

2013 DRAFTING REQUEST

Bill

Received: 1/3/2014 Received By: agary
Wanted: As time permits Same as LRB:
For: Travis Tranel (608) 266-1170 By/Representing: Stephanie Louis
May Contact: Drafter: agary
Subject: Transportation - traffic laws Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Rep.Tranel@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Requiring headlights to be used during inclement weather

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>
/?	agary 1/14/2014	scalvin 1/29/2014		_____			
/P1	agary 2/18/2014		rschluet 1/30/2014	_____	lparisi 1/30/2014		
/1		scalvin 2/18/2014	rschluet 2/18/2014	_____	lparisi 2/18/2014	lparisi 2/18/2014	

FE Sent For:

↳ Not
Needed

<END>

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/P1			rschlue 1/30/2014	_____	lparisi 1/30/2014		
FE Sent For:		1 sac 02/18/2014	1 sac 02/18/2014				

<END>

PA's: Please
jacket the
//.
Thx. ARG

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1?	agary	/PI SAC 01/28/2014	/PI SAC 01/29/2014				

FE Sent For:

<END>

Gary, Aaron

From: Louis, Stephanie
Sent: Thursday, January 02, 2014 3:11 PM
To: Gary, Aaron
Subject: Drafting Request from Rep. Tranel re: Required use of headlamps during adverse weather

Aaron,

Rep. Tranel would like to draft a bill to require the use of headlamps on vehicles during adverse weather. It is my understanding that current law only explicitly requires motorists to use headlamps during hours of darkness. I am hoping either you or Eric might be available to draft something for Rep. Tranel. Please let me know if you need any more information.

Thank you,

Stephanie Louis

Office of Rep. Tranel
slouis@legis.wi.gov
608-266-1170



State of Wisconsin
2009 - 2010 LEGISLATURE

13 4
2013

in
VH
D-Note

-3897/P1
LRB-34567
bik:rd
ARL: SAC

2009 SENATE BILL 382

November 3, 2009. Introduced by Senators LEHMAN, HOLPERIN, SCHULTZ, TAYLOR, OLSEN and A. LASEE, cosponsored by Representatives LOTHIAN, BROOKS, TOWNSEND, KAUFERT, GUNDERSON, BERCEAU, A. OTT, BIES, TURNER and BENEDICT. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

gen cat

- 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:** use of lamps on vehicles when visibility is limited by climatic weather
- 4 conditions and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a motor vehicle upon a highway during hours of darkness unless the vehicle is equipped with headlamps and tail lamps. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 nor more than \$200. Also 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 and not 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.

weather
This bill provides that no person may operate a motor vehicle upon a highway when climatic conditions limit visibility such that objects on a highway are not clearly discernable at a distance of 500 feet from the front of a vehicle (a period of limited visibility) unless the motor vehicle is equipped with headlamps and tail lamps. This bill also provides that required headlamps, tail lamps, and clearance lamps be lighted during periods of limited visibility. A person who violates these provisions is subject to the same minimum and maximum forfeiture amounts that

SENATE BILL 382

may be imposed for improper lighting equipment or improper use of these lamps during hours of darkness.

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

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

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

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

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

weather
climatic

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

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

SENATE BILL 382

1 if lamps that are automatically activated whenever the vehicle is started are in use,
2 if the headlamps are of sufficient intensity to satisfy the requirements for daytime
3 running lamps 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 during a period of limited visibility without lighted
8 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
9 under s. 29.924 (2).

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

11 347.09 (1) (intro.) No person ~~shall~~ may operate a motor vehicle on a highway
12 during hours of darkness or during a period of limited visibility, unless ~~such~~ the
13 vehicle is equipped as follows:

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

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

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

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

LRB-3897/P1dn

ARG:/.....

SAC

-date-

Please review the attached draft carefully to ensure that it is consistent with your intent.

Under current law, motorcycles must always be operated with their headlights on. See s. 346.595 (5). I note that this bill does not apply to bicycles, motor bicycles, and electric personal assistive mobility devices (commonly known by the trade name Segway), which are required to display a white light during hours of darkness. See s. 347.489 (1). Do you want the bill to apply to the vehicles listed in s. 347.489 (1)?

* This bill is ~~very~~ similar to 2009 SB-382. In 2001 AB-82, the same idea was drafted in a slightly different way.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

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

LRB-3897/P1dn
ARG:sac:rs

January 30, 2014

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Curry, Jeff
Sent: Tuesday, February 18, 2014 1:34 PM
To: Gary, Aaron
Subject: Rep. Tranel's Office - Draft review: LRB -3897/P1 Topic: Requiring headlights to be used during inclement weather
Attachments: 13-3897/P1.pdf; DraftersNote1.pdf
Importance: High

Aaron,

Rep. Tranel would like to have this bill jacked for introduction please.

Thanks,

Jeff Curry
Rep. Tranel's Office

From: LRB.Legal
Sent: Thursday, January 30, 2014 10:25 AM
To: Rep.Tranel
Subject: Draft review: LRB -3897/P1 Topic: Requiring headlights to be used during inclement weather

Following is the PDF version of draft LRB -3897/P1 and drafter's note.



in
2/18



LRB-3897/P1 1

ARG:sac:rs

TODAY

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

- gen cat

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This bill provides that no person may operate a motor vehicle upon a highway when weather conditions limit visibility such that objects on a highway are not clearly discernable at a distance of 500 feet from the front of a vehicle (a period of limited visibility) unless the motor vehicle is equipped with headlamps and tail lamps. This bill also provides that required headlamps, tail lamps, and clearance lamps be lighted during periods of limited visibility. A person who violates these provisions is subject to the same minimum and maximum forfeiture amounts that

may be imposed for improper lighting equipment or improper use of these lamps during hours of darkness.

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7 clearance lamps, ~~contrary to s. 347.06~~, if the driving will aid in the accomplishment
8 of a lawful arrest for violation of this chapter or in ascertaining whether a violation
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