



1997 ASSEMBLY BILL 322

April 28, 1997 - Introduced by Representatives BAUMGART, AINSWORTH, BOCK, DOBYNS, DUEHOLM, KELSO, F. LASEE, OTT and REYNOLDS, cosponsored by Senators RUDE, BRESKE and A. LASEE. Referred to Committee on Highways and Transportation.

1 **AN ACT to amend** 29.05 (4), 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.), 347.16 (2) (intro.) and 347.42;
3 and **to create** 340.01 (74v), 343.23 (2) (c), 347.06 (1m) and 347.06 (5) of the
4 statutes; **relating to:** requiring headlights and other required lamps on
5 vehicles to be lighted while windshield wipers are being used.

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. Failure to comply with this requirement may result in 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 2nd or subsequent conviction within a year.

This bill provides that these lamps must also be lighted whenever the windshield wipers of the vehicle are being used, except temporary use to clean the windshield. 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 bill also prohibits a law enforcement officer from stopping or inspecting a vehicle solely to determine compliance with the above requirement and specifies that convictions for not having any required headlamps, tail lamps and clearance lamps of a vehicle lighted may not be recorded on the motorist's driving record.

The bill also requires certain vehicles to be equipped with rear reflectors whenever the windshield wipers of a vehicle are being used.

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For further information see the *state and local* 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.** 29.05 (4) of the statutes is amended to read:

2 29.05 (4) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
3 enforcement duties under this chapter, duly authorized wardens may operate
4 vehicles owned or leased by the department upon a highway, other than an
5 interstate, a state trunk highway or any highway within the limits of any
6 incorporated area, during hours of darkness or at any time a windshield wiper is
7 being used on the windshield of the vehicle, without lighted headlamps, tail lamps
8 or clearance lamps, contrary to s. 347.06 (1) or (1m), if the driving will aid in the
9 accomplishment of a lawful arrest for violation of this chapter or rules promulgated
10 under this chapter or in ascertaining whether a violation of this chapter or rules
11 promulgated under this chapter has been or is about to be committed. Any civil
12 action or proceeding brought against any warden operating a motor vehicle under
13 this subsection is subject to ss. 893.82 and 895.46.

14 **SECTION 2.** 340.01 (74v) of the statutes is created to read:

15 340.01 (74v) "Windshield wiper" means a mechanical device for cleaning rain,
16 snow or other moisture from the windshield of a vehicle.

17 **SECTION 3.** 343.23 (2) (c) of the statutes is created to read:

18 343.23 (2) (c) The file for a licensee under par. (a) shall not include any
19 conviction under s. 347.06 or a local ordinance in conformity therewith or a law of a
20 federally recognized American Indian tribe or band in this state in conformity with
21 s. 347.06 or the law of another jurisdiction prohibiting operating a vehicle without

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1 lighted headlamps, tail lamps or clearance lamps, as those or substantially similar
2 terms are used in that jurisdiction's laws.

3 **SECTION 4.** 347.06 (1) of the statutes is amended to read:

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

8 **SECTION 5.** 347.06 (1m) of the statutes is created to read:

9 347.06 (1m) Except as provided in subs. (2) and (4), no person may operate a
10 vehicle upon a highway at any time a windshield wiper is being used on the
11 windshield of the vehicle unless all headlamps, tail lamps and clearance lamps with
12 which such vehicle is required to be equipped are lighted. Parking lamps as
13 described in s. 347.27 shall not be used for this purpose. This subsection does not
14 apply to temporary use of a windshield wiper for the sole purpose of cleaning the
15 windshield.

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

17 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
18 a vehicle owned or leased by the department of natural resources upon a highway,
19 during hours of darkness or at any time a windshield wiper is being used on the
20 windshield of the vehicle, without lighted headlamps, tail lamps or clearance lamps
21 in the performance of the warden's duties under s. 29.05 (4).

22 **SECTION 7.** 347.06 (5) of the statutes is created to read:

23 347.06 (5) Notwithstanding s. 349.02, a law enforcement officer may not stop
24 or inspect a vehicle solely to determine compliance with sub. (1m) or a local ordinance
25 in conformity with sub. (1m). This subsection does not limit the authority of a law

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1 enforcement officer to issue a citation for a violation of sub. (1m) or a local ordinance
2 in conformity with sub. (1m) observed in the course of a stop or inspection made for
3 other purposes, except that a law enforcement officer may not take a person into
4 physical custody solely for a violation of sub. (1m) or a local ordinance in conformity
5 with sub. (1m).

6 **SECTION 8.** 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 at any time a windshield wiper is being used on the windshield
9 of the vehicle unless such vehicle is equipped as follows:

10 **SECTION 9.** 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 at
12 any time a windshield wiper is being used on the windshield of the vehicle, except
13 for temporary use of a windshield wiper for the sole purpose of cleaning the
14 windshield, when equipped with 2 lighted lamps upon the front thereof capable of
15 revealing persons and objects 75 feet ahead in lieu of lamps required by subs. (1) to
16 (3) if such vehicle at no time is operated at a speed in excess of 20 miles per hour. No
17 lighted lamp under this subsection shall have any type of decorative covering that
18 restricts the amount of light emitted when the lighted lamp is in use. This subsection
19 does not apply to any type of decorative covering originally equipped on the vehicle
20 at the time of manufacture and sale.

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

22 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
23 during hours of darkness or at any time a windshield wiper is being used on the
24 windshield of the vehicle, except for temporary use of a windshield wiper for the sole
25 purpose of cleaning the windshield, the operator shall use a distribution of light or

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1 composite beam directed high enough and of sufficient intensity to reveal a person
2 or vehicle at a safe distance in advance of the vehicle, subject to the following
3 requirements and limitations:

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

5 347.13 (1) No person shall operate a motor vehicle, mobile home or trailer or
6 semitrailer upon a highway during hours of darkness or at any time a windshield
7 wiper is being used on the windshield of the vehicle unless such motor vehicle, mobile
8 home or trailer or semitrailer is equipped with at least one tail lamp mounted on the
9 rear which, when lighted during hours of darkness or at any time a windshield wiper
10 is being used on the windshield of the vehicle, except for temporary use of a
11 windshield wiper for the sole purpose of cleaning the windshield, emits a red light
12 plainly visible from a distance of 500 feet to the rear. No tail lamp shall have any type
13 of decorative covering that restricts the amount of light emitted when the tail lamp
14 is in use. No vehicle originally equipped at the time of manufacture and sale with
15 2 tail lamps shall be operated upon a highway during hours of darkness unless both
16 such lamps are in good working order. This subsection does not apply to any type of
17 decorative covering originally equipped on the vehicle at the time of manufacture
18 and sale.

19 **SECTION 12.** 347.16 (1) (intro.) of the statutes is amended to read:

20 347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~
21 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80
22 inches during hours of darkness or at any time a windshield wiper is being used on
23 the windshield of the vehicle unless such vehicle is equipped with:

24 **SECTION 13.** 347.16 (2) (intro.) of the statutes is amended to read:

