



1997 SENATE BILL 402

January 15, 1998 - Introduced by Senators RISSER and ROESSLER, cosponsored by Representatives RYBA, BOYLE and LA FAVE. Referred to Committee on Labor, Transportation and Financial Institutions.

1 **AN ACT to amend** 23.33 (6) (a), 29.05 (4), 347.06 (1), 347.06 (4), 347.09 (1) (intro.),
2 347.10 (4), 347.12 (1) (intro.) and 347.22 (1) of the statutes; **relating to:**
3 requiring motor vehicle headlamps to be lighted whenever the vehicle is
4 operated upon a highway.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the operation of motor vehicles upon a highway during hours of darkness unless the vehicle is properly equipped with lighted headlamps.

This bill requires headlamps on motor vehicles to be lighted whenever the motor vehicle is operated upon a highway, regardless of the time of day or atmospheric conditions.

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

5 **SECTION 1.** 23.33 (6) (a) of the statutes is amended to read:

6 23.33 (6) (a) A person who operates an all-terrain vehicle ~~during hours of~~
7 ~~darkness or during daylight hours~~ on any highway right-of-way is required to
8 display a lighted headlamp and tail lamp on the all-terrain vehicle.

9 **SECTION 2.** 29.05 (4) of the statutes is amended to read:

10 29.05 (4) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
11 enforcement duties under this chapter, duly authorized wardens may operate

1 vehicles owned or leased by the department upon a highway, other than an
2 interstate, ~~a state trunk highway~~ or any highway within the limits of any
3 incorporated area, during hours of darkness without lighted headlamps, tail lamps
4 or clearance lamps, contrary to s. 347.06, if the driving will aid in the
5 accomplishment of a lawful arrest for violation of this chapter or rules promulgated
6 under this chapter or in ascertaining whether a violation of this chapter or rules
7 promulgated under this chapter has been or is about to be committed. Any civil
8 action or proceeding brought against any warden operating a motor vehicle under
9 this subsection is subject to ss. 893.82 and 895.46.

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

11 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
12 vehicle upon a highway unless all headlamps with which such vehicle is required to
13 be equipped are lighted. Except as provided in ~~subs. (2) and sub. (4)~~, no person may
14 operate a vehicle upon a highway during hours of darkness unless all ~~headlamps~~, tail
15 lamps and clearance lamps with which such vehicle is required to be equipped are
16 lighted. Parking lamps as defined in s. 347.27 shall not be used for this purpose.

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

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

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

23 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway ~~during~~
24 ~~hours of darkness~~ unless such vehicle is equipped as follows:

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

