

2007 DRAFTING REQUEST

Bill

Received: **01/07/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB: **05-1271**

For: **Thomas Lothian (608) 266-1190**

By/Representing: **Jason Rostan**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Lothian@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring headlights and required lamps to be lit when visibility limited by inclement weather.

Instructions:

Redraft 2005 AB 98 (LRB 05-1271), including changes in AA1

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>
/?	bbalinsk 01/14/2008	wjackson 01/17/2008		_____			
/P1			jfrantze 01/17/2008	_____	lparisi 01/17/2008		
/1	bbalinsk 01/22/2008	wjackson 01/22/2008	jfrantze 01/22/2008	_____	lparisi 01/22/2008	lparisi 01/22/2008	

FE Sent For: *W/A*

<END>

2007 DRAFTING REQUEST

Bill

Received: **01/07/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB: **05-1271**

For: **Thomas Lothian (608) 266-1190**

By/Representing: **Jason Rostan**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Lothian@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring headlights and required lamps to be lit when visibility limited by inclement weather.

Instructions:

Redraft 2005 AB 98 (LRB 05-1271), including changes in AA1

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>
/?	bbalinsk 01/14/2008	wjackson 01/17/2008		_____			
/P1		1 wly 1/22	jfrantze 01/17/2008	_____	lparisi 01/17/2008		

FE Sent For:

Jef Seef
1/22/08
<END>

Please Jacket

2007 DRAFTING REQUEST

Bill

Received: **01/07/2008**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB: **05-1271**

For: **Thomas Lothian (608) 266-1190**

By/Representing: **Jason Rostan**

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

Drafter: **bbalinsk**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Lothian@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring headlights and required lamps to be lit when visibility limited by inclement weather.

Instructions:

Redraft 2005 AB 98 (LRB 05-1271), including changes in AA1

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>
/?	bbalinsk	/pl wlj 1/17	 1/17	 1/17			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/7/08

Jasan - Rep. Lathian

1271

AB-98 → requir headlight

IN 1/14/07
SOON

7
2005 ASSEMBLY BILL 98

February 8, 2005 - Introduced by Representatives AINSWORTH, ALBERS, BIES, FREESE, GUNDERSON, HINES, OTT, OWENS, SHERIDAN, SHILLING, TOWNSEND and VAN ROY, cosponsored by Senator A. LASEE. Referred to Committee on Highway Safety.

D-NOTE

Regen

1 AN ACT ^{Regen} 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 347.06 (1m) of the statutes;
3 relating to: requiring headlights and other required lamps on vehicles to be
4 lighted when visibility is limited by ^{climatic} 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 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.

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:

ASSEMBLY BILL 98

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 such that objects on the highway are not
 7 clearly discernible at 500 feet from the front of the vehicle, without lighted
 8 headlamps, tail lamps, or clearance lamps, contrary to s. 347.06 (1) or (1m), if the
 9 driving will aid in the accomplishment of a lawful arrest for violation of this chapter
 10 or in ascertaining whether a violation of this chapter has been or is about to be
 11 committed. Any civil action or proceeding brought against any warden operating a
 12 motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

13 ✓ INSERT 2-12 →

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

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

19 INSERT 2-18

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

20 347.06 (1m) Except as provided in subs. (2) and (4), no person may operate a
 21 vehicle upon a highway whenever climatic conditions limit visibility such that
 22 objects on the highway are not clearly discernible at 500 feet from the front of the
 23 vehicle unless all headlamps, tail lamps, and clearance lamps with which the vehicle
 24 is required to be equipped with are lighted. Parking lamps as described in s. 347.27
 25 may not be used for this purpose. This subsection does not apply if lamps that are

ASSEMBLY BILL 98

1 automatically activated whenever the vehicle is started are in use, if the headlamps
 2 are of sufficient intensity to satisfy the requirements for daytime running lamps
 3 under 49 CFR 571.108, S5.5.11 (a).

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

5 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
 6 a vehicle owned or leased by the department of natural resources upon a highway
 7 during hours of darkness or whenever climatic conditions limit visibility such that
 8 objects on the highway are not clearly discernible at 500 feet from the front of the
 9 vehicle, ^{during a period of limited visibility} without lighted headlamps, tail lamps, or clearance lamps in the
 10 performance of the warden's duties under s. 29.924 (2).

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

12 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during
 13 hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever
 14 climatic conditions limit visibility such that objects on the highway are not clearly
 15 discernible at 500 feet from the front of the vehicle, ^{or during a period of limited} unless such the vehicle is
 16 equipped as follows:

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

18 347.10 (4) Any motor vehicle may be operated during hours of darkness or,
 19 subject to the exceptions contained in s. 347.06 (1m), whenever climatic conditions
 20 limit visibility such that objects on the highway are not clearly discernible at 500 feet
 21 from the front of the vehicle, ^{during a period of limited visibility} when equipped with 2 lighted lamps upon the front
 22 thereof of the motor vehicle capable of revealing persons and objects 75 feet ahead
 23 in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at
 24 a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall
 25 have any type of decorative covering that restricts the amount of light emitted when

ASSEMBLY BILL 98

1 the lighted lamp is in use. This subsection does not apply to any type of decorative
2 covering originally equipped on the vehicle at the time of manufacture and sale.

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

4 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
5 during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m),
6 whenever climatic conditions limit visibility such that objects on the highway are not
7 clearly discernible at 500 feet from the front of the vehicle, *or during a period of limited visibility* the operator shall use a
8 distribution of light or composite beam directed high enough and of sufficient
9 intensity to reveal a person or vehicle at a safe distance in advance of the vehicle,
10 subject to the following requirements and limitations:

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

12 347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or
13 semitrailer upon a highway during hours of darkness or, subject to the exceptions
14 contained in s. 347.06 (1m), whenever climatic conditions limit visibility such that
15 objects on the highway are not clearly discernible at 500 feet from the front of the
16 vehicle, unless such the motor vehicle, mobile home, or trailer or semitrailer is
17 equipped with at least one tail lamp mounted on the rear which, when lighted during
18 hours of darkness, emits a red light plainly visible from a distance of 500 feet to the
19 rear. No tail lamp shall have any type of decorative covering that restricts the
20 amount of light emitted when the tail lamp is in use. No vehicle originally equipped
21 at the time of manufacture and sale with 2 tail lamps shall be operated upon a
22 highway during hours of darkness or, subject to the exceptions contained in s. 347.06
23 (1m), whenever climatic conditions limit visibility such that objects on the highway
24 are not clearly discernible at 500 feet from the front of the vehicle, unless both such
25 lamps are in good working order. This subsection does not apply to any type of

ASSEMBLY BILL 98

1 decorative covering originally equipped on the vehicle at the time of manufacture
2 and sale.

3 (END)

D-NOTE ✓

INSERTS

2005 - 2006 LEGISLATURE

LRBa0310/1

PJH:kjf:pg

ASSEMBLY AMENDMENT 1, TO 2005 ASSEMBLY BILL 98

March 15, 2005 - Offered by Representative PETROWSKI.

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

2 ✓ **1.** Page 2, line 6: delete the material beginning with "whenever" and ending
3 with "vehicle" on line 7 and substitute "during a period of limited visibility".

4 ✓ **2.** Page 2, line 8: delete "(1) or (1m)".

5 ✓ **3.** Page 2, line 12: after that line insert:

6 "SECTION ~~1a~~ 340.01 (43d) of the statutes is created to read:

7 340.01 **(43d)** "Period of limited visibility" means any time that climatic
8 conditions limit visibility such that objects on a highway are not clearly discernible
9 at 500 feet from the front of a vehicle."

10 ✓ **4.** Page 2, line 15: after "darkness" insert "or during a period of limited
11 visibility".

12 ✓ **5.** Page 2, line 16: delete "equipped with" and substitute "equipped".

INSERT 2-12

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3767?dn

BAB:.....

Wlj

ATTN: Jason Rostan

The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent. Your request specified that several statutes requiring the use of headlamps and tail lamps while operating a motor vehicle, mobile home, trailer or semitrailer during hours of darkness be amended to require the use of those lights during a period of limited visibility. I note that there are a number of other statutes in chapters 346 and 347 that also require use of lights during hours of darkness. Specifically, those statutes include: ss. 346.05 (2) (highway maintenance vehicles); 347.16 (vehicles over 80 inches in width); 347.23 (1) and (4) (highway maintenance vehicles); 347.24 (1) (a) (implements of husbandry); 347.24 (2) (animal-drawn vehicles); 347.26 (11) (b) and 347.27 (1) (parking); 347.28 (2) (explosives or flammable liquid transporters); 347.29 (1) (intro.) and (3) (intro) (vehicles left standing on a highway); and 347.489 (1) (bicycles, motor bicycles and electric personal assistive mobility devices). Would you like to amend any of those statutes to require the use of vehicle lights during periods of limited visibility?

I noticed that AA1 to 2005 AB 98, on page 2, line 4, provides an exception for daytime running lights under "49 CFR 571.08 S5.5.11 (a)," which appears to be a typographical error because there is no such federal code provision. I have instead substituted 49 CFR 571.108 S5.5.11 (a), which I believe is the correct federal code provision; however, you may wish to confirm with the Department of Transportation that this citation is now correct.

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3767/P1dn
BAB:wlj:jf

January 17, 2008

ATTN: Jason Rostan

The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent. Your request specified that several statutes requiring the use of headlamps and tail lamps while operating a motor vehicle, mobile home, trailer, or semitrailer during hours of darkness be amended to require the use of those lights during a period of limited visibility. I note that there are a number of other statutes in chapters 346 and 347 that also require use of lights during hours of darkness. Specifically, those statutes include: ss. 346.05 (2) (highway maintenance vehicles); 347.16 (vehicles over 80 inches in width); 347.23 (1) and (4) (highway maintenance vehicles); 347.24 (1) (a) (implements of husbandry); 347.24 (2) (animal-drawn vehicles); 347.26 (11) (b) and 347.27 (1) (parking); 347.28 (2) (explosives or flammable liquid transporters); 347.29 (1) (intro.) and (3) (intro.) (vehicles left standing on a highway); and 347.489 (1) (bicycles, motor bicycles, and electric personal assistive mobility devices). Would you like to amend any of those statutes to require the use of vehicle lights during periods of limited visibility?

I noticed that AA1 to 2005 AB 98, on page 2, line 4, provides an exception for daytime running lights under "49 CFR 571.08 S5.5.11 (a)," which appears to be a typographical error because there is no such federal code provision. I have instead substituted "49 CFR 571.108 S5.5.11 (a)," which I believe is the correct federal code provision; however, you may wish to confirm with the Department of Transportation that this citation is now correct.

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

Parisi, Lori

From: Rostan, Jason
Sent: Friday, January 18, 2008 1:28 PM
To: Parisi, Lori
Subject: RE: Draft review: LRB 07-3767/P1 Topic: Requiring headlights and required lamps to be lit when visibility limited by inclement weather

needs to go to / 1

for jacketing

The bill looks good. You could jacket it for the Assembly.

From: Parisi, Lori
Sent: Thursday, January 17, 2008 2:16 PM
To: Rep.Lothian
Subject: Draft review: LRB 07-3767/P1 Topic: Requiring headlights and required lamps to be lit when visibility limited by inclement weather.

Following is the PDF version of draft LRB 07-3767/P1 and drafter's note.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3767/P1

BAB:wlj:jf

stay ← RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 1/22/08

Need today

No changes

Regen

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:

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:

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:

