



2003 ASSEMBLY BILL 22

February 5, 2003 - Introduced by Representatives AINSWORTH, BIES, HAHN, HINES, JESKEWITZ, J. LEHMAN, OTT, OWENS, SHILLING and TOWNSEND, cosponsored by Senator A. LASEE. Referred to Committee on Highway Safety.

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.), 347.13 (1), 347.16 (1) (intro.) and 347.16 (2) (intro.); and **to**
3 **create** 347.06 (1m) and 347.06 (5) of the statutes; **relating to:** requiring
4 headlights and other required lamps on vehicles to be lighted when visibility
5 is limited by inclement weather 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 of 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, except when headlamps that are automatically activated are lighted. 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, although the bill prohibits a law enforcement officer from stopping or inspecting a vehicle solely to determine whether the required lamps are lit when climatic conditions limit visibility.

The bill also requires certain vehicles to be equipped with rear reflectors whenever climatic conditions limit visibility.

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For further information see the *state* 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:

1 **SECTION 1.** 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 or
6 whenever climatic conditions limit visibility, without lighted headlamps, tail lamps,
7 or clearance lamps, contrary to s. 347.06 (1) or (1m), if the driving will aid in the
8 accomplishment of a lawful arrest for violation of this chapter or in ascertaining
9 whether a violation of this chapter has been or is about to be committed. Any civil
10 action or proceeding brought against any warden operating a motor vehicle under
11 this subsection is subject to ss. 893.82 and 895.46.

12 **SECTION 2.** 347.06 (1) of the statutes is amended to read:

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

18 **SECTION 3.** 347.06 (1m) of the statutes is created to read:

19 347.06 (1m) Except as provided in subs. (2) and (4), no person may operate a
20 vehicle upon a highway whenever climatic conditions limit visibility unless all
21 headlamps, tail lamps, and clearance lamps that the vehicle is required to be

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1 equipped with are lighted. Parking lamps as described in s. 347.27 may
2 not be used for this purpose. This subsection does not apply if lamps that are
3 automatically activated whenever the vehicle is started are in use, if the headlamps
4 are of sufficient intensity to satisfy the requirements for daytime running lamps
5 under 49 CFR 571.108, S5.5.11 (a).

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

7 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
8 a vehicle owned or leased by the department of natural resources upon a highway
9 during hours of darkness or whenever climatic conditions limit visibility, without
10 lighted headlamps, tail lamps, or clearance lamps in the performance of the warden's
11 duties under s. 29.924 (2).

12 **SECTION 5.** 347.06 (5) of the statutes is created to read:

13 347.06 (5) Notwithstanding s. 349.02, a law enforcement officer may not stop
14 or inspect a vehicle solely to determine compliance with sub. (1m) or a local ordinance
15 in conformity with sub. (1m). This subsection does not limit the authority of a law
16 enforcement officer to issue a citation for a violation of sub. (1m) or a local ordinance
17 in conformity with sub. (1m) observed in the course of a stop or inspection made for
18 other purposes, except that a law enforcement officer may not take a person into
19 physical custody solely for a violation of sub. (1m) or a local ordinance in conformity
20 with sub. (1m).

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

22 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during
23 hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever
24 climatic conditions limit visibility, unless ~~sueh~~ the vehicle is equipped as follows:

25 **SECTION 7.** 347.10 (4) of the statutes is amended to read:

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1 347.10 (4) Any motor vehicle may be operated during hours of darkness or,
2 subject to the exceptions contained in s. 347.06 (1m), whenever climatic conditions
3 limit visibility, when equipped with 2 lighted lamps upon the front thereof of the
4 motor vehicle capable of revealing persons and objects 75 feet ahead in lieu of lamps
5 required by subs. (1) to (3) if such vehicle at no time is operated at a speed in excess
6 of 20 miles per hour. No lighted lamp under this subsection shall have any type of
7 decorative covering that restricts the amount of light emitted when the lighted lamp
8 is in use. This subsection does not apply to any type of decorative covering originally
9 equipped on the vehicle at the time of manufacture and sale.

10 **SECTION 8.** 347.12 (1) (intro.) of the statutes is amended to read:

11 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
12 during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m),
13 whenever climatic conditions limit visibility, the operator shall use a distribution of
14 light or composite beam directed high enough and of sufficient intensity to reveal a
15 person or vehicle at a safe distance in advance of the vehicle, subject to the following
16 requirements and limitations:

17 **SECTION 9.** 347.13 (1) of the statutes is amended to read:

18 347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or
19 semitrailer upon a highway during hours of darkness or, subject to the exceptions
20 contained in s. 347.06 (1m), whenever climatic conditions limit visibility, unless such
21 the motor vehicle, mobile home, or trailer or semitrailer is equipped with at least one
22 tail lamp mounted on the rear which, when lighted during hours of darkness, emits
23 a red light plainly visible from a distance of 500 feet to the rear. No tail lamp shall
24 have any type of decorative covering that restricts the amount of light emitted when
25 the tail lamp is in use. No vehicle originally equipped at the time of manufacture and

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1 sale with 2 tail lamps shall be operated upon a highway during hours of darkness or,
2 subject to the exceptions contained in s. 347.06 (1m), whenever climatic conditions
3 limit visibility, unless both such lamps are in good working order. This subsection
4 does not apply to any type of decorative covering originally equipped on the vehicle
5 at the time of manufacture and sale.

6 **SECTION 10.** 347.16 (1) (intro.) of the statutes is amended to read:

7 347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~
8 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80
9 inches during hours of darkness or, subject to the exceptions contained in s. 347.06
10 (1m), whenever climatic conditions limit visibility, unless such the vehicle is
11 equipped with:

12 **SECTION 11.** 347.16 (2) (intro.) of the statutes is amended to read:

13 347.16 (2) (intro.) No person shall operate any of the following vehicles on a
14 highway during hours of darkness or, subject to the exceptions contained in s. 347.06
15 (1m), whenever climatic conditions limit visibility, unless such the vehicles are
16 equipped as indicated:

17 (END)