

2001 ASSEMBLY BILL 16

January 16, 2001 - Introduced by Representatives OLSEN, OTT, KREIBICH and FREESE, cosponsored by Senators HUELSMAN and ROSENZWEIG. 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.), 347.16 (2) (intro.) and 347.26
3 (1) of the statutes; **relating to:** requiring headlamps and other required lamps
4 on motor vehicles to be lighted whenever visibility is impaired by fog and
5 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, with limited exceptions. This bill provides that these lamps must also be lighted whenever visibility is impaired by fog.

A person who violates any of these provisions may be required to forfeit not less than \$10 no more than \$20 for a first offense and not less than \$25 nor more than \$50 for a second or subsequent offense within a year.

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

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

ASSEMBLY BILL 16**SECTION 1**

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

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

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

17 **SECTION 3.** 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 or whenever visibility is impaired by fog, without lighted
21 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
22 under s. 29.924 (2).

23 **SECTION 4.** 347.09 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 16

1 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during
2 hours of darkness or whenever visibility is impaired by fog unless such vehicle is
3 equipped as follows:

4 **SECTION 5.** 347.10 (4) of the statutes is amended to read:

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

13 **SECTION 6.** 347.12 (1) (intro.) of the statutes is amended to read:

14 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
15 during hours of darkness or whenever visibility is impaired by fog, the operator shall
16 use a distribution of light or composite beam directed high enough and of sufficient
17 intensity to reveal a person or vehicle at a safe distance in advance of the vehicle,
18 subject to the following requirements and limitations:

19 **SECTION 7.** 347.13 (1) of the statutes is amended to read:

20 347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or
21 semitrailer upon a highway during hours of darkness or whenever visibility is
22 impaired by fog unless such motor vehicle, mobile home, or trailer or semitrailer is
23 equipped with at least one tail lamp mounted on the rear which, when lighted during
24 hours of darkness, emits a red light plainly visible from a distance of 500 feet to the
25 rear. No tail lamp shall have any type of decorative covering that restricts the

ASSEMBLY BILL 16

1 amount of light emitted when the tail lamp is in use. No vehicle originally equipped
2 at the time of manufacture and sale with 2 tail lamps shall be operated upon a
3 highway during hours of darkness or whenever visibility is impaired by fog unless
4 both such lamps are in good working order. This subsection does not apply to any
5 type of decorative covering originally equipped on the vehicle at the time of
6 manufacture and sale.

7 **SECTION 8.** 347.16 (1) (intro.) of the statutes is amended to read:

8 347.16 (1) (intro.) No person shall operate on a highway, during hours of
9 darkness or whenever visibility is impaired by fog, any vehicle, ~~except automobiles,~~
10 having a width at any part in excess of 80 inches, except an automobile, unless such
11 vehicle is equipped with:

12 **SECTION 9.** 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 whenever visibility is impaired by fog unless
15 such vehicles are equipped as indicated:

16 **SECTION 10.** 347.26 (1) of the statutes is amended to read:

17 347.26 (1) GENERAL RESTRICTIONS. A vehicle need not be equipped with the
18 lamps specified in this section, but if a vehicle is equipped with any such lamps, no
19 person shall operate such vehicle on a highway during hours of darkness or whenever
20 visibility is impaired by fog unless such lamps comply with the requirements of this
21 section and no person shall use such lamps in a manner inconsistent with this
22 section.

23 (END)