due care while doing so.

Do you want me to prepare a draft for this session?

Eric Mueller
Attorney, Legislative Reference Bureau
Phone: (608)261-7032
eric.mueller@legis.wisconsin.gov

From: Hanus, Andrew
Sent: Monday, March 28, 2011 10:47 AM
To: Mueller, Eric
Subject: DRAFT: LRB-4036/P1

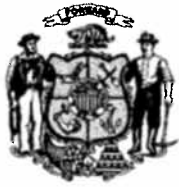
Hi Eric,

I have been assigned to work on LRB-4036/P1, relating to open doors on police vehicles. After talking with the Senator, we do not intend to *completely* immunize police if they do not act with due regard under the circumstances. Therefore, I think we should eliminate Section 1.

That would leave us with just Section 2, which I think will meet our objective, which is to provide reassurance to law enforcement that 346.94(20) does not stop them from doing their job, which often includes opening their doors on the highway and leaving their doors open. What do you think?

Thanks,

Andrew Hanus
State Senator Lazich's Office



State of Wisconsin
2009 - 2010 LEGISLATURE

11 12

from '09 draft
1783/PI
LRB-4036/PI
EVM:kt:md
y's

INote

MARK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 3/31/11

Soon

Over Cat

1 AN ACT to amend 346.03 (5); and to create 346.03 (7) of the statutes; relating
2 to: open doors on police vehicles.

Analysis by the Legislative Reference Bureau

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.

However,

Also under current law, no person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that opening the door will not interfere with the movement of traffic or endanger any other person or vehicle.

Under this bill, a law enforcement officer operating a police vehicle may open and leave open any door of the vehicle when the vehicle is stopped, standing, or parked and the officer is performing a stop.

and may be held responsible for the consequences of his or her reckless disregard for the safety of others

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

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

2 346.03 (5) ~~The Except as provided in sub. (7), the exemptions granted the~~
3 ~~operator of an authorized emergency vehicle by this section do not relieve such~~
4 ~~operator from the duty to drive or ride with due regard under the circumstances for~~
5 ~~the safety of all persons nor do they protect such operator from the consequences of~~
6 ~~his or her reckless disregard for the safety of others.~~

7 SECTION 2. 346.03 (7) of the statutes is created to read: (2m)

8 346.03 (7) Notwithstanding s. 346.94 (20), a law enforcement officer operating
9 a police vehicle may open and leave open any door of the vehicle when the vehicle is
10 stopped, standing, or parked and the officer is performing a stop.

11 (END)

(2m)

Note

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

LRB-1783/?dn

EVM:.....

js

- date -

ATTN: Andrew Hanus

Please review the attached draft carefully to ensure that it is consistent with your intent. Please note, as currently drafted, this bill applies only to law enforcement officers, police vehicles, and during the performance of a stop. Let me know if you want to include other types of emergency vehicles or conduct of other officials. Also, this draft does not require, as for some other emergency vehicle rules of the road exemptions in s. 346.03, stats., that the vehicle's light or sirens be activated during the exempted activity. Let me know if you would like this changed.

Please let me know if you would like any other 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.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

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

LRB-1783/P1dn
EVM:cjs:jf

April 12, 2011

ATTN: Andrew Hanus

Please review the attached draft carefully to ensure that it is consistent with your intent. Please note, as currently drafted, this bill applies only to law enforcement officers, police vehicles, and during the performance of a stop. Let me know if you want to include other types of emergency vehicles or conduct of other officials. Also, this draft does not require, as for some other emergency vehicle rules of the road exemptions in s. 346.03, stats., that the vehicle's light or sirens be activated during the exempted activity. Let me know if you would like this changed.

Please let me know if you would like any other 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.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: Hanus, Andrew
Sent: Thursday, April 14, 2011 4:24 PM
To: Mueller, Eric
Subject: LRB-1783/P1dn - Police Door Exception Draft

Hi Eric,

We have reviewed LRB-1783/P1dn and it is good to go. Please convert it to a /1 as soon as possible. Thank you!

Best,

Andrew Hanus
Senator Lazich's Office



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1783/P1

EVM:cjs:jf

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

No Changes

In 4/15/11

sn

Gen Cat

1 AN ACT ~~to create~~ 346.03 (2m) of the statutes; relating to: open doors on police
2 vehicles.

Analysis by the Legislative Reference Bureau

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 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. However, 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 and may be held responsible for the consequences of his or her reckless disregard for the safety of others.

Also under current law, no person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that opening the door will not interfere with the movement of traffic or endanger any other person or vehicle.

Under this bill, a law enforcement officer operating a police vehicle may open and leave open any door of the vehicle when the vehicle is stopped, standing, or parked and the officer is performing a stop.

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

Mueller, Eric

From: Hanus, Andrew
Sent: Friday, September 23, 2011 2:21 PM
To: Mueller, Eric
Subject: Submitted: LRB 11-1783/1 Topic: Exempt certain police vehicles from motor vehicle door opening requirements.

Hi Eric,

We would like to re-work LRB-1783/1 a little bit. Specifically, we are looking to make the following changes:

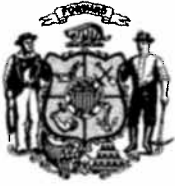
1. Instead of just law enforcement, the exception should apply to firefighters and emergency medical personnel too.
2. The last word of the draft legislation, "a stop," should be changed to read something to the effect of, "is performing official duties."

This change is required because the car door is sometimes left open as cover and not only at a traffic stop, but at crashes or crime scenes for protection of the officer, the victim, the scene, etc.

Please let me know if this would work for you. Thanks a lot.

Best,

Andrew Hanus
Sen. Lazich's Office
6-5400



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1783/2

EVM:cjs:rs

stays (RMR)

2011 BILL

In 10/7/11

Gen Cat

authorized emergency

1

AN ACT to create 346.03 (2m) of the statutes; relating to: open doors on police

2

vehicles.

Analysis by the Legislative Reference Bureau

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 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. However, 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 and may be held responsible for the consequences of his or her reckless disregard for the safety of others.

Also under current law, no person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that opening the door will not interfere with the movement of traffic or endanger any other person or vehicle.

Under this bill, a law enforcement officer operating a police vehicle may open and leave open any door of the vehicle when the vehicle is stopped, standing, or parked and the officer is performing a stop official duties

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

an authorized emergency
MA fire fighter, or emergency medical personnel

an authorized emergency

BILL

1 ✓

1 SECTION 1. 346.03 (2m) of the statutes is created to read:

2 346.03 (2m) Notwithstanding s. 346.94 (20), a law enforcement officer

3 operating a police vehicle may open and leave open any door of the vehicle when the

4 vehicle is stopped, standing, or parked and the officer is performing a stop.

5 (END)

no firefighters or emergency medical personnel

person

unauthorized emergency

official duties

Parisi, Lori

From: Sen.Lazich
Sent: Monday, December 12, 2011 4:39 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1783/2 Topic: Exempt certain public safety officers from motor vehicle door opening requirements.

Please Jacket LRB 11-1783/2 for the SENATE.