

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: **06/22/2001**

Received By: **fasttn**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus 267-0898**

By/Representing: **Hartsough**

This file may be shown to any legislator: **NO**

Drafter: **fasttn**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PJH, ARG - 1**

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Hartsough - AM13,

Topic:

Blue dot taillights on motorcycles

Instructions:

See Attached

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>
/?	fasttn 06/22/2001	jdye 06/22/2001		_____			
/1			jfrantze 06/23/2001	_____	lrb_docadmin 06/23/2001		
/2	fasttn	jdye	pgreensl	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/28/2001	06/28/2001	06/28/2001	_____	06/28/2001		

FE Sent For:

<END>

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/?	fasttn 06/22/2001	jdyer 06/22/2001					
/1		1/2 6/28 JLD	jfrantze 06/23/2001	TSB SDB	lrb_docadmin 06/23/2001		

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1/?	fasttn	1 6/22 jld	6/22	6/22			

FE Sent For:

<END>

Summary:

This provision ensures that the owner of a business, on-premise sign, off-premise sign, directional sign, or nonconforming sign shall be granted permission to have vegetation trimmed or removed from a highway right-of-way if:

- a. The business or sign in question cannot be viewed for six uninterrupted seconds by the public while traveling on the highway at the posted speed limit.
- b. The owner of the business and/or sign pays for the cost of the trimming/removal of the vegetation which is blocking the view of the business and/or sign.
- c. If the vegetation has to be removed, the owner of the business and/or sign pays for the purchase and planting of comparable vegetation to be located along the same highway. The new planting cannot be located in such a way that the view of another business or sign is obstructed or will be obstructed within the foreseeable future.

The Department of Transportation must grant or deny a request for vegetation management along the highway right-of-way within 30 days of receipt of the permit application.

Fiscal Impact:

None.

Provision #16, Marquette Interchange Capacity Expansion

Statement of Intent:

Requires DOT to plan for and include capacity expansion 20-30 years out as part of the Marquette Project, including the east-west corridor on I-94.

Fiscal Impact:

No fiscal impact in the 2001-2003 budget.

Provision #17, Blue Dot Tail Lights

Statement of Intent:

Allows for blue dot tail lights on motorcycles. The stop lamp for a motorcycle may emit, in addition to the red light, a blue light that is located in the center of the lamp and that comprises less than 10% of the surface area of the lamp. A stop lamp under this subsection shall be plainly visible and understandable from all distances up to 300 feet to the rear during normal sunlight when viewed from the driver's seat of the vehicle following.

Drafting should use LRBs0080/1 (Powers) and make the necessary changes to limit the blue dot taillights to motorcycles only.

Provision #18, Public Safety Radio Program

Statement of Intent:

Require DOT to pay up to 50%, but not more than \$138,000 of its share of payments for the public safety radio management program.

Summary:

The Governor and Joint Committee on Finance proposed providing \$69,300 annually in the State Patrol's appropriation for making payments to the PR-S appropriation for the public safety radio management program. This amount, when added to the base of \$68,700 in the State Patrol's appropriation for this purpose, would provide a total of \$138,000 annually for making the payment. In the past, the funding for the PR-S appropriation has been split evenly between DOT and DNR. DOT's share was split between the State Patrol (68%) and the state highway rehabilitation program (32%). According to DOT, an agreement was reached with DNR, based on radio usage, to increase DOT's share to 60% and reduce DNR's share to 40%. The funding provided by this item reflects DOT's higher share and a decision to pay the full amount from the State Patrol's appropriation. Base funding in the state highway rehabilitation program for making the payment would not be deleted by the bill and so could be used for other purposes in that program.

The amount available in the State Patrol's budget for making the payment (\$138,000) and the amount provided to DNR for making this payment (\$92,000, summarized in a separate item under the Department of Natural Resources) totals \$230,000 annually. However, total funding in the bill for the public safety radio management PR-S appropriation is only \$219,300 annually. DOT indicates that the additional funds were requested to cover anticipated pay plan adjustments and possible supplies and services increases that may be requested during the biennium under s. 16.515.

This proposal would require DOT to pay up to 50% of its share of payments for the public safety radio management program, but not more than \$138,000.

Provision #19, Extension of Port Arthur Road in Ladysmith

Statement of Intent:

Eliminate the extension of Port Arthur Road in Ladysmith.

Summary:

2001

Date (time) needed

soon

D-NOTE

(turned in 6/22)

LRB b 1483 11

ARC CAUCUS BUDGET AMENDMENT [ONLY FOR CAUCUS]

TNF: JLL:

See form AMENDMENTS — COMPONENTS & ITEMS.

LPS - Fix request sheet

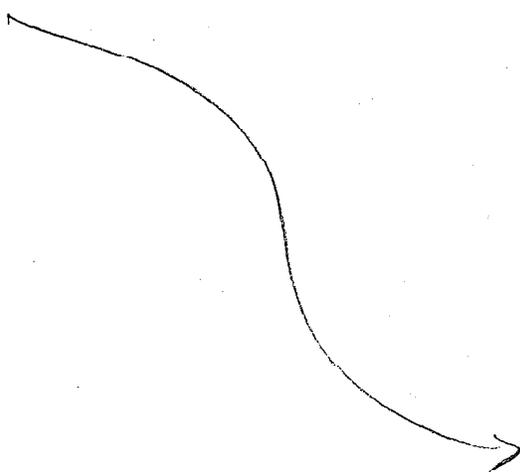
CAUCUS AMENDMENT TO ASSEMBLY SUBSTITUTE AMENDMENT 1 TO 2001 SENATE BILL 55

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 1129, line 6: after that line insert:

#. Page ..., line ...:



**ASSEMBLY SUBSTITUTE AMENDMENT
TO 2001 ASSEMBLY BILL 102**

1 ~~AN ACT to amend~~ 347.14 (2) and 347.25 (4) of the statutes; relating to: stop
2 lamps on motor vehicles, mobile homes, trailers, and semitrailers.

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

3 " SECTION 1. 347.14 (2) of the statutes is amended to read:
4 347.14 (2) A stop lamp shall be so constructed as to be actuated upon
5 application of the service or foot brake or separate trailer brake and shall emit a red
6 or amber light. The stop lamp for a motorcycle may emit, in addition to the red light,
7 a blue light that is located in the center of the lamp and that comprises less than 10%
8 of the surface area of the lamp. A stop lamp under this subsection shall be plainly
9 visible and understandable from all distances up to 300 feet to the rear during
10 normal sunlight when viewed from the driver's seat of the vehicle following.

11 SECTION 2. 347.25 (4) of the statutes is amended to read:

3445dm.

plain
don't
strike

3445dg. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

61483/1dn
LRB-0268/1dn
EEN:kmg:km
TNF: JLD

September 29, 2000 } date

4 This amendment is based on LRBs 0080/1 and is limited solely to allowing blue dot taillights on motorcycles only. In addition, the following paragraphs were contained in a drafter's note to 2001 Assembly Bill 102 prepared by Paul E. Nilsen:

Federal law preempts the manufacture and sale of motorcycle stop lamps containing the color blue. Current federal motor vehicle safety standards require the use of one red tail lamp and one red stop lamp on a motorcycle [49 CFR 571.108, Table III, rev. October 1, 1999]. When a federal motor vehicle safety standard is in effect, a state may prescribe a standard applicable to the same aspect of performance (e.g., color) of motor vehicle equipment "only if the standard is identical to the standard prescribed" under federal law or imposes a "higher performance requirement than that required by the otherwise applicable [federal] standards" [49 USC 30103 (b)]. Federal law prohibits the manufacturing, selling, and importing of motor vehicle equipment that does not comply with applicable federal standards [49 USC 30112]. Noncomplying equipment may be exempted from the standards upon application by the manufacturer, if the exemption is "necessary for research, investigations, demonstrations, training, competitive racing events, show, or display" [49 USC 30114]. A person who manufactures, sells, or imports noncomplying, nonexempt vehicle equipment may be required to forfeit \$1,000 for each violation, up to a maximum of \$800,000 [49 USC 30165 (a)]. Each item of noncomplying equipment constitutes a separate offense. I found no provision in federal law allowing the use of blue in a stop lamp.

Wisconsin law currently reserves blue lamps for use only on police vehicles as warning lights and on vehicles used by a fire department as a command post at the site of an emergency [s. 347.25 (1s) and (4), stats.]. Current Wisconsin law also prohibits the use of flashing blue lights within 100 feet of a highway if passing motorists would believe the light was a warning light of a police vehicle [s. 346.94 (14), stats.].

Minnesota allows motorcycles, or motor vehicles registered as "collector vehicles" to display a blue light up to one inch in diameter as part of the rear brake light [Minn. Stat. 169.64 (2000), as affected by 2000 Minn. Chapter Law 293]. No other state bordering Wisconsin appears to allow the use of blue in motorcycle taillights [See, Ill. Rev. Stat., Ch. 95 1/2, para. 12-208 (1995); Ind. Code Ann. 9-19-6-17 (1994); Mich. Stat. Ann. 9.2397 (2) (1993); Minn. Stat. 169.57 (1994)]. A person operating a motorcycle registered in Wisconsin and lawfully equipped with blue stop lamps that was traveling through a bordering state (other than Minnesota) might be ticketed for violating that state's equipment standards. Illinois requires red or amber taillights and brake lights, but allows 'antique' vehicles to be equipped with brake lights of a type originally installed by the manufacturer as original equipment, but only "during times when lighted lamps are not required" [625 ILCS 5/12-208 (2000)]. Michigan exempts

motor vehicles registered as "historic vehicles" (more than 25 years old and not used for general transportation) if the original lighting equipment installed by the manufacturer included a color other than red or amber [MCL 257.697 (d) (1999)].

Washington allows the taillight[✓] on any vehicle 40[✓] or more years old to bear a blue or purple insert of not more than one inch in diameter [Wash. Rev. Code 46.37.100 (1994)]. Montana allows blue taillights on any motor vehicle manufactured before 1960 [Mont. Code Anno. 61-9-204 (1999)]; Oregon allows brake lights or turn signals on vehicles manufactured before 1959 to contain a blue or purple insert, not more than one inch in diameter, if the brake light or turn signal is combined with the taillight in a the taillight assembly [Or. Rev. Stats. 816.080, 816.100, 816.120 (1999)]. I found no reported cases involving this Washington law or these type of lights. Every other state appears to restrict lights displayed on the rear of a vehicle to red, amber, or yellow. *

~~Paul E. Nilsen~~
~~Legislative Attorney~~
~~Phone: (608) 261-6926~~

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1483/1dn
TNF:jld:jf

June 22, 2001

This amendment is based on LRBs0080/1 and is limited solely to allowing blue dot taillights on motorcycles only. In addition, the following paragraphs were contained in a drafter's note to 2001 Assembly Bill 102 prepared by Paul E. Nilsen:

Federal law preempts the manufacture and sale of motorcycle stop lamps containing the color blue. Current federal motor vehicle safety standards require the use of one red tail lamp and one red stop lamp on a motorcycle [49 CFR 571.108, Table III, rev. October 1, 1999]. When a federal motor vehicle safety standard is in effect, a state may prescribe a standard applicable to the same aspect of performance (e.g., color) of motor vehicle equipment "only if the standard is identical to the standard prescribed" under federal law or imposes a "higher performance requirement than that required by the otherwise applicable [federal] standards" [49 USC 30103 (b)]. Federal law prohibits the manufacturing, selling, and importing of motor vehicle equipment that does not comply with applicable federal standards [49 USC 30112]. Noncomplying equipment may be exempted from the standards upon application by the manufacturer, if the exemption is "necessary for research, investigations, demonstrations, training, competitive racing events, show, or display" [49 USC 30114]. A person who manufactures, sells, or imports noncomplying, nonexempt vehicle equipment may be required to forfeit \$1,000 for each violation, up to a maximum of \$800,000 [49 USC 30165 (a)]. Each item of noncomplying equipment constitutes a separate offense. I found no provision in federal law allowing the use of blue in a stop lamp.

Wisconsin law currently reserves blue lamps for use only on police vehicles as warning lights and on vehicles used by a fire department as a command post at the site of an emergency [s. 347.25 (1s) and (4), stats.]. Current Wisconsin law also prohibits the use of flashing blue lights within 100 feet of a highway if passing motorists would believe the light was a warning light of a police vehicle [s. 346.94 (14), stats.].

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Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

Fast, Timothy

From: Hanaman, Cathlene
Sent: Wednesday, June 27, 2001 2:09 PM
To: Fast, Timothy
Subject: FW: LRB Draft: 01b1483/1 Blue dot taillights on motorcycles

-----Original Message-----

From: Hartsough, Melanie
Sent: Wednesday, June 27, 2001 2:08 PM
To: Hanaman, Cathlene
Subject: LRB Draft: 01b1483/1 Blue dot taillights on motorcycles

On Page 1, line 6 the words "~~or amber~~" should have a strike through line. Otherwise the draft looks fine.

Melanie Hartsough
Wisconsin's Assembly Republican Caucus
Melanie.Hartsough@legis.state.wi.us
Toll-free: (888) 394-1452
Direct: (608) 267-0898

WANTED
soon
turned in 6/28

2001 - 2002 LEGISLATURE

2 (Redraft
LRBb1483/d matter
TNF:jld:jf has been
run)

ARC:.....Hartsough - AM13, Blue dot taillights on motorcycles

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 1. Page 1129, line 6: after that line insert:

3 "SECTION 3445dg. 347.14 (2) of the statutes is amended to read:

4 347.14 (2) A stop lamp shall be so constructed as to be actuated upon

5 application of the service or foot brake or separate trailer brake and shall emit a red

6 ~~or amber~~ light. The stop lamp for a motorcycle may emit, in addition to the red light,

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