

## 2001 ASSEMBLY BILL 82

February 1, 2001 - Introduced by Representatives SCHNEIDER, RYBA, LA FAVE and BOYLE, cosponsored by Senator WIRCH. 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.) and 347.16 (2) (intro.) of the  
3             statutes; **relating to:** requiring headlights and other required lamps on  
4             vehicles to be lighted during inclement weather conditions and providing a  
5             penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no person, with limited exceptions, 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. This bill provides that these lamps must also be lighted whenever it is raining, snowing, sleet, or hailing, or any other time when visibility is impaired by inclement weather conditions. A person who violates any of these provisions may be required to forfeit 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.

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***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:

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

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

13           347.06 (1) Except as provided in subs. (2) and (4), no person may operate a  
14 vehicle upon a highway during hours of darkness, whenever it is raining, snowing,  
15 sleeting, or hailing, or at any other time when visibility is impaired by inclement  
16 weather conditions, unless all headlamps, tail lamps, and clearance lamps with  
17 which such vehicle is required to be equipped are lighted. Parking lamps as ~~defined~~  
18 described in s. 347.27 shall not be used for this purpose.

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

20           347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate  
21 a vehicle owned or leased by the department of natural resources upon a highway  
22 during hours of darkness, whenever it is raining, snowing, sleeting, or hailing, or at  
23 any other time when visibility is impaired by inclement weather conditions, without  
24 lighted headlamps, tail lamps, or clearance lamps in the performance of the warden's  
25 duties under s. 29.924 (2).

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

2           347.09 **(1)** (intro.) No person shall operate a motor vehicle on a highway during  
3 hours of darkness, whenever it is raining, snowing, sleeting, or hailing, or at any  
4 other time when visibility is impaired by inclement weather conditions, unless such  
5 vehicle is equipped as follows:

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

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

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

17           347.12 **(1)** (intro.) Whenever a motor vehicle is being operated on a highway  
18 during hours of darkness, whenever it is raining, snowing, sleeting, or hailing, or at  
19 any other time when visibility is impaired by inclement weather conditions, the  
20 operator shall use a distribution of light or composite beam directed high enough and  
21 of sufficient intensity to reveal a person or vehicle at a safe distance in advance of  
22 the vehicle, subject to the following requirements and limitations:

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

24           347.13 **(1)** No person shall operate a motor vehicle, mobile home or trailer or  
25 semitrailer upon a highway during hours of darkness, whenever it is raining,

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1 snowing, sleet, or hail, or at any other time when visibility is impaired by  
2 inclement weather conditions, unless such motor vehicle, mobile home or trailer or  
3 semitrailer is equipped with at least one tail lamp mounted on the rear which, when  
4 lighted during hours of darkness, whenever it is raining, snowing, sleet, or  
5 hail, or at any other time when visibility is impaired by inclement weather  
6 conditions, emits a red light plainly visible from a distance of 500 feet to the rear.  
7 No tail lamp shall have any type of decorative covering that restricts the amount of  
8 light emitted when the tail lamp is in use. No vehicle originally equipped at the time  
9 of manufacture and sale with 2 tail lamps shall be operated upon a highway during  
10 hours of darkness unless both such lamps are in good working order. This subsection  
11 does not apply to any type of decorative covering originally equipped on the vehicle  
12 at the time of manufacture and sale.

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

14 347.16 (1) (intro.) No person shall operate on a highway ~~during hours of~~  
15 ~~darkness~~ any vehicle, except automobiles, having a width at any part in excess of 80  
16 inches during hours of darkness, whenever it is raining, snowing, sleet, or hail,  
17 or at any other time when visibility is impaired by inclement weather conditions,  
18 unless such vehicle is equipped with:

19 **SECTION 9.** 347.16 (2) (intro.) of the statutes is amended to read:

20 347.16 (2) (intro.) No person shall operate any of the following vehicles on a  
21 highway during hours of darkness, whenever it is raining, snowing, sleet, or  
22 hail, or at any other time when visibility is impaired by inclement weather  
23 conditions, unless such vehicles are equipped as indicated:

24 (END)