



2007 ASSEMBLY BILL 723

January 24, 2008 - Introduced by Representatives LOTHIAN, PETROWSKI, HAHN, BERCEAU, SHERIDAN, TOWNSEND, MURSAU, JESKEWITZ, STRACHOTA, ALBERS, TURNER, A. OTT, BIES and VAN ROY, cosponsored by Senators A. LASEE, ROESSLER and SCHULTZ. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1) (intro.), 347.10 (4),
2 347.12 (1) (intro.) and 347.13 (1); and *to create* 340.01 (43d) of the statutes;
3 **relating to:** requiring headlights and other required lamps on vehicles to be
4 lighted when visibility is limited by climatic conditions and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a vehicle upon a highway during hours of darkness unless any required headlamps, tail lamps, and clearance lamps on the vehicle are lighted. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 nor more than \$20 for a first offense and not less than \$25 nor more than \$50 for a second or subsequent conviction within a year.

This bill provides that these lamps must also be lighted whenever climatic conditions limit visibility such that objects on a highway are not clearly discernible at a distance of 500 feet from the front of the vehicle. A person who violates this provision is subject to the same minimum and maximum forfeiture amounts that may be imposed for failure to use these lamps during hours of darkness.

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

5 **SECTION 1.** 29.924 (2) of the statutes is amended to read:

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1 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
2 enforcement duties, wardens may operate motor vehicles owned or leased by the
3 department upon a highway, other than an interstate, a state trunk highway or any
4 highway within the limits of any incorporated area, during hours of darkness or
5 during a period of limited visibility without lighted headlamps, tail lamps, or
6 clearance lamps, contrary to s. 347.06, if the driving will aid in the accomplishment
7 of a lawful arrest for violation of this chapter or in ascertaining whether a violation
8 of this chapter has been or is about to be committed. Any civil action or proceeding
9 brought against any warden operating a motor vehicle under this subsection is
10 subject to ss. 893.82 and 895.46.

11 **SECTION 2.** 340.01 (43d) of the statutes is created to read:

12 340.01 (43d) "Period of limited visibility" means any time that climatic
13 conditions limit visibility such that objects on a highway are not clearly discernible
14 at 500 feet from the front of a vehicle.

15 **SECTION 3.** 347.06 (1) of the statutes is amended to read:

16 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
17 vehicle upon a highway during hours of darkness or during a period of limited
18 visibility unless all headlamps, tail lamps, and clearance lamps with which ~~such the~~
19 vehicle is required to be equipped are lighted. Parking lamps as ~~defined~~ described
20 in s. 347.27 ~~shall~~ may not be used for this purpose. This subsection does not apply
21 if lamps that are automatically activated whenever the vehicle is started are in use,
22 if the headlamps are of sufficient intensity to satisfy the requirements for daytime
23 running lamps under 49 CFR 571.108, S5.5.11 (a).

24 **SECTION 4.** 347.06 (4) of the statutes is amended to read:

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1 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
2 a vehicle owned or leased by the department of natural resources upon a highway
3 during hours of darkness or during a period of limited visibility without lighted
4 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
5 under s. 29.924 (2).

6 **SECTION 5.** 347.09 (1) (intro.) of the statutes is amended to read:

7 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during
8 hours of darkness or during a period of limited visibility, unless such ~~the~~ vehicle is
9 equipped as follows:

10 **SECTION 6.** 347.10 (4) of the statutes is amended to read:

11 347.10 (4) Any motor vehicle may be operated during hours of darkness or
12 during a period of limited visibility when equipped with 2 lighted lamps upon the
13 front thereof of the motor vehicle capable of revealing persons and objects 75 feet
14 ahead in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated
15 at a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall
16 have any type of decorative covering that restricts the amount of light emitted when
17 the lighted lamp is in use. This subsection does not apply to any type of decorative
18 covering originally equipped on the vehicle at the time of manufacture and sale.

19 **SECTION 7.** 347.12 (1) (intro.) of the statutes is amended to read:

20 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
21 during hours of darkness or during a period of limited visibility, the operator shall
22 use a distribution of light or composite beam directed high enough and of sufficient
23 intensity to reveal a person or vehicle at a safe distance in advance of the vehicle,
24 subject to the following requirements and limitations:

25 **SECTION 8.** 347.13 (1) of the statutes is amended to read:

ASSEMBLY BILL 723**SECTION 8**

1 347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or
2 semitrailer upon a highway during hours of darkness or during a period of limited
3 visibility unless ~~such~~ the motor vehicle, mobile home, or trailer or semitrailer is
4 equipped with at least one tail lamp mounted on the rear which, when lighted during
5 hours of darkness, emits a red light plainly visible from a distance of 500 feet to the
6 rear. No tail lamp shall have any type of decorative covering that restricts the
7 amount of light emitted when the tail lamp is in use. No vehicle originally equipped
8 at the time of manufacture and sale with 2 tail lamps shall be operated upon a
9 highway during hours of darkness or during a period of limited visibility unless both
10 ~~such~~ lamps are in good working order. This subsection does not apply to any type of
11 decorative covering originally equipped on the vehicle at the time of manufacture
12 and sale.

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(END)