



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-4289/1
EVM:cdc

2025 ASSEMBLY BILL 409

August 29, 2025 - Introduced by Representatives PIOWARCZYK, MAXEY, BEHNKE, DE SMIDT, DITTRICH, DUCHOW, GUNDRUM, HYSSELL, KNODL, KREIBICH, PENTERMAN, ROE, SNODGRASS, SPAUDE and STEFFEN, cosponsored by Senators JAMES, MARKLEIN, ROYS, DASSLER-ALFHEIM, SPREITZER and WANGGAARD. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 346.072 (1g) (a) to (d); *to amend* 346.072 (title), 346.072
2 (1g) (intro.) and 346.072 (1m); *to create* 346.072 (1g) (am) of the statutes;
3 **relating to:** passing certain vehicles stopped on or near a highway and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, commonly referred to as the “move over or slow down” law, if an authorized emergency vehicle or roadside service vehicle is parked or standing (stopped) on or within 12 feet of a roadway, the operator of another vehicle approaching the stopped vehicle must proceed with due regard for all other traffic and do either of the following: 1) if the roadway has at least two lanes in the applicable direction of travel, move into a lane that is not nearest the stopped vehicle; or 2) if the roadway has only one lane in the applicable direction of travel or if changing lanes cannot be done safely, slow down while passing the stopped vehicle. Under this bill, an operator approaching a disabled vehicle must also move over or slow down. “Disabled vehicle” is defined for purposes of the bill as a motor vehicle that is stopped and to which any of the following apply:

1. The motor vehicle is displaying warning or hazard lights.
2. Emergency flares or other emergency warning devices are placed near the motor vehicle.

ASSEMBLY BILL 409**SECTION 1**

3. One or more persons are attending the motor vehicle and visible to passing motorists.

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

SECTION 1. 346.072 (title) of the statutes is amended to read:

346.072 (title) Passing certain stopped ~~emergency or roadside service~~ vehicles.

SECTION 2. 346.072 (1g) (intro.) of the statutes is amended to read:

346.072 **(1g)** (intro.) In this section, ~~“emergency;~~

(bm) Emergency or roadside service vehicle” means any of the following:

SECTION 3. 346.072 (1g) (a) to (d) of the statutes are renumbered 346.072 (1g)

(bm) 1. to 4.

SECTION 4. 346.072 (1g) (am) of the statutes is created to read:

346.072 **(1g)** (am) “Disabled vehicle” means a motor vehicle that is stopped and to which any of the following apply:

1. The motor vehicle is displaying warning or hazard lights.

2. Emergency flares or other emergency warning devices are placed near the motor vehicle.

3. One or more persons are attending the motor vehicle and visible to passing motorists.

SECTION 5. 346.072 (1m) of the statutes is amended to read:

346.072 **(1m)** If an emergency or roadside service vehicle or a disabled vehicle is parked or standing on or within 12 feet of a roadway, the operator of a motor vehicle approaching the emergency or roadside service vehicle or disabled vehicle

ASSEMBLY BILL 409**SECTION 5**

1 shall proceed with due regard for all other traffic and shall do either of the
2 following:

3 (a) Move the motor vehicle into a lane that is not the lane nearest the parked
4 or standing emergency or roadside service vehicle or disabled vehicle and continue
5 traveling in that lane until safely clear of the emergency or roadside service vehicle
6 or disabled vehicle. This paragraph applies only if the roadway has at least two
7 lanes for traffic proceeding in the direction of the approaching motor vehicle and if
8 the approaching motor vehicle may change lanes safely and without interfering
9 with any vehicular traffic.

10 (b) Slow the motor vehicle, maintaining a safe speed for traffic conditions, and
11 operate the motor vehicle at a reduced speed until completely past the emergency or
12 roadside service vehicle or disabled vehicle. This paragraph applies only if the
13 roadway has only one lane for traffic proceeding in the direction of the approaching
14 motor vehicle or if the approaching motor vehicle may not change lanes safely and
15 without interfering with any vehicular traffic.

16 (END)