

## 2001 ASSEMBLY BILL 363

April 30, 2001 – Introduced by Representatives HUBLER, RYBA, BERCEAU, J. LEHMAN, SYKORA, AINSWORTH, SERATTI and BOYLE, cosponsored by Senators RISSER and SCHULTZ, by request of State of Wisconsin Council on Highway Safety. Referred to Committee on Highway Safety.

1     **AN ACT to amend** 23.33 (6) (a), 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1)  
2           (intro.), 347.10 (4), 347.12 (1) (intro.) and 347.22 (1) of the statutes; **relating**  
3           **to:** requiring motor vehicle headlamps to be lighted whenever the vehicle is  
4           operated upon a highway.

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### *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.

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### *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 at all times on the all-terrain vehicle.

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

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

11           **SECTION 3.** 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 unless all headlamps with which such vehicle is required to  
14 be equipped are lighted. Except as provided in subs. (2) and sub. (4), no person may  
15 operate a vehicle upon a highway during hours of darkness unless all headlamps, tail  
16 lamps and clearance lamps with which such vehicle is required to be equipped are  
17 lighted. Parking lamps, as defined in s. 347.27, shall not be used for this purpose.

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

19           347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate  
20 a vehicle owned or leased by the department of natural resources upon a highway  
21 ~~during hours of darkness~~ without lighted headlamps, tail lamps, or clearance lamps  
22 in the performance of the warden's duties under s. 29.924 (2).

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

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

