

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB363)

Received: 06/12/2001

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: TNF, ARg

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Headlamps penalties

Instructions:

Secondary enforcement; \$10 fine without court costs; no points for violation. Essentially treat just like seatbelts.

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>
/1	phurley 07/20/2001	gilfokm 07/26/2001	rschluet 07/26/2001	_____	lrb_docadmin 07/26/2001	lrb_docadmin 07/26/2001	
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FE Sent For:

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/1	phurley	7/15/01 7/24-01		PG			
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State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0604/1

PJH: *ting*

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 363

in 7-20-d

*LPS:
Fix Request
Sheet*

*#. Page 1, line 4: after "highway" insert
"and providing penalties".*

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 5: delete lines 5 to 8, and substitute:

3 2. Page 1, line 8: after that line insert:

4 ~~SECTION 1j.~~ ^{no CS} 23.33 (12) (c) of the statutes is created to read:

5 23.33 (12) (c) A law enforcement officer may not stop or inspect a vehicle during
6 daylight hours solely to determine compliance with sub. (6) (a) or a local ordinance
7 in conformity with sub. (6) (a). This paragraph does not limit the authority of a law
8 enforcement officer to issue a citation for a violation of sub. (6) (a) or a local ordinance
9 in conformity with sub. (6) (a) observed in the course of a stop or inspection made for
10 other purposes, except that a law enforcement officer may not take a person into
11 physical custody solely for a violation during daylight hours of sub. (6) (a) or a local
12 ordinance in conformity with sub. (6) (a).

13 SECTION 1m. 23.33 (13) (ck) of the statutes is created to read:

1 23.33 (13) (ck) *Penalty related to headlamps and taillamps.* A person who
2 violates sub. (6) (a) during daylight hours may be required to forfeit \$10.”

3 ✓ 3. Page 2, line 10: after that line insert:

4 (4) no (15) ✓
 SECTION 2g. 165.755 (1) (b) of the statutes is amended to read:

5 165.755 (1) (b) A court may not impose the crime laboratories and drug law
6 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar)
7 or (bm) or (5) (b) or for a violation of a state law or municipal or county ordinance
8 involving a nonmoving traffic violation, a violation during daylight hours of s. 23.33
9 (6) (a), 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.22 (1), or a safety belt use
10 violation under s. 347.48 (2m).

History: 1997 a. 27; 1999 a. 9, 72; 1999 a. 150 s. 672.

11 SECTION 2m. 302.46 (1) (a) of the statutes is amended to read:

12 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture
13 for a violation of state law or for a violation of a municipal or county ordinance except
14 for a violation of s. 101.123 (2) (a), (am) 1., (ar) or (bm) or (5) or state laws or municipal
15 or county ordinances involving nonmoving traffic violations, a violation during
16 daylight hours of s. 23.33 (6) (a), 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or
17 347.22 (1), or safety belt use violations under s. 347.48 (2m), the court, in addition,
18 shall impose a jail assessment in an amount of 1% of the fine or forfeiture imposed
19 or \$10, whichever is greater. If multiple offenses are involved, the court shall
20 determine the jail assessment on the basis of each fine or forfeiture. If a fine or
21 forfeiture is suspended in whole or in part, the court shall reduce the jail assessment
22 in proportion to the suspension.

History: 1987 a. 27; 1989 a. 22; 1989 a. 31 s. 1670c, 1670g; Stats. 1989 s. 302.46; 1989 a. 97, 359; 1991 a. 26, 32, 130, 189; 1993 a. 313; 1995 a. 201; 1999 a. 72.

23 SECTION 2r. 340.01 (10r) of the statutes is created to read:

1 340.01 (10r) "Daylight hours" means any period of time that is not during
2 hours of darkness."

3 ✓ 4. Page 3, line 20: after that line insert:

4 "SECTION 8c. 347.30 (1) ✓ of the statutes is renumbered 347.30 (1) (a) and
5 amended to read:

6 347.30 (1) (a) ~~Any~~ Except as provided in par. (b), any person violating s. 347.06
7 or 347.13 (2), (3) or (4) may be required to forfeit not less than \$10 nor more than \$20
8 for the first offense and not less than \$25 nor more than \$50 for the 2nd or subsequent
9 conviction within a year.

10 History: 1971 c. 278.

10 SECTION 8e. 347.30 (1) (b) ✓ of the statutes is created to read:

11 (11) 347.30 (1) (b) Any person violating (during daylight hours) s. 347.06 (1) may be
12 required to forfeit \$10.

13 SECTION 8g. 347.30 (2) ✓ of the statutes is renumbered 347.30 (2) (a) and
14 amended to read:

15 347.30 (2) (a) ~~Any~~ Except as provided in par. (b), any person violating s. 347.03,
16 347.07 to 347.12, 347.13 (1) or 347.14 to 347.29 may be required to forfeit not less
17 than \$10 nor more than \$200.

18 History: 1971 c. 278.

18 SECTION 8i. 347.30 (2) (b) ✓ of the statutes is created to read:

19 (19) 347.30 (2) (b) Any person violating (during daylight hours) s. 347.09 (1), 347.10
20 (4), 347.12 (1), or 347.22 may be required to forfeit \$10.

21 SECTION 8k. 349.02 (2) (d) ✓ of the statutes is created to read:

22 349.02 (2) (d) Notwithstanding par. (a) and notwithstanding sub. (1), a law
23 enforcement officer may not stop a vehicle during daylight hours solely to determine
24 compliance with s. 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.22 (1) or a local

1 ordinance in conformity with s. 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.22
 2 (1). This paragraph does not limit the authority of a law enforcement officer to issue
 3 a citation for a violation of s. 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.22
 4 (1) or a local ordinance in conformity with s. 347.06 (1), 347.09 (1), 347.10 (4), 347.12
 5 (1), or 347.22 (1) observed in the course of a stop or inspection made for other
 6 purposes, except that a law enforcement officer may not take a person into physical
 7 custody solely for a violation during daylight hours of s. 347.06 (1), 347.09 (1), 347.10
 8 (4), 347.12 (1), or 347.22 (1) or a local ordinance in conformity with s. 347.06 (1),
 9 347.09 (1), 347.10 (4), 347.12 (1), or 347.22 (1).

10 **SECTION 8m.** 757.05 (1) (a) of the statutes is amended to read:

11 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
 12 state law or for a violation of a municipal or county ordinance except for a violation
 13 of s. 101.123 (2) (a), (am) 1., (ar) or (bm) or (5) or state laws or municipal or county
 14 ordinances involving nonmoving traffic violations, a violation during daylight hours
 15 of s. 23.33 (6) (a), 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.22 (1), or safety
 16 belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty
 17 assessment in an amount of 23% of the fine or forfeiture imposed. If multiple offenses
 18 are involved, the penalty assessment shall be based upon the total fine or forfeiture
 19 for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty
 20 assessment shall be reduced in proportion to the suspension.

History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672.

21

SECTION 8c. 814.63 (1) (c) of the statutes is amended to read:

22 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
 23 101.123 (2) (a), (am) 1., (ar) or (bm) or (5), a violation during daylight hours of s. 23.33

1 (6) (a), 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.22 (1), or a safety belt use
2 violation under s. 347.48 (2m).

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72.

3 **SECTION 8q.** 814.634 (1) (a) of the statutes is amended to read:

4 814.634 (1) (a) Except for an action for a violation during daylight hours of s.
5 23.33 (6) (a), 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.22 (1) or a safety belt
6 use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect
7 a \$40 court support services fee from any person, including any governmental unit
8 as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am) or 814.63
9 (1).

History: 1993 a. 16; 1995 a. 27, 201, 417.

10 **SECTION 8s.** 814.635 (1) of the statutes is amended to read:

11 814.635 (1) Except for an action for a violation during daylight hours of s. 23.33
12 (6) (a), 347.06 (1), 347.09 (1), 347.10 (4), 347.12 (1), or 347.22 (1) or a safety belt use
13 violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$9
14 justice information system fee from any person, including any governmental unit as
15 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62
16 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information system fee is in addition
17 to the other fees listed in this section.

History: 1987 a. 27; 1989 a. 22; 1991 a. 26, 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 9.

18 **SECTION 8u.** 814.65 (1) of the statutes is amended to read:

19 814.65 (1) COURT COSTS. In a municipal court action, except an action for a
20 violation during daylight hours of s. 23.33 (6) (a), 347.06 (1), 347.09 (1), 347.10 (4),
21 347.12 (1), or 347.22 (1) or a violation of an ordinance in conformity with s. 347.48
22 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$23
23 on each separate matter, whether it is on default of appearance, a plea of guilty or

1 no contest, on issuance of a warrant or summons or the action is tried as a contested
2 matter. Of each fee received by the judge under this subsection, the municipal
3 treasurer shall pay monthly \$5 to the state treasurer for deposit in the general fund
4 and shall retain the balance for the use of the municipality.”

5 **History:** 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 403; 1989 a. 22; 1991 a. 26; 1997 a. 27.

(END)

2001 ASSEMBLY BILL 363

April 30, 2001 - Introduced by Representatives HUBLER, RYBA, BERCEAU, J. LEHMAN, SYKORA, AINSWORTH, SERATTI and BOYLE, cosponsored by Senators RISSER and SCHULTZ, by request of State of Wisconsin Council on Highway Safety. Referred to Committee on Highway Safety.

1 **AN ACT to amend** 23.33 (6) (a), 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1)
2 (intro.), 347.10 (4), 347.12 (1) (intro.) and 347.22 (1) of the statutes; **relating**
3 **to:** requiring motor vehicle headlamps to be lighted whenever the vehicle is
4 operated upon a highway.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the operation of motor vehicles upon a highway during hours of darkness unless the vehicle is properly equipped with lighted headlamps.

This bill requires headlamps on motor vehicles to be lighted whenever the motor vehicle is operated upon a highway, regardless of the time of day or atmospheric conditions.

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

5 **SECTION 1.** 23.33 (6) (a) of the statutes is amended to read:
6 23.33 (6) (a) A person who operates an all-terrain vehicle ~~during hours of~~
7 ~~darkness or during daylight hours~~ on any highway right-of-way is required to
8 display a lighted headlamp and tail lamp at all times on the all-terrain vehicle.

ASSEMBLY BILL 363

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

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

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

12 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
13 vehicle upon a highway unless all headlamps with which such vehicle is required to
14 be equipped are lighted. Except as provided in ~~subs. (2) and sub. (4)~~, no person may
15 operate a vehicle upon a highway during hours of darkness unless all headlamps, tail
16 lamps and clearance lamps with which such vehicle is required to be equipped are
17 lighted. Parking lamps, as defined in s. 347.27, shall not be used for this purpose.

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

19 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
20 a vehicle owned or leased by the department of natural resources upon a highway
21 ~~during hours of darkness~~ without lighted headlamps, tail lamps, or clearance lamps
22 in the performance of the warden's duties under s. 29.924 (2).

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

24 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway ~~during~~
25 ~~hours of darkness~~ unless such vehicle is equipped as follows:

