1995 ASSEMBLY BILL 485

July 12, 1995 – Introduced by Representatives Hasenohrl, Lehman, Seratti, Ryba, Baldus, Turner and Hahn, cosponsored by Senator Shibilski. Referred to Committee on Highways and Transportation.

AN ACT *to amend* 345.05 (1) (bm); and *to create* 340.01 (58m) and 346.915 of the statutes; **relating to:** following snowplows and municipal liability for damages caused by the operation of snowplows.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, no person may drive a motor vehicle closer than 500 feet behind an authorized emergency vehicle, including a police car, fire truck or ambulance, that is responding to a call or alarm. A person violating this prohibition may be required to forfeit not less than \$20 nor more than \$40 for a first conviction, and not less than \$50 nor more than \$100 for a 2nd or subsequent conviction within a year of the first conviction. There is no similar prohibition applicable to following snowplows.

This bill prohibits a person from driving a motor vehicle closer than 200 feet behind a snowplow that is engaged in the removal or treatment of snow or ice upon a highway having a posted speed limit greater than 35 miles per hour. The penalty for a violation is identical to the penalty for following an emergency vehicle too closely.

Also under current law, a person suffering damage caused by the negligent operation of a motor vehicle that is owned and operated by a political subdivision of this state may file a claim for damages against that political subdivision. Under this bill, a political subdivision is not liable for damages caused by the negligent operation of a snowplow if the damage occurred while the snowplow was engaged in the removal and treatment of snow or ice.

For further information see the *state and local* 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. 340.01 (58m) of the statutes is created to read:
340.01 (58m) "Snowplow" means a vehicle that is operated by a person
employed by or on behalf of an authority in charge of the maintenance of the highway
to perform highway winter maintenance snow and ice removal, including plowing,
salting and sanding, during either a storm or cleanup following a storm.
Section 2. 345.05 (1) (bm) of the statutes is amended to read:
345.05 (1) (bm) "Motor vehicle" does not include a vehicle that is exempt from
registration under s. 341.05 <u>or a snowplow</u> .
Section 3. 346.915 of the statutes is created to read:
346.915 Following snowplow. The operator of any vehicle that is not a
snowplow may not follow a snowplow closer than 200 feet upon any highway having
a posted speed limit of 35 miles per hour or more.

(END)