

1991 Assembly Bill 344

Date of enactment: **November 20, 1991**

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1991 WISCONSIN ACT 73

AN ACT to repeal 346.20 (1) (intro.); to renumber and amend 346.20 (1) (a) to (c); to amend 346.22 and 347.25 (3); and to create 346.20 (1), 346.205 and 346.22 (4) of the statutes, relating to: the use of a flashing amber light on motorcycle escorts of funeral processions, a vehicle owner's liability when the operator of the vehicle fails to yield the right of way to a funeral procession and providing a penalty.

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

SECTION 1. 346.20 (1) (intro.) of the statutes is repealed.

SECTION 2. 346.20 (1) (a) to (c) of the statutes are renumbered 346.20 (4) (a) to (c), and 346.20 (4) (a) and (b), as renumbered, are amended to read:

346.20 (4) (a) Operators of vehicles in a funeral procession or military convoy shall yield the right of way in accordance with s. 346.19 upon the approach of an authorized emergency vehicle giving audible signal by siren;

(b) Operators of vehicles in a funeral procession or military convoy shall yield the right of way when directed to do so by a traffic officer;

SECTION 3. 346.20 (1) of the statutes is created to read:

346.20 (1) Except as provided in sub. (4), the operator of a vehicle not in a funeral procession or military convoy shall yield the right of way at an intersection to vehicles in a funeral procession or military convoy when vehicles comprising such procession have their headlights lighted.

SECTION 3m. 346.205 of the statutes is created to read:

346.205 Owner's liability for vehicle failing to yield the right of way to a funeral procession. (1) The owner of a vehicle involved in a violation of s. 346.20 (1) for failing to yield the right of way to a funeral procession shall be liable for the violation as provided in this section.

(2) The operator of a lead vehicle or a motorcycle escort in a funeral procession who observes a violation of s. 346.20 (1) for failing to yield the right of way to a funeral procession may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the vehicle involved in the violation.

(c) Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.

(3) Within 24 hours after observing the violation, the operator of the lead vehicle or motorcycle escort may deliver the report to a traffic officer of the county or municipality in which the violation occurred. A report that does not contain all the information in sub. (2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

(4) (a) Within 48 hours after receiving a report containing all the information in sub. (2), the traffic officer may prepare a uniform traffic citation under s. 345.11 and may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family at least 14 years of age, who shall be informed of the contents thereof.

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(c) If with reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address.

(5) (a) Except as provided in par. (b), it shall be no defense to a violation of this section that the owner was not operating the vehicle at the time of the violation.

(b) The following are defenses to a violation of this section:

1. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

2. If the owner of the vehicle provides a traffic officer with the name and address of the person operating the vehicle at the time of the violation and the person so named admits operating the vehicle at the time of the violation, then the person operating the vehicle and not the owner shall be charged under this section.

3. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer with the information required under s. 343.46 (3), then the lessee and not the lessor shall be charged under this section.

4. If the vehicle is owned by a dealer as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by any person on a trial run, and if the dealer provides a traffic officer with the name, address and operator's license number of the person operating the vehicle, then the person operating the vehicle, and not the dealer, shall be charged under this section.

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SECTION 4. 346.22 of the statutes is amended to read:

346.22 Penalty for violating sections 346.18 to 346.21. (1) Any person violating s. 346.18 or 346.20 (1) 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.

(2) Any person violating s. 346.19 or 346.20 ~~(1)~~ (4) (a) may be required to forfeit not less than \$30 nor more than \$300.

(3) Any person violating s. 346.20 ~~(1)-(b) or (e)~~, (2), (3) or (4) (b) or (c) or 346.21 may be required to forfeit not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or subsequent conviction within a year.

SECTION 4m. 346.22 (4) of the statutes is created to read:

346.22 (4) A vehicle owner or other person found liable under s. 346.205 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. Imposition of liability under s. 346.205 shall not result in suspension or revocation of a person's operating license under s. 343.30, nor shall it result in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

SECTION 5. 347.25 (3) of the statutes is amended to read:

347.25 (3) The lead vehicle or a motorcycle escort in a funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle or escort in such procession.